

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
FEBRUARY 15, 2012  
6:30 P.M.**

**FLAG SALUTE**

Council President Cartier led the assembly in the Pledge of Allegiance, announced that notice of the meeting was given in accordance with the Open Public Meetings Act, and followed by roll call.

**ROLL CALL**

**PRESENT**

Sherry Scull  
Jason Allen  
Ken Cartier  
Richard Prickett  
Diane Stinney

**ABSENT**

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andrew Bayer, Township Engineer Kelly Willis, and Township Clerk Mary Ann Finlay.

**CALL TO ORDER**

Council President Cartier called the meeting to order at 6:30 PM.

**CLOSED SESSION**

RESOLUTION NO. 55 -2012

WHEREAS, SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, P.L. 1975 PERMITS THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES; AND

WHEREAS, THIS PUBLIC BODY IS OF THE OPINION THAT SUCH CIRCUMSTANCES PRESENTLY EXIST;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:  
BROWNS MILLS SHOPPING CENTER REDEVELOPMENT AGREEMENT  
POTENTIAL LITIGATION REGARDING FILED TORT CLAIM RECEIVED  
HISTORIC TRUST NEGOTIATIONS
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Scull to approve Resolution No. 55-2012. Prickett, yes; Scully, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Council President Cartier recessed the open meeting at approximately 6:31 PM to go into closed session and reconvened the open meeting at approximately 7:00 PM.

(Reference Note: Closed Session minutes are transcribed and filed separately and considered part of these minutes)

**FORMAL ACTION PURSUANT TO CLOSED SESSION**

Mr. Cartier advised that pursuant to closed session they would require a motion to add resolution no. 61-2012 to the agenda which Mr. Bayer read the title for the record as being a resolution authorizing the Mayor to execute a license agreement between the Township of Pemberton and the Pemberton Township Historic Trust.

Motion by Allen and Stinney to add Resolution No. 61-2012 to the agenda.

Mr. Prickett expressed that they should not add the resolution to the agenda tonight as the hard copy of the license was not in the agenda package on Friday and although he understands that it was emailed to Council he did not receive it, noting that he may have it and may have overlooked it but feels it should have been listed on the agenda so that the public would be aware that this was on for potential discussion and vote tonight.

Allen, yes; Stinney, yes; Scull, abstain; Prickett, no; Cartier, yes. Motion carried.

Mrs. Stinney noted for the record that she did receive it on Friday and that they saved it to be

discussed in closed session before taking action.

## **RESOLUTION NO. 61-2012**

### RESOLUTION NO. 61-2012

RESOLUTION AUTHORIZING MAYOR TO EXECUTE AGREEMENT WITH PEMBERTON TOWNSHIP HISTORIC TRUST  
BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR IS HEREIN AUTHORIZED TO EXECUTE AN AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND THE PEMBERTON TOWNSHIP HISTORIC TRUST FOR THE OPERATION OF THE NORTH PEMBERTON RAILROAD STATION.

Motion by Allen and Stinney to approve Resolution No. 61-2012.

Mr. Bayer noted that it would be a resolution authorizing the Mayor to execute an agreement between the Township and the Pemberton Township Historic Trust. The background has been discussed in public for an extremely long time, but generally, they have negotiated an agreement with the Historic Trust. He summarized that the agreement provides that there will be a four year license agreement with an option to the Historic Trust to renew for another four years after that. It provides for the payment of \$1.00 in rent per year, that the Township will pay the utilities for the site; it allows the Trust to operate the museum building, maintain two rail cars on the property and arranges for the removal of the other rail cars that are currently on the property. He noted that he has been advised by Mr. Hardt, the attorney for the Historic Trust that they have approved this form of agreement that they are considering this evening and that the Burlington County Solicitor that this agreement is acceptable to the County should they go forward with the land swap that had previously been approved. Mr. Prickett asked for clarification on Mrs. Stinney's earlier comment that she had received the agreement in hard copy in her agenda on Friday, noting that he had understood that it had been sent by email. Mrs. Stinney agreed and thanked Mr. Prickett for the correction. He expressed feelings that this agreement was negotiated in a situation that was unhealthy and under duress. He is also concerned about the conditions noting that ten cars have been agreed upon to be removed from the property, noting that the property is very muddy and it's difficult to move heavy cars with the ground conditions.

Allen, yes; Stinney, yes; Scull, abstain; Prickett, no; Cartier, yes. Motion carried.

## **PRESENTATIONS**

Mr. Cartier noted he would like to deviate from the agenda to address the presentation first since the police officers are here this evening, noting the presentation was by the New Jersey State Association of Chiefs of Police of Township Police Department's Accreditation Certificate.

Chief Jantas asked his officers to join him up front and called Lt. Scott Bogdanowicz, Lt. Brian Wechkus, Sgt. Jim Wehman, and Detective Sgt. Dave King, Detective Detective Brian Smith and Detective Jason Watters. The Chief reported that the police department for years has been going through an accreditation process and he introduced Harry Delgado the Creditation Coordinator for the New Jersey State Association of Chiefs of Police. Mr. Delgado noted this is the beginning of a process wherein they are in the middle of the process that has taken about two years. He shared that the significance of the achievement which is worth celebrating. This has put the Township's police department in an elite group of police agencies in the State of New Jersey of which only 70 have actually reached accreditation out of in excess of five hundred law enforcement agencies in the state. He explained that police agencies are continuously scrutinized by the courts, the press and the public and these agencies must have their policies up to date and supported with detailed training records for each officer. He shared that many agencies are seeking accreditation as a way of assuring the public that the agency meets the highest standards for professionalism, training and discipline. He explained that accreditation is a certification by an independent review and authority in this case, the New Jersey State Association of Chiefs of Police that a law enforcement agency has met specific requirements and prescribed standards. Accreditation reflects that the accredited agency was carefully measured against an established set of state and national standards and has met or exceeded accepted practices in the field of law enforcement. Research shows that accredited agencies has eleven fewer percent professional liability claims, eighteen percent fewer worker compensation claims, and thirty-one percent fewer auto liability claims. Moreover municipalities are participating MEL affiliated joint insurance funds or JIF stands to receive substantial insurance premium discounts when the police department has attained accreditation as the Township's has. He noted other important accreditation advantages as they are better able to defend against law suits and citizen complaints, provides objective evidence of an agency's commitment to excellence in

leadership, resource management and service delivery. He expressed that government officials can be more confident in the agency's ability to operate efficiently and meet community needs. It creates a forum wherein citizens and police work together to prevent and control challenges confronting law enforcement and provides clear direction about community expectations. He relayed that accreditation standards gives the Chief a proven management system of written directives, sound training, clearly defined lines of authority and routine reports that support decision making and resource allocations. In effect they now a police department that is by far more effective in terms of service delivery and more efficient. He noted that officers in accredited agencies are able to take pride that they have been objectively recognized for their professionalism and adherence to the highest standards. He noted there are two categories in the report that consist of an average of 30 pages. He relayed those two areas that they deemed applied discretion and compliance discussion and future performance review issues. He explained that they may come after two years of rigorous work and still learn that an agency still has some work that they need to do, and at times they may be given a year to satisfy those requirements. Mr. Delgado shared that the Township's police department is only one of a handful in the state of New Jersey that had neither did not have these issues and he affirmed that everyone should be proud of this department. At this time Mr. Delagao on behalf of the New Jersey State Association of Chiefs of Police and the New Jersey Law Enforcement Commission congratulated Chief David Jantas, and the entire staff of the Pemberton Township Police Department and the community they so proudly serve for achieving accreditation and joining an exclusive group of law enforcement agencies that have made this important commitment to excellence in policing, and he then presented them with the official certificate.

At this time Mr. Prickett noted that he would like to add a resolution to the agenda, noting the resolution he mentioned at the last meeting, which he has prepared.

Motion by Prickett and Scull to add to the agenda Resolution No. 62-2012 which is a resolution of support for maintaining Buttonwood Hospital as a Burlington County Freeholder funded and administered long term care and psychiatric public facility noting that it benefits all of the residents in the County of Burlington, State of New Jersey in their time of need.

Mrs. Stinney requested that they add to the resolution an additional paragraph that would request the surrounding municipalities to draft similar resolutions of support.

Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

**Consent Agenda: All items listed with an asterisk (\*) are considered to be routine by the Township Council and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.**

Council President Cartier opened the meeting to the public on consent agenda items only.

Claire Wadsworth, Browns Mills – **1.** In regards to Res. 57-2012 regarding St. Ann's carnival using the land adjacent to the municipal building, she asked if anything was going to be done with the property to prevent any possible injuries with the junk and cars on that property. President Cartier explained that they don't go back that far. She noted that children do tend to roam and run around and she notice during a previous event there the property was sequestered from the event. Mr. Cartier and the Mayor both noted that it would be up to the organization to do that. Mrs. Wadsworth asked if they carry their own insurance to which she was advised that they did. **2.** In regards to Res. 60-2012 which authorizes the sale of scrap metal to vendors with the highest proposal, she asked that Council carefully consider this as Administration has admitted that they have taken some items from the train station to weigh it and wondered if this resolution was for the purpose of selling off property belonging to the Trust.

Mike Tamn, Pemberton Township Historic Trust – **1.** Asked that Council President read the resolution out loud for the public to which President Cartier obliged (it is reflected in full, further on in the minutes). Mr. Tamn expressed that the scrap metal taken from the train station is referred to as scrap metal but the Trust does not call it scrap, noting that it has value to it to the Trust. He noted that it was taken from the station and put in the Township public works yard which is another form of intimidation that has been going on now for a number of months. He

expressed that if the resolution is passed it would be like a blank check, like the resolution passed in October. He expressed that it should not have been taken as they were negotiating with the Township. He further expressed that giving the Mayor that much authority and power, again noting things that are in question as to whether the Township owns them. He felt giving the Mayor this power to do what he wants with them. He noted that many items are historic awarded through the State Preservation Office of New Jersey Transit. He began speaking on the agreement to remove ten cars to which President Cartier advised that he was off topic. He expressed that the meeting should have been opened to the public before taking action on the resolution tonight.

John Shaw, Browns Mills – 1. With regards to the issue of the scrap metal, asked if it was possible if there are any items that were from the Train Station that the Trust be given the opportunity to go and review the items prior to a sale. President Cartier noted that it would be up to Administration. Mayor Patriarca explained that the Township routinely collects scrap metal from residents and through the collection by the Water Department and they run into problems on how to properly dispose of it. He noted that the resolution specifically reflects property owned by the Township. The Mayor advised that Administration does not have a problem with Trust members coming down and taking the items that were taken with the brush. He clarified however, if they abandon these items they will have to address that issue as well. Mr. Shaw asked if it's an item the Trust can't haul them could Administration take it back for them. The Mayor noted that it will not be taken back to the train station to sit, and will stay here till either someone claims it or it finds another "home", but they are not taking it back to the Train Station so that it can sit there till they can decide what to do with it. He noted if the Trust has a means and a will to recover their property Administration will gladly give them the property.

George Petronis, Browns Mills – 1. In regards to the scrap metal he expressed there are a lot of feelings and possible misunderstandings or miscommunications about what may have come off the train station and suggested that the resolution be modified to state specifically that nothing removed from the train station can be included in the scrap sale that would be authorized if Council moves forward with the resolution.

Dennis Jordan, Wrightstown – He expressed in regards to the discussion of the Historic Trust and the sale of scrap that any monies received from the sale of scrap should go to the Historic Trust so they can continue to run the rail road. He expressed displeasure of the fighting between the two and that he feels its outrageous what the Mayor is doing to the Trust.

There being no other members wishing to be heard, President Cartier closed the meeting to public comments on the consent agenda.

Mrs. Scull requested to pull Resolution 60-2012 from the consent agenda.

**MINUTES FILED BY MUNICIPAL CLERK**

Regular Meeting, February 1, 2012.

**CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 56-2012  
 RESOLUTION AUTHORIZING THE CANCELLATION  
 OF OUTSTANDING CHECKS  
 WHEREAS, BALANCES EXIST IN TREASURER'S ESCROW ACCOUNTS AND REFUNDS HAVE BEEN ISSUED; AND  
 WHEREAS, SEVERAL ATTEMPTS HAVE BEEN MADE TO LOCATE PAYEES AND ALL MAIL HAS BEEN RETURNED  
 UNDELIVERABLE; AND  
 WHEREAS, IN ORDER TO CLEAR THE RECORDS OF THE TOWNSHIP OF PEMBERTON, IT IS RECOMMENDED BY THE  
 TOWNSHIP CHIEF FINANCIAL OFFICER THAT THE FOLLOWING OUTSTANDING CHECKS BE CANCELED AND SAID  
 FUNDS BE CREDITED AS INDICATED:

CHECK #	DATE	PAYEE	AMOUNT	CREDITED TO
44	10/21/2011	SCOTT MCLAUGHLIN	\$250.96	CURRENT FUND
45	10/21/2011	STALLON ELECTRIC	\$273.65	CURRENT FUND
			<u>\$524.61</u>	

NOW, THEREFORE, BE IT RESLOVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE ABOVE LISTED CHECKS BE CANCELED AND FUNDS CREDITED TO CURRENT FUND SURPLUS AS RECOMMENDED.

RESOLUTION NO. 57-2012

RESOLUTION GRANTING REQUEST FROM ST. ANN'S CHURCH FOR PERMISSION TO USE ADJOINING PROPERTY FOR THE CHURCH ANNUAL CARNIVAL AND REQUEST FOR BURLINGTON COUNTY FOR DETERMINATION TO COSPONSOR ST. ANN'S ANNUAL CARNIVAL AND TO AUTHORIZE THE MAYOR AND CLERK TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT FOR THE GRANTING OF PERMISSION BY BURLINGTON COUNTY FOR THE CHURCH'S USE OF THE SAID PROPERTY

WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM PEMBERTON TOWNSHIP TO USE THE PROPERTY LOCATED NEXT TO THE MUNICIPAL BUILDING FOR ITS ANNUAL CARNIVAL IN 2012; AND

WHEREAS, THE PROPERTY WHICH THE CHURCH REQUESTED FOR THAT USE IS PARTIALLY OWNED BY BURLINGTON COUNTY ALONG WITH PEMBERTON TOWNSHIP; AND

WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM BURLINGTON COUNTY TO USE THE AREA OF LAND BETWEEN BUTTONWOOD HOSPITAL AND THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR ITS ANNUAL PARISH CARNIVAL IN THE 2012 CALENDAR; AND

WHEREAS, BURLINGTON COUNTY AGREED TO ALLOW THE CHURCH TO HOLD THE CARNIVAL ON THAT PROPERTY SUBJECT TO PEMBERTON TOWNSHIP AGREEING TO CO-SPONSOR THE EVENT AND TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT AMONG BURLINGTON COUNTY, PEMBERTON TOWNSHIP AND ST. ANN'S CHURCH; AND

WHEREAS, ST. ANN'S CHURCH HAD AGREED TO FOLLOW ANY REQUIREMENTS THAT PEMBERTON TOWNSHIP MAY HAVE FOR THE APPROVAL OF THIS REQUEST; AND

WHEREAS, IT APPEARS THAT THE CHURCH HAS AGREED TO MAINTAIN CERTAIN INSURANCE COVERAGE AS OUTLINED IN THE STANDARD BURLINGTON COUNTY USE AGREEMENT; AND

WHEREAS, IT IS NECESSARY THAT THE CHURCH ALSO PROVIDE THAT INSURANCE COVERAGE FOR PEMBERTON TOWNSHIP BE NAMED AS AN ADDITIONAL INSURED ON THAT POLICY OF COVERAGE; AND

WHEREAS, IT IS NECESSARY FOR AUTHORIZATION TO BE PROVIDED TO THE MAYOR AND CLERK TO SIGN THE INTERLOCAL SERVICES AGREEMENT/BURLINGTON COUNTY USE AGREEMENT IN A FINAL FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WITH THE ADDITIONAL PROVISION SET FORTH ABOVE NAMING PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED ON THE INSURANCE COVERAGE TO BE PROVIDED BY ST. ANN'S CHURCH.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE PEMBERTON TOWNSHIP COUNCIL HEREBY GRANTS THE REQUEST OF ST. ANN'S CHURCH FOR PERMISSION TO USE THE AREA OF LAND BETWEEN BUTTONWOOD HOSPITAL AND PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR THEIR ANNUAL CARNIVAL AND THE REQUEST OF PERMISSION IS SUBJECT TO THE REVIEW AND APPROVAL OF AN INTERLOCAL SERVICES AGREEMENT/BURLINGTON COUNTY USE AGREEMENT AMONG BURLINGTON COUNTY, PEMBERTON TOWNSHIP AND ST. ANN'S CHURCH IN A FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WHICH SHALL CONTAIN A PROVISION WHEREIN ST. ANN'S WILL MAINTAIN INSURANCE COVERAGE TO BE OUTLINED IN SAID AGREEMENT WITH PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED.

RESOLUTION NO. 58-2012

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TKT CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$223,000.00 FOR CONSTRUCTION OF A TREATMENT BUILDING AT WELL #12

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON THE CONSTRUCTION OF A TREATMENT BUILDING AT WELL #12 (THE "PROJECT") IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.*; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER FOR THE PROJECT IS TKT CONSTRUCTION COMPANY, INC. WITH A LUMP SUM BID OF \$223,000.00; AND

WHEREAS, THE TOWNSHIP HAS ELECTED TO ACCEPT TKT CONSTRUCTION COMPANY, INC.'S BID; AND

WHEREAS, THE PROJECT IS TO BE FUNDED BY THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST ("NJEIT"), AND THEREFORE THE NJEIT HAS REVIEWED TKT CONSTRUCTION COMPANY, INC.'S BID AND HAS ACCORDINGLY AUTHORIZED AWARD OF THE CONTRACT TO TKT; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED TKT CONSTRUCTION COMPANY, INC.'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE CONSTRUCTION OF A TREATMENT BUILDING AT WELL #12 BE AND HEREBY IS AWARDED TO TKT CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$223,000.00, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND TKT CONSTRUCTION COMPANY, INC.; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER C-06-11-011-900-200; AND

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. TKT CONSTRUCTION COMPANY, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 59-2012

WHEREAS, THE TUSKEGEE AIRMEN WERE DEDICATED, DETERMINED YOUNG MEN WHO VOLUNTEERED TO BECOME AMERICA'S FIRST BLACK MILITARY AIRMEN; AND

WHEREAS, THE TUSKEGEE AIRMEN, EACH ONE OF WHOM POSSESSED A STRONG PERSONAL DESIRE TO SERVE THE UNITED STATES OF AMERICA PROUDLY AND TO THE BEST OF HIS ABILITY AS AN AIRMAN, EVEN WHILE FACING DAILY EXPERIENCES OF RACISM AND BIGOTRY, CAME FROM EVERY SECTION OF AMERICA; AND

WHEREAS, THOSE WHO WERE ACCEPTED FOR AVIATION CADET TRAINING WERE TRAINED INITIALLY TO BE PILOTS, AND LATER TO BE PILOTS, NAVIGATORS, OR BOMBARDIERS. OTHER AIRMEN TRAINED AS OPERATIONS OFFICERS, METEOROLOGISTS, INTELLIGENCE OFFICERS, ENGINEERING OFFICERS, AND FLIGHT SURGEONS. STILL OTHERS WERE TRAINED TO BE AIRCRAFT AND ENGINE MECHANICS, ARMAMENT SPECIALISTS, RADIO REPAIRMEN, PARACHUTE RIGGERS, CONTROL TOWER OPERATORS, AND ADMINISTRATORS. AIRMEN WERE TRAINED IN EVERY TYPE OF SKILL NECESSARY FOR FUNCTIONING AS AN AIR FORCE SQUADRON OR GROUND SUPPORT UNIT; AND

WHEREAS, THE BLACK AIRMEN WHO BECAME SINGLE- OR MULTI-ENGINE PILOTS WERE TRAINED AT TUSKEGEE ARMY AIR FIELD IN TUSKEGEE, ALABAMA; AND

WHEREAS, FROM 1942 UNTIL 1946, NINE HUNDRED NINETY-TWO BLACK AMERICANS GRADUATED IN AVIATION CADET CLASSES AT TUSKEGEE ARMY AIR FIELD, AND ALSO RECEIVED COMMISSIONS AND PILOT'S WINGS; AND

WHEREAS, FOUR HUNDRED FIFTY OF THE PILOTS TRAINED AT TUSKEGEE ARMY AIR FIELD SERVED OVERSEAS IN EITHER THE 99<sup>TH</sup> PURSUIT SQUADRON OR THE 332<sup>ND</sup> FIGHTER GROUP DURING WORLD WAR II, TRAINING FOR AND ENGAGING IN COMBAT IN NORTH AFRICA, SICILY, ITALY, AND GERMANY; AND

WHEREAS, THE 332<sup>ND</sup> FIGHTER GROUP, A LONG-RANGE HEAVY BOMBER ESCORT UNIT, ESTABLISHED THE INCREDIBLE AND UNPRECEDENTED RECORD OF FLYING ALL OF ITS BOMBER ESCORT MISSIONS, TWO HUNDRED OVER MOST OF CENTRAL AND SOUTHERN EUROPE, WITHOUT THE LOSS OF A SINGLE BOMBER TO ENEMY AIRCRAFT; AND

WHEREAS, THE 99<sup>TH</sup> SQUADRON DISTINGUISHED ITSELF BY BEING AWARDED TWO PRESIDENTIAL UNIT CITATIONS FOR OUTSTANDING TACTICAL AIR SUPPORT AND AERIAL COMBAT IN THE 12<sup>TH</sup> AIR FORCE IN ITALY BEFORE JOINING THE 332<sup>ND</sup> FIGHTER GROUP; AND

WHEREAS, THE OUTSTANDING RECORD OF BLACK AMERICAN AIRMEN IN WORLD WAR II WAS ACCOMPLISHED BY MEN WHO ACCEPTED THE CHALLENGE AND PROUDLY DISPLAYED THEIR SKILL AND DETERMINATION IN THE FACE OF RACISM AND BIGOTRY AT HOME AND OVERSEAS FELT IN SPITE OF THEIR DISTINGUISHED WAR RECORDS; AND WHEREAS, THE SUPERIOR EXPERIENCE AND RECORD OF BLACK AMERICAN AIRMEN IN WORLD WAR II WERE IMPORTANT FACTORS IN THE INITIATION OF HISTORIC SOCIAL CHANGE TO ACHIEVE RACIAL EQUALITY IN AMERICA; AND WHEREAS, IN AUGUST, 1972, THE TUSKEGEE AIRMEN GATHERED IN DETROIT, MICHIGAN, AND VOTED TO ESTABLISH A NATION-WIDE CHARITABLE AND EDUCATIONAL ORGANIZATION WITH MEMBERSHIP OPEN TO ALL SUPPORTERS; AND WHEREAS, THE MISSION OF TUSKEGEE AIRMEN, INC., IS TO INSPIRE YOUNG PEOPLE TO OUTSTANDING ACHIEVEMENT AND LEADERSHIP IN OUR DEMOCRATIC SOCIETY THROUGH SOCIAL AND EDUCATIONAL ACTIVITIES BY MOTIVATING YOUNG PEOPLE TO STUDY, SACRIFICE, AND ATTAIN SELF-SUSTAINING STATUS WITH MARKETABLE SKILLS IN THE FIELDS OF AVIATION AND AEROSPACE; AND WHEREAS, CURRENTLY, THE NATIONAL SCHOLARSHIP FUND, FUNDED BY TUSKEGEE AIRMEN, INC., HAS ASSETS IN EXCESS OF \$1.7 MILLION AND AWARDS OVER \$600,000 EACH YEAR TO DESERVING HIGH SCHOOL GRADUATES; NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, RECOGNIZE THE OUTSTANDING ACHIEVEMENTS OF THE TUSKEGEE AIRMEN IN THEIR SERVICE TO OUR COUNTRY, BOTH DURING WORLD WAR II AND TODAY; AND

## **NEW BUSINESS**

Alcoholic Beverage License extension of license: Christopher Stevens, Jor Mar, Inc., T/A Country Lakes Pub, extension of license to parking lot, on 3/17/12 from 1PM-10PM w/rain date of 3/24/12 for St. Patrick's Day event.

Purchases over \$2,000.00:

1. Public Works Dept.: purchase of cleated incline conveyor belt for the Beast wood grinder, from Atlantic Belt & Industrial Supply, in the amount of \$4,325.00.
2. Public Works Dept.: replacement of both cylinder head gaskets on vehicle #10 (2004 Ford F250 Super Duty w/6.0L diesel engine), by Craig's Auto, Inc., in the amount of \$2,354.00.
3. Police Dept.: Purchase of maintenance & support agreement for the NJ 10-print Livescan, Printer and Mug Photo Product, from MorphoTrak, Inc., in the amount of \$2,349.00.

Approval by Council required for payment of vouchers on bill list dated 2/10/12.

Motion by Scull and Allen to approve the consent agenda as amended. Scull, yes; Allen, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

## **RESOLUTION 60-2012**

WHEREAS, THE TOWNSHIP OF PEMBERTON OWNS PERSONAL PROPERTY, SPECIFICALLY SCRAP METAL, THAT IS NOT NEEDED FOR PUBLIC USE; AND

WHEREAS, N.J.S.A. 40A:11-36 PROVIDES THAT ANY CONTRACTING UNIT BY RESOLUTION OF ITS GOVERNING BODY MAY AUTHORIZE THE SALE OF ITS PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE.

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, THAT THE DEPARTMENT OF PUBLIC WORKS IS AUTHORIZED TO SELL THE SCRAP METAL IN ITS POSSESSION THROUGHOUT 2012 IN ACCORDANCE WITH THE FOLLOWING:

1. PROVIDED THAT THE ESTIMATED FAIR VALUE OF THE SCRAP METAL DOES NOT EXCEED THE APPLICABLE BID THRESHOLD IN ANY ONE SALE, THE SCRAP METAL MAY BE SOLD AT PRIVATE SALE WITHOUT ADVERTISING FOR BIDS IN ACCORDANCE WITH N.J.S.A. 40A:11-36(6).
2. IN LIEU OF A FORMAL BID, THE DEPARTMENT OF PUBLIC WORKS SHALL SOLICIT INFORMAL PROPOSALS FROM VENDORS.
3. THE DEPARTMENT OF PUBLIC WORKS SHALL SELL THE SCRAP METAL TO THE PERSON OR ENTITY WHO SUBMITS THE HIGHEST PRICE.
4. NO PROPERTY OF THE PEMBERTON TOWNSHIP HISTORIC TRUST IS AUTHORIZED TO BE SOLD PURSUANT TO THIS RESOLUTION AND THE PEMBERTON TOWNSHIP HISTORIC TRUST IS AUTHORIZED TO INSPECT AND REMOVE ANY OF ITS PROPERTY CURRENTLY IN THE TOWNSHIP'S PUBLIC WORKS YARD BY NO LATER THAN FEBRUARY 24, 2012.

Mrs. Scull expressed that she is not comfortable approving Res. 60-2012 without assurance that there is nothing belonging to the Trust being part of the sale of scrap metal. She relayed that just having "the word" is not sufficient enough for her anymore and she wants to have someone from Administration to have a Trust member look at what's going to be sold to ensure there is nothing there belonging to them, with so many things being brought from the station that does not belong to the Township there is a possibility some things could have been mingled somehow or another. The Mayor noted that the only two things he was aware that Public Works brought to the Municipal Complex is the steel eye beam and a metal tape that they had asked if they were going somewhere other than the Trust, if they could use it. He noted having advised them to hold onto it until it was determined if the Trust was going to take it. Mrs. Scull referred to thefts that were reported and she has not seen reports of the crime being resolved. She noted there were truck loads of rail road ties brought to the Township which was using them to separate sand in the back yard. Mr. Allen advised that he is agreeable to altering the resolution but he noted having emailed Mr. Vaz about this resolution who did not mention anything about the Historic Trust

property but rather that the scrap metal was coming from the Water Division and the residents. Mrs. Scull expressed that Administration was not going to tell there was scrap metal from the Trust even if they knew there was. She reiterated that she just wants to ensure that nothing is sold by the Township for items they do not own. Mr. Vaz confirmed that Administration does not have a problem allowing anyone that wants to come down to check out the items. He explained that historically the Public Works Department has sold scrap to get it out of the yard. When he learned of this he pointed out to them under the Local Public Contracts Law they can't just sell the scrap. He affirmed that this resolution has absolutely nothing to do with the train station; it has to do with having a procedure in place to sell the scrap because it is a commodity wherein the prices change daily. He explained that if they did a resolution tonight authorizing a sale, then by the time they advertise a sale and actually hold it the value has fluctuated. He explained this proposed resolution is a way to allow the sale in the course of a year based on the conditions. The Mayor informed that the last load of metal collected over the year was stolen from the Township. Mrs. Stinney expressed that she stands on her record of advocating over the months for this matter to be resolved. She noted that she too would like to see the resolution modified and she would like to see them move on. Mr. Prickett relayed that scrap metal has been quite high for quite a long time. He reflected that considering where reports have been made of property being stolen from the train station (metal), and from hearing tonight that metal was stolen from Public Works, for the Township to be in this situation now in wanting to sell metal, it doesn't look proper. He stated that to him it feels like harassment of the Trust and the volunteers and does not feel that now is the time to be selling metal. He proposed they put forth a good faith effort to leave this resolution off until the license is resolved. After further discussion and much deliberation Council determined to amend the proposed resolution 60-2012 by adding a final paragraph specifying that no property of the Trust is authorized to be sold and they are authorized to inspect and remove any of its property currently in the Township's Public Works yard by no later than February 24, 2012.

Motion to approve Resolution No. 60-2012 as amended. Scull, yes; Stinney, yes; Allen, yes; Prickett, no; Cartier, yes. Motion carried.

### **UNFINISHED BUSINESS**

Continued review of draft zoning ordinance addressing regulations dealing with non-conforming lots, setbacks and buildings.

President Cartier asked Council if there were any objections to listing this draft ordinance for introduction at the next meeting. Council agreed.

### **NEW BUSINESS**

Discussion regarding proposal to move School Board Elections to the November General Election.

Mr. Prickett announced that he had consulted with the Solicitor regarding there was a seemingly conflict of interest in taking part of this discussion in light of the fact that his wife is on the Board of Education and did vote on this matter. He noted provisions of the ethics code regarding someone having a strong influence over another person or personal interest in the matter. He informed that he would recuse himself from this discussion and actually left the meeting room at this time at approximately 7:55 p.m.

President Cartier advised that Senate Bill 3148 regarding school law provided that school boards may vote to have the school elections to the November General Elections. He noted that if that does not happen, and the school board has voted which resulted in a dead lock and did not pass. He explained that now the governing bodies of the municipalities that serve that school district which would be Pemberton Township and Pemberton Borough may vote to move the election, but both bodies would have to approve this in order for this to occur or it may be done by referendum by the voters. President Cartier shared the he believes it would be a good move to have the ability to have the ability, noting the school elections show to be poorly attended. It is not meant to be a part of the political portion of the November elections and will be listed separately on the ballot. He believes from reading some of the school board minutes and some

of the board members is that the school board budget would not come to voters unless they wish to exceed a 2% CAP.

Mr. Allen expressed it would be a good move to move the school elections to November. He referred to the Local Finance Notice reflects that it is possible that there would be an increase in costs for districts maintaining April elections as a result of fewer school districts sharing in the over all costs of the April election. He noted having reached out to a few other townships to see what they are doing and learned that of the 13 he contacted, 3 did not get back to him but the other 10 all changed to the November elections. He clarified that he would be in favor in the change.

Mrs. Scull expressed she had concerns. She does not believe it will not become a political situation. She relayed her concern over the school budget of over ten million dollar and by moving the election from April to November the school board has the opportunity to raise taxes over \$200,000 every year without a vote. She noted that currently the budget is voted on by the voters and it should remain that way. She reflected that as an Abbott District the town has its fair share and taxes are collected based on that fair share. She shared concern that if taxes can be raised above the fair share the State could possibly take that amount out of what they give the town. She affirmed her main concern is Pemberton Township and thinks the citizens already pay their fair share as determined by the State and she would be concerned where the money would go. She noted that it may save the school board a little bit of money for an election but that money is not going to come back to the tax payers. She also pointed out that if they vote to move it now and determine thy determine it's a problem they have maintain the move for at least five years, but if they decide they made a mistake or if the board decides to move it next year, they have that opportunity.

Mrs. Stinney noted that she also is concern that it could become very political. She feels that if a voter is concerned about anything they have an opportunity to go to the polls and change things by a vote. She also expressed concern with the 2% CAP noting that they will automatically raise the taxes 2%. She reflected that if they have read anything about the Abbott Districts in the upcoming months the Governor and others are considering wiping out the Abbott Districts totally. She relayed they would be under the same situations as with many towns such as Medford and Mt. Laurel. She affirmed that she would absolutely vote no to change the election to November. She expressed that only 10 out of 40 municipalities have decided to change that that should say something.

President Cartier noted that Mrs. Stinney relayed that only 10 out of 40 municipalities had determined to change but questioned that Mr. Allen had shared that out of 13 towns he contacted, only 3 did not reply back and that 10 noted having voted for the change. Mrs. Scull commented that none of them are Abbott Districts. After further discussion President Cartier expressed that it sounds like Pemberton Township is divided as well. No formal action was taken by Council.

## **RESOLUTION NO. 62-2012**

In regards to the resolution supporting Buttonwood Hospital Council agreed to have a copy of the resolution forwarded to all municipalities within Burlington County since it affects all of them. Mr. Prickett then read the following resolution for the record.

### RESOLUTION NO. 62-2012

A RESOLUTION OF SUPPORT FOR MAINTAINING BUTTONWOOD HOSPITAL AS A BURLINGTON COUNTY FREEHOLDER FUNDED AND ADMINISTERED LONG TERM CARE AND PSYCHIATRIC PUBLIC FACILITY THAT BENEFITS ALL OF THE RESIDENTS IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY IN THEIR TIME OF NEED

WHEREAS, THE BURLINGTON COUNTY FREEHOLDERS OPERATE A HOSPITAL CALLED BUTTONWOOD THAT PROVIDES A LONG TERM CARE AND PSYCHIATRIC FACILITY THAT IS AVAILABLE TO ALL RESIDENTS OF THE COUNTY OF BURLINGTON IN THEIR TIME OF NEED;

WHEREAS, THE STAFF AT BUTTONWOOD HOSPITAL PROVIDES FOUR STAR QUALITY CARE TO THE PATIENTS ADMITTED TO THE FACILITY ACCORDING TO *THE NURSING HOME SITE*;

WHEREAS, THE QUALITY OF CARE PROVIDED AT BUTTONWOOD HOSPITAL IS HIGHER THAN THE STATE AVERAGE OF 3.13 AND THE NATIONAL AVERAGE OF 3.04 ACCORDING TO *THE NURSING HOME SITE*;

WHEREAS, BUTTONWOOD HOSPITAL ADMITS PATIENTS THAT MOST OTHER SIMILAR FACILITIES WILL NOT ADMIT BECAUSE OF THEIR FINANCIAL STATUS;



WHEREAS, THE NEED FOR THIS PUBLIC HOSPITAL IN THE COUNTY OF BURLINGTON IS REFLECTED IN THE *NW FINANCIAL 2011 REPORT* STATING THAT THE FACILITY HAD 97% OF THE 170 LONG TERM CARE BEDS OCCUPIED AND 94% OF THE 30 PSYCHIATRIC BEDS OCCUPIED AS OF SEPTEMBER 1, 2011;  
WHEREAS, THE NEED FOR THIS PUBLIC HOSPITAL IN THE COUNTY OF BURLINGTON IS ALSO REFLECTED IN THE *NW FINANCIAL 2011 REPORT* STATES THAT "THE FACILITY HAS THE SECOND HIGHEST OCCUPANCY PERCENTAGE AMONGST GOVERNMENT PEERS AND TENTH HIGHEST AMONG ALL FACILITIES IN THE STATE.";  
WHEREAS, THE \$3.7 MILLION 2011 NET LOSS COST TO BURLINGTON COUNTY IN OPERATING BUTTONWOOD HOSPITAL IS ONLY 1.7% OF THE \$216 MILLION TOTAL APPROPRIATIONS IN THE COUNTIES 2011 BUDGET;  
WHEREAS, ACCORDING TO THE *NW FINANCIAL GROUP 2011 REPORT* THAT STATES "AS OF THE LAST NEW JERSEY DEPARTMENT OF HEALTH & SENIOR SERVICES RELEASE OF EQUALIZED COST MEDIAN RUNS, THE FACILITY CONSISTENTLY OPERATES AT A LOWER COST PER DAY THAN ITS PEERS AND IS RANKED IN THE LOWEST QUARTILE IN COST AMONG THE 19 NEW JERSEY GOVERNMENTAL FACILITIES."  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE GOVERNING BODY SUPPORTS THE COUNTY MAINTAINING BUTTONWOOD HOSPITAL AS A BURLINGTON COUNTY FREEHOLDER FUNDED AND ADMINISTERED LONG TERM CARE AND PSYCHIATRIC PUBLIC FACILITY THAT BENEFITS ALL THE RESIDENTS IN THE COUNTY IN THEIR TIME OF NEED;  
BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE CLERK OF THE BURLINGTON BOARD OF CHOSEN FREEHOLDERS, AND TO ALL BURLINGTON COUNTY MUNICIPAL CLERKS REQUESTING THAT THEIR TOWNS ADOPT A SIMILAR RESOLUTION OF SUPPORT TO BE FORWARDED TO THE COUNTY FREEHOLDERS AS WELL.

Motion by Prickett and Scull to approve Resolution No. 62-2012 as amended to include that copies of the resolution is sent to the Clerk of the Burlington County Freeholders, all Burlington County Clerks. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Discussion regarding proposed establishment of policy for private investigative services.

Mr. Prickett reviewed with Council his proposed items to be addressed in a policy for the private investigative services, noting that he would have a final recommendation after reading the following points:

He noted that Council should have some role deciding when the Township's private investigator is used to investigate a case. **1.** Council should be aware of whether its litigation, workers comp or other type of case. **2.** They need to know the length of time the investigation is expected to take which would give them some idea of how much it's going to cost. **3.** They need overall cost projections for the investigation. **4.** They need periodic reports that summarize the investigation similar to the litigation reports they currently receive from Administration. **5.** They need an Administrative analysis comparing the cost of using the Township's private investigator with the PI provided by the Joint Insurance Fund. He then proposed that each investigation should be assigned a case number to preserve confidentiality of those being investigated and that purchase orders used to pay for the investigative services should be itemized by case numbers. He noted that investigative reports should be archived in a secure location where they can be accessed by the judicial system if necessary as well as another person that appropriately has a reason to look at those. Mr. Prickett then invited discussion prior to his rendering his final recommendations. President Cartier asked if Administration had anything to add. Mr. Vaz announced that Administration withdraws the request to use a PI through a direct contract, and they will resort to the old bad way of doing things. Mr. Prickett asked what would happen to the contract that is in place at this time. Mr. Vaz reflected that he does not believe the Solicitor has encumbered any funds against it at this point. President Cartier asked if the contract had already been signed. Mr. Vaz relayed that it had but that the Solicitor had not authorized any work against it. Mr. Bayer confirmed that he would only have been paid if he did work. Mrs. Scull expressed surprise at Mr. Vaz's comment that they would go back to the old bad way of doing things and questioned why they would do that if he believes this would have been better. Mr. Vaz explained that the proposed policy would be worse and he will make arrangements with INSERVCO to improve the process. Mr. Prickett shared that he spoke with JIF noting that the Township was displeased with the caliber of PIs that were sent to the Township as well as the time it took for them get here and they were very concerned about that and he expressed hope that Mr. Vaz will get in touch with the JIF. Mr. Vaz clarified it's actually through INSERVCO. The Mayor relayed that the investigators are already being used and doing the things they already fear and have no control of. He explained that the fear is that they are not getting the best quality of service that they need to save the tax payers' money.

At this time Council President recessed the meeting for a break at approximately 8:27 p.m. and reconvened at 8:39 p.m. He announced for the record that it has just been confirmed that Pemberton Borough passed 4-2 for moving the elections to November.

## GENERAL PUBLIC COMMENTS

Brian Jenkins, Browns Mills - **1.** Noted that during the break he spoke with the Mayor who answered his questions but wanted to note that he has been involved in the Cal Ripkin baseball league for six years along side another coach, Mrs. Stinney's son Omar. He expressed they have a good program going. He reported that Little League wants to come into this town and even though he's been on the Cal Ripkin side over the past six years he did attend a Little League meeting the other night and admitted that he was impressed. He expressed his concern with both of them operating in this town is sharing of the fields. He noted that when it rains the fields stay wet for three days and was concerned how the schedules would go, who would maintain the fields and various other duties. He advised the Mayor told him on break that he can't deny anyone coming in. Mrs. Scull asked about the costs of Little League opposed to Cal Ripkin, and expressed concern that some may not be able to participate due to the costs. He went over the figures with her. The Mayor relayed that he had proposed if the new league recruits 50% of Cal Ripkin members they can use the fields 50 % of the time. Mrs. Stinney asked how it's determined who would use the concession stand. The Mayor noted it would have to be done through an agreement however; they are not looking to splitting the use of the concession stand this year as there is too much involved at this point to decide that. There may have to be other arrangements for another league. He assured they are looking at the situation and the Rec Director is working hard to come up with a schedule.

Michelle Foreman, Browns Mills – **1.** Asked if one is able to walk on the trails yet to which she was advised that the trails are still currently closed. **2.** Noted she had received a letter from the Freeholders regarding grants for parks and trails and the money had been received for the West End Park. She questioned if the money has been spent yet. Mr. Vaz explained that the environmental assessment was approved; they approved the scope of work but that they still have not closed on the property. She noted that the County letter indicated there would be more grant money coming out in the spring and asked who would be responsible for applying for the grants. It was noted the Administration would, but that the Rec Director would be writing them. She asked if there were plans for what to do with the grant money. The Mayor noted that Council would have to approve the projects. She expressed that it's a shame that some can't afford to put their kids in sports and she would like to talk to the Freeholders at their next meeting and Council to think about putting money into something that everyone can enjoy it. She noted having suggested to the Planner at one of the Revitalization meetings about a possible trail from Acme to Imagination Kingdom. Discussion ensued regarding the possibility of having sidewalks or trails along on Pemberton-Browns Mills Road.

Clare Wadsworth, Browns Mills – **1.** Thanked Council for approving Resolution No. 62-2012 and hopes that the Mayor would put his support behind it whether it is in the way of a proclamation or other means, in order to give more weight to it.

America Phillips, Presidential Lakes – **1.** She reminded that three meetings ago she reported lights not working in the front parking lot and again noted they were still out. After brief discussion it was ascertained that there was a misunderstanding as to which lights were not working and that she was indicating the old decorative light poles that had not been operative for years, but that the newer ones closer to the building were working. **2.** She asked if there were any current plans to install cameras on the premises to which the Mayor told her no. **3.** She asked Mr. Vaz regarding the information received from Mr. Allen regarding the brush in the street of Rhode Island and Tennessee, New York. Mr. Vaz noted that the site triangle issue will be addressed later in the spring when they can see what it's doing. As far as the drainage issue it's been referred to Public Works who is assessing it and if there is a problem they can't handle it will go to the Engineer. **4.** In regards to Res. 60-2012 she questioned why property was taken from there that did not belong to them and in her opinion it was illegal. She shared that she has been walking the trails regardless because this is a free country. **5.** Regarding Buttonwood, and thanked Council for passing the resolution of support.

John Shaw, Browns Mills – **1.** Thanked Council for passing Res. 62-2012. **2.** Reminded that at the last meeting he brought up about dead deer carcass on PBM road and shared that they were picked up expeditiously. **3.** In regards to the lot next to McDonalds he questioned if it had been sold and questioned the status. The Mayor shared that it is privately owned by a person who has an application before the Zoning Board for a combination business and upstairs apartments. Mr. Shaw questioned if it was wetlands to which he was told in the back

it is but that it is developable property. The Mayor noted that he did not know if there is a specifically planned business for it but that they want to put commercial on the bottom. 4. Expressed that in regards to the Historic Trust that giving them 30 days to get the cars out is a little constrained, especially with the condition of the wet grounds and feels they need more time.

George Petronis, Browns Mills – 1. Thanked Council for their vote to support Buttonwood and agreed that he also would like the Mayor to support it with a proclamation. 2. Expressed his disappointment with Council's lack of action on the school board question to move the election and disagreed with Mrs. Stinney and Mrs. Scull about the elections becoming political. He expressed that although they are non-partisan, they are partisan. He shared his experience of having served on the Delran school board back in the seventies as a registered Independent he was approached by the leader of one of the two political parties to run for that position and believes it's always been in the eye of political organizations. He believes they will be better attended if moved to November. 3. Expressed he was delighted that they chose not to do anything about the private investigator but questioned why they pursued the process and then had a change of heart. The Mayor affirmed that Administrator believes they need it but not with the conditions being proposed by Council. Mr. Vaz clarified that it was first proposed to give them the ability to move quickly when the need arose to have that service available because of the difficulty he had seen with having to use a PI through the third party claims administration in the past. He noted that most of the things suggested in the policy are things they would do anyway as part of the purchasing system or things they would have no problem doing but what caused the withdrawal is because the initial proposal is that the Council should have some role deciding when the Township's private investigator is used to investigate a case but then there were five proposed items that appeared would be in a form of a report for a pre-approval process which kills the idea of being able to act quickly. He questioned if the original \$5,000 had not been spent. He noted regarding when the original contract had been approved, the original need to move quickly, but that two months later it had not been acted on. Mr. Bayer noted that the court schedules had been adjusted so the service was not requested right away. He asked what happened to the \$5,000.00 and the fact that the contract is in place for the rest of the year. He was assured that the money could not be redirected for another case. Discussion continued regarding the contract bid specs, whether it will require a specific line item, terms of the bid specs, funding of the contract coming out of the insurance budget, and he expressed that they should proceed with implementation of a policy. Mr. Vaz and Mr. Bayer continued to explain the process of how payments are made, and the scope of the service. Mr. Petronis reiterated his question that no monies could be spent on this contract unless Council approved it first. He was assured they could not go out and hire someone for another case. In closing Mr. Bayer explained that if a matter involves litigation Council is involved, but if it's related to personnel, under the Faulkner laws personnel falls under Administration.

Ray Wells, Pemberton – 1. Expressed that the Township is not an Abbott district but is known as "formerly an Abbot District", which came about when the Supreme Court changed the way they are administered, and the funding came into question and after a suit about the funding the funding has been followed through. He informed that the town is not a sending district nor a regional district. He relayed that they are school district with two geographical governments involved, noting that the Borough does not have a school board which they would have to have if they were a sending district in order to raise taxes in their area. He shared the history on how the two joined. He explained that regarding fair share they are told what they can raise in taxes, which is called the minimum they can charge and for the last eleven years only one of those years that there was an increase. He informed that they are 90% funded by the State and federal government, 10% which is divided between the Borough and Township. He expressed that the ability to raise the funding without having it voted upon is exaggerated at the moment. 2. In regards to the rails trails he shared that when the Rotary Club did the six years of work to produce the eight miles of trail under the guidelines of the National Rail Trail organization they followed everything and the Township nor the Borough were asked to produce any funding. He relayed that part of the trail is in the Borough and they have the same rules that was adopted by the Township at the time which says that this would be a linear park and covered under the town's broad insurance and would not cost anything to add it to the Township's. He reported that the Rotary had approval for 24 additional miles and 12 of that was in the Township and some as far as Wrightstown and approval to go all the way to Rt. 68. When one crosses Rt. 68 there is a 30 foot bridge and the rail road runs underneath and they

were also going to take it down just short of Toms River and when issues started recently it contributed to them stopping moving forward. He expressed sentiments about the work from volunteers, his concerns over the bantering, and the impression of the community. He suggested they challenge the Trust members to finish the trains and envision them completed. He closed by expressing that the pride in the community seems not to be here.

Adriene Leonard, Browns Mills – 1. Reported that the Browns Mills Improvement Association will have their general meeting on Sunday, February 26<sup>th</sup> at 2 PM to be held at the fire house across from St. Ann's. She noted the focus of the meeting is the future of Denbo and Crichton Schools, presented by Dr. Mike Gorman the Superintendent of Schools Pat Austin and Mike Pinto. She noted there would be a meet and greet following the meeting. 2. She read from her notes that her calls to Mr. Vaz since February the 1<sup>st</sup> and a message left at the front desk to please phone her regarding an important issue remains unanswered. She stated it is wrong to ignore the public in spite of or perhaps the budget meetings that were going on. She expressed they are all important and all busy. She relayed that the Pemberton Township Historic Trust has to this day, nor does it plan to ever abandon the museum complex inside or out and especially the artifacts. She relayed that the Township has had them locked out for over a year and they still are. In the meanwhile they have lost irreplaceable artifacts in the museum and now outside. She relayed the Trust is now missing a truck load of rail road ties, eye beams, a 4 x 6 metal table that held a 100 year old black smith's vice. She noted the Mayor had said the table is in the back but questioned what happened to the vice. The 100 year old cement battery box that came from the Camden Perth Amboy line was destroyed and commented that the individuals working there that day did not know what they were destroying. She expressed shame that the artifacts are being destroyed and the trail is in such a disaster that when the mover came to see what they were going to do with the rolling stock because of the current wetness and the items being moved around there is no room for them to maneuver to get the trains out of there at this point. She expressed certainty that there would be more in the future with no notice to the Trust. She thought it would be nice if someone had told them what was going on instead of them thinking the items were being stolen. She noted that the security alarm had been changed. She expressed they were overstepping their bounds in the manner that they are not working with the Trust when they are supposed to be negotiating with them. She requested to receive answers, an itemized list of what has been taken to date and what is projected to be taken. She questioned if these artifacts are scrapped where the money is going to. She expressed shame to have such a successful and wonderful tourism, educational, and fun site be destroyed along with the twelve to fifteen years of volunteer work.

Mike Tamn, Historic Trust – 1. He expressed shame that a non-profit group that has served the community for over twelve years and has been in existence since 1996 is not being treated fairly. He expressed all the work the volunteers have rendered. He expressed displeasure over the manner of negotiations. He relayed that the time table being imposed is very difficult and they have been trying to make arrangements to meet that time table. They had originally asked for at minimum, June 30<sup>th</sup> so the ground could dry out by then and that they have to raise the funds and arrange for the mover. He expressed that the time frame imposed by the Township tonight is unrealistic and that this issue is going to leave a very deep scar in the community. He feels that everyone will loose in the end.

Dennis Jordan, Wrightstown – 1. He expressed feelings that this matter is going to be the death of the rail road. He read notes reflecting that he is here to support the Pemberton Borough Rail Road and its museum. He noted that his father worked as a break man for the Oklahoma Rail Road. He noted he is one of the volunteers and looked forward to working on the history to show the people and his grandson without having to show him from a book. He expressed they are making sure that they are not going to survive.

There being no other members of the public wishing to be heard, Council President Cartier closed the meeting to the public for general comments.

### **Solicitor's Report**

Mr. Bayer noted he had nothing to report tonight. Mr. Prickett asked Mr. Bayer if on the bill list if a bill appears for Fallon Associates, if the Council will be obligated to pay that bill. Mr. Bayer advised that if it is unrelated to the one case approved that they would not incur legal liability in

denying the claim as the work would be unauthorized. Mr. Prickett asked if there is a way to identify the case and Mr. Bayer confirmed he would be able to verify it.

### **Engineer's Report**

Kelly Willis reported: **1.** They will be advertising bids the 2011 Road Program before the end of the month and the preconstruction meeting for the Well 12 building that they authorized tonight as well as the well 6 pump and motor replacement will be next Friday. Mrs. Scull asked if a proposal was sent out for the Bayberry Bridge. Ms. Willis informed that an RFQ/RFP for Geotechnical work that was required by FEMA. She explained the scopes of the RFQ. Ms. Willis noted that in 2000 the roadway was rehabilitated so when the road way was taken off and redone apparently the DEP and anyone that was out there had attested at that time that nothing else needed to be done to the dam structure so the portions that were touched during the 2000 rehabilitation were just the conduits that run underneath that allow the water to pass through and the roadway deck itself, not the dam portions that are owned by Pemberton Township. Mr. Cartier asked if there has been anything further from FEMA to which she explained no, but they did receive a letter from Dam Safety that has been keeping their eye on the dam. They are looking into changing the class of dam from a class III dam which is a low hazard dam to perhaps a class I determining upon information received. Mr. Prickett asked if they change the classification is the work that's being completed there going to be able to live up to a class II or III status. She explained they will have to do a different type of assessment and explain that process.

### **PLANNER'S REPORT**

Rick Ragan reported: **1.** That they are continuing to work towards a redevelopment solution on the Pemberton Browns Mills Shopping Center. **2.** The dialysis center that they mentioned was making application to the Zoning Board to come in to the town on Trenton Road will be moving forward on land that they own in their initial application because if the Zoning Board approves it then they are not required nor would they need to put any of their drainage on the church's property. He noted the church put the detention not on the open area that they had suggested but back on two other lots that the church owns in that residential area. **3.** He noted that in the ordinance he presented tonight there is a typo in the word consistent in paragraph number two. Mr. Prickett questioned regarding the number of businesses going out of business in town, if he has been discussing businesses at his redevelopment meetings. Mr. Ragan noted the businesses are a concern but some of them are because of a national situation, not necessarily local issues. He noted they are very difficult to maintain in the current economy.

### **Mayor's Report**

**1.** In regards to Bayberry he is also looking into some options to keep that classification to a class III dam. **2.** Apologized for the delay in submitting the budget to Council, noting that he realizes he had projected to give it to them a week earlier, but they worked a lot of hours to give them the most responsible budget that they could put together with what they had to work with.

### **Council Members' Comments**

Sherry Scull: **1.** She wanted to make clear that she was not insulting Public Works Department in her earlier comments but that for the most part the Trust has been maintaining the site. **2.** To Mr. Vaz she expressed that when she had heard that he was looking into advertising for another Historical Society she was hurt. **3.** She expressed agreeing with Mr. Petronis's sentiments and reiterated her concern over the elections becoming political and reiterated her concerns of loosing the funding as a former Abbott District. She feels they should either vote on all the budgets or none. **4.** In regards to Buttonwood she affirmed that they have a responsibility to take care of children and the elderly and advocated for the need to support Buttonwood.

Diane Stinney: **1.** Thanked Mr. Wells for his information regarding the Abbott districts. She then asked him to share with the school board that the youth from the high school were entertainers for the seniors at their recent valentine's event. She saw that they were so engaged with the seniors which made everyone smile and she is proud to say that they have some good students here in Pemberton Township.

Jason Allen: **1.** Reported that he attended the Buttonwood public hearing which was very well attended at the Rancocas Valley High School in Mt. Holly. He urged that if they are opposed to the sale of Buttonwood to continue to come out and support them. He noted that the auction date has been moved to March 1<sup>st</sup>. **2.** He reported that the Burlington County Coalition for Healthy Communities is giving an award to any student that has gone above and beyond to reduce under aged drinking, smoking, and drug use in their schools and community by educating their peers. He said if they know anyone in the community that fits this description to let him know so he can relay the information. **3.** He relayed the Life Opportunities is having a discussion on Tuesday, February 21<sup>st</sup>, at 6 PM at the Dominique Johnson Center with a topic of Diversity.

Richard Prickett: Asked the public to enjoy the daffodils and wished everyone a good night.

Kenneth Cartier: **1.** Reminded everyone that their budget hearing for February 25<sup>th</sup> is scheduled to start at 8:30 AM, barring there is no inclement weather. And he then wished everyone a good night.

The meeting was adjourned at approximately 10:30 p.m.

Respectfully submitted by,

MARY ANN FINLAY, MMC, TOWNSHIP CLERK