

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
MARCH 7, 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 Deputy Township Clerk Amy P. Cosnoski.

CALL TO ORDER

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

CLOSED SESSION

RESOLUTION NO. 64 -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:
PERSONNEL, POTENTIAL CANDIDATE FOR EMPLOYMENT
BROWNS MILLS SHOPPING CENTER POTENTIAL CONTRACT 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 Scull and Prickett to approve Resolution No. 64-2012. Scull, yes; Prickett, yes; Stinney, yes; Allen, 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)

Mr. Cartier advised that there was no formal action necessary pursuant to closed session.

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.

Mr. Prickett noted Council was presented with an ordinance when they arrived tonight as well as a resolution and he questioned if it was intended for these to be added to the agenda, and if so, where. President Cartier advised that the resolution will not be added to the agenda tonight and the ordinance will be inserted where the ordinances go on the agenda. President Cartier noted that there are two social affair permits that need to be added and can be added to the consent agenda.

Public comments on consent agenda items only.

Clare Wadsworth, Browns Mills – 1. In regards to resolutions 73 and 74 she questioned why they are buying these obligation bonds. Mrs. Willis explained that the bonds have already been taken out by the Township and these are associated with the infrastructure trust and this is to

facilitate them going into a closing with them when they do get the funding since the money has already been appropriated through the federal appropriations for this. She explained the two resolutions were prepared by bond counsel. She noted it's for Well #12 to build the building for the pump out there and Well #6 for the new pump and motor out there. Mrs. Wadsworth asked if there is an interest rate associated with the. Mr. Bayer shared belief that it is a fixed rate. Mrs. Willis explained that 20% would be a grant, 40% would be at market value and the other 40% would be at 0.

There being no other members of the public wishing to comment, the meeting was closed to public comments on the consent agenda.

President Cartier then informed that there was one more addition to the bill list from Administration, in the amount of \$4,000. to Pemberton First Squad 199.

Motion by Scull and Stinney to add \$4,000 bill to bill list in payment to Pemberton First Aid Squad, 199.

Mrs. Scull asked if this would be out of this year's or last year's monies. Mayor Patriarca explained it would be out of last year's funds.

Mr. Prickett asked to pull off the consent agenda the In Rem foreclosures listed under 11. b.

Mrs. Scull asked to pull off the consent agenda Resolutions 73, 74, 70-2012.

Mrs. Stinney asked to add the two social Affair Applications for Burlington County College Alumni and Pemberton Rotary to the agenda. President Cartier noted they would be added to the consent agenda under 11. *e.

Consent Agenda Items:

MINUTES FILED BY MUNICIPAL CLERK

- a. Regular Meeting, February 15, 2012.

CONSENT AGENDA RESOLUTIONS

RESOLUTION NO. 65 -2012

RESOLUTION AUTHORIZING THE REFUNDING AND/OR CLOSING OF TREASURER'S AND/OR DEVELOPERS ESCROW SUB-ACCOUNTS

WHEREAS, PEMBERTON TOWNSHIP REQUIRES FOR VARIOUS CONSTRUCTION AND/OR HOME IMPROVEMENTS PROJECTS, THAT A TREASURER'S ESCROW SUB-ACCOUNT ACCOUNTS BE ESTABLISHED; AND
 WHEREAS, THE CHIEF FINANCIAL OFFICER HAS DETERMINED THAT NUMEROUS PROJECTS ARE NOW COMPLETE; AND
 WHEREAS, THE CHIEF FINANCIAL OFFICER WISHES TO REFUND THE REMAINING MONIES TO THE APPLICANTS, AND CLOSE THE RELATED ESCROW SUB-ACCOUNTS.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY APPROVES THE FOLLOWING REFUNDS TO THE APPLICANTS AND AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CLOSE THE TREASURER'S ESCROW SUB-ACCOUNTS:

ACCOUNT NUMBER	NAME	BLOCK/LOT	AMOUNT
TREASURER'S ESCROW			
E-25-56-286-250-148	CAMPBELL	186/25-28	\$ 102.00
E-25-56-286-250-161	CARTER	848/17.02	\$ 108.00
E-25-56-286-250-167	OFFERDO	645/28	\$ 119.00
E-25-56-286-250-172	BENET	266/29-32	\$ 40.00
E-25-56-286-250-174	FONTENEZ-CRUZ	857/25-26	\$ 159.00
E-25-56-286-250-184	WAWA	539/15.02	\$ 313.00
E-25-56-286-260-109	BEHR	52/26.01	\$ 120.00
E-25-56-286-260-114	BROWN	894/55.04	\$ 85.00
E-25-56-286-260-116	DEPAUL	915/12	\$ 112.50
E-25-56-286-260-131	WILLITTS	507/7	\$ 125.00
	TOTAL		<u>\$1,283.50</u>

RESOLUTION NO. 66 -2012

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS PREVIOUSLY ENTERED INTO AN AGREEMENT WITH THE PEMBERTON COMMUNITY LIBRARY ASSOCIATION AND THE BURLINGTON COUNTY LIBRARY COMMISSION, SAID AGREEMENT ENTITLED "BRANCH SERVICE AGREEMENT - TOWNSHIP OF PEMBERTON"; AND

WHEREAS, SAID AGREEMENT EXPIRES MARCH 31, 2012;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AN AGREEMENT WITH THE BURLINGTON COUNTY LIBRARY COMMISSION FOR THE PERIOD OF APRIL 1, 2012 THROUGH MARCH 31, 2013.

RESOLUTION NO. 67-2012

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 812.03 LOT 13, 16 HOMESTEAD DRIVE OWNED BY BRENDA JENKINS QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JANUARY 27, 2012; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 812.03 LOT 13 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2012 TO JANUARY 26, 2012 ARE \$401.96; AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 812.03 LOT 13 IN THE AMOUNT OF \$1,391.27 FOR 2012, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$ 989.31 TO BRENDA JENKINS; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JANUARY 27, 2012 AND AUTHORIZE THE REFUND OF OVERPAID 2012 TAXES.

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

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2012 PROPERTY TAXES ON BLOCK 812.03 LOT 13 AS OF JANUARY 27, 2012, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$989.31 TO BRENDA JENKINS, 16 HOMESTEAD DR. PEMBERTON, NJ 08068.
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 68-2012

WHEREAS, BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS HAS PROPOSED AN AGREEMENT TO THE TOWNSHIP COUNCIL TO MAKE AVAILABLE THE MEALS AND PREPARATION SERVICE FOR SAME BY BUTTONWOOD HOSPITAL, FOR THE PEMBERTON TOWNSHIP SENIOR CITIZENS CENTER LUNCH PROGRAM LOCATED AT BROOK STREET IN BROWNS MILLS FOR JANUARY 1, 2012 THROUGH DECEMBER 31, 2012; AND

WHEREAS, SAID AGREEMENT PROVIDES FOR AN ALLOCATION OF RESPONSIBILITIES AND OBLIGATIONS FROM SAID AGREEMENT;

WHEREAS, THE TOWNSHIP COUNCIL DEEMS IT TO BE IN THE BEST INTEREST OF THE RESIDENTS OF PEMBERTON TOWNSHIP ENTER INTO SUCH AN AGREEMENT FOR SAID PERIOD OF TIME;

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE ATTACHED AGREEMENT WITH BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS AND BUTTONWOOD HOSPITAL FOR THE AFOREMENTIONED PURPOSES AND AS STIPULATED IN TERMS OF SAID AGREEMENT.

RESOLUTION NO. 69 -2012

A RESOLUTION AUTHORIZING THE CANCELLATION OF ENVIRONMENTAL COMMISSION BANK ACCOUNT

WHEREAS, THE ENVIRONMENTAL COMMISSION FUND HAS FUNDS OF \$40.99 AND,

WHEREAS, THE TOWNSHIP COUNCIL DEEMS IT APPROPRIATE TO CANCEL FUNDS, AND,

WHEREAS, IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THE BALANCES CAN BE CREDITED TO CURRENT FUND SURPLUS;

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 BALANCE OF THE ENVIRONMENTAL COMMISSION FUND BE CANCELED AND CREDITED TO THE CURRENT FUND AS SURPLUS AND THE ACCOUNT BE CLOSED.

RESOLUTION NO. 71-2012

A RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE BOND FOR THE SUN NATIONAL BANK PROJECT CONDITIONED UPON THE POSTING OF A TWO-YEAR MAINTENANCE BOND AND AN INSPECTION ESCROW

WHEREAS, SUN NATIONAL BANK (THE "DEVELOPER") POSTED A PERFORMANCE BOND IN FAVOR OF THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") GUARANTEEING THE SATISFACTORY COMPLETION OF CERTAIN IMPROVEMENTS TO SUN NATIONAL BANK'S PROPERTY LOCATED AT BLOCK 406, LOTS 25, 26 AND 27.01 ON THE TAX MAPS OF THE TOWNSHIP, AND SITUATED AT THE CORNER OF CLUBHOUSE ROAD AND LAKEHURST ROAD (THE "PROJECT"); AND

WHEREAS, THE TOWNSHIP ENGINEER, IN A LETTER DATED FEBRUARY 29, 2012, HAS INDICATED THAT THE DEVELOPER HAS SATISFACTORILY COMPLETED ALL OPEN ITEMS REQUIRED UNDER THE PROJECT AND THE TOWNSHIP ENGINEER HAS RECOMMENDED THAT THE TOWNSHIP COUNCIL AUTHORIZE RELEASE OF THE PERFORMANCE BOND CONTINGENT UPON THE DEVELOPER (A) POSTING A TWO-YEAR MAINTENANCE BOND IN THE AMOUNT OF \$46,990.00, REPRESENTING 15% OF THE COST OF THE IMPROVEMENTS OF \$313,265.00; (B) PAYING ALL CURRENT OUTSTANDING CHARGES AGAINST THE ESCROW ACCOUNT; AND (C) POSTING AN ESCROW IN THE AMOUNT OF \$1,000.00 REPRESENTING FINAL INSPECTION AND PROJECT CLOSEOUT; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS APPROPRIATE TO AUTHORIZE THE RELEASE OF THE PERFORMANCE BOND FOR THE PROJECT SUBJECT TO THESE CONDITIONS.

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 THE TOWNSHIP COUNCIL HEREBY ACCEPTS THE IMPROVEMENTS AND AUTHORIZES RELEASE OF THE PERFORMANCE BOND FOR THE PROJECT, CONTINGENT UPON SUN NATIONAL BANK (A) POSTING A TWO-YEAR MAINTENANCE BOND IN FAVOR OF THE TOWNSHIP, IN A FORM ACCEPTABLE TO THE TOWNSHIP SOLICITOR, IN THE AMOUNT OF \$46,990.00, (B) PAYING ALL CURRENT OUTSTANDING CHARGES AGAINST THE ESCROW ACCOUNT, AND (C) POSTING AN ESCROW IN THE AMOUNT OF \$1,000.00 FOR INSPECTION FEES; AND BE IT FURTHER RESOLVED, THAT THE TOWNSHIP COUNCIL HEREBY AUTHORIZES THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS, IN FORMS ACCEPTABLE TO THE TOWNSHIP SOLICITOR, WHICH ARE NECESSARY TO RELEASE THE PERFORMANCE BOND ONCE THE CONDITIONS ARE SATISFIED.

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

- A. SUN NATIONAL BANK
- B. TOWNSHIP ADMINISTRATOR

- C. TOWNSHIP ENGINEER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 72-2012

WHEREAS, THERE EXISTS A NEED BY THE TOWNSHIP OF PEMBERTON FOR THE SERVICES OF AN ALTERNATE PUBLIC DEFENDER FOR THE YEAR 2012; AND
 WHEREAS, IT HAS BEEN CERTIFIED BY THE CHIEF FINANCIAL OFFICER OF PEMBERTON TOWNSHIP THAT FUNDS ARE AVAILABLE FOR THESE SERVICES; AND
 WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11 ET SEQ.) REQUIRES THAT THE RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS FOR SUCH SERVICES WITHOUT COMPETITIVE BIDS AND THE CONTRACT ITSELF BE AVAILABLE FOR PUBLIC INSPECTION; AND
 WHEREAS, THE MAYOR HAS RECOMMENDED TO THE GOVERNING BODY THE APPOINTMENT OF NANCY R. GARZA, ESQ., AS ALTERNATE PUBLIC DEFENDER FOR THE TOWNSHIP OF PEMBERTON FOR THE YEAR 2012, TERMINATING ON DECEMBER 31, 2012 OR UNTIL SUCH TIME AS THE APPOINTEE'S SUCCESSOR IS APPOINTED AND QUALIFIED, WHICHEVER LATER OCCURS;
 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, AS FOLLOWS:

1. THAT THE MAYOR AND CLERK ARE HEREIN AUTHORIZED TO EXECUTE AN AGREEMENT WITH NANCY R. GARZA, ESQ.
2. THIS CONTRACT IS AWARDED IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5 ET SEQ., THROUGH THE FAIR AND OPEN PROCESS AND IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW.

RESOLUTION NO. 75-2012

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TECTONIC ENGINEERING & SURVEYING CONSULTANTS P.C. IN THE AMOUNT OF \$29,470.00 FOR THE PROVISION OF GEOTECHNICAL ENGINEERING SERVICES FOR IMPROVEMENTS TO THE BAYBERRY STREET DAM
 WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE AWARD OF A CONTRACT FOR THE PROVISION OF GEOTECHNICAL ENGINEERING SERVICES FOR IMPROVEMENTS TO THE BAYBERRY STREET DAM (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 TECTONIC ENGINEERING & SURVEYING CONSULTANTS, P.C. ("TECTONIC") WITH A LUMP SUM BID OF \$29,470.00; AND
 WHEREAS, THE TOWNSHIP ENGINEER RECOMMENDS THAT THE CONTRACT FOR THE PROJECT BE AWARDED TO TECTONIC AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND
 WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED TECTONIC'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT; AND
 WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD THE CONTRACT FOR THE PROVISION OF GEOTECHNICAL SERVICES FOR IMPROVEMENTS TO THE BAYBERRY STREET DAM TO TECTONIC.
 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 PROVISION OF GEOTECHNICAL ENGINEERING SERVICES FOR IMPROVEMENTS TO THE BAYBERRY STREET DAM BE AND HEREBY IS AWARDED TO TECTONIC ENGINEERING & SURVEYING CONSULTANTS, P.C. IN THE AMOUNT OF \$29,470.00, AND THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND TECTONIC; 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 2-01-20-165-000-284; AND
 BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. TECTONIC ENGINEERING & SURVEYING CONSULTANTS, P.C.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

NEW BUSINESS

Social Affair Permit Applications for Burlington County College Alumni and Pemberton Rotary.

Approval by Council required for payment of vouchers on bill list dated 3/2/12.

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

RESOLUTION NO. 70-2012

RESOLUTION NO. 70 -2012

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO REFUND MONIES TO THE FOLLOWING PERSONS FOR THE AMOUNTS AND REASONS SET FORTH:
 REASON FOR REFUND: OVERPAYMENT CREATED DUE TO STATE OF NJ SENDING HOMESTEAD CREDIT DIRECTLY TO THE TOWNSHIP FOR VARIOUS PROPERTIES THAT ARE LISTED AS 100% TOTALLY DISABLED VETERANS.

NAME	ADDRESS	AMOUNT
JOHN & JACKIE POWELL	444 SASSAFRAS ST., BROWNS MILLS, NJ 08015	\$254.46
WESLEY & DOLLY BETHANY	453 BAYBERRY ST., BROWNS MILLS, NJ 08015	\$325.70
WILLIAM & ERNA SEAVEY	118 ALMOND AVE., BROWNS MILLS NJ 08015	\$271.38

HORACE & BOBBIE WALKER	9 ESTATE RD., PEMBERTON, NJ 08068	\$386.54
CARLOS & EVELYN RODRIGUEZ	324 UNIVERSITY AVE., PEMBERTON, NJ 08068	\$303.91
THEODORE J YADROSKY	107 OAK PINES BLVD, PEMBERTON, NJ 08068	\$461.23
ALVIN & AYANO ADAMS	607 KATHERINE RD., BROWNS MILLS, NJ 08015	\$291.30
WILLIAM & DIANE STINNEY	119 ALMOND AVE., BROWNS MILLS, NJ 08015	\$349.38
CHARLES & MARTA GODFREY	312 SEMINOLE TR., BROWNS MILLS, NJ 08015	\$302.36
CAROL A HAAS	609 KATHERINE RD., BROWNS MILLS, NJ 08015	\$301.36

Motion by Scull and Allen to approve Resolution 70-2012. Scull, yes; Allen, yes; Prickett, yes; Sinney, abstain; Cartier, yes. Motion carried.

RESOLUTION NO. 73-2012

RESOLUTION NO. 73-2012

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$400,000 GENERAL OBLIGATIONS BONDS, SERIES 2012, OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE SFY 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "LOCAL UNIT" OR THE "TOWNSHIP"), IN THE COUNTY OF BURLINGTON, NEW JERSEY, HAS DETERMINED THAT THERE EXISTS A NEED WITHIN THE LOCAL UNIT TO ACQUIRE, CONSTRUCT, RENOVATE OR INSTALL THE PROJECT (THE "PROJECT") AS DEFINED IN EACH OF THAT CERTAIN LOAN AGREEMENT (THE "TRUST LOAN AGREEMENT") TO BE ENTERED INTO BY AND BETWEEN THE LOCAL UNIT AND THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST (THE "TRUST") AND THAT CERTAIN LOAN AGREEMENT (THE "FUND LOAN AGREEMENT", AND TOGETHER WITH THE TRUST LOAN AGREEMENT, THE "LOAN AGREEMENTS") TO BE ENTERED INTO BY AND BETWEEN THE LOCAL UNIT AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (THE "STATE"), ALL PURSUANT TO THE SFY 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM (THE "PROGRAM");

WHEREAS, THE LOCAL UNIT HAS DETERMINED TO FINANCE THE ACQUISITION, CONSTRUCTION, RENOVATION OR INSTALLATION OF THE PROJECT WITH THE PROCEEDS OF A LOAN TO BE MADE BY EACH OF THE TRUST (THE "TRUST LOAN") AND THE STATE (THE "FUND LOAN", AND TOGETHER WITH THE TRUST LOAN, THE "LOANS") PURSUANT TO THE TRUST LOAN AGREEMENT AND THE FUND LOAN AGREEMENT, RESPECTIVELY;

WHEREAS, TO EVIDENCE THE LOANS, EACH OF THE TRUST AND THE STATE REQUIRE THE LOCAL UNIT TO AUTHORIZE, EXECUTE, ATTEST AND DELIVER THE LOCAL UNIT'S NOT TO EXCEED \$400,000 GENERAL OBLIGATION BONDS, SERIES 2012 (THE "GENERAL OBLIGATION BONDS"), IN THE FOLLOWING MANNER: (I) A GENERAL OBLIGATION BOND, SERIES 2012 SHALL BE ISSUED TO THE TRUST (THE "TRUST LOAN BOND"), AND (II) A GENERAL OBLIGATION BOND, SERIES 2012, SHALL BE ISSUED TO THE STATE (THE "FUND LOAN BOND", AND TOGETHER WITH THE TRUST LOAN BOND, THE "LOCAL UNIT BONDS") PURSUANT TO THE TERMS OF THE LOCAL BOND LAW OF THE STATE OF NEW JERSEY, CONSTITUTING CHAPTER 2 OF TITLE 40A OF THE REVISED STATUTES OF THE STATE OF NEW JERSEY (THE "LOCAL BOND LAW"), OTHER APPLICABLE LAW AND THE LOAN AGREEMENTS; AND

WHEREAS, N.J.S.A. 40A:2-27(A)(2) OF THE LOCAL BOND LAW ALLOWS FOR THE SALE OF THE TRUST LOAN BOND AND THE FUND LOAN BOND TO THE TRUST AND THE STATE, RESPECTIVELY, WITHOUT ANY PUBLIC OFFERING, AND N.J.S.A. 58:11B-9(A) ALLOWS FOR THE SALE OF THE TRUST LOAN BOND TO THE TRUST WITHOUT ANY PUBLIC OFFERING, ALL UNDER THE TERMS AND CONDITIONS SET FORTH HEREIN.

NOW, THEREFORE, BE IT RESOLVED BY A 2/3 VOTE OF THE FULL MEMBERSHIP OF THE GOVERNING BODY OF THE LOCAL UNIT AS FOLLOWS:

SECTION 1. IN ACCORDANCE WITH N.J.S.A. 40A:2-27(A)(2) OF THE LOCAL BOND LAW AND N.J.S.A. 58:11B-9(A), THE LOCAL UNIT HEREBY SELLS AND AWARDS THE LOCAL UNIT'S NOT TO EXCEED \$400,000 GENERAL OBLIGATION BONDS IN THE FOLLOWING MANNER: (I) THE TRUST LOAN BOND TO THE TRUST IN ACCORDANCE WITH THE PROVISIONS HEREOF AND (II) THE FUND LOAN BOND TO THE STATE IN ACCORDANCE WITH THE PROVISIONS HEREOF. THE LOCAL UNIT BONDS HAVE BEEN REFERRED TO AND ARE DESCRIBED IN BOND ORDINANCE NUMBER 13-2011 OF THE LOCAL UNIT, WHICH BOND ORDINANCE IS ENTITLED "BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS WELLS, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF" AND WAS FINALLY ADOPTED BY THE LOCAL UNIT AT A MEETING DULY CALLED AND HELD ON JULY 6, 2011, AT WHICH TIME A QUORUM WAS PRESENT AND ACTED THROUGHOUT, ALL PURSUANT TO THE TERMS OF THE LOCAL BOND LAW AND OTHER APPLICABLE LAW.

SECTION 2. THE CHIEF FINANCIAL OFFICER OF THE LOCAL UNIT (THE "CHIEF FINANCIAL OFFICER") IS HEREBY AUTHORIZED TO DETERMINE, IN ACCORDANCE WITH THE LOCAL BOND LAW AND PURSUANT TO THE TERMS AND CONDITIONS ESTABLISHED BY THE TRUST AND THE STATE UNDER THE LOAN AGREEMENTS AND THE TERMS AND CONDITIONS HEREOF, THE FOLLOWING ITEMS WITH RESPECT TO THE TRUST LOAN BOND AND THE FUND LOAN BOND:

- (A) THE AGGREGATE PRINCIPAL AMOUNTS OF THE TRUST LOAN BOND AND THE FUND LOAN BOND TO BE ISSUED;
- (B) THE MATURITY AND ANNUAL PRINCIPAL INSTALLMENTS OF THE LOCAL UNIT BONDS, WHICH MATURITY SHALL NOT EXCEED TWENTY (20) YEARS;
- (C) THE DATE OF THE LOCAL UNIT BONDS;
- (D) THE INTEREST RATES OF THE LOCAL UNIT BONDS;
- (E) THE PURCHASE PRICE FOR THE LOCAL UNIT BONDS; AND
- (F) THE TERMS AND CONDITIONS UNDER WHICH THE LOCAL UNIT BONDS SHALL BE SUBJECT TO REDEMPTION PRIOR TO THEIR STATED MATURITIES.

SECTION 3. ANY DETERMINATION MADE BY THE CHIEF FINANCIAL OFFICER PURSUANT TO THE TERMS HEREOF SHALL BE CONCLUSIVELY EVIDENCED BY THE EXECUTION AND ATTESTATION OF THE LOCAL UNIT BONDS BY THE PARTIES AUTHORIZED UNDER SECTION 4(C) HEREOF.

SECTION 4. THE LOCAL UNIT HEREBY DETERMINES THAT CERTAIN TERMS OF THE LOCAL UNIT BONDS SHALL BE AS FOLLOWS:

- (A) THE TRUST LOAN BOND SHALL BE ISSUED IN A SINGLE DENOMINATION AND SHALL BE NUMBERED R-1. THE FUND LOAN BOND SHALL BE ISSUED IN A SINGLE DENOMINATION AND SHALL BE NUMBERED R-2;
- (B) THE LOCAL UNIT BONDS SHALL BE ISSUED IN FULLY REGISTERED FORM AND SHALL BE PAYABLE TO THE REGISTERED OWNERS THEREOF AS TO BOTH PRINCIPAL AND INTEREST IN LAWFUL MONEY OF THE UNITED STATES OF AMERICA; AND
- (C) THE LOCAL UNIT BONDS SHALL BE EXECUTED BY THE MANUAL OR FACSIMILE SIGNATURES OF THE MAYOR AND THE CHIEF FINANCIAL OFFICER UNDER OFFICIAL SEAL OR FACSIMILE THEREOF AFFIXED, PRINTED, ENGRAVED OR REPRODUCED THEREON AND ATTESTED BY THE MANUAL SIGNATURE OF THE LOCAL UNIT CLERK.

SECTION 5. THE TRUST LOAN BOND AND THE FUND LOAN BOND SHALL BE SUBSTANTIALLY IN THE FORM SET FORTH IN THE TRUST LOAN AGREEMENT AND THE FUND LOAN AGREEMENT, RESPECTIVELY.

SECTION 6. THE LAW FIRM OF WILENTZ, GOLDMAN & SPITZER, P.A. IS HEREBY AUTHORIZED TO ARRANGE FOR THE PRINTING OF THE LOCAL UNIT BONDS, WHICH LAW FIRM MAY AUTHORIZE MCCARTER & ENGLISH, LLP, BOND COUNSEL TO THE TRUST AND THE STATE FOR THE PROGRAM, TO ARRANGE FOR SAME. THE LOCAL UNIT AUDITOR IS HEREBY AUTHORIZED TO PREPARE THE FINANCIAL INFORMATION NECESSARY IN CONNECTION WITH THE ISSUANCE OF THE LOCAL UNIT BONDS. THE MAYOR, THE CHIEF FINANCIAL OFFICER AND THE LOCAL UNIT CLERK ARE HEREBY AUTHORIZED TO EXECUTE ANY CERTIFICATES NECESSARY OR DESIRABLE IN CONNECTION WITH THE FINANCIAL AND OTHER INFORMATION.

SECTION 7. THE TERMS OF THE LOCAL UNIT BONDS AUTHORIZED TO BE SET FORTH BY THE CHIEF FINANCIAL OFFICER IN ACCORDANCE WITH SECTION 2 HEREOF SHALL BE RATIFIED BY THE AFFIRMATIVE VOTE OF 2/3 OF THE FULL MEMBERSHIP OF THE GOVERNING BODY OF THE LOCAL UNIT.

SECTION 8. THE MAYOR AND THE CHIEF FINANCIAL OFFICER ARE HEREBY SEVERALLY AUTHORIZED TO EXECUTE ANY CERTIFICATES OR DOCUMENTS NECESSARY OR DESIRABLE IN CONNECTION WITH THE SALE OF THE LOCAL UNIT BONDS, AND ARE FURTHER AUTHORIZED TO DELIVER SAME TO THE TRUST AND THE STATE UPON DELIVERY OF THE LOCAL UNIT BONDS AND THE RECEIPT OF PAYMENT THEREFOR IN ACCORDANCE WITH THE LOAN AGREEMENTS.

SECTION 9. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

SECTION 10. UPON THE ADOPTION HEREOF, THE LOCAL UNIT CLERK SHALL FORWARD CERTIFIED COPIES OF THIS RESOLUTION TO WILENTZ, GOLDMAN & SPITZER, P.A., BOND COUNSEL TO THE LOCAL UNIT, AND RICHARD T. NOLAN, ESQ., MCCARTER & ENGLISH, LLP, BOND COUNSEL TO THE TRUST.

Motion by Scull and Prickett to approve Resolution No. 73-2012. Scull, yes; Prickett, yes; Stinney, yes; Allen, abstain; Cartier, yes. Motion carried.

RESOLUTION NO. 74-2012

RESOLUTION NO. 74-2012

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF PEMBERTON AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, ALL PURSUANT TO THE SFY 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "LOCAL UNIT" OR THE "TOWNSHIP"), IN THE COUNTY OF BURLINGTON, NEW JERSEY, HAS DETERMINED THAT THERE EXISTS A NEED WITHIN THE LOCAL UNIT TO ACQUIRE, CONSTRUCT, RENOVATE OR INSTALL THE PROJECT (THE "PROJECT") AS DEFINED IN EACH OF THAT CERTAIN LOAN AGREEMENT (THE "TRUST LOAN AGREEMENT") TO BE ENTERED INTO BY AND BETWEEN THE LOCAL UNIT AND THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST (THE "TRUST") AND THAT CERTAIN LOAN AGREEMENT (THE "FUND LOAN AGREEMENT", AND TOGETHER WITH THE TRUST LOAN AGREEMENT, THE "LOAN AGREEMENTS") TO BE ENTERED INTO BY AND BETWEEN THE LOCAL UNIT AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (THE "STATE"), ALL PURSUANT TO THE SFY 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM (THE "PROGRAM");

WHEREAS, THE LOCAL UNIT HAS DETERMINED TO FINANCE THE ACQUISITION, CONSTRUCTION, RENOVATION OR INSTALLATION OF THE PROJECT WITH THE PROCEEDS OF A LOAN TO BE MADE BY EACH OF THE TRUST (THE "TRUST LOAN") AND THE STATE (THE "FUND LOAN", AND TOGETHER WITH THE TRUST LOAN, THE "LOANS") PURSUANT TO THE TRUST LOAN AGREEMENT AND THE FUND LOAN AGREEMENT, RESPECTIVELY; AND

WHEREAS, TO EVIDENCE THE LOANS, EACH OF THE TRUST AND THE STATE REQUIRE THE LOCAL UNIT TO AUTHORIZE, EXECUTE, ATTEST AND DELIVER THE LOCAL UNIT'S NOT TO EXCEED \$400,000 GENERAL OBLIGATION BONDS, SERIES 2012 (THE "GENERAL OBLIGATION BONDS"), IN THE FOLLOWING MANNER: (I) A GENERAL OBLIGATION BOND, SERIES 2012, TO THE TRUST (THE "TRUST LOAN BOND"), AND (II) A GENERAL OBLIGATION BOND, SERIES 2012, TO THE STATE (THE "FUND LOAN BOND", AND TOGETHER WITH THE TRUST LOAN BOND, THE "LOCAL UNIT BONDS") PURSUANT TO THE TERMS OF THE LOCAL BOND LAW OF THE STATE OF NEW JERSEY, CONSTITUTING CHAPTER 2 OF TITLE 40A OF THE REVISED STATUTES OF THE STATE OF NEW JERSEY (THE "LOCAL BOND LAW"), OTHER APPLICABLE LAW AND THE LOAN AGREEMENTS.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE LOCAL UNIT AS FOLLOWS:

SECTION 1. THE TRUST LOAN AGREEMENT AND THE FUND LOAN AGREEMENT (COLLECTIVELY, THE "FINANCING DOCUMENTS") ARE HEREBY AUTHORIZED TO BE EXECUTED AND DELIVERED ON BEHALF OF THE LOCAL UNIT BY EITHER THE MAYOR, THE CHIEF FINANCIAL OFFICER OR THE BUSINESS ADMINISTRATOR IN SUBSTANTIALLY THE FORMS ATTACHED HERETO AS EXHIBITS A AND B, RESPECTIVELY, WITH SUCH CHANGES AS THE MAYOR, THE CHIEF FINANCIAL OFFICER OR THE TOWNSHIP ADMINISTRATOR (EACH AN "AUTHORIZED OFFICER"), IN THEIR RESPECTIVE SOLE DISCRETION, AFTER CONSULTATION WITH COUNSEL AND ANY ADVISORS TO THE LOCAL UNIT (COLLECTIVELY, THE "LOCAL UNIT CONSULTANTS") AND AFTER FURTHER CONSULTATION WITH THE TRUST, THE STATE AND THEIR REPRESENTATIVES, AGENTS, COUNSEL AND ADVISORS (COLLECTIVELY, THE "PROGRAM CONSULTANTS", AND TOGETHER WITH THE LOCAL UNIT CONSULTANTS, THE "CONSULTANTS"), SHALL DETERMINE, SUCH DETERMINATION TO BE CONCLUSIVELY EVIDENCED BY THE EXECUTION OF SUCH FINANCING DOCUMENTS BY AN AUTHORIZED OFFICER AS DETERMINED HEREUNDER. THE LOCAL UNIT CLERK IS HEREBY AUTHORIZED TO ATTEST TO THE EXECUTION OF THE FINANCING DOCUMENTS BY AN AUTHORIZED OFFICER OF THE LOCAL UNIT AS DETERMINED HEREUNDER AND TO AFFIX THE CORPORATE SEAL OF THE LOCAL UNIT TO SUCH FINANCING DOCUMENTS.

SECTION 2. THE AUTHORIZED OFFICERS OF THE LOCAL UNIT ARE HEREBY FURTHER SEVERALLY AUTHORIZED TO (I) EXECUTE AND DELIVER, AND THE LOCAL UNIT CLERK IS HEREBY FURTHER AUTHORIZED TO ATTEST TO SUCH EXECUTION AND TO AFFIX THE CORPORATE SEAL OF THE LOCAL UNIT TO, ANY DOCUMENT, INSTRUMENT OR CLOSING CERTIFICATE DEEMED NECESSARY, DESIRABLE OR CONVENIENT BY THE AUTHORIZED OFFICERS OR THE LOCAL UNIT CLERK, AS APPLICABLE, IN THEIR RESPECTIVE SOLE DISCRETION, AFTER CONSULTATION WITH THE CONSULTANTS, TO BE EXECUTED IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE FINANCING DOCUMENTS AND THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED THEREBY, WHICH DETERMINATION SHALL BE CONCLUSIVELY EVIDENCED BY THE EXECUTION OF EACH SUCH CERTIFICATE OR OTHER DOCUMENT BY THE PARTY AUTHORIZED HEREUNDER TO EXECUTE SUCH CERTIFICATE OR OTHER DOCUMENT, AND (II) PERFORM SUCH OTHER ACTIONS AS THE AUTHORIZED OFFICERS DEEM NECESSARY, DESIRABLE OR CONVENIENT IN RELATION TO THE EXECUTION AND DELIVERY THEREOF.

SECTION 3. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

SECTION 4. UPON THE ADOPTION HEREOF, THE LOCAL UNIT CLERK SHALL FORWARD CERTIFIED COPIES OF THIS RESOLUTION TO WILENTZ, GOLDMAN & SPITZER, P.A., BOND COUNSEL TO THE LOCAL UNIT, AND RICHARD T. NOLAN, ESQ., MCCARTER & ENGLISH, LLP, BOND COUNSEL TO THE TRUST.

Motion by Scull and Stinney to approve Resolution No. 74-2012. Scull, yes; Stinney, yes; Prickett, yes; Allen, abstain; Cartier, yes. Motion carried.

President Cartier asked to have ordinance no. 6-2012 added to the agenda and read the title for the record.

Motion by Scull and Stinney to add ordinance no. 6-2012 to the agenda. Scull, yes; Stinney, yes; Prickett, yes; Allen, abstain; Cartier, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 2-2012 (TITLE READ BY COUNCIL PRESIDENT)
ORDINANCE AMENDING CHAPTER 190, ZONING OF THE CODE OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY (**NOTE: THIS ORDINANCE NEEDS A PUBLIC HEARING DATE OF APRIL 4, 2012 TO ALLOW TIME FOR 200' NOTICES TO SURROUNDING MUNICIPALITIES**)

President Cartier noted that this ordinance was already forwarded to the Planning Board for review and recommendation for which they did render recommendation and they did recommend adoption and could not understand why they didn't already have something like this existing in their codes.

Motion by Scull and Allen to introduced Ordinance No. 2-2012 with a public hearing date of April 4, 2012. Scull, yes; Allen, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

ORDINANCE NO. 3-2012 (TITLE READ BY COUNCIL PRESIDENT)
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Council President Cartier noted that this is the same ordinance that they adopt every year.

Motion by Allen and Scull to introduce Ordinance No. 3-2012 with a public hearing date of March 21st.

Mr. Prickett commented that every year this is introduced to establish a CAP bank but he does not believe that every year they have an increase of 1% using that CAP bank from the year before; the two years before. He thinks that they do not have to increase their CAP from 2.5 to 3.5 per cent. He believes if they had spent more than two hours going over the budget during the budget hearing before introducing it they could have found the money to not go over their CAP which was \$190,943.93. Council President noted that they had way more than two hours to go over the budget noting that they almost 15 days prior to the hearing. Mr. Vaz explained that this only authorizes the budget to go to the CAP but they are not there. Mr. Prickett questioned why they have in the budget the section where they go from 2.5 to 3.5 per cent that is in the budget itself and the amount is listed as \$190,942.93. Mr. Vaz reiterated that is just what they are authorized to go to if they needed to. Mr. Prickett noted that this is an ordinance to increase to 3.5 per cent this year.

Allen, yes; Scull, yes; Prickett, no; Stinney, yes; Cartier, yes. Motion Carried.

ORDINANCE NO. 4-2012 (TITLE READ BY COUNCIL PRESIDENT)
AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

Motion by Allen and Scull to introduce Ordinance No. 4-2012 with the public hearing to be held on March 21st.

Mr. Prickett questioned the position of the Director of Development of Community Development with Zoning Officer duties. He noted it was a new position ranging from \$25,000 to \$80,000. He questioned if the social security and insurance costs in the current budget or will have to be added if this position is filled Mr. Vaz explained it's in the budget. Mr. Prickett suggested if a person is hired at \$80,000, how much would they be talking about, and suggested it would be closed to a \$100,000 for this position and is concerned about that.

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

ORDINANCE NO. 5-2012 (TITLE READ BY COUNCIL PRESIDENT)
AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING THE TOWNSHIP CODE IN ORDER TO ESTABLISH A DEPARTMENT OF COMMUNITY DEVELOPMENT

Motion by Scull and Allen to introduce Ordinance No. 5-2012 with a public hearing to be held on March 21st.

Mr. Prickett expressed surprise that the public has not had an opportunity to hear about this ordinance before and has not been discussed. He noted it was brought up by Administration in December but Council has not had an opportunity to discuss this before now. He expressed concern that they are hiring a political appointee who would be the director of this department, who serve concurrently with the Mayor's term. He expressed concern about political appointees in this situation. He noted they already have a planner and does not know why they need another one even though he knows the title for this person is Director. He thinks financially, if they had a zoning officer it would save the town a lot of money. The Mayor exemplified that they have a Solicitor, Mr. Bayer who represents the town fairly, but they also have a Business Administrator who does an outstanding job and is also a licensed attorney. He clarified that they are not a Planner but a supervisor, a community director of community development. He expressed that it comes with a benefit with the employee as it has with Mr. Vaz in so many cases as being an attorney. He noted they are in dire need of a zoning officer, and not only will that position supervise that office that is in desperate need of supervision, but we will also have a zoning officer and someone that is very familiar in the area of zoning as planners are trained to be. Mrs. Scull added that they will also be working on the division of code enforcement which is something they desperately need. Mr. Prickett expressed that this is something that should have been discussed and the ordinance should not have just appeared for introduction without some of the background that was just briefly touched upon. Mrs. Scull noted they have talked about it in the past. Mr. Prickett stated it was probably in December when they were talking increasing the rates inspection fees. Mrs. Scull added that they also were talking about taking code enforcement coming out of the police department and they also have not had the benefit of the job that Mo was doing so she sees where this puts a lot of issues together, noting that this person is going to have a lot that they are expected to do, noting these are all areas they have had concern over. Mr. Prickett reiterated his concern is that this has been rushed and they should have had time to review this before it was introduced and perhaps talked about it publicly and received some input. The Mayor clarified for Mr. Prickett that he has no clue what political party this individual is affiliated with noting that never came up and he has never been approached by anyone. Mrs. Scull asked if the person serves as an appointment of the Mayor or do they just have this job. Mayor Patriarca explained that all directors serve with the term of the Mayor subject to the advice and consent of Council. Mr. Allen asked if in their research is this position something they have seen other towns have, to which Mr. Vaz confirmed that yes, mostly towns of their size and larger and especially in this form of government because it is set up wherein you are supposed to have departments that are headed by directors.

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

ORDINANCE NO. 6-2012 (TITLE READ BY COUNCIL PRESIDENT)
BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF THE DAM LOCATED BAYBERRY STREET, BY AND IN THE TOWNSHIP PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE TOWNSHIP"); APPROPRIATING \$1,280,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,219,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Motion by Scull and Stinney to introduce Ordinance no. 6-2012 with a public hearing to be held on March 21st.

Mr. Vaz reported having numerous meetings with the various stake holders, including FEMA. Since hurricane Irene most of their meetings were convened on very short notice. The nature of last week's meeting the decision maker from FEMA brought all the outstanding issues together. As a result of that meeting what they learned they are facing is very short deadlines which are FEMA imposed that have to do with getting the FEMA money they need and there is an appeal process that they will have to be involved in. After that meeting one of the things they had to do right away was to have a funding source available to get the H & H study moving. He noted they had the proposal from ARH for the services but in order to authorize them to do work they have to have the funding mechanism in place and this ordinance would do that. He acknowledged that they are not ready to go out and start building a dam but they

cant just bond for the professional services so they asked ARH to quickly put together the estimate that was emailed to everyone yesterday with their current estimate for the project so that they would have some working numbers to put into the bond ordinance. President Cartier added that it's his understanding from what he has read it might not even be necessary to completely use all this money as far as rebuilding the dam, its just "worst case scenario". Mrs. Willis added that there will be three projects that FEMA writing up. One is to repair the embankment and the sidewalk and for that they will be putting funding money into. The other project they will write up is for an actual dam repair and that's to say the structure is a problem. She noted that tonight they awarded Geotechnical work which is the work that will provide them the answer as to whether that work needs to be done. She advised in regard to the appeal that Mr. Vaz brought up; they have sixty days from the time they post the project for them to appeal. She advised that they gave the Geotechnical group a 45 day window which gives them 15 days to get their appeal together which is why the H & H study is something that also needed to be in there fast. The third project is the H & H and they are putting a zero value on an H & H study but because the DEP is requiring Pemberton Township to perform an H & H analysis because of the classification of the dam this can be seen as something that is codes and standards required and therefore FEMA can cover it. She explained that they are looking to get as much funding as they can for the items that are being required of Pemberton due to the storm. They just need the back up from the Geotechnical Engineer to say "yes the dam has failed due to the storm". Mrs. Willis commented that the answer could very well be if they are lucky that the dam isn't failed but rather is just an embankment issue and therefore, they have already said they will cover that, but the H & H shows how they fix the embankment and what has to go back. Presidential Cartier expressed that hopefully if it does, then whatever they expend they hope to get back from FEMA, to which Mrs. Willis confirmed it will be at least 75% is what FEMA will cover. Mr. Prickett noted it is an emergency situation and he welcomes it being added to the agenda to talk about it. He asked if he had heard that they would not need the 1.2 million possibly that it might be a lesser amount. Mrs. Willis confirmed that and that in putting the estimate together they did what they could to ensure that they were not under or overestimating. Mr. Prickett asked that typically 75% of this is covered by FEMA because of the circumstance, to which she confirmed. Mr. Prickett expressed that some money will be left over, and questioned if they borrow this money can they refund it or do they have to keep the money and how can they pay this back without being indebted for twenty years or so. Mr. Vaz explained that this is just an ordinance authorizing the work but is unfunded at this point. He further clarified that this means is that they have cash flow and in the general ledger so the concept is that once it's authorized they can then do the work and pay the bills. At a certain point if they start constructing the dam they will probably not have the 1.28 million dollars to just go out and spend and then would have to look at a note. He relayed that then whatever they do spend then there is a time they will have to consider permanent financing. Mr. Prickett asked that if they would have to borrow this amount of money would they borrow it in financial instruments that they could repay as opposed to holding on to it for many years and paying the interest off. Mr. Vaz noted that especially for something like this where they are anticipating getting at least 75% of it that would be the case and it has the standard language in there about how to handle that when they get that money. Mr. Prickett suggested it would be like an anticipation note. Mr. Vaz interjected that hypothetically this would authorize the town to borrow 1.28 million if they needed it, then they would get into the note process. Mr. Prickett relayed that he wants to be sure that if they get the 75% back that they would be able to pay this off with the 75%, to which Mr. Vaz confirmed, noting that they would not have permanently bond or finance. Mrs. Willis added that FEMA does work on a reimbursement basis and do not upfront money for things; the Township would outlay the funds and be reimbursed through the State.

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

NEW BUSINESS

Approval of PTMUA Professional Contracts for Auditor, Attorney and Engineer, (as to fees only).

Motion by Prickett and Scull to approve the contract for Auditor for the MUA. Prickett, yes; Scull, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

Motion by Prickett and Scull to approve the contract for Attorney for the MUA.

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

Motion by Scull and Allen to approve the contract for Engineer for the MUA. Scull, yes; Allen, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

Purchases over \$2,000.00:

1. Tax Dept.: Payment of \$7,395.00 to Foundation Title for In Rem Foreclosures.

Mr. Prickett noted having pulled this off the consent agenda in order to ask Administration how many more of these properties are left that have to go into foreclosure. Mr. Vaz noted these are just under 30. President Cartier asked if there are more than that that are not part of this, and Mr. Prickett asked if there approximately 900 or a thousand. Mr. Vaz explained there are quite a few noting this were selected because there are some value in turning over through a land sale at some point. Mr. Prickett asked if the 900 properties that are out there are not generating any tax revenue. Mr. Vaz confirmed that was correct and they are just accruing. Mr. Prickett would like to get a handle on how much they are paying since the municipality is not collecting tax revenue but they are paying for the schools and county. Mr. Vaz affirmed he was correct. Mr. Prickett asked for a number of how much they are paying for the county and the schools taxes on these properties that should be foreclosed upon.

Motion by Prickett and Scull to approve the payment of \$7,395.00 to Foundation Title for In Rem Foreclosures for the 29 properties. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Review of proposed ordinance regarding home occupations in residential zones.

Mr. Bayer relayed that a resident had complained some meetings ago about a lawn business being operated next to his home and disturbing it was to live next to that. He reminded that he was asked to take a look at their current ordinance. He made clear that he was not asked to address the enforcement issue that is done internally here, whether or not that particular resident's complain is viable. Mr. Vaz commented that it had been handled. In review of the Township's current ordinance he expressed it is not written in the clearest fashion and goes back some time, and is mostly done through definitions as opposed to actually outlining what home occupations are permitted, the uses connected with that and how they are regulated. He advised that he put together a series of other ordinances from other towns as examples of how they have handled it. He noted Burlington Township, Freehold Township, Old Bridge, Robbinsville, formerly Washington Township, and it seems they could regulate this so that other residents don't have the impact that this one individual complained and give the Township better enforcement mechanism. He expressed belief the issue with their existing ordinance is that even if the violation is written it's hard to enforce in court because of the way it's written. He suggested they look at the sample ordinances provided and he could prepare a draft of something they could suggest for the Township. President Cartier relayed that according to what Mr. Bayer states they already have an ordinance but it is just rather vague, but it is enforceable. Mr. Vaz noted that it all depends on the circumstance, and what the person wants to do at the property. He advised that they were able to find some basis in the ordinance with the issue that came before Council in order to send them a letter and ask them to come in to discuss the matter. He relayed that the owner of the property did and recognized there was an issue but his intent was not to permanently maintain the vehicles there but it was temporary and quite easy for him to move the vehicles somewhere else. So it was somewhat resolved without having to get into too much detail with the ordinance. He noted there have been other cases where people came in noting they want to do this or that and in looking at the ordinance with them it was very hard to find an answer for that person based on the ordinance. He expressed frustration is with the definition section of the ordinance wherein a word exists in the definition but cant be found anywhere else but just in the definition. He further noted that under the existing ordinance he does not believe there is a requirement for someone to submit an application so they have no way of knowing what a person is doing at the property other than what they are told by others from their observation. He expressed the need for a requirement of an application to spell out specifically what they are doing especially when they get into the aspect of gross floor area. He went over the different scenarios that could occur. Mrs. Scull expressed that she does not want ordinances that limits the residents to make legal money but still thinks her main concern with the businesses is for the enforcement of the

noise issue, like with the horrible situation in Country Lakes on another street where the individuals ended up in court. She noted it was obviously a mechanical business which created a lot of noise. She would rather see that aspect addressed than to have them come in to apply for a right to have a home business. Mr. Prickett suggested that if one lived next door to a home business that had all types of vehicles in the yard and tents with volatile chemicals and perhaps piles of junk or debris his heart goes out to that resident. He urged that they have to be sensitive to the neighbors as well and wishes that the home business operator would consider the neighbor and come to an agreement whereby keeping the place clean. They could work at home but he does not feel the whole neighborhood should be dominated by at-home business. After further discussion it was determined that the Solicitor will work with the Administrator on putting a draft that is clearer together for Council to consider.

Discussion regarding time frame for public comments.

President Cartier noted having received concerns as to putting time limits on public comments. He noted that in their agenda packages are copies of emails that Mrs. Finlay received. He noted that the same day of the last meeting another Municipal Clerk had solicited emails asking what other towns did with their Council. He advised that the email responses are in their package along with the League of Municipalities' opinion on that matter and a copy of their Council by-laws. Mr. Prickett asked if the concerns he had received were from Council members to which President Cartier confirmed they were. President Cartier asked if this is something they would like to see here in Pemberton Township. Mrs. Stinney stated that they already have it here on the school board and she has attended many of their meetings and it appears to work there, and gives others an opportunity to come forward. She noted for example tonight a gentleman from the public had noted having sat here for two hours waiting to get his question answered. Mr. Allen shared that he reached out to a few Township Clerks and those he reached out to had time limits; some were not being enforced but they did have them, whether they made announcements or if it was listed on their agendas. He noted that additionally on the League of Municipalities web site the staff attorney recommended that speakers be limited to five minutes or the public comment period only be extended to a half hour. Mr. Allen expressed belief that if there was a time limit it would prevent some from dominating the public comment period and allow more people a chance to speak. Mrs. Sculls noted having mixed feelings and expressed that it depends on how the Chair operates the meeting. She shared having seen at the school board where certain people were cut off and others are not. She also during her day job where she has issues that need to be expressed that she feels the board needs to hear whether they want to or not and is told that her 5 minutes. She expressed that is difficult when you are representing 800 people to get everything expressed in five minutes. She also noted having seen other times that it's okay as long as one is making their point and moving along and in that regard she does not care how long a speaker talks. The problem is when one gets up there and beats a dead horse for twenty minutes which holds up the meeting and everyone else. She understands wanting a limit but it has to be consistent. They spoke of groups that have a representative that speaks on behalf of the group. Mr. Prickett expressed that it would be a shame to restrict the majority of the people that come up to speak and use their time to get their points across without belaboring a point. He questioned why they should make a rule to control the one person that will punish all those that will come up with good comments. He advised that he enjoys hearing from the public and this is his tenth year on Council and has heard a lot of comments over the years and has not missed a day or minute of public comment and so as a witness to that he does not see it as a problem here on a regular basis to cause any restriction in time that people should have imposed on them in giving comment. He noted this is their only time for them to talk about issues that concern them. He acknowledged that some are just complaints but some that make a difference. Mr. Allen disagreed that it restricts, but rather allows people to have more focused comments and it doesn't prevent people from voicing their opinion because the Mayor has indicated his open door policy and he has gone on other websites and other townships, one in particular actually stated that they did not allow walk-ins on certain days so he thinks its nice the Mayor has an open-door policy and that Council is easily accessible instead of people having to feel they have to come to Council meetings to say what they want to say during a meeting. Mr. Prickett expressed that Mr. Allen may have this a little confused because the people are here to address the Council and that gives them an opportunity to hear about a Mayoral complaint or issue. He expressed that whether they want to talk about a problem with day to day operations or an ordinance that is under consideration or should be, that is their

right to give public comment. Council President shared that he personally is not in favor of time limits, and there are times people get up here and are nervous and it takes them awhile to get there point out. He noted however, that he does have a problem when people get up and hammer the same point over and over and over and over again. He reminded that they have imposed time limits in the past but that was when they were very heavily attended and there was a hot topic that particular night, but he for one is not in favor of the time limit. He reiterated that there were numerous Council members that requested this topic for discussion. Mr. Vaz commented that an alert to two bills released out of Committee that will go to full legislature that will very dramatically change the Open Public Meetings Act and Open Public Records Act. He noted it will impose a lot more administrative burden on how they run Council meetings. He acknowledged that some of the things they are already doing such as having open period before consent agenda items, but it will be mandated that the public has two opportunities in the meeting to speak. He advised that its only one of the changes on how meetings are conducted including not being able to vote on things that are not on an agenda that's published on a web site and in the hallway. It will require everyone to step up their game to get things done efficiently. He expressed that because it would cause a little more administrative burden the meetings are probably going to be a little bit longer in the long run. He noted having seen a lot of Councils in his time, and this Council that has no problem with people getting up to the microphone, speaking what they want to say, and how they want to express it. However he has been to meetings as an attorney and as a Business Administrator and watched other Business Administrators hustle people out into the hallway to find out what they are there for and what they are there to speak on because in many places such as City Halls, County Freeholder meetings they are choreographed Broadway productions and anything that operates differently from what the choreography has laid out for that night's production to the point where they have "plants" in the audience to determine what that person is here for so they can report to the Business Administrator. He noted to this Council's credit that he has not ever seen that here in Pemberton Township and is very refreshing.

Mr. Prickett revisited to the earlier comments regarding the day to day activities that should be addressed to the Mayor as he runs the day to day activities in the municipality and feels its important for those points of view to be presented to the Council and to get in the minutes and for other public members to hear those points of view in case they have the same situation. After further deliberation Mrs. Scull expressed that it is the Chair needs to uphold control and at times may need to say that the person speaking has made that point and unless you have another one please move on so that someone else can have a chance to make their point. In closing there was a majority consensus not to limit public speaking time.

Council President recessed the meeting for a short break at 8:25 p.m. and reconvened the meeting at 8:37 p.m.

GENERAL PUBLIC COMMENTS

Chaplain Fred and Yvette Smalls, Browns Mills – 1. He advised that in regards to the school bus issue noting that they own the van that is parked on the outskirts lane and believes that the van is not parked as a danger to the buses because as a military person himself he marked off the feet leaving a view to see and to view the height of the buses. The van is parked two hundred feet away from the entrance of coming out and he does his very best to ensure that the van is moved at 7:30 a.m. and not returned till 5:00 p.m. so the traffic of the buses is not really coming out till after the gone and there is no other car on that side of the road. He noted that if they are he does his very best because his children, and his neighbors' children and some of his soldiers' children ride those buses so he is willing to do his best to get the cars out of the way, but he does not have much parking space for his big vehicles which has changed their lives as citizens of this community. Sometimes soldiers do not want to meet on the base and when they have confidentiality issues and want to speak to the Chaplain they come to his house. He questioned that if these signs go up where these meetings can take place. He assured he is not endangering the children, noting that at times children are not even on the buses. He spoke of how this has affected his wife and him, noting that he didn't come forth earlier because he is a person of his reputation as a Chaplain, as a Bishop, an ordained Pastor of Lakewood Church of God and does not like getting into issues because he represents his country and would not like to have his face involved with things, but it has really brought unpleasantness to the family, where he's paying money such as \$1,000 to remove trees to expand his parking space and as a tax paying citizen and citizen of this country he needs himself mentally prepared for his soldiers. He sincerely wants their help to see what they can

do to make the situation of this one vehicle better that's been there for eight years. He asked that if they put signs up there what happens to his guests, and soldiers that want to talk to the Chaplain confidentially, as to where they would park or what they would do. Mrs. Stinney shared that she and Mrs. Scull were at the school board meeting when this was brought up and they received an email regarding Juliustown Road where the buses are. Mrs. Stinney shared with Chaplain Smalls that in speaking with his neighbor when he was asked what some of the solutions would be. She noted that speed on Juliustown Road would have an impact and that perhaps the timing to park and about free parking on the weekends. She asked Chaplain Smalls what other ideas he would like for Council to consider. He replied that he does not really believe that the van is the issue; he believes that the bus drivers are concerned over the speed and normally when the cars shoot pass the van he believes that's really what the problem is. As for the sign he believes there should be a time placed on it because they don't normally return till about 5:30 p.m. Mrs. Stinney noted that she has seen speed limits posted and speed bumps installed in the bus areas. She noted the school liaison Mr. Wells could probably relay these issues to the Board. Mrs. Scull noted that they do have small vans come out of there as well and the buses are on the road by 6:30 a.m. and are in and out of there all day. She noted they had offered the ability for his cars to be parked in their lot which would be more protective of his car. Yvette Smalls identified herself for the record. They advised that they had done so for about three years but they were told they could no longer park there anymore due to insurance reasons. Mr. Prickett asked if they had spoken with the School Superintendent and he acknowledged they had. Mr. Prickett suggested a letter be forwarded on behalf of Council regarding this concern to receive the Superintendents input and see what they might recommend, noting that they may not even need this as a no parking area. He noted having heard from the bus drivers but not the Superintendent. Mrs. Stinney suggested taking a vote tonight to put something back on an agenda to give to give the Superintendent a couple of weeks to get back with them. Mayor Patriarca advised that he can certainly contact the Superintendent noting that he is actually supposed to meet with him next week. He noted this is a legislative issue that Council acted on and he will get involved with getting the position of the Superintendent noting his understanding is that the Board of Education and the Superintendent don't have a position because they were unaware of the issue. Mr. Prickett asked the Mayor as a retired police officer if he felt if some parking zones that are for a period of time could be a possibility. The Mayor agreed that it helps in some situations but from what he is hearing about the situation its not going to help the Smalls as Mrs. Scull stated wherein buses leave by 6 and sometimes not back till 5 or 6-7, so there's always bus activity there during the times that the Smalls would need there vehicle there. He suggested perhaps the comments he had heard that could be a potential solution and does not know if it could be negotiated which would be the parking on school property even if there is some type of releasing the school of any liability that could be signed by the Smalls. President Cartier announced looking forward to feedback from the Superintendent but pointed out that ultimately any changes that are made have to go to the County. The Smalls thanked Council for their time.

Mike Tamn, Pemberton Historic Trust – 1. Noted that at the last meeting there were questions about materials that may have been taken by the Township, or did take, etc. He advised that they did go down to public works as they were told they could and took many photographs. He expressed that it seems like extensive materials that had been taken besides the scrap such as 250 rail road ties and maybe 7 or 8 8x16 timbers, forty feet long that originally came from the cold press on the big building that were on the site at one time. He expressed that they had value and the replacement value is very high. He also noted the 4x4 angle and the costs of those materials could be anywhere from \$10-12,000 but the timbers are historic. President Cartier asked if he was talking about the corals to which Mr. Tamn confirmed, noting they are 40 feet bins, and gave dimensions. Mrs. Scull questioned if this was in Township's back yard, to which he replied they were. Mrs. Scull recalled that at the last meeting they were told by Administration that they had no knowledge of any of that stuff being down there. Mr. Vaz clarified that he had said some things were moved but that he did not have personal knowledge as to what specifically. Mrs. Scull relayed that she had asked about them being used to take care of stone and sand, etc., Mr. Tamn reiterated that there is great concern over the historic value of those Douglas fir timbers that are 8x16 and to replace them the cost will be prohibitive and reiterated the historic value. He noted they were given to them by the Trilco property as they made the transition into WaWa and they removed them from there, noting there were approximately 9 of them at the time. He noted that many people are upset about it and 250 ties are not cheap. He noted not being certain but does not believe that the Pinelands

allows any creosote products to be used in the pinelands and rail road ties are creosoted and the Township is in the Pinelands, adjacent to the wetlands and less than 50 feet from the wetlands. He reiterated their concern with the timber, the rail road ties, the 4x4 angle arm that was ten feet long and had a tough and dense strength. He advised that they had over 80 of them at the station, each piece weighing about 35-26 pounds apiece which is not cheap. He expressed that having been told at the last meeting that no one seemed to know about it he feels it was a little deception and should never have been done. He noted the other metal down there, they have moved the 20 eye beams and quarter inch thick sheet metal, some were bent and some thrown in the mud along with the table, also dumped upside down. He advised that he is bringing it to their attention to see what action they want to take. President asked Mr. Tamn if he has brought these concerns to Administration, to which he expressed that since these issues were brought up here that he should come back here for them to decide what they want to do. President Cartier advised that he has to go through Administration in order to get their stuff back. Mr. Prickett asked how the Township could have used the materials, to which President Cartier questioned how they know these materials are rail road. Mr. Tamn stated that he can identify them and he was told that would be his first step is in identifying them and he asked the same of Administration.

Clare Wadsworth, Browns Mills – 1. Thanked Council for at least not limiting public comments at this time. She noted that she does come prepared and has 6 pages of documents relating to the budget and does not imagine that being completed in five minutes. 2. She noted that at the Budget Hearing Mr. Cartier monitored her very carefully and when she started to push an issue that actually she didn't quite understand that her question had been answered she let it go and did investigating on his own. She agreed that the Council President's job is to monitor unnecessary comments or repetitive comments. 3. In regards to the budget, Dept. 100 she questioned if the keyboarding position is going to be filled this year. Mr. Vaz noted that it will and the employee will start on Monday. In Dept. 120 there is a keyboarding I vacant position if the Township Clerk's Office and questioned if that would be filled this year. Mr. Vaz noted it would. In Dept. 185, Zoning, has a vacant director position and asked if that will be filled this year. President Cartier explained that was what they discussed earlier in the meeting. In Dept. 490, Municipal Court there is a court recorder, part time vacant and asked if that will be filled this year, to which Mr. Vaz confirmed it would. Mr. Vaz added for clarification that if they put money in the budget for the vacant positions it is their intention to fill them this year. Next she referred to page 13 in the budget calls for the purchase of a new Holland tractor at \$86,800 and two John Deere 4x4, 60" mower deck at \$43,200 and wondered if the purchase of these three pieces of equipment were going to eliminate the need for them to spend \$25,000 this year to sub out mowing as was done last year, such as the ball fields and others. President Cartier reflected that there has been no mention by Administration about contracting out that service this year to which Administration confirmed. Next she referred to page 24 regarding general engineering service, she noted that in 2010 Council appropriated \$41,000 rounded off and expended \$22,000. In 2011 they appropriated \$70,000 and expended \$60,000. She asked if there was a reason that \$70,000 is being asked for again this year. Mr. Vaz explained that as far as what they put in this year it's based on projections, knowing what projects they have going on and things that are not necessarily going to be covered by a capitol ordinance. He noted it's the same as with the legal items as they know how busy they are with litigation. In regards to page 30, Zoning Board, line item 2-01-21-185-000-110, which she believes is salary and wages, in 2010 appropriated was only \$3500, they expended nothing but in 2011 they appropriated \$48,000, expending \$22,000 and this year they are looking for \$81,000 and asked why. Mr. Vaz explained that they are speaking without having their budget books available, but off their memory the Zoning budget has a portion of the Zoning Officer/Director salary built into it, noting the total was \$75,000 and they split it up over different departments. He further explained that it also contains the Zoning clerk and Planning clerk and divided her salary as well. Mrs. Wadsworth expressed it would be nicer if the budget was a little easier to understand. On page 30 Fire and Other Safety Equipment she noted the expense of \$40,000, but there is nothing in the explanation. Mr. Vaz noted it is equipment but does not know the exact list of equipment. On page 53, Temp and Seasonal, she asked what they are asking for \$28,000 for to which the Mayor noted belief that they are for the seasonal and temp employees. Mrs. Wadsworth asked if they actually saved money on workers comp claims which is why they are spending the \$55,000, to which the Mayor noted that they haven't had any, so yes they are. She asked if they have any idea of the cost of worker comp claims in previous years just from leaf pickup. Mr. Vaz noted that yes they would know that. On page

54 regarding disposal fees, in 2010 they had \$4800 spent, in 2011 they appropriated \$49,000 and spent \$37,000 and questioned why they were going to allocate \$55,000. She noted that when looking at the explanations of this the line item has \$25,000 in it but a total of \$55,000, and asked if that was combining the leaf pickup. The Mayor noted that there is a number factored into that to rent the trash trucks that they rented last year. On page 58, Building Demolition, she noted that in 2010 and 2011 they appropriated \$2500 and spent nothing, but this year they have \$15,000 put aside and questioned if they have something specific being demolished with that money. The Mayor noted they do have some projects coming up and they did some last year but were fortunately able to charge that to another department. He referenced Ft. Dix Road, the old Evans Garage wherein the property was cleaned up but were able to charge it to Clean Communities. He advised that he did not want to commit to which projects they are doing in case they don't get to do them but they are anticipating demo projects and that's the money they have allocated for them.

America Phillips, Presidential Lakes – 1. She noted understanding that code enforcement is no longer under the police department but rather Administration and asked if code enforcement is in charge of homes and roads or just homes and what their duties are. Mr. Vaz noted that generally speaking the property maintenance code is what they spend most of their time enforcing. She noted that the house next to her's has improved and she assumed it was because Administration went after them. She also noted that Administration is not going to do anything about her roads because the Mayor has previously stated that they need drainage. She commented having to wait on that a few more years. 2. In regards to the train station she noted having questioned at the last meeting what was going on with the train station and acknowledged that she is not a member of the Trust but appreciates what the Township has for the residents and what Administration has destroyed and expressed it was disgraceful to go onto someone's property and steal things. She affirmed that she knew exactly what they had there after walking there for so many years and what was stolen. She expressed that it took nerve bring the items here and to tell the people that they did not even know what they have in their own yards and wants to know if Administration is going to be punished as any resident would have been for doing the same thing. She expressed that the reason they do not want anyone on the trails is because they don't want anyone to see what is there. She advised that she will be away for awhile and hopes that when she returns she will see that something has been done for the train station. She expressed understanding that the Mayor has an open door policy and has visited him before. And she reminded that her daughter-in-law had called him about two months ago and has yet received a return call.

Rich Koster, Browns Mills – 1. In regards to the discussion on time frame for public comments he was quite offended to hear that someone wanted to limit public comments to thirty minutes. He was quite disturbed that large groups appeared to be more important than the individual. He relayed that the freedom of speech is protected by the United States Constitution is for regress of grievance for an individual citizen has a voice, not that the big groups and the lobbyists and the power players squelch the small guy and only certain people can get to the mic. He expressed hope that they don't develop a strong statist of mentality here; noting that it's going on in too many other parts this country and would hate to see freedom of speech die here in Pemberton Township.

John Shaw, Browns Mills – 1. Noted that at the last meeting he brought up the issue of lights being out on Broadway, noting he wanted to add to the list that on Trenton Road in front of Kay's laundry mat, from Stackhouse School to the first light in front of the 7 eleven are all out as well. He shared that also on Broadway the lights from the Acme entrance and down 3-4 lights are also out, and the one that's missing. He then noted that previously it was mentioned about the parking lot and the lighting. He stated that the lights are out and it's very dark outside, all in the front and the side.

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

Solicitor's report: Mr. Bayer noted that he had nothing to report tonight.

Engineer's report: Mrs. Willis advised that she would answer any other questions one may have since she has already discussed Bayberry at length. Mr. Prickett noted that they have received a number of emails from Administration today with one that had a sign regarding

remediation in progress and asked if she knew about this. Mrs. Willis advised this is in regards to the Dept. of Public Works yard and there was previous contamination out there and their office has a licensed site remediation specialist. She noted that the Township had to contract a remediation specialist to come in and do some reporting and monitoring regarding the previous contamination. She noted there are some monitoring wells located throughout DPW yard and they were required to submit a report by March 1st and that sign is a portion of what needed to be put out there for compliance. She reported that they did meet the deadline and everything was submitted to the DEP before the March 1st deadline. Mr. Prickett asked if there was a possibility of having to put more test wells in. Mrs. Willis did not believe so and believes they are at the tail end of the monitoring as they have had many years of monitoring to this point and this was just to keep up to date what the State requirement is for their site. Mr. Prickett noted the form they got was hard to decipher and contained codes and he was not sure if they required more test wells or further testing to be done. She confirmed they did not and that Administration is looking into doing the fuel facility moving it to the new location and they will be doing testing out there as well. Mr. Prickett asked where the new location is to which she explained its just closer to PBM Road than the existing site, about 100 feet in front of it.

Mayor's and/or Business Administrator's report

1. Mayor Patriarca commented on the school play, Annie Get Your Gun, noting it was a great entertainment and that their kids are so talented. 2. He announced that Deborah Heart Challenge was another unbelievable event for Pemberton Township and it's so great that other schools are trying to solicit the event from them and Deborah is standing fast and is not willing to move it from the Township. 3. He reported that they received a grant from the FTA that the Rec Director applied for and they will be receiving a new Senior Bus which should secure the town for awhile. 4. He commented on the Ms. Phillips' comments on Tennessee Trail and that issue is being referred to the engineering dept. and hopes to get that on the list very soon. 5. As for the Train Station he does take offense that she refers to him as stealing items from someone else's' property, he doesn't believe anything was stolen, noting that there were numerous notice to organizations to remove items, but does not believe that anything was stolen and there is a channel to handle that if someone feels that something was stolen from them, they need to take the necessary steps and deal with it accordingly. 6. He noted that in regards to Imagination Kingdom Council should be proud of what they have done with bringing that park here to the Township and all those that were involved in it, noting that one could not find a parking spot. President Cartier noted that on Four Mile Road, just past Imagination Kingdom on the right side, there has been some tree clearing going on and asked if he knew anything about that. Mayor does not know what they are doing, he believes its wetlands area. Mr. Cartier noted its past the college and just past the private property on the right side. Mayor said that he will look into it. Mrs. Scull asked what the Township has removed from Ft. Dix Road and the gas station, noting a building came down and questioned if they took out a gas tank, to which he said no. She asked if any dirt has been removed from that facility. He did not know of any that was taken off of there other than perhaps the scrap that was all around the wood, the tires and all the stuff on the surface, but they have not dug anything out. He noted they actually had to bring dirt in as there was an old septic on the property that had to be filled. Mrs. Willis confirmed their office was contacted because an empty tank was found in the basement and they had Phil bring someone in to remove it but that he could fill the abandoned septic system. Mrs. Scull then relayed that in regards to the new bus for the seniors, they have advised that the steps for the new bus they have now are a little high and is hard for them. She questioned if when they get the new bus if the steps could be altered a little, to which the Mayor noted he would contact the company to see if they can offer a modified system. She noted that she is receiving questions from staff in that now that they can't visit the Train Station she may have to bring field trips here to visit with the Mayor or perhaps the police chief that can give a little bit of the history and job duties and functions.

Mr. Prickett addressed Mr. Vaz in regards to the tax increase this year, noting in the original budget it was 2.7 cents, to which Mr. Vaz confirmed. Mr. Prickett noted that he has not been able to find it on-line and asked what the final tax increase is. Mr. Vaz informed it went up a tenth of a cent. Mr. Prickett asked if it is now at 2.8 to which Mr. Vaz explained that he will not be able to find it in the budget document, it's just the raw numbers but noted he could add a sentence or two in the textural part of the web page if he wants. Mr. Prickett surmised that some residents would be interested in seeing that.

Council Members' Comments

Sherry Scull: **1.** Spoke of the Deborah Heart Challenge noting that the town has some extremely talented students. She relayed that they integrated some musical performances that were excellent, noting a jazz band and talented singers and that they came in second, and makes Pemberton Township shine. **2.** Reported that the seniors held their Valentines Dance thrown by the interact students that are part of Rotary from the high school. She also noted they had their Valentines luncheon and commented on how pact the senior center is and well attended daily. **3.** Announced the seniors are holding their flea market. **4.** Announced that the seniors' Prom will be held on March 28th at St. Ann's and tickets are available at the senior center. **5.** Noted having bought 40 pictures of the Ramona Earlin Nastai Montovani Collection. She advised that Ramona had passed away last December and was a photo bug that had numerous pictures from the fifties of the Township such as Lou's Restaurant, Vivian's Dress Shop, and Earlin's Chevrolet, and Flavor Land, Anderson's Garage, and Josh Anderson's store on PBM Road and gave praise of their historical value. **6.** Thanked everyone for coming out.

Richard Prickett: **1.** Expressed gladness at hearing Mr. Vaz regarding the OPRA bill and asked what committee it was and if it had been introduced. He expressed it is important that the government has enforced some changes, such as with the budget as a result of the Best Practice Surveys the amount of surplus used in a budget is listed for at least four or five years and the percent its utilized in the budget is there and has not been in the past. He also noted that how the tax rate is calculated is in the budget and he had not seen those in previous years. He thinks it's important that people have a chance to look at that comprehensive budget book, more than just the two hours that they had at the budget hearing and have an opportunity to be able to look through it for a couple weeks and come back and ask questions. He also felt it was important for example the ordinance introduced tonight for the Dept. of Community Development, it should be talked about publicly and receive input before voting on an ordinance. **2.** Noted he also was at the Deborah Heart Challenge and was impressed in the participants in the challenge as well as the artists that were there. He expressed that not only were they visually interesting but the music from some of the bands were terrific as was the food. **3.** He thanked everyone for coming out and looks forward to seeing everyone at the next meeting.

Diane Stinney: **1.** Expressed appreciation for everyone's opinions tonight on the topic of 5-minute speaking. She noted to happen to be a stickler for organization. She recalled one of her former students present herself in an orderly manner. She again thanked everyone for voicing their opinion and assured that she listens with a tentative ear and that is how she makes her decisions. **2.** She relayed that she as well was at the Deborah Heart Challenge and stood next to the young man playing the piano and was just amazed how he played. She noted the students around Burlington County are doing a phenomenal job and not always do they see or hear the good that their students do. **3.** Thanked everyone for coming out tonight, and to Council for listening to all of everyone's concerns and for allowing her to go over 5 minutes.

Jason Allen: **1.** Announced having attended the after school program at the Dominique Johnson Building, played a little basketball and participated in some of the activities with the kids. He expressed that it is an excellent Township program. **2.** Relayed that he also attended the Life Opportunities Presentation on mental illness which was a very interesting topic and he learned a lot. In the future they will be having more of these presentations so if anyone is interested in any of the topics to please come out and support them. **3.** He reported having information on a Nordstrom scholarship program and if any interested high school juniors are interested they are giving away \$10,000 to eighty students and the deadline is May 1st. **4.** He noted Mr. Koster and expressed he felt Mr. Koster was referring to him when he spoke about the 30 minute deadline for public comment period. He explained that in his research that was just something that he came across and he was sharing what he learned, and it was the League Staff Attorney who stated "that if many people wish to speak at the meeting and the meeting runs long, I recommend cutting the cut-off time for public comment period to a half an hour". Mr. Allen explained that he was just stating what he read on the web site and not giving his personal opinion. **5.** He thanked everyone for coming out and voicing their opinion, and getting their views across and looks forward to seeing everyone in two weeks.

Kenneth Cartier: **1.** He thanked everyone for coming out and wished them a safe trip home;

enjoy the upcoming beautiful weather next week.

The meeting was adjourned at approximately 10:54 p.m.

Respectfully submitted by,

AMY P. COSNOSKI, RMC, DEPUTY TOWNSHIP CLERK