

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
MAY 2, 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
Diane Stinney
Jason Allen
Ken Cartier
Richard Prickett

ABSENT

Also present: Mayor David Patriarca, Township Solicitors Andrew Bayer and Jaclyn Baker of GluckWalrath, Township Engineers Chris Rehmann and Kelly Willis, Township Planner Rick Ragan, 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. 106A-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:
HEITMANN NOTICE OF TORT CLAIM
PEMBERTON TWP. VS. PEMBERTON TOWNSHIP HISTORIC TRUST
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 Allen to approve Resolution No. 106A-2012.
Prickett, yes; Allen, yes; Scull, yes; Stinney, yes; Cartier, yes. Motion carried.

Council President Cartier recessed the open meeting at approximately 6:30 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)

President Cartier advised the public that no formal action was 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.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY.

Council President Cartier opened the meeting to the public for comments on the Consent Agenda items. There being no members of the public indicating a desire to comment on the consent agenda, he closed the meeting to public comments.

Jason Allen requested to pull Resolution No. 108A-2012 from the consent agenda.

CONSENT AGENDA ITEMS:

***MINUTES FILED BY MUNICIPAL CLERK**

Regular Meeting, April 4, 2012; Regular Meeting, April 18, 2012.

***CONSENT AGENDA RESOLUTIONS**

RESOLUTION 107A -2012

WHEREAS, THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS HAS APPROVED THE OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND ("TRUST FUND") AND ESTABLISHED A MUNICIPAL PARK DEVELOPMENT PROGRAM ("PROGRAM") TO PROVIDE GRANT FUNDS IN CONNECTION WITH MUNICIPAL ACQUISITION OF LANDS FOR COUNTY PARKS, RECREATION, CONSERVATION AND FARMLAND PRESERVATION PURPOSES, AS WELL AS FOR MUNICIPAL PUBLIC PARK AND RECREATION DEVELOPMENT PURPOSES; AND WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, UPON THE RECOMMENDATION OF THE MAYOR AND DIRECTOR OF RECREATION, DESIRES TO OBTAIN COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS IN THE AMOUNT OF \$223,520 FOR A PARK DEVELOPMENT PROJECT THAT WILL IMPROVE THE NESBIT PARK IN THE TOWNSHIP; AND

WHEREAS, THE TOTAL COST OF THE PROJECT INCLUDING ALL MATCHING FUNDS IS ESTIMATED TO BE \$223,520.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP OF PEMBERTON THAT:

1. THE MAYOR, BUSINESS ADMINISTRATOR, AND RECREATION DIRECTOR ARE AUTHORIZED TO (A) MAKE AN APPLICATION TO THE COUNTY OF BURLINGTON FOR MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS, (B) TO PROVIDE ADDITIONAL APPLICATION INFORMATION AND FURNISH SUCH DOCUMENTS AS MAY BE REQUIRED FOR THE MUNICIPAL PARK DEVELOPMENT PROGRAM AND (C) ACT AS THE MUNICIPAL CONTACT PERSONS AND CORRESPONDENTS OF THE ABOVE NAMED MUNICIPALITY;
2. THE TOWNSHIP OF PEMBERTON IS COMMITTED TO THIS PROJECT AND WILL PROVIDE THE BALANCE OF FUNDING, IF NECESSARY, TO COMPLETE THE PROJECT IN THE FORM OF NON-COUNTY MATCHING FUNDS AS REQUIRED IN THE POLICY AND PROCEDURES MANUAL FOR THE PROGRAM; AND
3. IF AWARDED A GRANT BY THE COUNTY OF BURLINGTON UNDER THE MUNICIPAL PARK DEVELOPMENT PROGRAM, THE MUNICIPALITY WILL USE THE APPROVED FUNDS IN ACCORDANCE WITH THE MUNICIPAL PARK DEVELOPMENT PROGRAM POLICY AND PROCEDURE MANUAL, AND APPLICABLE FEDERAL, STATE, AND LOCAL GOVERNMENT RULES, REGULATIONS AND STATUTES THERETO; AND
4. THE MAYOR IS AUTHORIZED TO EXECUTE AND THE TOWNSHIP CLERK TO WITNESS ANY REQUIRED DOCUMENTS, AGREEMENTS, AND AMENDMENTS THERETO WITH THE COUNTY OF BURLINGTON FOR THE APPROVED FUNDS; AND
5. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

RESOLUTION NO. 109A -2012

WHEREAS, PEMBERTON FARMS ASSOCIATES HAD PREVIOUSLY POSTED A BOND, FOR CERTAIN IMPROVEMENTS FOR PROPERTY KNOWN AS BLOCK 779, LOTS 4.04 WHICH A CASH GUARANTEE WAS POSTED IN THE AMOUNT OF \$24,068.00. WHEREAS, THE TOWNSHIP ENGINEER HAS RECOMMENDED THAT THE PERFORMANCE BOND BE RELEASED; AND WHEREAS, THE TOWNSHIP COUNCIL DEEMS IT APPROPRIATE TO GRANT THIS RELEASE; THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE CASH PERFORMANCE GUARANTEE FOR PROPERTY LOCATED AT BLOCK 779, LOTS 4.04, IN THE AMOUNT OF \$24,068.00 IS HEREIN AUTHORIZED TO BE RELEASED.

RESOLUTION NO. 110A-2012

RESOLUTION UTHORIZING MAYOR AND CLERK TO EXECUTE COLLECTIVE BARGAINING AGREEMENT WITH PBA, LOCAL #260 PBA

WHEREAS, THE TOWNSHIP ADMINISTRATION HAS ENGAGED IN COLLECTIVE BARGAINING NEGOTIATIONS WITH THE PBA, LOCAL #260, (HEREINAFTER "PBA") REGARDING A COLLECTIVE BARGAINING AGREEMENT TO COVER THE TIME PERIOD OF JANUARY 1, 2010 THROUGH DECEMBER 31, 2013; AND

WHEREAS, AS A RESULT OF NUMEROUS ATTEMPTS AT TRYING TO NEGOTIATE AN AGREEMENT THE PARTIES REACHED AN IMPASSE; AND

WHEREAS, THE PARTIES FILED FOR COMPULSORY INTEREST ARBITRATION WITH PERC AND A PERC DOCKET IA 2012-023 WAS ASSIGNED;

WHEREAS, FRANK A. MASON WAS ASSIGNED AS THE ARBITRATOR WHO MET AND HEARD TESTIMONY FROM BOTH PARTIES; AND

WHEREAS, THE ARBITRATOR ISSUED A BINDING DECISION BETWEEN THE TOWNSHIP AND PBA LOCAL 260 WHICH OUTLINES SPECIFIC TERMS AND CONDITIONS BETWEEN BOTH PARTIES; AND

WHEREAS, SAID AGREEMENT IS TO BE ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION; AND

WHEREAS, THE MAYOR HAS RECOMMENDED THAT TOWNSHIP COUNCIL RATIFY THIS AGREEMENT, AND THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS IN THE BEST INTEREST OF THE RESIDENTS AND CITIZENS OF THE TOWNSHIP TO RATIFY SAME.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR AND CLERK BE AND ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE PROPOSED AGREEMENT WITH PBA FOR THE TIME PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2013, A COPY OF WHICH SHALL BE ATTACHED TO THIS RESOLUTION.

BE IT FURTHER RESOLVED THAT RATIFICATION OF THE AGREEMENT IS CONDITIONED UPON ADOPTION BY THE TOWNSHIP COUNCIL OF A SALARY ORDINANCE AUTHORIZING THE WAGES, SALARIES AND BENEFITS CONTAINED IN THE AGREEMENT.

***NEW BUSINESS**

*Purchases over \$2,000.00:

- *1. Public Works Dept.: purchase of Motorola VHF radios for public works vehicles required for compliance of new FCC Narrow Band, from Mid-State, in the amount of \$8,280.00.
- *2. Fire Chief: purchase of breathing air compressor from Continental, in the amount of \$14,675.00.
- *3. Fire Chief: purchase of radios and wave antenna kit from Midstate Mobile Radio, in the amount of \$4,246.24.
- *4. Finance Dept.: purchase of annual software maintenance & support with Edmunds & Associates, Inc. for 2012, in the amount of \$9,436.00.

*Acknowledgement/approval of annual rides through the Township: 1. South Jersey Enduro Riders, Off Highway motorcycle event through sections of Brendan Byrne State Forest, June 3, 2012. 2. Central Jersey Competition Riders for 45th annual Pine Hill Enduro ride through sections of Brendan Byrne State Forest, May 6, 2012.

*Approval by Council required for payment of vouchers on bill list dated 4/27/12.

Motion by Scull and Allen to approve the consent agenda as amended. Scull, yes; Allen, yes; Stinney, yes (with abstention to the April 18th minutes); Prickett, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 108A-2012 (PULLED FROM CONSENT AGENDA EARLIER)

RESOLUTION NO. 108A-2012

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT

TO EARLE ASPHALT COMPANY IN THE AMOUNT OF \$218,213.13 FOR LEMMON AVENUE RECONSTRUCTION PHASE III WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS ISSUED AN INVITATION TO BID ON THE PHASE III RECONSTRUCTION OF LEMMON AVENUE (THE "PROJECT") AS A BASE BID, AND ALSO TO BID ON AN ALTERNATE BID ("ALTERNATE A"), 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 EARLE ASPHALT COMPANY WITH A TOTAL BID OF \$218,213.13, WHICH INCLUDES THE BASE BID AND ALTERNATE A; AND WHEREAS, THE TOWNSHIP ENGINEER RECOMMENDS THAT THE CONTRACT FOR THE PROJECT BE AWARDED TO EARLE ASPHALT COMPANY AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED EARLE ASPHALT COMPANY'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 PHASE III RECONSTRUCTION OF LEMMON AVENUE BE AND HEREBY IS AWARDED TO EARLE ASPHALT COMPANY IN THE AMOUNT OF \$218,213.13, WITH INCLUDES ITS BASE BID PLUS ALTERNATE A, 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 EARLE ASPHALT COMPANY; 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-04-11-925-925-901, G-02-41-865-701-705; AND

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

- A. EARLE ASPHALT COMPANY
- B. TOWNSHIP CHIEF FINANCIAL OFFICER
- C. TOWNSHIP ENGINEER
- D. GLUCKWALRATH LLP

Motion by Allen and Prickett to approve Resolution No. 108-2012. Allen yes; Prickett, yes; Stinney, yes; Scull, abstain; Cartier, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 8-2012 (Title read by President Cartier)

CAPITAL ORDINANCE APPROPRIATING \$115,000 FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR THE ACQUISITION OF TRACTORS, IN AND BY THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY

Motion by Allen and Scull to introduce Ordinance No. 8-2012 with a public hearing to be held on May 16, 2012.

Mr. Prickett noted that in the capital budget that was part of the 2012 budget there were three

pieces of equipment, noting a Holland Delta Tractor for \$86,800.00 and two John Deere tractors \$27,020, and 4x4 tractors for \$43,200 and he does not see them in this amendment, but does see a Massey Ferguson tractor and a Kubota tractor. He questioned if they went from three tractors to two. Mayor Patriarca confirmed that this request from Public Works represents two tractors as opposed to the three they originally were prepared to buy. He explained that the Massey will provide longer extended side arm they are seeking to cut the ditches and side of the roads and the Kubota will also serve as a larger five foot span grass cutter but will also come with a bucket. He noted that the smaller tractor they now use is failing and it is needed quite often. Mr. Prickett expressed interest in knowing what the model numbers are so they know what kind of tractors are in the capital ordinance. He relayed having looked at the Capital Assets inventory for 2011 and noticed there were 20 trucks, 8 dump trucks, and 3 tractors already and one of the tractors is 644H John Deere which is a very big tractor. He would like to know how everything fits into an overall plan for Public Works. He noted that he supports buying equipment that can be used but he believes there needs to be a plan and is not aware of what kind of equipment is being proposed in this capital ordinance. He is also concerned that the Kubota is a very expensive tractor and would like to compare the different types of vehicles and could not do so without the model numbers. President Cartier asked if the Mayor could have that information for Council by the next meeting. Mrs. Scull wanted to make sure that this would be the purchase of the tractors and they won't see another purchase down the road and for clarification asked if this replaces the three originally requested. The Mayor confirmed that this will take care of those needs. He did note however, that there has been a concern that the Water Department uses their tractors and for now they are still using Public Works' lawn mowers to cut for the Water Department so he cant tell them at this point that some where down the line they may see the Water Department seeking a lawn mower, but for now this will better suit the needs of the PDW. Mr. Prickett noted he is also concerned that the three tractors that are in the 2011 assets inventory indicated that they still have quite a life span, noting they were acquired in June, 2011, at least one tractor and the other was acquired in 2008 and the last in 2011.

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

ORDINANCE NO. 9-2012 (Title read by President Cartier)

AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

Motion by Prickett and Allen to introduce Ordinance No. 9-2012 with a public hearing to be held on May 16, 2012.

Mr. Prickett noted that there are three salary guidelines set up here, noting one for Council, Court Recorder and PBA.

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

ORDINANCES FOR SECOND READING, PUBLIC HEARING AND/OR FINAL ADOPTION

ORDINANCE NO. 7-2012 (Title read by President Cartier)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$115,000.00 FOR THE PURPOSE OF FUNDING THE PREPARATION OF AN APPROVED TAX MAP OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, NEW JERSEY

Motion by Scull and Allen to adopt Ordinance No. 7-2012.

Council President opened the meeting to the public for comments on Ordinance No. 7-2012. There being no members of the public indicating a desire to be heard, he closed the meeting to comments on said ordinance.

Mr. Prickett wanted to clarify when the tax maps will be completed. Mr. Rehmann expressed belief that they will be done this year noting this is a program that started in 2009 and they provided this price in phases over the years under the regular budget rather than raising taxes to perform the job. He advised that the Department of Revenue is changing the tax map

standards. He relayed that Richard Rehmann is on that committee and they have committed to make this tax map conform to the new standards so they would be up to date. He explained the reason why it has to be done now as a “rush project” is because Burlington County Re-Assessment has ordered that now and they need to get this complete. Mr. Prickett noted having received a question from the public regarding the tax map regarding whether the lines are based on satellite data or does anybody go to these spots. Mr. Rehmann clarified that a tax map is not a survey map but rather for assessment bases. He explained they construct the map by taking global positioning points throughout the Township so they can orient the map to areal photography so that when they overlay the lines on the map they conform generally to what they would see as evidence of property lines throughout an areal photography. He noted that the problem is that sometimes deeds are not written from any survey document and don’t necessarily match everything that’s there but this is a good representation. It should be useable for incorporation with into the GIS system where they can locate water and sewer mains and fire hydrants. They are getting as accurate as they can without actually surveying every parcel. Mr. Prickett asked the Mayor for confirmation that the re-assessment is going to start next year. Mayor Patriarca relayed that if they stay on track there is a good chance that next year they will start the re-assessments, but first they have to get their tax maps done. He clarified that Pemberton Township has not been ordered yet, but are approaching that order which was made clear by the County that they are not going to wait for the Township’s plan to phase this in, as with many towns that are in the process throughout the county and the state. Mrs. Scull recalled previous talks wherein the County was ready to order then and she has been expecting this to happen a couple years ago, but thinks the County got a little behind. The Mayor agreed that is an accurate analogy of what has occurred and they have been lucky that the other towns have fallen into their sites before they did and they are now going through their process and some have completed the process.

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

SOLICITOR’S REQUEST

Mr. Bayer asked that before they move forward to New Business he needed to address something with them. He reported that the Council authorized the Mayor to execute a contract to purchase the Light and Love church property some time ago for recreational fields. The Mayor noted that’s the property the Township is seeking to acquire through the County Open Space and Recreation grant. Mr. Bayer informed that they have been in the process of getting this ready for closing, working with the County. He noted that Mr. Rehmann has been performing a survey of the property which is required by the County to close and during the survey they discovered a paper street on the property which is a dedicated street but is not being used. He relayed that in order to perfect their application, because there are also Green Acres issues involved and has been advised by Mr. Rehmann that the Township needs to vacate the paper street which basically means that the property will go to the current property owner which is Light and Love Church. He advised that the Mayor and Engineer asked if he could bring this up to see if Council would allow introducing an ordinance by title vacating the street. Mr. Rehmann explained they would only be vacating whatever public rights there are as this was a sub-division that was filed but the road was never constructed and all the surrounding property surrounding the roadway is in the Church’s name. He noted that if they don’t vacate it then they have to show it on the survey and then they have to monument all of the points of curvatures, point of tangency and increases the Township’s costs and thought it would be easier if they just do the ordinance to vacate so that there is no road there so that the County and their program do not create an issue. Mr. Prickett asked if the road they are talking about vacating is totally on the property that they are interested in acquiring, so no one else has an interest than the Light and Love Church, to which Mr. Bayer noted he was correct. Mr. Allen noted that Mr. Rehmann had stated the road was never constructed and asked if he means that no asphalt was ever laid down. Mr. Rehmann advised he was correct and explained there are two actions; there is a dedication of the right of way when one files a sub-division and then normally they sub-divide and build a road and the Township then accepts the dedication but that action has not happened because the sub-division never went forward. Mr. Bayer noted there are issues in connection with bringing this closing because they have timing requirements under their contract with Light and Love and they are also trying to lock in what they have to do with the County which is why ARH and the Mayor asked if Council would consider introducing the ordinance by title. Mr. Bayer read the title for the record as follows: AN ORDINANCE VACATING THE DEDICATED RIGHT OF WAY OF WILLOW

BOULEVARD, FROM SCRAPETOWN ROAD NORTHWESTWARDLY TO LOT 1, BLOCK 827.03 AS SHOWN ON THE TAX MAP OF PEMBERTON TOWNSHIP, BURLINGTON COUNTY, STATE OF NEW JERSEY". President Cartier asked what the time constraints are. Mayor apologized for bringing this to Council this evening, noting that was not Administration's intent but some recent developments put this project under time constraints. He explained that this project actually involves two entities at the County as they are looking at the Recreational annual \$250,000 grant and Open Space grant. He advised that he is dealing with Matt Johnson of Open Space who is reviewing the part of the application that requires the title searches, survey and the environmental study and they have to get him the survey. He relayed that the reason he is concerned is that they are applying for another grant for this year's grant and they don't want this previous grant to interfere with the new application if they are not closing and finalizing the other deal. He is afraid they could jeopardize the new grant which is asking for another quarter of a million dollars. He advised that the new grant actually gets submitted tomorrow. Mr. Prickett asked if this was a resolution or an ordinance to which the Mayor explained that the resolution was for the grant application for the 2012 project at the Nesbit field but that application can be affected by the former award if they are not done that project. Mr. Rehmann expressed that he does not want there to be a color of title, meaning that some public once they dedicate a road makes inferences that there is public access and this vacation will take care of this issue. Mr. Prickett asked Mrs. Finlay if this ordinance would be number 10 to which she confirmed it would. Mr. Prickett noted that he would like to introduce ordinance no. 10. President Cartier interjected, asking the Solicitor how soon he could have this in to the Clerk and if it could be in to her by tomorrow and asked Mrs. Finlay if that was enough time. Mrs. Finlay expressed that her concern is that street vacation ordinances require ten days public notice as opposed to regular ordinances. Mr. Bayer noted they also have to mail notices to the affected property owners. Mrs. Finlay advised that Burlington County Times requires two days notice for requests for publication and if she gets the ordinance tomorrow and BCT allows her to publish this weekend they may make the deadline. She noted they have to first vote to add it to the agenda.

Motion by Prickett and Scull to add Ordinance No. 10-2012 to the agenda. Prickett, yes; Scull, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

ORDINANCE NO. 10-2012 (Title read by Council President)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON VACATING THE DEDICATED RIGHT OF WAY OF WILLOW BOULEVARD FROM SCRAPETOWN ROAD NORTHWESTWARDLY TO LOT 1, BLOCK 827.03 AS SHOWN ON THE TAX MAP OF TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY

Motion by Prickett and Scull to introduce Ordinance No. 10-2012 with a public hearing on May 16th. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

NEW BUSINESS

Engineer's approval requested for construction management of the Lemmon Ave. Phase III contract project in the amount of \$21,500.

President Cartier reminded Council that they just approved the funding for this project earlier in the Consent Agenda.

Motion by Scull and Prickett to approve the Engineer's request for construction management of the Lemmon Ave. Phase III project in the amount of \$21,500. Scull, yes; Prickett, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

General Public Comments

Clare Wadsworth, Browns Mills – 1. Noted that in regards to the capital ordinance concerning the tractors, that when this was presented in the budget she had concerns then. She questioned if the money is coming from General Capital Surplus or capital improvements. The Mayor noted this is in the 2012 capital budget, coming from the general capital. She advised she has experience with mowers and tractors and is presently being trained to run a Kubota tractor that

has a six foot mower and front end loader attachment and can not figure out what this would be used for in this Township because she knows what she uses it for and does not see an application in this Township for a piece of equipment that big. She expressed hope that Administration would consider allowing the head of public works to be here for the public hearing to explain why they need this and to answer any questions regarding it. Mrs. Scull agreed it may be a good idea as Council may also have questions. The Mayor noted he would take that under consideration. **2.** Announced that there is a fund raiser tonight at Rita's Water Ice for the CARE Foundation which is the Kyle and Rose Epilepsy Foundation and encouraged attendance if the meeting gets out early enough.

There being no other members of the public indicating a desire to be heard, President Cartier closed the meeting to general comments.

Solicitor's report

Mr. Bayer noted he had nothing to report to the public this evening.

Engineer's report

Mrs. Willis noted that she has two portions of the report to go over tonight, starting with the Bayberry Geotechnical report, noting that they had dropped off a letter to Council regarding their evaluation.

At this point someone from the audience questioned if the public comments that was closed was for general public comments, as he misunderstood and wanted to speak. Council agreed to allow opening the meeting back up to the public for general public comments.

General Public Comments

Darren Zehner – Noted that he signed his son up for baseball this year and now that he's here there's two different leagues, Little League and Cal Ripken. He advised they share the same facilities and they have a volunteer that's doing the vending outside for them but Cal Ripken actually gets to use the concession stand. They have been given a small janitor's shed for all of their belongings and there are at least five sheds on the property. He is trying to understand why the leagues are separate and they don't have the same access. The Mayor explained that a second league was created this year and they are meeting with both organizations to determine how to divide the use of Township property. He clarified that the Township has no interest in the leagues themselves. They don't get involved with either league other than provide facilities. Most of the sheds Mr. Zingner is referring to was supplied by Cal Ripken. The concession stand was built by the Township. They did supply a room to allow for some storage but for this year it's too complex to address for this season, but they are going to address it, noting that both organizations seem to be strong enough to use the concession stand. Mrs. Scull and Mr. Prickett asked about the various appliances and Mrs. Stinney asked about a food trailer, and the Mayor discussed some ideas regarding additional freezers, scheduling, and again assured they are going to address the matter.

Charles Marlin, Jr. – **1.** Explained that vendors make the money and it is not beneficial to the kids. He suggested it would be fantastic if they could use separate freezers with locks. He noted that maintenance on the fields has been good. He commented on the need of communication, and that with too many independent organizations they need supervisors. He noted the shame with kids having to go out of town for sports. **2.** He advocated for the Kubota noting anyone that sees 2 Kennedy Lane would understand the need for such a piece of equipment.

Engineer's report (continued)

Chris Rehmann reported: **1.** He reiterated that they have a FEMA issue with the Bayberry Street Dam. The issue is whether they qualify for funds to rebuild that dam so they can put that road back into service. He advised that they completed a Geotechnical evaluation of the dam to determine what happened during the flood. It appears that the dam was originally constructed in that the underlying soils were not properly compacted and the overtopping of the dam washed the sidewalk and eroded that away, but if one looks at the roadway there are longitudinal cracks

in the asphalt and they could not figure out why that was occurring. He informed that the underlying soils not being properly compacted lead to sloughing of that and as the erosion took place it weakened the down stream face and the rest of the soil started to move as the pressure on the water on the up stream side, face of the dam was pushing against the dam. President Cartier asked him to explain the longitudinal cracks. Mr. Rehmann they were cracks that went parallel to the center line, less than a half inch but continue to widen as they go. He advised that the prepared a letter report which they have given to Council, and the Geotechnical report will be on file with the Township for anyone to review and it will note they installed 12 test borings down to 45 to 90 feet. They had two tests to gain soil samples; they had laboratory analysis done on the soil by the specialized soil company. He advised that they will forward this to the Emergency Management Coordinator Craig Augustoni, as well as the state police and the FEMA people with the idea that they would like them to fund it. He relayed that their argument is that between 2000 and 2011 there was sufficient storms of about this order of magnitude of what they experienced last year in the Hurricane Irene and the dam held. So the Engineer's office is saying the causal effects of the failure was Hurricane Irene and that should be a FEMA funded project. Mrs. Scull asked if they are trying to say it wasn't. Mr. Rehmann noted that if they look at the Federal issues, Congress has not funded FEMA to the extent that they have in the past. He noted that the tornados that occurred down to Alabama, Louisiana and Mississippi caused quite a deficit in FEMA and he believes they are trying to find ways not to fund things they do not want to fund. At this point they are saying that it was not Hurricane Irene, and Mr. Rehmann noted this is their appeal and believes they have sufficient evidence to point to Hurricane Irene. Mrs. Scull thanked him for appealing the denial and not just accepting their "no".

Mrs. Willis then reported: **1.** Advised they are actually going to be doing three appeals on this project. She noted this appeal that Mr. Rehmann just discussed with the embankment and the structure itself, and the H and H analysis. She noted that because of codes and standards the DEP is requiring and H and H analysis to occur, noting that FEMA will cover a codes and standards issue and being that Hurricane Irene is what triggered the DEP to require this to be that is also something they will be applying to have reimbursed. **2.** In regards to the 2011 Road Program that was approved at the last meeting, the pre-construction meeting will be held this Friday at 10 AM. **3.** She relayed that now that Lemmon Avenue has been approved they will be scheduling that pre-construction meeting and shortly on the tails of that they will be applying for Tensaw Drive to DOT for their approval. She noted that fortunately that under the 2011 Road Program they surveyed and designed that roadway so it only needs the DOT approval to put that project out to bid.

Planner's report.

Mr. Ragan reported: **1.** the Dialysis Center has completed their engineer drawing and it has been submitted the Pinelands for certificate of filing. **2.** They have a pending application coming in for a Dollar General at Fort Dix and Pointville Road on the lot that used to be an old Chrysler dealership. **3.** They are working on the Pinelands requested ordinance changes which will go to the Planning Board then come back to Council. He noted they are not significant changes but are modifications that have to be made in accordance to Pinelands rules. **4.** He noted that in regards to Ms. Kelly that was here at the last meeting, they met with her and convinced her that she needs to appropriately go to the Zoning Board. He advised that she made her application and is scheduled for May 9th. **5.** They are also coordinating a minor zoning map change with Dave Benedetti that has come to light. He noted it was passed in an ordinance in 1988 which was never picked up on the map and it was an R17 to an R100 and has already been approved by Council in 1998.

Mrs. Scull noted to Mr. Ragan about a news flash regarding Dollar Generals in that they are building bigger stores and will have a lot of items that normal super markets have and questioned if that hopefully will be the type that they will have. Mr. Ragan noted yes, that this is their new prototype.

Mayor's report

Mayor Patriarca reported: **1.** In regards to a topic from the last meeting he did reach out to the Towing Association, pulled the old draft towing ordinance and will be scheduling a meeting with the association to review it and see what the concerns were and why they were never able to move forward with it. Mrs. Scull noted the new company in town and suggested they should be

invited. The Mayor noted that is Tri State and that they have been involved. **2.** He relayed they have met with representatives that will develop the Dollar General, project who have advised that once they have the property in hand they can put it up in no time at all. The Mayor noted this particular project will be about a 9100 square foot store. He advised that they do have a larger model store that they also do. He informed that since the initial meeting he has been contacted by another representative of that company and they have discussed a second store here in the Township, wherein they were looking to put one in Browns Mills. He noted that Dollar General likes to own their own properties and they are looking at a piece now and they don't believe it's too close for two stores. They are a growing company known to be a company with the largest growth rate and they are determined to come here. **3.** He reported having met with Deborah today noting a group is working with Deborah to bring in an ambulatory surgical center at Deborah. They are hopeful they are successful in obtaining their permits from the State and doesn't see any issues when they come in for any Planning approvals but they also have to make application to the Pinelands. It will be similar to Lourdes that will come in as a for profit entity on Deborah's property. They are proposing to bring in some services to the Township currently does not have. **4.** Updated the progress on the BMIA project noting the flooring started this week, they are working on the lighting on the stages and have started installation of the doors. **5.** Expressed hope to start setting up interviews this coming week for the vacant Business Administrator position, noting that now they are up to approximately 30 applications. **6.** He hopes to tie up some of the other union contracts shortly.

Council Members' Comments.

Rick Prickett: **1.** Noted that at the last meeting he asked about the Best Practice Survey and the surplus and was pleasantly surprised how quickly the Mayor got back to them.

Diane Stinney: **1.** Thanked everyone for coming out. **2.** Advised that she attended the Black History Club Fashion show which was fantastic and thanked the Administration at the Pemberton Township High School, the Counselors that helped to put the show together and gave rave reviews on the show. She also thanked all the companies that supported the school function by supplying the clothes and shoes.

Mayor Patriarca: Asked to report another item. He noted that in regards to the Uniform Construction Code Trust, the Administration has brought this up in the past but he needs to alert Council again that the CFO has warned that they are drastically heading into the red in that Department. He relayed that each year it has been depleted as a result of the low fees that are charged compared to other towns. He informed that each year they budget approximately \$300,000, anticipating an average income revenue resource of approximately \$200,000 which has been depleting each year. He advised that projected at the end of 2012 their balance will be somewhere in the area of \$50,000 so they will fall extremely short for the next budget. He informed that Administration will be coming to Council soon with an additional request for them to re-look at those fees so that that Department is not funded through their general budget as it was in previous years. He explained that if they fall approximately \$300,000 short they may be looking at a penny, or maybe 4 cents in the taxes. He noted he will continue to keep them updated. Mrs. Scull expressed thought that Administration was bringing Council a request on this months ago. The Mayor noted they brought them a survey and he recalls Council wanted more information. He noted the Construction Official is part time and comes in perhaps one day a week and he did the survey including the State's numbers and provided five comparisons with the Township being extremely low compared to other towns. He advised having met with Lumberton regarding potentially doing a shared service with a Construction Official's position to possibly save some costs in that area since they are looking for an individual. He noted the current individual came on part-time after having lost the previous official. He noted that he actually works with Lumberton and works with us on the side.

Sherry Scull: **1.** Announced that Denbo had a recent fund raiser and it was phenomenal, noting they had 204 baskets donated by the various businesses to the PTO and made her think of what a great community they have and how many of their businesses give back to the community. **2.** Noted that Dr. Gorman was a speaker at the BMIA talking about the budget and the funding of the schools. She noted that they are loosing 2.5 million dollars a year for the next few years. She expressed that he does not seem to be as concerned about it as she is but relayed that as a former Abbott District they were receiving monies to fund their school and their property taxes

did not go up because of the monies they were receiving. She advised that this year it will go up over \$200,000 because the school election was moved to November and the residents will no longer have a vote on the budget. She expressed they have tremendous school districts here, acknowledged they have problems with some of the discipline issues, but overall they have the greatest kids. She expressed the need for extra staff and advocated for smaller class sizes. She noted commenting to those that state they are going into education to re-think that because they are getting beat up all across the country. She urged that the community needs to understand and as a whole need to become very much involved with what is going on in Trenton and demanding from the State that they can not stand to loose 12.5 million. She relayed that thanks to the Education Law Center noting that last year they received 4 million back because they filed suit when they took money. She noted that with them being in the Pinelands they cannot afford to have the total increase come on the homeowners. She reiterated for everyone to pay attention to what's going on over the next couple of years because it does have an impact on their community and their property values. **3.** Thanked everyone for coming out tonight.

Jason Allen: **1.** Congratulated Mrs. Stinney for being honored at the High School's Fashion Show last Saturday. He noted it was a two day event, noting it was a very nice show. **2.** Complimented the residents and homeowners in the Township now that the weather is improving he has had the opportunity to ride his bike around the town. He noted having a great appreciation for some of the lawns and home maintenance that some of the residents have put into their properties. **3.** In regards to Mr. Marlin's comments regarding Little League, unfortunately he and his family and supporters have already left the meeting. However he suggested that after this season since there is only a month left that they jot down their complaints and concerns and get them to the Mayor and Council and possibly Tamara of the Recreation Department, since there is plenty of time before next year's season and perhaps they can address those concerns prior to the next season. **4.** Informed that there is a TAG meeting tomorrow at the Country Lakes Club House at 7 PM and requested for those interested to attend.

Richard Prickett: asked to make additional comments. **1.** Recognized Mrs. Stinney for being honored at the Fashion Show. **2.** Announced that the Early Childhood Center is going to have its Grand Opening on the 15th of May and hopes everyone will come out. **3.** Last weekend at the BMIA, Superintendent Gorman was there and spoke about the Denbo-Crichton complex. He advised that it is a complex that he believes that Denbo will be torn down and Crichton will be upgraded. Mrs. Scull corrected that it was the other way around. He noted that additional class rooms are going to be added to that complex. He informed that it's a State funded improvement and awhile back the Governor bonded for approximately 19 billion dollars and unfortunately this project was not given the status this year for completion and the money is there so hopefully next year it will be redone. He expressed the need for them to get involved in the process and let their legislators know that this is a priority for Pemberton residents. He noted it may be a little early to do so but would like to see the Council pass a resolution encouraging the legislators to support the revitalization of the Denbo-Crichton complex. **4.** He expressed that the State has been really kind to Pemberton Township over the last ten years since they received their special designation. He noted that they funded the Township about 90% give or take, tens of millions of dollars, so he thinks they have been very good and he will not get angry at the State. He thinks they still need to express themselves and let them know they still need their help but to thank them at the same time that they have supported them and their children of Pemberton Township. **5.** He expressed taking one exception to Mrs. Scull's comment about rethinking education if one is thinking about getting into teaching. He noted that as a retired teacher they know if they are a teacher they will overcome all obstacles to teach. He realizes it's not easy but working with children is so important. He shared that a teacher will put up with all the hassles that can come at a teacher's direction and he would encourage anyone interested and has encouraged and the number that he has encouraged have become teachers and some of them have done very well. He reiterated encouraging people to get into teaching as they don't have a future without teachers. **6.** He wished everyone a good night.

Sherry Scull: asked to make additional comments: **1.** She noted having been there 38 years and has gone through rough times and has been harassed because she has been vocal. She expressed it's a tough job and right now they are not getting money. She noted some folks that came in at \$50,000 that are going to be lucky to hit \$60,00 in ten and twelve years due to the CAPs and the way things are. She expressed that people don't go into education for the money but they have to survive and there are some people who are not ready to retire that are leaving because of the horrible abuse, locally, from the Governor, from all over the State. She expressed that the

teaching staff and employees are the last people that deserve what they have been given. She commented that most people that went in were gone in five years and one really has to have a love for it as it is very rewarding. **2.** Asked the Mayor to clarify a hot persistent rumor that he wants a fire house right next door. The Mayor acknowledged that he has said in the very distant past that if they built a centralized fire house this would be a great spot for it. However, he assured that he has said very often after that this town has no resources to build a fire house, it has no plans to build one and they are not looking or heading in that direction. Mrs. Scull said that the rumor keeps popping up and she remembers when they had talked years ago and someone had asked the question whether they favored a paid fire department and they all basically assured they could not afford a paid fire department. She thought she remembered his comment was that they would need a central building because they can't pay people all over the place and that's where it all came up. She noted that she keeps telling people now that they have no intention on building a fire house but no one believes her. The Mayor affirmed that if they can maintain volunteer service they should, because they can't afford it.

Richard Prickett: asked to make additional comments: **1.** He expressed that as far as funding a fire house he understands there are a number of grants that are available to do that. He expressed that possibly it's not the costs of building the fire house but rather the cost of to fund the paid fire companies. To which the Mayor noted that they do not have the funds for that.

Kenneth Cartier: Thanked everyone for coming out and wished everyone a safe trip home.

The meeting was adjourned at approximately 8:30 p.m.

Respectfully submitted by,

MARYANN FINLAY, MMC, TOWNSHIP CLERK