

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
JULY 11, 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

**ABSENT**

Diane Stinney (arrived  
approximately 6:31 p.m., just  
before Closed Session commenced.

Also present: Mayor David Patriarca, Business Administrator Dennis Gonzalez, Township Solicitors Andrew Bayer, Township Engineer Chris Rehmann and Kelly Willis, Township Planner Rick Ragan, 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. 126-2012**

WHEREAS, SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, P.L. 1975 PERMITS THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES; AND  
WHEREAS, THIS PUBLIC BODY IS OF THE OPINION THAT SUCH CIRCUMSTANCES PRESENTLY EXIST;  
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:  
BROWNS MILLS SHOPPING CENTER CONTRACT NEGOTIATIONS  
PENDING LITIGATION: GEIBEL V. PEMBERTON TOWNSHIP
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. 126-2012. Prickett, yes; Allen, yes; Scull, 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) Also noted for the record. Mrs. Stinney arrived just before Closed Session began.

President Cartier advised the public 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.**

President Cartier noted that there was a resolution for consideration of

adding to the consent agenda. He explained it would be Resolution No. 145-2012 which would authorize a lease for a mailing/folding office equipment. He advised that although it came in late yesterday and did not make the agenda it is a savings for the Township.

Motion by Prickett and Scull to add Res. 145-2012 to the Consent Agenda. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

## **PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY.**

Council President Cartier opened the meeting to the public for comments on the Consent Agenda items. Those commenting were:

**Rich Koster, Browns Mills – 1.** Questioned where door listed under purchases over \$2,000, in the amount of \$4332.00 is going to be installed and what type of door it is for this price. Mayor Patriarca explained they were steel fire rated doors, including the hardware for the wells.

**Clare Wadsworth, Browns Mills – 1.** Questioned the \$11,750.00 for the HVAC repairs and upgrades for the BMIA Building, noting that the last time she was there the system seemed to be working fine. Mayor Patriarca explained that it is for new heating and air conditioning at the BMIA. He noted not knowing what the conditions were at the time she last visited the site but they need to be done now. He also advised that this part of this work was started by another contractor that did not finish the job and the second contractor coming in to finish this. She asked how much money was spent with the previous contractor but he did not know.

There being no other members of the public indicating a desire to be heard the meeting was closed to public comments on the consent agenda.

President Cartier noted that they need to pull Res. 137-2012 as the applicant had not received Tax Clearance. Mr. Prickett asked to pull New Business item 11. a. 4. regarding purchase of vinyl siding and associated materials for BMIA Building from ABC Supply Company in the amount of \$9,301.96. He also requested to pull off the bill list the following bills: pg. 2 #12-01831 @ \$1,567.84, pg., pg. 3 #12-01504 @ \$1,875.00, pg. 8 #12-01594 @ \$1,986.75, pg. 8 #1201660 @ \$1,967.84, pg. 9 #12-01938 @\$517.50, and pg. 10 #12-01666 @ \$1,557.69 Mr. Allen requested to pull off pg. 9, noting he has a question on street lighting.

## **CONSENT AGENDA ITEMS**

### **\*MINUTES FILED BY MUNICIPAL CLERK**

Regular Meeting, June 20, 2012.

### **\*CONSENT AGENDA RESOLUTIONS**

#### RESOLUTION NO. 127-2012

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:

MELODY TRAINOR, \$160.25, REFUND FOR THE MIDDLE SCHOOL SUMMER RECREATION FIELD TRIP WEEK, PROGRAM CANCELLED DUE TO LOW ENROLLMENT.

EUGENE MARTINEZ, \$485.00, REFUND FOR GRADING PLAN, BOTH RESIDENT AND COMPANY PAID.

LESLIE LEONARD, \$334.45, REFUND FOR THE MIDDLE SCHOOL SUMMER RECREATION PROGRAM, PROGRAM CANCELLED DUE TO LOW ENROLLMENT.

LESLIE LEONARD, \$157.00, REFUND FOR THE FIELD TRIP WEEK, PROGRAM CANCELLED DUE TO LOW ENROLLMENT.

CHRISTINA COLES, \$215.00, REFUND FOR THE MIDDLE SCHOOL SUMMER RECREATION PROGRAM, PROGRAM CANCELLED DUE TO LOW ENROLLMENT.  
JOANNE JEFFERSON, \$40.00, REFUND FOR WATER CARNIVAL, UNABLE TO SELL ITEMS.

RESOLUTION NO. 128-2012

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING CHANGE ORDER #1 IN THE DECREASED AMOUNT OF \$4,170.00 TO LAYNE CHRISTENSEN, FOR WELL #13 EMERGENCY REPAIR

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AWARDED A CONTRACT TO LAYNE CHRISTENSEN (THE CONTRACTOR) FOR WELL #13 EMERGENCY REPAIR IN THE AMOUNT OF \$29,000.00 (THE "PROJECT"); AND

WHEREAS, THE CONTRACTOR HAS PROVIDED A REDUCTION IN THE AMOUNT OF \$4,170.00 FOR VARIOUS MISCELLANEOUS ITEMS AS DESCRIBED IN THE ATTACHED REPORT; AND

WHEREAS, THE TOWNSHIP ENGINEER HAS REVIEWED THE CONTRACTOR'S REPORT, AND HAS RECOMMENDED THE ISSUANCE OF CHANGE ORDER #1.

NOW, THEREFORE BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER #1 FOR WELL #13 EMERGENCY REPAIR IN THE REDUCTION OF \$4,170.00 FOR THEREBY DECREASING THE TOTAL PROJECT COST TO DATE FROM \$29,000.00 TO \$24,830.00; AND

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

- A. LAYNE CHRISTENSEN, INC.
- B. TOWNSHIP ENGINEER
- C. TOWNSHIP CFO
- D. TOWNSHIP ADMINISTRATOR
- E. GLUCKWALRATH LLP

RESOLUTION NO. 129-2012

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 672 LOT 21, 18 SIOUX TR. OWNED BY EDWARD J & PAULA J DICKERSON QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF MAY 9, 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 672 LOT 21 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2012 TO MAY 28, 2012 ARE \$1529.94; AND

WHEREAS, TOTAL TAX FOR FIRST HALF OF 2012 - \$2134.40 OF WHICH \$1529.94 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF FIRST HALF 2012 TAXES IN THE AMOUNT OF \$604.46.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MAY 9, 2012.

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

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2012 PROPERTY TAXES ON BLOCK 672 LOT 21 AS OF MAY 9, 2012, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.

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.

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL BALANCE OF FIRST HALF 2012 TAXES IN THE AMOUNT OF \$604.46.

RESOLUTION NO. 130-2012

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 239 LOT 37, 210 JUNIPER AVE OWNED BY GREGORIO & HIPOLITA FONTANEZ QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF MAY 15, 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 239 LOT 37 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2012 TO MAY 14, 2012 ARE \$928.80; AND

WHEREAS, TOTAL TAX FOR FIRST HALF OF 2012 - \$1239.24 OF WHICH \$1239.24 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF FIRST HALF 2012 TAXES IN THE AMOUNT OF \$310.44 AND ISSUE A REFUND OF \$310.44 FOR OVERPAYMENT OF 1<sup>ST</sup> 1/2 2012.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MAY 15, 2012

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

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2012 PROPERTY TAXES ON BLOCK 239 LOT 37 AS OF MAY 15, 2012, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.

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.

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$310.44 TO GREGORIO & HIPOLITA FONTANEZ, 210 JUNIPER AVE., BROWNS MILLS, NJ 08015

RESOLUTION NO. 131-2012

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 1126 LOT 4, 611 SANDRA DR. OWNED BY JOHN & URSULA GARDNER QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JUNE 25, 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 1126 LOT 4 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2012 TO JUNE 24, 2012 ARE \$1362.55; AND  
WHEREAS, TOTAL TAX FOR FIRST HALF OF 2012 - \$1409.66 OF WHICH \$1550.00 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF FIRST HALF 2012 TAXES IN THE AMOUNT OF \$47.11 AND ISSUE A REFUND OF \$187.45 (WHICH INCLUDES AN OVERPAYMENT OF \$140.34).  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JUNE 25, 2012.  
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2012 PROPERTY TAXES ON BLOCK 1126 LOT 4 AS OF MAY 15, 2012, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.  
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.  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$187.45 TO JOHN & URSULA GARDNER, BROWNS MILLS, NJ 08015

RESOLUTION NO. 132-2012

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 656 LOT 18, 90 TENSAW DR. OWNED BY ERNEST L. HARRIS QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF MAY 29, 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 656 LOT 18 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2012 TO MAY 28, 2012 ARE \$1290.34; AND  
WHEREAS, TOTAL TAX FOR FIRST HALF OF 2012 - \$1559.20 OF WHICH \$1559.20 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF FIRST HALF 2012 TAXES IN THE AMOUNT OF \$268.86 AND ISSUE A REFUND OF \$268.86 FOR OVERPAYMENT OF 1<sup>ST</sup> 1/2 2012.  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MAY 29, 2012.  
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2012 PROPERTY TAXES ON BLOCK 656 LOT 18 AS OF MAY 29, 2012, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.  
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.  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$268.86 TO ERNEST L. HARRIS, 90 TENSAW DR., BROWNS MILLS, NJ 08015

RESOLUTION NO. 133-2012

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 1109 LOT 14, 138 OAK PINES BLVD. OWNED BY WILFORD & EVELYN THOMAS QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF APRIL 30, 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 1109 LOT 14 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2012 TO APRIL 29, 2012 ARE \$1021.00; AND  
WHEREAS, TOTAL TAX FOR FIRST HALF OF 2012 - \$1720.72 OF WHICH \$1021.00 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF FIRST HALF 2012 TAXES IN THE AMOUNT OF \$699.72.  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF APRIL 30, 2012.  
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2012 PROPERTY TAXES ON BLOCK 1109 LOT 14 AS OF APRIL 30, 2012, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.  
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.  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL BALANCE OF FIRST HALF 2012 TAXES IN THE AMOUNT OF \$699.72.

RESOLUTION NO. 134-2012

WHEREAS, THE TOWNSHIP OF PEMBERTON IS A CURRENT MEMBER OF THE NEW JERSEY MUNICIPAL SELF INSURER'S JOINT INSURANCE FUND, ALSO KNOWN AS NJMSJIF; AND  
WHEREAS, ACCORDING TO THE BY-LAWS OF SAID FUND THE TOWNSHIP MUST APPOINT A FUND COMMISSIONER IN ORDER TO BREAK TIE VOTES OF THE FUND;  
NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TOWNSHIP OF PEMBERTON DOES HEREBY APPOINT THE FOLLOWING INDIVIDUALS AS COMMISSIONERS TO THE NEW JERSEY MUNICIPAL SELF INSURER'S JOINT INSURANCE FUND  
1. FUND COMMISSIONER  
DENNIS GONZALEZ, BUSINESS ADMINISTRATOR  
2. ALTERNATE FUND COMMISSIONER  
MICHELE ADAMS, TAX COLLECTOR

RESOLUTION NO. 135-2012

WHEREAS, THE PROPERTY OWNERS ON THE ATTACHED SCHEDULES A THROUGH F WERE IN VIOLATION OF CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR PROPERTY MAINTENANCE; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON, AFTER SERVING THE REQUIRED NOTICES, AND HAVING RECEIVED NO RESPONSE, PROCEEDED WITH THE NECESSARY ACTION THROUGH THE CODE ENFORCEMENT OFFICE TO ABATE THE VIOLATIONS; AND

WHEREAS, THE CODE ENFORCEMENT OFFICIAL HAS CERTIFIED THE COSTS OF THE AFOREMENTIONED ACTION AS SET FORTH IN THE ATTACHED SCHEDULES A THROUGH F;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO IMPOSE A LIEN UPON THE PROPERTY(S) SET FORTH IN THE ATTACHED SCHEDULES A THROUGH F.

RESOLUTION NO. 136-2012

WHEREAS, APPLICATION HAS BEEN MADE BY DRAEL, INC. TO THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE #0329-33-017-003 FOR THE LICENSING PERIOD OF JULY 1, 2011 TO JUNE 30, 2012 AND FOR LICENSING PERIOD OF JULY 1, 2012 TO JUNE 30, 2013; AND

WHEREAS, SAID APPLICATION HAS BEEN DULY ADVERTISED AND NO OBJECTIONS WERE FILED WITH THE TOWNSHIP CLERK; AND

WHEREAS, THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL HAS ISSUED A SPECIAL RULING ALLOWING THE MUNICIPALITY TO CONSIDER RENEWAL FOR THE 2011-2012 AND 2012 AND 2013 LICENSE TERMS, WHICH PERMITS THE GOVERNING BODY TO NOW RENEW SAID LICENSES FOR THE LICENSING PERIODS OF JULY 1, 2011 TO JUNE 30, 2012 AND FOR LICENSING PERIOD OF JULY 1, 2012 TO JUNE 30, 2013;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE FOLLOWING INACTIVE PLENARY RETAIL CONSUMPTION LICENSE BE RENEWED FOR THE LICENSING PERIOD OF JULY 1, 2011 TO JUNE 30, 2012 AND FOR LICENSING PERIOD OF JULY 1, 2012 TO JUNE 30, 2013, SUBJECT TO A SPECIAL CONDITION IMPOSED AT THE REQUEST OF ABC THAT NO FURTHER RENEWALS FOR THIS LICENSE SHALL BE GRANTED UNLESS THE LICENSE IS BEING ACTIVELY USED AT AN APPROVED SITE ON OR BEFORE JUNE 30, 20-13, EXCEPT IF GOOD CAUSE FOR RECONSIDERATION IS SHOWN.

DRAEL, INC. 0329-33-017-003

RESOLUTION NO. 137-2012

WHEREAS, APPLICATIONS HAVE BEEN MADE TO THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE FOR THE PERIOD OF JULY 1, 2012 TO JUNE 30, 2013; AND

WHEREAS, THE SAME HAVE BEEN DULY ADVERTISED AND NO OBJECTIONS HAVE BEEN FILED WITH THE TOWNSHIP CLERK; AND

WHEREAS, THE RENEWAL APPLICATIONS HAVE BEEN COMPLETED IN ALL RESPECTS AND THE BELOW-NAMED APPLICANT IS QUALIFIED TO BE A LICENSEE IN ACCORDANCE WITH ALL STATUTORY, REGULATORY, AND LOCAL GOVERNMENTAL ABC LAWS AND REGULATIONS;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE FOLLOWING LICENSE BE RENEWED FOR THE PERIOD OF JULY 1, 2012 TO JUNE 30, 2013, EFFECTIVE UPON ADOPTION OF THE RESOLUTION HEREIN:

PLENARY RETAIL CONSUMPTION LICENSE:

TERRACE INN, INC.

0329-33-006-004

T/A TERRACE INN

RESOLUTION NO. 138-2012

WHEREAS, DANIEL E. STRAFFI, BANKRUPTCY TRUSTEE HAS APPLIED TO THE TOWNSHIP OF PEMBERTON FOR AN EXTENSION OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-010-005; AND

WHEREAS, THE COURTS HAVE APPOINTED DANIEL E. STRAFFI AS THE BANKRUPTCY TRUSTEE FOR SGSL ENTERPRISES, INC. HOLDER OF THE PLENARY RETAIL CONSUMPTION LICENSE.

WHEREAS, THE EXTENSION OF LICENSE APPLICATION FORM SUBMITTED IS COMPLETE IN ALL RESPECTS AND A RENEWAL APPLICATION HAS BEEN RECEIVED FOR PROCESSING ONCE THE EXTENSION OF LICENSE HAS BEEN COMPLETE.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TOWNSHIP COUNCIL HEREIN APPROVES THE EXTENSION OF LICENSE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-010-005 FROM TO DANIEL E. STRAFFI, BANKRUPTCY TRUSTEE WHOSE MAILING ADDRESS IS 670 COMMONS WAY, BUILDING 1, TOMS RIVER, NJ 08755

BE IT FURTHER RESOLVED THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE THE EXISTING LICENSE CERTIFICATE TO EFFECTUATE EXTENSION OF LICENSE TRANSFER OF THE AFOREMENTIONED LICENSE, WHICH SAID TRANSFER SHALL BE EFFECTIVE JULY 11, 2012.

RESOLUTION NO. 139-2012

WHEREAS, BM LIQUORS, INC. HAS APPLIED TO THE TOWNSHIP OF PEMBERTON FOR A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-011-009; AND

WHEREAS, THE APPLICANT HAS DISCLOSED AND THE TOWNSHIP COUNCIL HAS REVIEWED THE SOURCE OF FUNDS USED IN THE PURCHASE OF THE LICENSE AND THE LICENSED BUSINESS AND ALL ADDITIONAL FINANCING OBTAINED IN CONNECTION WITH THE LICENSED BUSINESS AND PREMISES; AND

WHEREAS, THE PERSON-TO-PERSON TRANSFER APPLICATION FORM SUBMITTED IS COMPLETE IN ALL RESPECTS, THE TRANSFER FEES HAVE BEEN PAID, THE LICENSE HAS BEEN PROPERLY RENEWED FOR THE CURRENT LICENSE TERM, AND THE APPLICANT IS QUALIFIED TO BE LICENSED ACCORDING TO THE STANDARDS ESTABLISHED BY TITLE 33 OF THE NEW JERSEY STATUTES AND APPLICABLE REGULATIONS AND ORDINANCES AS REVEALED THROUGH APPROPRIATE INVESTIGATIONS;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TOWNSHIP COUNCIL HEREIN APPROVES THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-011-009 FROM SKIPS BAR AND GRILL LLC, T/A SKIPS BAR AND GRILL TO BM LIQUORS INC. WHOSE MAILING ADDRESS IS 25 JEFFERSON COURT, FREEHOLD, NJ 07728;

BE IT FURTHER RESOLVED THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE THE EXISTING LICENSE CERTIFICATE TO EFFECTUATE THE PERSON-TO-PERSON TRANSFER OF THE AFOREMENTIONED LICENSE, WHICH SAID TRANSFER SHALL BE EFFECTIVE JULY 11, 2012.

RESOLUTION NO. 140-2012

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT

TO ASPHALT PAVING SYSTEMS, INC. IN THE AMOUNT OF \$177,000.00 FOR THE TENSAW DRIVE ROADWAY IMPROVEMENTS PROJECT

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE AWARD OF A CONTRACT FOR TENSAW DRIVE ROADWAY IMPROVEMENTS (THE "PROJECT"), IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.*; AND

WHEREAS, THE TOWNSHIP HAS RECEIVED APPROXIMATELY \$213,700.00 FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ("NJDOT") LOCAL AID PROGRAM IN ORDER TO FUND THE PROJECT; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER FOR THE PROJECT IS ASPHALT PAVING SYSTEMS, INC. ("ASPHALT PAVING") WITH A BASE BID OF \$177,000.00; AND

WHEREAS, THE TOWNSHIP ENGINEER RECOMMENDS THAT THE CONTRACT FOR THE PROJECT BE AWARDED TO ASPHALT PAVING AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED ASPHALT PAVING'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 TENSAW DRIVE ROADWAY IMPROVEMENTS BE AND HEREBY IS AWARDED TO ASPHALT PAVING SYSTEMS, INC. IN THE AMOUNT OF \$177,000.00,

WHICH IS TO BE FUNDED BY THE NJDOT LOCAL AID PROGRAM, 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 ASPHALT PAVING.

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 \_\_\_\_\_; AND

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

- A. ASPHALT PAVING SYSTEMS, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 141-2012

WHEREAS, IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.* THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON VARIOUS PLUMBING SUPPLIES WHICH WILL BE PROVIDED TO THE TOWNSHIP WATER DEPARTMENT; AND

WHEREAS, THE BID SPECIFICATIONS PROVIDE THAT THE PLUMBING SUPPLIES MAY BE AWARDED IN ALTERNATES, OR BY LINE ITEM, WITH THE BIDDER WHO PROVIDES THE LOWEST BID ON EACH LINE ITEM BEING ENTITLED TO AN AWARD OF A CONTRACT FOR THAT ITEM; AND

WHEREAS, ATLANTIC PLUMBING SUPPLY CORP. ("ATLANTIC") AND FALASCA MECHANICAL, INC. ("FALASCA") WERE THE TWO BIDDERS TO SUBMIT CONFORMING BIDS TO THE TOWNSHIP; AND

WHEREAS, UPON REVIEW BY THE TOWNSHIP ADMINISTRATOR, IT WAS DETERMINED THAT OUT OF THE ELEVEN (11) LINE ITEMS WHICH THE TOWNSHIP INVITED BIDDERS TO BID UPON, ATLANTIC WAS THE LOWEST COMPLIANT BIDDER SUBMITTING A BID FOR ITEMS 1 THROUGH 7 AND FOR ITEM 9; AND

WHEREAS, IT WAS FURTHER DETERMINED THAT FALASCA WAS THE LOWEST COMPLIANT BIDDER SUBMITTING A BID FOR ITEMS 8 AND 11; AND

WHEREAS, ATLANTIC FAILED TO BID ON ITEM 10, THEREFORE IT WAS DETERMINED THAT FALASCA WAS THE LOWEST COMPLIANT BIDDER SUBMITTING A BID FOR THIS ITEM AS WELL; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED BOTH ATLANTIC'S BID AND FALASCA'S BID AND FINDS THEM TO BE LEGALLY SUFFICIENT; AND

WHEREAS, THE TOWNSHIP DESIRES TO AWARD A CONTRACT FOR THE PROVISION OF PLUMBING SUPPLIES, AS SET FORTH IN BID ITEMS 1 THROUGH 7 AND ITEM 9, TO ATLANTIC PLUMBING SUPPLY CORP.; AND

WHEREAS, THE TOWNSHIP DESIRES TO AWARD A CONTRACT FOR THE PROVISION OF PLUMBING SUPPLIES, AS SET FORTH IN BID ITEMS 8, 10 AND 11, TO FALASCA MECHANICAL, INC.

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 A CONTRACT BE AWARDED TO ATLANTIC PLUMBING SUPPLY CORP. FOR THE PROVISION OF PLUMBING SUPPLIES AS SET FORTH IN ITEMS 1 THROUGH 7 AND ITEM 9 TO THE BID SPECIFICATIONS, IN AN AMOUNT NOT TO EXCEED \$15,306.15, 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 ATLANTIC PLUMBING SUPPLY CORP.; AND

BE IT FURTHER RESOLVED, THAT A CONTRACT BE AWARDED TO FALASCA MECHANICAL, INC. FOR THE PROVISION OF PLUMBING SUPPLIES AS SET FORTH IN ITEMS 8, 10 AND 11 TO THE BID SPECIFICATIONS, IN AN AMOUNT NOT TO EXCEED \$15,883.00, 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 FALASCA MECHANICAL, INC.; AND

BE IT FURTHER RESOLVED, THAT THESE CONTRACTS ARE AWARDED AS OPEN-ENDED CONTRACTS, AND THE CONTRACTORS SHALL SUPPLY THE VARIOUS PLUMBING SUPPLIES IN ACCORDANCE WITH THEIR PER ITEM BID AMOUNTS AS INDICATED IN THEIR BID SUBMISSION ON AN AS NEEDED BASIS AND ONLY AT THE REQUEST OF THE TOWNSHIP; AND

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP WATER DEPARTMENT SHALL NOT EXCEED ITS BUDGETED AMOUNT FOR THE PURCHASE OF PLUMBING SUPPLIES WITHOUT PRIOR APPROVAL FROM THE TOWNSHIP COUNCIL; 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 \_\_\_\_\_; AND

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

- A. ATLANTIC PLUMBING SUPPLY CORP.
- B. FALASCA MECHANICAL, INC.
- C. TOWNSHIP ADMINISTRATOR
- D. TOWNSHIP CHIEF FINANCIAL OFFICER
- E. GLUCKWALRATH LLP

RESOLUTION NO. 142-2012

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, TO SUPPORT OF THE PASSAGE OF S108/A291 BY THE LEGISLATURE

WHEREAS, BILL S108/A291, INTRODUCED IN THE LEGISLATURE IN 2010 PROPOSES TO AMEND MEGAN'S LAW TO REQUIRE THE COUNTY PROSECUTORS TO DETERMINE THE RISK OF RE-OFFENSE OF SEX OFFENDERS UNDER MEGAN'S LAW PRIOR TO THE RELEASE OF A SEX OFFENDER FROM INCARCERATION; AND

WHEREAS, CURRENTLY, MANY SEX OFFENDERS ARE NOT TIERED UNTIL THEY HAVE BEEN RELEASED INTO THE COMMUNITY; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THE TOWNSHIP OF PEMBERTON AND ALL OF NEW JERSEY TO REQUIRE THE PROSECUTOR'S OFFICE TO DETERMINE A SEX OFFENDER'S RISK OF RE-OFFENSE PRIOR TO RELEASE.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY HEREBY SUPPORTS THE PASSAGE OF NEW JERSEY LEGISLATURE BILL S108/A291 WHICH AMENDS MEGAN'S LAW IN ORDER TO REQUIRE THE COUNTY PROSECUTORS TO DETERMINE A SEX OFFENDER'S RISK OF RE-OFFENSE PRIOR TO RELEASE FROM INCARCERATION AND URGES THE ENACTMENT OF SUCH LEGISLATION AS SOON AS POSSIBLE.

RESOLUTION NO. 143-2012

ENDORING THE TOWNSHIP OF PEMBERTON'S APPLICATION FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION - TRANSPORTATION ENHANCEMENTS PROGRAM (NJDOT TE) APPLICATION

WHEREAS, THE TOWNSHIP OF PEMBERTON IS PREPARING A GRANT APPLICATION TO THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION - TRANSPORTATION ENHANCEMENTS PROGRAM FUNDS (TE); AND

WHEREAS, THE TOWNSHIP OF PEMBERTON IS PROPOSING TRANSPORTATION ENHANCEMENTS ALONG PEMBERTON-BROWNS MILLS ROAD (C.R. 530) BETWEEN BERKSHIRE STREET AND JULIUSTOWN ROAD TO INCREASE PEDESTRIAN USE AND SAFETY, IMPROVE ACCESS TO THIS LOCALLY-DESIGNATED REDEVELOPMENT AREA, WHICH IS ALSO A MAJOR COMMERCIAL CORRIDOR WITHIN THE TOWNSHIP; AND

WHEREAS, ASSISTANCE FROM THE TE PROGRAM WILL ENHANCE THE TRANSPORTATION EXPERIENCE FOR RESIDENTS AND VISITORS, BOLSTER THE ECONOMY OF THE TOWNSHIP OF PEMBERTON, AND IMPROVE THE OVERALL QUALITY OF LIFE FOR THE RESIDENTS AND THOSE WHO TRAVEL THROUGH AREA TO VISIT ATTRACTIONS WITHIN THE PEMBERTON-BROWNS MILLS ROAD CORRIDOR AND THE HISTORIC BROWNS MILLS SECTION OF THE TOWNSHIP; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON IS COMMITTED TO CONTINUAL OWNERSHIP AND MAINTENANCE OF THE PROJECT FOR A MINIMUM THROUGHOUT ITS USEFUL LIFE; AND

WHEREAS, IN ORDER TO ENHANCE THE PROJECT'S CONSTRUCTION READINESS, THE TOWNSHIP OF PEMBERTON WILL BE RESPONSIBLE FOR ALL ENGINEERING DESIGN AND INSPECTION FEES ASSOCIATED WITH THE PROJECT;  
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF PEMBERTON FULLY SUPPORT AND ENDORSE THE PROJECT AND THE ABOVE-MENTIONED GRANT APPLICATION TO THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION TE PROGRAM.

RESOLUTION NO. 144-2012

PEMBERTON TOWNSHIP FINAL APPROVAL OF FARMLAND APPLICATION(S)

WHEREAS, THE TOWNSHIP OF PEMBERTON IS COMMITTED TO PRESERVING, TO THE EXTENT POSSIBLE, FARMLAND WITHIN THE TOWNSHIP FOR THE BENEFIT OF THE CITIZENS OF THE TOWNSHIP OF PEMBERTON AS WELL AS FOR THE COUNTY OF BURLINGTON AND FOR THE STATE OF NEW JERSEY; AND

WHEREAS, THE BURLINGTON COUNTY AGRICULTURE DEVELOPMENT BOARD IS PROCEEDING WITH THE PRESERVATION OF THE FOLLOWING FARMS: BLACK DOG INDUSTRIES (STAVOLA) FARM BLOCK 804, LOT 4.01, BUSH FARM BLOCK 841, LOTS 2-6 AND BLOCK 842, LOTS 71 AND 76, AND THE STEVENSON FARM BLOCK 803, LOT 9, BLOCK 804, LOT 1 AND 2, BLOCK 812, LOTS 2.01 AND 3, THROUGH THE FARMLAND PRESERVATION EASEMENT PURCHASE PROGRAM; AND

WHEREAS, THE COUNTY REQUESTS THAT THE TOWNSHIP RECOGNIZE THAT IN THIS INSTANCE, THE 20% MUNICIPAL COST-SHARE IS NOT REQUIRED; AND

WHEREAS, IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THE TOWNSHIP OF PEMBERTON TO GIVE FINAL APPROVAL ON THE COUNTY'S ACQUISITION OF DEVELOPMENT EASEMENTS FOR THE ABOVE FARM THROUGH THE FARMLAND PRESERVATION EASEMENT PURCHASE PROGRAM;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY THAT THEY GRANT FINAL APPROVAL FOR THE ACQUISITION OF DEVELOPMENT EASEMENTS ON THE AFOREMENTIONED PROPERTY THROUGH BURLINGTON COUNTY FARMLAND PRESERVATION PROGRAM.

RESOLUTION NO. 145 – 2012

RESOLUTION AUTHORIZING A LEASE FOR MAIL AND FOLDING OFFICE EQUIPMENT

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS A CURRENT LEASE UNDER STATE CONTRACT (NEOPOST, INC.) WITH HASLER FINANCIAL SERVICES, LLC ("HASLER") FOR MAIL AND FOLDING OFFICE EQUIPMENT WHICH LEASE WILL NOT EXPIRE FOR 19 MONTHS; AND

WHEREAS, THE MONTHLY COST OF SAID LEASE IS \$736.00; AND

WHEREAS, HASLER AND THE TOWNSHIP HAVE AGREED SUBJECT TO COUNCIL AUTHORIZATION TO REPLACE THE EXISTING LEASE WITH A NEW SIXTY (60) MONTH LEASE FOR NEW AND UPGRADED EQUIPMENT WHICH USES LESS EXPENSE MATERIAL; AND

WHEREAS, THE NEW LEASE SHALL BE FOR A MONTHLY FEE OF \$692.00, AND HASLER SHALL INCLUDE AT NO ADDITIONAL COST, \$500.00 WORTH OF SUPPLIES, AND A CREDIT FOR SUPPLIES PREVIOUSLY PURCHASED FOR THE CURRENT EQUIPMENT; AND

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

1. THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH HALSER FINANCIAL SERVICES, LLC FOR A SIXTY (60) MONTH LEASE OF MAIL AND FOLDING EQUIPMENT UNDER STATE CONTRACT # 75256.

2. THE PEMBERTON CHIEF FINANCIAL OFFICER HAS PREVIOUSLY CERTIFIED THAT SUFFICIENT FUNDS EXIST IN CY 2012 FOR THE PREDECESSOR LEASE AGREEMENT, WHICH AMOUNT WAS GREATER THAN THE LEASE PAYMENT CONTEMPLATED BY THE LEASE HEREBY APPROVED.

2. THIS RESOLUTION SHALL BE EFFECTIVE ONLY UPON THE CERTIFICATION OF THE PEMBERTON CHIEF FINANCIAL OFFICER OF SUFFICIENT FUNDS FOR SUBJECT LEASE FOR THE REMAINDER OF CY 2012, AND EACH BUDGET YEAR THEREAFTER.

**\*NEW BUSINESS**

Purchases over \$2,000.00

1. Public Works: Purchase of fire rated door from New Jersey Door Works Inc., in the amount \$4,332.00.
2. Public Works: Purchase of plumbing supplies from Atlantic Plumbing Supply Corp. in the amount of \$4,759.27.
3. Public Works: Purchase of HVAC repairs and upgrades for BMIA Building from Dazell Hardware and Plumbing in the amount of \$11,750.00.
5. Police Department: Purchase of two 2013 Ford Explorer Police Interceptors from Winner Ford in the amount of \$55,764.00.
6. Police Department: Purchase of annual software license for COPS More Program from the County of Burlington in the amount of \$21,807.90.
7. Fire Department: Purchase of fire equipment and cuff gloves from Continental Fire and Safety, Inc., in the amount of \$4,194.00.

\*Approval by Council required for payment of vouchers on bill list dated 7/6/12.

Motion by Scull and Allen to adopt the consent agenda as amended.

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

Motion carried.

President Cartier reiterated for the record that Res. 137-2012 would be tabled until the applicant receives tax clearance.

**UNFINISHED BUSINESS**

Continued discussion of draft solar ordinance.

Planner Rick Ragan noted the draft ordinance he has presented is broken into three parts. He noted first, those terms and conditions should apply to commercial developers and properties and non-residentially owned properties as a principle use and then as an accessory use. Secondly for uses of solar ordinance that would affect residential properties and the third portion would be general conditions that apply to all principle and accessory uses in the Township. In regards to the first portion on pages 1 and 2 are general purpose and definitions, and starting on page 3 are general requirements for solar energy systems as a principle use and deals with several conditions. The first and most important is that they have standards that have been promulgated by the Pinelands that essentially affect all commercial activity. He indicated that Pinelands' ordinance generally say that if one wants to provide solar on a non-residential property they must do it on lands that are currently impervious or otherwise disturbed areas within the Pinelands which includes buildings and paving areas and areas that have been cleared or have gravel pits, etc. He indicated those areas are all permitted and they are also permitted to put them on land fills. He explained that for all these situations one must file an application with the Pinelands and receive a certificate of filing before they can proceed with a situation where they are coming before the Township. He then reflected that Pinelands' rules with regard to residential are that the towns need to decide how they want to handle residential solar systems. He informed that the state of New Jersey has recently passed a statute indicating that solar is permitted in certain areas with preferential treatment which states that if a solar array is placed on a land fill that there are certain benefits that can apply to a developer. He advised that there is also a benefit to a township that has a landfill in it where solar would be placed on it, wherein the town could be the beneficiary of solar generated on that landfill for all of their meters throughout the town, regardless of their location. He noted that if one is an applicant and coming in class I or class II farm soils and if they have an agricultural use or a Q-Farm designation for up to 10 years previous, they are not permitted to build solar there. He advised that they do have applications before the Township and there will be a question on whether or not those applicants have been grandfathered or not. The Governor has not signed it yet, but has said that he will. He recalled that under their draft ordinance last year they stated that no more than 50 percent of an entire area for development may consist of class I or class II soils. He noted they have added the sentence "however this ordinance does not grant permission for any solar development restricted by the state legislation on farmland. He noted that on that point Council could say "let's just not allow any farmland or they can say leave the language as it's written because it puts the responsibility on the developer to comply with the state regulations as they may be promulgated from this point forward. Mr. Prickett asked if whatever the state promulgates would supersede the language in an ordinance that they might have. Mr. Ragan noted it will if they grant it. . Mr. Ragan reflected that the next item of concern is shown on letter G, and they changed the language which deals with a solar system that is no longer in service. He advised this is a procedure that was adopted by several communities and one that Pinelands has generally adopted and states that that the Zoning Officer or the Administrator or whoever the town designates as an Administrator can say that this is now deemed to be abandoned and send a notice out and the applicant has 12 months to get rid of it, and if they don't the town can pursue any months they want. He expressed that the town does not want to get involved in this but if its abandoned and a land owner and developer does not do anything this gives them the right to tell them they have to remove it off the property. President Cartier noted having noticed that Mr. Ragan struck the line stating that the applicant shall submit a plan for removal of the principle solar energy system, etc., and questioned why he moved that. Mr. Ragan explained that they went through the whole series of items and it appears that the person who submits the plan, they tried to make this as streamline as possible so that the town does not have to become the policy agency that monitors or have to physically go out and make something happen. President Cartier pointed out that the next paragraph is making the town the police agency. Mr. Ragan said that they can put the plan back in the language and President Cartier expressed that personally he would like to see some form of plan and they had this discussion at the Planning Board the last time the applicant was in. He noted that the applicant posed the question as why that even came up and why he is being required to do this. President Cartier explained it was because he put a life on it and if there is an end life to something there should be a plan for dismantlement. Mr. Ragan agreed but noted there may be a possibility that there won't be an end life, so if the plan says there is an end life and there is not one he questioned if they would have to enforce it based on the plan or on the operations. He feels they enforce it based on the operations. He noted that what may happen in the solar industry is that panels will get more efficient and reduce in size and as this happens people will replace the old ones with new panels and continue to supply the grid or whatever the energy supplier is. Next Mr. Ragan



addressed the setback requirements, noting their packets explained the purpose of setbacks. He reflected that they had larger setbacks that were in the 2011 draft and he recommends those numbers come back down from a state road which would be 200 feet, from a front yard setback and County and Municipal road they recommended 100 feet, but he noted Mr. Prickett reminded that they had agreed to 200 feet with an application that had come before. Mr. Ragan seemed to recall that was the original goal but that they finally agreed on less than that. Mr. Prickett relayed that was the Zoning Board and the plans he reviewed yesterday have a 200 foot buffering area with trees and shrubs and landscaping. He expressed that if they go with the 100 feet this would conflict with the application which the Zoning Board has provisionally approved. Mr. Ragan expressed that if they have 200 on the County or Municipal roads then he believes that 300 or so should be for state. President Cartier commented that this ordinance would have no affect on existing applications. Mr. Ragan agreed it would not affect any applicants that have already filed. Mr. Prickett also agreed but questioned if they wanted to support what the Zoning Board did with the application already before them. Mr. Ragan stated they should be consistent. Mr. Bayer noted that when they had discussed this last year there was an objector and these were issues. Mr. Ragan said the objector was David Frank on behalf of a client. He recalled that they had recommended 500 feet at the time and the settlement was 200 feet, but there were no rules at the time. President Cartier asked Kelly if his thought that it actually settled for less than that. Ms. Willis confirmed it was a 100 feet with a significant amount of buffering and with requirements that if 206 was ever widened they would decrease the amount of foliage and buffer. Mr. Bayer asked if when they say settlement they are referring to what the Planning Board did with its application and they advised he was correct. Discussion ensued over the possibility that it may have been less. Mr. Prickett noted the reason they asked for 75 was because they said it was a hardship and that was the only area they could put the panels in and the Planning Board agreed to that. Mr. Bayer relayed that that does not stop them from setting a standard here and if a particular applicant needs relief from that standard they can always argue with the Board. Mr. Ragan relayed they were trying to create a much larger buffer for state and county roads so that they would have more of a scenic view on their roads. He shared that the argument the developer put forth was why he should have to have a setback greater than the setback he would have to do for a building which was a good argument. He suggested they probably should look at their building setbacks along the state roads as well because they built that one barn out there that appears too close in his opinion which seems about 100 feet off the right of way. He asked Council what their pleasure was and whether they wanted him to look at it again. Mr. Prickett expressed that they should have some kind of understanding because this is what kept the ordinance going through the last time. He expressed they should have some kind of agreement at this point as to what the setback would be so they don't get into the same situation. He commented on how many more meetings they would have about this before they have a final ordinance for adoption. Mr. Bayer expressed that after the ordinance is introduced they may see comments or objections to what ever they have established so they should get comfortable with whatever they are comfortable with because once they start receiving objections to what they are proposing they may be making further changes depending on the comments received and Planning Board input. Mr. Prickett then spoke of Route 206 noting that whatever they settled on 75 or 100 feet, there was a provision in the agreement that stated that if the state widens the road that panels would have to be removed to maintain the buffer. He questioned if it would make any sense to use a provision like that in either of the cases of a county or state road in this proposed ordinance. Mr. Ragan relayed that is a provision they would make because they are not satisfied with the ordinance dimensional characteristic of the buffer in the first place. He reminded them they are keeping a minimal number and he believes that the argument is that certain dimensions are maybe too large. He advised that they have been able to uphold reasonable setbacks so long as they are consistent and it makes sense to him for them to look at their roadways and the building setbacks should be consistent with their roadways so that if in fact its 150 or 200 feet off Route 206 then they say that's where the building should be. He noted however, there is an argument that says for instance buildings in Morrestown there's a 100 foot setback to any buildings and no parking in the front yard. If they want to put parking in the front yard the buildings have to be setback further. On Route 73 there is a minimum requirement 35 feet of green space before they can have any parking spaces and the buildings have to be set back 75 to 100 feet. In both of those situations they have at least a green appearance to their highway and when parking or buildings are allowed too close to the road or they really begin to diminish the value of their real estate. He expressed it's not unreasonable to expect 100 foot setback without any parking or anything else in it. He expressed that he would like to take a look at different ordinances and come back

with a recommendation based on a hierarchy of road systems that would work for their buildings and solar with a consistency for the two. In that case a front yard setback becomes a front yard set back regardless of the use. They will buffering further in the ordinance and does not change the basic requirement that they have a green strip that is realistic along the various highways that they have in town. Mr. Prickett added that they can't move a building back if a road is widened. Which is why the Planning Board agreement was interesting to him in that if Route 206 was widened the buffer would stay at 75 or 100 and solar panels would be removed to maintain that buffer. Ms. Willis commented that they were pretty sure that the plan they had they had gone to DOT and learned that the right of way as it stands is as wide as is at wide as they were going to go. She thinks that is why they were comfortable with the greens in that regulation because they were told they would not be looking for any additional right of way, which is where they would have to increase. If DOT purchased additional right of way to move their right of way out then the setback would have to be moved. Mr. Prickett posed that in that case it may make sense but he asked her if she could foresee for other roads a situation that they would need a provisions. Ms. Willis expressed that it should not be their practice to give a provision like that, they should be a set distance off of a right of way that they are comfortable with. President Cartier noted Mr. Ragan says rear and side yard setbacks for a residential use for zone 300 feet if that's within an industrial zone or something other than a residential zone. Mr. Ragan clarified it's from a non-residential to a residential zone. Mr. Ragan noted they also have a theme composition and they talk about a 50 foot screening buffer would be required on all state and county and township roads, residential uses or residential zoning districts, so they are asking for a significant buffer to occur. He reflected that in item j. a tree protection management plan be submitted a the time of site plan if there are one or more live trees proposed to be cut or removed from the property and a maximum clearing limit on the site of 80 percent. He commented having seen that limit as low as 65 percent. He believes there's a limit on the residential Pinelands' ordinance of 10 or 15 acres, however this ordinance would have to get reviewed by Pinelands and they will see what their comment might be about that. He then reviewed the section of general requirements for accessory solar energy system which would be one that is accessory to a principle use on a property. Roof mounted systems are clearly accessory so anything on a roof is permitted, without Planning Board approval, without anything but a building permit. It's permitted on a residence and non-residential. He explained that they are saying that in a residence the roof mounted system shall not be more than one foot higher than the finished roof to which it is mounted. To a non-residential the roof mounted system on a non-residential building whether mounted on principle building or an accessory building shall not be higher than one foot higher than the finished roof to which it is mounted and in no case, not exceed the principle building height or accessory building height specified on each building type in the underlying zone and they put a maximum height on both of those at 30 feet for non-residential. He relayed that they also have in the draft that on a flat roof in a non-residential area they could go to 5 feet above the roof area. He explained they suggested that because they do not propose to see racking systems on residential roofs that are canted and sticking up 6 or 7 feet higher than the roof as it changes the esthetics of the area. He relayed that on a commercial property if it's a flat roof they can go to 5 feet and they are recommending that for pitched roofs they not go more than 1 foot, again so as to not change the esthetics of the building. Mr. Prickett asked what would happen to the property value of a house that perhaps the solar panels did not blend in with the architecture. Mr. Ragan noted that the property value for the person with the solar may be increased slightly because he has a benefit of an energy savings but the property value of the house next door could be less but it is not categorically said to be less, but one may not choose to buy that house for esthetic reasons. Next he relayed he would go over the most difficult issue dealing with ground mounted systems in general and in residential areas. If it's a ground mounted system on commercial or non-residential property they would submit an application to the Planning Board under this ordinance and they would be reviewed for a ground mounted system on a commercial property, industrial and office property, etc. If it's in a residential property this ordinance is drafted under to scenarios. Scenario #1 ground mounted systems are not permitted in residential zones and if that is Council's goal they do not need to go further. The do say in this ordinance that residential systems may be put on the roof of the principle building on the house and it may be put on the roof of an accessory building, such as a garage, barn, carport or shed they may be placed on the roof of those structures. They are not inhibiting a person's right to put solar on their property as long as they are putting it on a principle or accessory structure. He advised that he and Mr. Bayer have had some discussion on whether they are limiting the individual person by saying they may or may not be permitted to put them on a ground mounted system which the answer to that may be decided in court.

He noted however that Mr. Bayer says that they have development standards for many things and if that is their development standard, then that is their development standard. Mr. Bayer stated that it is justifiable from a Planning perspective as well. Mr. Ragan proposed that if they were to suggest that ground mounted systems may be permitted on residential lots then they would go through everything that has been crossed out in the draft. He reflected that it would say that there would have to be a minimum distance from side yards of at least 50 feet, and it would only be permitted in specific zones and those zones would be SAP, AP, AR and maybe R1 and R17. He explained that those are the zones that have the larger lots on them. The rationale for that is that if one has a 9,000 square foot lot, then you're going to take up your entire lot in solar panels which does not make sense and they would not be permitting that. He expressed that from a planning perspective if they have a 2 acre, 3 acre, 4 acre or 17 acre lot, clearly they could more easily accomplish some area to be set aside for solar without taking away the concept of inhibiting the use of their property. He noted there is a question on whether you could make the argument that's been made by the residents that came to them at the last meeting that said they have a communal back yard program with no fences, the kids all use the area, Council would have to define that very specifically as an exception to the rule and say there is an agreement between the property owners for that to happen. He noted that the minute one person puts up a fence in the middle of that common area, it's all gone. He suggested then there would have to be some type of agreement between the property owners that this is happening to make that exception to the case. Under this scenario if one was in those zones and had 2 to up to 17 acres and Council is going to allow ground mounted systems the way the ordinance is written it states that they have a 50 foot set back, a maximum height of six feet, a buffer of 15 feet around the area or a buffer of 40 feet and the amount of vegetation that could be cleared would be limited for a ground mounted system in a residential condition. He relayed they have tried to put forth some rules that should Council say ground mounted systems are permitted in larger lot residential areas at least there would be some protection, along with the fencing and buffer requirement. He shared that the only other thing he thought about would be a limitation in the size of the system. He suggested they could say 16 or 1500 feet of area limited to the solar array, but that again, could be challenged based on the size of the house and the amount of area necessary to account for the energy demands of the house. He recounted that they have two choices, no or yes with conditions. Mr. Ragan then noted the last part of the ordinance has to do with development standards for all principle solar energy systems and accessory structures, in that #1. Solar panels should be placed in such a way as to not create glare directly onto nearby properties, businesses, residential homes or roadways. #2. That design of the solar system conforms to all industry standards and all codes. #3. If ground mounted systems are to be removed then any earth or disturbance would be fixed and site area graded and re-seeded. #4. That the ground mounted panels would not be placed in any road easements, deed restrictions, conservation easements, wetlands, and landscape buffers, property buffers, flood planes, etc. #5. All electric and power lines from ground mounted solar system to any building would be underground. #6. Mechanical equipment shall not be located in the front yard, the side yard or the rear yard set backs. #7 The solar panels shall not be placed in any hazard zone or that would interfere with any flight pattern. He shared that that issue doesn't fly because the military states that is not a problem so he suggested that #7. be scratched. He has actually been told by pilots that solar systems actually become guide posts when coming in to a landing strip and actually like them and are not glared by them. Mr. Prickett asked what if a plane doesn't make it to the airport and crashes in the solar fields, noting having heard that was brought up at one of the Zoning Board meetings and whether that should be considered. Mr. Ragan posed that if the pilot only had that piece of flat land to land on, he'd take his chance, noting if there were other areas of farm fields he would choose that first, but usually it takes a lot larger area to land the plane than most solar fields. Mr. Prickett commented that with a hazard area residents would not want to build their house there. Mr. Ragan shared that what the airport hazard zone says under state mandate which does not apply to federally owned airports, its one house per 3 acres wherein its permitted in a clear zone, but in a hazard zone, no residential is permitted and outside the hazard zone is a clear zone where the planes are up a certain height and the density permitted is one house per 3 acres. He shared that the military have been trying to assist in the acquisition of farmland preservation around the base so that they would eliminate as many of those conflicts as possible, largely because of their experience in other states where development has crept right up to their front door and created a big problem so much so that that has been a criteria for closing a military base. He expressed hope that the preservation program that has been going on in the County has been beneficial for the military and the County. #8. That no portion of solar panel including a racking system shall contain or use any

display of advertising. #9. Shall not be constructed until a building or construction permit has been approved and issued. #10. Before any construction can commence on any solar energy system the property owner must acknowledge that he or she is the responsible party or tenant for owning and maintaining. #11 Solar energy systems shall comply with all Township ordinances and codes. #12 For solar systems a safety notice at the electrical power switch gear shall indicate a solar array which is part of the electrical system and the instructions of the solar power to the systems for each solar array upon connection shall notify the fire department of their address and size of the solar system which was suggested by Mr. Prickett. Mr. Prickett discussed the need for emergency responders or firemen needing to clearly know where the power supply is for those with solar systems and expressed hope there could be some type of standard location for a shut off. Mr. Ragan explained that it is directly adjacent to the meter and there is a sign that is posted by the electric company that reflects there is a solar system here. Mr. Allen expressed that he would assume that an emergency responder would be trained for what and where to look for in advance, to which Mrs. Scull noted that they are. Mr. Ragan added that it's the same reason that they have the red triangles with the R which tells every emergency responder there is a roof truss system above, so something similar to that to give them a heads up would not be a bad idea. Mr. Prickett asked if the shut off switch cuts the electricity coming from the panels on the roof. Mr. Ragan commented that tonight was Council's only meeting for July and their next meeting is August 1<sup>st</sup>, and the Zoning Board's meeting is the 8<sup>th</sup>. He acknowledged that this ordinance would not be adopted, but depending on Council's deliberations they can advise the Zoning Board that they are deliberating on it. President Cartier asked what the purpose of that would be. Mr. Ragan explained that it would be for whether or not it would provide any guidance for their decisions with regard to a variance application that they are going to be hearing on the 8<sup>th</sup>. President Cartier expressed that that would be challengeable. Mr. Bayer stated that its not binding as their application is pending so they are not subject to the ordinance. President Cartier expressed understanding what he is suggesting but he reiterated what he had stated at the last meeting, in that any ordinance they adopt would not be enforceable on any existing applications. His concern is that it could be challenged if something did not go the applicant's way for something based on this ordinance. Mr. Ragan still has the right to require any guidelines that they would like. Mr. Bayer advised that the only thing the Zoning Board could consider is the evidence before it, and does not think the fact that Council is proposing standards which are inconsistent with what they are considering doing. He noted there may be rationale in the record to approve or disapprove of the variance request and there is an appeal of use variance that comes before Council. Mr. Prickett asked if he was suggesting that Council should not make available to them on a legal basis. Mr. Bayer advised that he would not send it to them but that certainly it would become available for public once it's introduced. Mrs. Scull questioned for clarification that they are not suggesting sending it to them asking them to follow this, to which Mr. Bayer confirmed. Mrs. Scull suggested in regards to this ordinance is to leave it without ground mounts in residential areas and after much thought there is not a whole lot of places that have a great deal of land attached that are residential other than farms and apparently Pinelands is addressing that. She does not believe the ground mounts belong in residential and is satisfied with leaving it that way. President Cartier stated that if they go to page 7 of the proposed ordinance she is okay with the second option, scratching it all off. Mr. Allen agreed noting they had a resident that came in recently that complained about a homeowner that was running a business in the Township and the complaints included esthetics and noise and he does not believe that a ground mount system should be installed in a residential area. Mrs. Scull feels that 2 acres is much too small to even consider and would not want to consider anything less than 10 or 12 acres where it would have to follow the other rules and can't think of that many residences in the Township where that would even be an issue, so she stands against any ground mounts. Mr. Rehmann clarified that she is not saying they can't do it but just not on the ground. President Cartier asked Ms. Willis that starting with the residential zones at R6 which is a 6 acre zone, what from there. She and Mr. Ragan commented that its R17 and R21, then it's a 40 acre zone and AR. Ms. Willis suggested that with an AR it would be taken out anyway if it's a farm in the Pinelands, and if outside the Pinelands at that point they would be back to their own ordinance as it's written. So it would be a percentage. Mr. Ragan noted that RA is in Pinelands and non Pinelands. Ms. Willis recounted that they are talking about the AR zone which is a 1 lot per 40 acres and that would be the type of lot that some are talking about, but that overlaps Pinelands and non Pinelands areas and Council's ordinance would be the determining factor on those outside of the Pinelands area. President Cartier asked if Mrs. Stinney had feelings on ground mounted systems in residential areas. She advised that she would not support that. He asked Mr.

Prickett's feelings to which he replied that he will keep his mind open noting that the last time that he voted for ground mounted was with the whole ordinance and feels its important to have the whole package whether its ground mounted in there or not is not his concern, its that they have a solar ordinance in place that covers all the other issues. President Cartier explained to him that that is what they are trying to do is to establish the writing for the solar ordinance so they can bring it to introduction. Mr. Prickett said he would defer his opinion on that until it comes time to vote on it. Mrs. Scull asked him if he wants the Planner to put in the ordinance ground mounts or not. Mr. Prickett advised that he is fine with whatever the rest of the Council agrees to on that issue. President Cartier stated he would rather see it for the larger lots but there have already been three consensuses from Council not to include it so it's going to go that direction. Mr. Ragan advised that he will prepare this ordinance for revision to try to give Council through the Clerk some input with regard to the set backs and will prepare this for potential introduction at the next meeting. Mr. Prickett noted having other comments such as E. Development Standards for All Principal Solar Energy Systems and Accessory Structures in #4 where it talks about government agency. He asked if they could be more specific there regarding the approval from a specific government agency or state, county, local. Mr. Bayer suggested it the word should be "applicable" because that provision might depend upon whose easement it is or deed restriction as to whose approval they would need. Mr. Prickett then questioned #10 in that many of these systems are leased by the home owner and wondered if that would be complicated if the house would be foreclosed on. He questioned more specifically if that complicates the issue for the Township to foreclose on a property like that when the solar system is not owned by the home owner or the bank. Mr. Ragan agreed that it would very much complicate it but that's one of the reasons this is in here because they want to know who the responsible party for the solar system is up front. If a company is out there who says to the home owner they will put the solar on their roof at no cost to them and they save 20% of their energy costs that company has to be responsible for that system and the home owner virtually knows nothing about it except that they get some reduced energy cost. The Township needs to know who the responsible party which is why that language is there. Mr. Prickett asked if it's in the best interest of the owner to have the Township know who they are in the even the property is foreclosed on, and what if they changed hands such as the solar company changes or somebody else owns that system. Mr. Ragan explained the place that would happen is that there would be a permit issued which will be taken out by the responsible party and the application would have all that information and the form should be changed to say the installer or ultimate owner of the system. Mr. Prickett asked if we could put some language in the next ordinance to that effect. Mr. Prickett asked what Mr. Gonzalez's feelings as far as having a solar system that's owned by another entity and not by the home owner. He noted belief that he was involved in foreclosures as part of his role as well as Mr. Bayer. Mr. Gonzalez expressed that ultimately as much information as possible should be in the permit and the record. He noted that anytime any property has any encumbrance by some other agency complicates matters whether it's a mortgage or a solar company and they just deal with it in the course of business, and did not think it would affect the Township in terms of foreclosures. He noted that if a permit is required for solar panels on somebody's roof they would have the records here and would know which properties would have that complication if it came time to assess a lien or foreclose on a property. Mr. Prickett asked if the solar company changes hands to another company. Mr. Gonzalez suggested that any permit also require that information be provided before there is any change of ownership of the solar panels which would require them to come back to the municipality to either update the permit or make the necessary change. Mr. Prickett asked what their incentive would be if their solar panel is already installed. Mr. Ragan feels it would be a filing of a lien or some statement with the county stating they own this appendage to the property. If that solar system is bought by another solar company they have the same rights as the company they purchased and they would by assumption have the same rights just as if they purchase a piece of land and you would have his rights. Mr. Ragan proposed that as long as they know who owns the solar system at the time its installed which would be on the permit they would have a way to trace it. Mr. Prickett asked him if he could add some other language to ensure they have that specifically. President Cartier stated that as far as the industrial use for the solar panels he would like to see some sort of end life plan written in there. He also noted that on page 5, the top paragraph #4 is requiring 8 foot fences around these but it's not specific as to the type and he would like to see something as being non-climbable. Mr. Ragan believed he changed the fence height back down to six so President Cartier expressed the fence should be concurrent in height to the height of the solar panels. Mr. Prickett also commented on page 4 regarding the height of ground mounted panels, noting that first it was 12, now its 8. He relayed that the

application for 152 or 154 thousand panels those panels were 4 foot in height and questioned if it has to be that high. Mr. Ragan reiterated that he recommends it be changed to six. President Cartier asked if Mr. Ragan could get this revised and back to Council as soon as possible so they can get this ordinance listed.

#### **NEW BUSINESS (Pulled from Consent Agenda)**

##### **11. 4. Purchases over \$2,000 – Public Works: Purchase of vinyl siding and associated materials for BMIA from ABC Supply Company in the amount of \$9,301.96.**

Mr. Prickett explained that he pulled this item because the BMIA building was built by the BMIA a number of years ago and a lot of hard work went into putting the building together the way it is with a masonry exterior and lovely beams inside. He noted that the building has been subjected to vandalism and with masonry exterior it would be hard to damage it. He added that if there is graffiti placed on the building one could always paint over it. He expressed that he is opposed to putting vinyl siding on the BMIA because he does not want to see the history encapsulated and does not want to add a feature that could be more costly to maintain in the event that the building is vandalized and feels it would be easy to vandalize and does not support covering the historical nature of the BMIA building. Mrs. Scull asked why it was decided to go with vinyl siding. The Mayor noted it was one of the more cheaper processes. Mrs. Scull asked if it needed to be redone and whether there was damage or some other reason. The Mayor stated it was a matter of choice noting there have been questions if any of this project needed to be done. He advised that it was part of the scope of the project. Mrs. Scull asked if it was discussed with the BMIA Board. He noted not being able to recall a specific conversation but knows they had discussed details of project. Mrs. Scull asked if the paneling has already been purchased to which the Mayor noted that nothing that has not been approved has been purchased. Mr. Allen asked Mr. Prickett since he does not support vinyl siding, whether there is any other material he would suggest instead. Mr. Prickett expressed that the masonry exterior is perfect for the building and the circumstances and reiterated that it could be painted over if necessary, and if there is vinyl siding it will be expensive to be maintained and would prefer to leave it as it and maintain the history of the building. Ultimately, there was no motion made on this purchase request.

#### **Bill List (Bills pulled from Consent Agenda)**

##### **Page 9:**

Mr. Allen advised that he had talked previously to the Mayor about a street light study where JCP&L was supposed to go out and look at all the street lights in the town and see which ones were essentially not on. He questioned if this was the study and if so what the response for Oak Pines Blvd., Acorn Street and Seminole Street. President Cartier asked him to be more specific regarding the bill. Mr. Allen advised it was on pg. 9, under street lighting. President Cartier asked if it was the total of \$22,000.00. Mr. Prickett asked if they are going to charge to evaluate their own lighting. The Mayor noted that the \$6,000 and \$16,000 have nothing to do for a study, but rather they are charges for the street lights. The Mayor noted that they did an internal study through the police department as to what was functional or not and what they found was turned in to the power company for repairs and he does not doubt that since that time there have been additional that have gone out President Cartier expressed thought that that study was for the ornamental lights. The Mayor clarified that he had them do a study of the entire town Mr. Prickett ask if he gave them addresses of where the street lights would be. They Mayor advised they don't have addresses for all the street lights. He noted they have a spot on the web page that notifies residents where to call for lights that are out. Mr. Prickett commented that the town pays for them so they should know where they all are and whether they are working. He noted that with the mapping skills that they have he questioned if it was possible to generate a map reflecting where all the light are. The Mayor acknowledged that they could but it would be very time consuming and expensive. He asked if there is anything on the web page. The Mayor reiterated they do and that the police department has one on their page and that residents can also call the Township. Mr. Prickett reflected that some of these lights are found in back roads and areas they might not drive by all the time and was hoping they would be evaluated as well and it sound like they were. The Mayor agreed noting that is why they had the police do that since they drive the back roads.

Motion by Allen and Scull to approve bill no. 20-01-31-435-000-000. Allen, yes; Scull, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

**Page 2:**

Mr. Prickett noted #12-01875 at \$1,567.84, Carus Phosphates Inc. He asked what the chemicals if they are chemicals used for. The Mayor expressed that first he confirmed that the bill list and agendas are made available on Fridays, the week before the meeting. He advised that Administration is held to a pretty strict standard as to when they have to have their items in for the bill list and all agenda items so that Council can have their agendas by Friday. He relayed that from Friday to Wednesday Administration is available for any questions, and for him to come to the meeting and go through the bill list for multiple items of this nature without any previous warning that they he has a question. He advised that its on record and he will have his answers for the next meeting but he wants to make it clear that he does have a legal responsibility and obligation to pay the bills in a timely fashion, and if he doesn't intend to that. Mr. Prickett interjected that he understands that. President Cartier expressed that although he does not completely disagree with the Mayor and just to be clear; having the information to the Clerk in a timely fashion is pretty lenient as proof being that they just added a resolution this evening for which the request was made yesterday. The Mayor informed that he personally originally said no to that request because Council requires it in advance, but he did allow the request because it was a savings to the Township. He expressed that the types of questions posed by Mr. Prickett are easy to answer if he has time to get the information for them. Mr. Prickett expressed that it is his legal right to ask these questions at the meeting and he chooses to use his legal right to ask him these questions and if he cant answer them or if he wants to defer the answer that's fine. He explained he is not trying to make him look badly which is not his intent. He stated that he just wants the information to get out to the public and he wants the information as well.

**Page 3:**

Mr. Prickett questioned regarding #12-01504 at \$1,875, Clayton Service Corp., a fuel tank piping repair. He asked what fuel tank piping needed to be repaired and if there was any diesel or gasoline spilled as a result of that. He noted the town has a history of that in the fuel depot and its cost the township a lot of money so he would think this would be on the Mayor's radar screen and he should be able to answer that, but if not, he is willing to approve these bills but in the future he would like to know tomorrow or the next day why we incurred this bill. The Mayor replied that in the future he should feel free to call him in advance and he will have the answers for him. Mrs. Scull asked if he did have the answer. The Mayor relayed that he might but will not be answering these questions under these terms and conditions that Mr. Prickett is laying out tonight. Mr. Prickett expressed that it was important that the public know if there was a leak in their fuel tank, and that it was covered quickly, and fixed quickly and that they have not incurred an environmental situation when it's going to be costly down the road.

**Page 8:**

Mr. Prickett asked in regard to trash bags, #12-01594, at \$1,986.75, he noted they are purchasing \$1,986.75 worth of trash bags is probably okay if they received a discount, but expressed that's a lot of trash cans.

His next question was in regard to #12-01660 at \$1,967.84 for nifty pickers. He noted he wanted to return one that Ron Roberts allowed him to use at one of the clean ups that are used for picking debris off the ground. He expressed not being able to understand why they are purchasing \$1967.84 worth of these. He proposed the Mayor may want to tell him that they give these to the volunteers which may be acceptable. The Mayor noted that at their clean ups they have a very strict policy for returning those that the Clean Communities use at their clean ups. Mr. Prickett asked how many this amount buys to which the Mayor advised they are thirty something dollars a piece.

**Page 9:**

Mr. Prickett noted TD Bank Administration fee environmental loan #12-01938 at \$517.50. He asked what the fee or environmental fee is for.

**Page 10:**

Mr. Prickett reflected on #12-01666 at \$1,557.69, W E Timmerman Equipment Co. for Vac-all services. He asked if that is for cleaning out the seepage pits. He expressed if they wanted to get political he could reflect back on the \$60,000 trash can vat that they purchased a number of years ago. He asked for the reason for the vac-all service. The Mayor noted that they continue to use

the equipment and the vac-all is a very vital piece of equipment in their Public Works Dept. and it is used to clean out the seepage pits. Mr. Prickett asked if this is a repair for that or parts for that. The Mayor acknowledged that it is for a repair.

Mr. Prickett then reflected that the Deputy Clerk has all of the above-noted numbers of the bills he pulled and questioned.

Motion by Prickett and Scull to approve all of the above-noted bills that were reflected and questioned above. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes, Cartier, yes. Motion carried.

## GENERAL PUBLIC COMMENTS

President Cartier opened the meeting to the public for general comments. Those commenting were:

**America Phillips, Presidential Lakes – 1.** Stated that a solution for the street lights situation is that if a resident has a pole in front of their house they can obtain the number on the pole and call JCP&L to notify them. **2.** In regards to the corner of New York and New Jersey that has a swimming pool, asked if anyone has gone out to check it out. Mr. Gonzalez noted that he referred those addresses to Mr. Benedetti and will check with him on the status. **3.** Reiterated that the Township has several parks including Presidential Lakes and when she had brought up the need for a portable potty she heard the question of why they have to supply them for the parks when they can go to their houses. She dared any of the police to give a ticket to any of the kids. She can't believe that this township can not afford it as she has looked into the prices. She asked for an answer tonight if they will have them for the summer. President Cartier asked if Administration on requesting a portable pot for Presidential Lakes, to which the Mayor replied no. **4.** Commented on the houses up for foreclosure in Presidential Lakes and wants to know the status of 200 New Hampshire Rd. noting a pick-up truck that dropped off mattresses, that there are a lot of animals there and that there are lights on at the house. **5.** Noted that when she asked if she could speak Spanish at the last meeting she had only intended to use it to congratulate Mr. Gonzalez.

**George Petronis, Browns Mills – 1.** Commented on the difficulty of hearing things during the meeting and difficulty hearing Council when the air is running. **2.** In regards to the debate of ground and roof mounted units, asked if it's possible to combine ground and roof mounted to generate more energy in same system. Mr. Ragan explained that under the state's rule one is not allowed to generate more energy than one currently uses. He noted that the electric company requires accumulate 12 months worth of bills and send them to the Clean Energy people who will advise the amount of kilowatts permitted based on the 12 month history of the site. He relayed the next step is to evaluate how much roof area they have and how many panels will fit on that roof area and if they can meet their maximum limitation is. Mr. Petronis commented that denying the ground mount it might limit them from generating their maximum amount and asked Council to consider their restrictions they would be placing upon the typical lot of a homeowner in Browns Mills, thereby restricting them from an energy savings. He also commented on the air space concerns regarding panels and the glare. Mr. Ragan clarified what he had previously noted about solar panels to air craft. Mr. Petronis then asked if there was any provable greater danger of a ground mounted system and asked about the dangers in general for roof mounted systems. Mr. Ragan noted the potential problem with ground mounted systems is the protection to the access to voltage. Mr. Petronis commented on the tyranny of the majority and the argument that ground mounted systems just does not look good and asked that before Council makes their decision to please take all the issues into consideration.

**Clare Wadsworth, Browns Mills - 1.** Asked how she could get the total number Township employee man hours that have been devoted to the renovations at the BMIA building. President Cartier expressed assumption that she could file an OPRA request with the Clerk. **2.** Asked if anyone was familiar with the business in town called Solutions Electronics. She noted they are a computer and appliance repair located in the Sunset Hill Shopping Center and their prices are outstanding. She then asked if anyone was aware that there is a new used furniture and thrift store here. Mr. Allen noted he was. She noted its called D & H Once Again, she advised she stopped by and noted the place is neat and clean and prices seemed reasonable. **3.** Noted that the Blueberry Festival was once again awesome. She shared her experience that 3 young men



offered her to set up and she believes they are called New Jersey Youth Team Cadets and offered their assistance to those at the festival. She advised learning that Ms. Cathers runs organization of these young men who had had trouble in the past. She noted they were amazing and that Ms. Cathers deserves recognition of the great job she does with them. Mrs. Stinney noted that she also has had the opportunity to deal with them as well, noting they are a great group of young men and women and thanked Ms. Wadsworth for bringing that to their attention.

**Rich Koster, Browns Mills - 1.** Noted that Bayberry Bridge is now open on the roadway and questioned if that project is now considered complete from the Township point with the second guard rail put up there and the sidewalk not having been replaced. Engineer Chris Rehmann explained that the Burlington County Engineers Office conducted that project and they made the decision to go forward even though the Township may sometime in the future have to remove the surface they put down to stabilize the dam underneath of the roadway. He noted the County decided not to put the sidewalk back at this point in time. He advised that the Township has an application in for a Federal Emergency Management grant for that project that is under review and when they do the project some time next year the sidewalk will go back.

### **SOLICITOR'S REPORT**

Mr. Bayer noted he did not have a public report tonight.

### **ENGINEER'S REPORT**

Chris Rehmann reported: **1.** Reiterated that the County chose to move ahead Bayberry Dam project. His office still had some concerns regarding the stabilization of the underlining soils. The County had a difficult time trying to reach the impaction limits in their specifications just for the sub-base of the road. He thinks that's still the problem with the reason that failed and also in the matter of the construction of the sidewalk and the curb where there was some grass area that was allowed to erode out when the Dam was overtopped. They will be addressing that in any application or design construction to rectify that project. He advised that while they are waiting for the FEMA application which is under appeal because of funding issues in the state of NJ they have also provided a grant/low interest loan application to the Dam Safety Program for the state of NJ in the even that there are monies available they wanted a backup plan if FEMA did not provide funding. **2.** Reported that the site investigations of the soils around the dam have been found to have no contamination. He noted the reason this was done was so they would not get to a point where they are ready to go to construction and find out they have another surprise on their hands. **3.** Noted that Ms. Willis has a summary of 2011 Capital Road project regarding the status of each of the roads. He advised that the award of the contract of Tensaw Drive this evening will restart the Road Program and it is the intention of the contractor to come in as quickly as possible within the next two weeks and do Tensaw Drive completely and then move to the Road Project and not leave the Township until the Road Program is finished. He reminded that the Township has a \$213,000 NJDOT Grant, a \$177,000 contract giving them a balance of \$36,000, they have a pending contract for construction management in front of Administration for \$24,500, and should have a balance of \$10-12,000 on the grant because construction management can be taken directly from the grant and will not be part of the bonds. They hope to have that project done by the end of July. He noted having created the problem with Administration noting that he needed to have a resolution on the agenda tonight for their construction management. He advised that he has offered the Mayor because he does not want to loose the contractor until August 1<sup>st</sup> when Council meets again, that they will conduct the construction management with the risk that Council will or will not approve their construction management contract. He noted that Mr. Gonzalez is implementing some proper standards and procedures in place and he will change his process to comply. **4.** They are working with the Country Lakes Community Association on the design and hopes in the next 30-60 days to have a public information center to invite the members of Country Lakes to show them the progress of where they are, what the issues are, how they may need some access to get the construction equipment in. He noted one of the things the Mayor has asked him to do is that when they are in design process to assess what things they can do with Township forces in order to save some money on the project because ultimately the tax payer pays for it and they will be working on that aspect. **5.** He reported that Lemmon Avenue project is underway. They have a utility conflict that they have solved so that should be continuing. **6.** All of the responses are in for Imagination Kingdom for DEP for Green Acres to reimburse the Township. **7.** They had sent all

of the certifications and information to the Pinelands about the removal of all material that was on the County property and that has been reseeded. **8.** North Road is completed.

President Cartier asked in regards to Country Lakes Dam what the anticipated completion date is for the design. Ms. Willis explained that they have been discussing this with the Mayor. They were authorized only authorized up to a certain phase which was the structural engineering which underway and they already have structural design plans. The next phase in the project is their design. Their office has been moving forward but they have not yet been authorized to actually move forward with that work by Council. The Mayor noted he is waiting for the CFO to come back this upcoming week and will meet to determine the best funding source, as they only have partial funding sources that allows them to go through a certain phase of the design phase and they have to fund the rest of the project and then will also look into funding the construction portion of the project. Ms. Willis relayed that the same application that Mr. Rehmann mentioned for Bayberry Dam that they were applying for they will be doing as well for Country Lakes 1, 2 and 3. She informed that it required separate application because of the specific information needed in the application and it is scored based on the information but they are going to supply that as one package to DEP in hopes they will consider them as a unit even though they have different characteristics. President Cartier expressed hope they would see something on this by mid August from Administration on this. The Mayor affirmed he would have something for them by their next meeting. President Cartier asked where they were with the five-year Road Program, noting his understanding that they are reassessing it to extend it out another three years. Ms. Willis advised they will actually have five years technically set up, with eight years total. She noted they are in year 3 right now and Dave Cella is making his final revisions of the report to get it to the Mayor and Public Works to start to review to see they have any input or changes. They hope to have the plan in place by the end of this year but a draft will be out by the end of August. President Cartier then asked about the drainage on Rail Road Avenue that has been fenced off now for two years. The Mayor noted that's where they have the 1000 feet of storm drain pipe where they have the joint problem. Ms. Willis explained that Public Works has been looking into joint sealing and doing some type of pipe lining in that area. She believes that is all being handled at the Public Works level, noting that they can get involved, but at this point it's in the hands of DPW. The Mayor added that they will be meeting with them tomorrow to see where they are at with that. He informed that the last report that they received noted they were looking at lining inside of the pipe but found to be quite expensive, even more than replacement. However, the last time they met they had found a company that actually sends their shortest guys in that re-grout the inside of the pipe and it was found that they will probably have to come back to Council about going out to bid. Ms. Willis noted that their research on pipelining has been similar. She noted that if they are going to be paving the road at any time it is more cost effective to just replace the pipe. She advised if they are not going to be paving the road, pipe lining is an option if it is a dire necessity to get someone in there.

Mr. Prickett noted that the Road Program list was generated five years ago and questioned if the roads have been looked at recently or has the old list been used to put together the new Road Program. Ms. Willis acknowledged that the old list was used and whenever a new set of roads come up that they see or roads that are taken into account complaints, that road does get reevaluated. There were additional surveys on certain roadways that they felt had declined. She noted that they do go out annually and make sure that the roads they had in the plan do still make sense to be on the list and that they are still going to be able to do them for the amount of money that they have available. Mr. Prickett then asked how long will the County repair be sufficient before the Township may have to get funding and does the repair work, whether it was a matter of a year or shorter or longer period of time. Mr. Rehmann thinks that as long as that Dam is not overtopped again, noting that area is an area of exposure for erosion for overtopping. The repair they did is a ten year repair as long as they don't overtop the Dam. He relayed that essentially they put back what they had to. Mr. Prickett asked if there is no urgency for doing the repair and no one is pushing and they can find out from FEMA if they received the money and if that's the next objective. Mr. Rehmann stated with the exception that Dam Safety has said that Dam must be repaired so they are ordered to make the repair. Mr. Prickett asked if there is a time frame to which Ms. Willis advised that they have been required by Dam Safety to have plans to them by the end of August and they have requested an additional time because they have only received authorization recently. She noted that the minute that they brought Dam Safety in and started doing the analysis and the H & H study, they were then put on a schedule that they have to maintain. She explained that even though the roadway is solid since repaired by the County, the dam however, has issues as it relates to the upstream and downstream slope protection. She

noted that if that were to overtop again they would see a similar failure purely it hasn't been brought up to current codes and standards. Mr. Prickett commented that that brings him to his second question regarding where the sidewalk is collapsed and asked if the soil there is vulnerable to overtopping of the dam; meaning if it does will it erode more in that area, and is there erosion as it is without the overtopping, with the wave action. Ms. Willis it would not so much with the steady state and high storms they are going to see some erosions, but they will see big failures when they have the overtopping. She further noted the articulating concrete blocks will be the standard that DEP will require.

## **PLANNER'S REPORT**

Rick Ragan reported: **1.** The dialysis center did receive a letter back from Pinelands asking for more borings on the site behind their proposed building site, so they are giving them more information and he expects to see it in September at the Zoning Board. **2.** He reported having attended a meeting at the Joint Land Use Base Study for an alternative sewer plant to be constructed by the Base in cooperation with Cookstown, New Egypt and providing sewer to those areas on a type of joint cost basis. The military is apparently proposing to relocate their sewer plant in order to place additional planes in an area closer to their runway, in order to make a certain amount of capacity available adjacent communities. He relayed that the Township has their own sewer plant and do not need anything further, Wrightstown has their sewer plant and do not need anything further. However Wrightstown is being asked to take sewer from the transfer development rights program of North Hanover. He noted should North Hanover do their Village concept which they are calling North Wrightstown for the purpose of the study, there would be 500 housing units in North Hanover that would be adjacent to Wrightstown. He reflected that there is no impact on Pemberton Township, but just wanted to share the fact that study is going on. He noted that during that presentation he asked about the proposed road realignments and was told that they may be foregoing that and are not looking at that as a strong possibility at the moment, but he needs to get more information on that. Mr. Prickett questioned that there are no more comments on Cookstown Road being closed. Mr. Ragan reiterated that's correct and there is no more discussion regarding that at the moment that he knows of. Mr. Prickett expressed that was good news. President Cartier asked if the sewer on Ft. Dix ever considered for whatever they are trying to do in Wrightstown. Mr. Ragan advised no, noting that Wrightstown has plenty of capacity and North Hanover is directly adjacent to it so they are really looking at the capacity for Cookstown, New Egypt and Plumstead.

## **MAYOR'S REPORT**

The Mayor reported: **1.** That as a resident he wants to ask Council to seriously consider the solar ordinance noting that he would be against ground mounted solar panels and thinks esthetics does play a part in their town's plans and would hope they would not put ground mounted systems in their town in residential areas. **2.** He noted that one thing that was left out in the report on the dams was that yes it is required by Dam Safety to bring this up to code and standards but what they did not hear was the consequences if they don't, which he believes would be to lower the dam, drain the lakes which would change the esthetics in this town drastically. **3.** He commented on his feelings on being questioned about routine items of the water department on the bill list. **4.** He announced that the Water Carnival will be held on July 28<sup>th</sup> and encouraged everyone to attend. **5.** Noted the Farm Fair starts next week. **6.** Announced that August 8<sup>th</sup> will be National Night Out which is held here next door to the Municipal Building.

## **BUSINESS ADMINISTRATOR'S REPORT**

Mr. Gonzalez reported: **1.** Advised that Council will have for the next Council meeting a number of resolutions and a variety of the engineering projects.

Mr. Prickett publicly thanked Mr. Gonzalez for providing them access to the Edmunds menu and he went well beyond that by providing Council with computer terminals in their office for their use. Mr. Gonzalez advised that he is welcome but clarified that it was the Mayor's request. Mr. Prickett thanked the Mayor as well.

Mr. Prickett then asked the Mayor about a question he's been asked before and wondered as a result of Mr. Allen's discussion about a study by JCP & L, whether in the municipal parking lot

are going to be repaired, noting there are 2-5 lights that are out there and assumes that they are part of the \$5,229.00 electric bill. He asked if they pay for that electric if those lights are not on or just for the electric used. The Mayor reiterated that JCP & L did not do their light study but rather was done by their police department and the lights in the parking lot are Township lights and there is no intention of bringing the lights in the island between the parking lot and the building back on line. He noted they are actually looking at taking them out. He relayed that the lights on the sidewalk side they will look into repairing them, but those in the parking lot have been replaced with JCP & L and no they do not pay for the ones that are not on.

Mr. Allen thanked the Mayor for the clarification on how the street light survey was conducted. He noted that he did ask for the bill to be pulled, but his question was really about status, not about the bill. He relayed that in the future he will ask during the Mayor's comment period or in advance as he usually directs his questions prior to the meeting. He then asked about the portable pots mentioned by Ms. Phillips, as to whether any of the other parks in the Township have them, if any. The Mayor advised that none do, they do not provide them for any of the parks.

## **COUNCIL COMMENTS**

**Jason Allen:** **1.** Announced that the Department of Environmental Protection is seeking recruits for the 2013 Watershed Ambassador Program and the applications will be accepted through August 17<sup>th</sup>.

President Cartier asked what the age limits are for the program. Mr. Allen did not know, but noted they have to be a college graduate.

**Sherry Scull:** **1.** Was glad to hear that the law was passed so that solar can be put on landfills. **2.** Informed that the portable pots that were located at the Presidential Lakes Park last year were paid for by the baseball team and were locked when the teams were not there. **2.** Expressed that the ground mounted solar panels in residential areas not looking nice did not concern her as much as the safety issues, noting that children don't always pay attention to fences. **3.** Announced the annual Hall of Fame Golf Tournament will be held on August 6<sup>th</sup>, in Medford, noting it is usually on Base. **4.** Talked about the 150<sup>th</sup> Anniversary of the Civil War and that she will be doing a short presentation. She shared the history on the units in Pemberton and will be doing a presentation on the 23<sup>rd</sup> Unit sometime in August.

**Richard Prickett:** **1.** Commented on all the wonderful traditions in Pemberton Township, noting the July 4<sup>th</sup> parade in Presidential Lakes, the Whitesbog Preservation Trust, the 29<sup>th</sup> Annual Blueberry Festival and the Water Carnival. He noted there are volunteers but his is sure they can use more.

**Diane Stinney:** **1.** Thanked everyone for coming out. **2.** Commented on the July 4<sup>th</sup> parade, noting it was wonderful. **3.** Commented on the professionalism that is displayed by their Professionals. She thanked Mr. Ragan on how he presented the solar information, and she and the public learned a lot. She thanked Mr. Rehmann and Ms. Willis for how they present things to them and the public. She expressed displeasure with hearing laughs and smirks from others during comments, and that questions should be asked when needed. **4.** Thanked everyone for coming out and expressed hope to see everyone at the Water Carnival.

**Kenneth Cartier:** **1.** Thanked everyone for coming out, expressed appreciation for comments received and wished everyone a safe trip home.

The meeting was adjourned at approximately 9:51 p.m.

Respectfully submitted by,

MARYANN FINLAY, MMC, TOWNSHIP CLERK