

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
AUGUST 1, 2012
6:30 P.M.**

FLAG SALUTE

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

ROLL CALL

PRESENT

Sherry Scull
Diane Stinney
Jason Allen
Ken Cartier
Richard Prickett

ABSENT

Also present: Mayor David Patriarca, Business Administrator Dennis Gonzalez, Township Solicitors Andrew Bayer, Jaclyn Baker, Township Engineer Chris Rehmann and Kelly Willis, Township Planner Rick Ragan, and Township Clerk Mary Ann Finlay.

CALL TO ORDER

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

CLOSED SESSION

RESOLUTION NO. 146-2012

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: HISTORIC TRUST
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Allen to approve Resolution No. 146-2012. Prickett, yes; Allen, yes; Scull, yes; Cartier; Stinney, 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.

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:

George Petronis, Browns Mills – 1. Wanted clarification on how residents could review the bill list prior to a meeting. President Cartier asked the Clerk. Mrs. Finlay asked Mr. Petronis if it was not him that she that she emailed a detailed explanation to earlier in the week. He acknowledged he was but wanted to know for clarification how he could, and if there was any way at all that one could do this. Mr. Bayer was going to look into the matter for him, however, noting that until it is approved it is not subject to OPRA.

Bob Pelletier, Pemberton – 1. Asked if in regards to Res. 154 if the money comes out of the grant funding to which he was told yes. He commented on having seen a lot of paving and that the amount seemed high. Ms. Willis explained the scope of services for him. **2.** Asked who fills out the annual TAG grant applications and was told they are completed by the Recreation Dept. **3.** Asked in regards to Res. 156-2012, what the foreign material was that was removed. Ms. Willis explained it was approximately 4 to 6 feet of organic material such as leaves, etc. **4.** Noted Resolutions 157 and 158-2012 authorizing the fire services agreements for Country Lakes and Browns Mills Fire Co. and questioned about Presidential Lakes. Mr. Gonzalez explained that they did not get the signed agreement back in time for this agenda and expects that Presidential Lakes' agreement will be executed in time for the August 15th meeting. **5.** Asked about the Armored Car Services, presuming it's for the receipts of monies. Mr. Gonzalez explained that the bank will no longer do the service for free. He asked why the police could not do it and was explained that the police do not have the man power to take them from their duties to fulfill this function. **6.** Asked about the social affair permits and expressed the need to limit the time on them.

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.

Mr. Allen requested to pull resolution numbers 151-2012 and 153-2012. Mrs. Stinney requested to pull resolution numbers 154-2012, 157-2012 and 158-2012. Mr. Prickett requested to pull New Business 12. a. 2.

CONSENT AGENDA ITEMS

***MINUTES FILED BY MUNICIPAL CLERK**

Regular Meeting, July 11, 2012.

***CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 147 -2012

WHEREAS, APPLICATIONS HAVE BEEN MADE TO THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 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 APPLICANTS ARE 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 LICENSES 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

SGSL ENTERPRISES LLC

0329-33-010-005

C/O DANIEL STRAFFI, BANKRUPTCY TRUSTEE

RESOLUTION NO. 148-2012

WHEREAS, PEMBERTON TOWNSHIP MUNICIPAL ALLIANCE HAS BEEN ORGANIZED TO PROVIDE PROGRAMS TO ENCOURAGE DEVELOPMENT WITHOUT DRUGS BY VIRTUE OF CARE, EDUCATION AND VIGILANCE; AND WHEREAS, THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE IS A POTENTIAL SOURCE OF FINANCIAL SUPPORT AND THE PEMBERTON TOWNSHIP MUNICIPAL ALLIANCE HAS APPLIED TO RECEIVE A SHARE OF THIS FUND FOR LOCAL PURPOSES.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE PEMBERTON TOWNSHIP MUNICIPAL ALLIANCE IS AUTHORIZED TO FILE APPLICATIONS WITH THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR FUNDING.

RESOLUTION NO. 149-2012

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:

CORELOGIC, \$992.40, REFUND FOR OVERPAYMENT WAS CREATED AS CORELOGIC AND PRIOR MORTGAGE COMPANY PAID SECOND QUARTER.

CORELOGIC, \$1,372.22, REFUND FOR OVERPAYMENT WAS CREATED AS CORELOGIC AND PRIOR MORTGAGE COMPANY PAID SECOND QUARTER.

FAMILY SERVICES, \$350.15, REFUND FOR OVERPAYMENT WAS CREATED AS TAXES WERE PAID IN ERROR AS PROPERTY IS TAX EXEMPT.

EDNA INGE, \$150.00, REFUND FOR THE MIDDLE SCHOOL FIELD TRIP PROGRAM, PROGRAM WAS CANCELLED.

RESOLUTION NO. 150-2012

RESOLUTION AUTHORIZING REDEMPTION IN INSTALLMENTS

WHEREAS, THE TOWNSHIP OF PEMBERTON HOLDS CERTIFICATE OF SALE #2008121 AND THE AMOUNT REQUIRED TO REDEEM TOTALS THIRTY FOUR THOUSAND ONE HUNDRED FIFTEEN DOLLARS AND SIX CENTS (\$34,115.06) INCLUDING INTEREST TO AUGUST 1, 2017 ON PROPERTY OWNED BY EDWARD & JACQUELINE RICKETTS LOCATED AT 107 MARGARET ST., BROWNS MILLS, NJ (BLOCK 516 LOT 45) FOR UNPAID REAL ESTATE TAXES DUE UP TO MAY 1, 2012 AND SOLID WASTE DUE UP TO AUGUST 1, 2012; AND,

WHEREAS, THE OWNER HAS REQUESTED INSTALLMENT PAYMENTS TO REDEEM SAID PROPERTY; AND

WHEREAS, N.J.S.A. 54:5-65, ET SEQ. AUTHORIZES SUCH INSTALLMENT PAYMENTS,

NOW, THEREFORE, BE IT RESOLVED, THAT THE TAX COLLECTOR, IS HEREBY AUTHORIZED AND DIRECTED TO ACCEPT INSTALLMENT PAYMENTS IN REDEMPTION OF SAID ARREARS AND ACCRUED INTEREST IN ACCORDANCE WITH THE FOLLOWING SCHEDULE

1. SIXTY (60) EQUAL MONTHLY INSTALLMENTS SUFFICIENT TO PAY THE BALANCE IN FULL WITHIN FIVE (5) YEARS OF THE DATE OF THIS AGREEMENT, SAID AMOUNT BEING FIVE HUNDRED SIXTY EIGHT DOLLARS AND FIFTY EIGHT CENTS (\$568.58) MONTHLY COMMENCING ON SEPTEMBER 1, 2012, WITH AN ADJUSTMENT ON THE LAST PAYMENT, IF NECESSARY, FOR INTEREST DUE TO DATE OF ACTUAL RECEIPT OF PAYMENTS;
2. DEFAULT IN ANY INSTALLMENT PAYMENT TERMINATES THIS AGREEMENT AND SUBJECTS THE PROPERTY TO FORECLOSURE ACTION;
3. ALL TAXES AND SOLID WASTE NOT YET DUE SHALL BE REGULARLY AND PROMPTLY MADE IN ADDITION TO THE PAYMENTS SET FORTH ABOVE.

RESOLUTION NO. 152-2012

BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE FOLLOWING INDIVIDUALS BE APPOINTED TO SERVE AS REPRESENTATIVES TO THE NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND:

JOYCE TINNES, SAFETY DELEGATE

D'QUEDA OWENS, ALTERNATE SAFETY DELEGATE

RESOLUTION NO. 155-2012

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO

TKT CONSTRUCTION COMPANY, INC. FOR INSTALLATION OF A VARIABLE FREQUENCY DRIVE CONTROLLER AT WELL #12 ON AN EMERGENT BASIS IN AN AMOUNT NOT TO EXCEED \$13,383.00

WHEREAS, ON MARCH 23, 2011, WELL #12 WAS CONVERTED FROM A TEST WELL TO A PRODUCTION WELL AND PLACED INTO SERVICE IN THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"); AND

WHEREAS, A.C. SCHULTES, INC. ("A.C. SCHULTES") WAS THE RESPONSIBLE CONTRACTOR FOR THE PRODUCTION WELL CONVERSION OF WELL #12 IN THE TOWNSHIP; AND

WHEREAS, ON FEBRUARY 15, 2012, TKT CONSTRUCTION COMPANY, INC. ("TKT") WAS AWARDED A CONTRACT FOR THE CONSTRUCTION OF A TREATMENT BUILDING AROUND PRODUCTION WELL #12; AND

WHEREAS, OVER SEVERAL WEEKS IN JUNE 2012, WELL #12 HAD A PROBLEM WITH AIR IN THE LINE, RESULTING IN MILKY/CLOUDY WATER BEING DELIVERED TO THE TOWNSHIP'S WATER SYSTEM; AND

WHEREAS, THE TOWNSHIP CALLED UPON A.C. SCHULTES AND TKT IN ORDER TO TROUBLESHOOT THE PROBLEM AT WELL #12 AND AN INSPECTION REVEALED THAT THE AIR LINE WAS CLOGGED WITH A FOREIGN MATERIAL AND THEREFORE, THE TOWNSHIP AUTHORIZED A.C. SCHULTES, ON AN EMERGENCY BASIS, TO PERFORM A VACUUM OPERATION OF THE FOREIGN MATERIAL SINCE IT WAS SPECULATED THAT THIS MATERIAL COULD BE THE CAUSE OF THE AIR PROBLEM AT WELL #12; AND

WHEREAS, AFTER WELL #12 WAS REINSTALLED AND REACTIVATED, THE AIR PROBLEM AGAIN REOCCURRED; AND

WHEREAS, THEREFORE, WELL #12 WAS OPERATED OVERBOARD TO DETERMINE THE OPTIMAL GALLON PER MINUTE THRESHOLD WHEREBY AIR WAS NOT BEING EXPERIENCED; AND

WHEREAS, IT IS ULTIMATELY A LONG TERM OPERATING SOLUTION TO INSTALL A VARIABLE FREQUENCY DRIVE CONTROLLER ("VFD") AT WELL #12 THAT WILL AUTOMATICALLY REGULATE THE OPTIMUM PRESSURE; AND

WHEREAS, HOWEVER, DUE TO THE RECENT OPERATING TRIAL AND ERROR OF OPTIMAL PRESSURE, THE TOWNSHIP ENGINEER RECOMMENDS THAT THE VFD BE INSTALLED AT WELL #12 AS SOON AS POSSIBLE AS OPPOSED TO WAITING UNTIL A FUTURE POINT IN TIME; AND

WHEREAS, IF THE VFD IS NOT IMMEDIATELY INSTALLED AT WELL #12, THERE IS A STRONG POSSIBILITY THAT WELL #11, WHICH IS CONTAMINATED WITH RADIUM, WOULD NEED TO BE RETURNED TO SERVICE IN ORDER TO MEET THE TOWNSHIP'S WATER DEMAND DURING THE PEAK SUMMER SEASON; AND

WHEREAS, PURSUANT TO N.J.S.A. 40A:11-6, A MUNICIPALITY MAY AWARD A CONTRACT WITHOUT PUBLIC BIDDING WHEN AN EMERGENCY AFFECTING PUBLIC HEALTH, SAFETY OR WELFARE REQUIRES THE IMMEDIATE PERFORMANCE OF SERVICES; AND

WHEREAS, PURSUANT TO CERTIFICATION BY THE TOWNSHIP ENGINEER, THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE TOWNSHIP RESIDENTS IS AT RISK AS INSTALLATION OF A VFD AT WELL #12 IS NECESSARY TO PREVENT THE TOWNSHIP'S RELIANCE ON WELL #11 WHICH IS CONTAMINATED WITH RADIUM; AND

WHEREAS, TKT PROVIDED A NET PRICE QUOTE TO THE TOWNSHIP IN AN AMOUNT NOT TO EXCEED \$13,383.00 IN ORDER TO PERFORM THE NECESSARY WORK ON WELL #12; AND

WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IS IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD AN EMERGENCY CONTRACT TO TKT CONSTRUCTION COMPANY, 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 AN EMERGENCY CONTRACT FOR INSTALLATION OF A VARIABLE FREQUENCY DRIVE CONTROLLER AT WELL #12 IS HEREBY AWARDED TO TKT CONSTRUCTION COMPANY, INC. IN THE NET AMOUNT NOT TO EXCEED \$13,383.00, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND TKT CONSTRUCTION COMPANY; AND

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

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

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

RESOLUTION NO. 156-2012

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO A.C. SCHULTES, INC. FOR REMOVAL OF FOREIGN ACCUMULATED MATERIAL AT WELL #12 ON AN EMERGENCY BASIS IN AN AMOUNT NOT TO EXCEED \$8,920.00

WHEREAS, ON MARCH 23, 2011, WELL #12 WAS CONVERTED FROM A TEST WELL TO A PRODUCTION WELL AND PLACED INTO SERVICE IN THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"); AND

WHEREAS, A.C. SCHULTES, INC. ("A.C. SCHULTES") IS THE RESPONSIBLE CONTRACTOR FOR THE PRODUCTION WELL CONVERSION REGARDING THE WELL #12 PROJECT IN THE TOWNSHIP; AND

WHEREAS, OVER SEVERAL WEEKS IN JUNE 2012, WELL #12 HAD A PROBLEM WITH AIR IN THE LINE, RESULTING IN MILKY/CLOUDY WATER BEING DELIVERED TO THE TOWNSHIP'S WATER SYSTEM; AND

WHEREAS, THE TOWNSHIP CALLED UPON A.C. SCHULTES IN ORDER TO TROUBLESHOOT THE PROBLEM AT WELL #12 AND AN INSPECTION REVEALED THAT THE AIR LINE WAS CLOGGED WITH A FOREIGN MATERIAL WHICH HAD ACCUMULATED OVER TIME, AND WHICH A.C. SCHULTES ADVISED SHOULD BE REMOVED; AND

WHEREAS, THE TOWNSHIP THEREFORE AUTHORIZED A.C. SCHULTES TO PERFORM A VACUUM OPERATION OF THE FOREIGN MATERIAL IN WELL #12, SINCE IT WAS SPECULATED THAT THIS MATERIAL COULD BE THE CAUSE OF THE AIR PROBLEM; AND

WHEREAS, PURSUANT TO N.J.S.A. 40A:11-6, A MUNICIPALITY MAY AWARD A CONTRACT WITHOUT PUBLIC BIDDING WHEN AN EMERGENCY AFFECTING PUBLIC HEALTH, SAFETY OR WELFARE REQUIRES THE IMMEDIATE PERFORMANCE OF SERVICES; AND

WHEREAS, PURSUANT TO CERTIFICATION BY THE TOWNSHIP ENGINEER, THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE TOWNSHIP RESIDENTS IS AT RISK AS THE WORK ON WELL #12 IS NECESSARY TO PREVENT THE TOWNSHIP'S RELIANCE ON WELLS #6 AND #8A IN THE TOWNSHIP WHICH HAVE LIMITED CAPACITY, AS SUCH RELIANCE WOULD PLACE THE TOWNSHIP'S WATER OPERATION IN JEOPARDY PARTICULARLY DURING THE PEAK DEMAND SUMMER MONTHS; AND WHEREAS, A.C. SCHULTES PROVIDED A PRICE QUOTE TO THE TOWNSHIP, IN AN AMOUNT NOT TO EXCEED \$8,920.00, IN ORDER TO PERFORM THE NECESSARY WORK ON WELL #12; AND

WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IS IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD AN EMERGENCY CONTRACT TO A.C. SCHULTES.

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 AN EMERGENCY CONTRACT FOR A VACUUM OPERATION OF FOREIGN ACCUMULATED MATERIAL AT WELL #12 IS HEREBY AWARDED TO A.C. SCHULTES, INC. IN AN AMOUNT NOT TO EXCEED \$8,920.00 AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND A.C. SCHULTES, INC.; AND

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

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

- A. A.C. SCHULTES, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 159-2012

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF PEMBERTON FOR THE PROVISION OF BASIC LIFE SUPPORT EMERGENCY MEDICAL SERVICES IN THE BOROUGH WHEREAS, ON OCTOBER 10, 2010, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ENTERED INTO A THREE YEAR AGREEMENT WITH LOURDES MEDICAL CENTER BURLINGTON COUNTY D/B/A LOURDES EMS ("LOURDES") FOR THE PROVISION OF BASIC LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES WITHIN THE TOWNSHIP (THE "AGREEMENT"); AND

WHEREAS, THE BOROUGH OF PEMBERTON (THE "BOROUGH") DESIRES TO SECURE FOR THE SAFETY OF ITS RESIDENTS, AND FOR THE GENERAL WELFARE, BASIC LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES WITHIN ITS BORDERS AND RATHER THAN SEPARATELY PROCURING THESE SERVICES, THE BOROUGH WISHES TO SHARE IN THE BASIC LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES THAT ARE ALREADY BEING PROVIDED TO THE TOWNSHIP BY LOURDES UNDER THE AGREEMENT; AND

WHEREAS, THE UNIFORMED SHARED SERVICES AND CONSOLIDATION ACT, N.J.S.A. 40A:65-1, ET SEQ. AUTHORIZES JOINT ACTIVITIES AMONG MUNICIPALITIES AND WAS ENACTED WITH THE INTENT TO FACILITATE AND PROMOTE SHARED SERVICES AGREEMENTS; AND

WHEREAS, THE TOWNSHIP IS WILLING TO SHARE SUCH SERVICES WITH THE BOROUGH, WHEREBY LOURDES WILL PROVIDE THE BOROUGH WITH USE OF THE TOWNSHIP'S DESIGNATED AMBULANCES IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT; AND

WHEREAS, THE SHARED SERVICES AGREEMENT SHALL BE SUBJECT TO LOURDES ENTERING INTO THE FIRST AMENDMENT TO THE AGREEMENT WITH THE TOWNSHIP, WHEREBY LOURDES SHALL PERMIT THE BOROUGH TO BE A THIRD PARTY BENEFICIARY OF THE AGREEMENT; AND

WHEREAS, IN EXCHANGE FOR THE TOWNSHIP'S SHARING OF SUCH SERVICES, THE BOROUGH AGREES TO COMPENSATE THE TOWNSHIP AT THE ANNUAL RATE OF \$2,000.00 UNDER THE TERMS AND CONDITIONS AS MORE FULLY SET FORTH IN THE ATTACHED SHARED SERVICES AGREEMENT; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES THAT IT IS IN THE BEST INTERESTS OF THE TOWNSHIP TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF PEMBERTON FOR SHARING OF BASIC LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES.

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 MAYOR IS HEREBY AUTHORIZED TO EXECUTE A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF PEMBERTON, IN THE FORM ATTACHED HERETO, WHEREBY THE TOWNSHIP AGREES TO SHARE WITH THE BOROUGH ITS CONTRACTUAL RIGHTS WITH LOURDES FOR PROVISION OF BASIC LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES, AND THE BOROUGH AGREES TO COMPENSATE THE TOWNSHIP AT THE ANNUAL RATE OF \$2,000.00.

BE IT FURTHER RESOLVED, THAT THE SHARED SERVICES AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL SUCH TIME AS THE BOROUGH OF PEMBERTON ADOPTS A SIMILAR RESOLUTION RATIFYING THE AGREEMENT BETWEEN THE TOWNSHIP AND THE BOROUGH FOR THE PROVISION OF BASIC LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES,

AND LOURDES AGREES TO ENTER INTO THE FIRST AMENDMENT TO THE EMERGENCY AMBULANCE SERVICE AGREEMENT WITH THE TOWNSHIP.

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

- A. CLERK, BOROUGH OF PEMBERTON
- B. GLUCKWALRATH LLP

RESOLUTION NO. 160 –2012

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING A FIRST AMENDMENT TO THE AGREEMENT WITH LOURDES MEDICAL CENTER FOR PROVISION OF BASIC LIFE SUPPORT EMERGENCY MEDICAL SERVICES

WHEREAS, ON OCTOBER 10, 2010, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ENTERED INTO A THREE YEAR AGREEMENT WITH LOURDES MEDICAL CENTER BURLINGTON COUNTY D/B/A LOURDES EMS ("LOURDES") FOR THE PROVISION OF BASIC LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES WITHIN THE TOWNSHIP (THE "AGREEMENT"); AND

WHEREAS, THE BOROUGH OF PEMBERTON (THE "BOROUGH") DESIRES TO SECURE FOR THE SAFETY OF ITS RESIDENTS, AND FOR THE GENERAL WELFARE, BASIC LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES WITHIN ITS BORDERS; AND

WHEREAS, PURSUANT TO THE AGREEMENT, THE TOWNSHIP AND LOURDES MAY MODIFY THE AGREEMENT IN A WRITING SIGNED BY BOTH PARTIES; AND

WHEREAS, THE TOWNSHIP AND LOURDES DESIRE TO MODIFY THE ORIGINAL AGREEMENT IN ORDER TO ESTABLISH THAT LOURDES SHALL PROVIDE BASIC LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES TO THE BOROUGH IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT WITH THE TOWNSHIP (THE "FIRST AMENDMENT"), AND SUBJECT TO THE TOWNSHIP AND THE BOROUGH ENTERING INTO A SEPARATE SHARED SERVICES AGREEMENT; AND

WHEREAS, PURSUANT TO THE FIRST AMENDMENT, THE BOROUGH SHALL BE AN INTENDED THIRD PARTY BENEFICIARY OF THE AGREEMENT BETWEEN THE TOWNSHIP AND LOURDES, WITH THE SPECIFIC RIGHT TO ENFORCE THE PROVISIONS OF THE AGREEMENT, SO LONG AS THE SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH AND THE TOWNSHIP REMAINS IN FULL FORCE AND EFFECT; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES THAT IT IS IN THE BEST INTERESTS OF THE TOWNSHIP TO ENTER INTO THE FIRST AMENDMENT TO THE AGREEMENT WITH LOURDES.

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 MAYOR IS HEREBY AUTHORIZED TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT, IN THE FORM ATTACHED HERETO, WITH LOURDES MEDICAL CENTER BURLINGTON COUNTY D/B/A LOURDES EMS IN ORDER TO ESTABLISH THAT LOURDES SHALL PROVIDE BASIC LIFE SUPPORT AMBULANCE TRANSPORTATION SERVICES TO THE BOROUGH OF PEMBERTON IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET FORTH IN THE AGREEMENT BETWEEN LOURDES AND THE TOWNSHIP.

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

- A. LOURDES MEDICAL CENTER BURLINGTON COUNTY (LOURDES EMS)
- B. CLERK, BOROUGH OF PEMBERTON
- C. GLUCKWALRATH LLP

NEW BUSINESS

***a. Purchases over \$2,000.00**

1. Finance Dept.: for armor car services from Eastern Armored Services, Inc., in the amount of \$390.00 per month reflecting a cost of \$1,560.00 for 2012.

***b. Acknowledgement of fire co. membership/relief association application for John H. Pszeny of Browns Mills Fire Co.**

***c. Social Affair Permit Applications from Eden Stanley American Legion for 1. fund raiser 8/18/12, from 2pm-8pm, proceeds to benefit PBA Local 260. 2. fund raiser 8/26/12, from 1pm-6pm, proceeds to benefit Rolling Thunder Scholarship.**

*Approval by Council required for payment of vouchers on bill list dated 7/27/12.

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

RESOLUTION NO. 151-2012 (Pulled from consent agenda)

RESOLUTION NO. 151-2012

RESOLUTION AUTHORIZING THE MUNICIPAL TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C. 72

WHEREAS, THE DIVISION OF LOCAL GOVERNMENT SERVICES, STATE OF NEW JERSEY HAS THE AUTHORITY BY STATE STATUTE TO EXAMINE, REVIEW AND THEN CERTIFY ALL LOCAL GOVERNMENT BUDGETS TO THE COUNTY BOARD OF TAXATION FOR THE PURPOSE OF REAL ESTATE TAXATION, AND

WHEREAS, THE BURLINGTON COUNTY BOARD OF TAXATION HAS NOT YET STRUCK THE TAX RATE, AND

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT THERE WILL BE INSUFFICIENT CASH FLOW TO SUPPORT OPERATIONS IN LATE AUGUST 2012 UNLESS THIRD QUARTER REVENUE IS RECEIVED IN A TIMELY MANNER, AND

WHEREAS, THE TAX COLLECTOR IN CONSULTATION WITH THE CHIEF FINANCIAL OFFICER HAS COMPUTED AN ESTIMATED TAX LEVY IN ACCORDANCE WITH N.J.S.A.54:4-66.3, AND THEY HAVE SIGNED A CERTIFICATION SHOWING THE TAX LEVIES FOR THE PREVIOUS YEAR, THE TAX RATES AND THE RANGE OF PERMITTED ESTIMATED TAX LEVIES;

NOW THEREFORE, BE IT HEREBY RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY AUTHORIZED THAT:

1. THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO PREPARE AND ISSUE ESTIMATED TAX BILLS FOR THE MUNICIPALITY FOR THE THIRD INSTALLMENT OF 2012 TAXES. THE TAX COLLECTOR SHALL PROCEED AND TAKE SUCH ACTIONS AS PERMITTED AND REQUIRED BY P.L.1994, C.72(N.J.S.A. 54:4-66.2 & 54:4-66.3
2. THE ENTIRE ESTIMATED TAX LEVY FOR 2012 IS HEREBY SET AT \$30,484,041.98.
3. IN ACCORDANCE WITH LAW THE THIRD INSTALLMENT OF 2012 SHALL NOT BE SUBJECT TO INTEREST UNTIL THE LATER OF; THE END OF THE GRACE PERIOD, OR THE TWENTY-FIFTH CALENDAR DAY AFTER THE ESTIMATED BILLS WERE MAILED. THE ESTIMATED BILLS SHALL CONTAIN A NOTICE SPECIFYING THE DATE ON WHICH INTEREST MAY BEGIN TO ACCRUE.

Mr. Allen asked for clarification regarding this resolution. Mr. Gonzalez explained that the resolution received was incorrect and that the second Whereas clause should read that the County has not set the tax rate and everything else in the clause could be removed.

Motion by Allen and Stinney to approve Res. 151-2012 as amended.
Allen, yes; Stinney, yes; Prickett, yes; Stinney, yes; Cartier, yes.
Motion carried.

RESOLUTION NO. 153-2012(Pulled from consent agenda)

RESOLUTION NO. 153-2012

RESOLUTION AUTHORIZING APPLICATIONS FOR DAM RESORATION LOANS FOR THE REPAIR AND/OR RESTORATION OF THE BAYBERRY STREET DAM AND THE THREE COUNTRY LAKES DAMS

WHEREAS, PEMBERTON TOWNSHIP NEEDS TO REPAIR AND/OR RESTORE THE BAYBERRY STREET DAM AND COUNTRY LAKES DAMS # 1, # 2, AND # 3; AND

WHEREAS, FUNDS FOR SAID REPAIRS AND/OR RESTORATION MAY BE AVAILABLE FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) THROUGH THEIR DAM RESTORATION LOAN PROGRAM; AND

WHEREAS, PEMBERTON TOWNSHIP WISHES TO SUBMIT APPLICATIONS TO NJDEP FOR DAM RESTORATION LOANS FOR THE BAYBERRY STREET DAM AND COUNTRY LAKES DAMS # 1, # 2, AND # 3 PROJECTS.

NOW, THEREFORE, IT IS RESOLVED BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, AS FOLLOWS:

1. THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE AND SUBMIT A NJDEP DAM RESTORATION LOAN APPLICATION FOR THE BAYBERRY STREET DAM AND COUNTRY LAKES DAMS # 1, # 2, AND # 3 PROJECTS, AND ANY AND ALL OTHER DOCUMENTS WHICH MAY BE NECESSARY TO COMPLETE SAID APPLICATION.
2. THE AUTHORIZATION GRANTED HEREBY PERMITS THE EXECUTION AND SUBMISSION OF APPLICATIONS SINGULARLY OR JOINTLY.
3. THE AUTHORIZATION GRANTED HEREBY SHALL NOT INCLUDE THE AUTHORITY TO ACCEPT ANY LOAN WHICH MAY BE OFFERED BY NJDEP FOR THE BAYBERRY STREET DAM AND COUNTRY LAKES DAMS # 1, # 2, AND # 3 PROJECTS, WHICH ACCEPTANCE SHALL REQUIRE ADDITIONAL TOWNSHIP COUNCIL ACTION.

Motion by Prickett and Scull to approve Res. 153-2012. Prickett, yes;
Scull, yes; Allen, abstain; Stinney, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 154-2012(Pulled from consent agenda)

RESOLUTION NO. 154-2012

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH ADAMS, REHMANN & HEGGAN FOR ENGINEERING AND CONTRACT MANAGEMENT SERVICES FOR THE RESURFACING OF TENSAW DRIVE

WHEREAS, THERE EXISTS A NEED FOR THE SERVICES OF A PROFESSIONAL ENGINEER AND CONSTRUCTION MANAGER IN PEMBERTON TOWNSHIP FOR DESIGN SERVICES, CONSTRUCTION MANAGEMENT AND INSPECTION OF THE TENSAW DRIVE RESURFACING PROJECT; AND

WHEREAS, THE MAXIMUM AMOUNT OF THE CONTRACT IS TWENTY FOUR THOUSAND FIVE HUNDRED DOLLARS (\$24,500.00) AND FUNDS HAVE BEEN CERTIFIED BY THE CHIEF FINANCIAL OFFICER OF PEMBERTON TOWNSHIP TO BE AVAILABLE IN THE NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT AWARDED TO PEMBERTON TOWNSHIP FOR THE RESURFACING OF TENSAW DRIVE, WHICH AWARD INCLUDED SUFFICIENT FUNDS FOR ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES; AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-1 ET SEQ., REQUIRES THAT THE RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS FOR "PROFESSIONAL SERVICES" WITHOUT COMPETITIVE BIDS AND THE CONTRACT ITSELF MUST BE AVAILABLE FOR PUBLIC INSPECTION; AND

WHEREAS, THIS CONTRACT IS ALSO AWARDED UNDER A FAIR AND OPEN PROCESS PURSUANT TO N.J.S.A. 19:44A-20.5 ET SEQ.

NOW, THEREFORE, IT IS RESOLVED BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, AS FOLLOWS:

1. THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH ADAMS, REHMANN & HEGGAN, 850 SOUTH WHITE HORSE PIKE, HAMMONTON, NJ 08037 FOR ENGINEERING AND CONTRACT MANAGEMENT SERVICES FOR THE TENSAW DRIVE RESURFACING PROJECT FUNDED BY NJDOT UNDER THE TERMS SET FORTH IN THE ATTACHED LETTER DATED JUNE 28, 2012, AND THE TERMS AND CONDITIONS SET FORTH IN THE CONTRACT BETWEEN PEMBERTON TOWNSHIP AND ADAMS, REHMANN & HEGGAN, FOR TOWNSHIP ENGINEER SERVICES DURING 2012.
2. THIS CONTRACT IS AWARDED IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5 ET SEQ., THROUGH A FAIR AND OPEN PROCESS AND WITHOUT COMPETITIVE BIDDING AS A "PROFESSIONAL SERVICE" IN ACCORDANCE WITH N.J.S.A. 40A:11-5(1)(A) OF THE LOCAL PUBLIC CONTRACTS LAW BECAUSE THE CONTRACT IS FOR A SERVICE PERFORMED BY A PERSON AUTHORIZED BY LAW TO PRACTICE A RECOGNIZED PROFESSION THAT IS REGULATED BY LAW.
3. A NOTICE OF THIS ACTION SHALL BE PRINTED ONCE IN THE OFFICIAL NEWSPAPER OF PEMBERTON TOWNSHIP.

Mrs. Stinney questioned why this was on the agenda noting there was a grant for this. The Mayor explained that the Business Administrator has advised that the proper way of doing these approvals is by resolution. They are still

assigning the work to ARH but it is now backed up by resolution.

Motion by Stinney and Scull to approve Res. 154-2012. Stinney, yes; Scull, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

RESOLUTION NOS. 157-2012 & 158-2012 (Pulled from consent agenda)

RESOLUTION NO. 157-2012

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND COUNTRY LAKES VOLUNTEER FIRE COMPANY FOR THE PROVISION OF FIRE PROTECTION SERVICES WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS NO PAID OR PART-PAID FIRE DEPARTMENT OR FORCE; AND WHEREAS, THE TOWNSHIP RECOGNIZES THE NEED TO PROVIDE FIRE PROTECTION FOR RESIDENTS AND TAXPAYERS OF THE TOWNSHIP; AND WHEREAS, THE TOWNSHIP DESIRES TO RETAIN THE EMERGENCY SERVICES OF COUNTRY LAKES VOLUNTEER FIRE COMPANY, STATION 183 (THE "FIRE COMPANY") AS A NECESSARY AND PROPER MEASURE FOR THE SECURITY OF THE PUBLIC HEALTH AND WELFARE; AND WHEREAS, THE FIRE COMPANY HAS REPRESENTED TO THE TOWNSHIP THAT IT IS AN ASSOCIATION INCORPORATED FOR THE PURPOSES OF RENDERING EMERGENCY SERVICES, AND HAS FURTHER WARRANTED THAT ITS MEMBERS POSSESS THE REQUISITE TRAINING AND QUALIFICATIONS TO RENDER SUCH SERVICES; AND WHEREAS, PURSUANT TO TOWNSHIP ORDINANCE 8-2009, ANY VOLUNTEER FIRE COMPANY ORGANIZATION DESIROUS OF PERFORMING FIRE OPERATIONS AND ACTIVITIES IN THE TOWNSHIP SHALL FIRST ENTER INTO AN AGREEMENT WITH THE TOWNSHIP; AND

WHEREAS, THE TOWNSHIP DESIRES TO ENTER INTO AN AGREEMENT WITH THE FIRE COMPANY, IN THE FORM ATTACHED HERETO, WHEREBY THE FIRE COMPANY WILL PROVIDE THE TOWNSHIP WITH FIREFIGHTING SERVICES FOR THE TERM OF ONE (1) YEAR, AND THE TOWNSHIP WILL PROVIDE THE FIRE COMPANY WITH USE OF TOWNSHIP FIRE VEHICLES AND EQUIPMENT AS WELL AS MAINTENANCE, INSURANCE AND FUEL FOR THE SAME; AND

WHEREAS, THE TOWNSHIP BELIEVES THAT THIS AGREEMENT WITH THE FIRE COMPANY WILL BE BENEFICIAL TO THE TOWNSHIP.

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 MAYOR IS HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH COUNTRY LAKES VOLUNTEER FIRE COMPANY, IN THE FORM ATTACHED HERETO, WHEREBY COUNTRY LAKES SHALL PROVIDE THE TOWNSHIP WITH FIREFIGHTING SERVICES FOR THE TERM OF ONE YEAR.

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

- A. COUNTRY LAKES VOLUNTEER FIRE COMPANY
- B. TOWNSHIP ADMINISTRATION
- C. GLUCKWALRATH LLP

RESOLUTION NO. 158-2012

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND BROWNS MILLS FIRE COMPANY FOR THE PROVISION OF FIRE PROTECTION SERVICES WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS NO PAID OR PART-PAID FIRE DEPARTMENT OR FORCE; AND WHEREAS, THE TOWNSHIP RECOGNIZES THE NEED TO PROVIDE FIRE PROTECTION FOR RESIDENTS AND TAXPAYERS OF THE TOWNSHIP; AND WHEREAS, THE TOWNSHIP DESIRES TO RETAIN THE EMERGENCY SERVICES OF BROWNS MILLS FIRE COMPANY, STATION 181 (THE "FIRE COMPANY"), AS A NECESSARY AND PROPER MEASURE FOR THE SECURITY OF THE PUBLIC HEALTH AND WELFARE; AND WHEREAS, THE FIRE COMPANY HAS REPRESENTED TO THE TOWNSHIP THAT IT IS AN ASSOCIATION INCORPORATED FOR THE PURPOSES OF RENDERING EMERGENCY SERVICES, AND HAS FURTHER WARRANTED THAT ITS MEMBERS POSSESS THE REQUISITE TRAINING AND QUALIFICATIONS TO RENDER SUCH SERVICES; AND WHEREAS, PURSUANT TO TOWNSHIP ORDINANCE 8-2009, ANY VOLUNTEER FIRE COMPANY ORGANIZATION DESIROUS OF PERFORMING FIRE OPERATIONS AND ACTIVITIES IN THE TOWNSHIP SHALL FIRST ENTER INTO AN AGREEMENT WITH THE TOWNSHIP; AND

WHEREAS, THE TOWNSHIP DESIRES TO ENTER INTO AN AGREEMENT WITH THE FIRE COMPANY, IN THE FORM ATTACHED HERETO, WHEREBY THE FIRE COMPANY WILL PROVIDE THE TOWNSHIP WITH FIREFIGHTING SERVICES FOR THE TERM OF ONE (1) YEAR, AND THE TOWNSHIP WILL PROVIDE THE FIRE COMPANY WITH USE OF TOWNSHIP FIRE VEHICLES AND EQUIPMENT AS WELL AS MAINTENANCE, INSURANCE AND FUEL FOR THE SAME; AND

WHEREAS, THE TOWNSHIP BELIEVES THAT THIS AGREEMENT WITH THE FIRE COMPANY WILL BE BENEFICIAL TO THE TOWNSHIP.

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 MAYOR IS HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH BROWNS MILLS FIRE COMPANY, IN THE FORM ATTACHED HERETO, WHEREBY BROWNS MILLS SHALL PROVIDE THE TOWNSHIP WITH FIREFIGHTING SERVICES FOR THE TERM OF ONE YEAR.

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

- A. BROWNS MILLS FIRE COMPANY
- B. TOWNSHIP ADMINISTRATION
- C. GLUCKWALRATH LLP

Mrs. Stinney explained that she pulled these resolutions because she did not want Presidential Lakes to feel left out. She asked if they could add Presidential Lakes tonight. Mr. Bayer explained that the other companies signed but Presidential Lakes did not sign yet and will be having their

meeting soon. Mr. Gonzalez acknowledged that it is the same agreement and it is not unlawful to approve the resolution prior to execution. The Mayor confirmed the contracts are identical. Mrs. Scull asked if there is anything different in the contract than those signed last year or if changes have been made. The Mayor noted the contributions are different. After further discussion Council agreed to add a resolution to the agenda later.

Motion by Stinney and Prickett to approve Resolutions 157-2012 and 158-2012. Stinney, yes; Prickett, yes; Scull, yes; Allen, yes; Cartier, yes. Motion carried.

Motion by Stinney and Prickett to add Resolution 161-2012 to the agenda and for the language to read exactly the same as for the other companies authorizing an agreement with Presidential Lakes for provision of fire services. Stinney, yes; Prickett, yes; Scull, yes; Allen, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 161-2012(Added to the agenda)

RESOLUTION NO. 161-2012

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND PRESIDENTIAL LAKES FIRE & RESCUE SQUAD COMPANY FOR THE PROVISION OF FIRE PROTECTION SERVICES

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS NO PAID OR PART-PAID FIRE DEPARTMENT OR FORCE; AND

WHEREAS, THE TOWNSHIP RECOGNIZES THE NEED TO PROVIDE FIRE PROTECTION FOR RESIDENTS AND TAXPAYERS OF THE TOWNSHIP; AND

WHEREAS, THE TOWNSHIP DESIRES TO RETAIN THE EMERGENCY SERVICES OF PRESIDENTIAL LAKES FIRE & RESCUE SQUAD COMPANY, STATION 184 (THE "FIRE COMPANY") AS A NECESSARY AND PROPER MEASURE FOR THE SECURITY OF THE PUBLIC HEALTH AND WELFARE; AND

WHEREAS, THE FIRE COMPANY HAS REPRESENTED TO THE TOWNSHIP THAT IT IS AN ASSOCIATION INCORPORATED FOR THE PURPOSES OF RENDERING EMERGENCY SERVICES, AND HAS FURTHER WARRANTED THAT ITS MEMBERS POSSESS THE REQUISITE TRAINING AND QUALIFICATIONS TO RENDER SUCH SERVICES; AND

WHEREAS, PURSUANT TO TOWNSHIP ORDINANCE 8-2009, ANY VOLUNTEER FIRE COMPANY ORGANIZATION DESIROUS OF PERFORMING FIRE OPERATIONS AND ACTIVITIES IN THE TOWNSHIP SHALL FIRST ENTER INTO AN AGREEMENT WITH THE TOWNSHIP; AND

WHEREAS, THE TOWNSHIP DESIRES TO ENTER INTO AN AGREEMENT WITH THE FIRE COMPANY, IN THE FORM ATTACHED HERETO, WHEREBY THE FIRE COMPANY WILL PROVIDE THE TOWNSHIP WITH FIREFIGHTING SERVICES FOR THE TERM OF ONE (1) YEAR, AND THE TOWNSHIP WILL PROVIDE THE FIRE COMPANY WITH USE OF TOWNSHIP FIRE VEHICLES AND EQUIPMENT AS WELL AS MAINTENANCE, INSURANCE AND FUEL FOR THE SAME; AND

WHEREAS, THE TOWNSHIP BELIEVES THAT THIS AGREEMENT WITH THE FIRE COMPANY WILL BE BENEFICIAL TO THE TOWNSHIP.

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 MAYOR IS HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH PRESIDENTIAL LAKES FIRE & RESCUE SQUAD COMPANY, IN THE FORM ATTACHED HERETO, WHEREBY PRESIDENTIAL LAKES SHALL PROVIDE THE TOWNSHIP WITH FIREFIGHTING SERVICES FOR THE TERM OF ONE YEAR.

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

- A. PRESIDENTIAL LAKES FIRE & RESCUE SQUAD COMPANY, STATION 184
- B. TOWNSHIP ADMINISTRATION
- C. GLUCKWALRATH LLP

Motion by Stinney and Scull to approve Resolution 161-2012 authorizing an agreement with Presidential Lakes for the provision of fire services. Stinney, yes; Scull, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 12-2012 (TITLE READ BY COUNCIL PRESIDENT CARTIER)

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A FUEL STORAGE FACILITY, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY; REAPPROPRIATING \$330,718.25 IN EXCESS BOND PROCEEDS FROM SECTIONS 3(b) AND 3(c) OF BOND ORDINANCE NUMBER 22-2006, NOT NEEDED FOR THEIR ORIGINAL PURPOSE, TO FINANCE PART OF THE COSTS THEREOF

Motion by Allen and Scull to introduce Ord. 12-2012 with a public hearing

on September 5, 2012 and advertised in accordance with law.

Mr. Prickett commented that there has been a problem with the fuel storage facility for several years and it's important that it gets cleaned up and that the facility be put in place so as to not provide for any other environmental risks. President Cartier asked what Ord. 22-2006 is. The Mayor noted that Ord. 22 had a break down on the dollar amount for the construction of the fuel facility and breakdown for another section for the removal of the tanks and clean up and a third section for various municipal building improvements. He noted they have been looking for funding for the fuel facility project for some time and the current bond ordinance limits restricts them because the construction is underfunded and the cleanup/removal of the tanks is over funded. He noted that the various municipal building upgrades balances out the number they need to finish this project. He expressed belief that the project is currently estimated at \$627,000. Mr. Gonzalez also explained that there is not a project that does not get funded because of this new ordinance; this is just excess money for which the original purpose has been completed other than the things described by the Mayor. It is just a re-appropriation ordinance in order to complete the project. President Cartier asked that this is not adding any additional debt to the Township but rather just re-appropriating existing debt to other projects. Mr. Gonzalez confirmed that that money has already been borrowed and they are paying on it and there is no new debt.

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

ORDINANCE NO. 13-2012 (TITLE READ BY COUNCIL PRESIDENT CARTIER)
BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OF COUNTRY LAKES DAMS 1, 2, AND 3, BY AND IN THE TOWNSHIP OF PEMBERTON, STATE OF NEW JERSEY; REAPPROPRIATING \$1,831,643.75 IN EXCESS BOND PROCEEDS FROM SECTION 3(A) OF BOND ORDINANCE NUMBER 21-2005, NOT NEEDED FOR THEIR ORIGINAL PURPOSE, TO FINANCE THE COSTS THEREOF

Motion by Scull and Stinney to introduce Ord. 13-2012 with a public hearing date of September 5, 2012 and advertised in accordance with law.

Mr. Prickett asked in regard to the 1.8 million dollars how much of these projects, Country Lakes Dams 1, 2, and 3, and Bayberry Dam, and how far they will be able to move forward with the repair of those structures. He also asked if this if for design purpose. The Mayor explained that this will actually take them to the design stage; it has not yet been designed, and will leave a balance left on this ordinance that will be applied to the construction and construction management of that project. He noted there will still be a substantial amount of funding needed to do the construction of the project but the only new additional debt for this particular project will be the construction for the project, in excess of whatever funding they have in place. He relayed that basically they are looking at whatever the balance is from the Lebanon Lakes Dam project (Presidential Lakes). Mr. Prickett advised having pulled the minutes from this meeting and noted that the CFO at the time said that the money would be borrowed from the State when needed, in phases, not all at once. He asked why this money was borrowed from the State at what he believes was 2% in 2005. President Cartier expressed his thought that this money was borrowed from DEP

through low interest loans. Mr. Prickett agreed and stated that the CFO explained that this would depend on how quickly the project proceeds and how much money the Township would borrow from the State knowing the Township would not borrow the 4.6 million dollars at one time, and that he expected the first payment would start in the 2007 budget. The Mayor noted the 4.6 million that Mr. Prickett stated that back in 2005 that had to reflect the estimate at that time that they projected that project to cost would obviously be the reason they went with the number they did to borrow to be able to fund that project. However, that project came in way under that. He relayed that they did end up borrowing the 3.2 from DEP for that project. Mr. Prickett then asked that he thought that when they borrow money from the State that they use anticipation notes which are paid right back as soon as they get reimbursed from the State and can't understand why they actually went out to bond for this and did not get the money directly from the State. The Mayor explained that the money comes after the project. They bonded, they had a note and then they permanently had to finance a portion of that note so they could get the money back from the State, which they did to pay that part of what they borrowed off and now they are paying that 3.2 off through their DEP low interest loan. He advised however that still leaves them the balance of what was borrowed at that time, which was over borrowed. He noted they now want to apply that to the new projects. Mr. Prickett recited what he understood as that they are paying interest on the money borrowed from the DEP and interest on the money borrowed waiting for the money to come from the DEP. The Mayor explained that the additional money that was out there and is still out there on the note currently they are still paying on and they want to reapply that to this project. Mrs. Scull asked that this has been being paid since 2005. Mr. Prickett commented that it may not have been borrowed in 2005 that is when the bond ordinance was passed. The Mayor did not believe they financed that until much later, to which Mr. Prickett stated belief that it was 2007. Ms. Willis stated that it wasn't until they had the reimbursement which was issued last year and they went in for reimbursement at the beginning of 2011 and received the check in mid 2011 from DEP Dam Safety.

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

ORDINANCE NO. 14-2012 (TITLE READ BY COUNCIL PRESIDENT CARTIER) AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR SOLAR ENERGY SYSTEMS WITHIN THE TOWNSHIP

Motion by Stinney and Scull to introduce Ord. 14-2012 with a public hearing on September 19, 2012 and advertised in accordance with law.

Mr. Prickett noted they talked about set backs at the last Council meeting and Mr. Ragan changed this ordinance to principal use set backs, which is 2 a. Then he noted 5 b, that a fifty foot screening buffer is required for all State, County and Township roads, residential uses or residential zoning districts. He asked in regards to the screening buffer if it is in the back close to the property or building line or in the front by the road. Mr. Ragan noted that it is adjacent to any State, County or Township roads or residential uses or residential districts. He explained that it is outside of the array and can be in that set back area but it is a buffer. Mr. Prickett understands but is curious where it will go. He questioned

that if the house is back a 100 feet where is the screening buffer going to be located between the house and the road. Mr. Ragan relayed that it would be within the 100 foot set back, 50 feet of which would be the buffer. President Cartier expressed that he thinks Mr. Prickett is confusing an auxiliary use with a principal use. He explained that a principal use would be like a solar farm. Mr. Prickett expressed he is not and referred to page 7. Mr. Ragan explained that if it was a 100 foot set back he proposes that Mr. Prickett wants to know whether the 50 feet would go closest to the road or closest to the house, and in that case it is the Planning Board that can decide. This is a decision that the Planning Board can evaluate as to what would be the most appropriate for that condition. After giving thoughts on further scenarios Mr. Ragan pointed out that the significant issue here is that he looked back at Mr. Frank's contention that the set back could be less. He noted that the reason proposed that in his application was because he was claiming that the panels were accessory uses. Mr. Ragan affirmed that they are being very clear with this ordinance that if this is going to be panels on a property this will be treated for the purpose of set backs as if it's a principal use. He explained that that way they will get their 100 foot setbacks, and get the kind of set backs they were looking for and it was very easy to legislate by just referring to the principal use standards.

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

UNFINISHED BUSINESS

Public Works: Purchase of vinyl siding and associated materials for BMIA Building from ABC Supply Company in the amount of \$9,301.96.

President Cartier noted that Administration requested that this be added back on the agenda. Mr. Prickett expressed that apparently the Council doesn't really have a choice since the lap has already been placed on the building and the expense has been incurred to the Township, and the man hours have been used to put them up. He expressed that like with so many things they don't really know what choice the Council has.

Motion by Stinney and Allen to approve the purchase of the vinyl siding for the BMIA. Stinney, yes; Allen, yes; Scull, no; Prickett, no; Cartier, yes. Motion carried.

NEW BUSINESS

a. 2. Administration: for special project Engineer to review Browns Mills Strategic Revitalization and Redevelopment Study and prepare cost estimates for overall project, to Pennoni Associates, Inc., in the amount of \$3,500.00.

Mr. Prickett asked if this has anything to do with the landscape grant that Council was pursuing. Mr. Gonzalez explained it was a Transportation Enhancement grant that Council has considered before, wherein the Bridge Commission is doing the grant writing. He relayed they requested that the Township engage an engineer to do some of the technical work that they needed to include in the grant application on the Township's behalf so Administration asked Pennoni to do the work since they have done work with the Bridge Commission before, so they could fully submit the grant. Mr. Prickett asked if this was a request from the Bridge Commission. Mr. Gonzalez informed that the

Bridge Commission needed the engineering work to write the grant. Mr. Prickett asked if there was any reason why their Engineer ARH couldn't have completed this project. Mr. Gonzalez expressed belief that ARH has the ability to complete it and it may have cost them \$3500 as well. Mr. Prickett expressed it may have cost less. Mrs. Scull pointed out the Pennoni is one of their special engineers. The Mayor wanted to clarify that Mrs. Scull is correct that Pennoni is one of their special engineers authorized by Council and Pennoni came to them with the project and requested it after seeing the grant and came to the table first. The Mayor felt that they could run with the project. Mrs. Scull expressed the Mr. Rehmann and Ms. Willis have worked hard and brought them quite a number of grants and expressed appreciation for that and is glad to see some of these companies bringing money to the Township.

Motion by Prickett and Scull to approve the \$3500 to do the study. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Parade Permit applications **(REQUIRES PUBLIC HEARING)** for block parties for :

1. Michele Burgess, family event on 8/11/12, from 4pm-12am blocking off back alley behind Yale Rd. including home 230 Colgate, and home 233(vacant) College.

President Cartier opened and closed the meeting to the public for comments on the Burgess block party, noting there were no members of the public wishing to be heard.

Motion by Scull and Prickett to approve the Burgess request for a block party parade permit. Scull, yes; Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

2. Randy & Cheryl Butters, annual neighborhood block party on 8/25/12, from 2pm-10pm, Sassafras Street between Rugby and Clan Street.

President Cartier opened and closed the meeting to the public for comments on the Butters block party, noting there were no members of the public wishing to be heard.

Motion by Stinney and Prickett to approve the Butters' request for block party parade permit. Stinney, yes; Prickett, yes; Allen, yes; Scull, yes; Cartier, yes. Motion carried.

Annual Ocean County Competition Riders Scrub Pine Enduro, ride through Brendan T. Byrne State Forest on 10/14/12. ***(Note: letter from resident received in connection w/request asking for an alternate route)***

President Cartier noted that they have received a letter from a resident in connection with this request asking for an alternate route. He noted that he has been in contact with the organizers of this event and has been in contact with the Administration of Brenden T Byrne State Forest and there is a meeting between the organizers of this event and the Forest. He requested that they table this until the next meeting so that they can have a chance to address the concerns that were

presented to them. He explained that there were two areas, one through Country Lakes and one through Presidential Lakes where they come real close to the residences. He reflected that if one passes the firehouse on New York all the way to the end there are the old cranberry bogs which they would have run through the cranberry bogs and the residences. He explained that since it is an all day event it is an all day noise tolerance to the residences there and in some cases they would run in front of an existing residence and be right behind another. He relayed the organization is open to the suggestion of possibly moving it to the other side of the cranberry bogs so the noise isn't as obtrusive to the residents there, the dust will be a little less. He reiterated that his request is to table this to the next meeting until they can work out some type of solution. He also reported that the Country Lakes portion of this problem was resolved because DEP required them to move away from Country Lakes as there are some endangered species in that area.

Motion by Scull and Stinney to table the request till the August 15th meeting. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

President Cartier recessed the meeting at 8:02 p.m. for a short break and reconvened the meeting at approximately 8:13 p.m.

General Public Comments

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

John Shaw, Browns Mills – 1. He reminded that at the last meeting, in regards to the BMIA Building siding they all declined but then approved it tonight. He expressed that it is an old building and that it should not have aluminum siding. He expressed that the Mayor is a dictator to Council and it is wrong. He expressed that the Mayor does what ever he wants with this town. **2.** Noted he has asked several times this year about the lighting on Texas Ave. from the Stackhouse School down to the 7'11. He expressed that it's the 7'11's problem cant see why the Township can't send somebody down or send a letter having that issue fixed. He noted there are people that walk there day and night and is a security hazard that has not been addressed and should not cost the Township any money. **3.** He advised that he has also previously brought up about speed bumps for Pear Ave. and would like to expand that request for Broadway. He noted they are being used for speed ways and tearing up the roadways and would like to see something done about it. He expressed that he is here for the Township.

Maria Sassa, Area Manager for JCP&L - 1. She noted having provided the Clerk with a package of information on the company on their restoration process. She shared that one key piece of information that she is focusing on is that after the challenging events that happened last year they made a commitment to enhance their communication, not only to the municipal officials but also to the residents. She thanked the Township for attaching their new web link to the Township's web site. She advised that it is a 24/7 power center that provides information on ongoing outages that may be occurring in the area and will break it down by County, municipality which is by tax district. It will show how many customers that they provide service to. She informed that during significant events this web link will provide restoration time frame, emergency information such as if they are staging ice and water at locations and where they have partnered with local stores

that would be available to their residents. She noted that key information on their press releases that go out, they will have up to date information. She relayed that residents that have phone system such like with cable vision or another company wherein they can't use their home to report their outage they can do it through their mobile phones and report it on line. They are currently working with their municipalities giving them information through their email addresses. She noted that moving forward they will be using the technology for texting that information. This is why she asks for cell phone numbers and noted her contact information is included in the package and urged if anyone had questions to contact her. Mrs. Stinney questioned if she had suggestions on other meetings for getting the information out to those that are not computer savvy. She explained that they work closely with the Emergency Management Coordinator noting if there is a key area in need of the information they can work with them.

Bob Pelletier, Pemberton – 1. Asked in regards to power outages and surges, noting how often he loses power and surges, how can a homeowner find out if indeed they had a power outage or surge. Ms. Sassa explained that if an individual home owner is experiencing a problem they need to report it to their contact center. They will create an investigation ticket and an engineer will look into the situation and respond back to the resident. He explained the reason why he asked and shared previous experience years ago wherein a major power surge affected the Lakehurst Naval Base and recalled the JCP&L stated they didn't have a power surge but a couple days later someone admitted that they had. **2.** Asked how soon ordinances that are introduced can be seen on the web site. Mr. Gonzalez advised they can have them up within the next day or so. **3.** Questioned in regards to the Audit Synopsis that was in the Burlington County Times if the information regarding the Township's fixed assets accounting accurately reflect all of the general fixed assets owned by the Township, and if that's a recurring hit in this town's audit. Mr. Gonzalez noted that the fixed assets inventory is being updated as they speak and will be completed very soon. In regards to the fixed capital item-utility, he asked for an explanation of it. Mr. Gonzalez noted he did not have that in front of him and will provide that information at the next meeting. He asked if it was Township money that pays for the Auditor to which he was told yes and then asked how the Auditor is selected to which he was told it's a position solicited through RFPs.

George Petronis, Browns Mills – 1. In regards to his previous questions about the bill list he wanted to make clear that he had asked Mrs. Finlay some questions about this and she was very clear, concise, and precise in her answers and he appreciates that. He noted he was just trying to find out what other means there are for the public to know about those bills before they get voted on. **2.** Regarding the solar ordinance asked if he was correct that it incorporates a complete ban on ground mounted installations for private residences to which President Cartier advised it does. He asked if they know the date that it may be considered by the Planning Board to which President Cartier informed that it would probably be September 6th. He expressed belief that Council is wrong in proceeding with a total ban on ground mounted solar. He stated they could address any safety issues through requirements of fences, but beyond that there is no public policy or safety issues and becomes an issue of interfering with personal property use. He expressed that power usage will cost more and more in the future and they are denying the ordinary people from saving money and asked them to reconsider.

Richard Garrett, Historic Trust's Attorney: 1. Advised that he is also the

Trust's spokesperson. He advised that the Trust wanted him to bring them some concerns they have on their behalf. He noted that last night he was handed a copy of a letter that they hand out to their supporters. He advocated for them that they are more than a museum but a museum of regional history. He read plans for their future, spoke of planned restorations, special events, school events and awards to the youth, noting this is a marvelous undertaking. He shared that neither party is happy with the litigation and the Trust wants him to clarify that following summary judgment in favor of the Township the Board got together and took a hard look at what they could live with and the conceptual agreement as they understands it goes it had been discussed but had never been actually finalized. That was submitted with an attempt to possibly work out an agreement. It was not something they were happy with but was something which they were trying to reach a compromise they could live with. He believes it was a 3 to 2 vote on their Board, with the ones voting in favor of it, it was with a great degree of reluctance because it meant that they were conceding certain things they did not want to. He informed that a couple days later a letter was sent that the Council wishes to rescind the proposal with the addendum that was sent to them. They feel that they have no choice but to proceed with further litigations. Mr. Bayer warned Mr. Garrett that they are in litigation and that negotiations are done through Administrator. Mr. Garrett expressed he is here to present the Trust in its most sincere light as to where the Trust members are coming from. He noted they were on the verge of fulfilling their mission. He noted they are concerned if they are to now dismantle the array which is housed at the site, and back peddle and downscale their operation that the enthusiasm, drive and energy and support of the volunteers which has led them to all they have been able to accomplish would evaporate. They were concerned to agree to downscale the operation would in effect, would take the wind out of their sails and felt if they agreed to something that would spell the end of the Trust as they have built it up they would be doing the Trust a disservice. He expressed knowing that in a large respect part of the problem has been stirred to some extent by the involvement of Mr. Tamn in these matters. However he feels that where Mr. Tamn is coming from is from the pure love of the railroad. Part of the grand vision is not only from Mr. Tamn but are that of the members as well. He noted that the views he is expressing tonight in large part reflect the views of the entire Board because of the fact of what they want to see happen is to be able to continue to benefit the Township with something the Township can be proud and would continue unabated. He emphasized that they are not trying to do anything in connection with litigation where one side has won or if it were to happen ant the Trust would prevail. If an appeal was to be filed and the Trust was to win it then it would be a no win situation because it would create more hostilities. The Trust only wants to continue to further the spirit of what this project has historically been and what it's all about. He explained that he was asked to come tonight to speak to Council to do whatever they can or the Township can do to help the Trust in their endeavor.

Clare Wadsworth, Browns Mills – 1. Regarding Ordinance No. 12-2012 asked if she understands that for this project there is \$330,000 and they will be borrowing another \$290,000 to complete the project. President Cartier noted that has not been said or confirmed. She asked why they are allocating money for a project if they don't have it all. President Cartier advised it was so they can keep the project moving forward. She asked if the interest rate is 2%. President Cartier asked Administration what the original interest rate was on the original bond, to which Mr. Gonzalez would have to look into it. She asked if the taxpayers have been paying interest on the balance of the \$330,000, to which President Cartier

confirmed that was correct. She asked if there is a time frame wherein the tax payers will continue to pay interest on this until the bond is paid, to which President Cartier acknowledged yes, until it is paid off. She asked if they know how many years that is. President Cartier asked Mr. Gonzalez if he happens to know to which he advised that he does not know but will provide that information to the Council. **2.** In regards to Ordinance No. 13-2012 she asked if the 1.8 million is the total balance of the bond or if there is more money. President Cartier advised that is the total of the bond. She asked if they knew the interest rate for that. President Cartier noted that was the 2%. She asked if they knew how much longer they will be paying on that. President Cartier asked Administration if they knew, but they advised they will find out. She then asked if she can find out how much interest has been paid on both of these to date prior to them being reallocated to another purpose. President Cartier asked Administration to find that information out for Council as well. Mr. Gonzalez advised that if the Council is asking for the information he can provide it to the Council. **3.** In regards to the Transportation Enhancement Grant which they have not received yet she asked if they know how much that will be or if it will be determined at some point in the future. President Cartier clarified that it's the Bridge Commission grant that is being written. The Mayor expressed belief that it's a larger amount that they are requesting but the first phase is approximately a quarter of a million. **4.** In regards to the current litigation going on between the Township and the Historic Trust she asked if she could get a rough idea of what they have spent on legal expenses. President Cartier nor Mr. Bayer knew off hand. She asked if that is something she can OPRA to which President Cartier said yes. She asked what the amount was for the previous litigation to which President Cartier noted again that was something she could OPRA and he does not know off hand.

Ray Wells, Pemberton – 1. Asked that when they are reassigning these funds, one asked a question about the money and the comment is that it's been borrowed and they are paying on it. He stated that if that's the case and they are reassigning money why is that not a surplus. Mr. Gonzalez explained it's because its capital dollars not current expense dollars. President Cartier noted that eventually capital rolls into surplus. Mr. Prickett commented that it use to be capital surplus. Mr. Gonzalez confirmed that capital dollars do not go into surplus of the current fund. Mr. Prickett questioned next year's fund. The Mayor explained it would go into capital surplus but would not go into surplus that would generally be used to run the current budget. Mr. Wells stated he understood that aspect of it but it was originally borrowed in 2005. Mr. Bayer clarified that it was authorized in 2005 and borrowed a few years later. Mr. Wells questioned that if it was in 2008 if that was four years they have been paying interest without using the money. The Mayor advised that the money was used on a project, a portion of it was used to build Lebanon Lakes Dam and then they submitted that to DEP who in turn gave the Township a low interest loan. President Cartier explained that Mr. Wells is asking about the 1.8 in excess of that. The Mayor noted that money is still there which is why they are looking to reallocate it. Mr. Wells asked if they are paying interest on it since 2007 to which he was advised yes. **2.** Expressed belief that they are discriminating against volunteers and exemplified if paid police officers and volunteers both showed up to a fire and both try to save someone and both are killed. He expressed that both would not be treated the same as far as an insurance coverage as they are not both covered the same. They are not covered by the same insurance that the police are covered by. Mr. Gonzalez explained it is not a policy, the Township is insured under the Joint Insurance Fund and the volunteer firefighters are covered for liability and for workers compensation just like an

employee of the Township whether it be a public works employee, police officer. Mr. Wells shared an incident that happened in the Borough 35 years ago wherein a Township policeman was in front of a Borough fireman who was hit and killed by a postal service truck on the way responding to the fire. He expressed if it was the policeman his family would have had an insurance policy that at that time paid a half million dollars, his children would have been educated by the State and the children would have had even college guarantees. He stated the police currently have this but the firemen don't. Mr. Gonzalez explained that is something that goes through the pension system as an employee there is a life insurance policy but that is as a virtue of the police officer's employment with the Township. He clarified that the volunteers are not employees of the Township, although they do get benefits as a result of various state laws that have been enacted for purposes of providing workers compensation, etc. Mr. Prickett expressed belief they may also get death benefits. Mr. Wells suggested perhaps a study could be done. Mr. Prickett expressed that maybe they could get back to him on that because he knows of a situation that that is not true as there was compensation. Mr. Wells expressed that he's talking about equal compensation. **3.** Noted the school system finished with one school group and are getting ready to start with another year, there's lots of construction going on and thought it would be nice if he offered them Township High School Diploma. He noted on there are colleges that their students were accepted in over the last three years, and there are several still to be listed and expressed pride to represent their schools. Mrs. Stinney asked the status of the elementary school, noting that the Superintendent said the funds are allocated and waiting in Trenton. Mr. Wells noted that they have been approved for at least five years and at one time were number 10 in line and are lower than that now. It's been authorized, but not approved

America Phillips, Presidential Lakes – 1. Asked the status of 400 New Jersey Road. Mr. Prickett read a response received from Mr. Gonzalez that indicated that Code Enforcement has been looking into her complaint. **2.** Noted that on July 24th noted two vehicles parked at around 11:10 p.m. when she was crossing by the beach area. She advised going to Maryland Road where she could observe the vehicles, one being a white cargo van and another small vehicle and notified the police when she arrived home. She does not know what happened there but as a resident she has a right to know what goes on in the area. **3.** Read in the papers that 5 million dollar grants were issued to twenty-eight municipalities, one of them was Pemberton Township that received \$233,000 and \$520,000. She asked how selfish Administration is for never thinking about the Historic Trust but is investing in a park which they already have in there. President Cartier explained that the grant was written specifically for the Nesbit Park so he does not understand her question. She commented that if they can write grants for other things why they can't think about the Train Station. He noted there was just a grant that was used to redevelop the train station. She then asked why it's closed. He noted she already heard her answer earlier tonight. She blamed this Administration is to fault for this situation and will be the ones to pay the price and face the people. **4.** Asked if they can put lines on the roads in Presidential Lakes noting the entrance has a few feet down which means the road is not wide enough for the cars to go by. She noted all the way on New York Road and Wisconsin and Massachusetts there are no lines. President Cartier expressed not knowing of any Township roads that uses divided lines. She said there use to be lines at one time. He noted that Administration is writing it down now to look into. She then reiterated that nothing happens there whether it be repairs, branches being removed or trimmed, nothing. Mrs. Scull asked what road is next to hers' to which she

advised Tennessee, and noted Tennessee, New Hampshire and Florida. Mrs. Scull noted there is a yield sign there that can't be seen because the overgrowth is so bad, noting that is her way of letting Administration know they need to cut them down.

Tom Jardine, Browns Mills – 1. Asked why there is not a left turn into the library. President Cartier noted that it is a county road controlled by the County. Mr. Jardine noted people cutting up on his property trying to get passed, knocking mail boxes off. President Cartier asked if Ms. Willis or Mr. Rehmann could contact the County to see if anything something could be done with the traffic pattern in that area. **2.** Complained of the cars speeding on Broadway. President Cartier asked Mr. Gonzalez if he could relay this complaint to the police department. **3.** Also noted that the Broadway traffic is so backed up that they speed on his back street East Avenue. He also questioned why there are no crosswalks with stop signs for those trying to get to the library. President Cartier noted that it was also a County issue.

Mrs. Scull stepped down from the dais to make comments.

Sherry Scull, Country Lakes – 1. Noted that she has been trying to stay out of the Historic Trust matters for over a year and finally decided in March that she had to become involved. She reflected the history of the matter regarding that Council in October per their attorney's advice voted to terminate the lease with the Trust in an effort to stop litigation, however she feels that just escalated everything. She noted that in March the Trust received a letter telling them to vacate the property by April 1st and at that point she determined to be involved with the Trust and as a Trustee she met with the Jerry Patton met with Chris Vaz approximately a week before he left in order to discuss the corrections in the lease. She expressed that she is sure that Mr. Bayer did not misrepresent anything that Fred Hardt had said, noting that the Trust was willing to sign a new lease if the corrections in the lease they had received. There were minor typos, or decimal points in the wrong area that made it look like they would be responsible for 100 acres of ground which was not true and needed to be corrected. She noted there were references to exhibits that they did not have. She noted that the trustees had voted 5-1 to approve signing with the Township. Most issues were rather small. There were only a couple major issues they were discussing such as that it gave the Mayor the total power to terminate the contract. The other major issue was the timeline to remove the cars as they felt 30 days was not rational or reasonable amount of time to remove cars that took 13 years to put there. She advised that after meeting with Mr. Vaz they felt most issues except maybe the last two could be resolved. Mrs. Leonard wrote a letter to the Mayor asking for an extension of the April 1st date because they had all intentions of signing a lease. She personally had set up the removal of two vehicles and a possible sale of a third. When she found out they were taken to court she gave up that endeavor. She proclaimed that had they been given the 90 days to move the cars as they requested this issue would have been resolved as they are now 120 days after April 1st. As for the issue of the Mayor having total power of ending the lease she had understood would have gone away and have been solved by the wording in the lease that referred to a violation that must occur before the Mayor can terminate the lease. That is why the trustees had then said they would sign it. She relayed that the Judge had no recourse but to say that the Trust has no legal right to be there. She commented on all the equipment that disappeared that went from the train station to the township and ended up on Bayberry Dam. She noted the trustees were waiting for a corrected copy that was

never received. She feels this has gone on for too long, noting it's a shame the museum has been closed for almost two years now, and that there are all these hard feelings between individuals. She commented that they have to find some way as a community to move forward and get the train station back open and expressed the historic value and assets to the Township. Mrs. Stinney asked if she had said corrected lease and asked where it is to which she noted that Mr. Bayer had it and she was working on it with him. She reiterated several items in the lease that were to be corrected. Mrs. Stinney asked who is the responsible party for signing the lease. Mrs. Scull said it would have to be the trustees if Mr. Tamn won't sign it.

Richard Garrett, Trust's Attorney: 1. Noted that the last vote of the trustees which resulted in the letter saying they are rethinking their position was not a show of strengths on the part of the Trust but rather reflected great agony at the latest decision.

Solicitor's report

Mr. Bayer did not have anything to publicly report tonight.

Mrs. Stinney asked where the lease is. He advised that the Mayor has not authorized him to present it to Council as there is a disagreement of material term. President Cartier said it was already approved so it does not have to come back to Council. He noted there were some minor issues at the time the lease was authorized. He stated that Mr. Hardt had represented that the Trust had approved it. It was presented to Burlington County who approved it and to this Council who approved it. Then the Trust said that Fred Hardt did not have the authority to do that and that it didn't happen. Then noted that Mrs. Scull indicated that she met with the former Business Administrator wherein there were some minor discrepancies in the lease. He noted that now through their attorney who spoke tonight they have presented different terms to Administration other than what has been discussed tonight and they are not in agreement.

Engineer's report

Ms. Willis reported: 1. Spoke with FEMA representative who advised they concluded their review of their appeal and will be meeting with them at the end of this week or next. 2. As it relates to the 2011 Road Program, in their report gives line by line for every road. She noted there are still some outstanding punch list items and reviewed a few of those. 3. Advised there was a grant given to the Township in \$223,000 for Nesbit Field which is an additional football field, walking trail and workout stations, additional parking and landscaping and benches. Mrs. Scull expressed thought that the housing development was supposed to build the second football field but was told no. Mr. Prickett noted Administration had answered his questions at the last meeting and one of the questions had to do with triphosphoric acid. He received a response from Administration which he read noting that it is used to remove iron from the Township water supply and are required by the NJDEP to test for iron and when results are high, treat for iron in the water. He asked if this is more remedial than maintenance. He asked if the water is tested at the well head as opposed to at a residence. Ms. Willis advised he was correct and explained the testing procedures. He noted it sounds like it forms a coating over the pipe so it can't get into the water as opposed to forming a precipitant.

Planner's report

Richard Ragan reported: 1. They are having discussions on the former Sun Bank site, one for a restaurant and one for a bank. 2. The dialysis center is moving along with their plans going back to Pinelands to resolve their questions for ground water.

Mayor's report

Mayor Patriarica reported: 1. Noted that the rain date for the water carnival that was cancelled last week will be this Saturday. If they get rained out again he suspects that it may be cancelled all together. President Cartier asked if that occurs what happens to the fireworks. The Mayor noted if they don't have fireworks they don't have to pay for them and there is a grace period to cancel without penalties. 2. Responded to comments received tonight about the Mayor doing whatever he wants, he advised that it not accurate and that he is working within the budget that was approved for that project by Council and that project is moving forward.

Business Administrator's report

Mr. Gonzalez did not have anything to report.

Council Members' Comments

Jason Allen: 1. Announced that tomorrow night at 7 p.m. there is a Tag meeting at the Country Lakes Club House and if anyone knows anyone interested in volunteering to please let them know. Announced that on August 8th from 5PM-7PM the Team Youth Initiative will be having members of the Department of Corrections come speaking to teens and kids about reasons of why they should want to stay out of prison. 3. Addressed Mr. Shaw's comments advising him that he does not believe that anyone on Council is being dictated to. There were 3 yes votes and 2 no votes which would imply that everyone had there own opinion and he believes that some of the things they vote on are relative and based on their opinion. He noted he since the last meeting he had a chance to visit the BMIA and based his decision tonight by that. He thanked everyone for coming out and looks forward to seeing everyone at the next Council meeting.

Diane Stinney: 1. In regards to dictation noted that anyone that knows her knows that she can't be dictated by anyone. She advised that she visited the BMIA Building and it is a state of the art building. 2. In regards to the TAG grant she asked the Mayor to find out how many years the TAG grant has been in existence. She praised the program noting it has served this Township. She expressed hope to see everyone at the water carnival.

Richard Prickett: 1. Noted it was nice to hear from Mr. Garrett, the Trust's attorney to hear another side as well as to hear from Mrs. Scull and her side of what has happened. He noted that the situation is very sad and shared he has had many good experiences there and is sad for those who have not had the experiences. 2. He wanted to state for the record that he did not vote to terminate the lease and he did not support the new lease because he thought the new lease was unduly harsh and unrealistic. He then wished everyone a good night and

hopes to see everyone at the fireworks on Saturday.

Sherry Scull: **1.** Expressed hope that everyone enjoys the water carnival and fireworks. **2.** Expressed thanks to Mr. Allen for his involvement in TAG. She praised all the volunteers of the town. She wished everyone a safe week and encouraged them to go to the water carnival.

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

The meeting was adjourned at approximately 10:00 p.m.

Respectfully submitted by,

MARYANN FINLAY, MMC, TOWNSHIP CLERK