

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
SEPTEMBER 19, 2012
6:30 P.M.**

FLAG SALUTE

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

ROLL CALL

PRESENT

Sherry Scull
Jason Allen
Ken Cartier
Richard Prickett
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Dennis Gonzalez, Township Solicitors Andrew Bayer (arrived at 7pm) and Jaclyn Baker, Township Engineers 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.192 -2012

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

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

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

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

Motion by Prickett and Stinney to approve Resolution No. 192-2012.
Prickett, yes; Stinney, yes; Scull, yes; Allen, yes; Cartier, yes. Motion carried.

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

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

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 Consent Agenda items only. There being no members of the public indicating a desire to be heard, the meeting was closed to public comments on Consent Agenda items.

CONSENT AGENDA ITEMS

***CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 193-2012

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:
CARMEN HERNANDEZ, \$180.00, REIMBURSEMENT OF BUILDING RENTAL FEE; DUE TO FAMILY EMERGENCY WAS UNABLE TO USE RENTAL.

RESOLUTION NO. 194-2012

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. 195-2012

WHEREAS, THE TOWNSHIP OF PEMBERTON ENTERED INTO A MORTGAGE LOAN DATED APRIL 15, 1992, WITH JAMES W. AND EDNA GRIFFIN, RESIDING AT 13 DANS ROAD, FOR PURPOSES OF PROVIDING A LOAN IN THE AMOUNT OF \$12,085.00 PURSUANT TO THE TOWNSHIP'S REGIONAL CONTRIBUTION AGREEMENT ("RCA") PROGRAM. WHICH MORTGAGE SECURED THE MONIES EXPENDED BY THE TOWNSHIP TO IMPROVE THE PROPERTY IN ACCORDANCE WITH THE RCA PROGRAM RULES AND REGULATIONS; AND

WHEREAS, GIVEN THAT MORE THAN TEN (10) YEARS HAVE ELAPSED SINCE THE LOAN WAS GIVEN AND THE PURPOSE FOR WHICH THE MONIES WERE LENT HAVE BEEN ACCOMPLISHED, THE TOWNSHIP COUNCIL DETERMINES TO GRANT THE REQUEST TO RELEASING SAID MORTGAGE.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR AND CLERK BE AND ARE HEREBY AUTHORIZED TO EXECUTE THE DISCHARGE OF MORTGAGE PAPERS WITH REGARD TO THE PROPERTY KNOWN AS 13 DANS ROAD, BROWNS MILLS, NJ 08015.

RESOLUTION NO. 196-2012

WHEREAS, THE ALTERNATE PUBLIC DEFENDER PREVIOUSLY AWARDED A CONTRACT FOR CALENDAR YEAR 2012 HAS RESIGNED; AND

WHEREAS, THERE EXISTS A NEED BY THE TOWNSHIP OF PEMBERTON FOR THE SERVICES OF AN ALTERNATE PUBLIC DEFENDER FOR THE REMAINDER OF CALENDAR YEAR 2012; AND

WHEREAS, IT HAS BEEN CERTIFIED BY THE CHIEF FINANCIAL OFFICER OF PEMBERTON TOWNSHIP THAT FUNDS ARE AVAILABLE FOR THESE SERVICES; AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11 ET SEQ.) REQUIRES THAT THE RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS FOR SUCH SERVICES WITHOUT COMPETITIVE BIDS AND THE CONTRACT ITSELF BE AVAILABLE FOR PUBLIC INSPECTION; AND

WHEREAS, THE MAYOR HAS RECOMMENDED TO THE GOVERNING BODY THE APPOINTMENT OF GARY L. DANIELS AS ALTERNATE PUBLIC DEFENDER FOR THE TOWNSHIP OF PEMBERTON FOR THE YEAR 2012 COMMENCING ON SEPTEMBER 19, 2012 AND TERMINATING ON DECEMBER 31, 2012 OR UNTIL SUCH TIME AS THE APPOINTEE'S SUCCESSOR IS APPOINTED AND QUALIFIED, WHICHEVER LATER OCCURS;

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

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

RESOLUTION NO. 197-2012

WHEREAS, THE INTERNAL REVENUE SERVICE IS NOW REQUIRING ISSUERS OF TAX EXEMPT OBLIGATIONS TO HAVE ADEQUATE POLICIES AND PROCEDURES TO MONITOR THE ARBITRAGE REQUIREMENTS AND NON-QUALIFIED ISSUER REQUIREMENTS; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON IS SUBJECT TO THESE REQUIREMENTS SINCE THE TOWNSHIP ANNUALLY ISSUES TAX EXEMPT OBLIGATIONS; AND

WHEREAS, THE PEMBERTON TOWNSHIP MAYOR AND TOWNSHIP COUNCIL WISHES TO FULLY COMPLY WITH THE REQUIREMENTS ESTABLISHED BY THE INTERNAL REVENUE SERVICE;

NOW, THEREFORE, BE IT RESOLVED THAT THE FOLLOWING PROCEDURES ARE HEREBY ADOPTED:

I. ARBITRAGE

- A. OBTAIN AND RETAIN A COPY OF IRS FORM 8038G OR 8038GC;
- B. OBTAIN AND RETAIN A COPY OF THE NON-ARBITRAGE CERTIFICATE;
- C. DETERMINE WHETHER AN EXCEPTION TO ARBITRAGE HAS BEEN MET, BASED ON THE FOLLOWING CRITERIA:
 1. SMALL ISSUER;
 2. SIX-MONTH SPENDING EXCEPTION;
 3. EIGHTEEN-MONTH SPENDING EXCEPTION;
 4. TWO-YEAR CONSTRUCTION EXCEPTION;
- D. IF NOT, THEN DETERMINE:
 1. WAS A BOND YEAR CHOSEN IN THE NON-ARBITRAGE CERTIFICATE? IF NOT, THEN DISCUSS WITH THE FINANCIAL ADVISOR AND/OR AUDITOR THE MOST ADVANTAGEOUS PERIOD TO CHOOSE;

2. SHOULD AN ARBITRAGE CALCULATION BE PREPARED ANNUALLY, OR UPON THE FIFTH ANNIVERSARY OF THE BOND YEAR?
 - A. CONSIDERATION SHOULD BE GIVEN TO THE FACT THAT POSITIVE ARBITRAGE MUST BE REBATED TO THE IRS 60 DAYS AFTER THE END OF EACH FIFTH BOND YEAR, OR 60 DAYS AFTER ALL PROCEEDS ARE EXPENDED;
 - B. PREPARE, OR CONTRACT TO HAVE PREPARED, THE ARBITRAGE CALCULATION;
 - C. REBATE ANY POSITIVE ARBITRAGE TO THE IRS (IF UNSPENT PROCEEDS STILL EXIST, THEN ONLY 90% OF THE LIABILITY MUST BE REBATED);
- E. THE CHIEF FINANCIAL OFFICER SHALL BE RESPONSIBLE FOR MONITORING THE ABOVE COMPLIANCE, AS WELL AS MAINTAINING RECEIPT (INCLUDING INVESTMENT EARNINGS) AND DISBURSEMENT RECORDS IN SUFFICIENT DETAIL, SUCH THAT COMPLIANCE CAN BE MET.

NON-QUALIFIED ISSUE MONITORING

- A. DETERMINE IF THE ISSUE, OR A PORTION OF THE ISSUE, WAS USED TO FINANCE LOCAL GOVERNMENT FACILITIES;
- B. IF NOT, THEN NO FUTURE MONITORING IS REQUIRED;
- C. IF "YES," THE FOLLOWING MUST BE PERFORMED UNTIL THE ISSUE IS FULLY PAID:
 1. MONITOR THE FACILITY THAT WAS CONSTRUCTED OR RENOVATED WITH THE PROCEEDS OF THE ISSUE TO DETERMINE WHETHER ANY OF THE FOLLOWING CONDITIONS WERE MET:
 - A. SALE OF THE FACILITY;
 - B. LEASE OF THE FACILITY;
 - C. NON-QUALIFIED MANAGEMENT CONTRACT;
 - D. NON-QUALIFIED RESEARCH CONTRACT;
 - E. SPECIAL LEGAL ENTITLEMENT;
 2. IF NONE OF THE CONDITIONS WERE MET, THEN NO FURTHER ACTION IS REQUIRED;
- D. IF ANY OF THE CONDITIONS WERE MET, THEN THE FOLLOWING MUST BE ADDRESSED:
 1. DID ANY OF THE ABOVE-MENTIONED EVENTS, EITHER INDIVIDUALLY OR COLLECTIVELY, REPRESENT GREATER THAN 5% OF THE USE OF THE FACILITY?
 2. IF "NO," THEN NOTHING FURTHER IS REQUIRED;
 3. IF "YES," REMEDIAL ACTION (AN ACTION THAT CAUSES THE ISSUE TO MEET THE PRIVATE ACTIVITY TEST, I.E. LESS THAN 5%) MUST BE TAKEN;
- E. THE CHIEF FINANCIAL OFFICER, IN CONJUNCTION WITH THE ADMINISTRATOR, WILL BE RESPONSIBLE FOR MONITORING THE ABOVE COMPLIANCE. BOND COUNSEL SHOULD BE CONSULTED WHEN NECESSARY.

RESOLUTION NO. 198-2012

WHEREAS, AFTER CONDUCTING A FAIR AND OPEN COMPETITIVE PROCUREMENT PROCESS IN ACCORDANCE WITH APPLICABLE LAW, IN JANUARY 2012 THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") APPOINTED CHRIS R. REHMANN, P.E. AND ADAMS, REHMANN & HEGGAN ("ARH") TO SERVE AS THE TOWNSHIP ENGINEER FOR THE CALENDAR YEAR 2012; AND

WHEREAS, AS TOWNSHIP ENGINEER, ARH PROVIDES A VARIETY OF PROFESSIONAL SERVICES TO THE TOWNSHIP WHICH ARE AUTHORIZED ON A PROJECT-BY-PROJECT BASIS; AND

WHEREAS, IT HAS RECENTLY BEEN BROUGHT TO THE TOWNSHIP'S ATTENTION THAT A DRAINAGE ISSUE IS OCCURRING ALONG BROWN ROAD IN THE TOWNSHIP, A ROADWAY WHICH WAS PREVIOUSLY UNIMPROVED AND THEN SUBSEQUENTLY PARTIALLY PAVED BY A TOWNSHIP RESIDENT; AND

WHEREAS, THE TOWNSHIP REQUESTED THAT ARH PREPARE A PROPOSAL WHICH INCLUDES SURVEYING AND FIELD INVESTIGATIONS ALONG BROWN ROAD AS WELL AS PREPARATION OF DESIGN PLANS IN ORDER TO REMEDY THE DRAINAGE ISSUE; AND

WHEREAS, THE ULTIMATE DRAINAGE WORK ALONG BROWN ROAD WILL BE COMPLETED BY THE TOWNSHIP'S PUBLIC WORKS DEPARTMENT AND ARH'S DESIGN PLANS WILL AID PUBLIC WORKS IN INSTALLING THE NECESSARY DRAINAGE IMPROVEMENTS; AND

WHEREAS, ARH HAS SUBMITTED A PROPOSAL TO THE TOWNSHIP TO COMPLETE SUCH SURVEYING AND DESIGN WORK ALONG BROWN ROAD AND THE TOWNSHIP COUNCIL WISHES TO AUTHORIZE SUCH WORK IN AN AMOUNT NOT TO EXCEED \$9,200.00.

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 ADAMS, REHMANN & HEGGAN IS HEREBY AUTHORIZED TO PERFORM SURVEYING AND DESIGN SERVICES IN ORDER TO ASSIST IN ALLEVIATING THE DRAINAGE ISSUES ALONG BROWN ROAD IN AN AMOUNT NOT TO EXCEED \$9,200.00.

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER C-04-11-925-925-900; AND

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

- A. ADAMS, REHMANN & HEGGAN
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 199-2012

WHEREAS, AFTER CONDUCTING A FAIR AND OPEN COMPETITIVE PROCUREMENT PROCESS IN ACCORDANCE WITH APPLICABLE LAW, IN JANUARY 2012, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") APPOINTED CHRIS R. REHMANN, P.E. AND ADAMS, REHMANN & HEGGAN ("ARH") TO SERVE AS THE TOWNSHIP ENGINEER FOR THE CALENDAR YEAR 2012; AND

WHEREAS, AS TOWNSHIP ENGINEER, ARH PROVIDES A VARIETY OF PROFESSIONAL SERVICES TO THE TOWNSHIP WHICH ARE AUTHORIZED ON A PROJECT-BY-PROJECT BASIS; AND

WHEREAS, THE TOWNSHIP INTENDS TO MAKE CERTAIN IMPROVEMENTS AND REPAIRS TO COUNTRY LAKES DAMS #1, 2 AND 3; AND

WHEREAS, BEFORE CONSTRUCTION CAN COMMENCE, THE TOWNSHIP MUST FIRST APPLY FOR THE NECESSARY REGULATORY PERMITS FOR THE PROPOSED IMPROVEMENTS, AS WELL AS SOLICIT PUBLIC BIDS FOR CONSTRUCTION OF THE DAM IMPROVEMENTS; AND

WHEREAS, ARH HAS PRESENTED THE TOWNSHIP WITH A PROPOSAL FOR ENGINEERING AND SURVEYING SERVICES INCLUDING PREPARATION OF DESIGN PLANS, TECHNICAL SPECIFICATIONS AND SUPPORTING REPORTS, AS WELL AS APPLICATION FOR REGULATORY PERMITTING AND SOLICITATION OF PUBLIC BIDS FOR THE IMPROVEMENTS TO COUNTRY LAKES DAMS #1, 2 AND 3 IN THE AMOUNT OF \$159,000.00; AND

WHEREAS, FUNDS HAVE BEEN CERTIFIED BY THE CHIEF FINANCIAL OFFICER OF PEMBERTON TOWNSHIP TO BE AVAILABLE PURSUANT TO BOND ORDINANCE NUMBER 13-2012, WHICH WAS ADOPTED BY THE TOWNSHIP COUNCIL ON SEPTEMBER 5, 2012 AND WHICH SHALL BECOME EFFECTIVE ON SEPTEMBER 25, 2012, UPON EXPIRATION OF THE TWENTY (20) DAY ESTOPPEL PERIOD SET FORTH IN THE LOCAL BOND LAW, N.J.S.A. 40A:2-1 ET SEQ.; AND

WHEREAS, THE TOWNSHIP COUNCIL WISHES TO AUTHORIZE ARH TO PERFORM ENGINEERING AND SURVEYING SERVICES INCLUDING PREPARATION OF DESIGN PLANS AND TECHNICAL SPECIFICATIONS AND SUPPORTING REPORTS, APPLICATION FOR REGULATORY PERMITTING, AND SOLICITATION OF PUBLIC BIDS FOR THE IMPROVEMENTS TO COUNTRY LAKES DAMS #1, 2 AND 3 IN AN AMOUNT NOT TO EXCEED \$159,000.000.

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 ADAMS, REHMANN & HEGGAN IS HEREBY AUTHORIZED TO PERFORM ENGINEERING AND SURVEYING SERVICES INCLUDING PREPARATION OF DESIGN PLANS AND TECHNICAL SPECIFICATIONS AND SUPPORTING REPORTS, APPLICATION FOR REGULATORY PERMITTING, AND SOLICITATION OF PUBLIC BIDS FOR THE IMPROVEMENTS TO COUNTRY LAKES DAMS #1, 2 AND 3 IN AN AMOUNT NOT TO EXCEED \$159,000.000; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER C-04-05-900-912-913 AND C-04-12-950-900; AND

BE IT FURTHER RESOLVED, THAT THIS RESOLUTION SHALL TAKE EFFECT ON SEPTEMBER 25, 2012 UPON EXPIRATION OF THE TWENTY (20) DAY ESTOPPEL PERIOD SET FORTH IN THE LOCAL BOND LAW, N.J.S.A. 40A:2-1 ET SEQ., AND RELATED TO BOND ORDINANCE NUMBER 13-2012 OF THE TOWNSHIP ADOPTED ON SEPTEMBER 5, 2012; AND

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

- A. ADAMS, REHMANN & HEGGAN
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 200-2012

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") FILED LITIGATION ENTITLED TOWNSHIP OF PEMBERTON V. SAMI UTHMAN AND BUSTER'S AUTO SALVAGE YARD, DOCKET NO. C-030-11 IN THE CHANCERY PART OF THE BURLINGTON COUNTY SUPERIOR COURT (THE "LITIGATION"); AND

WHEREAS, FOR PURPOSES OF THE LITIGATION, THE TOWNSHIP REQUIRES A WITNESS WHICH POSSESSES KNOWLEDGE OF THE MATTER BEFORE THE ZONING BOARD OF ADJUSTMENT RELATED TO BUSTER'S AUTO SALVAGE YARD; AND

WHEREAS, FRANCIS J. BANISCH, III, PP/AICP, OF BANISCH AND ASSOCIATES, INC., THROUGH THE OPEN COMPETITIVE BIDDING PROCESS WAS APPOINTED PLANNER OF THE TOWNSHIP ZONING BOARD AND POSSESSES KNOWLEDGE REGARDING THE RECORD OF THE ZONING BOARD OF ADJUSTMENT RELATED TO BUSTER'S AUTO SALVAGE YARD; AND

WHEREAS, DUE TO MR. BANISCH'S UNIQUE KNOWLEDGE AND EXPERIENCE AS A PLANNER DURING RELEVANT PERIODS OF BUSTER'S AUTO SALVAGE YARD'S EXISTENCE, THE TOWNSHIP ATTORNEY HAS REQUESTED THAT MR. BANISCH SERVE AS A WITNESS FOR THE TOWNSHIP DURING THE LITIGATION; AND

WHEREAS, PURSUANT TO A JULY 5, 2012 LETTER, MR. BANISCH PROVIDED THE TOWNSHIP WITH A PROPOSAL FOR PROFESSIONAL PLANNING ASSISTANCE IN THE LITIGATION, INCLUDING SITE VISITATION, MEETINGS WITH LOCAL OFFICIALS, TELEPHONE CONFERENCES, RESEARCH AND ANALYSIS, REPORT PREPARATION, PREPARATION FOR DEPOSITIONS OR TRIAL AND EXPERT TESTIMONY, INCLUDING TRAVEL; AND

WHEREAS, THE COST OF MR. BANISCH'S PLANNING ASSISTANCE IN THE LITIGATION IS ANTICIPATED TO TOTAL APPROXIMATELY \$4,486.70; AND

WHEREAS, THE TOWNSHIP COUNCIL DESIRES TO AUTHORIZE MR. BANISCH OF BANISCH AND ASSOCIATES, INC. TO PROVIDE PROFESSIONAL PLANNING ASSISTANCE IN THE LITIGATION, INCLUDING TESTIFYING AS A WITNESS FOR THE TOWNSHIP, IN AN AMOUNT NOT TO EXCEED \$5,000.00.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND THE STATE OF NEW JERSEY THAT FRANCIS J. BANISCH, III, PP/AICP, OF BANISCH AND ASSOCIATES, INC. IS HEREBY AUTHORIZED TO PROVIDE PROFESSIONAL PLANNING ASSISTANCE TO THE TOWNSHIP, INCLUDING THE PROVISION OF TESTIMONY AS A WITNESS, IN THE LITIGATION CAPTIONED TOWNSHIP OF PEMBERTON V. SAMI UTHMAN AND BUSTER'S AUTO SALVAGE YARD, DOCKET NO. C-030-11, IN AN AMOUNT NOT TO EXCEED \$5,000.00; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 2-01-20-155-000-271; AND

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

1. BANISCH AND ASSOCIATES, INC.
2. TOWNSHIP ADMINISTRATOR
3. TOWNSHIP CHIEF FINANCIAL OFFICER
4. GLUCKWALRATH LLP

***NEW BUSINESS**

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

1. Water Dept: **1.** for purchase of six 5 ¼" MA423 Centurion Fire Hydrants from Water Works Supply Inc. in the amount of \$13,480.26. **2.** for purchase of 20 coils of 1"x 60' copper tubing from Atlantic Plumbing Supply Corp. in the amount of \$5,085.58.
2. Pemberton Twp. Fire Dept.: **1.** Annual hose and ladder testing by Fireone, Inc. in the amount of \$4,301.50.
3. Police Dept.: 2013 Ford Explorer Police Interceptor Utility FWD Utility Light Bar and related parts/installation in the amount of \$8,827.00.

***11. Approval by Council required for payment of vouchers on bill list dated 9/14/12.**

Motion by Scull and Stinney to approve the Consent Agenda. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carries.

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

a. 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 Allen and Scull to adopt Ordinance 14, 2012.

Council President Cartier opened the meeting to the public for discussion of Ordinance 14-2012. Those commenting were:

George Petronis, Browns Mills - **1.** Noted in regards to accessory solar installations in section D, noting that the general statement at the start of the section seems to relate to strictly single properties. He expressed belief that there is a provision in New Jersey law for allowing cluster installations such as a situation where in there are a lot of houses with a land connection among the meters that they can do a cluster installation for a solar for a cluster of meters. He asked if this provision in section D prevent that from being done. Mr. Ragan advised that in a commercial setting they can create a field and then connect it to several meters but in a residential setting unless all the properties would in fact be owned by one entity that may be a remote possibility noting that currently New Jersey does not allow for anyone to hook onto meters on the various ownerships of properties. It would have to be to a single ownership which is a very narrow situation. Mr. Petronis expressed that in that case a group of neighbors can't join together to do a joint venture. Mr. Ragan explained that is not yet permitted by the State. He further noted that they do permit virtual metering wherein they can have a solar system on one lot and serve other meters. He exampled that here in Pemberton Township they could put a solar field on the land field, put in the grid and then serve this municipal building but he noted that a municipality, a school district or an MUA are the only three entities that have that privilege under the most current law. Mr. Petronis asked that a private citizen or business that owns several properties in one town could not do that under that law and Mr. Ragan confirmed that to be correct. He then expressed his belief that it is a mistake to ban ground mounted solar in residential districts and that governments should only over ride in individual activities, rights and freedoms when there is some overriding social or public concern that justifies it. He asked what social or public concern there is to justify preventing private homeowners for putting solar systems in their yard.

Lisa Vandergrift, Browns Mills – **1.** Noted that she agrees with Mr. Petronis. She spoke of putting solar on this building and over generating and selling it back to the electric company they could lower taxes, do more with the township children and then asked why they are doing the ordinance this way. Mr. Ragan explained that under current provisions the electric company will not allow them to generate more power than they need for the structure being served. They are supposed to be balancing the amount of energy used with the amount of energy they might create. He explained that there is a net metering such as when the sun is shining on a Sunday and the building is unoccupied, that energy goes back into the grid and they get credit for it, but during Monday through Friday when the energy is used they draw from the grid and they get a credit from what was used

and receive a net bill. She asked why they are denying residents...to which Mr. Ragan interjected that this ordinance does not deny residents from putting solar on their roof, garage, on an accessory building roof, etc. She questioned why one with a large enough property why they can't do it. Mrs. Scull explained that on farms that's different, but in residential, she noted they received at least fifteen residents here in opposition of a neighbor putting ground mounted in their backyard and there was an outcry against this. Mrs. Willis also noted that the project would still be heard by either the Planning or Zoning Board so there still is a mechanism to do ground mounted systems through the variance process.

Bob Pelletier, Pemberton – 1. Noted that he likes the inclusion of the soils being a concern. He relayed that under the principal use category a 50' screening buffer is required and he would have like to have seen something wider. In regards to the accessory solar systems on page 4, d.1.2. regarding roof mounted being discouraged from being erected on the front of the structure facing he asked for clarification concerning if such installations prove to be ineffective or impossible as to whether that includes orientation. He expressed there are uglier things to look at than solar systems. Mr. Ragan explained that it's discouraged but if an applicant can show it to be ineffective he can move forward. He noted that many time an applicant can go directly to building inspector for some of these permits. Mr. Ragan expressed that the only zoning issue he sees is a request for ground mounted in a residential zone. He asked if other towns have the requirement for no ground mounted systems in residential in their ordinance. Mr. Ragan noted there are some communities that have the provision. He reiterated the orientation concerns and does not believe there should be an outright prohibition. He was advised that it is appealable to the Zoning Board.

Seeing no other members of the public wishing to speak, Council President Cartier closed to the meeting to public comments on Ordinance 14-2012.

Mr. Ragan advised Council that they have had back and forth contact with Pinelands staff regarding this ordinance. He noted they were concerned that there are some areas that are non-residential that may permit solar. The areas identified were AP and AR and P zones and all those zones are residential and would not permit ground mounted systems. He further noted that the areas where it is permitted and is consistent with the Pinelands are all areas in their regional growth zone. He feels confident that once Pinelands reviews this ordinance in more detail they will probably agree that it's consistent with their master plan. Mr. Prickett commented on what Mr. Pelletier said about discouragement of putting the solar on the front of the house and thinks in most cases it will have to be put there in order to get the optimal amount of sun absorption. He noted that if one has the ability to put solar on their house, although this is just guidance not to put it on the front of the house, in so many cases one does not have the choice where to put it and its really dependent upon how your home is oriented. President Cartier explained that with this ordinance all that is required is certification by an Engineer which will be needed anyway to put it on the roof of a house to certify that the roof can bear the load.

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

NEW BUSINESS

Parade Permit application: (REQUIRES PUBLIC HEARING) for Jerome S. Rush, Jr. for Rancocas Creek HOA annual neighborhood party (community socializing event on 9/29/12 from 10AM-6PM).

Council President Cartier opened the meeting to the public for comments on the parade permit and there being no members of the public indicating a desire to be heard, the meeting was closed to public comments on the parade permit.

Motion by Prickett and Scull to approve parade permit. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Council's review of responses to NJDCA 2012 Best Practices Questionnaire.

Mr. Prickett **1.** In regards to question #1 concerning documents made available to the public showing the current salaries of all personnel and documents that show how the aggregate salaries have changed over a three year period, asked if the list that was not contained in the budget was made available to Council. He expressed all of Council should receive it. **2.** In regards to energy on the second page noted that it was answered no to the question if an energy audit had been done over the last three years. He noted the County had offered to fund that but perhaps in the comment section they neglected to do that. **3.** In regards to questions #10 concerning finance noting if the CFO evaluates and discuss the risk assessment annually with the governing body or appropriate sub-committee with focus of developing an accounting and control process and procedures to limit risk of loss or miss-statement. Mr. Prickett expressed belief that they do not have a sub-committee for this and does not recall the CFO coming to a meeting to advise them and noted the question is marked yes. President Cartier explained that it would be through the auditors. Mr. Prickett argued that it states the CFO and does not understand how they can answer yes then. **4.** In regards to question #14 in submitting the corrective action plan for findings sited in the annual audit it questions if these items are reviewed by the CFO with the governing body or appropriate sub-committee. He noted in the past the auditor has had individual meetings with members of Council and would like to see that continue again. **5.** In regards to question #20 it notes importance when preparing annual budget for the public and governing body to understand the concept of surplus and how it accumulates or declines over the years he read the section which included the recommendation of a written policy goal for the amount of surplus available, he noted he is not aware of one although the question is answered yes and he would like to see the plan. Mr. Gonzalez advised that he discussed this particular question with the CFO and instructed him to draft a policy with respect to surplus so they would be able to answer this question with a yes. He noted that when they do have that policy they will provide it to the Council. The Mayor commented in regards to statement of Council not receiving the information they asked for each budget hearing, he noted he has been at those hearings and they were given the answers as to where surplus is generated and financial statements and documents are provided to them that also answers those questions. Mr. Prickett commented that that is his perspective but if the public listens to the budget tapes they will get another perspective on what they are both talking about. **6.** In regards to question #23 concerning whether elected officials get status reports at least quarterly on all budget revenues and appropriations as they correspond to the annual adopted budget. He noted that Administration has

hooked Council up with the Edmunds financial system but they are not a CFO, and while he commended the CFO on his doing a good job he feels they should receive a quarterly report. In closing he noted pleasure with the State putting together a Best Practices Survey and feels it can do nothing but help municipalities streamline their efforts and save resources and taxes.

Discussion of construction code permit fees, new bids for sub-codes and review of draft ordinance.

Mr. Gonzales reported that they have had Mr. Benedetti and the CFO take a look at the revenues they have been receiving for construction permits and asked them to do an analysis. He noted that at this time the tax rate does not include any money to put into the construction office. He advised that fees are lower in Pemberton except for elevator fees as recommended by the State. He explained what goes into the calculation of the cost and suggested it is time to increase the fees. He commented regarding the third party services and the discrepancy between the State fees and what the Township charges. He explained that if they don't increase the fees then in the coming year they will have to ask Council to include funds in the general budget to be raised by taxes in order to subsidize the construction office services. Mr. Prickett expressed concern that if they increase the fees they may see less people coming in for permits, noting there are a lot of properties in need of repair. Mrs. Scull does not want to see prices go up and keep people from fixing up their home; however she does not feel it is fair to put the money in the budget through property taxes with the burden put on all of the residents. She expressed the need for them to move forward and charge enough to cover the costs so that it is not unfairly spread out to everyone. Mr. Allen noted looking at other towns that are not listed on the spread sheet and that Pemberton Township is still one of the lower towns. President Cartier asked about the proposed ordinance noting there are suggested fees. Mr. Gonzales relayed that all the fees in the ordinance are the State fees and included in there is the 12% administrative fee. It was requested that this be listed on the next agenda for introduction at the October third meeting.

PUBLIC COMMENTS

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

Lisa Vendergrift, Browns Mills – **1.** Asked where they were since the last time she was here about the roach infested neighbors and who is taking care of this problem. Mr. Gonzalez advised there have been some violations issued to the extent they are allowed through Code Enforcement. He noted that typically the code requires that they provide a time period within which people can abate the violation and he will be following up with Code Enforcement to ensure it is followed up on. He further noted they are also taking a look at the ordinance to see what changes can be made to better serve. **2.** Mrs. Vandergrift feels her neighbor is being retaliated against for putting her trash out without a trash can. She noted having proof that other people have put it out just in a bag. She commented on the cans and questioned what goof they are and noted another neighbor had roaches in theirs. The Mayor explained there is an ordinance that requires a trash can and relayed that 112 notices of violations had been issued for that particular violation. Mr. Allen expressed an interest in seeing the ordinance and commented on the elderly lady having to drag the can as opposed to a bag that may not be able to do

either. Mrs. Willis commented that the reason behind the need for a can was originally due to rodents getting into the garbage.

Michele Forman, Browns Mills – **1.** Asked if the Solicitor if he found the answer to the question about the noise ordinance. Mr. Bayer reported there is a State statute and a DEP regulation which controls municipal noise ordinances, and that the ordinance needs to be at least as strict as the State Administrative Code, noting they do not need a measuring device. Mrs. Forman advised that the DEP used to have a noise department but the County has it now. She noted having spoken to Mr. Tom Fox, Supervisor of Environment concerns that advised this is the only town with that provision in their ordinance. Mr. Bayer explained that the question comes into play even if they issue a ticket without the measuring device, noting the recipient of the ticket can dispute it. Mrs. Forman gave Mr. Bayer some paperwork asking if that was the law he was citing. He reiterated they have to be as strict as or stricter than the State regulations. Discussion continued regarding the noise ordinance and Mr. Bayer provided Mrs. Forman with the regulations. Discussion ensued regarding how the Pemberton ordinance came into effect.

Clare Wadsworth, Browns Mills – **1.** Thanked everyone that participated in a fund raising for PTMT. She noted the residents that participated as well as Rita's Water Ice.

America Phillips, Presidential Lakes – **1.** Thanked Public Works for addressing a problem with clearing a road of a big tree. **2.** Commented on her daily walks noting accidents that occurred on Florida and New Hampshire Roads. **3.** Expressed that the property has been cleared and one can now see all the way down now. **4.** Commented on walking by the Lake and had noted a small gate wherein a dirt bike can go through there and others can get through as well. **4.** Mentioned the basketball basket ball court at the beach, wherein the cement is deteriorating and the pool is gone and commented on its condition. **5.** Noted that the banks do not take care of 200 New Hampshire Rd., noting they don't care. **6.** Complained about the train station noting that all the residents are upset that they can't use it. She commented that all the prior Mayors never bothered anybody and asked him to do something for the residents before he leaves. **7.** Commented on the roaches and rats and expressed hope they can help the lady with the problem of roaches with her neighbors.

John Shaw, Browns Mills, - **1.** Reminded that he has commented at a few meetings regarding speed bumps on Pear Avenue and asked the status. **2.** He noted a handicap child that lives down the road that runs out onto the street and that there used to be a handicap sign near the Acme and asked if another one could be put up near 13 Pear Ave. President Cartier asked Administration to look into the sign. **3.** Commented on sewer drains and asked if storm drains throughout the Township can be checked and cleaned to which Mrs. Willis advised that they have a schedule to have that done. **4.** Advised he is a member of the Fire Police throughout the Township and has noticed many houses that do not have their house numbers on the houses as stipulated by the ordinance which makes it difficult for the first responders. **5.** Commented on the residents that pay their trash bills and pay for the trash receptacles and asked if a letter could be sent to the trash contractor asking them to stop throwing the cans. **6.** In regards to the trails he questioned why the residents can't walk on them. The Mayor advised that when they remove the hazards that exist on the property he will open it up to the public, but until those conditions change it will remain as it is.

Ray Wells, Pemberton – 1. Commented on the fees that were not discussed by Council and on adding ratables, noting the cost to come into their community is higher because of the Pinelands. **2.** Noted the difference in amount that a police officer and firefighter would be paid if they were killed doing the same duties. The Mayor advised he did not know the exact amount but a police officer would get pension benefits which are 3.5 times their salary. Mr. Gonzalez noted that a volunteer firefighter injured during the course of his services would be provided workers comp and that there are State benefits available to them as well. Mr. Wells explained that the point he was making is that they are treated dramatically different in that the volunteers get substantially less. Mr. Gonzalez explained that volunteers are not employees of the Township and the benefits given to police officers are based on their salary. Mr. Wells expressed belief they should be treated the same and suggested if they were offered benefits they may get more volunteers. The Mayor did not disagree but questioned what the solution would be. **3.** Expressed that the trails built by the Rotary are totally separate from the station and it should be opened for the public's use while the other issues are being resolved.

Thomas Maahs, Presidential Lakes – 1. Commended Mr. Wells for his concern of the volunteers. He noted he is a president of the local relief association and the need for benefits for them. He expressed that this needs to be looked at as they need to entice people to volunteer and stop chasing them away.

There being no other members of the public indicating a desire to be heard President Cartier closed the meeting to General Public Comments and recessed the meeting for a five-minute break.

Solicitor's report

Mr. Bayer noted he had nothing to report for open session tonight. Mr. Prickett asked Mr. Bayer in regards to the number of residents tonight and pleaded with the Mayor and Council to open up the rails to trails and train station. He expressed not knowing if the Mayor has the right to close the rails to trails or the train property considering State funds were used to put down the lime stone walkway, and he believes there were a couple of Green Acres grants used either to put in the drinking fountain or other improvements on the property. He noted the T-21 Grant was involved in restoring the train station and they know it's associated with Green Acres because it's on the ROSI list. Mr. Prickett expressed concern that they are in violation of the ROSI list of the Green Acres program rules NJAC 7:36 and expressed surprise that they have Mr. Allen who is a compliance officer with the DEP. Mr. Allen corrected that he is not a compliance officer. Mr. Prickett then addressed Mr. Bayer noting that he deals with all kinds of municipal legal issues and he noted there is a code on page 94 (25. 10) of the Green Acres Program rules. He relayed that section B notes that a local government unit or non profit that intends to close an area of funded park land to public access or use for more than 30 days in order to protect public safety or conduct routine maintenance or protect a specific natural or cultural resource shall notify Green Acres in writing in advance of the closure.....and that a sign is to be posted stating the reason the park is closed and he does not believe there is an explanation as to why the park is closed and if its known the date of the anticipated reopening of the park. He asked Mr. Bayer if it's his opinion that the Township does not have to follow these guidelines and can close whatever ROSI property the Mayor deems appropriate to

close without notifying Green Acres. Mr. Bayer relayed that he does not have an opinion as he is sitting here but would be happy to review the regulation and background documents and get back to him on it. Mr. Prickett announced that on behalf of the Township residents he contacted a Judith Yeany, Esq. Chief Bureau of Legal Services and stewardship for the NJDEP and read a letter to the public that he sent her as follows: "I am contacting you on behalf of the Residents of Pemberton Township who have been denied Public access for well over a year now to the North Pemberton Rails for Trails and Train Museum facility. This facility is listed on the Township's ROSI as Block 787 Lot 4. Residents would like to know if Pemberton Township complied with 7:36-25.10 (chapter 36 of the Green Acres Program which is compiled in Title 7 of the New Jersey Administrative Code) by notifying Green Acres about their plans to deny public access to this ROSI area and inform them about their plans for reopening the facility. Over the last year during Council meetings residents have been requesting information from Mayor David Patriarca about when they can use the Rails for Trails without getting arrested for trespassing. As of now no information has been provided to the public on when the Mayor plans to let people have access to their parkland. The June 6, 2012 Council meeting minutes contain the following public comment regarding this situation. "Bob Pelletier, Pemberton 4. would like to know why the barrier is still closed at the train station. 5. Noted the Mayor needs a new Business Administrator and suggested that perhaps they can trade such as in horse trading, to get the train station opened up as a condition to approval of the Business Administrator appointment." Mr. Pellitier is one of many residents that come to Council meetings and ask the Mayor why he has the North Pemberton Train Museum facility closed and when it will reopen. Please help the residents of Pemberton Township gain access to their beloved parkland without risk of being arrested for trespassing. Please contact me if you need additional information. Sincerely, Rick Prickett, Council Member." Mr. Prickett passed the letter down to Mr. Bayer and advised that he was contacted by the office today and will give that information to Mr. Bayer after the meeting.

Engineer's report

Mrs. Willis reported: **1.** The plans for the Bayberry reconstruction have been submitted to the Bureau of Dam Safety, FEMA and the State Police Office of Emergency Management. **2.** Thanked Council for approving the remainder of their proposal for the Country Lakes Dam repair. It is their intention that for the three dams to have the plans submitted again to Bureau of Dam Safety by the end of this year. **3.** In regards to the Road Program they have started clearing of the final four roads associated with the program, noting there are still a punch list items on the other roadways that are still to be completed. **4.** To date Imagination Kingdom has been closed out and the Township should be receiving their funds. **5.** In regards to the topic of milling that came up at the last meeting. She advised that as of right now their office as well as the Director of Community Development is working to set up a meeting with Chuck Warner and Ernie Demon of the Pinelands. They have also been in contact with DEP and multiple locations and are working with them to come to a conclusion. She informed that the guidelines discussed at the last meeting, are just that, they are only guidelines as to date there are no statutes indicating they can't be used. Within the CMP there is actually a portion of the solid waste section that allows the use of recycled concrete and asphalt. She noted those are topics they want to review during their meeting for clarification.

Mr. Prickett asked in regards to Mr. Shaw bringing up speed humps and he asked if she had mentioned a grant. Mrs. Willis confirmed there is a grant out for traffic calming and speed humps are a type of traffic calming but they are looking into multiple locations. Their office has worked with the Director of Community Development, Administration and Public Works as to their recommendations of locations. She noted having gone through all of emails since she has been at Pemberton Township and gave them a list of the recommended places that have been brought to her attention. The Public Works agrees with the Pear Avenue location. She noted however the question on whether they get State approval on it as it connects to a County Roadway, but it is in discussion.

Mr. Prickett asked about the schedule of the clean out of storm drains and whether the Council and public can see that document. Mrs. Willis advised that they can talk to Public Works to find out their schedule as it is part of their storm water management permit in that each inlet needs to be cleaned out and what is removed must be turned in to the State for their permit on a yearly basis. He asked who he could ask for a copy of the schedule. She noted that Phil Sager is the Public Works Superintendent but he could probably ask Administration for it.

Mr. Prickett noted there were some charges on the bill list for North Whitesbog Road road openings and asked if she could elaborate on those. Mrs. Willis explained that they are outside the limits of the more recent paving.

Mr. Prickett asked where all the millings went. Mrs. Willis noted they were there on Monday afternoon and the next morning they were gone so she believes they have been stolen. She relayed that Public Works notified her that morning that all of the millings located the end of Springlake, the stock pile area, were gone. Mr. Prickett asked how many piles.

Planner's report

Mr. Regan reported: 1. They have completed the update of the Pemberton Township ordinances to be consistent with the Pinelands' ordinances and they will get that back for review if they have not already received them. He noted they are very deminutus recommendations but was something that had to be clarified to bring our ordinances consistent with the Pineland's ordinance. 2. They received a phone call from Mr. Michael Feldman who is the land owner of a great deal of land in Pemberton Pines and is interested in having a meeting with staff to discuss doing some portion of that development. They will be meeting to find out what he has in mind, noting his belief that he wants to make changes and whether he can meet all the requirements and conditions that were placed on that project as well as providing utility services to even suggest development there. President Cartier questioned if does not already have preliminaries out there. Mr. Ragan explained no in that he has a general development plan which give the project a long life but he has to come back to get preliminary approval, then final, and then meet all the requirements and conditions for that job.

Mrs. Stinney asked Mr. Ragan the status of the dialysis center. Mr. Ragan said they are back and forth with the Pinelands still and he believes the 40% that Mr. Wells mentioned has more to do with the processing costs more than the actual physical

Mayor's report

Mayor Patriarica reported: 1. Complimented the Lake Valley Civic Association on the successful event they held Saturday for their annual party in the park day, noting it was an enjoyable event.

Business Administrator's report

Dennis Gonzalez reported: 1. Advised the Council that in light of the many issues that have arisen in regards to vacant buildings and those not occupied, they are in the process of reviewing the ordinances with regard to vacant buildings and enforcement provisions and is hopeful to have some recommendations for an amendment that will allow them to better enforce and maintain vacant properties.

Council Members' Comments

Richard Prickett: 1. Spoke of former resident Ron Roberts who dedicated himself to Pemberton Township for so many years. He was on the Environmental Commission for many years and provided the Township with leadership for the clean ups, he recited his numerous contributions to the Township and commended him for his support for the community and environment and noted they lost a very wonderful person.

Diane Stinney: 1. Also gave her words of praise for Ron Roberts and his family. Mr. Prickett asked Mrs. Stinney if he could add the comment that he would always see Mr. Roberts marching in a parade with his wife and son waiving a flag. 2. Advised she also attended the Lake Valley BBQ and applauded Mr. Lewis, noting he's a veteran that never sits down. She commended his work with the BBQ. 3. Expressed that they have some wonderful students that have come through Pemberton Township. She noted that Saturday she spoke with a gentleman who had his book out there. She was so proud to commend Stan Gregory on his new book entitled "The Law Clerk", noting that he and his family continues to give back to Pemberton Township, and reminded he also used to be the Public Defender here.

Sherry Scull: 1. Also shared her thoughts, sentiments and praise of Ron Roberts and his contributions to the community. 2. Spoke of Stan Gregory who is another Pemberton Township Hall of Famer graduate of Pemberton who has done well for himself and who stayed in Pemberton, noting his heart and soul is here. 3. In regards to solar discussions noted that she has been promoting the use of solar for years to help save costs in the Township. She knows the Mayor is checking into that with the energy program and hopes to have some good news forthcoming regarding that. 4. She acknowledged that they have ordinances that have to be followed but is bothered that over a hundred people are issued summons or warnings for putting their garbage out in a bag when there are homes that do not have their house numbers posted as required which is more of a safety issue. She would rather they concentrate on safety issues and hopes with new code enforcement coming on board they will deal with safety issues. 5. Noted that the Engineer's office has previously applied for sidewalk grants for Lake Valley and did not get them in that area. She noted attended a district group safety meeting yesterday and they are going to be pursuing a grant for the sidewalks in Lake Valley as they plan on going back to having the children walk to school for cost savings. 6. In regards to the train station and the rails to trails and expressed that it

is being used as a political football out in the community and everyone is not being given the whole story. She noted that all five Council members have been in support of the Historic Trust. She advised that she is one of the four original founders of the Historic Trust and comments that she should have resigned and resolved the issue are not true. She explained she has been with the Trust since 1996 and on Council since 2006 and feels it's unfortunate to use that story and twist it around for their own personal gains. She noted they have all tried to brainstorm for a resolution, they all want the station and the trails open and clarified that not only one member of the Council has been in support of the Trust. In this form of government the control falls on the Mayor and she has begged him to resolve this. She affirmed that the trains are not a hazard although she acknowledged they need to be fixed up. She noted it takes money and spoke of ways of perhaps groups in the community adopting a train and perhaps give them a time frame of a year to be fixed up or then moved. She is opposed to all the money spent in court and attorney fees and wishes there was a way this could be resolved. She commented on Mr. Prickett's statements noting that if the Township is in violation with the State then maybe that's one way to get it open again. She acknowledged its not all on the Mayor but rather some of the blame falls on the Trust but as far as the agreement goes there were things that were not corrected, nor did the Trust receive the corrected agreement or perhaps they would have signed it. **7.** She commented on the Veterans' Memorial noting that additional names were being added to the wall, hopefully in time for Veterans Day. **8.** Noted that Community Day will not be held in the fall but rather sometime in the spring. **9.** Commented on the numerous grants she has brought in for the Township.

Jason Allen: **1.** Also praised Ron Roberts, noting it appears they all worked with him in different capacities, but each of them has seen the leadership in Mr. Roberts in helping out the Township and helping out others. **2.** Complimented the Lake Valley Association on a successful event. He noted that he and his family had an excellent time and it was nice seeing residents, and family and he expressed hope that the event continues in the future.

Kenneth Cartier: **1.** Concurred with Mr. Allen that they have all been touched by Mr. Roberts in one way or another. He noted Mr. Roberts was probably his first contact with the Township and shared his experience of Mr. Roberts dragging him out to the lakes to explain the conditions. He expressed that Mr. Roberts' life was the environment, he loved talking about it and he will be missed in Pemberton Township.

Richard Prickett: **1.** Asked to mention the Lions Car Show to be held at the property next to the Hornets Nest on Saturday from 11 a.m.-4p.m. **2.** Announced that on Sunday the BMIA is having the Candidates' Forum at 2 p.m. and the six candidates for Pemberton Township Council will be there to talk about their points of view and their requests for votes from those taking part in that event.

The meeting was adjourned at approximately 9:27 p.m.

Respectfully submitted by,

AMY P. COSNOSKI, RMC, DEPUTY TOWNSHIP CLERK