

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
SEPTEMBER 5, 2012  
6:30 P.M.**

**FLAG SALUTE**

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

**ROLL CALL**

**PRESENT**

Sherry Scull  
Jason Allen  
Ken Cartier  
Richard Prickett

**ABSENT**

Diane Stinney

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 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. 178-2012**

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 HEREIN AFTER SPECIFIED MATTERS.

2.THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:

DEVELOPMENT NEGOTIATIONS – BROWNS MILLS SHOPPING CENTER  
PERSONNEL MATTERS

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. 178-2012. Prickett, yes; Allen, yes; Scull, 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.

Mr. Prickett requested to have the Meeting Minutes of August 15, 2012 pulled from the Consent Agenda. Mr. Allen requested to have Resolution No. 179-2012 pulled from the Consent Agenda

Motion by Prickett and Scull to have Resolution 191-2012 added to the regular agenda under Old Business. Prickett, yes; Scull, abstain; Allen, yes; Cartier no. Motion carries.

## CONSENT AGENDA ITEMS

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

#### RESOLUTION NO. 180-2012

WHEREAS, THE PROPERTY OWNERS ON THE ATTACHED SCHEDULES A THROUGH Z AND AA THROUGH AC 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 Z AND AA THROUGH AC;

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 Z AND AA THROUGH AC.

#### RESOLUTION NO. 181-2012

WHEREAS, CERTAIN GENERAL CAPITAL IMPROVEMENT APPROPRIATION BALANCES REMAIN DEDICATED TO PROJECTS NOW COMPLETED, AND OR NOT PURSUED; AND

WHEREAS, IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THE UNEXPENDED BALANCES MAY BE CREDITED TO CAPITAL SURPLUS; AND

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE FOLLOWING UNEXPENDED AND DEDICATED BALANCES OF THE GENERAL CAPITAL APPROPRIATIONS BE CANCELED.

#### ORDINANCE 20-2009

#### RENOVATIONS TO MUNICIPAL COURT ROOM

<u>TITLE</u>	<u>ACCOUNT</u>	<u>BALANCE</u>
SECTION 20 COSTS	C-04-09-920-920-903	\$ 1,473.90
		<hr/>
	TOTAL TO BE CANCELED	<u>\$ 1,473.90</u>

#### RESOLUTION NO. 182-2012

WHEREAS, PEMBERTON TOWNSHIP FIRE DEPARTMENT DESIRES THAT, PURSUANT TO THE PROVISIONS OF N.J.S.A. 15:8-4, CERTAIN PERSONS BE APPOINTED TO PERFORM PERMITTED POLICE DUTIES AT FIRES AND FIRE DRILLS;

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE BELOW LISTED MEMBER BE APPOINTED AND DESIGNATED AS FIRE POLICE OFFICER FOR A TERM OF FIVE YEARS FROM THE DATE OF THIS APPOINTMENT TO PERFORM DUTIES AS PRESCRIBED IN N.J.S.A. 15:8-4 UPON TAKING APPROPRIATE OATH BEFORE THE TOWNSHIP CLERK, A COPY OF WHICH IS TO BE FILED WITH THE CLERK AND ALSO THE CHIEF OF THE FIRE COMPANY.

JOHN KERESTES

#### RESOLUTION NO. 183-2012

WHEREAS, PEMBERTON YOUTH FOOTBALL AND CHEERLEADING WISHES TO ENTER INTO A CONCESSION AGREEMENT WITH PEMBERTON TOWNSHIP IN ORDER TO OPERATE A CONCESSION TO SELL GOODS FOR FUND RAISING PURPOSES AT THE TOWNSHIP FIELDS AND FACILITIES USED BY PEMBERTON YOUTH FOOTBALL AND CHEERLEADING; AND

WHEREAS, PEMBERTON TOWNSHIP IS WILLING TO ALLOW PEMBERTON YOUTH FOOTBALL AND CHEERLEADING TO OPERATE A CONCESSION ON TOWNSHIP FIELDS AND FACILITIES SO LONG AS PEMBERTON YOUTH FOOTBALL AND CHEERLEADING COMPLIES WITH THE TERMS AND CONDITIONS OF THE CONCESSION LICENSE AGREEMENT ATTACHED HERETO; AND

WHEREAS, PEMBERTON YOUTH FOOTBALL AND CHEERLEADING HAS INDICATED THAT IT IS WILLING TO EXECUTE AND TO COMPLY WITH THE TERMS AND CONDITIONS OF THE CONCESSION LICENSE AGREEMENT ATTACHED HERETO.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE MAYOR IS HEREBY AUTHORIZED TO SIGN THE CONCESSION LICENSE AGREEMENT IN THE FORM ATTACHED HERETO WITH PEMBERTON YOUTH FOOTBALL AND CHEERLEADING TO ALLOW IT TO OPERATE A CONCESSION TO SELL GOODS FOR FUND RAISING PURPOSES AT THE TOWNSHIP FIELDS AND FACILITIES USED BY PEMBERTON YOUTH FOOTBALL AND CHEERLEADING; AND

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

1. PEMBERTON YOUTH FOOTBALL AND CHEERLEADING
2. GLUCKWALRATH LLP

RESOLUTION NO. 184-2012

WHEREAS, BURLINGTON COUNTY HAS CREATED THE MUNICIPAL PARK DEVELOPMENT PROGRAM (THE "PROGRAM") IN ORDER TO BROADEN ITS ONGOING PARTNERSHIP WITH ITS MUNICIPALITIES TO CONSERVE AND DEVELOP PARKS BY PROVIDING GRANTS FOR SUCH PURPOSES; AND

WHEREAS, ON MAY 4, 2012, PEMBERTON TOWNSHIP FILED AN APPLICATION WITH THE COUNTY UNDER THE PROGRAM SEEKING THE AWARD OF A GRANT IN ORDER TO MAKE CERTAIN IMPROVEMENTS TO NESBIT CENTER PARK, INCLUDING THE CONSTRUCTION OF A FOOTBALL FIELD WITH FENCING, STORAGE FACILITIES, NEW PLAY EQUIPMENT, A WALKING TRAIL WITH FITNESS STATIONS, PARKING FACILITIES, BENCHES, PICNIC TABLES, TRASH/RECYCLING CONTAINERS, AND LANDSCAPING (THE "PROJECT"); AND

WHEREAS, THE COUNTY HAS AWARDED A GRANT TO THE TOWNSHIP IN THE AMOUNT OF \$223,520.00 FOR THE PROJECT, SUBJECT TO THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT ATTACHED HERETO; AND

WHEREAS, THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT, N.J.S.A. 40A:65-1 ET SEQ., AUTHORIZES PUBLIC ENTITIES TO ENTER INTO CONTRACTS FOR THE JOINT PROVISION OF ANY SERVICE WHICH ANY PARTY TO THE AGREEMENT IS EMPOWERED TO RENDER WITHIN ITS OWN JURISDICTION; AND

WHEREAS, THE TOWNSHIP WISHES TO ACCEPT THE GRANT AWARDED BY THE COUNTY FOR THE PROJECT AND TO ENTER INTO THE GRANT AGREEMENT ATTACHED HERETO WITH THE COUNTY.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE TOWNSHIP HEREBY ACCEPTS THE MUNICIPAL PARK DEVELOPMENT PROGRAM GRANT FROM BURLINGTON COUNTY IN THE AMOUNT OF \$223,520.00 FOR THE PROJECT; AND

BE IT FURTHER RESOLVED THAT THE MAYOR OF THE TOWNSHIP OF PEMBERTON IS HEREBY AUTHORIZED TO SIGN THE GRANT AGREEMENT WITH BURLINGTON COUNTY ON BEHALF OF THE TOWNSHIP; AND

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

1. BURLINGTON COUNTY DEPARTMENT OF RESOURCE CONSERVATION
2. BURLINGTON COUNTY ADMINISTRATOR
3. TOWNSHIP CHIEF FINANCIAL OFFICER
4. GLUCKWALRATH LLP

RESOLUTION NO. 185-2012

WHEREAS, MICHAEL BREWER, SR., AN EMPLOYEE OF THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"), FILED A WORKER'S COMPENSATION CLAIM AGAINST THE TOWNSHIP ENTITLED MICHAEL BREWER, SR. V. PEMBERTON TOWNSHIP, CP NO. 2011-1084 (THE "CLAIM"); AND

WHEREAS, THE TOWNSHIP RECOMMENDED THAT THE CLAIM BE SETTLED IN FULL FOR \$5,194.00; AND

WHEREAS, MR. BREWER AGREED TO ACCEPT THE TOWNSHIP'S OFFER TO SETTLE THE CLAIM FOR \$5,194.00; AND

WHEREAS, THE TOWNSHIP'S WORKER'S COMPENSATION ATTORNEY HAS RECOMMENDED THAT THE TOWNSHIP COUNCIL APPROVE THIS PROPOSED SETTLEMENT AS IT IS FAIR AND REASONABLE; AND

WHEREAS, THE MAYOR HAS RECOMMENDED THAT THE TOWNSHIP COUNCIL APPROVE SETTLEMENT OF THE CLAIM FOR \$5,194.00.

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

1. THE SETTLEMENT OF THE CLAIM FOR \$5,194.00 IN THE MATTER MICHAEL BREWER, SR. V. PEMBERTON TOWNSHIP POLICE DEPARTMENT, CP NO. 2011-1084 IS HEREBY APPROVED.

2. THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP IS HEREBY AUTHORIZED TO ISSUE PAYMENT IN THE AMOUNT OF \$5,194.00 TO MICHAEL BREWER, SR., PLUS ANY FEES AND COSTS AS REQUIRED UNDER LAW IN FULL SETTLEMENT OF THE CLAIM, UPON RECEIPT OF A RELEASE AND/OR OTHER DOCUMENTS DEEMED NECESSARY BY THE TOWNSHIP'S WORKER'S COMPENSATION COUNSEL.

3. THE MAYOR IS HEREBY AUTHORIZED TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT OF THE CLAIM SO LONG AS SUCH DOCUMENTS ARE IN A FORM ACCEPTABLE TO THE TOWNSHIP WORKER'S COMPENSATION ATTORNEY.

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

1. THOMAS E. KUNZ, ESQ.
2. TOWNSHIP CHIEF FINANCIAL OFFICER
3. GLUCKWALRATH LLP

VERONICA GEORGE, INSERVCO CLAIMS REPRESENTATIVE

RESOLUTION NO. 186-2012

WHEREAS, DAVID GEIBEL, SR., AN EMPLOYEE OF THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"), FILED A WORKER'S COMPENSATION CLAIM AGAINST THE TOWNSHIP ENTITLED DAVID GEIBEL, SR. V. PEMBERTON TOWNSHIP, C.P. NO 2010-3352; AND

WHEREAS, THE TOWNSHIP AND MR. GEIBEL, SR. ENTERED AN ORDER APPROVING THE SETTLEMENT OF THE CLAIM; AND

WHEREAS, PURSUANT TO N.J.S.A. 34:15-40, THE STATUTORY LIEN ATTACHED TO MR. GEIBEL, SR.'S AWARD IS \$31,982.99; AND

WHEREAS, MR. GEIBEL, SR. INITIATED A THIRD PARTY ACTION AGAINST FATHER & SON CARPET, AND

WHEREAS, THIRD-PARTY DEFENDANT FATHER & SON CARPET HAS MADE AN OFFER TO MR. GEIBEL, SR. OF \$75,000; AND

WHEREAS, TO EFFECTUATE SETTLEMENT IN THE THIRD-PARTY MATTER, MR. GEIBEL, SR. HAS OFFERED THE TOWNSHIP \$25,000.00 TO SATISFY THE OUTSTANDING WORKERS' COMPENSATION STATUTORY LIEN.

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

1. THE TOWNSHIP HEREBY AUTHORIZES AND ACCEPTS THE SUM OF \$25,000.00 IN FULL AND FINAL SATISFACTION OF ITS OUTSTANDING WORKERS' COMPENSATION LIEN PURSUANT TO N.J.S.A. 34:15-40 ARISING FROM THE SETTLEMENT OF THE CLAIM.

2. THE MAYOR IS HEREBY AUTHORIZED TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT OF THE WORKERS' COMPENSATION LIEN SO LONG AS SUCH DOCUMENTS ARE IN A FORM ACCEPTABLE TO THE TOWNSHIP'S WORKER'S COMPENSATION ATTORNEY.

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

- A. JED S. KADISH, ESQ.
- B. TOWNSHIP CHIEF FINANCIAL OFFICER
- C. GLUCKWALRATH LLP
- D. VERONICA GEORGE, INSERVCO CLAIMS REPRESENTATIVE

RESOLUTION NO. 187-2012

WHEREAS, VASU DEV LIQUORS LLC HAS APPLIED TO THE TOWNSHIP OF PEMBERTON FOR A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-009-004; AND

WHEREAS, THE APPLICANT HAS DISCLOSED AND THE TOWNSHIP COUNCIL HAS REVIEWED THE SOURCE OF FUNDS USED IN THE PURCHASE OF THE LICENSE AND THE LICENSED BUSINESS AND ALL ADDITIONAL FINANCING OBTAINED IN CONNECTION WITH THE LICENSED BUSINESS AND PREMISES; AND  
WHEREAS, THE PERSON-TO-PERSON TRANSFER APPLICATION FORM SUBMITTED IS COMPLETE IN ALL RESPECTS, THE TRANSFER FEES HAVE BEEN PAID, THE LICENSE HAS BEEN PROPERLY RENEWED FOR THE CURRENT LICENSE TERM, AND THE APPLICANT IS QUALIFIED TO BE LICENSED ACCORDING TO THE STANDARDS ESTABLISHED BY TITLE 33 OF THE NEW JERSEY STATUTES AND APPLICABLE REGULATIONS AND ORDINANCES AS REVEALED THROUGH APPROPRIATE INVESTIGATIONS;  
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TOWNSHIP COUNCIL HEREIN APPROVES THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-009-004 FROM LAXMI KRUPA, INC. T/A PIG N WHISTLE TO VASU DEV LIQUORS LLC WHOSE MAILING ADDRESS IS 1316 BRADFORD LANE, BENSLEM, PA 19020 BE IT FURTHER RESOLVED THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE THE EXISTING LICENSE CERTIFICATE TO EFFECTUATE THE PERSON-TO-PERSON TRANSFER OF THE AFOREMENTIONED LICENSE, WHICH SAID TRANSFER SHALL BE EFFECTIVE SEPTEMBER 5, 2012.

RESOLUTION NO. 188-2012

WHEREAS, ROBERT DINTINGER, AN EMPLOYEE OF THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"), FILED A WORKER'S COMPENSATION CLAIM AGAINST THE TOWNSHIP ENTITLED ROBERT DINTINGER V. PEMBERTON TOWNSHIP, CP NO. 2005-24966 (THE "CLAIM"); AND  
WHEREAS, JUDGE FREIDMAN, THE PRESIDING JUDGE IN THIS MATTER, HAS MADE A SECTION 20 SETTLEMENT RECOMMENDATION OF \$20,000.00; AND  
WHEREAS, THE TOWNSHIP'S WORKER'S COMPENSATION ATTORNEY HAS RECOMMENDED THAT THE TOWNSHIP AUTHORIZE A SETTLEMENT IN THE AMOUNT RECOMMENDED BY JUDGE FREIDMAN IN ORDER TO RESOLVE THIS CLAIM SO THAT IT MAY BE DISMISSED WITH PREJUDICE; AND  
WHEREAS, THE MAYOR HAS RECOMMENDED THAT THE TOWNSHIP COUNCIL APPROVE SETTLEMENT OF THE CLAIM FOR \$20,000.00.  
NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE SETTLEMENT OF THE CLAIM FOR \$20,000.00 IN THE MATTER ROBERT DINTINGER V. TOWNSHIP OF PEMBERTON, CP NO. 2005-24966 IS HEREBY APPROVED.

2. THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP IS HEREBY AUTHORIZED TO ISSUE PAYMENT IN THE AMOUNT OF \$20,000.00 TO ROBERT DINTINGER, PLUS ANY FEES AND COSTS AS REQUIRED UNDER LAW IN FULL SETTLEMENT OF THE CLAIM, UPON RECEIPT OF A RELEASE AND/OR OTHER DOCUMENTS DEEMED NECESSARY BY THE TOWNSHIP'S WORKER'S COMPENSATION ATTORNEY.

4. THE MAYOR IS HEREBY AUTHORIZED TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT OF THE CLAIM SO LONG AS SUCH DOCUMENTS ARE IN A FORM ACCEPTABLE TO THE TOWNSHIP'S WORKER'S COMPENSATION ATTORNEY.

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

1. THOMAS E. KUNZ, ESQ.
2. TOWNSHIP CHIEF FINANCIAL OFFICER
3. GLUCKWALRATH LLP
4. VERONICA GEORGE, INSERVCO CLAIMS REPRESENTATIVE

RESOLUTION NO. 190-2012

WHEREAS, THE PROPERTY OWNER ON THE ATTACHED SCHEDULE W WAS 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 W;

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 W.

**\*NEW BUSINESS**

**\*a.** Acknowledgement of fire co. membership/relief association application for: Jason Price, Browns Mills Fire Co.

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

1. Water Dept: for sixty ¾"x3/4" Short Body Direct Read (gallons) water meter readers from Atlantic Plumbing in the total amount of \$4,865.22.
2. Police Dept.:
  1. 2013 Ford Explorer Police Interceptor Utility and K-9 Explorer kit from Winner Ford, Inc. in the total amount of \$15,300.00.
  2. 55 holsters from Chief Supply Corp., Inc. in the total amount of \$2,962.50.
  3. Computer hardware and software from Dell Computers in the total amount of \$3,652.95.
  4. Ammunition from Lawmen Supply Co. in the total amount of \$8,409.95.

**\*12.** Approval by Council required for payment of vouchers on bill list dated 8/31/12.

Motion by Scull and Allen to approve Consent Agenda as amended. Scull,

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

## **RESOLUTIONS**

### **RESOLUTION NO. 179-2012**

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:

ALISON NICKLE, \$185.00 FOR REFUND FOR SUMMER RECREATION FIELD TRIP WEEK PROGRAM, UNABLE TO ATTEND, CHILD MOVED OUT OF STATE TO LIVE WITH FATHER.

FRANK MARTUCCI, \$30.00 FOR PARTICIPATION IN WATER CARNIVAL CANCELLED DUE TO INCLEMENT WEATHER AND WAS UNABLE TO ATTEND RAIN DATE.

JUDITH FARLEY, \$40.00, VENDOR FOR WATER CARNIVAL NOT ABLE TO ATTEND RAIN DATE.

JUSTIN ERVIN, \$40.00, VENDOR FOR WATER CARNIVAL NOT ABLE TO ATTEND RAIN DATE.

Council President Cartier requested that the refund request for \$360 be pulled from that resolution.

Motion by Allen and Scull to approve Resolution 179-2012 as amended.  
Allen, yes; Scull, yes; Prickett, yes; Cartier, yes. Motion carries,

## **MINUTES FILED BY MUNICIPAL CLERK**

### **a. Regular Meeting, August 15, 2012.**

Mr. Prickett expressed that he would like to have his specific questions that he suggested for the referendum question put in the minutes.

Motion by Prickett and Scull to approve minutes with amendment. Prickett, yes; Scull, yes; Allen, yes; Cartier, yes. Motion carried.

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

### **a. ORDINANCE NO. 12-2012**

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 Scull and Prickett to adopt Ordinance 12-2012.

Council President Cartier opened the meeting to the public for discussion of Ordinance 12-2012.

Claire Wadsworth – 1. Questioned if Mr. Cartier received the information requested at a prior meeting about the interest paid on the bond balances not used. Mr. Cartier advised he believes he did get that information in an email and will have that information forwarded to Ms. Wadsworth.

Seeing no other members of the public wishing to speak, Council President Cartier closed to the meeting to the public on Ordinance 12-2012.

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

**b. ORDINANCE NO. 13-2012**

**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 Prickett to adopt Ordinance 13-2012.

Council President Cartier opened the meeting to the public for discussion of Ordinance 13-2012.

Claire Wadsworth – 1. Questioned if Mr. Cartier received the information requested at a prior meeting about the interest paid on the bond balances not used. Mr. Cartier advised he believes he did get that information in an email and will have that information forwarded to Ms. Wadsworth.

Seeing no other members of the public wishing to speak, Council President Cartier closed to the meeting to the public on Ordinance 13-2012.

Mr. Prickett questioned why the monies were not cancelled if they were not used so we would not be paying interest on it for all these years. Mrs. Scull noted that this is a step in the right direction to get the dams in Country Lakes repaired. Mr. Prickett concurred with Mrs. Scull, noting that we need to take care of our lakes as they are a value to our town.

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

**NEW BUSINESS**

- c. Parade Permit applications (**REQUIRES PUBLIC HEARING**) for Iva Klemick of First Baptist Church of Browns Mills for second annual block party Sunday, Funday to be held on September 22, 2012, from 7am-4pm (food, games, etc.) at Sunbury Village, Kinsley Road, from Emmons St. to Norcross Ave.

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.

Mr. Allen noted that the Police Chief had some questions and concerns regarding this permit and he had confirmed that the Chief was satisfied with the answers he received. Mrs. Scull noted that the event helps raise funds for scholarships for some of the poorest children in the community.

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

## **OLD BUSINESS** (added at beginning of meeting)

### RESOLUTION NO. 191-2012

A RESOLUTION OF THE PEMBERTON TOWNSHIP COUNCIL THAT RESCINDS RESOLUTION NO. 238-2011 PASSED AT THE OCTOBER 19, 2011 COUNCIL MEETING, WHICH TERMINATED THE LEASE AGREEMENT DATED OCTOBER 4, 2000, BETWEEN THE PEMBERTON TOWNSHIP HISTORIC TRUST AND PEMBERTON TOWNSHIP.

WHEREAS, THE PEMBERTON TOWNSHIP COUNCIL DESIRES TO SEE FURTHER NEGOTIATIONS TAKE PLACE BETWEEN THE MAYOR OR HIS REPRESENTATIVES AND THE PEMBERTON TOWNSHIP HISTORIC TRUST IN ORDER TO UPDATE THE LEASE AGREEMENT REGARDING THE NORTH PEMBERTON TRAIN STATION; AND

WHEREAS, THE PEMBERTON TOWNSHIP COUNCIL DESIRES TO SEE THE PEMBERTON TOWNSHIP HISTORIC TRUST CONTINUE TO PROVIDE THEIR SERVICES TO THE COMMUNITY AT THE NORTH PEMBERTON TRAIN STATION AND TRAIL COMPLEX; AND

WHEREAS, THE PEMBERTON TOWNSHIP COUNCIL WOULD LIKE THE OPPORTUNITY TO ESTABLISH A SUB-COMMITTEE TO BE OBSERVERS AT FUTURE NEGOTIATIONS BETWEEN THE MAYOR OR HIS REPRESENTATIVES AND THE PEMBERTON TOWNSHIP HISTORIC TRUST.

NOW, THEREFORE BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON RESCINDS RESOLUTION NO. 238-2011 PASSED AT THE OCTOBER 19, 2011 COUNCIL MEETING WHICH TERMINATED THE LEASE AGREEMENT DATED OCTOBER 4, 2000, BETWEEN THE PEMBERTON TOWNSHIP HISTORIC TRUST AND PEMBERTON TOWNSHIP.

BE IT FURTHER RESOLVED, THAT ONCE THIS RESOLUTION IS PASSED BY THE PEMBERTON TOWNSHIP COUNCIL THAT THE LEASE AGREEMENT BETWEEN THE PEMBERTON TOWNSHIP HISTORIC TRUST AND PEMBERTON TOWNSHIP IS IN EFFECT UNTIL WHICH TIME THE PEMBERTON TOWNSHIP COUNCIL DECIDES TO TAKE OTHER ACTION.

Councilman Prickett expressed he feels the Council needs to reconsider this resolution that he had presented to Council a number of months ago. Mr. Prickett noted that the public has said they want the train station open and open the rails to trails and it is time for Council to listen to the public. Mr. Prickett explained the resolution rescinds the cancellation of the lease with the Historic Trust, noting he voted against that. Mr. Prickett further commented that it is time for Council to stand up and noted they made a mistake and do what they can to fix it.

Motion by Prickett and Scull to approve Resolution 191-2012.

Councilman Prickett read the title of the resolution.

Mr. Allen commented that he believes Council has listened to the public but he is not sure what this resolution will accomplish. Council President Cartier requested Mr. Bayer to offer his legal opinion. Mr. Bayer advised that in October of 2011 the Council adopted a resolution terminating the license agreement with the Trust, therefore as of that date there is no agreement to reinstate. Mr. Bayer further advised that under the Faulkner Act, the Governing Body can only consider contracts presented by the Mayor. In addition, Mr. Bayer expressed he felt by taking this action, Council would cause further complication in an already convoluted litigation. Mr. Prickett asked Mr. Bayer for clarification on being able to rescind a resolution that has already been passed. Mr. Bayer explained that it would depend on the subject of the resolution. Mrs. Scull asked for clarification on the rescinding of an ordinance, Mr. Bayer noted it can not happen with a contract, noting that the additional issue in court would be if the Council had the right to do this.

Prickett, yes; Scull, abstain; Allen, no; Cartier, no. Motion fails.

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

**Lisa Vandergrift, Browns Mills – 1.** Advised Council she is having issues with neighbors that are so dirty they have infested the surrounding homes with roaches. She noted she has spoken to the Mayor, County Board of Health and Code Enforcement but is not getting a straight answer as to who handles this. She explained that she has spent over \$500 on exterminators and chemicals and is not happy that she has had to spend her own money because Code Enforcement does not do their job. She noted that they put their trash out days before pick up and

even the trash company has filed a complaint because of all the roaches. Mayor Patriarca advised the he did look into and has spoken to the County Board of Health advising we have an agreement with them and he will reach out to find out why they are not looking into this matter further.

**Janice Brown, Browns Mills – 1.** Advised that she lives right next door to home in question and she is now finding evidence of rats in her home and never in all the years she has been there has there been these problems. Ms. Brown commented that she has gotten violations from Mr. Fisher if there is one bottle on her lawn but the neighbor didn't get any.

**Joe O'Neill, Browns Mills – 1.** Noted that he lives next door to Ms. Brown and he purchased 70 lbs. of spectracide to treat his and his neighbors properties, advising he has lived there all of his life and has never seen roaches before.

**Amy Karpati, Pinelands Preservation Alliance – 1.** Ms. Karpati passed out a packet of information to the Council and gave a brief description of the benefit of the vegetative area along roadways in the Pinelands. Ms. Karpati then questioned why the Township put asphalt millings along Spring Lake Road and stockpiled in wooded areas. Township Engineer, Kelly Willis, advised that the Pinelands Commission has given permission to the Township for this to occur and noted there is a memorandum of agreement specifically between the Pinelands Commission and Pemberton Township regarding the treatment of dirt roadways and areas within the Township. Ms. Karpati expressed that that Pinelands Preservation Alliance was concerned about the millings being placed in vegetative areas.

**John Shaw, Browns Mills – 1.** Thanked Council for restoring the lights on Texas Avenue and questioned what was being done with the lighting on Broadway. Mayor Patriarca explained that it was a timing issue with the lights and they are preparing an order for replacement lights. Mr. Shaw noted that the Township should look to the 7-Eleven to get reimbursed believing it was one of their delivery trucks that hit the pole causing the problem. **2.** Mr. Shaw commented on his grandchildren not getting to see the train station and walk the trail and asked that the Mayor and Council open it back up noting the situation has gone on for too long.

**Norma Waters, Pemberton – 1.** Commented that she has been trying to follow the happenings at the meetings but expressed her frustration at being able to get current access to the minutes. Ms. Waters was advised she can obtain an audio cd of the meeting usually within a few days after the meeting. **2.** Ms. Waters expressed her appall at the divisiveness she is witnessing at the meeting, noting Mr. Prickett attempted to open up a dialogue about the Train Station issue but does not see anyone else offering any solutions. Ms. Waters volunteered to work with some other citizens and the town leaders to discuss and arrive at a solution to the problem.

**America Phillips, Presidential Lakes – 1.** Noted that nothing has yet to be done about the Train Station and feels the Administration does not want to work with the residents. Ms. Phillips commented that the Train Station belongs to the community and it's residents and it is illegal to destroy an historic place but the Township is doing a good job of that. Ms. Phillips asked the Mayor to do his job for the resident. **2.** Requested Administration contact the State regarding the



cement island at the entrance to Presidential Lakes, it needs to be cleaned up as it is covered in weeds. **3.** Commented about the drainage issues in Presidential Lakes.

**Robert Farr, Presidential Lakes – 1.** Questioned when the Pemberton First Aid would get their funding. Mayor Patriarca advised they have a contract with the First Aid Squad and they have not received their funding for this year but would be receiving at the end of the year based on call response, noting the \$2,000 they received for last year was based on their call response.

**George Petronis, Browns Mills – 1.** Noted that he supports the idea that the Historic Trust should be returned to the Train Station and all artifacts and cars should be preserved. Mr. Petronis commented on what has happened with the Train Station, noting it was an asset to the Township and a part of the revitalization of downtown and asked Council to reconsider Mr. Prickett's resolution. **2.** Questioned the bills that are listed on the consent agenda and if that could be made available to the public. It was noted that the bill list is not subject to the OPRA law until it has been voted on by Council, however the individual bills up for consideration could be requested. Mr. Petronis expressed he did not feel that was practical for the public and commented on the public process.

**Bob Pelletier, Pemberton – 1.** Questioned the availability of the minutes and requested that the minutes be done verbatim. **2.** Commented on the millings on Spring Lake Road, noting he thought they needed to be recycled and the contract oversight for the work being done on Tensaw Drive specifically to drainage. Ms. Willis advised that she is the onsite inspector for that project and she has noted areas of concern regarding drainage. **3.** Mr. Pelletier commented on the Train Station, expressing he is disappointed in what has gone on and he does not believe Council engaged and are indifferent to the issue. **4.** Noted under the Faulkner Act there are powers the people can take through the referendum process.

**Clare Wadsworth, Browns Mills – 1.** Questioned the number of litigation cases between the Historic Trust and the Township and was advised there were two cases. **2.** Requested the cost of the litigation to the Township and asked if she could OPRA that information.

**Thomas Jardine, Browns Mills – 1.** Expressed his concern about the evergreens removed from library parking lot and was advised they had grown to the point they became a hazard to driving in the lot. He further expressed his concern over the noise from the air conditioner unit now that the evergreens had been removed. **2.** Noted there was a washout area on Broadway and questioned if a crosswalk could be installed. Ms. Willis advised they have been in contact with the County regarding his concerns and they are currently looking at grant money for crosswalks.

**Michele Forman, Browns Mills – 1.** Noted some questions on our noise ordinance, it was unclear to her if the Police had to measure the noise in order to issue a ticket. Mr. Bayer advised he would look into it and get back to her. **2.** Commented on the Train Station and asked when the walking path would be reopened. **3.** Thanked Nancy of Code Enforcement for clearing up the tire issue she was in her neighborhood.

**America Phillips, Presidential Lakes – 1.** Commented on the Rails to Trails, noting it does not belong to Mr. Patriarca, it belongs to our residents.

## **Engineer's report**

**Ms. Willis reported:** **1.** FEMA awarded the Township \$560,000 towards the repair of Bayberry Dam and they will be taking a second look at that in the appeal process. **2.** They will be looking at what road could be funded next through the local aid grant.

Mr. Rehmann expressed he would like to brag about Ms. Willis' accomplishments in obtaining \$997,000 in grants for the Township. Mr. Rehmann also commented that their firm takes the environment seriously and is very concerned about the impact of their work on the environment.

Mr. Prickett asked if the millings from the roadwork were available to the citizens. Ms. Willis advised they are the property of the Township and it is up to them how they are utilized. Mr. Prickett commented on the environmental concerns of the millings and asked about using a binder on them. Ms. Willis advised that would be considered putting down pavement and they have used methods to keep the dust down. Mr. Allen thanked Ms. Willis for getting the grants of the Township and had information on additional grants she could get.

## **Solicitor's report**

Mr. Bayer expressed the comments attacking the Council on being indifferent were not correct and gave an overview of what had occurred regarding the Train Station and the actions taken by Council that they were legally allowed to take. He further advised the Township has sat down with the Trust and representatives of the Trust and an agreement was reached however the Trust did not sign it. Mr. Prickett commented that Council has no control over the litigation at this point and questioned if money was not allocated in the litigation line Mr. Bayer would not be able to continue the litigation. Mr. Bayer advised that is correct but that would be taking away the ability for everyone to reach a resolution but he is legally obligated to complete the case. Mr. Prickett expressed his concern over the amount spent on litigation. Mr. Prickett asked Mr. Bayer if the bill list would be considered a public document and Mr. Bayer advised it would be once it is approved by Council. Mr. Prickett offered his copy of the bill list to the residents present.

## **Planner's report**

**Mr. Regan reported:** **1.** The dialysis center submitted their information to the Pinelands and Pinelands has commented back. The dialysis center has made the changes and sent it back to Pinelands. **2.** Advised they have an ordinance coming to Council, mandated by the Pinelands to bring certain items into conformance. Mr. Regan went over some of the changes to bring them into consistency with the Pinelands. **3.** Noted some changes to the code to bring things together with the new Town Center code.

## **Mayor's report**

**Mayor Patriarica reported:** **1.** Commented that the 7-11 pole mentioned by Mr.

Shaw, the lights on Texas Avenue has been taken care of, noting the break in the line was not a result of a pole being taken down, they suspect the break occurred when the driveway was worked on, but there is no proof of that to go after restitution. **2.** Commented on the bill list and the inference he should know any bill being paid, explained the many items that were approved for purchase throughout the time leading up to the meeting, he could not possibly know all of the details about all of the bills. He noted that the Council gets the bill list on the Friday prior to the meeting and expressed again, he would be able to get answers for them for the meeting if he is presented the question prior to the meeting. **3.** Mayor Patriarca commented on the negotiations for the Trust and the process of their form of government and it is not the duty of the Council to sit in on negotiations. The Mayor expressed that they all have their roles and responsibilities in this form of government. The Mayor explained they did negotiate with the Trust, and they are going through a process now that unfortunately is costing the Township money. They are in the court process now and that is where it will be decided, it will not be decided here by Council, they don't have the authority, in this form of government the Council can not contract. The Mayor asked Council to work within their role and they can get more done because he believes they are getting things done but there is room for more to be done if we would just our jobs. Commented on Mr. Pelletier's statements that the Council should have bargained with the Mayor for him to get his Business Administrator, this Mayor can not be bought. Mayor noted he has stated his position and if there are any questions from Council he will certainly entertain them.

Mr. Prickett questioned if we had a way to get in touch with the State Highway Department to clean the triangle in front of Presidential Lakes. Mayor Patriarca advised they will look into it.

Ms. Scull asked about Community Day, noting it is usually the first Saturday in October and she was informed by someone that it is being held in May of next year. Ms. Scull additionally asked about the Police Uniform Cleaning Bid and Dennis Gonzalez advised he would look into it. Ms. Scull commented on her concerns she has regarding criminal activities occurring in Sunbury Village and some other areas of town and suggested we may need the old bike units back. Mayor Patriarca advised he would speak to the Police Chief.

### **Business Administrator's report**

Mr. Gonzalez did not have anything to report at this meeting.

### **Council Members' Comments**

**Jason Allen:** **1.** Thanked Ms. Waters for her sincere comments and concerns regarding the Train Station and believes they all want a positive outcome for the situation. Mr. Allen expressed he believes all of Council did want a compromise from both sides. **2.** Noted to Ms. Forman that he has some information regarding protecting against West Nile virus and will get that to her. **3.** Thanked everyone for coming out, nice to hear everyone's comments.

**Richard Prickett:** **1.** Commented that it is heard throughout the country that

politicians do not listen to what the people want and he has not heard residents ask for the trains to be sold and to close the station and trails, the residents have said they want the station open, see the cars there, the programs continue and the train show continue. He commented on the ballot question that was proposed at the last meeting and if the time had been taken that might have been a good way to address it. Mr. Prickett motioned again to approve Resolution 191-2012 and was advised that the resolution had already failed and could not be introduced again. Mr. Prickett wished everyone a good night, noting again the Council does not want to hear the blame has to be placed where the blame belongs, people do not stand up and fight for what is right for Pemberton Township and they sit with their heads down, coming up with excuses for what they have done, we either accept them or let them know they are wrong until they hear it. **2.** Wished everyone a good night.

**Sherry Scull:** **1.** Commented that she was pleased to see the number of volunteers the Pemberton EMS had out when they were doing their fundraiser and has noticed the ambulance out making runs. **2.** Advised that school is open and asked everyone to be careful on the roads with the kids. **3.** Noted the Veterans Council is selling pavers as a fundraiser for Veterans Park, advising they are \$100 each. Suggested that a paver could be placed in honor of Raymond Shepard who recently passed. She explained that half of the Veterans Memorial is missing additional names to be added and they hope to have it back by Veterans Day. **4.** Ms. Scull suggested the Township consider honoring some residents through name changes on roadways and suggested Firehouse Lane be changed to honor Ray Shepard and changing Broadway to honor Matt Emmons for his Olympic achievements. Noted she believes name changes fall under Council's direction. **5.** Commented on the Train Station, noting she does not believe anyone from the Train Station received the final changes to review, however she believes all five Council members have been supportive of the Train Station. She does not approve of the current litigation as they were working on solving the issues. She does believe the trails belong to the residents and they all want the trains fixed and the station opened. She feels the kids are losing out on the history of the town. She would like to see more compromise so the Township doesn't spend any more money they really don't want to and the Trust doesn't spend any more money they don't have and asked the Mayor to do the right thing for the Township

**Kenneth Cartier:** **1.** Thanked everyone for coming out and wished everyone a safe drive home.

The meeting was adjourned at approximately 9:50 p.m.

Respectfully submitted by,

AMY P. COSNOSKI, RMC, DEPUTY TOWNSHIP CLERK