

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
FEBRUARY 6, 2013  
6:30 P.M.**

**FLAG SALUTE**

Council President Scull 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**

Kenneth Cartier  
Jason Allen  
Norma Trueblood,  
Diane Stinney  
Sherry Scull

**ABSENT**

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

**CALL TO ORDER**

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

**CLOSED SESSION**

RESOLUTION NO. 48-2013

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:  
CONTRACT NEGOTIATIONS – CWA, BROWNS MILLS EMS
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 Allen and Trueblood to approve Resolution No. 48-2013.  
Motion carried.

Council President Scull recessed the open meeting at approximately 6:30 PM to go into closed session and reconvened the open meeting at approximately 7:00 PM. She announced that there was no formal action necessary pursuant to closed session.

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

- \*6. Consent Agenda: All items listed with an asterisk (\*) are considered to be routine by the Township Council and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.**

President Scull opened the meeting to the public for comments on the

consent agenda. Those commenting were:

**George Petronis, Browns Mills – 1.** In regards to the resolution authorizing the scrap metal sale he recalled there was language in the last scrap metal sale resolution that specifically excluded scrapping anything from the train museum. He asked if that will be included in this authorization as well. The Mayor advised there is none, noting that all the Trust property is now in the hands of the courts and the Township has no authority to dispose any of that property.

**Fred Moorehead, President of Browns Mills Emergency Squad – 1.** Expressed concerns with the contract. He presented the history of the Squad which was formed in 1939, kept it going through World War II, throughout the 50's, became incorporated in the 60's and in the 80's became a 501C organization doing all the charitable acts and duties the state demands. He expressed that the new contract is basically what they had with the Township last year. He noted having met with Mr. Gonzalez to discuss the contract and future plans of the company. He advised having told Mr. Gonzalez that as far as the contract they really did not have any dispute with the terms they agreed to last year. He wanted clarification and for Council to know that Administration has added a paragraph 19 concerning the drivers whether they are licensed in the State of New Jersey or not is great concern. He advised that they are no longer allowed to put new membership applications in to the records department to check if their driving records are clear or not. He relayed that the second paragraph of interest is paragraph 24 regarding their future. This section deals with cooperation with Administration and they don't have a problem with that as they have done so for years and find the language. They would be able to have thorough discussions regarding alternative methods of achieving savings to the Township tax payers. They believe that a 74 year tradition that has constantly served the community deserves if at all possible a way to continue the organization. Mr. Gonzalez noted that the language is very broad and the purpose of the broad language is to ensure and to assure that they will continue to have discussions including the various alternatives down the road. Their points of view of what should happen would be listened to and respected and Administration will express theirs and hopefully they will find an end point that meets the Township's needs first and everybody else's needs as well.

**Bob Pelletier, Pemberton – 1.** Asked in regards to the JIF resolution whether they were the same as the Burlington County JIF that made a public presentation recently, to which he was advised yes. He asked if it would be a multi-year contract and was advised that it would be a three-year contract. **2.** Asked if the tractor/boom mower was an American brand and was told it was a Massey Ferguson from the lowest responsible bidder. He asked if purchases go out for RFP is it permissive to ask "to go American". Mr. Gonzalez explained that if a purchase is over the bid threshold it must go out to bid. He reiterated that it was awarded to the lowest responsible bidder as the second bidder although had a lower bid did not comply with the specs.

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

Mrs. Stinney thanked the Mayor for answering the questions regarding the scrap metal sale resolution. She requested to pull Resolution No. 56-2013 and under New Business item a.1. Mr. Allen requested to pull Resolution No. 55-2013 as wells as bills on the manual check page, check no. 183 in the amount of \$1,800.00 and check no. 184 in the amount of \$650.00, both payable to NJDEP.

**CONSENT AGENDA ITEMS:**

**\*CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 49-2013

WHEREAS, THE TOWNSHIP OF PEMBERTON OWNS PERSONAL PROPERTY, SPECIFICALLY SCRAP METAL, THAT IS NOT NEEDED FOR PUBLIC USE; AND WHEREAS, N.J.S.A. 40A:11-36 PROVIDES THAT ANY CONTRACTING UNIT BY RESOLUTION OF ITS GOVERNING BODY MAY AUTHORIZE THE SALE OF ITS PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE.

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, THAT THE DEPARTMENT OF PUBLIC WORKS IS AUTHORIZED TO SELL THE SCRAP METAL IN ITS POSSESSION THROUGHOUT 2013 IN ACCORDANCE WITH THE FOLLOWING:

1. PROVIDED THAT THE ESTIMATED FAIR VALUE OF THE SCRAP METAL DOES NOT EXCEED THE APPLICABLE BID THRESHOLD IN ANY ONE SALE, THE SCRAP METAL MAY BE SOLD AT PRIVATE SALE WITHOUT ADVERTISING FOR BIDS IN ACCORDANCE WITH N.J.S.A. 40A:11-36(6).
2. IN LIEU OF A FORMAL BID, THE DEPARTMENT OF PUBLIC WORKS SHALL SOLICIT INFORMAL PROPOSALS FROM VENDORS.
3. THE DEPARTMENT OF PUBLIC WORKS SHALL SELL THE SCRAP METAL TO THE PERSON OR ENTITY WHO SUBMITS THE HIGHEST PRICE.

RESOLUTION NO. 50 -2013

WHEREAS, AN EMERGENT CONDITION HAS ARISEN WITH RESPECT TO PAYMENT OF OTHER EXPENSES OF CERTAIN APPROPRIATIONS AND ADEQUATE PROVISION HAS NOT BEEN MADE IN THE 2013 TEMPORARY BUDGET FOR THE AFORESAID PURPOSES AND N.J.S. 40A:4-20 PROVIDES FOR THE CREATION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR THE PURPOSES ABOVE MENTIONED; AND

WHEREAS, THE TOTAL EMERGENCY TEMPORARY APPROPRIATION ADOPTED IN THE YEAR 2013 PURSUANT TO THE PROVISIONS OF CHAPTER 96, P.L. 1951 (N.J.S. 40A:4-20), INCLUDING THIS RESOLUTION TOTAL \$1,771,973.00.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING) THAT IN ACCORDANCE WITH THE PROVISIONS OF N.J.S. 40A:4-20:

1. EMERGENCY TEMPORARY APPROPRIATIONS BE AND THE SAME ARE HEREBY MADE FOR:

CURRENT FUND

165	ENGINEERING SERVICES	OTHER EXPENSE	\$ 50,000.00
	INSURANCE		
210	OTHER INSURANCE PREMIUMS	OTHER EXPENSE	\$ 200,000.00
495	PUBLIC DEFENDER	OTHER EXPENSE	\$ 3,000.00
471	PUBLIC EMPLOYEE RETIREMENT SYSTEM	OTHER EXPENSE	\$ 520,668.00
475	POLICE FIRE RETIREMENT SYSTEM	OTHER EXPENSE	\$ 998,305.00

TOTAL	\$1,771,973.00
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2. THAT ONE CERTIFIED COPY OF THIS RESOLUTION BE FILED WITH THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

RESOLUTION NO. 51-2013

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 MEMBERS BE APPOINTED AND DESIGNATED AS FIRE POLICE OFFICERS 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.

JESUS EVANGELISTA  
LINDA SHEPARD

RESOLUTION NO. 52-2013

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:

REBECA VANWAGENEN, \$80.00, FAMILY MOVED OUT OF TOWN, REFUND OF CHILDREN’S INDOOR SOCCER PROGRAM FEES.  
AUTUMN ALIES, \$34.50, REFUND OF CHILD’S INDOOR SOCCER PROGRAM FEE.

RESOLUTION NO. 53 – 2013

RESOLUTION ACCEPTING AND ADOPTING THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND – LOSS CONTROL PROGRAM

WHEREAS, THE TOWNSHIP OF PEMBERTON IS A MEMBER OF THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND (BURLCO JIF); AND

WHEREAS, IT IS THE POLICY OF THE BURLCO JIF TO ACHIEVE THE BEST AND MOST PRACTICAL DEGREE OF FREEDOM FROM ACCIDENTS AND/OR INJURIES; AND

WHEREAS, THE BURLCO JIF ENDEAVORS TO ENSURE THAT ALL OF THEIR MEMBER’S EMPLOYEES, VOLUNTEERS AND PUBLIC ARE PROVIDED WITH A SAFE AND HEALTHY ENVIRONMENT FREE FROM ANY RECOGNIZED HAZARDS; AND

WHEREAS, THE BURLCO JIF HAS ESTABLISHED A LOSS CONTROL PROGRAM WHICH SHOULD SUCCEED IN PROVIDING A SAFE, HEALTHFUL AND PLEASANT ENVIRONMENT; AND

WHEREAS, THE MAYOR HAS REVIEWED AND ADOPTED THE LOSS CONTROL PROGRAM, AND HAS RECOMMENDED THAT THE MUNICIPAL COUNCIL APPROVE SAID ADOPTION.

NOW, THEREFORE, IT IS RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND THE STATE OF NEW JERSEY THAT THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND – LOSS CONTROL PROGRAM HAS BEEN ADOPTED BY THE MAYOR, AND IS HEREBY APPROVED.

RESOLUTION NO. 54-2013

RESOLUTION GRANTING REQUEST FROM ST. ANN'S CHURCH FOR PERMISSION TO USE ADJOINING PROPERTY FOR THE CHURCH ANNUAL CARNIVAL AND REQUEST FOR BURLINGTON COUNTY FOR DETERMINATION TO COSPONSOR ST. ANN'S ANNUAL CARNIVAL AND TO AUTHORIZE THE MAYOR AND CLERK TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT FOR THE GRANTING OF PERMISSION BY BURLINGTON COUNTY FOR THE CHURCH'S USE OF THE SAID PROPERTY

WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM PEMBERTON TOWNSHIP TO USE THE PROPERTY LOCATED NEXT TO THE MUNICIPAL BUILDING FOR ITS ANNUAL CARNIVAL IN 2013; AND

WHEREAS, THE PROPERTY WHICH THE CHURCH REQUESTED FOR THAT USE IS PARTIALLY OWNED BY BURLINGTON COUNTY ALONG WITH PEMBERTON TOWNSHIP; AND

WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM BURLINGTON COUNTY TO USE THE AREA OF LAND BETWEEN BUTTWOOD HOSPITAL AND THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR ITS ANNUAL PARISH CARNIVAL IN THE 2013 CALENDAR; AND

WHEREAS, BURLINGTON COUNTY AGREED TO ALLOW THE CHURCH TO HOLD THE CARNIVAL ON THAT PROPERTY SUBJECT TO PEMBERTON TOWNSHIP AGREEING TO CO-SPONSOR THE EVENT AND TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT AMONG BURLINGTON COUNTY, PEMBERTON TOWNSHIP AND ST. ANN'S CHURCH; AND

WHEREAS, ST. ANN'S CHURCH HAD AGREED TO FOLLOW ANY REQUIREMENTS THAT PEMBERTON TOWNSHIP MAY HAVE FOR THE APPROVAL OF THIS REQUEST; AND

WHEREAS, IT APPEARS THAT THE CHURCH HAS AGREED TO MAINTAIN CERTAIN INSURANCE COVERAGE AS OUTLINED IN THE STANDARD BURLINGTON COUNTY USE AGREEMENT; AND

WHEREAS, IT IS NECESSARY THAT THE CHURCH ALSO PROVIDE THAT INSURANCE COVERAGE FOR PEMBERTON TOWNSHIP BE NAMED AS AN ADDITIONAL INSURED ON THAT POLICY OF COVERAGE; AND

WHEREAS, IT IS NECESSARY FOR AUTHORIZATION TO BE PROVIDED TO THE MAYOR AND CLERK TO SIGN THE INTERLOCAL SERVICES AGREEMENT/BURLINGTON COUNTY USE AGREEMENT IN A FINAL FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WITH THE ADDITIONAL PROVISION SET FORTH ABOVE NAMING PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED ON THE INSURANCE COVERAGE TO BE PROVIDED BY ST. ANN'S CHURCH.

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 PEMBERTON TOWNSHIP COUNCIL HEREBY GRANTS THE REQUEST OF ST. ANN'S CHURCH FOR PERMISSION TO USE THE AREA OF LAND BETWEEN BUTTWOOD HOSPITAL AND PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR THEIR ANNUAL CARNIVAL AND THE REQUEST OF PERMISSION IS SUBJECT TO THE REVIEW AND APPROVAL OF AN INTERLOCAL SERVICES AGREEMENT/BURLINGTON COUNTY USE AGREEMENT AMONG BURLINGTON COUNTY, PEMBERTON TOWNSHIP AND ST. ANN'S CHURCH IN A FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WHICH SHALL CONTAIN A PROVISION WHEREIN ST. ANN'S WILL MAINTAIN INSURANCE COVERAGE TO BE OUTLINED IN SAID AGREEMENT WITH PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED.

RESOLUTION NO. 55-2013

AMENDS RESOLUTION NO. 43-2013 AUTHORIZING SUBMISSION AND PAYMENT FOR SOIL EROSION AND SEDIMENT CONTROL PLAN PERMIT FOR THE RECONSTRUCTION OF COUNTRY LAKES DAMS #1, #2, AND #3

WHEREAS, IN RESOLUTION No. 43-2013 COUNCIL APPROVED THE PAYMENT OF \$625.00 TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SUBMISSION AND PAYMENT OF A SOIL EROSION AND SEDIMENT CONTROL PLAN PERMIT; AND

WHEREAS, THAT FEE AMOUNT STATED ON RESOLUTION No. 43-2013 IS INCORRECT AND THE CORRECT FEE FOR THE AFOREMENTIONED PERMIT IS \$650.00 AND WAS CERTIFIED BY THE CHIEF FINANCIAL OFFICER AS SAME AND AVAILABLE FROM ACCOUNT NUMBER C-04-12-950-950-900;

NOW, THEREFORE, IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS PURPOSE UNDER RESOLUTION No. 43-2013 AND A COPY OF SAME IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID PERMIT FROM ACCOUNT C-04-12-950-950-900 IN ORDER TO PAY THE CORRECT FEE OF \$650.00 TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION.

RESOLUTION NO. 57-2013

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE PURCHASE OF A TRACTOR AND BOOM MOWER FROM RODIO TRACTOR SALES, INC. IN THE AMOUNT OF \$97,245.00

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE PURCHASE OF A TWO WHEEL DRIVE CAB TRACTOR AND A BOOM MOWER IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, ET SEQ.; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER TO SUBMIT A CONFORMING BID WAS RODIO TRACTOR SALES, INC. ("RODIO") WITH A LUMP SUM BID OF \$97,245.00; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED RODIO'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT; AND

WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD THE CONTRACT FOR THE PURCHASE OF A TWO WHEEL DRIVE CAB TRACTOR AND A BOOM MOWER TO RODIO.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR PURCHASE OF A TWO WHEEL DRIVE CAB TRACTOR AND BOOM MOWER BE AND HEREBY IS AWARDED TO RODIO TRACTOR SALES, INC. IN THE AMOUNT OF \$97,245.00, AND THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE SALE, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND RODIO; 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-04-12-941-902 AND C-04-08-917-904-844 ; AND

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

- A. RODIO TRACTOR SALES, INC.
- B. TRIUS, INC.
- C. TOWNSHIP ADMINISTRATOR
- D. TOWNSHIP CHIEF FINANCIAL OFFICER
- E. GLUCKWALRATH LLP

RESOLUTION NO. 58-2013

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING AN AGREEMENT WITH THE UNITED STATES CANOE ASSOCIATION TO HOLD A BARTON CUP QUALIFYING RACE IN THE TOWNSHIP

WHEREAS, EVERY YEAR THE UNITED STATES CANOE ASSOCIATION ("USCA") ORGANIZES THE GREG BARTON CUP CHALLENGE FOR C1 AND K1 JUNIOR MARATHON WHICH IS A PROGRAM OF REGIONAL CANOE RACES FOR YOUNG PADDLERS FROM 9 TO 17 YEARS OLD AND WHICH ULTIMATELY CULMINATES IN THE BARTON CUP CHALLENGE FINALS HELD AT THE USCA NATIONAL CANOE & KAYAK CHAMPIONSHIPS IN EARLY AUGUST; AND

WHEREAS, IN ORDER TO QUALIFY FOR THE FINALS, PADDLERS MUST FIRST COMPLETE A COURSE IN A REGIONAL BARTON CUP QUALIFYING RACE; AND

WHEREAS, ORGANIZATIONS MAY APPLY TO THE USCA IN ORDER TO HOST A BARTON CUP QUALIFYING RACE; AND

WHEREAS, IN ORDER TO HOST SUCH EVENT, THE HOST ORGANIZATION SHALL PROVIDE A COURSE AT LEAST 3 MILES LONG AND MUST BE WILLING TO COLLECT PARTICIPANT INFORMATION, SIGNATURES ON WAIVERS, AND USCA MEMBERSHIPS FROM THOSE NOT ALREADY MEMBERS, AS WELL AS SEND DOCUMENTS, INFORMATION AND RACE RESULTS TO VARIOUS PARTIES IN A TIMELY FASHION, AS FURTHER SET FORTH ON THE ATTACHED APPLICATION FORM; AND

WHEREAS, AS PART OF ITS APPLICATION, THE HOST ORGANIZATION AGREES TO EITHER PURCHASE RACE INSURANCE THROUGH THE USCA'S INSURANCE PROGRAM, OR OBTAIN THE EQUIVALENT THROUGH OTHER THIRD-PARTY INSURANCE COVERING THE USCA AS AN ADDITIONAL INSURED AND PROVIDING PROOF OF SUCH INSURANCE TO THE USCA AT LEAST ONE MONTH PRIOR TO THE EVENT; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON RECREATION DEPARTMENT WISHES TO APPLY TO THE USCA IN ORDER TO HOST A BARTON CUP QUALIFYING RACE ON JULY 27, 2013 AT MIRROR LAKE IN THE TOWNSHIP; AND  
WHEREAS, AS PART OF ITS APPLICATION, AMONG OTHER THINGS, THE TOWNSHIP SHALL SUBMIT PROOF OF INSURANCE TO THE USCA; AND  
WHEREAS, THE TOWNSHIP COUNCIL BELIEVES IT TO BE IN THE BEST INTERESTS OF THE TOWNSHIP TO APPLY TO THE USCA TO HOST A BARTON CUP QUALIFYING RACE IN THE TOWNSHIP IN ORDER TO ENCOURAGE KIDS TO PARTICIPATE IN A HEALTHY SPORT.  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE THE APPLICATION/AGREEMENT TO HOLD A BARTON CUP QUALIFYING RACE IN THE FORM ATTACHED HERETO WITH THE UNITED STATES CANOE ASSOCIATION; AND  
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

1. PEMBERTON TOWNSHIP RECREATION DEPARTMENT
2. PEMBERTON TOWNSHIP ADMINISTRATOR
3. GLUCKWALRATH LLP

## **\*NEW BUSINESS**

- \*d. Acknowledgement of fire co. membership/relief association applications for Phillip V. Fauntleroy of Browns Mills Fire Co. and Bryon Myers, Jr. of Country Lakes Fire Co.
- \*12. Approval by Council required for payment of vouchers on bill list dated 2/1/2013.

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

Mr. Cartier then noted that he has something to add to the agenda under New Business. He noted a bill received from Administration for the purchase of two stainless steel tail gate spreaders in the amount of \$6,990.00.

Motion by Cartier and Stinney to add the purchase to the agenda under New Business. Cartier, yes; Stinney, yes; Allen, yes; Trueblood, yes; Scull, yes. Motion carried.

## **RESOLUTION NO. 56-2013 (PULLED FROM CONSENT AGENDA)**

### RESOLUTION NO. 56-2013

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING A CONTRACT WITH BROWNS MILLS EMERGENCY SQUAD AS A CONDITION FOR PAYMENT OF FUNDS PURSUANT TO N.J.S.A. 40:5-2

WHEREAS, PURSUANT TO N.J.S.A. 40:5-2, A MUNICIPALITY MAY MAKE A VOLUNTARY CONTRIBUTION OF NOT MORE THAN \$70,000.00 ANNUALLY TO ANY DULY INCORPORATED FIRST AID AND EMERGENCY OR VOLUNTEER AMBULANCE OR RESCUE SQUAD ASSOCIATION OF THE MUNICIPALITY; AND

WHEREAS, BROWNS MILLS EMERGENCY SQUAD ("BMES") RENDERS SERVICES THROUGHOUT THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"), SPECIFICALLY IN THE AREAS DESIGNATED ON THE TOWNSHIP'S OFFICIAL COVERAGE GRID PERTAINING TO BMES; AND

WHEREAS, THE TOWNSHIP DESIRES TO PROVIDE A CONTRIBUTION TO BMES FOR THE CALENDAR YEAR 2013 IN AN AMOUNT NOT TO EXCEED \$25,000.00, CONDITIONED UPON BMES SATISFYING CERTAIN REQUIREMENTS AND PERFORMANCE STANDARDS AS ARE FURTHER SET FORTH IN THE ATTACHED AGREEMENT; AND

WHEREAS, THE AMOUNT OF \$25,000.00 HAS BEEN CERTIFIED BY THE CHIEF FINANCIAL OFFICER TO BE AVAILABLE CONTINGENT UPON ADOPTION OF THE TOWNSHIP'S CY 2013 MUNICIPAL BUDGET.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR IS HEREBY AUTHORIZED TO ENTER INTO AN AGREEMENT WITH BROWNS MILLS EMERGENCY SQUAD FOR THE PROVISION OF FIRST AID AND EMERGENCY MEDICAL SERVICES TO THE TOWNSHIP, AND THAT PURSUANT TO N.J.S.A. 40:5-2 THE TOWNSHIP IS HEREBY AUTHORIZED TO CONTRIBUTE AN AMOUNT NOT TO EXCEED \$25,000.00 TO THE BROWNS MILLS EMERGENCY SQUAD; 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 3-01-25-260-001-510; AND  
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

1. BROWNS MILLS EMERGENCY SQUAD
2. PEMBERTON TOWNSHIP ADMINISTRATOR
3. GLUCKWALRATH LLP

Mrs. Stinney asked for more explanation on this contract proposed. Mr. Gonzalez relayed that as discussed with Mr. Moorehead the Mayor has presented the current contract for the current year. He reiterated as he indicated previously, that he has assured they will continue detailed discussions as to the absolving of emergency services in the town and the various options that may be available and they will consider their points of view in ultimately making the decision. He acknowledged that he can't assure them what the ultimate decision will be but they will all understand that they all will have been heard and considered very honestly. Also, he noted for the public's sake that they have a current contract

with Lourdes which is the primary call from Central Dispatch; on Saturdays and Sundays, 24 hours and 12 hours during Monday through Friday. He noted that they are also very cooperative with the squads depending on staffing. He then advised that there will not be a presentation of a contract for any other squad to the Council for this year. Mrs. Stinney questioned about the second additional ambulance for him to explain. He advised having discussions with Lourdes about them having a second ambulance 24/7, and at some point between now and the Council's next meeting they will request Council to authorize Lourdes to run the additional rig for a term coincident with their current agreement. Mrs. Stinney then asked what it would cost a resident if they call the squad and how will they be billed. Mr. Gonzalez explained that Lourdes' bills for their services as a matter of practice will go to third parties such as insurance companies. They are required; if they bill, to bill everybody, but they understand they are not aggressive in seeking payments from the residents that don't pay. That is something in their purview and they can't restrict that but have been assured that is their practice. Mrs. Stinney then asked in regards to questions from the public, regarding response times to get to the other end of town. He advised that Lourdes' average is about 8 minutes depending on the area of town but they have not been made aware of any situation where the response time has been an issue. Mrs. Scull then commented on paragraph 24 of the Browns Mills EMS and read the section for the public. She agreed with Mr. Moorehead and feels that the wording sounds a little bit condescending and insulting. She expressed the Squad has been in business for almost 75 years and is a commitment to a community and disheartens her that individuals that are not from here do not understand the culture of this community and how important the Browns Mills Emergency Squad and Pemberton Emergency Squads are to the community. She acknowledged that they do not have the authority to authorize contracts unless presented to them by the Mayor. She expressed that she will be surprised if there is anything that will get worked out between their squad and Administration that will save their emergency squad in Browns Mills. She also noted in regards to response time there are seven schools in Pemberton area, from pre-school to high school and finds it hard to believe that a squad in that area is not going to get their quicker than an emergency squad out of Lourdes. She clarified that she is grateful to have Lourdes emergency room and that they are servicing their community, noting that 5 or 10 minutes makes a difference when administering CPR.

Motion by Cartier and Allen to approve Resolution No. 56-2013. Cartier, yes; Allen, yes; Trueblood, yes; Stinney, no; Scull, no. Motion carried.

#### **RESOLUTION NO. 55-2013 (PULLED FROM CONSENT AGENDA)**

Motion by Cartier and Stinney to approve Resolution No. 55-2013. Cartier, yes; Stinney, yes; Allen, abstain; Trueblood, yes; Scull, yes. Motion carried.

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

ORDINANCE NO. 1-2013 (Title read by Council President)  
AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING  
REGULATIONS FOR FAIR AND SAFE TOWING OPERATIONS IN THE TOWNSHIP

Mr. Bayer explained that Administration has made some suggested changes after

the last meeting and in his legal opinion those changes are substantial and will need to be re-advertised and start over. However, as it was advertised for a public hearing on the original version he suggested they hold the public comments for the version as introduced and they can redo the ordinance accordingly.

The meeting was then opened to the public for public comments on Ordinance No. 1-2013. Those commenting were:

**George Petronis, Browns Mills – 1.** Expressed that on a whole it appears to be a very well constructed ordinance but would like to clarify three items to know how it would affect him and other members of the public. First he noted there are a number of fees in the ordinance that reflects there is a difference in the fees depending on whether its day or night service. He noted that except in section e. there is no definition of when day and night occur. He suggested that it be spelled out in the definitions section to which Mr. Bayer agreed that it was a good idea to do so. Secondly, there is a section regarding towing on private property. He noted that number 1 states they can only go on private property under certain circumstances and defines private property pretty much commercial properties, then in number 2 it states if on residential property, nothing in item number 1 applies. He was confirmed to be correct. Lastly he addressed the section under non-abandoned vehicles and confirmed that if an owner of a car has their own means of towing they have the right to use their own within a reasonable time, unless it is deemed by the police department to cause an excessive danger that requires an immediate action then they would expect the police to contact the tower on call for the public safety purpose.

**Bob Pelletier, Pemberton – 1.** Noted that the first page leads one to think there is no ordinance to which he was advised that is correct. He asked if other towns going with similar ordinances and if this ordinance is from another town such as Medford or Marlton. Mr. Bayer advised that it is more common that towns have ordinances than those that don't. Mr. Gonzalez relayed that he had found a draft towing ordinance that had been done before he arrived which he reviewed and looked at the laws and regulations along with Mr. Bayer and made substantial changes. Mr. Bayer reminded that Council had discussed a draft towing ordinance a couple of years ago but it was never adopted. Mrs. Scull explained that they were waiting for Administration to bring it back to them and their towers were very concerned over that draft and were pushing to have an ordinance that protected them as well as the Township. Mr. Pelletier commented that the ordinance appears to be an overkill, being over 13 pages long and appears restrictive to what would be considered small business operators. He asked how the rates were derived. Mr. Gonzalez advised that he reviewed the rates in the previously drafted ordinance and those rates the basic tow rate was lower but also included opportunity for mileage charges and several other fees. He explained that he tried to simplify the rate structure so that it would comply with state law and regulations and so that they were of reasonable amount of cost since the towers are in the business not to loose money. So he increased basic fee and eliminated some of the additional fees typically included and found that mileage fees could not be charged. Mr. Pelletier then expressed that the ordinance restricts that the vehicle has to be towed within Pemberton Township to not go outside the Township and feels there should be more flexibility there.

There being no other members of the public indicating a desire to comment on

the ordinance the meeting was closed to the public for comments on Ordinance No. 1-2013.

Mr. Cartier clarified Mr. Pelletier's last comment about towing outside of the Township and noted that it is in the ordinance and pointed out the section that refers to mileage for that.

Mr. Bayer advised Council regarding this ordinance that they no move on this version and then re-introduce one with all the changes in it.

Mrs. Scull asked Council if there was a motion to adopt Ordinance No. 1-2013. Hearing none, Ordinance No. 1-2013 died for lack of votes to adopt.

At this time Council then began discussion on the new version of the towing ordinance and asked Mr. Gonzalez to explain what the changes are. Mr. Gonzalez relayed that by far the most substantial of changes are that it requires the tow yard for a tower under contract to be within 5 miles within the municipal building as opposed to 10 miles in order to make the tow yard accessible to the detectives and police officers which occasionally need to go to the vehicle and this reduces their travel time to and from. Secondly, a provision was added to also save time that the officers are involved in a particular incident that says that in order to be offered a contract and comply with the terms of the ordinance a tower has to be able to respond to a call anywhere in the Township within 30 minutes. He noted having spoken to a couple of towers with different points of view as to the need for a wrecker as opposed to a flatbed and they thought that they should not absolutely require a wrecker because some towers only have flatbeds but he did require that when they are on duty they have to have two vehicles. He relayed that based on conversations with the towers he was convinced that fees for heavy duty recovery were quite light in light of the fact that it would take a substantial amount of work and heavier equipment and therefore increased the fees for the heavy duty recovery. He did add a provision that in the event a Township vehicle needed to be towed that the tower on call would do so at no cost. He informed having modified the description of the equipment that would be needed, the wrecker and after having been told by the towers as to the specifications of standard vehicles, and modified it to ensure that all reasonable vehicles (medium duty wreckers) that are typically in service would meet the specifications so they would not be precluding anyone. Mr. Cartier asked how the police department has expertise in regards to safety inspections. Mr. Gonzalez believed that it was across the board to have police departments to inspect it in part because the towing services are going to be responding to their calls. If they have no one that can provide that type of inspection they will ensure that they provide someone from Public Works with that type of expertise to perform the inspections, to which Mr. Cartier agreed with. The Mayor clarified that the inspections are in regards to safety issues, not mechanical. Mr. Cartier asked since it is not required that a tower have two wreckers or one flatbed and one wrecker, what would happen in the event that a tower does not have a flatbed and a particular vehicle requires a flatbed. Mr. Gonzalez has not heard from anyone that has suggested that there may be an instance that only a flatbed could perform a function. He suggested that they could add language that in the event one is required and the tower does not have one, another tower could be called. Mr. Cartier addressed the section that after 30 minutes they could begin charging a fee and asked if a tower shows up after the police have done their investigation there shouldn't be a 30 minute wait time.



Mr. Gonzalez explained that if there is a circumstance wherein the police require there to be an additional wait time for investigative purposes that it would be fair for the tow operator to charge for the additional time but ultimately it's going to be the police officer on the scene's responsibility for determining if that's necessary. Mr. Cartier suggested that with the drivers' right to call their own tow operator they should be allowed to wait till after the investigation is done. The Mayor explained that an officer is anticipating a time when he is going to need that wrecker based on specifics of the situation, but he is probably calling that wrecker once the scene is clear and any victims are gone that he can start the vehicle removals and clear the highway, noting the key is to open the highway. In general they believe it can be achieved in 30 minutes but occasionally a tow operator gets stuck on the scene for two hours waiting for the officer to allow him to remove the vehicle and the tow operators should be able to get compensation for their time out there. Mr. [Name] thanked Administration for a considerable ordinance and likes that they took into consideration the concerns and suggestions of some of the tow operators currently performing the service. Mrs. Stinney clarified the deletions of the January dates from the draft to which Mr. Gonzalez explained he wanted to allow enough time for the ordinance to pass.

Motion by Stinney and Allen to add Ordinance No. 2-2013 with a public hearing to be held on February 20, 2013. Stinney, yes; Allen, yes; Cartier, no; Trueblood, yes; Scull, yes. Motion carried.

Mrs. Scull requested to ensure all the changes that were discussed are incorporated. Mr. Bayer assured he would have the fully changed document to the Clerk prior to advertisement.

ORDINANCE NO. 2-2013 (Title read by President Scull)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR FAIR AND SAFE TOWING OPERATIONS IN THE TOWNSHIP

Motion by Stinney and Trueblood to introduce Ordinance No. 2-2013 with a public hearing to be held on February 20<sup>th</sup>. Stinney, yes; Trueblood, yes; Allen, yes; Cartier, no; Scull, yes. Motion carried.

**UNFINISHED BUSINESS**

Discussion *and/or* possible introduction of proposed ordinance amending Chapter 25 of the Pemberton Township Code entitled Fire Department regarding membership requirements

Mr. Bayer and Mr. Gonzalez address Mr. Cartier's concerns regarding the liability to the Township for anyone responding to a scene that is an unlicensed driver reporting to a scene. They explained that there has been language added in the ordinance to protect the Township and Mr. Gonzalez explained that the regulations protecting the Township have already been incorporated in the policies and regulations. Mrs. Stinney gave a scenario wherein if there is a fire and everyone is occupied with various issues at the scene and there is a rig outside that needs to be moved to allow perhaps another rig or emergency squad to come in and the only person available there is one that does not have a driver's license. Mr. Cartier stated that the scene commander should know that another rig is coming in and has access to it. Mrs. Stinney questioned who stops what and determines and organizes all the other issues being handled at the scene at that time. The Mayor explained that would be the responsibility of the incident

commander and would believe they would have that under control. He noted that the incident commander is also outside and if there was an emergent situation he would be authorized and would be responsible for managing his personnel, vehicles and the operations of the incident.

Motion by Allen and Stinney to add Ord. 3-2013 to the agenda. Allen, yes; Stinney, yes; Cartier, no; Trueblood, yes; Scull, yes. Motion carried.

ORDINANCE NO. 3-2013 (Title read by Councilman Cartier)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 25 ENTITLED "FIRE DEPARTMENT" OF THE PEMBERTON CODE

Motion by Cartier and Stinney to introduce Ord. 3-2013 with a public hearing to be held on February 20th. Cartier, yes; Stinney, yes; Allen, yes; Trueblood, yes; Scull, yes. Motion carried.

### **NEW BUSINESS**

Recreation purchase of sign for BMIA Building from Acme Lingo Flagpoles, in the amount of \$3,420.00. **(Pulled from consent agenda)**

Mrs. Scull asked the Mayor to explain the purchase and what type of sign this is. The Mayor noted that this sign which is similar to the various welcome signs in the town but with a little more detail to it and the price was the lowest received. Mrs. Scull asked if was not going to be attached to the building as the old one was. The Mayor explained that they determined it would be better to attach it to the building on the side so it can be seen when one is driving up to the building. He relayed they had thought if was put on ground level it would be more subject to vandalism. Mrs. Scull asked what the sign would say to which the Mayor announced that it would say Pemberton Township Recreation, Graff Stull Borzell, Home of the BMIA. Mr. Cartier asked what material the sign is going to be made out of. The Mayor reviewed the backup documents noting it states HDU lighter weight material. Mr. Cartier expressed concern that some of the welcome signs did not hold up well. The Mayor noted they did not hold up well because of the ground mounted locations of the sign; however this one will be mounted high on the side of the building so that this won't happen. Mrs. Stinney commented on the need for the sign for this new state of the art building.

Motion by Stinney and Allen to approve the purchase of the sign for BMIA Building from Acme Lingo Flagpoles, in the amount of \$3,420.00.

Mr. Cartier advised that he does not disagree with everything said, he does believe there should be a sign there and that it should be on the other side of the building, not facing towards the lake. His concern is the durability of the material.

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

Discussion and/or possible introduction of proposed ordinance amending Chapter 5 of the Pemberton Township Code entitled Veterans' Advisory Committee.

Mrs. Scull recommended that they list this proposed ordinance on the next agenda for introduction. She noted that it will be ordinance no. 4-2013 and that they would use the second version prepared by the Solicitor. She advised this was proposed is that the Veterans had expressed concerns regarding members that have not shown up to a single meeting and they felt it was important to have it outlined for removal for non-attendance. She noted that the last ordinance had the Veterans' of Foreign Wars Post 6805 is the correct number to be reflected on the ordinance. Another concern was to have the ability to appoint Alternatives in order to help with quorum issues. Mrs. Stinney asked the Solicitor since she is a member of both Post 295 and Post 6805 where she stands as far as comments, votes, etc. on the ordinance discussions. He advised her that she should recuse herself.

Discussion of Zoning Board's recommendation based on annual report.

Planner Mr. Ragan noted that he reviewed their letter and agreed that the Zoning Board is correct and he and Mr. Benedetti conversed that it is currently very unclear in the ordinance regarding the R1 standards for setbacks. He noted that he will ask Mr. Benedetti to write up an ordinance or that he could possibly have it ready for the next meeting. It was noted that when the ordinance is ready is could simply be listed on an agenda for introduction as it did not require a discussion first.

Request for purchase of two stainless steel tailgate spreaders from H.A. DeHart & Son in the amount of \$6,990.00. **(Added to the agenda)**

Mr. Cartier asked what the emergent situation is concerning the emergency purchase The Mayor noted the impending snow forecasted for the weekend and they presently have two dump trucks that do not have spreaders which will be easier to put the salt down with them. Mr. Cartier asked when they broke and when was it known and why it is now an emergency. The Mayor received the request Thursday and that he would get Mr. Cartier the information. Mr. Cartier asked if they have been spreading salt in the meantime and if they broke during the last time. The Mayor advised he will get the information as to when they were broken. Mr. Cartier also requested the other report he asked for regarding the dogs. Mrs. Stinney asked if it would hinder their residents if they did not have the spreaders and they do get 8-12 inches of snow. The Mayor clarified that it would be better if they have them and would create less of a hazard than if they did not have them.

Motion by Stinney and Trueblood for purchase of two stainless steel tailgate spreaders from H.A. DeHart & Son in the amount of \$6,990.00. Stinney, yes; Trueblood, yes; Allen, yes; Cartier, yes; Scull, yes. Motion carried.

## **BILLS PULLED FROM CONSENT AGENDA BILL LIST**

Mr. Allen noted that he had requested check no. 183 to NJDEP in the amount of \$1,800.00 and check no. 184 to NJDEP in the amount of \$650.00 to be pulled from the consent agenda, list on the last manual page of the bill list because they both are payable to his employer.

Motion by Cartier and Stinney to approve check no. 183 in the amount of \$1,800.00 and check no. 184 in the amount of \$650.00, both payable to NJDEP. Cartier, yes; Stinney, yes; Allen, abstained, Trueblood, yes; Scull, yes. Motion carried.

### **General Public Comments.**

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

**Darious Mosley, Chief Operating Officer of Pemberton 1<sup>st</sup> Aid and Rescue Squad – 1.** Noted that last month they were advised by Administration that their insurance would be pulled, would no longer operate and that the Township would like to take back their ambulance that they have been using for years out of their building. He advised they were under the impression last year during the budget meeting that they would get \$25,000 if they could make 60% of their calls. He reported that they did accomplish that. He relayed they were give \$10,000 at the beginning of this year and at a subsequent meeting with Mr. Gonzalez they did not want to give his company the other \$15,000 since the contract states “up to \$25,000” and the company is going to be closing down. Mr. Mosley proposed that they do not have to close down if they provide their own insurance and noted that they still do own an ambulance and could still provide services and if the Township would let them use that ambulance they could provide insurance for it. Mr. Gonzalez advised that he told Mr. Mosley to which he agreed, was that the contract stated “up to \$25,000”. Secondly, he had advised him that if the organization has additional bills and obligations that they need to meet that they need to let him know and show the bills and obligations and Administration would provide the funding for it. He noted also having advised Mr. Mosley was that it did not make sense to expend funds that that they don’t need for their current operating expenses or obligations because the decision had been made not to offer them a contract for 2013. Mr. Gonzalez disagreed with Mr. Mosley’s statement that they could still operate since without a contract with the Municipality they can’t operate as a first aid squad in response to calls. The Mayor clarified that there have been ongoing conversations with the squad for two years and they have given the squad options and directions for where they thought volunteer services should go and this has not been based on personal feelings but rather a business decision as to the economics of the town, what they know about their budgets and does appreciate the history of Browns Mills as Mr. Moorehead. Mr. Mosley expressed that as a life long resident he disagrees with this whole matter. Mrs. Scull noted that she personally was not aware that they were looking at using Lourdes full time and recalled the discussion about if Pemberton gets their membership up and start making their calls that the money would be there for them for last year. Mr. Cartier asked that prior to the Borough contracting with the Township who was the primary responder there. The Mayor advised that the Borough used to contract with 199 and pay them a sum of money such as \$7,000 to respond to calls there. In a meeting with the Borough and their meeting it was questioned as to whether getting their service as they said they were getting it from 199 but they don’t pay anymore because they weren’t responding to the calls. Lourdes was responding their also and the Township was not quite happy with with either of them because Lourdes was under the Township’s contract. So they stop their service and remove them from the grid. One of their employees took it

upon themselves to put them back on the grid for which they don't have the authority to do. They negotiated with the Borough to use Lourdes as their primary and they pay the Township \$2,000 to be part of the Lourdes' contract.

**Charles Steele, Browns Mills – 1.** Updated Council that they have a residents' meeting with the Police Chief regarding their establishment of a crime watch. He noted the vandalism is still out of control. There are still animal control issues and the property maintenance of some of the home which allows feral cats to get under the homes. He did note an extreme increase in police presence now and actually going. He noted there are still some residents that have retraining orders that are back now. There are a few kids that are playing "hooky" quite a bit. Mrs. Stinney asked if had contacted reiterated her previous suggestion for him to contact the School Superintendent regarding the truancy issue.

**Sean Flowers, Browns Miles – 1.** Asked if there is an ordinance for an organization to purchase a house on a vacant street to use as a drug rehabilitation home or for the homeless. He wanted to know if there is any ordinance on the books now that requires that neighbors to be notified of that purchase or use. Mr. Ragan noted that generally group homes are permitted in residential districts as an inherently beneficial use. Usually if it's not specifically declared in their ordinance it requires that the applicant come before the Zoning Board to get a use variance in which case the residents within 200 feet would get notice. If there is a provision in that section of the residential zone that permits a group home as a permissible use then they would not get noticed and it would go directly to the Building Inspector for a permit if one was required. Mr. Flowers advised more specifically that the previously vacant home across the street from him began to get traffic of individuals, police began coming and he learned during a conversation with one in the house that one of the gentlemen that live their was rescued from Camden and another from Burlington and both were recovering from anger management. He expressed concerns and commented on the possibility of any of them transitioning through there could be a sexual offender. Mrs. Scull asked Mr. Gonzalez to check what the Township requires for the houses when purchased, if they are registered, etc. Mr. Gonzalez agreed but said he would first need to know what the house is really used for in order for him to understand what to look for, so he will need more information. She asked Mr. Flowers to advise the Administrator. He noted it is operated out of Twin Management and will forward the information to him.

**America Phillips, Presidential Lakes – 1.** Commented on the previous gentleman's comments and agreed that especially if you have children they should know who their neighbors are and they should feel safe in their own homes. **2.** Commented on the ordinance regarding the vehicles noting that many vehicles can't be towed by wreckers but rather only by flatbeds. In any towing business they need to have both. **3.** As a fire police officer she responds to many accidents and has seen the procedures used when the wreckers are called in and they open the roads for the wreckers and then opens the roads once the scene is cleared. She noted that a fire police officer is the last to leave the scene. **4.** In regards to vacant homes she asked if there has been any progress with 200 New Hampshire Rd. Mr. Gonzalez advised that it is on their list of vacant properties, they are aware of whom the owners are and they have already started the process of sending notifications to some of the owners advising that they need to register and comply with the vacant homes ordinance. As he indicated last time, 200 New Hampshire were issued summons and it is in the court process. **5.** Reminded that she has

previously notified that during the last storm a tree fell from that property and disagreed in that it is obstructing the roadway as two cars can not go by on that road and the tree needs to come down. She commented that it is Code Enforcement's job to enforce the problems at this house. Mrs. Scull asked if Public Works went out to see the tree she complained about. Mr. Gonzalez advised that a number of people have gone out there and they don't see and end to it as it is owned by a couple that live in North Carolina, the bank is involved but it is in foreclosure proceedings, and once done the bank will also get a notice.

**Bob Pelletier, Pemberton – 1.** Commented regarding Rescue Squad 199 in Pemberton. He pondered the possibility of having a joint services agreement with the Borough to possibly continue operating that facility such as having members of the 199 Squad come from the Borough itself as well as from the Township. He asked what 199s service grid is. The Mayor noted it is primarily the Pemberton area up to perhaps near the Municipal Building, Magnolia Road out towards Presidential Lakes...and Mrs. Scull added Arney's Mount and North Pemberton. Mr. Pelletier noted that the Borough does not have a rescue squad and may be interested in helping to staff that squad. He expressed he would hate to see the loss of the squad's service and questioned the future of the building and is quite concerned since he values volunteered services. He asked if the Mayor would be willing to explore this with the Borough. The Mayor stated he is not here to negotiate with the Borough now. Mrs. Scull commented that it is clear the Mayor is not interested in nor will be interested in offering any type of contract to 199.

There being no other members of the public indicating a desire to be heard, the meeting was closed to the public for comments.

### **Solicitor's report**

Mr. Bayer had nothing to report tonight.

### **Engineer's report**

Mrs. Willis reported: **1.** Have submitted the Bayberry Street Dam plans back to all the reviewing agencies. **2.** They are on target to submit Country Lakes at the end of this month, noting the time frame did get changed. With the window they are allowed to do construction for Bayberry Street Dam that ended being moved up on the priority list. **3.** The 2011 Capital Road Program has been completed, all the roads have been done, the punch lists are being completed for which some of them are restoration that can't occur till the spring. **4.** Announced that the fuel facility project is out to bid. Mr. Gonzalez noted in regards to the bid opening being on February 20<sup>th</sup> the night of a Council meeting he asked if they can get everything to them it would be there preference to award on that night so they can get the project done as soon as possible or they would have to wait till the first meeting in March. Mr. Cartier noted it could be listed on the agenda and they can get all the documentation to them. Mrs. Stinney advised having sent an email over to Mrs. Finlay in regards to 1801 Evergreen Blvd. to pass to Administration, noting the email was regarding Jean Croaker and there is still pondering in the road. Mr. Gonzalez will look at the address. Mr. Cartier asked Mrs. Scull to note about the bus garage for no parking signs. Mrs. Willis noted that she has sent emails but awaits response. They approved the signs and they had certain stipulations as to what the pole had to be such as break away poles, the locations, distance from other signs, and that information has been forwarded to Mayor and

Public Works.

### **Planner's report**

Rick Ragan reported: **1.** The Dollar General will be on tomorrow night for preliminary approval from the Planning Board. **2.** The Dialysis Center have completed their conformance plans and are on for the next Zoning meeting for their final approval which means they can get permits after that.

### **Mayor's report**

Mayor Patriarca reported: **1.** Assured Mr. Cartier that he has been asking the Chief for the report, and short of taking disciplinary action yet. Mr. Cartier reminded that when they discussed the URGO issue he requested a report from Administration on the effectiveness of the K-9 Units here in Pemberton Township. He noted that he has made the request but it is yet to be completed by the Police Department. He asked Mr. Bayer if Council has subpoena authority, to which he advised that Council can ask Department Heads to make reports. Mr. Cartier requested that the Chief of Police be here at the next meeting to make a presentation on the K-9 Units. The Mayor clarified that the Police Department has presented Administration with a report on the effectiveness of the K-9 Units but in reviewing the report it was believed that it was insufficient information. They are working on a more comprehensive report. Mrs. Scull asked when the detailed report requested. The Mayor noted over a month ago. She commented that they used to get Department Reports to which he will have Mr. Gozalez to resume that practice. Mr. Cartier asked for the original report that the Chief submitted to them and to ask the Police Chief to appear at the next Council meeting to report on it. The Mayor noted he would if he received an official request for it. Mrs. Scull asked Mrs. Finlay to send the request for them. **2.** Regarding the vacant homes they are moving forward with that process, not only to continue identifying vacant homes but to notice those home owners that the already have identified. They are already facing some problems in town wherein there are vacant homes that have copper being stolen from them. **3.** In regards to EMS he commented on Council President's comment on the emotional side of the EMS and referencing maybe decisions that non-residents are making that may not have the same feelings towards the town's EMS. He took that to mean that possibly their Business Administrator was making decisions. He assured that these are issues that he has been dealing with and has been bringing to the Administrator and directing him accordingly. He reiterated his earlier comments on how he deliberated in the matter. **4.** With the new sign for the BMIA Building he noted hope that they can stay on schedule for their March opening and are hoping to have a grand opening then. Recreation is planning something along with the BMIA Association.

Mrs. Stinney: **1.** Extended condolences to the Mayor for the loss of his Uncle Mr. Lou Gallagher, who was a prominent person who has given a lot to Pemberton Township. **2.** Asked the status of the \$400,000 construction community development that she and Sherry worked so hard to bring to the Township for the sidewalks. She noted running into Mr. Joe Berkeley, County Engineer. She noted there is a finisher to that grant, which is a \$100,000 enhancement grant that is to complete the finishing of the sidewalks for the handicap park. The Mayor understands that they are waiting for some documents from the State. The received notice that they received the grant but there is some paperwork that still has to come forward to confirm the funding, and there's the fear that all that is

going on with hurricane Sandy that the funding source may get diverted, but asked everyone to keep their fingers crossed and hope that doesn't happen with that program and that they still receive their funding. **3.** Asked where things are with the Redeveloper for downtown. The Mayor noted that they do not have any word from the developer that indicates that he is willing to move forward at this time. Mrs. Stinney asked if he is out of time. The Mayor noted that the original agreement that they entered into with him is pretty close to now, but it does not appear that this developer is moving. They are working on other options and Mr. Benedetti has also been working on some other options. Mrs. Stinney asked if there was any chance that they could flip back to the second one. The Mayor noted that may be an option but does not want to get into too many negotiation items in public. **4.** Expressed hope they don't take that money back as she understands through Mr. Berkeley, the widening of the roadway for Route 38, she understands they are coming in with about 3.5 miles of the construction and already made a deal with the owners of those businesses from Father and Son on down. She noted he said that will start sometime in 2014. **5.** She thanked him for agreeing to meet with her and Sherry Friday for perhaps some more savings for the residents.

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

**Mr. Gonzalez reported:** **1.** Noted that the litigation filed by Presidential Lakes Fire Co. against the Township with various allegations of violations and discrimination for disciplining and terminating of two members of their company and regarding an issue with a fire police officer was dismissed the complaints in federal court today. The Judge did leave open that they would have an opportunity to make a motion to reinstate some due-process claims, but only with her permission and upon demonstrating that volunteers have a property interest which personally he does not think they will be able to demonstrate. The plaintiff's attorney had to admit that portions were frivolous so they are considering a motion to seek attorney's fees against the attorney. Mrs. Scull asked who paid for their attorney's fees. Mr. Gonzalez is evaluating information including finances from all of the fire companies in anticipation of bringing contracts to Council for 2013 and that will be one of his questions. Mr. Cartier commented that the tax payers pay for the Presidential Lakes Fire Company so they can sue the tax payers. Mr. Gonzalez noted they sued the tax payers and the Township but he does not what they paid and how, but will be looking into it.

Mrs. Stinney noted an email she sent through Mrs. Finlay regarding a dilapidated house on Coville Drive. Mr. Gonzalez noted that it would be easier for them to determine who needs to go look into a matter if they have a more details of what is alleged, so he will have Code Enforcement to look into it.

### **Council Members' Comments**

**Kenneth Cartier:** Had nothing for tonight

**Jason Allen:** **1.** Noted he volunteered some time at the Dominique Johnson Center after school program and suggested to the public to volunteer their time. **2.** Relayed he attended the (National Alliance of Mental Health) presentation about mental health issues and expressed the importance for them to become knowledgeable about this because more than 60 million Americans have mental



health issues. **3.** There will be a TAG meeting tomorrow at the Country Lakes club house at 6 p.m. and he urged attendance there.

**Diane Stinney: 1.** Thanked everyone for coming out tonight and thanked her neighbor Sean Flowers for always wanting to get involved. She noted it was great to see the smiles and hear the laughter and input. She also thanked the Council President for continuing to do a great job and getting the answers they need.

**Norma Trueblood: 1.** Announced having attended at the Dominique Johnson Center a Youth Initiative Program that was well attended regarding gang awareness and was well presented and interesting. She wished everyone a good evening.

**Kenneth Cartier: 1.** Announced that Anytime Fitness opened and starting Monday they will be open 24 hours, 7 days a week and it's a very nice facility.

At this time Council selected February 13<sup>th</sup> and 21<sup>st</sup> to hold their budget meetings. Mr. Gonzalez noted that this year it has been posted on the web site and if any of them have any questions they can email him.

**Sherry Scull: 1.** Announced that the Deborah Heart Challenge is coming up on Sunday the 24<sup>th</sup> wherein several high schools meet to compete. **2.** Noted that Read Across America will be on March 4<sup>th</sup>. **3.** Announced that March 10<sup>th</sup> the Historic Trust will have a program on the Civil War and Soldiers of our area. **4.** May 18<sup>th</sup> will be a fundraiser on Base on the Johnson's Farm. **5.** In regards to decisions regarding the EMS it's not only about emotions but about the culture of this community. **6.** She is glad that the BMIA is going to be a State of the Art showcase but they do have to be cautious of the monies spent and when they are looking at leaving the other side of town without coverage it concerns her. She and a school board member are concerned since they have seven schools on that side and hopes there is no regret if a tragedy happens in that area. **7.** Thanked everyone for coming out. Mrs. Stinney asked about the Senior Prom this year, to which Mrs. Scull noted that they would be having a country western theme on April 24<sup>th</sup>.

The meeting was adjourned at approximately 10:25 p.m.

Respectfully submitted by,

MARY ANN FINLAY, MMC, TOWNSHIP CLERK