

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
MARCH 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

Diane Stinney (Arrived at approximately 6:40 p.m.)

Norma Trueblood,

Sherry Scull

ABSENT

Also present: Mayor David Patriarca, Township Solicitor Andrew Bayer and Business Administrator Dennis Gonzalez, Township Engineers Chris Rehmann and 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. 66-2013

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:
CONTRACTS IN GENERAL AND POTENTIAL LITIGATION CONCERNING CONTRACTS
BROWNS MILLS SHOPPING CENTER
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 Cartier and Allen to approve Resolution No. 66-2013. Cartier, yes; Allen, yes; Trueblood, yes; Scull, yes. 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)

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 announced that Resolution No. 67-2013 was being removed from the agenda at the request of Administration.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS

President Scull opened the meeting to the public for comments on the consent agenda. There being no other members of the public indicating a desire to be heard, the meeting was closed to public comments on the consent agenda items listed.

Mr. Cartier requested to pull Resolution No. 68-2013 from the Agenda.

CONSENT AGENDA ITEMS:

***CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 69-2013

RESOLUTION CANCELLING UNREFUNDABLE TRUST BALANCES TO SURPLUS

WHEREAS, THE FOLLOWING ACCOUNTS IN THE TREASURER'S ESCROW SUB-ACCOUNTS FOR PSE&G HAVE APPROPRIATION BALANCES WHICH REMAIN UNEXPENDED AND PRIOR ATTEMPTS TO REFUND MONIES TO PSE&G HAVE BEEN UNSUCCESSFUL, AND IT IS NECESSARY TO FORMAL CANCEL SAID BALANCES SO THAT THEY MAY BE CREDITED TO SURPLUS:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE UNEXPENDED BALANCES FROM THE TREASURER'S ESCROW SUB-ACCOUNTS LISTED BELOW BE CANCELLED:

ACCOUNT	PERMIT #	ADDRESS	REFUND
E-25-56-286-270-452	41-2005	205 WICHITA TR.	597.50
E-25-56-286-270-536	1-2006	402 MONTANA TR	200.00
E-25-56-286-270-537	2-2006	418 MONTANA TR	200.00
E-25-56-286-270-538	3-2006	59 TEABERRY ST.	200.00
E-25-56-286-270-539	4-2006	20 GROUSE ST	200.00
E-25-56-286-270-541	6-2006	172 LEMMON AVE.	200.00
E-25-56-286-270-543	8-2006	310 PIUTE	200.00
E-25-56-286-270-544	9-2006	701 N. LAKESHORE	200.00
E-25-56-286-270-545	10-2006	417 CHEROKEE DR.	200.00
E-25-56-286-270-546	11-2006	37 HAWTHORNE	200.00
E-25-56-286-270-549	14-2006	117 SNOW AVE.	200.00
E-25-56-286-270-550	15-2006	35 TENSAW DR.	200.00
E-25-56-286-270-551	16-2006	517 NEW JERSEY	200.00
E-25-56-286-270-553	18-2006	114 TULIP ST.	200.00
E-25-56-286-270-554	19-2006	516 WILLOW BLVD	200.00
E-25-56-286-270-556	21-2006	110 PIN OAK DR.	200.00
E-25-56-286-270-557	22-2006	211 PHILLIPS AVE.	200.00
E-25-56-286-270-558	23-2006	110 RIDGE RD.	200.00
E-25-56-286-270-559	24-2006	50 DAKOTA TR.	200.00
E-25-56-286-270-560	25-2006	5 INDIAN RUN TR.	200.00
E-25-56-286-270-553	26-2006	305 BLACKFOOT TR.	200.00
E-25-56-286-270-563	28-2006	221 HARVARD AVE.	200.00
E-25-56-286-270-564	29-2006	515 PARDEE BLVD.	200.00
E-25-56-286-270-570	35-2006	113 HANOVER BLVD	200.00
E-25-56-286-270-572	37-2006	122 HANOVER BLVD.	200.00
E-25-56-286-270-573	38-2006	124 HANOVER BLVD.	200.00
E-25-56-286-270-574	39-2006	126 HANOVER BLVD.	200.00
E-25-56-286-270-575	40-2006	608 CABOT DR.	200.00
E-25-56-286-270-576	41-2006	138 SCRAPETOWN RD.	200.00
E-25-56-286-270-577	42-2006	1723 RED FEATHER	200.00
E-25-56-286-270-578	43-2006	47 PRIMROSE	200.00
E-25-56-286-270-579	44-2006	39 MARGARET ST.	200.00
E-25-56-286-270-580	45-2006	410 CHEROKEE DR.	200.00
E-25-56-286-270-585	49-2006	400 LAKEVIEW	200.00
E-25-56-286-270-586	51-2006	419 CALIFORNIA TR.	200.00
E-25-56-286-270-587	50-2006	307 IRIQUOIS TR.	200.00
E-25-56-286-270-589	54-2006	116 MARGARET ST.	200.00
E-25-56-286-270-590	53-2006	302 SEMINOLE TR.	200.00
E-25-56-286-270-591	55-2006	203 E. LAKESHORE DR.	200.00
E-25-56-286-270-592	56-2006	301 CHEROKEE DR.	200.00
E-25-56-286-270-593	57-2006	342 WOODBINE ST.	200.00
E-25-56-286-270-594	60-2006	50 VERBENA ST.	200.00
E-25-56-286-270-595	59-2006	202 SHOSHONI TR.	200.00
E-25-56-286-270-596	58-2006	53 DAKOTA TR.	200.00
E-25-56-286-270-598	63-2006	11 SAGE ST.	200.00
E-25-56-286-270-599	64-2006	318 VIRGINIA DR.	200.00
E-25-56-286-270-600	66-2006	314 LOUISIANA TR.	200.00
E-25-56-286-270-601	65-2006	7 TALLADEGA TR.	200.00
E-25-56-286-270-602	69-2006	ANDERSON RD.	200.00
E-25-56-286-270-603	67-2006	526 NEW JERSEY TR.	200.00
E-25-56-286-270-605	68-2006	230 UNIVERSITY AVE.	200.00
E-25-56-286-270-606	73-2006	331 PARDEE BLVD.	200.00
E-25-56-286-270-607	72-2006	213 MOHAWK TR.	200.00

E-25-56-286-270-608	74-2006	142 ELDER AVE.	200.00
E-25-56-286-270-609	75-2006	FAIRFIELD RD.	200.00
TOTAL			11,397.50

RESOLUTION NO. 70-2013

AUTHORIZING THE REFUNDING AND/OR CLOSING OF TREASURER'S ESCROW SUB-ACCOUNTS

WHEREAS, PEMBERTON TOWNSHIP REQUIRES FOR ROAD OPENINGS, THAT A TREASURER'S ESCROW SUB-ACCOUNT BE ESTABLISHED; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS DETERMINED THAT NUMEROUS PROJECTS ARE NOW COMPLETE; AND NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY HEREBY APPROVES THE FOLLOWING REFUNDS TO THE APPLICANTS AND AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CLOSE THE RELATED TREASURER'S ESCROW SUB-ACCOUNTS:

PAYEE	ACCOUNT NUMBER	LOCATION	PERMIT #	REFUND
DANITOM DEVELOPMENT 120 ROUTE 17 N. PARAMUS, NJ 07652	E-25-56-286-270-455	44 TENSAW DR.	42-2005	200.00
	E-25-56-286-270-522	315 CHEROKEE	111-2005	163.85
	E-25-56-286-270-523	206 MOWHAWK	112-2005	163.85
	E-5-56-286-270-524	221 DENNIS	113-2005	163.85
	E-25-56-286-270-525	219 DENNIS	114-2005	163.86
	E-25-56-286-270-582	302 SEMINOLE	47-2006	200.00
			TOTAL	1,055.41
CHARLES MARLIN PO BOX 32 NEW LISBON, NJ 08064	E-25-56-286-270-462	103 PRESS AVE.	51-2005	10.00
	E-25-56-286-270-464	107 PRESS AVE.	53-2005	10.00
				TOTAL
PAETZOLD CONTSTRUCTION PO BOX 1207 BROWNS MILLS, NJ 08015	E-25-56-286-270-521	603 W. LAKESHORE	110-2005	200.00
	E-25-56-286-270-533	136 MORRIS ST.	118-2005	200.00
	E-25-56-286-270-584	7 TALLADEGA	48-2006	200.00
	E-25-56-286-270-597	142 ELDER AVE.	62-2006	200.00
				TOTAL
LEONARDS MECHANICAL 25 KENNEDY LN PEMBERTON, NJ 08068	E-25-56-286-270-540	114 KINSLEY RD.	5-2006	200.00
	E-25-56-286-270-547	158-160 KINSLEY	12-2006	20.88
	E-25-56-286-270-581	111 KINSLEY RD.	71-2006	115.00
	E-25-56-286-270-604	180-182 KINSLEY	70-2006	200.00
				TOTAL
MAC-ROSE 85 RIDGE RD. BROWNS MILLS, NJ 08015	E-25-56-286-270-555	3 HILLDALE ST.	20-2006	200.00
	E-25-56-286-270-562	THOMAS ST.	27-2006	200.00
				TOTAL
AMERICAN SIDING PO BOX 295 BROWNS MILLS, NJ 08015	E-25-56-286-270-588	515 PARDEE BLVD.	52-2006	200.00
				TOTAL

RESOLUTION NO. 71-2013

RESOLUTION AUTHORIZING THE REFUNDING AND/OR CLOSING OF TREASURER'S AND/OR DEVELOPERS ESCROW SUB-ACCOUNTS

WHEREAS, PEMBERTON TOWNSHIP REQUIRES FOR VARIOUS CONSTRUCTION AND/OR HOME IMPROVEMENTS PROJECTS, THAT A DEVELOPER'S ESCROW SUB-ACCOUNT ACCOUNTS BE ESTABLISHED; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS DETERMINED THAT NUMEROUS PROJECTS ARE NOW COMPLETE; AND WHEREAS, THE CHIEF FINANCIAL OFFICER WISHES TO REFUND THE REMAINING MONIES TO THE APPLICANTS, AND CLOSE THE RELATED ESCROW SUB-ACCOUNTS.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY APPROVES THE FOLLOWING REFUNDS TO THE APPLICANTS AND AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CLOSE THE TREASURER'S ESCROW SUB-ACCOUNTS:

ESCROW ACCOUNT	DEVELOPER	AMOUNT
1223	FEINBERG & MCBURNEY	2,005.80
1229	DR HORTON – VILLAGE GRAND	220.89
1230	DR HORTON – WATER ALLOCATION	8,679.32
1231	DR HORTON – DEP ISSUES	10,024.06
1235	ABCO FEDERAL CREDIT UNION	2,156.45
		<u>23,086.52</u>

RESOLUTION NO. 72 -2013

RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE AWARD OF A CONTRACT TO LANCE ELECTRIC, INC. FOR CONSTRUCTION OF A FUEL FACILITY AT THE TOWNSHIP MUNICIPAL BUILDING IN AN AMOUNT NOT TO EXCEED \$367,998.00

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON THE CONSTRUCTION OF A NEW ABOVEGROUND STORAGE TANK FUEL FACILITY AND EMERGENCY GENERATOR AT THE TOWNSHIP'S MUNICIPAL BUILDING (THE "PROJECT") AS A BASE BID, AND ALSO TO BID ON AN ALTERNATE BID ("ALTERNATE A"), 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 FOR THE PROJECT IS LANCE ELECTRIC, INC. ("LANCE") WITH A TOTAL BID OF \$367,998.00, WHICH INCLUDES THE BASE BID AND ALTERNATE A; AND WHEREAS, THE TOWNSHIP ENGINEER RECOMMENDS THAT THE CONTRACT FOR THE PROJECT BE AWARDED TO LANCE AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED LANCE'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT. NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE CONSTRUCTION OF A NEW ABOVEGROUND STORAGE TANK FUEL FACILITY AND EMERGENCY GENERATOR AT THE TOWNSHIP'S MUNICIPAL BUILDING BE AND HEREBY IS AWARDED TO LANCE ELECTRIC, INC. IN THE AMOUNT OF \$367,998.00, WITH INCLUDES ITS BASE BID PLUS ALTERNATE A, AND THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND LANCE ELECTRIC INC.; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER C-04-03-917-962-904 @ \$16,610.00, C-04-06-922-403-904 @\$327,975, C-04-12-945-945-904 @ \$23,412.28; AND

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

- A. LANCE ELECTRIC, INC.
- B. TOWNSHIP CHIEF FINANCIAL OFFICER
- C. TOWNSHIP ENGINEER
- D. GLUCKWALRATH LLP

***MINUTES FILED BY CLERK**

Special Budget Meeting, February 13, 2013; Regular Meeting, February 20, 2013.

***NEW BUSINESS**

***a. Purchases over \$2,000**

- *1.** Recreation Dept.: Payment for annual Geese Maintenance Program in the amount of \$3,887.00 to Geese Chasers LLC.
- *2.** Recreation Dept.: Payment for Township wide newsletter, includes 12,000 full color eight page newsletters in the amount of \$3,540.00 to Deans Graphics.

*Approval by Council required for payment of vouchers on bill list dated 3/1/2013.

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

PRESENTATIONS

Presentation by Township Recreation Director regarding various recreation programs.

Ms. Kosko did a power point presentation and showed a short video of the various recreation programs within the Township that hi-lighted some of their accomplishments over the last 10 years and reflected the benefits of recreation such as building family unity, promoting healthy lifestyles, building self esteem, reducing stress among many others. It reflected that community benefits include promoting cultural diversity, increasing community pride, strengthening community pride, strengthening neighborhoods, reducing crime and gang violence and providing safe places to play. Economically, recreation generates revenue, lowers health care costs, reduces local unemployment, boots pro-activity and tourism and the local economy and increases property value. Ms. Redmond represents both the Recreation and Seniors and they all work together to accomplish positive results for the residents. She explained that they continually review the programs to determine to keep those that are effective and to eliminate those that are not. She advised that they no longer have a middle school program because participation was not there. She went over some of the adult programs and commented that they may be doing the Winter Parade differently this year such as like a winter festival. She noted a big part of the Recreation Program is building rentals noting they receive approximately ten calls a day for inquiries of use. They handle building rentals, parks, playgrounds, outdoor rec sites, noting they have over 20 parks. As for salaries she relayed that in 2000 it was \$377,694 and this year the budget is about \$24,000 less and they are offering more programs and services. She pointed out that revenues in 2000 were about \$175 compared to \$103,345 in 2012. She pointed out it was less than last year but attributes that partly due to the BMIA Building not being available. She advised that in addition to the revenues brought in and heavy utilization of

the Trust fund a majority of the rec programs are self sufficient and they have taken advantage of grants and partnerships. She noted they have been responsible for the TAG grant for many years and played a significant role in getting the agreement with Baker Residential to pay for the football concession stand at the Nesbit Center and the football fields which was 100% funded by the Developer. She noted a fishing grant that provided supplies and a municipal park development grant noting the second round of funding they received a \$250,000 which preserved 29 acres at Scrapetown Road and are hoping Phase II if grants are available it would be used for soccer fields out there as well as a walking trail and repaving the basketball court at the Dominique Johnson Center as well as the Presidential Lakes tennis court and basketball court. The second grant they received they received \$220,000 for the Nesbit Center. They were also successful in obtaining a NJ Transit Grant so they will be getting a brand new 15 passenger bus this year. Mrs. Stinney asked if the Bayberry basketball courts get completed to which Ms. Kosko stated no, noting that they partner with St. Ann's every year that does a Youth Service Week and they will need to determine some projects those volunteers can do and that is actually one of the ideas given to her from a resident. Next she went over the Nesbit project that they plan to do with the second round of funding from the County which will be to add a second football field, a previous walking trail with exercise stations and rest stations around the entire perimeter of that area with a parking area off of Pemberton-Browns Mills Road. They will build a storage shed and announcer booths as well as another storage facility for the second field and improvements to the existing playground and another one for the site. She pointed out that all work is being done in-house which saves the Township a tremendous amount of money. Mr. Allen asked how the Recreation Department comes up with new programs. She explained some of the ideas come from resident requests, some from Administration, some are from staff brain storming and that they are always looking for revenue generators. Mrs. Scull asked what Geo Cashing is to which Ms. Kosko explained the scavenger hunt type of activity that uses hand held GPS instruments to find the sites. Mr. Allen asked her to describe All About Learning. She advised that it is an outside organization that works with summer camps, such as science camps at no cost to the Township and they are to supplement their morning camp. She noted there will be four different camps made available. Mr. Cartier asked what happens if there is a conflict with some of our camps offering the same as what they are and what the term of the contract is. She explained they are not the same and the term is just for the summer. Mrs. Scull asked if Ms. Kosko gets to pick the programs to which she acknowledged that she could. Mrs. Stinney advised Mrs. Kosko that the school district is offering a similar camp as she has described as science, technology, engineering and math this year as described to her by Debbie Biesman. Ms. Kosko was not aware of this and advised that she will call her tomorrow since she does not want to compete with the schools. Mrs. Scull commented that the Nesbit Center has been well attended and asked if the Dominique Johnson Center up and running and effective as well. Ms. Kosko noted that yes it is progressing and that they have a Best of Me program that they have included which is like a motivational speaking program and they have the Life Opportunities the first and third Tuesday evenings where they bring different presentations and they have the dances monthly. Ms. Kosko then announced that the teen center will be a completely different format this year they are going to get that back up and running now that the BMIA building is opening soon. Mrs. Stinney regarding the description of services the classes will run if the following options are met....and asked her opinion of that. Ms. Kosko advised that they have clarified

that and that if they are not able to meet that they will be able to cancel the class. She relayed they are trying to target the after summer camp programs and noted they do have 15 days prior to the start of a program to cancel.

RESOLUTION NO. 68-2013 (PULLED FROM CONSENT AGENDA)

RESOLUTION NO. 68-2013

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING AN AGREEMENT WITH ALL ABOUT LEARNING, INC. FOR THE PROVISION OF AFTER SCHOOL PROGRAMS AND/OR CAMPS FOR TOWNSHIP SCHOOL CHILDREN WHEREAS, ALL ABOUT LEARNING, INC. ("AAL") IS A LEADING PROVIDER OF ENRICHMENT SCHOOL PROGRAMS AND CLASSES FOR KIDS THROUGHOUT THE UNITED STATES WHICH OFFERS CLASSES FOR CHILDREN GRADES KINDERGARTEN THROUGH 8TH GRADE; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") RECREATION DEPARTMENT DESIRES TO ENTER INTO A CONTRACT WITH AAL, WHEREBY AAL SHALL PROVIDE AFTERSCHOOL PROGRAMS AND/OR SUMMER CAMPS TO TOWNSHIP SCHOOL CHILDREN; AND

WHEREAS, IN EXCHANGE FOR THE SERVICES PROVIDED BY AAL, THE TOWNSHIP SHALL PAY TO AAL COMPENSATION FOR REGISTRATION FEES TO COVER EACH STUDENT ENROLLED IN EACH CLASS, AND AS FURTHER SET FORTH IN THE AGREEMENT BETWEEN THE PARTIES; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES IT TO BE IN THE BEST INTERESTS OF THE CHILDREN OF THE TOWNSHIP TO ENTER INTO AN AGREEMENT WITH ALL ABOUT LEARNING, INC. FOR AFTERSCHOOL PROGRAMS AND/OR SUMMER CAMPS. 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 OR HIS DESIGNEE IS HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT, IN A FORM APPROVED BY THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP AND ALL ABOUT LEARNING, INC., WHEREBY ALL ABOUT LEARNING, INC. SHALL PROVIDE THE TOWNSHIP WITH AFTERSCHOOL PROGRAMS AND/OR SUMMER CAMPS FOR CHILDREN AND THE TOWNSHIP SHALL PAY AAL REGISTRATION FEES FOR EACH CHILD ENROLLED; 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

Motion by Cartier and Stinney to approve Resolution No. 68-2013. Cartier, yes; Stinney, yes; Trueblood, yes; Allen, yes; Scull, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 7-2013 (Title read by President Scull)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE LEASE OF A TOWNSHIP OWNED AMBULANCE TO LOURDES EMS

Motion by Cartier and Allen to introduce Ordinance No. 7-2013 with a public hearing to be held on March 20, 2013. Cartier, yes; Allen, yes; Trueblood, yes; Stinney, yes; Scull, no. Motion carried.

Mrs. Stinney noted for the record that she does not support this ordinance. Discussion ensued regarding advertising costs for ordinance public hearings. To which Mrs. Finlay explained that they only advertise the title and summary and make full copies available to the public as well as requesting that it be posted on the web site. Mr. Allen asked if Council does not support the ordinance what would happen to the ambulance. The Mayor advised that if Administration determines there is no need in the town they could sell it as excess property but they do have other plans in the works at this time that may keep that from happening.

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

ORDINANCE NO. 4-2013 (Title read by President Scull)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING ARTICLEIX OF CHAPTER 5 OF THE TOWNSHIP CODE, ENTITLED "VETERANS ADVISORY COMMITTEE", IN ORDER TO PROVIDE FOR DESIGNATION OF ALTERNATE MEMBERS TO THE VETERANS

ADVISORY COMMITTEE AND TO ESTABLISH CONSEQUENCES FOR FAILURE OF MEMBERS TO REGULARLY ATTEND COMMITTEE MEETINGS

Motion by Cartier and Stinney to adopt Ordinance No. 4-2013.

President Scull opened the meeting to the public for public comments on said ordinance. There being no members of the public indicating a desire to be heard, the meeting was closed to public comments on Ordinance No. 4-2013.

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

ORDINANCE NO. 6-2013 (Title read by President Scull)
AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

President Scull opened the meeting to the public for public comments on Ordinance No. 6-2013. No members from the public indicated a desire to be heard. However **Mayor Patriarca** asked if he could comment on the ordinance during the public comments section.

Mayor Patriarca read the following statement: “When I first decided to run for Mayor I felt, as I am sure many before have, here is an opportunity for me to help others and to have a positive impact on the community that has meant so much to me.

Sure I spent a career serving the residents of Pemberton Township as a police officer and throughout my career I was successful in helping many, not only as part of my obligation to the oath that I swore upon but also as part of the values instilled upon me by my parents.

When I decided to continue to dedicate a substantial amount of my personal time by serving as a full time Mayor, never once did I consider compensation. The only thoughts of “what’s in it for me” were about the satisfaction I would receive in trying to better our community.

I have demonstrated this in each of my budgets presented to Council by reducing my salary by 10 and 20 percent annually. I tried to send a message last year by also reducing Council’s salaries by 10 percent in my budget and I do thank you for accepting that reduction. The message was intended to remind us that it should not be about the pay nor should it be about benefits but instead how we can make that positive difference in the lives of others.

In salary ordinance 6-2013 you reduced the Business Administrator’s salary from a 2% increase which the ordinance sets for all non-union employees except the Chief of police who is getting a 2.3% increase or a \$2545.00 raise, to a 1.3% maximum increase for the B.A. position only.

The comment was made at the last meeting that a 2% increase for the B.A., which would have resulted in a \$2183.00 raise, was too generous since he had only been here for less than a year and therefore Council reduced the increase in the ordinance by \$720.00 to \$1463.00 or a 1.3% raise. This reasoning does not exist in

any of our three union contracts; in fact a union member hired on Christmas day will receive a raise one week later on New Years Day.

In this ordinance I also presented a condition which would have ended sick time sell back to non union positions. This benefit is being negotiated out of our union contracts on only stands to exist in the PBA contract at a reduced rate as a result of an arbitration award and not a mutual agreement between the union and the Township.

Council has elected to include the benefit in the ordinance to reflect that of the PBA contract which represents the highest paid of the three union contracts as most non union titles also represents. This benefit has burdened past budgets by as much \$225,000.00 and we have been slowly reducing that number.

And finally, this ordinance, unlike previous salary ordinances was presented to Council with healthcare provisions for non union employees who work in excess of 26 hours and for those employees who waive the healthcare to be entitled to a \$3,000.00 benefit. This benefit reflects what the union contracts provide and how our medical plan is set up.

In past years elected officials also receive this benefit but upon reviewing the past salary ordinance, along with receiving an opinion from the Solicitor it was determined that elected officials were not entitled to the benefit as written. I intentionally left this benefit option out of the ordinance for elected officials because I personally feel that providing health benefits to local elected officials is far to great a benefit for elected officials at this level of government.

All those who receive our health care are required to pay an employee annual contribution which ranges from \$591.00 to \$5356.26 which is based on a percentage of the employees' current salary along with the type of coverage the employee chooses. An elected official's annual contribution for healthcare ranges between \$207.00 to \$460.00 depending on what type of plan the employee chooses.

Considering elected officials attend two council meetings per month with an average of five hours per meeting elected officials conduct regular Township Business on average of 120 to maybe 200 hours per year, receive a salary of \$5,589.00 which equates to a \$30.00 to \$46.00 per hour rate of compensation and receive health benefits or a \$3,000.00 waiver option as part of their compensation package. In my opinion this is clearly over compensation and an excessive burden to the tax payer not to mention how inequitable it is to both the full and part time employees who work 1352 to 2080 hours per year.

I know how some members of council like to research issues before making a decision so I checked with other municipalities throughout Burlington County and found that Pemberton Township was the only township which pays its elected officials a salary, provides health benefits and offers a waiver in lieu of accepting health benefits.

It goes without saying that the public now more than ever is demanding elected officials to be fiscally responsible and to do this we must first start with ourselves. If there is on thing that Congress is sure to do before shutting down

government because they are unable to agree on the budget is to not only approve their salaries but to also give themselves a raise.

We, as elected officials here in Pemberton Township, should be setting good examples when we make decisions and I don't see this ordinance as being one of the good ones therefore I cannot support an ordinance which provides for benefits that I personally believe are far to beneficial for the services received and more importantly for a commitment that a compensation package decides whether one accepts the commitment or not".

Mrs. Scull asked how many votes it takes to override the Mayor's veto to which she was advised by Mr. Bayer that it would take four votes. She noted that there was legislation passed at the State level recently that has addressed the issue as to what they consider part time employees or elected officials no longer being able to get this compensation but asked if it is not true that the other previously elected prior to 2010 are eligible for this benefit. Mr. Bayer expressed belief that is so, noting he would have to confirm that but that he is pretty sure that is correct based on his recollection.

Motion by Cartier and Allen to adopt Ordinance No. 6-2013. Cartier, yes; Allen, yes; Trueblood, yes; Stinney, no; Scull, yes. Motion carried.

UNFINISHED BUSINESS

Continued discussion regarding last meeting's presentation by Commercial Utility Consultants regarding possible energy savings.

Mrs. Scull asked Council where they want to go with this matter as it was not determined after the presentation at the last meeting, noting there is a representative here tonight if they have any questions. Mrs. Stinney asked for clarification that going through with this would not lock anyone into a contract. Mr. John Fish of CUC confirmed that it does not lock any resident into a contract. Mrs. Stinney noted that one of her Church members had heard about their last presentation and they plan to hold a presentation at the Dominique Johnson Center. She asked why an individual could not simply find a third party themselves. Mr. Fish advised that they can but that one of the reasons that the NJ Administrative Code Title 14 was passed is because since 1999 less than 15% of the individuals have picked their party and a big part of that is a little bit of fear of making a wrong decision or whether it would actually save them money. He noted many instances wherein individuals try to get out of a contract they are locked into wherein there are large fees involved. He explained that this program would take that risk away with a 12 months fixed contract with no fees, they are not locked in and with a guarantee never to be more than the default rate from the utility company. Mrs. Stinney confirmed with him that if a resident has a problem that they can still call their current company. Mr. Allen noted that Mrs. Stinney had asked if it locks everyone into a contract to which he had said no, but at the same time if this were to pass and a resident did not want this service they would have to opt out. Mr. Fish noted that if this passed they would get a list of eligible people who are not already on third party. They would be included in the program and the outreach period would be least 30 days. He explained the outreach program, noting mailings and several town meetings. He advised that the clock starts ticking upon introduction of the ordinance so they could start the outreach right away. Mrs. Trueblood asked how the residents would be billed to

which he explained they would still get a bill from the current company and it would reflect the third party supplier information on a portion of the bill. Mr. Bayer asked if there would have to be a contract between the Township and his company. Mr. Fish explained that there is actually a larger contract with the EDC as well as with PSE&G and CUC. He explained a large reason for that is confidentiality and also to describe responsibilities. Mr. Bayer asked the terms of process at what point does the contract get adopted. Mr. Fish advised that once the ordinance is adopted they go to PSE&G or JCP&L and sit down with them and the town at the table and work through the document. Mr. Bayer noted that as part of this process his company also gets paid money from the energy savings. Mr. Fish agreed noting the town itself does not pay them money; it is part of the winning bid. He explained for instance that if the Solicitor were to work on this separately they would ask him to bill his time separately on this project and if the town pays him for the project they are allowed to reimburse the town for it. Then the final contract would be directly with the provider. Mr. Cartier asked if there is any other process other than having everyone included in the program and forcing them to opt out if they do not want to be part of it. Mr. Fish noted that according to Title 14 that is the only way. Mr. Cartier noted that is one of his concerns that people who are happy with their current company being forced to opt out. Mrs. Scull agreed, noting that it's like the government telling people that is what they have to do and that would be the perception. Mr. Fish agreed that it's an issue that has to be discussed and the argument that would go the other way would be that they can't get the rate this low on their own and they can't get the terms and conditions which are no charges nor fees. He suggested they reach out to Plumstead Township noting they are already up and running and are happy with the process. Mr. Fish noted the State of Illinois had enacted so that the whole state has gone through the process and also noted that some towns did co-ops. Mrs. Stinney asked if some of the towns put together a fact finding source. He noted various towns did their own research in different ways, noting that some just had their Solicitor look into Title 14. Mrs. Stinney asked what Mr. Bayer thought. He noted having not received any direction yet at this time he would at least want to do the research and read the law noting assurance that CUC is representing themselves accurately because they are doing it elsewhere but would like to research it and keep in mind the contracting issue. He expressed they need to have everyone on board to do this. There was consensus for Mr. Bayer to research Title 14 and report back to Council.

General Public Comments.

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

Joseph Sams– 1. Noted that Pemberton Township has approximately 64 square miles and Lourdes Hospital and Pemberton High School is approximately 15 minutes away, the time it takes to get to University Park Apartments and Lake Valley. He noted it takes 18 minutes to get to Birmingham Rd. with Station 199, the Squad in Pemberton not being allowed to respond to calls in the Township will double response times in most cases. He expressed that with the various sports in town, and soccer being one of the most dangerous. He gave a story of a child that had a back injury while playing soccer and asked if they want a 15 minute or 1 minute for the child to be stabilized. He gave other instances of injuries noting once that it took Lourdes 10 minutes to arrive on scene once dispatched. He spoke

of 5 of the town's schools are within Station 199's response jurisdiction and within 7 minutes where every minute counts. He asked they reconsider to keep Station 199 responding for the town, his children their friends and everyone else on that side of town.

Michele Foreman, Presidential Lakes – 1. She noted there is a Human Relations Committee listed in the Code as one of the authorized Boards and Commissions. She was advised that it is not an active Board, then asked if not, why was it not every removed from the Code Book. She suggested they read over the section of the Code covering this, noting she thinks it would be a good idea, and that she would bring it up next time. **2.** In regards to the noise ordinance she noted that Mt. Laurel has a contract wherein they can get the County to go out and measure the noise. She advised that Mt. Laurel can't just borrow the meter. She noted that it may not necessarily have to be written in an ordinance. The Mayor does not know the current meter or enforcement status is currently as he has limited access to the oversight on the police department and enforcement is their responsibility. He noted not having knowledge of whether that ordinance has ever been enforced or others that have been enacted by Council such as "no smoking on public properties". He commented that he tried to be able to have that oversight with a position of a Public Safety Director, which failed. Mrs. Scull expressed the Mayor could ask the Police Chief, unless Council needs to send a letter to Administration asking the Chief to come talk to Council about what is going on with the noise ordinance. Mr. Bayer asked what her concern is with the noise ordinance. Ms. Foreman noted that it is that this is the only Township in the County that can't enforce the noise ordinance. She reiterated that the Township can't borrow the County's noise meter nor can they ask the County to come out and measure the noise but it would be possible if they had a contract with the County. She advised that according to Tom Fox all noise such as boom boxes and loud parties does not have to be measured if it's clearly audible. She asked if they are aware that they do not have to have all noise measured in order to issue a ticket. Mr. Bayer noted he would look into it and let Council know. Mrs. Scull expressed concern and confusion in that Council paid for meters and officers to be trained so she felt there is no reason they should even have to talk to Mt. Laurel or the County; they should have their own people up and ready. The Mayor advised that they were provided with the tools but does not believe that it is being enforced. She expressed interest in hearing the status of this matter.

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 reported: 1. Had nothing to report in public tonight.

Engineer's report

Ms. Willis reported: 1. They submitted Bayberry Street Dam plans and received approval from the Soil Conservation District and was notified they are scheduled for the Pinelands hearing this Friday and the second hearing in April. She noted receiving a letter back with additional comments from Dam Safety and will be addressing those this week. **2.** Country Lakes Dams has also been submitted to all reviewing agencies and the residents located within 200' of the lakes themselves should have all received notices.

Mr. Rehmann reported: **1.** He noted that Council awarded the contract for the Fuel Facility to Lance Electric and expressed hope that they have looked at the contract price which was significantly less than what they had appropriated for the project. He noted when they get something that low he is concerned as whether they can do it but between the first and second bidder there was only a 4% difference and they now have two people that are willing to do the work in that price amount and are satisfied that the contractor has the sufficient funds to do the job. He noted that they did add emergency generators to the contract so that they can provide fleet with fuel during a power outage.

Planner's report

Ms. Willis reported on behalf of Rick Ragan: **1.** The Dialysis Center received Planning Board comments; they revised the plans and are on the Zoning Board agenda this month for final approval. **2.** Dollar General is on tomorrow night for memorializing the resolution of approval. **3.** Also a Yoga Studio's application will be heard tomorrow night which is located at the former Quilting store by the bank.

Mayor's report

Mayor Patriarca reported: **1.** He advised that their questions on the sidewalk project is still under review with the Community Development Director and what they were waiting for was another grant to come in that they applied for that would "piggy-back" to this project. They don't know when the grant will become available so they are looking at other options to begin the project as early as possible. They should be making a recommendation for the project hopefully at the next meeting. Mrs. Scull noted that what concerned them when they talked with the Planner earlier is that in regards to the Browns Mills Shopping Center and hoping to get that work done is that if they don't get it started they loose out on an opportunity of a "piggy-back" grant of equal or more money that they wont be able to apply for next year.

Mrs. Scull asked the status of the BMIA Building opening to which the Mayor noted that they will be making an announcement in the near future.

Council Members' Comments

Kenneth Cartier: **1.** Had nothing to report tonight.

Jason Allen: **1.** Had nothing to report tonight.

Diane Stinney: **1.** Thanked everyone for coming out tonight.

Norma Trueblood: **1.** Thanked everyone for coming out tonight and wished everyone a safe trip home.

Sherry Scull: **1.** Noted having seen in a Pinelands notice that they have to clean up millings. The Mayor noted they have addressed the situation.

Kenneth Cartier: **1.** Asked the Mayor if Administration has addressed AFSCME's letter concerning contract negotiations, noting confusion as to why

Council received it. Mr. Gonzalez noted that he has informed AFSCME that negotiations are done by Administration and has just received a letter from them and he also advised them that the content of the letter is inconsistent with the facts. He has been waiting for them to provide a response to some things he gave them since very early October and plans to respond and provide them with some dates.

Diane Stinney: 1. Advised that she received a thank you letter from a resident regarding resolution and response to her complaint about a lamp post down on her street and shared the resident's thanks for action taken.

Sherry Scull: 1. Advised that she voted no to introduce the ordinance for Lourdes. She expressed understanding that all contracts come from the Mayor but advised that everyone she has spoken with has concerns for the closing down of the Pemberton Station including the school system. She noted that she can't bring herself to vote on it even if it might be fruitless. **2.** Announced that on March 17th she will be doing a presentation of the 150th anniversary of the Civil War at 2 p.m. **3.** Thanked everyone for coming out.

Diane Stinney: 1. Asked if this was something she was putting together for the Veterans to go throughout the schools. Mrs. Scull advised that there is a Veterans program, the PTEA, the Education Association which she is also part of and the Veterans' Council which is the Township's, which will be doing a project she believes on May 13th. They are asking Veterans to go in and they will be visiting with about 10 or 12 history class students of the JROTC to share their experiences in the military. She noted that one of the things that came up at a meeting yesterday morning at the High School was that the students would really like to see some former graduates that are younger participate as well. She believes they have about 18 participants to participate in World War II, all the way up to this time frame.

The meeting was adjourned at approximately 8:37 p.m.

Respectfully submitted by,

MARY ANN FINLAY, MMC, TOWNSHIP CLERK