

TOWNSHIP OF PEMBERTON

REGULAR MEETING

NOVEMBER 4, 2009

6:30 P.M.

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

PRESENT

Ken Cartier
Tom Inge
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Representative Dave Clark, Township Engineer Chris Rehmann, Township Clerk Mary Ann Finlay

2. Chairwoman Stinney called the meeting to order at 6:30 p.m.
3. Closed Session Resolution No. 236-2009

RESOLUTION NO. 236-2009

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
PBA CONTRACT UPDATE
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Cartier to approve Resolution No. 236-2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

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

Council President Stinney recessed the meeting at 6:32 pm for Council to go in to Closed Session and reconvened the meeting at approximately 7:00 pm.

5. Formal action as necessary pursuant to closed session.

Mrs. Stinney advised there will be no formal action pursuant to Closed Session.

6. Public comments on consent agenda items only.

Mrs. Stinney opened the meeting to public comments on consent agenda items only. Those indicating a desire to be heard were: **Dona Jenkins: 1.** Advised that she would be addressing Resolution No. 246-2009 regarding the Imagination Kingdom II project. Mrs. Jenkins read the following statement, "This has been an exciting experience and honor for the Jenkins family to be involved with this. I

would like to publicly applaud and thank Chris Vaz our Business Administrator for all of the input he has had in this amazing project. He had mentioned Castle Park in Toms River at the first playground meeting. It was a new playground and appeared to be similar to what everyone wanted for our community. When Charles and I drove to Toms River to see this playground, all I could think was our kids deserve this. Our town is compromised of many lower income families who cannot afford to take their children to Great Adventure, Seaside Park and other costly attractions. Our municipal playground was a source of recreation for so many children and when it was taken down everyone was deeply saddened. Charles and I visited many playgrounds but nothing came close to Castle Park. With the Green Acres funding, our children will have undoubtedly the best playground in the state. The past two weekends, the Pemberton Township Lions Club volunteered to cook and serve food for the many volunteers associated with this project. One of our members is Ken Cartier, our chef, who did an outstanding job. We have been informed that the Pemberton Township PBA Local 260 will be making a monetary donation to help defray the cost of the food in addition to their donation of various food and drink items. This has been a true community build effort. There have been many groups and individuals donating their time and doing numerous tasks in the assembling of the playground equipment and preparing of the land. There were students from the middle and high schools, military personnel, professional and laymen alike, working side by side to accomplish this huge project in a short period of time. The list is too long to name each individual but you know who you are and how grateful we are for your help. You will be rewarded by the smiles of the children as they explore and play on the many, many aspects of the Imagination Kingdom II Playground. It has been a pleasure working with the personnel of General Recreation and having them lead us as step by step the playground equipment went from boxes and pallets to being assembled and erected on site. The addition of the pavilion that is in this resolution will complete this major project. I am sure it will be the site for many birthday parties or gatherings for many years to come. On Friday, October 23rd, Amy Cosnoski and Michele Brown manned the grill and cooked hotdogs and hamburgers for all of the volunteers. This past Sunday, the Presidential Lakes Firehouse personnel graciously cooked a pig all night long on Dave Patriarca's cooker. Chef Dave did the honor of slicing and serving some very delicious roast pork sandwiches to the workers. My husband and I want to thank Council and Administration, Public Works, Recreation, ARH Engineering and everyone associated with this project for enabling our children to have a "WOW" playground. The many pictures I have taken will be added to our son's Dwayne's history of Pemberton Township. But the site that I could not capture with my camera, was the faces of three children standing at the fence watching as one of the castle tops was being lowered in to place and their spontaneous and loud cheers that they just burst out, that will stay with me forever. Thank you all very much for making this dream come true". There being no other members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments.

***7. 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.**

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 237-2009

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A MEMORANDUM OF AGREEMENT WITH CHIEF OF POLICE ROBERT LEWANDOWSKI CONCERNING HIS PARTICIPATION IN THE JOBS IN BLUE PROGRAM WHEREAS, THE TOWNSHIP OF PEMBERTON ("THE TOWNSHIP") AND THE PBA LOCAL 260 ENTERED INTO A COLLECTIVE BARGAINING AGREEMENT ("THE AGREEMENT") THAT INCLUDES PROVISIONS CONCERNING COMPENSATION FOR OUTSIDE EMPLOYMENT;
WHEREAS, THE TOWNSHIP ADOPTED ORDINANCE NO. 14-2008 REGULATING OUTSIDE EMPLOYMENT (A/K/A THE JOBS IN BLUE PROGRAM);

WHEREAS, THE CHIEF OF POLICE HAS REQUESTED TO PARTICIPATE IN THE JOBS IN BLUE PROGRAM AND HAS OBTAINED THE APPROVAL OF PBA LOCAL 260 TO BE ADDED TO THE ROTATING LIST FOR THAT PURPOSE; WHEREAS, IT IS NECESSARY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE CHIEF OF POLICE IN ORDER TO CONFIRM THE MUTUAL UNDERSTANDING OF THE PARTIES;

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY:

1. THAT THE MAYOR AND TOWNSHIP CLERK ARE AUTHORIZED TO EXECUTE THE MEMORANDUM OF AGREEMENT THAT IS ATTACHED HERETO.
2. THAT THE CHIEF OF POLICE AGREES TO BE COMPENSATED FOR ANY WORK PERFORMED UNDER THE JOBS IN BLUE PROGRAM IN ACCORDANCE WITH THE RATE STRUCTURE CONTAINED IN THE ORDINANCE.
3. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE CHIEF OF POLICE, PBA LOCAL 260, AND CHIEF FINANCE OFFICER.

RESOLUTION NO. 238-2009

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:

LINDA CUSHMEYER, \$10.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
MARIA RIVERA, \$20.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
MARISA WILKINS, \$20.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
SABRINA PERKINS, \$20.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
ANNETTE ROBINSON, \$10.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
WENDY MORSE, \$10.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
SANDY GEARY, \$20.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
CINDY CHIN QUEE, \$20.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
ROBIN PRUITT, \$20.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
MATTHEW RUFFIN, \$10.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
SAMANTHA AUSTIN, 20.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER
MELISSA ELLIOTT, \$20.00, COMMUNITY DIVERSITY YARD SALE, CANCELLED DUE TO WEATHER

RESOLUTION NO. 239-2009

WHEREAS, THE PEMBERTON TOWNSHIP URBAN ENTERPRISE ZONE COORDINATOR HAS PREPARED A PROPOSAL FOR SUBMISSION TO THE NEW JERSEY URBAN ENTERPRISE AUTHORITY FOR THE FOLLOWING PROJECT: MARKETING AND BRANDING CONSULTANT; AND

WHEREAS, SAID PROJECT IS CONSIDERED A PUBLIC IMPROVEMENT TO THE ENTERPRISE ZONE; AND

NOW, THEREFORE, BE IT RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, DOES HEREBY AUTHORIZE THE SUBMISSION OF THIS PROPOSAL OF \$110,000 TO THE STATE OF NEW JERSEY UEZA FOR APPROVAL.

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK SHALL FORWARD CERTIFIED COPIES OF THIS RESOLUTION TO THE URBAN ENTERPRISE ZONE COORDINATOR AND THE NEW JERSEY URBAN ENTERPRISE AUTHORITY.

RESOLUTION NO. 241- 2009

WHEREAS, N.J.S. 40A:4 - 87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF ADOPTION OF THE BUDGET: AND

WHEREAS, THE DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR EQUAL AMOUNT, AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS RECEIVED NOTICE OF THE FOLLOWING AWARD FOR A TOTAL OF \$ 16,000.00 FROM THE STATE OF NEW JERSEY, AND WISHES TO AMEND THE 2009 BUDGET TO INCLUDE THIS AMOUNT AS REVENUE.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2009 FOR THE FOLLOWING SUM:

1. COUNTY OF BURLINGTON,
MUNICIPAL ALLIANCE (TAG) GRANT FOR THE FISCAL YEAR 2009
\$16,000.00

BE IT FURTHER RESOLVED, THAT THE LIKE SUM(S) OF \$ 16,000.00 ARE HEREBY APPROPRIATED UNDER THE CAPTION: GENERAL REVENUE:

MISCELLANEOUS REVENUES: SECTION F SPECIAL ITEMS ANTICIPATED WITH PRIOR WRITTEN CONSENT OFFSET WITH APPROPRIATIONS:

COUNTY OF BURLINGTON
MUNICIPAL ALLIANCE (TAG) GRANT FOR THE FISCAL YEAR 2009
\$16,000.00

BE IT FURTHER RESOLVED THAT THE SAME AMOUNTS BE APPROPRIATED AS FOLLOWS:

GENERAL APPROPRIATIONS:

(A) OPERATIONS EXCLUDED FROM "CAPS"

PUBLIC AND PRIVATE PROGRAMS OFFSET BY REVENUE:

COUNTY OF BURLINGTON,
MUNICIPAL ALLIANCE (TAG) FOR THE FISCAL YEAR 2009
\$16,000.00

RESOLUTION NO. 243-2009

A RESOLUTION AUTHORIZING EXECUTION OF A STORM WATER MAINTENANCE AGREEMENT WITH PINE GROVE PAD, LLC

WHEREAS, A RETAIL AUTO PARTS STORE IS BEING CONSTRUCTED ON A PARCEL OF PROPERTY LOCATED AT 116 TRENTON ROAD AND IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP AS BLOCK 530, LOT 11.10 (THE "PROPERTY"); AND

WHEREAS, PINE GROVE PAD, LLC., AN ENTITY INVOLVED IN THE CONSTRUCTION, HAS AGREED TO MAINTAIN ALL STORMWATER DRAINAGE SYSTEMS AND OTHER STORMWATER DRAINAGE SWALES, DETENTION, RETENTION, OR RECHARGE FACILITIES LOCATED ON THE PROPERTY; AND

WHEREAS, PINE GROVE PAD, LLC HAS ALSO AGREED TO POST TWO STORM WATER MAINTENANCE BONDS IN FAVOR OF THE TOWNSHIP IN AMOUNTS TO BE DETERMINED BY THE TOWNSHIP ENGINEER; AND

WHEREAS, THE TOWNSHIP DESIRES TO ENTER INTO AN AGREEMENT WITH PINE GROVE PAD, LLC MEMORIALIZING THE TERMS OF THE STORM WATER MAINTENANCE AT THE PROPERTY; AND

NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, REVIEWED BY THE TOWNSHIP SOLICITOR AND ATTACHED HERETO, BETWEEN THE TOWNSHIP OF PEMBERTON AND PINE GROVE PAD, LLC FOR STORM WATER MAINTENANCE TO BE PROVIDED BY PINE GROVE PAD, LLC AT PROPERTY LOCATED AT 116 TRENTON ROAD AND IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP AS BLOCK 530, LOT 11.10; AND

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

- A. PINE GROVE PAD, LLC
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 244-2009

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY CONCERNING THE BURLINGTON COUNTY RECYCLING PROGRAM AND THE ACQUISITION OF AUTO CART CONTAINERS

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS ENTERED INTO YEARLY AGREEMENTS, CALLED SOLID WASTE SERVICE CONTRACTS, WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS PURSUANT TO WHICH THE BOARD HAS AGREED TO PROVIDE FOR THE COLLECTION AND DISPOSITION OF RECYCLABLE MATERIALS GENERATED BY THE TOWNSHIP'S RESIDENTS; AND
WHEREAS, THE COUNTY HAS DETERMINED TO IMPLEMENT A "CART PROGRAM" BY WHICH RESIDENTS WOULD USE CARTS FOR THE RECYCLING OF PAPER AND CARDBOARD THAT CAN BE EMPTIED INTO COLLECTION VEHICLES BY SPECIALIZED EQUIPMENT BECAUSE USE OF THESE CARTS (A) HAS BEEN FOUND TO IMPROVE RECYCLING PARTICIPATION AND MUNICIPAL RECYCLING RATES AND (B) RESULTS IN FINANCIAL SAVINGS AND OTHER BENEFITS TO THE COUNTY AND MUNICIPALITIES; AND
WHEREAS, THE COUNTY HAS DETERMINED TO SOLICIT OR ARRANGE FOR THE SOLICITATION OF BIDS FOR ITS PURCHASE OF AUTO CARTS FOR PAPER RECYCLABLES IN 2009 FOR AND ON BEHALF OF BURLINGTON COUNTY MUNICIPALITIES THAT ARE INTERESTED IN IMPLEMENTING USE OF AUTO CARTS; AND
WHEREAS, THE COUNTY WILL BASE THE NUMBER OF AUTO CARTS IT PURCHASES ON COMMITMENTS FOR CART PURCHASES MADE TO IT BY PEMBERTON TOWNSHIP AND OTHER MUNICIPALITIES THAT ARE SERVED BY THE COUNTY'S RECYCLING PROGRAM; AND
WHEREAS, THE TOWNSHIP HAS DETERMINED TO MAKE A COMMITMENT TO THE COUNTY TO PURCHASE UP TO 1,100 ADDITIONAL CARTS THROUGH THE COUNTY'S 2009 (FALL) SOLICITATION IN A TOTAL AMOUNT NOT TO EXCEED \$26,000, WITH SIX ANNUAL PAYMENTS COMMENCING ON APRIL 1, 2010.
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY EXPRESSES IT SUPPORT FOR THE COUNTY'S AUTO CART CONTAINERS PROGRAM AND RECOGNIZES THE BENEFITS IT OFFERS TO PEMBERTON TOWNSHIP RESIDENTS.
BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE GRANT AGREEMENT, SUBJECT TO THE AVAILABILITY OF FUNDS FOR THE NEXT SIX FISCAL YEARS.

RESOLUTION NO. 245-2009

A RESOLUTION AUTHORIZING THE REFUND OF NON-RESIDENTIAL DEVELOPMENT FEES TO WAWA, INC. IN THE AMOUNT OF \$3,768.50

WHEREAS, IN 2008, WAWA, INC. PAID COAH NON-RESIDENTIAL DEVELOPMENT FEES TO THE TOWNSHIP OF PEMBERTON IN THE AMOUNT OF \$18,842.00, OR 2.5% OF THE EQUALIZED ASSESSED VALUE OF PROPERTY LOCATED AT FORT DIX & ARNEY'S MOUNT ROAD AND IDENTIFIED ON THE OFFICIAL TAX MAP AS BLOCK 786.01, LOT 16, (THE "SITE") PER COAH REGULATIONS; AND

WHEREAS, THE NEW JERSEY ECONOMIC STIMULUS ACT OF 2009 SUSPENDED THE COLLECTION OF DEVELOPMENT FEES FOR NON-RESIDENTIAL DEVELOPMENT PROJECTS THAT RECEIVE PRELIMINARY/FINAL SITE PLAN APPROVAL PRIOR TO JULY 1, 2010; AND

WHEREAS, SECTION 39 OF THAT LEGISLATION, PROVIDES THAT A DEVELOPER WHO RECEIVES PRELIMINARY OR FINAL APPROVAL PRIOR TO JULY 17, 2008 AND THAT APPROVAL WAS SUBJECT TO THE PAYMENT OF A NON-RESIDENTIAL DEVELOPMENT FEE PURSUANT TO EITHER LOCAL ORDINANCE OR DEVELOPER'S AGREEMENT, THE DEVELOPER IS THEN ONLY ENTITLED TO A RETURN OF THE DIFFERENCE BETWEEN MONIES COMMITTED PRIOR TO JULY 17, 2008 AND THE MONIES PAID AFTER THAT DATE; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAD A 2% NON-RESIDENTIAL DEVELOPMENT FEE IN PLACE BEFORE JULY 17, 2008, THROUGH ORDINANCE 16-2006; AND

WHEREAS, WAWA, INC. RECEIVED ZONING BOARD APPROVAL FOR ITS SITE ON NOVEMBER 21, 2006 AND THEREFORE IS SUBJECT TO A PAYMENT OF A 2% NON-RESIDENTIAL DEVELOPMENT FEE; AND

WHEREAS, WAWA, INC. IS NOW ENTITLED TO A REIMBURSEMENT OF \$3,768.50 WHICH EQUALS THE DIFFERENCE BETWEEN \$18,842.00 ALREADY PAID AND \$15,074.00, AN AMOUNT EQUAL TO 2% OF THE EQUALIZED ASSESSED VALUE OF THE SITE.

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 WAWA, INC. IS HEREBY REIMBURSED \$3,768.50, WHICH REPRESENTS THE DIFFERENCE BETWEEN \$18,842.00 ALREADY PAID IN DEVELOPMENT FEES (2.5% OF THE EQUALIZED ASSESSED VALUE OF THE SITE) AND \$15,074.00 (2% OF EQUALIZED ASSESSED VALUE OF THE SITE OWED BY WAWA, INC.); AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS REFUND, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID REFUND FROM ACCOUNT NUMBER _____; AND

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

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

RESOLUTION NO. 246-2009

A RESOLUTION AUTHORIZING THE PURCHASE OF AN OCTAGONAL ARCH PAVILION, 34', PAD UNDER STATE CONTRACT #A59057 PURSUANT TO N.J.S.A. 40A:11-12(A)

WHEREAS, THE TOWNSHIP OF PEMBERTON, PURSUANT TO N.J.S.A. 40A:11-12(A) AND N.J.A.C. 5:34-7.29(C), MAY BY RESOLUTION AND WITHOUT ADVERTISING FOR BIDS, PURCHASE ANY GOODS OR SERVICES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM FOR ANY STATE CONTRACTS ENTERED INTO ON BEHALF OF THE STATE BY THE DIVISION OF PURCHASE AND PROPERTY IN THE DEPARTMENT OF TREASURY; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS THE NEED TO PURCHASE A GAZEBO FOR THE IMAGINATION KINGDOM PLAYGROUND SITE; AND

WHEREAS, THERE ARE FUNDS AVAILABLE THROUGH A GARDEN STATE PRESERVATION TRUST GRANT/LOAN TO APPLY TOWARD THE PURCHASE OF THE GAZEBO WHEREBY THE GRANT WILL PAY FOR ONE-HALF OF THE PURCHASE AND THE TOWNSHIP WILL BORROW THE REMAINING ONE-HALF OF THE PURCHASE PRICE AT 0% INTEREST;

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

1. THAT THE MAYOR IS AUTHORIZED TO PURCHASE AN "OCTAGONAL ARCH PAVILION," 34' PAD, LAMINATED #1 SOUTHERN YELLOW PINE ARCHES, PINE DECKING, AND METAL ROOF IN THE AMOUNT OF \$37,543.08 AND THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE ANY DOCUMENTS, IF ANY, NECESSARY TO COMPLETE THAT PURCHASE INCLUDING ANY CONTRACT; AND
2. THAT THE PURCHASE IS AUTHORIZED TO BE MADE UNDER STATE CONTRACT NO. A59057; AND
3. THAT WE FIND THAT THIS CONTRACT BEST MEETS THE REQUIREMENTS OF THE TOWNSHIP OF PEMBERTON AND FULFILLS OUR GOAL OF HAVING A SECTION OF THE TOWNSHIP'S NEW PLAYGROUND FACILITY PROPERLY SHADED FOR ADULTS AND CHILDREN.

BE IT FURTHER RESOLVED, THAT THIS CONTRACT IS SUBJECT TO A CERTIFICATION OF AVAILABILITY OF FUNDS BEING EXECUTED BY THE CHIEF FINANCE OFFICER.

13. NEW BUSINESS

***a. Requests from various departments to expend funds in excess of \$2,000.00:**

- *1. Police Dept.:** Purchase of three OptiPlex 760 Desktop Computers from state contract vendor Dell Marketing L.P., in the amount of \$2,946.45.

- *2. **Tax Collector:** Purchase of electronic folding machine from state contract vendor Hasler Financial Services, in the amount of \$368.00 per month.
 - *4. **Police Dept.:** Purchase of one K-9 Cage Insert from State Contract vendor Winner Ford, in the amount of \$2,035.00.
 - *5. **Police Dept.:** Purchase of two K-9 Heat alarm and door popper systems from state contract vendor Winner Ford, in the amount of \$3,378.00.
 - *6. **Public Works:** Fencing for Nesbit Building/Footbal Parking area, from Fencemax, LLC, in the amount of \$2,214.00.
 - *7. **Public Works:** 2009 Street Striping Program from Zone Stripping, Inc. in the amount of \$15,850.00.
 - *8. **Police Dept.:** Purchase of Q650 weapons cleaning system from Lawmen Supply Co., in the amount of \$2,483.00
 - *9. **Finance Dept.:** Purchase of fixed assets program from Real Asset Management, in the amount of \$2,820.00
 - *10. **Police Dept.:** Purchase and installation of light bar and rack for 2002 GMC Pick-Up, from state contract vendor Winner Ford, in the amount of \$3,178.82.
 - *11. **Police Dept.:** Purchase of badges and collar brass from Oakwood Uniform Co., in the amount of \$2,560.00.
 - *12. **Police Dept.:** Purchase of various supplies/equipment from Chief Supply Corp., in the amount of \$2,807.19.
 - *13. **Police Dept.:** Purchase of software to support police accreditation project, from Innovative Data Solutions, in the amount of \$3,240.00.
- *14. Approval by Council required for payment of vouchers on bill list dated 10/30/09.

Mr. Prickett requested to pull Public Works' request to expend funds in excess of \$2,000 for item #3, asbestos abatement. Mr. Cartier requested to pull item 8A, the meeting minutes from October 21st. Mr. Inge requested to pull Resolution Numbers 240-2009 and 242-2009.

Motion by Prickett and Scull to approve the Consent Agenda as amended. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

ITEMS PULLED FROM THE CONSENT AGENDA:

Resolution No. 240-2009:

Mr. Inge asked why the fire stops were not noted prior to the contract being awarded. Mayor Patriarca replied it was obviously not picked up by the architect or contractor but was picked up by the construction official during an inspection and relayed to the contractor. Mr. Inge commented that fire stops have been mandatory for at least the last thirty years and does not understand how things like this can happen especially when paying someone to do drawings for the Township and this is a commercial building. Mr. Inge noted that in residential, fire stops are required for almost all walls and it should have been one of the main concerns for a commercial building. Mr. Inge continued that the Township is paying money for professionals to perform work for the Township and things like this happen.

RESOLUTION NO. 240-2009

WHEREAS, BY RESOLUTION NO. 200-2009, ADOPTED AUGUST 19, 2009, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO ROCON CONTRACTING INC., 705 UNION AVENUE, BRIELLE, NJ 08730 FOR DOMINIQUE JOHNSON CENTER PROJECT; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS RECEIVED CHANGE ORDER NO. 1 SUBMITTED BY GIBSON TARQUINI GROUP, DATED OCTOBER 19, 2009; AND

WHEREAS, A COPY OF CHANGE ORDERS NO. 1 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A TOTAL INCREASE IN THE CONTRACT PRICE BY \$2,240.66 WHICH CHANGE ORDER IS RELATED TO MISCELLANEOUS MATERIALS AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND

WHEREAS, THE NEW CONTRACT SUM INCLUDING CHANGE ORDER WILL BE \$191,240.66; AND

WHEREAS, THE PROJECT ARCHITECT AND THE ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 1; AND
 WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 ET SEQ., AND THE REGULATIONS PROMULGATED PURSUANT THERETO, N.J.A.C. 5:34-1.1 ET SEQ. PERMIT THE AUTHORIZATION OF SUCH CHANGE ORDERS IN ACCORDANCE WITH CERTAIN GUIDELINES CONTAINED THEREIN; AND
 WHEREAS, THE GOVERNING BODY HAS DETERMINED, UPON THE ADVICE OF THE CONSULTING ARCHITECT AND RECOMMENDATION OF THE ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND THAT THIS RESOLUTION CAN BE ADOPTED GIVEN THE ARCHITECT'S REPRESENTATIONS THAT THE REQUESTED CHANGES ARE IN ORDER AND THAT THE REASONS FOR SAME ARE ACCEPTABLE, JUSTIFIABLE, AND VALID; AND
 WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE TO APPROVE THIS INCREASE CONTRACT IN THE AMOUNT OF \$2,240.66; AND
 NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT CHANGE ORDER NO. 1, AS SUBMITTED BY GIBSON TARQUINI GROUP, FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED;

Resolution No. 242-2009

Mr. Inge inquired as to what the funds were for. Mayor Patriarca informed the \$26,000 was for the camera system that was budgeted for in the UEZ line and would have been a part of the matching grant. The Mayor continued that we are not going to be able to get that project done and are still waiting on information from the Police Department and it will not happen prior to the end of the year. That money can't be encumbered for the project because we do not have a vendor and it cannot be carried over in to the next year. It would automatically go in to surplus which couldn't be used in next year's budget. It would not be available to be used until 2011's budget. The Mayor noted that we must come up with additional funding to remove the asbestos tiles and mastic in the court room and offices on the project as a result of removing some of the carpet and finding the old tile underneath. This was already budgeted and taxed for and the money is already there and we would be using funds that we already have. Mr. Inge asked if this was for the camera system for the town center downtown. Mayor Patriarca informed it would have been attached to that and the UEZ Coordinator and Lieutenant went to Camden and looked at a system they had there and are working on other companies providing ideas on what is needed to install the system in town. The Mayor added that unfortunately, they are no where near ready to get this project rolling this year and this would be a responsible place to take these funds from since it is already there in the budget.

RESOLUTION NO. 242-2009

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE TRANSFER OF APPROPRIATIONS WITHIN THE 2009 BUDGET

WHEREAS, N.J.S.A. 40A: 4-58 AUTHORIZES APPROPRIATION TRANSFERS DURING THE LAST TWO MONTHS OF THE FISCAL YEAR; AND,

WHEREAS, IT IS NECESSARY TO TRANSFER FUNDS BETWEEN APPROPRIATIONS IN THE 2009 BUDGET;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE FOLLOWING BUDGET APPROPRIATION TRANSFERS BE MADE:

DEPARTMENT	LINE ITEM NUMBER	FROM	TO	AMOUNT
UEZ DEPARTMENT # 0170 O & E	79999	XXX		\$26,000.00
BUILDING & GROUNDS # 0310 O & E	02400		XXX	\$26,000.00
TOTAL TRANSFER				\$26,000.00

Motion by Inge and Cartier to approve Resolution No. 240-2009. Inge, yes; Cartier, yes; Prickett, yes; Scull, yes; Stinney, yes. Motion carried.

Motion by Inge and Scull to approve Resolution No. 242-2009. Inge, no; Scull, yes; Prickett, yes; Cartier, yes; Stinney, yes. Motion carried.

***8. MINUTES FILED BY MUNICIPAL CLERK (PULLED FROM CONSENT AGENDA)**

*a. Regular Meeting, October 21, 2009.

Mr. Cartier requested to have the October 21, 2009 meeting minutes voted on separately.

Motion by Scull and Prickett to approve the meeting minutes of October 21, 2009. Scull, yes; Prickett, yes; Cartier, abstain; Inge, yes; Stinney, yes. Motion carried.

10. ORDINANCES FOR INTRODUCTION

a. ORDINANCE NO. 24-2009 (Title Read By Mrs. Stinney)

ORDINANCE AUTHORIZING THE EXECUTION OF FINANCIAL AGREEMENT WITH AUTO ZONE, INC. FOR A TAX EXEMPTION FOR THE PROPERTY SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PEMBERTON AS BLOCK 530, LOT 11.10 AND FOR PAYMENT IN LIEU OF TAXES

Mrs. Stinney advised the public hearing will be on December 2, 2009. Mr. Cartier asked Council President and the Mayor if Mr. Rick Ragan could come forward and answer questions regarding the pilot program. Mr. Cartier confirmed with Mr. Ragan that it is an abatement for a five year period meaning the first year no taxes will be paid by the individual, 20% on the second year, 40% on the third year and so on. Mr. Ragan added that is the way it has been structured in accordance with the UEZ documents. Mr. Cartier asked what the benefit to the Township is. Mr. Ragan explained the benefits are it encourages business and allows them to come in to town by providing a benefit that they are graduating their income in to the community. Mr. Ragan continued that payment in lieu of taxes goes directly to the Township as opposed to going anywhere else. This particular payment in lieu of taxes is structured in accordance with the UEZ rule and that are the rules in the ordinance which are 20,40,60 and 80. Mr. Ragan informed he is looking to see how in the redevelopment areas he might be able to increase the percentage in a way that would be even more beneficial to the community. Mr. Ragan advised if the Council chooses not to have the abatement/payment in lieu, then the applicant will pay the full tax rate. Mr. Clark stated the abatement is on improvements that will be constructed and there will still be a tax on the land itself. Mr. Ragan agreed. Mr. Clark reiterated that they would get an exemption graduated five years on the improvements that they are installing and it is a way of encouraging people to make improvements on property that otherwise might not be improved. Mr. Cartier stated the Township is not actually losing what we already have; it's just that we are losing out on what is being added to it. Mr. Ragan commented it acts as an incentive for the person to invest in the community. Mr. Inge asked if they are a member of the UEZ. Mr. Ragan did not know. Mr. McCabe commented that they are part of the Pine Grove Shopping Center and as part of that agreement in 2003, all businesses are required to join. Mr. Inge commented that initially there was a problem with Blockbuster not wanting to join the UEZ. *Mr. McCabe is inaudible.* Mr. Prickett conveyed that he understands in lieu of taxes in the tax abatement program the municipality gets the tax on the improvements and not the schools and the schools are eliminated from this for five years. Mr. Ragan agreed. Mr. Prickett asked if the county got 5%. Mr. Ragan advised that this structure is set up so that the county already acknowledges the UEZ program and there is not the 5% take from the county and if it were, it would only be 5% of the 20% but in this case it does not exist.

Motion by Cartier and Scull to introduce Ordinance No. 24-2009 with a public hearing to be held on December 2, 2009. Cartier, yes; Scull, yes; Prickett, no; Inge, yes; Stinney, yes. Motion carried.

NOTE: RAGAN DESIGN GROUP WILL DO A SHORT PRESENTATION TO EXPLAIN THE FOLLOWING ZONING ORDINANCES 25-2009 through 31-2009, LISTED UNDER b. through h.

b. ORDINANCE NO. 25-2009 (Title Read By Mr. McCabe)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY AMENDING CHAPTER 190 ARTICLE V. GENERAL REGULATIONS OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE TO INCLUDE A TREE MANAGEMENT PLAN AND COMPENSATORY PLANTING ORDINANCE

Mr. McCabe explained that the Planning Board adopted the Master Plan in July and the next step is to prepare land use ordinances in accordance with what was recommended in the Master Plan. The intent and purpose of Ordinance No. 25-2009 was that the public expressed concern during the public workshops over trees being removed for new construction and from residential lots. Mr. McCabe informed that there was a recent ruling in Jackson Township of Ocean County that made this ordinance valid and was approved by the Pinelands. The ordinance is very thorough and very complex and can be overwhelming at times. Mr. McCabe advised that it has been prepared in accordance with what the State Supreme Court and the Pinelands have agreed to but it should also be pared down to something more simplified. Mr. McCabe informed he will work with the Environmental Commission and Planning Board to make the ordinance more simple and easier to read. Council gave a consensus to ask questions after each ordinance. Mr. Prickett asked Mr. McCabe if the ordinance will be pared down for the next meeting when it is voted on. Mr. McCabe expressed he will try to get it paired down before that if not it could be tabled until it is amicable to the Environmental Commission, the Planning Board and Township Council. Mr. Prickett agreed that it is a complex ordinance and relayed that most complex ordinances have definitions of terms and this ordinance does not. Mr. McCabe agreed and noted that if everything were defined at this time, the ordinance would have approximately 30 pages of definitions. Mr. McCabe reiterated that this ordinance needs to be simplified and there are less complex ordinances available for tree management and compensatory planting and this can be accomplished along with a definition list. Mr. Prickett stated a Forrester has to be involved whether a Township hires a Forrester or has an employee that fills in as a Forrester. Mr. McCabe explained it is paid through escrow similar to the engineer, architect and planning position; it would be appointed. Mr. Prickett asked if the Forrester would have to be a part of the Planning Board and attending Planning Board meetings. Mr. McCabe informed they would be required to submit a report on what was submitted as part of the site plan. If they do submit a report the expert is suppose to be cross examined and they would be required to attend the Planning Board or Zoning Board meetings. Mr. Prickett asked who would handle the permits and enforcement. Mr. McCabe answered it would be up to the Township to decide and usually it is the Zoning Officer, Construction Officer or the Township Forrester. Mrs. Stinney informed Council that the hearing on the ordinances that are up for introduction tonight will not take place until December 16th due to the fact that they have to be referred to the Planning Board. Mr. Clark clarified that is only for the Zoning Ordinances. Mrs. Stinney advised the ordinance numbers are 25-2009 through 31-2009, listed under B through H. Mr. Cartier inquired that as ordinance no. 25-2009 is going to be pared down, if Council should hold off until such time as receiving a new issue. Mrs. Stinney and Mr. Clark responded yes.

Motion by Cartier to table Ordinance No. 25-2009.

Mrs. Scull noted on page 2, #1 it requires anybody that removes a tree of three inches or more to go through this process. Mr. McCabe confirmed. Mrs. Scull verified that it is any homeowner on their property or property owner. Mr. McCabe again confirmed and added that it is from the Jackson Township ordinance and an ordinance from Egg Harbor Township along with some other ordinances. It was also included because at two of the workshops, a member of the Planning Board as well as someone from the public complained that they were upset that trees were being removed from private property too; just one tree itself and that is why it is included in the ordinance. Mr. Ragan clarified the size of the plant material discussed in the ordinance was a function of the species which is identified on page 2, B2, indicating that a Mountain Laurel would be subject to the ordinance, three inches in diameter or greater and a Dogwood or American Holly would have to be five inches in diameter or greater and an Evergreen would be twelve inches in diameter or greater and a large deciduous tree would be sixteen

inches or greater. Mr. Ragan clarified that it does modulate according to size and added that he agrees with tabling the ordinance. Mr. Ragan clarified that they followed the procedures that are currently in place with the state as Mr. McCabe stated and agrees that the notion of having to entertain another professional is something the town needs to think about as well as the complexity of actually getting a permit and so on. Mr. Ragan added that the ordinance attempted to resolve the wholesale clearing of large tracts of development and there was a fund that was being created in Jackson Township that allowed for them to collect money and ordered to replace those trees in the towns as they deemed appropriate. Mr. Ragan explained that the lower courts struck it down and stated they should only be re-doing the trees where they are being taken down and to expect a certain amount of trees to be taken down if allowing development. The upper courts stated it is a direct relationship to the environmental impact in the community and a town has the right to create this fund. Mr. Ragan stated that he did not know if something as totally responsive as this ordinance needs to be done but he will work with the Environmental Commission and Planning Board and come up with something that seems to fit the community a little better. Mrs. Stinney asked how Jackson Township pays their Forrester and what the cost is. Mr. Ragan answered the Township Forrester is a professional and he is paid through the escrow account similar to the Planner or Engineer in reviewing the documents and Jackson Township's rate was in the range of \$90 to \$120 an hour. The Township Forrester inspected the site and issued the permits for the development to proceed. If there was an overage of clearing, the Forrester would come back and provide a report back to the Planning Board. The report was that of advisory to the Planning Board. Mrs. Stinney asked if there were any other towns that have a Forrester. Mr. Ragan informed Moorestown and Evesham have tree ordinances. Mr. McCabe and Mr. Ragan advised those towns have a Landscape Architect. Mr. Prickett commented that he would like to see the ordinance come back in the pared down version and hopefully it won't disappear. Mr. McCabe conveyed the ordinance has good intentions and it can be pared down. Mr. Inge stated he does not see any good intentions in the ordinance at all. Mr. Inge commented that the Township is in the Pinelands with enough restrictions already. Mr. Inge continued that the ordinance states if someone wants to take a tree down in their yard, they will have to pay someone to come and look at their property to make sure they can take the tree down in their own yard; what they are paying taxes on. Mr. Inge stated it is totally ridiculous and the entire thing should be scrapped. Mr. Ragan informed it is a result of public comment and it is being presented to Council who certainly has the final vote. Mr. Inge conveyed the ordinance is taking residents' rights away. There is a land sale next week on Township properties that adjoin other peoples' properties and if someone buys a lot and wants to clear some trees because now they have a lot large enough to put in a swimming pool that now they have to have someone come out and survey the trees on the property and might have to be additional amounts of money to have those trees removed and relocated somewhere else and that might put them out of the ball park with doing what they wanted to do with the property which is a vacant piece of property not doing anything for the Township but it could do something to enhance the resident's property. Mr. Inge stated there are enough ordinances and regulations in this town and this is taking residents' rights away. Mr. Ragan stated that he doesn't want to do that but does want to be responsive to the questions that were raised and they will give it another review for Council to consider. Mr. Prickett stated to Mr. Inge that this should not be a source of revenue for the municipality but it should be a way to manage the character of our community. Mr. Prickett noted that Mr. Inge will probably agree that he doesn't want to see the town not identifiable because Browns Mills is in the Pine Barrens, and we still want to know that we live there but we don't want to have to charge homeowners an ordinate amount of money to make sure we still maintain our character here. Mr. Inge stated the ordinance isn't talking about housing developments but rather it's talking about individual residents. Mr. Prickett agreed. Mr. Inge continued he can see if it's about a development or a prospective development such as before D.R. Horton was

approved but he can't see this in a residential area where people have been paying taxes on their property for years and years. Mrs. Scull stated that is her problem with the ordinance; the individual homeowners. She can understand development having requirements and that we don't want to lose historic trees. Mrs. Scull expressed she is still upset with Comcast because of the huge, big tree they took down that was there over 100 years. Mrs. Scull informed she has a problem with anything that limits our homeowners' ability to cut down a tree or two if they feel like it. Mrs. Stinney commented that before Mr. Ragan and Mr. McCabe spend a lot of time on this waiting to do the pared down version, if Council doesn't want it because she certainly is not going to vote for it at all. Mr. Prickett commented there are various points of view on Council and the ordinance might be able to be pared down to meet the interests of Mr. Inge speaking about developments having certain requirements to maintain trees and Mrs. Scull's comments of keeping historic trees. Mr. Prickett stated once a house is there and someone cuts some extra trees down is one story but if someone has a lot and needs to build a house on it there shouldn't be an extreme burden to be able to build a house through having to get permission to cut certain trees down. Mrs. Stinney conveyed that before spending anymore hours of monies for the pared down version, she'll take a survey of Council to see if they would like the pared down version. Mrs. Stinney added that there are many seniors and she being one of them who have trees in the back, front and sides of their homes that have become problems and they are on a fixed income and can't afford it. Increases for seniors are going to be frozen and she does not want another burden on a senior or another resident. Mr. Cartier would like to see the pared down version. Mr. Inge would like to see the pared down version with what was recommended today. Mrs. Scull wouldn't mind seeing a pared down version but she will probably have a hard time voting for it even pared down but she is willing to be flexible. Mr. Prickett would like to see the pared down version especially with the comments made from Council. Mr. Inge suggested providing Mr. Ragan and Mr. McCabe with Councils' comments.

Motion seconded by Prickett. Mr. Cartier stated as there are time constraints due to two meetings left for the year to bring the ordinance back early next year. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, no. Motion carried.

c. ORDINANCE NO. 26-2009 (Title Read By Mr. McCabe)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY AMENDING CHAPTER 190 ARTICLES III, ZONING DISTRICTS AND ZONING MAP AND V. GENERAL REGULATIONS OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE TO INCLUDE AIR INSTALLATION COMPATIBLE ZONES TO THE ZONING MAP AND OVERLAY ORDINANCE

Mr. McCabe explained the military just completed a joint land use study. The APZ zone is an area where there is a potential for an aircraft incident. Mr. McCabe conveyed APZ1 and APZ2 zones are in Pemberton Township. Mr. McCabe explained the APZ2 affects the far west portion of the Township near Springfield Township and also affects the down town area; the TC zone, the R1, R3 and portions of the GCLI. The Township does have an ordinance for aircraft overlay zone for the Pemberton Airport and this ordinance is modified specific to the Department of Defense and it restricts certain kinds of activities in the APZ2 zone such as petroleum, industrial uses, places of assembly such as schools, churches and limits residential to one house per three acres. This is what the military is recommending and it is an overlay zone. This is just another layer of protection for the Township. Mr. Cartier confirmed with Mr. McCabe that it precludes any existing construction. Mr. McCabe agreed. Mr. Ragan showed the area that nips the edge of the Berardi tract and includes the area where the current Lakeshore Mobile Home Park is and continues to the balance of the land to the

beginning of the military reservation. It crosses over Pemberton Browns Mills Road to impact some of the development that is already there including the bank and so on. Any existing structure is obviously grandfathered in the sense that it is pre-existing. Mr. Ragan advised Mr. Dean from McGuire came to a Planning Board meeting indicating that McGuire was concerned about the mobile home park being in that area but they were informed it was existing and there is not a proposal from the military to make any adjustment. Mr. Ragan noted the only adjustment that he can see that can be made is they would have to buy them. Mr. Ragan explained that this is just a notification that you are in the APZ2 area which is the safest of the three areas. There is an area where it is a clear zone where nothing can be placed that is on the military property; there is an APZ1 which is a secondary concern area and the APZ2 is of the least concern but still a concern. Mr. McCabe reported that it is also recommended that pre-existing non-conforming uses that would be there such as Presidential homes and the trailers within the mobile home park can increase their existing structure by 20% without going to the zoning board. This is provide some flexibility and also not to over-inundate the zoning board with variance applications. Mr. Prickett asked about the APZ1 area on the border between New Hanover Township and Pemberton Township along Trenton Road and if there were many homes there or what structures were there. Mr. McCabe replied its close but no; if a surveyor went out there it would be _____ (*inaudible*). Mr. Prickett stated this covers one of the COAH areas that has been designated....Mr. McCabe interjected that has been removed. Mr. Prickett then asked if there is a house there and it is destroyed, can a person rebuild their home or does it depend if it is APZ1 or APZ2. Mr. McCabe responded that in the APZ2 area it would require three acres. Mr. Ragan interjected if there is a fire or calamity, the owner has the right to replace that which is there. Mr. Prickett read, "Any structure may be restored or repaired unless the building is totally destroyed or the use is permanently abandoned". Mr. McCabe informed that is what the military recognized. Mr. McCabe conveyed that what Mr. Ragan stated is correct with the Municipal Land Use Law and what he stated is what is in the ordinance and that is subjective. Mr. Ragan explained if there is a fire that takes the house down, the Township or this ordinance would not necessarily go against the land use law with regard to the owner's rights under the same provision that Mr. Inge raised that they would not be able to reconstruct their house. If they have insurance on their house they should have the ability to rebuild their house on their own land. Mr. Prickett added or be compensated for that. Mr. Ragan continued that he doesn't think the notion of compensation.....if he wants to rebuild his house where it is, he doesn't want to take money instead of not being able to be back on his land. Mr. Ragan suggested striking the last sentence of F1, the last sentence in the first paragraph, "Any structure may be restored or repaired unless the building is totally destroyed or its use is permanently abandoned". Mr. Ragan conveyed that he doesn't know that "any structure may be restored or repaired" is needed because it goes without saying that a structure can be repaired. Mr. Prickett read, "All non-conforming land uses in this overlay district shall be permitted to expand up to a minimum of 20% without having to obtain a variance from the appropriate board in order to provide some flexibility and improvements". Mr. Prickett remarked that Mr. McCabe stated if the trailer park wants to increase the number of trailers.....*Mr. McCabe is inaudible*. Mr. Ragan indicated that this does not say what Mr. McCabe just stated; it says 20%. There's an application coming before the planning board to add a few more mobile homes in that district. It will probably happen before Council adopts this ordinance; however, the land owner has lots that were already previously approved. Now the question is landowners rights vies-a-vie this ruling. A 20% rule of thumb has been used in a number of other situations where if the military is saying again that they don't want to allow any further development, who are they to do that. They are not the state and they are not the Township. If they would like that provision, then they need to pay for it. Mr. Prickett confirmed that this section needs to be clarified and some more wordage needs to be put in there. Mr. McCabe directed Council to F2, and explained that was written to not allow any more additional units in the air

hazard zone. Mr. Ragan added that in section B1, that within the (*inaudible*) central zone, residential dwelling units which are situated on a lot of three acres in size if it is a principal use on the property, the question that is raised in regard to the mobile home park that would be raised at the planning board level is what is the overall density of the number of mobile homes relative to total lot area to evaluate whether or not how much they exceed the three acre scenario. That is part of the evaluation that would go on at the planning board review. The 20% review is something that under the two standards of saying they are not allowed to expand the mobile home community and then the 20% of which would have to be per individual use under that scenario. Mr. Ragan continued that under the ordinance the way it is written now, the mobile home park would not be able to expand; however, individual mobile homes would be able to increase the size of their units by 20%. Mr. Inge asked if the lots that were preapproved would be able to put mobile homes on those properties. Mr. Ragan replied not when this is adopted and perhaps that is why they are coming in now. Mr. Inge asked if they had prior permits years back. Mr. Ragan commented that the application has not been received yet and the application may have lapsed with regard to the lotting they had at the time so that will all have to be evaluated. Mr. Inge asked about commercial properties if they want to increase their businesses, 20% does not seem like very much. Mr. Ragan conveyed that it does not mean they can't go to the zoning board and ask for more; it just means they can do 20% without going to the zoning board. Mr. Ragan clarified the commercial businesses are not being told they can't expand more, but they can expand 20% without necessarily going through the zoning board issues. Mr. Cartier noted within the APZ2 zone. Mr. Ragan agreed and added it would not apply if one was outside of the APZ2 zone. Mr. Prickett asked how the 20% is determined and who will be enforcing that. Mr. Ragan replied it is 20% of the building footprint area generally. Mr. Prickett asked if it will be done in the planning board office. Mr. Ragan responded it will and it can be referred to him or the engineer or any other professional that is competent to do that. Mr. Inge asked if they have fuel tanks on the property for machinery, they will still be permitted to keep that on the property. Mr. Ragan answered as long as it is there now. Mr. Inge asked if just because they are in the zone now if they have to meet any other stipulations and he would not want to see any other requirements placed on them if it wasn't in that zone wouldn't be placed on. Mr. McCabe added that they would have to be meet the standards of the underlying zone. If they are in R3, they still have to maintain and meet both requirements. Mr. Ragan verified that this is an overlay which states because one is in the flight path, they have to follow this as well. Mr. Prickett asked if this required more wordsmithing. Mr. Ragan conveyed if it does, it will only be minor and he will evaluate the wordsmithing of paragraph F1. Mr. Clark suggested to Mr. Ragan that there is law regarding pre-existing non-conforming uses and there is something in the municipal land use law that talks about total destruction or abandonment which is probably where those words came from. Mr. Clark is sympathetic to what Council is stating and on the other hand he doesn't know that there is an intent to go against whatever the law is on municipal land use in terms of non-conforming structures. Mr. Cartier confirmed that the last line has been struck. Mr. Ragan commented he will look at whether it needs to be a minor adjustment for interpretation with regard to F3 on the 20% rule. Mr. Prickett asked Council if this ordinance needs to be tabled. Mr. Cartier stated if there is a minor correction and he knows where Mr. Ragan is going with this and he does not want to readvertise.

Motion by Cartier and Scull to introduce Ordinance No. 26-2009 as amended with a public hearing on December 16, 2009.

Mr. Prickett commented that he would support introducing this ordinance but he would like to know what the language is before he supports the introduction.

Cartier, yes; Prickett, no; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

d. **ORDINANCE NO. 27-2009 (Title Read By Mr. McCabe)**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY AMENDING THE ZONING MAP FOR PEMBERTON TOWNSHIP CHAPTER 190 ARTICLE III OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON

Mr. McCabe explained the sixteen recommendations within the master plan itself is recommended to be adopted to the new official Township zoning map. Mr. Prickett stated the map that Council has is like a trickster map because one can't read where anything is and he can't understand why there isn't a big map in this*Mr. McCabe replied but he is inaudible.* Mr. Prickett commented if the map is going to be the legal document, one can't identify the different areas that are being proposed for rezoning and it's a shame and inadequate. Mr. McCabe stated that is what is being recommended for the new official Township zoning map.

Motion by Scull and Cartier to introduce Ordinance No. 27-2009 with a public hearing on December 16, 2009. Scull, yes; Cartier, yes; Inge, yes; Prickett, no; Stinney, yes. Motion carried.

e. **ORDINANCE NO. 28-2009 (Title Read By Mr. McCabe)**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY AMENDING CHAPTER 190 ARTICLE III OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON TO INCLUDE A "NEIGHBORHOOD COMMERCIAL DISTRICT"

Mr. McCabe discussed commercial light industrial portions of the Township. *Mr. McCabe is too far away from a microphone.* In down town area 2. Encourages (*inaudible*) services near the residential neighborhoods. People said (*inaudible*). The idea is to get rid of those light industrial uses and keep them in the areas where they belong but within these residential areas, close to these areas to (*inaudible*) on the (*inaudible*). The purpose of this zone is for portions of the GCLI in front of Country Lakes, out by the Pemberton Bypass, the existing commercial on Fort Dix before getting on the base and the area by the new WaWa are currently zoned AR and it is recommended they now become a new district being created called a neighborhood commercial district. Mr. McCabe is inaudible. Uses that will be allowed in those areas would be B&B's, banks, commercial, recreation, jewelers, clothing repair, cobbler, seamstress, bakeries, day care centers, professional offices, spas, delis, pharmacies, and restaurants. Drive throughs will not be allowed. You don't want people coming in quick and pulling out; you want to keep people there for long periods of time. Drive through banks are fine but not drive through restaurants. The idea is to create that type of environment. Mr. McCabe informed the idea is to create along Lakehurst a green space, sidewalk, parking and the actual commercial retail center. The ordinance works well and he has done similar things such as Main Street in Marlton and that is what is trying to be recreated. Not in the town center which will be more dense. This will be little community nodes so residents don't have to drive all over the place to get bread, milks or egg and they can drop their kids off at daycare; it's convenient and creates a sense of place. Mr. Ragan commented that we are also limiting additional automobile uses so that we don't have auto body shops in every location. If there is an automobile use there and they are pre-existing, non-conforming and are not taking away any of their rights. We are trying to create more of a sense of place and more of a sense of a neighborhood of commercial and now with everything so broad in the GCLI zone and so much can be done in that zone that sometimes our land use patterns are not as compatible to the residential areas. Identifying areas near residential areas that should be more restrictive and more responsive to the

residential neighbors. Mr. Prickett noted Country Lakes as he was reading the ordinance he was wondering where in Country Lakes. Mr. Prickett commented there is a picture of a large display window in Country Lakes and he had a hard time envisioning that next to Mrs. Scull's house. Mr. McCabe stated it would be everything on Lakehurst Road. Mr. Prickett asked if it showed somewhere and stated it is a GCLI application because it just states Country Lakes and read, "small scaled retail neighborhood service oriented establishments adjacent to residential dwellings units in Country Lakes". Mr. McCabe replied the map indicates exactly what the GCLI (*inaudible*). Mr. Prickett asked where that is referenced. Mr. Cartier interjected it was referenced in the previous ordinance Council introduced. Mr. Ragan clarified it is 5. Mr. Prickett commented that since Council was not able to make out the map originally, his question is a valid question. Mr. Ragan explained it is not being suggested any neighborhood commercial within the confines of the residential areas which is all on the roadways that are serving as a gateway to those areas but again are restricting automobile related uses in those areas and trying to create a pedestrian friendly environment. Mr. Prickett commented he didn't see anything about a zoned area. Mr. McCabe explained it is a new zoning district. If a developer comes in and if it is in neighborhood commercial, he would apply those standards of the section of the code to his development. Mr. Ragan added it will be on the new zoning map as well. Mr. Prickett commented it should be referenced within the ordinance that it refers to the proposed zoning map.

Motion by Cartier and Scull to introduce Ordinance No. 28-2009 with a public hearing to be held on December 16, 2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

f. ORDINANCE NO. 29-2009 (Title Read By Mr. McCabe)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY AMENDING CHAPTER 190 ARTICLE IV, DISTRICT REGULATIONS, CHAPTER 190-12, AGRICULTURAL RESIDENTIAL DISTRICT, OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON

Mr. McCabe conveyed this provides flexibility to the people who are zoned AR in the North Pemberton area on Birmingham Road and North Road. Presently they are required to conform to AR standards which require them to have 6 acres per lot. Currently there are no homes there within these particular areas that have 6 acres. One comment received from the Zoning Board through the master plan process was to provide some type of relief to allow those residents some flexibility when they come in for a porch or deck. Mr. McCabe informed that currently everyone has to come in because they don't have 6 acres. This will allow someone that has a lot between 1 to 3 acres to conform to the R1 standards. 3 to 5.9 acres would conform to the R3 standards. Anyone over 6 acres would conform to the standards. The idea is they don't have to come to the zoning board anymore and the zoning board will not have to deal with variances for a fence, deck, porch or building garage. It provides the board the flexibility to use the BOCA requirements that are afforded to them in other areas. Mr. Ragan added that all of the rules didn't have to be rewritten because the rules are already present in the other sections of the ordinance. They took the most appropriate ordinance that is already in place and referenced it here so that if someone has a lot that is under one acre, they can comply with the R80 or R96 district (*inaudible*). Mr. McCabe informed the zoning board advised the majority of the applications over the past three years have been these kind of applications for these particular land owners. Mr. Cartier clarified that this ordinance is not allowing these existing homeowners or land owners to come in and just subdivide their existing properties in to one acre lots but is granting them relief so that they can add a deck, fence or pool without having to come in to the planning board or zoning board process. Mr. Ragan and Mr. McCabe both confirmed.

Motion by Scull and Cartier to introduce Ordinance No. 29-2009 with a public hearing date of December 16, 2009. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

g. ORDINANCE NO. 30-2009 (Title Read By Mr. McCabe)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, AMENDING THE DEFINITION OF A PARKING SPACE, CHAPTER 190 ARTICLE II OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON

Mr. McCabe advised that currently the standard dimension in the Township are 10x20 for parking spaces. Current industry standards at 9x18.....It reduces the (*inaudible*) coverage, saves green space and (*inaudible*) parking all over the place. It's a good thing all the way around. Mr. McCabe added the ordinance is bringing the code up to date with current industry standards.

Motion by Cartier and Scull to introduce Ordinance No. 30-2009 with a public hearing to be held on December 16, 2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

h. ORDINANCE NO. 31-2009 (Title Read By Mr. McCabe)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, AMENDING CHAPTER 190 ARTICLE III OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON TO INCLUDE AN ACTIVE SENIOR HOUSING CLUSTER OVERLAY DISTRICT

Mr. McCabe advised this ordinance is to create an active senior housing and it is an overlay zone by the Greenberg farm at the intersection of Arney's Mount Road and North Pemberton Road. The idea is to create a balance between smart growth and preservation. The best way to do this is through a clustering (*inaudible*). Right now whoever owns the property there can get 56 lots, (*inaudible*) sprawls, bunch of roads, infrastructure, septic and it would be a mess. The idea is to create preservation and the focus was to preserve the majority of land there and development. It is to be complimentary to the Boro with their senior development along with what is being recommended for the neighborhood commercial zone. It will be an activity center there with energy and something going on. The minimum is there must be 100 acres with sewer and water. Of that 100 acres, 50% of it has to be preserved as farmland or open space preservation, deed restricted. Mr. Ragan added it can be more than 100 acres and the Greenberg farm is more than 100 acres. The development concept is that there are several uses that will be permitted. Senior detached housing, senior townhouses in a cluster, a combination of townhouses, assisted living, (*inaudible*) care facility or even an independent facility. There is a limitation on the number of acres for the assisted living, congregate care and so on. Mr. Ragan conveyed that when looking at the larger context, there would be more than perhaps 200 acres involved and 100 of those acres would be set aside and preserved. As part of that 50%, they have recommended a 300' buffer along the road so that any development will set back from the roadway so as not to be an encroachment on to the roadway or the feeling as moving down the highway. Those two particular suggestions are a way of keeping a visual corridor open and part of the open space. This is an overlay zone and that means we are not taking away the rights of the landowner to go and build his 56 units if that is what he wants to build. Rather we are saying that you have the right to do that but you also have the right to do this and that provides an incentive to you or whoever might want to purchase the property to pursue this avenue of development which will indicate some new development activity, more energy as well as provide some additional ratables to the community as a result of

a development in close proximity to Pemberton Boro as well as the commercial (*inaudible*) that already exists in the community. Mr. Ragan stated they have worked very hard to try to create a balance between not just saying to take the 100 acres and put everything in it but rather take the farm and make sure that 50% of that farm is preserved in such a way that we actually get some preservation out of it. We would also be clustering the development on land less than 100 acres in order to create the walkable pedestrian connection to their own development and walking in to the Boro. Mr. McCabe stated the preserved, dedicated parcel, open space and farm land has to be contiguous. It can't be scattered here and there. It is going to be a large mass area and the idea is the cluster will be secluded behind the hill and no one will see it because the farm will wrap around it and there will be a 300' buffer around the development and it will be a great asset to the community because ideally it can be a farm and co-op. The residents that live there own the deed restricted farmland, farm it and have a farmers market. Mr. McCabe informed he is also recommending a clubhouse in front of the entire development. The community can go there and there is a farmers market run by the senior citizens. Mr. Ragan advised that he doubts that he agrees that no one would see it. Mr. Ragan suggested that it is there but it's not going to be in such a way that it is shouting. Mr. McCabe conveyed there are 56 units to develop and 6 acres and you can see every one of them. The overlay is reducing the amount of developed area and the Township is getting more in preservation than developed. Mr. Ragan commented that the Township is still getting development and that is the basis of the plan but the way the ordinance is structured, the Township is also getting an equal amount of land preserved. That combination assists in the fact that now none of that land is preserved. When now stating that 50% of it can be preserved and also getting some ratables and activities there, it is a good balance. Mr. Inge noted that it is being stated senior citizen development and asked if the market changes and senior citizens can't afford to purchase the individual houses or townhouses. Mr. Inge asked if the builder could request a hardship and change it from a senior citizen development to a single family development. Mr. Ragan answered that the legislature has passed and is indicating that could currently happen. Mr. Ragan asked if that will be the law of the land forever and replied that he is guessing not but right now we have to look at that. Mr. Ragan conveyed that it is not his intention that this land will become family housing and that his attention by putting assisted care, independent living and those types of uses there are going to be for clearly part of a senior community. Children will not be in an assisted living area. This would encourage the development and to maintain the lifestyle as a senior development because of the add ons. If one is in an independent living facility or a townhouse and then one's health starts to fail or partial nursing care is needed, one would have a right to move in to an independent living unit or even an assisted living unit. This is a growing demand in the country now. There is such a large demand for these uses and he doesn't know when it will be saturated. It will be saturated when the last of the boomers are gone. Mr. Ragan noted this is a very strong demand for the next 40 years. Mr. Inge conveyed if looking at statistics now in the state of New Jersey, senior citizen housing has been on a decline. Seniors can't afford to purchase houses and pay taxes in the state of New Jersey. Most seniors are leaving the state because they can't afford it. The senior citizen developments in North Jersey and at the shore are mostly at a stop and DR Horton hasn't moved forward. They spent hundreds of thousands of dollars on their project and have not moved forward due to the economy. Mr. Ragan agreed that it is due to the economy and added that the economy is not going to stay where it is or everyone will be hurting. Mr. Inge stated if this isn't put in to a place then a builder can come in and state this is what they want to do knowing they have a back door out and can go to single family which will put an increase in our schools and also an increase on what the Township would be liable on such as recreation. Mr. Ragan suggested the Solicitor addressing Mr. Inge. Mayor Patriarca asked if the developer chose the hardship argument would he have to comply with the base line zoning which would be to go back to the 56 units and he has that option if he can't do the senior housing. The Mayor confirmed that this is an overlay that

provides another option to the existing zoning that is already in place so if the builder couldn't do the 250 units of senior development, how could the courts turn around and state he can have 250 single family homes now which will sell easier because we have existing zoning in place which allows the 56 units that can be built there today. Mr. Ragan confirmed that the Mayor is accurate and added that an application must be filed to the community for a change of anything like that and it's not an automatic slam dunk; it's a process that one would have to go through and the town has a voice in that. Mayor Patriarca commented that he is sure our schools would love the extra 250 single family homes which we are not encouraging and the tax issues are all going to go away because the new governor is going to fix that. Mr. McCabe noted that if the builder wanted to change he would have to appear before the Planning Board also and to do that and be consistent with the master plan would give the planning and zoning boards the authority to deny the plan because it is not consistent with the master plan. Mr. Inge remarked that sewer treatment was also spoken about and those homes would be on the township city sewer and if the impact was calculated and Pemberton Township is one of the few towns that can distribute its waste over farmland. Mr. Inge continued that the DEP can change the regulations. Mr. McCabe notified that they spoke with Mr. Vester from the MUA and he assured that there is plenty of capacity to allow this kind of development along with the redevelopment of the down town area also. Mr. Inge asked who will be responsible to run the lines; the residents or developer. Mr. Ragan replied the developer. Mr. Cartier asked where the water would come from. Mr. McCabe answered it will also be Township water. Mr. Cartier again asked where the water would come from because there is not public water on that side of town now. Mayor Patriarca advised there is a well in that area if accessible would handle that area, and the well is at the high school. The Mayor continued that the water department has commented that the Township could supply water in that area and we currently purchase water in that area from Pemberton Boro. Mr. Prickett noted that Mr. Inge mentioned extending sewer to the Greenberg farm and it is outside of the sewer service area and he doesn't know whether the board or the public understands that permission is needed from the DEP to do that. Mr. Ragan confirmed. Mr. Prickett asked how much it would cost the Township to receive that permission from the DEP and what plan or strategy would be used by the Township to get that extension to the sewer service area. Mr. Ragan answered that we would be looking to seek a plan endorsement from the office of smart growth and Burlington County is currently going through a process of evaluating all of the thirteen northern Burlington County communities and will be presenting a plan next month; the GAP. Mr. Ragan explained that the plan is a review of the thirteen northern Burlington County communities and he is looking to work with the county and to work with the office of smart growth and have that plan act as a regional proposal for plan endorsement for the entire area so that the cost to the Boro is seeking that plan endorsement if that regional approach is followed through and he has had personal conversations with both the office of smart growth and the DCA Director, Chuck Richmond, and they are looking very closely at the possibility of making that happen. In which case, there would be no real cost at this point that he knows of to the Township for that portion of the work. Mr. Prickett stated that Council can expect to see during budget time a need to fund the endorsement of sewage to that area. Mr. Ragan agreed and added that the second part of that is seeking a 208 amendment which is the area that identifies sewer service to any areas that currently are not shown in the sewer service area. There are a number of areas within the Township that he has recommended receive a 208 extension. For example, along Route 530 so that sewer is able to be provided out to the highway and currently it does not follow the entire area recommended for rezoning so they have recommended it in a number of places. Mr. Ragan commented that there will be a need for a request of a 208 amendment at some point along the way. There are two ways to do that and one way is to ask Mr. Rehmann to prepare an amendment and have that go to the DEP and the second is if it's not gotten to right away, ask the developer should a developer appear on this particular parcel to participate in seeking a 208 amendment with

Council's approval in which case the developer would fund that as part of his operation. The notion that we only need a 208 amendment at this location is not true. Mr. Ragan continued that a 208 amendment is needed for all of the areas that we want to encourage ratables within the community and in that concept this is only one of them. Mr. Prickett stated that was certainly convoluted; lots of different directions and it was eloquently stated but in many different directions. Mr. Prickett asked if this would happen only if a developer comes and states they want to build a certain developer and we would then seek the 208 approvals or if we would then go about plan endorsement at that time or would we do that ahead of time to let the developers know the property has sewage and they can move forward. Mr. Prickett advised that he does now know that a developer wants to wait around for sewage on a property. Mr. Ragan explained that what is being done by virtue of this zoning amendment is they are telling the development community regardless of the state of the economy that Pemberton Township endorses the activity that they are proposing here and that should the developer be in a position and want to move forward with that, he has the right to pursue that in accordance with working with the Township and that is what they are doing by virtue of the master plan amendment and the zoning ordinance; they are speaking to the intent. To get from intent to action, Mr. Ragan continued that there is an issue of plan endorsement which he has identified and it is something that they are working with the county on in order to try to not have any expenditures to the Township. With regard to the 208 amendment, as soon as plan endorsement moves forward, whenever that is that the town may at that point want to pursue a 208 amendment as a general recommendation. Mr. Ragan informed that he has personally done one and it didn't cost a fortune to do because one is asking essentially the DEP to change an area of a map and giving them some statistics with regard to that. Mr. Ragan commented that it can be accomplished and he is recommending that the Township proceed with that process because it can be lengthy and we would like to get some of those things out of the way. Mr. Rehmann informed ARH is in the process of reviewing amendments to the waste water management plan in Millville, Vineland, Greenwich, Hammonton and Winslow Township. Mr. Rehmann expressed that there is a December 14th deadline that the counties have to submit these and once they are submitted and approved there are not going to be changes made to the plan. Mr. Rehmann advised his concerns are if there are changes that have to be made or areas that there are disagreements over with Burlington County as to how they have constituted the waste water management plan for Pemberton, we have to act and Mr. Ragan is probably the person since he has the master plan changes that he would want to meet with Burlington County to ensure they are included now so that there are no costs to the Township so that the Township can accomplish what is in the master plan. Once the master plan is done and submitted to the Pinelands for their concurrence, if that is not in a wastewater management plan area, he doubts whether they will approve the plan as submitted so they have to have both together and time is short. Mr. Ragan stated he will get right on it. Mr. McCabe informed plans have been submitted to the county and the Pinelands for review. Mr. Rehmann stated to not assume that the county is going to approve it. Mr. McCabe expressed that he understands that and the area is outside of the Pinelands but he does understand the full waste water management plan is looked at as a whole so he will follow through with the county. Mrs. Stinney commented that as long as the document is there before the deadline. Mr. Ragan informed he will begin work on that immediately. Mr. Inge asked if Mr. Vester from the MUA has considered the houses in Lake Valley. Mr. McCabe informed some of the houses are included in the sewer management area for the 208 area because they are on lots of less than 8,000 square feet. To the best of his knowledge, University Park Apartments and everything west of Scrapetown Road is in the sewer management plan. Mr. Inge asked about Presidential Lakes. Mr. McCabe conveyed Presidential Lakes is a challenging issue that was approached with the Pinelands Commission. Mr. McCabe informed that he recommended it and reiterated that it will be very challenging and it is an uphill battle that has been going on for over 25

plus years. Alaimo, Mr. Snowden has worked on it. Mr. McCabe advised that Mr. Rehmann can answer more on that. Mayor Patriarca informed a meeting was held with the Pinelands in regard to bringing sewer service out to Presidential Lakes and it was positive. The Mayor continued that we learned of another option that is one of the Pinelands best kept secrets on how to gain this approval. The option is something the Pinelands can approve if they want to and it doesn't seem as difficult as it has been presented in the years past. It was a productive meeting and Mr. Helbeg was in attendance and was quite helpful in getting us to that point. Mr. Inge conveyed that he would like to see the calculations of Presidential Lakes to ensure that we are still in our cap with the MUA. Mr. Ragan replied that he doesn't know what the meeting was. The Mayor conveyed that in his meetings with Mr. Vester, he was assured that the area would not take the MUA to any critical zone. The Mayor continued that Mr. Vester encouraged that if we were able to achieve Presidential Lakes, he would also like to bring on Lebanon Lakes and feels comfortable that the MUA has the capacity to take on that additional service. Mr. Rehmann expressed that he hopes Burlington County has done a (*inaudible*) analysis at least under the current zoning to state if everything is built that is allowed under the zoning extracting all of the environmental areas that could not be built on so that there is a total number of sewer capacity needed for Pemberton Township and then look at what capacity is left and start to work that number to reach the maximum as Mr. Inge has been trying to get an answer to as to what is our total and how much do we have between that total and where we are today and how many homes can be built under that and where do we want to put those homes. Those are critical issues that should be known. Mrs. Scull expressed those are discussions that have been held at the MUA quite often because one of the first things she asked when she became part of the MUA was about sewer for Presidential Lakes. Mrs. Scull continued that one issue is the new Early Childhood Center is already on line to be part of sewer and that is in that vicinity so it shouldn't be that hard to hook up sewer on the Greenburg property when it will already be running in the neighborhood. Mr. Ragan stated it won't be hard but the procedure to get there will be. Mrs. Scull wanted to make the point that it's not as if they have to go thirty miles to hook up to the sewer; it's already in the vicinity. Mr. Prickett had some questions in regards to the maps at the back of the information given to Council and asked if there are different colors for each geometrical shape. Mr. Prickett asked if the receiving area would be where the buildings are constructed and the area along the airport....Mr. McCabe interjected that would be undevelopable. Mr. Prickett stated the area on North Pemberton Road will have a 300 foot buffer and along (*inaudible*) areas are not included. Mr. Prickett asked why they are not included. Mr. McCabe replied it would not be fair to the existing residential homes so it will (*inaudible*) Mr. Prickett asked how many acres are the three parcels. Mr. McCabe replied the top parcel is 43 acres and the larger parcel is 91.6(*inaudible*) acres and the area next to the airport is(*inaudible*),4 and the two smaller parcels within (*inaudible*) itself is less than (*inaudible*) acres. Mr. Prickett commented it is approximately 200 acres and the receiving area for the development would be for this overlay and not bringing in development on other properties. That is the kind of language used in clustering in other townships; you can build here and preserve there. Mr. Prickett asked if that is not what they are trying to get across here. Mr. Ragan replied he is saying 50% of the total land area has to be preserved. Mr. Prickett added within the three lots. Mr. Ragan agreed and added the parcel adjacent to the airport strip is one that would have to be preserved. Mr. Prickett commented on the 300 foot buffer along North Pemberton Road and there is an overlay area where development could take place and it appears it can take place all along the Rancocas Creek. Mr. Ragan replied subject to wetlands and other.....Mr. Prickett asked what kind of buffer is.....he knows it's not Pinelands so it wouldn't be whatever that is.....Mr. Ragan stated it could be 50 feet or 150 feet depending on DEP's review of the quality of the wetlands. Mr. Prickett expressed there are facilities across the way; a rails for trails, and the development on the other side of the creek. Mr. Prickett expressed concern with table 1. The Planners have talked about using buffers to

aneliate the development footprint and he is concerned with the building height for the potential congregate care facility could be three to four stories high and he was trying to envision what a story three to four stories high would look like from North Pemberton Road. It would kind of look like 2001.....Mr. Ragan replied he didn't think so and added it would look like a large single family house that is three stories. Mrs. Scull added it might look like an old farm house. Mr. Prickett stated that three story building could take up out of eleven acres, sixty percent of that cover and it would be a big three story house and he doesn't think that is going to be within the character of the North Pemberton Road area; the agricultural character and if Council doesn't agree with that they don't agree with that and he suggested that be a two story as opposed to a potentially three to four story building instead of having 35 feet it could be reduced to 25' or 24'. To reduce it to a two story building would make it more definitive. Mr. Ragan informed the height in a single family zone is 35 feet so it's not that they are making it extremely larger. Mr. Prickett asked about the COAH requirement and stated 20% of new development needs to be low to moderate income housing. Mr. Ragan replied it depends on the function of the plan and informed the earlier ruling of 20% by COAH has been changed to say that you need to respond to your round three numbers. The Pinelands recently put out a letter about 20% but if reading that letter closely, one would see that they don't want to put out that letter and are stating that they have to put out a letter. Mr. Ragan continued that since this is not in the Pinelands, that 20% does not apply here. The way in which the Township solves the COAH problem is going to be a function of providing COAH units in accordance with the allocation that the Township has received and it is clear that we could request a certain number of units to be COAH within this. Mr. Prickett asked why that would be in the ordinance; a COAH section. Mr. Ragan replied he is working with COAH to see if we will have enough units to solve the round three issue independently. If we are able to do that, then that means there are more tax ratables and so on that can come in to the community as a result of the development. Mr. Ragan conveyed he is trying to work that out with COAH and then since there is a new Governor, he doesn't know what will happen with COAH. Mr. Prickett stated under the current rules, when building however many structures, most likely we will have to build COAH housing to complement that in some way. Mr. Ragan stated we would have to provide COAH units somewhere in the community. Mr. Prickett noted whether it's 20 percent or whatever. Mr. Ragan stated whether it's 10 percent or whatever the number is. Mr. McCabe stated we can do a buy down and there are many options to meeting the COAH requirements. Mr. Prickett asked about the gross density for the entire development. There are three possibilities, a, b and c. They can be kind of mixed and matched and asked if all three of them will be possibilities on the property. Mr. McCabe answered all three can be done and that is the idea; to do all three. Mr. Prickett clarified that 270 single and family townhouse units plus 165 independent living units.....Mr. Ragan interjected provided that all of the criteria is met; 50% open space and we do not exceed the acreage limits for those particular uses. Mr. Prickett stated that is 600 structures if he added correctly. Mr. Prickett asked what the total number of structures would be under this scenario. Mr. McCabe replied he doesn't have the calculations off the top of his head but single family cannot exceed 270 units and that is the most we can do. Mr. Ragan conveyed that would probably take up all of the land for single family. Mr. McCabe remarked if someone did that, it's (*inaudible*) and we could do a portion of the 270 units; a portion of the single family units, a congregate care facility and independent living facility. Mr. McCabe answered it will never get to 600 and some odd structures out there. Mr. Prickett replied his question was answered and when he asked the question first, Mr. McCabe stated we could build all of these and.....Mr. McCabe clarified that we can use all of a, b and c but we cannot exceed 50%. Mr. Prickett apologized for not having the Planner's lingo. Mr. Prickett asked if there is going to be an association. Mr. McCabe informed it can be done through a homeowner's association or deeded to a private, non-profit and deed it back to the Township and however the Township wants to handle it. Mr.

Ragan suggested breaking it down. The open space would be leased to a farmer, it could be granted and deed restricted as long as it is not violated; the single family houses and town houses would be owned and maintained by the individuals, any assisted or independent living would be owned and operated by a professional management company that operates those facilities. The maintenance of each particular area would be dependent on the individual ownership of that. Mr. Ragan continued that would keep it organized and give a point of responsibility for each particular unit. Mr. Prickett asked where the overflow would go at this point or if it's too early to ask that question. Mr. Ragan replied that is subject to a site plan and engineering and it's way to early. Mr. Inge stated during the workshops, residents living around that area were against the development and asked if there were petitions and approximately 160 signatures stating they did not want that type of development. Mr. Ragan informed there were some petitions and they were submitted to the planning board and the planning board voted to adopt the master plan with the development as proposed. Mr. Inge noted that early when speaking of Lakehurst Road, Mr. Ragan stated that during the workshops we listened to what the residents wanted and what they thought we needed but in this particular case what the residents surrounding this area felt and what they didn't want is what they are going to get. Mr. Ragan replied that is up to the planning board and up to Council.

Motion by Scull and Cartier to introduce Ordinance No. 31-2009 with a public hearing date of December 16, 2009. Scull, yes; Cartier, yes; Prickett, no; Inge, no; Stinney, yes. Motion carried.

Mr. Inge stated in regard to Ordinance No. 27-2009, on the map, if Mr. Ragan can provide Council with a better map. Mr. Cartier commented that the map Council received was cut off. Mr. Inge suggested a larger map and he assumed on December 16th, (*inaudible*) Mrs. Stinney interjected he will have a large map. Mr. McCabe stated he will have blow ups. Mrs. Stinney advised Mr. Inge that she did ask for him to provide those maps. Mr. Inge stated he would like a better map than what was received. Mr. Ragan provided additional maps to the Clerk. *Mr. McCabe is speaking but is inaudible.*

Mrs. Stinney recessed the meeting at approximately 8:53 p.m. for a short break and reconvened the meeting at approximately 9:05 p.m.

i. ORDINANCE NO. 32-2009 (Title Read by Mrs. Stinney)

AN ORDINANCE TO AMEND CHAPTER 25 OF THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, IN ORDER TO CREATE A NEW ARTICLE ENTITLED "FIRE RESCUE SERVICES COST RECAPTURE"

Mrs. Stinney advised if Ordinance No. 32-2009 is introduced tonight, it will have a public hearing on December 2, 2009. Mrs. Stinney advised Council has been in dialogue with this and was brought to Council by the Business Administrator, Chris Vaz. Council President Stinney advised Council asked Mr. Vaz to go back and bring some information back. Mrs. Stinney remarked that the information has been provided to Council. Mr. Prickett expressed concern that the ordinance has changed in a number of ways. Mr. Prickett asked if this ordinance would be tabled tonight so that Council can discuss this further with Mr. Vaz. Mrs. Stinney replied if that is the desire of Council. Mrs. Scull asked what Council wants to discuss. Mr. Prickett conveyed it was initially discussed at the last meeting of a certain way of using the money that was collected which would go in to the municipality and it seems like this ordinance has changed that and he would like to get an explanation from Mr. Vaz as to why it was changed and how it does or does not benefit the municipality and the fire companies. Mr. Prickett advised the ordinance Council received in their packets is even smaller than the ordinance the entire board

questioned because there were things missing in it at the last meeting. Mrs. Stinney asked Mr. Prickett if he saw the things that were missing for him that he had asked his questions on. Mr. Prickett replied yes. Mrs. Stinney asked Council if it is their desire to table the ordinance and informed it will not have to be readvertised. Mr. Cartier remarked it is his desire and added he still has strong reservations regarding the ordinance that it not go forward at all because the tax payers of this Township already fund the fire departments in the sum of \$24,000 per fire department and to establish something like this is double dipping against the tax payers. Mr. Cartier expressed he understands it will come from the insurance companies but questioned where the insurance companies get their funds from and replied it comes from the tax payers or the people who go out and contract with the insurance companies to get better insurance service. Mr. Cartier informed it is double dipping to him and he doesn't see a need for this not at this time and not in this economy. Mrs. Scull mentioned to Mr. Cartier that she had brought up the issue of insurance and it costing more in the long run but the more she thought about it if other communities are doing this and some companies pay and some don't, we must be paying for it already in our insurance because if company b pays, they have already charged that person for that service or for that insurance. If company c doesn't pay, that person with company c hasn't paid that amount of money to have that covered in their policy. They are only paying if it's already covered in their policies. They are not paying if it's not covered in their policies. Mrs. Scull asked Mr. Cartier if he was following her. Mr. Cartier answered no. Mrs. Scull continued that the ambulance service sends a bill to the insurance company; some insurances pay and some don't. Some have that coverage and some don't have that coverage. We are not charging the people that use our ambulances if their insurance company doesn't have that coverage and we are not going to be charging our residents if their insurance companies don't already have that coverage as part of their policies. Mr. Cartier stated he doesn't know if that's a rider on an insurance policy. Mrs. Scull commented that it must be if some pay and some don't because that's one of the things found out from Eastampton that some paid and some didn't and they didn't go after the people who don't pay personally. Mr. Cartier expressed that he understands now and.....Mrs. Scull interjected that she was not in favor of it but the more she thought about it, she questioned why shouldn't the community get the funds and see how much it brings in and maybe the Township won't have to give them all of the \$24,000 of our real tax payer dollars. Mr. Cartier stated that's not going to change and they are not going to ask for less money if they are doing this. Mrs. Scull stated yes and added they only need a certain amount of money. Mrs. Stinney asked Council if it is their desire to table this ordinance to get more answers. Mr. Cartier stated it is his desire to table this indefinitely. Mr. Inge seconded Mr. Cartier. Mr. Inge commented Council has been over and over this. Mrs. Stinney stated Mr. Prickett had some questions and she sees this as a rental service and she doesn't have a problem tabling this ordinance until Council's questions are answered. Mrs. Scull agreed. Mr. Inge commented when there is an insurance claim, you are charged and the next time you go to get insurance by an amount that insurance company puts out and this is talking about accidents and like Mr. Cartier stated, the residents already contribute to the emergency services in the Township. Mr. Inge continued that we are putting an extra burden on the residents that have a hard time coming up with insurance premiums. Mr. Inge gave as an example one of his businesses has been broken in to several times and the last time it cost him approximately \$10,000 and he had to be closed for four days. The people were caught and he didn't receive a penny for what they did to his property and he couldn't claim that on his insurance because he claimed fire once and every time he claimed it, his premiums went through the roof. Mr. Inge commented the same thing would happen here. Mrs. Stinney clarified that Mr. Prickett wanted more information. Mr. Inge commented that every time there are changes, it cost the Township money. Mr. Prickett reminded that there is a motion to table the ordinance permanently and the motion is on the floor. Mr. Cartier stated it was not a motion and his opinion was asked. Mrs. Stinney clarified that she asked if it was

an opinion to the other Council members out of courtesy to table this until Mr. Prickett received his information and then Mr. Cartier came up with his, "I'll table this forever because I don't want it anyway", as well as Mr. Inge. Mrs. Scull stated she is willing to table so Council gets answers. Mrs. Stinney clarified that Mr. Inge stated it will cost more money anyway. Mrs. Scull and Mr. Prickett stated it will only be talking to Mr. Vaz. Mrs. Stinney stated she is willing to table the ordinance.

Motion by Scull and Prickett to table Ordinance No. 32-2009 until the next Council meeting. Scull, yes; Prickett, yes; Cartier, no; Inge, no; Stinney, yes. Motion carried.

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

a. ORDINANCE NO. 23-2009 (Title Read By Mrs. Stinney)

AN ORDINANCE TO AMEND THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY SO AS TO DELETE CHAPTER 153, ENTITLED "SOUND TRUCKS"

Mrs. Stinney opened the meeting to the public for public comments on Ordinance No. 23-2009. There being no members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments.

Motion by Prickett and Scull to adopt Ordinance no. 23-2009.

Mr. Cartier advised that he was not here at the last meeting when this was introduced and he was unclear if he was able to proceed in any discussions or vote on this and he asked the solicitor who recommended that he would be able to. Mr. Clark concurred.

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

12. UNFINISHED BUSINESS

a. Continued discussion regarding Police Chief's proposed salary increase as requested by Councilmen Inge and Prickett.

Mr. Inge stated there have been several requests by Council members for the monthly Chief's report and that has not been received by Council yet. Mayor Patriarca informed that he is aware of one request at the last meeting and he will look in to why Council has not received that. The Mayor continued that Mr. Vaz did assure Council at the last meeting that he would provide that to Council. Mr. Inge commented that he would like to see the report as he stated at the last meeting that he would like to look at the statistics so Council can look at this fairly. Mr. Inge informed that he also requested at the last meeting if Council would urge Administration to issue a car to the Chief for him to use when he is not on duty and bring home so that when he does have to come to Township events that he doesn't have to drive his personal vehicle or if he has to come back on a call, he can drive a Township vehicle and that has been done in the past years in this Township. Mr. Inge asked Administration if they have considered that. The Mayor questioned if Administration has considered take home vehicles. Mr. Inge replied for the Chief. Mayor Patriarca replied no and added that Administration has taken an active approach to stop take home vehicles in the Township and stopped approximately 15 or 17 take home vehicles in the Township and only essential personnel that do respond back to the Township get take home vehicles. The Mayor stated the Chief does not respond back for emergencies. Mr. Inge asked if the Fire Chief has a take home vehicle. The Mayor replied yes he does. Mr. Inge asked why. Mayor

Patriarca responded the Fire Chief does respond to fires in the Township and as a volunteer, he would not expect him to take that upon himself and there is no salary involved in this and he is not coming to work; he is supplying a volunteer service for the Township and it is the opinion that he should be given a vehicle to respond to these emergencies that he does respond to. Mr. Inge agreed that the Fire Chief should have a vehicle but also feels that under the same circumstances, the Chief of Police should receive the same courtesy from the Township because his role in the Township is very important and it is very necessary. The Chief does come to Civic Association meetings and events that the Township has and if something happens in the Township, the Chief would come to make sure things are handled right. Mr. Inge noted that is his opinion and thinks Council should support this and urge that the Chief receive a vehicle. Mr. Inge commented that from listening to the solicitor at the last meeting that it is Council's understanding that Council cannot mandate that the Chief has a vehicle through an ordinance and asked Mr. Clark if that is correct. Mr. Clark replied that he does not know what happened at the last meeting but it is his understanding that Council would not have the power to mandate that. Mr. Inge stated it is very unfair and it's more than just policy. Mr. Prickett stated that he would like to review and remind Council of the chart that he passed out two meetings ago. Mr. Prickett explained the graph if of most of the police departments in Burlington county and it started off with two or three sworn officers in a municipality and goes all the way up to seventy four police officers for example in Mount Laurel and seventy two police officers in Evesham and seventy in Willingboro and fifty seven in Pemberton Township and then it drops to twenty six in Burlington Township. Mr. Prickett added the graph shows the salary of the Chief increases as there are more sworn officers in the department. Mr. Prickett reminded that he presented this at the last meeting and pointed out that when it comes to Pemberton Township, there is a dip in the Chief's salary and it drops precipitously down even with the most recent raise in 2009, the previous two years the Chief's salary had stayed the same. Mr. Prickett noted that Mr. Cartier astutely said that we can't afford to pay the Chief's salaries that are found in Mount Laurel, Evesham and Willingboro but we do need to look at the assessed values and income of the individuals living in the communities. Mr. Prickett advised he tried to look at it in a way that had nothing to do with the amount of money per say and he looked at percentages. He went to data universe in the Asbury Park Press and found the top three salaries of the officers in those municipalities and divided the top three salaries by three to come up with an average highest salary and compared that with the Chief's salary in the form of a percentage. As a result of that, Mr. Prickett produced a new graph and passed it out to Council. Mr. Prickett showed that this graph shows what the Chief makes percentage wise with what the three highest paid officers make. Mrs. Scull asked what officers Mr. Prickett is referring to. Mr. Prickett explained it would typically be the Lieutenants who are the top three and some municipalities have five Lieutenants and instead of picking the highest paid Lieutenant, he picked the three highest paid individuals in the Police department and compare those numbers with what the Chief makes in the individual municipalities. Mr. Prickett did that using the Chief makes 100% so all of the Chiefs on the chart it doesn't reflect that one Chief makes \$150,000 or one Chief makes \$90,000; it really reflects the percentage difference between the Lieutenants where the highest paid personnel and the Police Chief. As a result, Mr. Prickett was able to put a bar graph together which shows that when it comes to Pemberton Township, the difference between the Chiefs and the three highest paid sworn officers is 2.2%. The Lieutenants in our case make 97.8% of what the Chief makes. Mr. Prickett noted in Cinnaminson there is a bigger disparity; the Chief makes 7% more than the top three officers in that Township. That is a 4.8% difference between the Chief in Pemberton and the Chief in Cinnaminson. In Westampton, the difference is 8.9%; the Chief makes 8.9% more than the three highest paid sworn officers. In Delran, it's 9.9% difference, Mapleshade is 15.4% difference, Florence is 18.1% difference, Lumberton is 18.3% and Bordentown is 18.7%. Mr. Prickett expressed these municipalities reflect what the graph he presented to Council at two meetings ago in the same order with the exception of

Medford and Medford has a Safety Director which throws all of this off when there is a Safety Director. Mr. Prickett reiterated that the salary of the Chief of Police in Pemberton Township is only 2.2% different from the Lieutenants in the department. There is a big disparity between Pemberton and the rest of the municipalities. Mrs. Scull asked if we are paying the Lieutenants too much. Mrs. Stinney commented that is what it sounds like. Mrs. Stinney shared and apologized as there was a resident during the break that had suggested getting information and having it on hand when it is being discussed so that perhaps the public could understand the discussion a little more and have something to say. Mr. Prickett suggested that he could do a power point presentation next time. Mrs. Scull commented to Mr. Prickett that the last one he did was two hours. Mr. Prickett expressed he would have liked to have had some additional information available with the Chief's report and that is what he was looking for and hopefully he will be able to get that information to Council. Mr. Prickett also passed out another graph to Council which is similar to the first graph except it compares the Chief's salaries with the four top Police Departments in the county. The four top in number of sworn officers. Mr. Prickett explained it starts with Pemberton Township with a 2.2% difference between the Chief and Lieutenant and there are 57 officers and then Willingboro with a 4.5% difference and there is a 70% sworn officer number there. In the case of Willingboro, they have a Safety Director. When getting to Mount Laurel, there is a 10.5% difference between the Chief and Lieutenants and at Evesham there is a 17.5% difference when comparing the Lieutenants or top three with the Chief. Mr. Prickett conveyed that it appears to him that the disparity between the Chief and the top three paid sworn officers in Pemberton Township is too small to be fair. Mr. Cartier stated to Mr. Prickett that he is stating the top three paid sworn officers and in Pemberton Township that would be the three Lieutenants and asked Mr. Prickett if that is correct. Mr. Prickett replied that is right. Mr. Cartier continued the three Lieutenants all make the same amount of money. Mr. Prickett agreed. Mr. Cartier then asked if the top three in other municipalities all make the same amount of money. Mr. Prickett answered they do not. Mr. Cartier replied that will skew the percentages. Mr. Prickett responded that it will not skew his percentages as he defined the graphs as the top three. Mrs. Scull interjected that he averaged them. Mr. Prickett continued that he averaged them. Mr. Cartier relayed that if he is going to take the top one who is making \$100,000 and the bottom one is making \$80,000 and the middle is \$90,000 and in Pemberton Township it is not an average, it's a number. Mr. Prickett interjected that it is still an average. Mr. Cartier interjected it is whatever it is, \$95,000, \$98,000 for three individuals. Mr. Prickett stated Data Universe, Asbury Park Press and he has the website and invited Mr. Cartier to go to the website and get the salaries and see if it makes this very much different. Mr. Prickett continued that he tried to use it like a statistical model and there are aberrant situations in some cases and this is a way that he felt it would fairly show the differences between the Chief and the top three. Mr. Prickett continued that this is appropriate because the budget is going to be discussed by the Mayor and departments over the next couple of months and Council is going to be deliberating on the budget starting in February and it's nice to go in to that having some information. Mr. Prickett stated to Council if they don't accept the information he has, he would welcome Mr. Cartier or anyone else to go to Data Universe or any other source of information to show another point of view because that was his objective; to show an objective point of view on whether the salary of the Chief in Pemberton Township was unfair to him and he thinks he has been able to do that.

13. NEW BUSINESS (PULLED FROM CONSENT AGENDA)

- *3. Public Works:** Purchase for asbestos abatement of the court room and court office from state contract vendor VCM Company, in the amount of \$19,900.00.

Mr. Prickett informed he requested Public Works' request be pulled for Mr. Inge.

Motion by Prickett and Scull to approve Public Works request for purchase for asbestos abatement of the court room and court office for \$19,900. Prickett, yes; Scull, yes; Cartier, yes; Inge, no; Stinney, yes. Motion carried.

- b. Determination of award of contract for financial advising consultant services.

Mrs. Scull informed she and Mr. Prickett met with the Mayor and reviewed the bids provided by three companies. The Mayor was going to check and make sure exactly what any hourly rate would be charged for if it was in addition to what was provided with the bids. Mrs. Scull stated the Mayor was going to make a recommendation as to which company. Mrs. Scull and Mr. Prickett both felt comfortable with any of the three businesses. Mr. Prickett added that it was stipulated that they receive the award earlier in the day so that Council can have a chance to review it. Mrs. Scull commented that she does not remember that but she knows they were going to provide a recommendation tonight. Mayor Patriarca informed that he did follow up on that request and at the meeting he contacted the managing director at PFM and the Vice President of Acacia and asked in regard to the one question in consulting fees and it does not apply to the project that we are seeking in this particular RFP and that is the bond. If we were to do other types of financial work with them that is when the consulting work would come in to play which we are not seeking this year. The Mayor strongly advised the Township to add this in to our RFP process and bring a financial advisor advising consulting service on board for next year to do an analysis of our current situation. Mrs. Scull asked if Council will have a recommendation tonight or if they are going to wait until the next time. The Mayor responded we have to move forward with this because the bond is time sensitive and the note that we have now has only been extended for a short period and he has only met with Acacia who came in earlier and are connected with the bridge commission and they do a lot of work with them and they were recommended that we sit down with them and after speaking with them they were quite impressive but the work would have required the RFP process and we felt we might be able to get a better deal. What they found out was there was one company that was considerably lower that had submitted an RFP but they did not submit that much information involved in what was looked at, capital. They put a very brief RFP together where Acacia and PFM both submitted very detailed RFPs. Acacia as Mr. Prickett mentioned submitted their financial contributions to their political parties. It would be Administration's recommendation at this time to choose Acacia who offered a \$15,000 minimum service and with the bond that we are seeking, the minimum service will be far under the \$15,000. PFM listed a \$15,000 flat fee so either one would cost us \$15,000 to seek out the best buy on this bond that we are going to have to get. Mrs. Scull commented that she wishes Council had the papers and she does recognize the urgency to get this done. Mrs. Scull asked Mrs. Stinney if she wanted a motion to approve Acacia. Mrs. Finlay advised the resolution would have to be added to the agenda. Mr. Cartier asked if a resolution is prepared. Mrs. Finlay informed the resolution is in each Council member's packet. Mr. Clark added that there was a draft resolution prepared but it had blank spaces since amounts and the company were not known. Mr. Prickett asked Mrs. Stinney, Mr. Inge and Mr. Cartier if they had an opportunity to review the Acacia RFP.....Mr. Cartier interjected that he had an opportunity to review all of them as he was suppose to be on the sub-committee and there was a request made that the review process for the sub-committee to take place during normal business hours. As everyone knows, he works out of town during normal business hours so he was unable to participate in the sub-committee so he asked Mrs. Scull to sit in with him. Mr. Prickett asked Mr. Inge if he had an opportunity to review the.....Mrs. Scull interjected and asked didn't all of Council have them. Mr. Prickett stated we.....Mrs. Stinney interjected we all received a package. Mr. Prickett stated he is just asking to see if Mr. Inge was comfortable with it and if we have the packet,

Mr. Inge could review it before Council makes the vote.....Mrs. Stinney interjected that she has confidence in the sub-committee that was put together and she did read it and she appreciates the recommendation that has been brought forth. Mr. Inge stated it was his understanding that there was going to be a sub-committee that they were going to make the recommendations. Mrs. Stinney and Mrs. Scull both replied they did. Mrs. Scull continued that they made the recommendation that the Mayor check with them and they would approve all three companies because they allMrs. Stinney interjected it is resolution number and it is the recommendation under the committee and asked what the number will be. Mrs. Finlay advised the next available number will be 247. Mr. Clark asked the Mayor what the compensation is under the contract. Mayor Patriarca replied it will be a minimum of \$15,000 for the bond work and.....Mrs. Scull interjected that since it is only \$6 million, it should be okay. Mayor Patriarca continued that it is \$1.10 per thousand par value; minimum \$15,000. Mr. Clark assumed that is within the RFP submission they gave so if an award was given subject to the prices within their RFP submission, that would encompass that. Mayor Patriarca replied yes, the \$15,000 would be the maximum we would be paying in the project. If figuring the \$1.10 per thousand par value, we would actually be paying less.....Mrs. Scull interjected \$6,600. The Mayor agreed and stated they have the minimum price. Mr. Clark suggested as we have a draft resolution with blanks, the blanks will be filled with Acacia but the part where it states compensation, rather than stating compensation be paid to blank, he would suggest it be compensation.....Mr. Cartier interjected with not to exceed \$15,000. Mr. Clark continued and asked the Mayor if it is not to exceed or if there is a minimum. Mayor Patriarca responded that Acacia's proposal was a minimum of \$15,000 but that's based on the \$1.10 per thousand on par value but what we are seeking, the \$6.4 million, would be far under that \$15,000. Mr. Clark conveyed that they are basically billing some sort of hourly rate and if stated that they will bill in an hourly rate set forth in their RFP proposal in an amount not to exceed \$15,000 that would be an adequate way of saying it. Mayor Patriarca conveyed they are _____ a percentage of the bond that they are seeking. Mr. Prickett confirmed it is \$1.10 per thousand. Mr. Clark clarified that in either event, it will not exceed \$15,000. The Mayor added that to put in compensation not to exceed \$15,000 would meet their minimum price. Mr. Clark suggested Mrs. Finlay state compensation according to the terms and conditions of the RFP submission and state in an amount not to exceed \$15,000 and that would cover it because it has both of what their rate is in general and the not to exceed number and adding Acacia in the appropriate blanks gets a resolution that gets the job done.

Motion by Scull and Prickett to add Resolution No. 247-2009 to the agenda. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 247-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR FINANCIAL ADVISING CONSULTANT SERVICES WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED A REQUEST FOR STATEMENT OF QUALIFICATIONS AND PROPOSALS ("RFP") TO RETAIN THE SERVICES OF A FINANCIAL ADVISING CONSULTANT TO CONDUCT AN IN DEPTH ANALYSIS OF THE TOWNSHIP'S PERMANENT AND TEMPORARY DEBT AND TO ADVISE THE TOWNSHIP WHETHER TO ISSUE A BOND OR NOTE IN LIGHT OF POTENTIAL TAX IMPACTS; AND WHEREAS, ACACIA FINANCIAL GROUP IS A FINANCIAL CONSULTING FIRM WHICH HAS SUBMITTED A PROPOSAL TO PROVIDE FINANCIAL ADVISING AND CONSULTING SERVICES TO THE TOWNSHIP (THE "PROPOSAL") IN ACCORDANCE WITH A FAIR AND OPEN CONTRACTING PROCESS SUBJECT TO N.J.S.A. 19:44A-20.5 ET SEQ.; AND WHEREAS, THE TOWNSHIP FINDS TO BE QUALIFIED TO PROVIDE FINANCIAL ADVISING AND CONSULTING SERVICES TO THE TOWNSHIP; AND WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1 ET SEQ.) PERMITS THE AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES WITHOUT COMPETITIVE BIDS; WHEREAS, THE MAYOR HAS RECOMMENDED THAT THE TOWNSHIP COUNCIL RETAIN ACACIA FINANCIAL GROUP TO PROVIDE FINANCIAL ADVISING AND CONSULTING SERVICES PURSUANT TO THE TERMS OF THE PROPOSAL. 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 A CONTRACT FOR FINANCIAL ADVISING AND CONSULTING SERVICES BE AND HEREBY IS AWARDED TO ACACIA FINANCIAL GROUP, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND ACACIA FINANCIAL GROUP; AND BE IT FURTHER RESOLVED, THAT THE COMPENSATION OF ACACIA FINANCIAL GROUP SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS AS SUBMITTED IN THEIR RFP AND IN AN AMOUNT NOT TO EXCEED \$15,000.00; AND BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER GENERAL CAPITAL ORDINANCE FUND 4; AND BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. ACACIA FINANCIAL GROUP
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Mr. Cartier asked the Mayor where the funds are coming from for this. Mayor Patriarca responded it is paid through the bond and it is part of the total cost. Mr. Clark conveyed to be paid as part of the bond closing and that makes sense and is consistent with how a lot of times these things are done.

Motion by Prickett and Scull to adopt Resolution No. 247-2009. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

GENERAL PUBLIC COMMENTS:

Council President Stinney opened the meeting to general public comments. Those indicating a desire to be heard were: **Eric Houwen: 1.** Noted that it has to be tough in regard to the Chief's salary. Commented that he doesn't know if some of the percentages are really accurate because based on the taxes that people pay and perhaps the responsibilities that the Chief takes on versus the number of people there. His father used to say figures lie and liars figure. One could take one set of numbers and state this correlates and it seems to make sense but then one can take another set of numbers and they seem to correlate and they don't match. Council has a tough task to be able to decide what the Chief really deserves based on what he is doing here and how many hours he spends on the job. Mr. Houwen stated the Chief doesn't respond to emergencies and maybe some others do. It's something to think about. **2.** Considering what Mr. Ragan stated during his presentation regarding intent for some of the zoning changes that are proposed and while thinking about it and reading through the ordinances, Mr. Houwen suggested to Council to consider what Mr. Inge stated regarding doing what the residents want. Mr. Houwen remarked that they should match; the plan should match what the residents want. **3.** Curious that a tree ordinance is tabled but a massive zoning change still requiring changes is unanswered and has pending questions and concerns objections is not tabled. It does not make any sense. They are both similar in that the environment and ecology could be negatively impacted. Tree management by residents and by farmland destruction by a developer. Mr. Houwen noted the zoning change on North Pemberton Road is certainly very important yet it wasn't tabled. Mr. Houwen asked how wide is the permit need because he manages a farm and if they need to cut trees back to keep the farming area tillable, if he needs a permit. Mrs. Scull answered yes. Mr. Houwen clarified that he would need a permit to keep his farm land running the way it was suppose to. Mrs. Scull answered yes, that is the way she read it. Mr. Houwen agreed with Mr. Inge and stated that is a ridiculous ordinance. Mr. Houwen questioned that he needs a permit to keep farmers working; just to keep the land tillable and this is something they do all of the time anyway. It's part of their job description and questioned that he needs a permit for it. Mr. Cartier interjected and stated to let's be clear, right now you don't need a permit. Mrs. Stinney commented that Mr. Houwen did state the proposed ordinance. Mr. Houwen suggested Council consider when they are looking at the ordinance to make sure the language is more specific because talking about preserving trees and making sure there are trees but in the same vein talking about farmers and some other people who have another need to cut down trees or do management of trees for a different purpose that should really be spelled out in this. There being no additional members of the public indicating a desire to speak, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Dave Clark: 1. Thanked Council for their assistance tonight.

ENGINEER'S REPORT:

Chris Rehmann: 1. Commented on the approval for the final quantities for well #11 redevelopment. The contract amount would be reduced by \$5,858.00 and that would close out the project. Mr. Rehmann respectfully requested Council's approval of the change order that would reduce the contract in that amount. Mrs. Stinney expressed that she doesn't see how Council could have a problem with that. Mrs. Scull stated she does not have a problem with that. Mr. Cartier noted it is not on the agenda. Mr. Rehmann asked if there is a resolution at the next meeting if that would be appropriate. Mrs. Stinney confirmed. Mr. Inge suggested Mr. Rehmann might be able to answer his question as the Planner is no longer present. One of the residents had a question in that they own property that might be in the flight zone and his understanding is once the ordinance is approved, they have to go by what the rules are set in the new zoning ordinance even if they have individual lots, they might have to change that. Mr. Rehmann replied either that or seek a variance. If three acres are needed in a zone and one has three one acre lots, if they are contiguous they must be considered as one lot the way he understands the zoning ordinance. Mr. Inge added they could even be 80x100 lots if they were purchased some time back. Mr. Rehmann stated they would require a variance to be built upon and it would be difficult to show hardship other than the fact that there is no adjacent ground available but the reason being is it is a safety issue in the flight patterns of the air port that is being requested. There could be hardship on the individuals and that's why there should be a public hearing and people made aware of it. Mr. Inge asked once this is approved, how many days before it goes in to effect if they do decide to get their permits, how much time would they have. Once they receive their permits they are automatically grandfathered in. Mr. Rehmann stated now Mr. Inge is talking about a legal issue. Mr. Clark interjected that as the Clerk was stating, it would have to go to the Planning Board for consistency review, come back for second reading and then would have to be published in accordance of law and there is a Mayoral 20 day veto period after that it would become law. Mr. Clark noted December 16th would be the second reading and public hearing now and if it was passed on that date it would still be.....it goes in December to the Planning Board for consistency review, comes back to Council on the 16th and the Planning Board report comes to Council along with everything else. The 16th is when it would be acted upon and then it would still need to be published in accordance with law and there would be an effective period before it takes effect. Mr. Rehmann commented that he does not know if any of these changes are within the Pinelands Commission area and if they are it requires their concurrence before adopting the final plan and that may extend the time period. Introduce it after getting the report as the Solicitor stated from the Planning Board; introduce it and submit it to the Pinelands for their consideration. He is not going to guess as to how long it would take. Mr. Inge suggested getting it on the website showing the areas that could be affected and giving the residents some type of explanation on how important it is for them to look in to what they would like to do with their properties. It is a very short period of time. Mr. Prickett added that we have a GIS system on our website and asked if there is an overlay that civil solutions could put on the lots and block map of our GIS system so that residents could go there and see how this overlay affects their properties. Mayor Patriarca commented that we could take what Ragan Design provided tonight, the colored map and put that on an overlay and put it on the existing GIS system. Mr. Prickett asked if residents could see which lot was theirs so they would know definitely that this was affecting....Mayor Patriarca explained it would show that and it should be easily done. Mr. Rehmann replied that the map can be scanned, put on the parcel map and anything can be identified by block and lot to show the potential change if people are interested. Mr. Inge asked if we would also be able to put an advertisement in the Township's newspaper. Mrs. Stinney replied the Burlington County Times is present tonight. Mr. Inge stated for the Township to make sure that we place an ad notifying residents that they make sure to look at their properties and list the sections that might be in that flight zone. Because there are residents that don't look at the website but they might read the paper and six months from now they want to do something and find out that their

property is gone. Mr. Prickett asked if the residents are going to have to be notified and if the residents will be affected by the ordinances and if there is some type of notification required within 200 feet. Mr. Clark commented there is a notification process and certainly there is a normal notification process of any ordinance. Mr. Clark did not know for sure what the notification process was for a zoning change beyond that. Mr. Rehmann noted that being a licensed planner, his understanding is when you do it as a Township adjustment of the zoning ordinance as a whole, there is no requirement to individually notify people of changes. If doing a specific area where you are changing that would give you that individual notification. Mr. Inge noted that as a courtesy to the residents that might own properties in those parcels, they might not look at the website and they might be able to get that information in the newspapers. Mrs. Stinney suggested putting a flyer out in their area. Mr. Cartier stated it would be cheaper to do a mailer. Mrs. Stinney continued it would be more economical to make up a flyer. Mr. Clark informed there is going to be a newspaper notification but it will be the title of the ordinance and/or the full text of the ordinance and it's not going to be a special explanation. Mrs. Scull remarked that it's not that many homeowners and there might be some blank property there. The area is Julius town Road behind the old Acme, the trailer park and maybe her mother. There is not a lot of area there and she and the Mayor looked at the map and asked why they can't just move their line a little and it would have missed almost all of the residents. Mr. Rehmann noted the newspaper can be provided with a disk of the digital copy and they may be able to publish that. Mrs. Scull commented that would be good. Mr. Rehmann continued that because we have the tax assessor's data base attached to the GIS where the changes are, ARH can provide a list of the residents who are impacted if Council wants to do individual notices. Mrs. Stinney asked Council individual notices or newspaper. Council stated they would like individual notices.

MAYOR'S REPORT:

David Patriarca: 1. Understands now how so many were concerned when the decision was made early on in Administration to take down such a wonderful and well used structure, Imagination Kingdom, that stood for many years. The Mayor informed he understands that more now because of the pain he feels from the two weekends he worked there. A lot of hard work went in to that original project and we vowed to put it back and do it to a "WOW" expectation. After that last two weekends, he knows that will be achieved. The Mayor thanked the residents, the contractors who volunteered their services, the Township's professional staff such as a surveyor from our engineering firm who has been out there a half a dozen times restaking the same stakes that keep getting knocked over because of the process but fortunately he is a resident of the town and feels a passion to be involved along with the contribution the engineering services is providing the Township, he keeps coming back and we keep continuing on. It's close and we are currently working on the elevations for the stone so that we can start on the pour and play. Out in front there are large tarped pallets that is the rubber material that is starting to get stock piled on the site. The drainage project that was part of Imagination Kingdom that is being done by DPW has started. They will hopefully finish that within a week and will jump on the gazebo foundation before the pour and play starts because that will take approximately 18 days to cure properly by the time it is allowed to be used. Then the construction of the gazebo will start. The Mayor again thanked the residents. As an example on Saturday the momentum got so strong that he was working on a piece and one of the project managers from the company came over and whispered because he saw smoke signals coming from the Lion's trailer and asked that he hold up lunch because the project was moving so fast that he didn't want to lose that momentum. The Mayor advised that he called Mr. Cartier who gave them a little more time. It's a great project and the kids will love it. **2.** The Presidential Lakes project is complete and there are a few tweaks. They finished up the dry hydrant off of the end of New York so the fire company can fill at the bridge at the new dam but also at the end of New York where they used to fill and haven't been able to fill there for years. The upper portion of that

is filled and the water is flowing over the rocks that are in the spillway and that wouldn't have been the Mayor's choice if he had a choice with the budget at that time. The Mayor noted it is working fine and the DPW did a great job and we will probably start filling the lower section of that this week and hopefully by the end of the week Presidential Lakes will have water in the lake again. 3. The renovations at the Country Lakes Recreation building are basically completed on the interior. We are waiting on the tile order so the floor can be retiled. We are still going to put some additional lighting outside but for the most part we are ready to start renting that building and putting it back in use. 4. We had a construction meeting on Dominique Johnson and are starting the sheetrock and ceiling. They seem to be on target and are still looking to meet their November deadline. That building will probably be back in use early December at the latest. 5. The contractor came in with a sample on one of the signs and has started production on the 15 signs that he will produce for us. They will be installed at all of the entry points in the Township. We are looking at taking the existing signs and bring it in to a school project or some type of art project and get the signs repainted and maybe put them in our developments that we have in the Township with smaller signs underneath stating what the development is. 6. Has been in contact with the superintendent of schools who has informally spoken with some board members regarding a project that we are working on which involves our town clock. The Mayor informed that a town clock was purchased and it is a large grand clock purchased through the UEZ. The original idea was if the Browns Mills Shopping Center surprised us and did something there, we would entertain putting a town clock on that intersection. That doesn't seem to be happening as everyone knows. We are going to have to look at some different projects for that site and the clock program must go on. The Mayor has proposed to the school that we look at the corner of Broadway and Trenton Roads in front of the Little Red Schoolhouse as the home for our town clock. It is a good corner and even though it's not as traveled, it does get a considerable amount of use. The Mayor has looked at some other spots and contact has been made with Rite Aid who is researching their piece of property and they own that strip of grass in front of CVS at the corner of Broadway and Juliustown Roads. The Mayor noted they strategically bought that to prevent CVS from trying to build which didn't work and they didn't realize they still owned the property until he contacted them. If he can get the school district to get on board with this project and we can put this at the Little Red Schoolhouse where it would accent that building and take that fence down and one small tree which will have to be removed before the tree ordinance is passed. The Mayor advised that he is dead set against the tree ordinance. The Mayor continued that the spot on the corner would really look good with the school in the background and it will not be used as the current use forever and the school district will eventually abandon that building and some day the town might see a town museum there at that building and that would be a nice use. Mrs. Stinney commented that was talked about years ago. The Mayor will be going to the school board to make a presentation for the use of that corner and it would be something done through DPW as it is our project.

COUNCIL MEMBERS' COMMENTS:

Diane Stinney: 1. Thanked each Council member for doing everything that they have done to volunteer in making the playground a "WOW" playground. Mrs. Stinney commented that she was so full and so touched and at night when she comes home she has to keep her focus on driving because she is looking at the playground all the way down PBM Road. Mrs. Stinney humbly thanked each and every member of Council for coming out from the time started and continuing on. She is grateful for that. 2. Reminded Council of the special meeting tomorrow. The liaison for the school board is present and she reminded everyone that this weekend is the homecoming. Pemberton will be playing Woodrow Wilson and the homecoming parade will be held as well. Mrs. Stinney is truly looking forward to that and she expressed hope that it doesn't hinder the volunteers because she has to

be at the homecoming. The Mayor commented he will be there judging. Mrs. Stinney encouraged everyone to come out. **3.** Mrs. Stinney stated to Mark from the Burlington County Times that Dave McCarr gave an outstanding report in the Burlington County Times that she cried again. Mrs. Stinney noted that Mrs. Jenkins took photos and she asked Mr. McCarr if he couldn't find just one who told her that he is not finished with the story yet. Mrs. Stinney commented that she enjoys Mark's articles as well and that is our way of communication to our public.

Richard Prickett: 1. It was a magnificent effort to rebuild Imagination Kingdom. Mr. Prickett is part of the BMIA and was going through the archives which have cuttings and information regarding the building of the first Imagination Kingdom which was a spectacular effort in itself as the Mayor talked about. It's nice to bring the community together and everyone working together for the benefit of the entire community especially the kids. **2.** At the BMIA meeting two weekends ago, there was a cranberry harvest presentation and a number of other things that took place including a cranberry bake off. Mr. Prickett compared the great competition of the Imagination Kingdom to complete that project with the effort that many ladies made to contribute to the cranberry bake off with ten or twelve different dishes that were spectacular. The bake off was won by Edie Poinsett. Two very tasty things, Imagination Kingdom and the cranberry dishes. The cranberry harvest is over at this point and stated to enjoy your Thanksgiving.

Ken Cartier: 1. It was an eventful two weekends at Imagination Kingdom and the time he was asked at the very onset to do the cooking for the Lion's Club and he did commit to that. He also spent some time with the surveyor, Ron, who he had worked with at ARH at one point some years back and he reminded him what it was like to be a surveyor and it made him realize why he got out of surveying. It was fun to be out there. Mr. Cartier commended Mr. Inge in that every time he walked up Mr. Inge was there. Mr. Inge was there every single day the project was going on and out of all of Council, he put in the most time other than the Mayor. Mr. Cartier stated it was fun to be out there with the rest of the community and help out on the project and thanked everyone that came out and helped on the project. **2.** Mr. Cartier asked Mrs. Stinney for the time of the homecoming parade and game. Mrs. Stinney answered the parade is at 10:00 and the game is at 1:30.

Sherry Scull: 1. Noted that anyone that has watched that video of Imagination Kingdom sees her husband all through the video. Thanked the Township employees who volunteered, not getting paid overtime. There were quite a few employees who volunteered including her husband, Harry Scull, who enjoyed every minute of it. Mrs. Scull enjoyed herself as well and didn't want to leave. You feel like you're doing something worthwhile and thanks to the Jenkins who put in an awful lot of time there. Some folks definitely put in 12 hours a day for three or four days and worked really hard. It was a great community event and as Mrs. Jenkins stated, we have something our children deserve and can be very proud of. **2.** Had the privilege of doing a bus tour with our Environmental Commission on Saturday and that is why she wasn't at Imagination Kingdom for a lot of hours on Saturday. Mrs. Scull advised the Mayor it was a 3.5 hour tour and the lady from the State was shown many different parts of Pemberton Township and is hoping we will get something positive out of that. **3.** Thanked everyone for coming out and hoped they enjoy the weekend.

Tom Inge: 1. Thanked everyone for coming out. **2.** Thanked Mr. Vaz for his efforts in putting everything together for Imagination Kingdom, Phil Sager and Tom McNaughton from Public Works and the rest of the employees from Public Works for their hard efforts to make sure that if something was needed, they went it got it and there were not questions asked. Whatever you needed, if they could find it, they went and got it. Mr. Inge noted it was the same thing with residents, if something was needed, the residents would run home and pick it up and come back. The people that were working for the company that install playground sets,

the first day they came out they couldn't believe how many people were there. Mr. Inge informed them that it was Friday and to wait until the weekend. It seemed like everyday there were so many people coming out and many kids with their families coming to the fence watching everything. Mr. Inge was skeptical about spending that type of money on one site and he did vote yes on it but wanted to limit the amount of money because there are other projects and sites in the Township that need equipment but once the first piece was put together he was very glad that the entire Council and Administration went forward with the project. Mr. Inge thanked the Jenkins for having everyone at their property before everything started to try and get some kind of order of how to begin the project. The Jenkins put in a lot of time and everybody in the Township realizes that. One of the biggest things was it was a lot of fun. You hadn't seen people in quite a few years but saw them out there. You grow up here and lose touch with people because everyone is working all the time now but you had a chance to see people you hadn't seen in a long time. It was a lot of hard work but you also got to joke around; the food was really good and everyone that was on a diet went off their diet. You could tell by the lines and even the workers from the company stated the food was great. Mr. Inge commented on Dwayne's baked goods where everyone was trying to get there and get some before it was all gone. It was a great effort by the Township and the residents. His kids will enjoy it and he will too because he saw a lot of things he would like to play on. **3.** Hoped everyone has a safe trip home and has a nice Thanksgiving.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted:

Mary Ann Finlay, MMC
Township Clerk