

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING**

**MARCH 19, 2008**

**5:30 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.

Mrs. Stinney asked the assembly and the public to remain standing to observe a moment of silence for a student that was in a car accident yesterday.

**PRESENT**

Ken Cartier  
Tom Inge  
Sherry Scull  
Richard Prickett  
Diane Stinney

**ABSENT**

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Solicitor Andy Bayer, Engineer Chris Rehmann, Township Clerk Mary Ann Young

2. Chairwoman Stinney called the meeting to order at 5:30 PM.
3. Closed Session Res. No. 92-2008

**RESOLUTION NO. 92-2008**

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: WITH AFSCME & PBA, SCHOOL RESOURCE OFFICERS, ACQUISITION OF SYBRON'S WATER AND SEWAGE PLANT; MATTERS OF ATTORNEY/CLIENT PRIVILEGE: BROWNS MILLS SHOPPING CENTER
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Cartier to approve Resolution No. 92-2008. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION

Mrs. Stinney advised Council will be going in to Closed Session and will reconvene the meeting at 7:00 pm.

5. Formal action as necessary pursuant to closed session.  
There was no formal action necessary pursuant to this closed session discussion.

6. PUBLIC COMMENTS ON AGENDA ITEMS ONLY.

Mrs. Stinney opened the meeting to public comments on agenda items only. There being no members of the public wishing to comment, 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.**

**\*8. MINUTES FILED BY MUNICIPAL CLERK**

a. Special Meeting, February 23, 2008.

**\*9. CONSENT AGENDA RESOLUTIONS**

**RESOLUTION NO. 93-2008**

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

WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM PEMBERTON TOWNSHIP TO USE THE PROPERTY LOCATED NEXT TO THE MUNICIPAL BUILDING FOR ITS ANNUAL CARNIVAL IN 2008; AND

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

WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM BURLINGTON COUNTY TO USE THE AREA OF LAND BETWEEN BUTTOWOOD HOSPITAL AND THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR ITS ANNUAL PARISH CARNIVAL IN THE 2008 CALENDAR; AND

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

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

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

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

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

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

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

**RESOLUTION NO. 94-2008**

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1102 LOT 16, 236 AMHERST AVENUE, OWNED BY HUGH E & ROSA JACKSON JR. QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JANUARY 17, 2008; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR IS REQUESTING AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1102 LOT 16 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, TAXES HAVE BEEN OVERPAID ON BLOCK 1102 LOT 16 IN THE AMOUNT OF \$138.40 FOR THE 2008 FIRST QUARTER (PRO-RATED) , THE TAX COLLECTOR HAS REQUESTED THE AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$138.40 IN TAXES TO WELLS FARGO REAL ESTATE TAX SERVICE, MAC X2502-011, 1 HOME CAMPUS, DES MOINES, IA 50328, ATTN: REFUNDS; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO REFUND THE OVERPAID TAXES.

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

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$138.40 TO WELLS FARGO REAL ESTATE TAX SERVICE, MAC X2502-011, 1 HOME CAMPUS, DES MOINES, IA 50328, ATTN: REFUNDS; AND

2. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

**RESOLUTION NO. 95-2008**

RESOLUTION AUTHORIZING ADDENDUMS TO DATA SHARING AGREEMENT FOR GEOGRAPHIC INFORMATION SYSTEM DIGITAL FILES

WHEREAS, THE TOWNSHIP OF PEMBERTON ENTERED INTO A DATA SHARING AGREEMENT WITH BURLINGTON COUNTY AUTHORIZED BY PEMBERTON TOWNSHIP RESOLUTION NO. 253-2003; AND

WHEREAS, THE AFOREMENTIONED AGREEMENT REQUIRES ADDENDUMS FOR ADDITIONAL USERS ON BEHALF OF PEMBERTON TOWNSHIP; AND

WHEREAS, THE FOLLOWING PROFESSIONALS HAVE BEEN APPROVED TO ACT ON BEHALF OF PEMBERTON TOWNSHIP AND HAVE ACCESS TO THE GEOGRAPHICAL INFORMATION SYSTEM DIGITAL FILES:

1. BANISCH ASSOCIATES – ZONING BOARD PLANNER

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE AGREEMENT WITH THE COUNTY OF BURLINGTON.

**RESOLUTION 96-2008**

WHEREAS, THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY (UEZA) REQUIRES URBAN ENTERPRISE COMMUNITIES TO SUBMIT A BUDGET FOR THE UPCOMING FISCAL YEAR, JULY 1, 2008 THROUGH JUNE 30, 2009; AND

WHEREAS, THE UEZ COORDINATOR FOR THE TOWNSHIP OF PEMBERTON HAS PREPARED A PROPOSED BUDGET TO BE FILED WITH THE STATE OF NEW JERSEY UEZA; AND  
WHEREAS, THE TOWNSHIP OF PEMBERTON PROPOSES THE USE OF URBAN ENTERPRISE ZONE FUNDS FOR THE ADMINISTRATION OF THE ZONE AND TO FURTHER ECONOMIC DEVELOPMENT OVERALL.  
NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, DOES HEREBY AUTHORIZE THE SUBMISSION OF THE FY09 UEZ ADMINISTRATION BUDGET OF \$24,000 FOR THE PEMBERTON TOWNSHIP URBAN ENTERPRISE ZONE PROGRAM TO THE STATE OF NEW JERSEY, UEZA FOR APPROVAL.  
BE IT FURTHER RESOLVED, A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY.

**RESOLUTION NO. 97-2008**

**RESOLUTION TO CANCEL AND TRANSFER TAX PAYMENT**

WHEREAS, THE TOWNSHIP OF PEMBERTON TAX COLLECTORS OFFICE SEPARATED THE FOLLOWING PARCEL IN THE YEAR 2005; BLK 857 LOT 3, COMMONLY KNOWN AS 33 RIDGE RD, ASSESSED TO JASON GRATER TO SHOW AS BLK 857 LOTS 2 AND 3 AS THE ASSESSOR'S OFFICE WAS GOING TO DIVIDE INTO THE TWO LOTS; AND,  
WHEREAS, IT HAS BEEN DETERMINED THAT THE ASSESSOR'S OFFICE NEVER DIVIDED THE LOTS. HOWEVER, THE TAX OFFICE RECORDS SHOW THAT THE PROPERTY WAS DIVIDED INTO TWO PARCELS AND THE AMOUNT OF \$458.52 WAS PAID ON BLK 857 LOT 3 INADVERTENTLY.  
NOW THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY ON THIS 19TH DAY OF MARCH 2008 HEREBY AUTHORIZES THE TAX OFFICE TO CANCEL THE 2005 TAXES ON BLOCK 857 LOT 3 AND TRANSFER SAID PAYMENT IN THE AMOUNT OF \$458.52 TO BLOCK 857 LOT 2 AS A PARTIAL PAYMENT OF 2007 TAXES DUE.  
BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR AND THE CERTIFIED MUNICIPAL FINANCE OFFICER.

**RESOLUTION NO. 98-2008**

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION  
WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND  
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1092 LOT 6, 447 DARTMOUTH AVE. OWNED BY EFIRD SMITH QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF FEBRUARY 11, 2008; AND  
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND  
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 703 LOT 10 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2008 TO FEBRUARY 11, 2008 ARE \$357.11; AND  
WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 1092 LOT 6 IN THE AMOUNT OF \$783.18 FOR THE FIRST QUARTER OF 2008, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$426.07 TO EFIRD SMITH; AND  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF FEBRUARY 11, 2008 AND AUTHORIZE THE REFUND OF OVERPAID 2008 TAXES.  
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

3. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2008 PROPERTY TAXES ON BLOCK 1092 LOT 6 AS OF FEBRUARY 11, 2008, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
4. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$426.07 TO EFIRD SMITH, 447 DARTMOUTH AVE., PEMBERTON NJ 08068.
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

**RESOLUTION NO. 99-2008**

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION  
WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND  
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 703 LOT 10, 221 NEW JERSEY ROAD OWNED BY WILLIE J. & ALVERTIS R. CARR QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF MARCH 3, 2008; AND  
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND  
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 703 LOT 10 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2008 TO MARCH 3, 2008 ARE \$620.00; AND  
WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 703 LOT 10 IN THE AMOUNT OF \$1,799.95 FOR THE FIRST HALF OF 2008, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$1,179.95 TO WILLIE J. & ALVERTIS R. CARR; AND  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MARCH 3, 2008 AND AUTHORIZE THE REFUND OF OVERPAID 2008 TAXES.  
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

5. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2008 PROPERTY TAXES ON BLOCK 703 LOT 10 AS OF MARCH 3, 2008, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
6. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$1,179.95 TO WILLIE J. & ALVERTIS R. CARR, 221 NEW JERSEY RD., BROWNS MILLS, NJ 08015.
4. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

**RESOLUTION NO. 100-2008**

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:  
TYRONE A. JOHNSON, OVERPAYMENT OF PROPERTY TAXES, \$2,097.34, BLOCK 1106, LOT 5  
NATIONSTAR MORTGAGE LLC, DUPLICATE PAYMENT OF FIRST QUARTER TAX, \$668.36, BLOCK 642, LOT 3  
RICHARD SIMON, FIRST AND SECOND QUARTER 2008 SOLID WASTE PAID IN ERROR, \$108.00, BLK 894, LOT 25

**RESOLUTION NO. 101-2008**

**AWARD OF CONTRACT FOR THE PURCHASE OF POLICE UNIFORMS**

WHEREAS, BY RESOLUTION NO. 188-2007, PEMBERTON TOWNSHIP COUNCIL AWARDED A TWO YEAR CONTRACT TO OAKWOOD UNIFORMS FOR THE PURCHASE OF POLICE UNIFORMS BASED ON THEIR BID PROPOSAL FOR CONTRACT PT-5-2007; AND  
WHEREAS, RESOLUTION NO. 188-2007 AWARDED THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$31,341.00 WHEN IT SHOULD HAVE BEEN BASED ON THE UNIT PRICES IN OAKWOOD'S BID; AND

WHEREAS, THE TOWNSHIP'S CHIEF FINANCIAL OFFICER, AS REQUIRED BY N.J.A.C. 5:30-1, HAS CERTIFIED THAT THERE ARE SUFFICIENT FUNDS AVAILABLE IN ACCOUNT NO. 01-2007-0001-0240-2-03200 AND 03201 FOR THE PURPOSE OF AWARDING A TWO YEAR CONTRACT TO SAID ENTITY,  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THAT THE TOWNSHIP COUNCIL, FOR THE AFOREMENTIONED REASONS, HEREBY DECLARES THAT OAKWOOD UNIFORM & EQUIPMENT, INC., 148 WINDSOR AVENUE, WESTMONT, NEW JERSEY (08108) IS THE LOWEST QUALIFIED BIDDER FOR THE AFOREMENTIONED CONTRACT AND HEREBY AWARDS A TWO YEAR CONTRACT TO EXPIRE ON JULY 11, 2009, TO THE SAID ENTITY FOR THE AFORESAID PURPOSE FOR AN AMOUNT NOT TO EXCEED THE BUDGETED AMOUNTS IN THE 2007 AND 2008 BUDGET FOR PEMBERTON TOWNSHIP IN LINE NO. 01-2007-0001-0240-2-03200 AND 03201 FOR EACH YEAR OF THE TWO YEAR CONTRACT AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE BID PROPOSAL, THE NOTICE TO BIDDERS AND SPECIFICATIONS, COPIES OF WHICH ARE ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK AND AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS.
2. THAT THE TOWNSHIP COUNCIL HEREBY DIRECTS THE TOWNSHIP MAYOR AND CLERK EXECUTE ANY CONTRACT DOCUMENTS WHICH ARE NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION AND WHICH SHALL BE PREPARED BY OR REVIEWED BY THE OFFICE OF THE TOWNSHIP ATTORNEY.

#### **\*14. NEW BUSINESS**

- \*a.** Request from Police Department to expend funds in excess of \$2,000.00 for the purchase of two Dodge Durangos from 2007 Capital Budget, from State contract vendor Warnock Fleet & Leasing in the amount of \$54,959.65, and installation of equipment from State contract vendor Quality Communications, in the amount of \$2,420.84.
- \*b.** Request from Buildings & Grounds Department to expend funds in excess of \$2,000.00 for the purchase of ceiling tile and grid work for Room #10, from Sam & Paul Drywall, Inc., in the amount of \$7,226.00.
- \*c.** Request from Public Works Dept. to expend funds in excess of \$2,000.00 for the purchase of 700 recycling buckets from State contract vendor TM Fitzgerald & Associates, in the amount of \$6,860.00.
- \*d.** Request from Water Dept. to expend funds in excess of \$2,000.00 for the payment of annual maintenance fees for Water Dept. Utility Billing Program for Harris Computer, in the amount of \$3,032.00.
- \*e.** Applications submitted for memberships, licenses, permits:
  - \*1. Fire Company Memberships:** (Council confirmation/acknowledgement of new members):  
Country Lakes Fire Co.: Jr. Firefighter Bobby J. Beck,  
Browns Mills Fire Co.: Danielle Vecchione.
  - \*2. Loud Speaker Permit applications:** 1. Herbert Dorsey, Outdoor event at American Legion, 7AM-5PM, 5/18/08. 2. Karen Woods, Sweet Sixteen party at 443 Salvia Street, 6PM-10PM, 4/19/08.
  - \*3. Annual Used Car Dealership License Renewal Applications:**  
Hilltop Mobile Village  
Garden Homes Mgt. T/A Lakeshore Mobile Village  
Stanley Danley  
Herb's Used Cars  
Mull Auto Sales  
Verdon Skipper (Pineview Terrace)  
Surf & Turf Powersports

- \*15.** Approval by Council required for payment of vouchers on bill list dated **3/14/08**.

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

## **10. OTHER RESOLUTIONS**

91-2008 Authorizes introduction of 2008 Municipal Budget.

Mrs. Stinney thanked Administration for their many countless hours spent on preparing this year's Budget for Council. Mrs. Stinney thanked Council for their countless hours spent reviewing the Budget, being prepared for the Budget sessions and thoughts pondered regarding the difficult choices faced for possible cuts due to impossible situations caused by the Governor's cut in state aid. Mrs. Stinney emphasized what she relayed in her statement at reorganization, Council may not always agree on issues and that's okay. Mrs. Stinney continued that Council does give each other respect, and she thanked Council for that. Mr. Vaz stated that he attended a meeting last week comprised of Burlington County Municipal Administrators and Managers. Mr. Vaz advised the meeting was hosted by Gary Levenia from the Bridge Commission. Mr. Vaz noted that Mr. Levenia is very active in the shared services world trying to pull all of the towns together to save money with shared services. The focus of the meeting for Administrators and Managers is to get everyone together and have everyone explain what the sense of their towns is based on the state aid cuts. It is hoped to have these meetings quarterly. Mr. Levenia had just had a meeting prior for the towns of under 10,000 population which had the biggest hit for different reasons not just looking at the dollar signs. Mr. Vaz added that Mr. Levenia then had another meeting at the State for Shared Services Managers. Mr. Vaz conveyed the general census of his meeting was that because the situation is still very fluid at the State level and although the Township did receive the temporary state aid numbers, there is negotiations happening between Governor Corzine's office and the State Legislature. Mr. Vaz noted new information is received everyday; some of it is just scuttlebutt and some is from legitimate and reliable sources. Mr. Vaz informed that as of today, there is a very strong possibility that the state aid cuts may be phased in over two or three years. Mr. Vaz advised all of this is subject to change as negotiations continue on. Mr. Vaz noted that Ms. Eden attended a separate meeting at the Division of Local Government Services and the message conveyed is that there are still changes coming down the road. Mr. Vaz commented that Administration was expecting some more guidance on the cap and another local finance notice which both were not received as of 4:30 today. Mr. Vaz notified that at both meetings, there does not appear to be a rush to introduce Budgets amongst their colleagues and Council's colleagues in the other municipalities. The reason being, if the Budget is introduced tonight which Council is certainly free to do, if there is a change in the state aid, the Township is married to the Budget once it is introduced and will have to get permission from the State to change it. Mr. Vaz informed that a very likely scenario is that if they increase the state aid, it will come with conditions from DCA that the Township has to use it in a certain way that DCA tells us to. If Council holds up on the other hand of introducing the Budget and sees where this goes then there is more state aid that comes their way, and Council will have the flexibility of using it in the Budget and how and where in the Budget Council determines to do it. Mr. Vaz informed Council could be tying their hands by introducing the Budget tonight. Mr. Vaz advised he and Ms. Eden are recommending with the Mayor's approval and it has been run by the Municipal Accountant that the Council not introduce the Budget tonight and just wait and see where it's going at the State level. Mr. Vaz conveyed that Administration's ears are wide open and are always looking to see the newest local finance notices and the information that they are getting from the various sources. Mr. Vaz informed there are towns that are introducing Budgets

and in those towns even phasing in the state aid is not going to really help those municipalities in the big picture. Those towns that are facing large lay offs and large tax increases are going to face those whether the state aid is going to be reduced by one third, two thirds or all this year. They need to react and deal with their problems. Mr. Vaz conveyed the Township has problems, but its problems are not nearly as great as some of the other towns that they've been reading about in the newspaper at this point and time. Mrs. Scull asked if there was any idea at all when they are looking at this; is it a two week delay or a month delay. Mr. Vaz replied he does not know but does know that one consistent theme is he keeps hearing this phasing in of the state aid cuts. The notice received that shows the state aid numbers, is stating that it is temporary and it's going to be temporary until the State adopts the Budget. Mr. Vaz explained the Township could receive new numbers in two weeks or four weeks. Mr. Vaz informed Administration is not proposing that this be postponed indefinitely and working at least on the short term, the Budget not be introduced because information is changing that quickly. In the meantime, Administration was told they would receive another local finance notice, new guidance on the cap that deals in part with the gypsy moth program and have not received this information yet. Mr. Vaz informed the Division of Local Government Services is very busy these days. Mrs. Scull commented with that said and with the situation as currently budgeted as they have it, she doesn't feel it is really ready to be introduced anyhow. Some changes need to be made if Council is going to keep some of the things in there and she would like to motion to table introduction of the budget at this time. Mr. Prickett asked if that was until the first meeting in April.

Motion by Scull and Prickett to table Resolution No. 91-2008 until the April 2, 2008 meeting.

Mr. Cartier stated that he has always been in favor of meeting the deadline as far as introducing the Budget and the deadline imposed by the State is tomorrow, but hearing some comments from Mr. Vaz, this is going on throughout the State and the State is not proposing any penalties for the infraction of missing the deadline. Mr. Vaz informed that based on what he is hearing, it would be very unlikely to see anything of that sort within the next two weeks and probably longer than that. Mrs. Stinney asked how many municipalities were in attendance at that meeting. Mr. Vaz advised approximately 15. Mrs. Eden advised there were approximately 75 CFO's and Tax Collectors. Mr. Vaz noted Mrs. Eden's meeting was statewide wherein his was specific to Burlington County. Mayor Patriarca conveyed that he attended a meeting at the State which involved municipalities of populations of 10,000 and above and there were approximately 150-200 representatives of municipalities; Business Administrators and Mayors. The Mayor informed that he personally addressed to the Governor his concerns over the cuts in the Budgets and how that affects their ability to create a Budget that will meet the cap requirements and also expressed that he was not there to ask for the \$365,000 in aid that was cut from the Township but rather to ask for the ability to raise the revenue that the Township would need to sustain the services that they currently enjoy. That ability would be for the restrictions to be lifted that are imposed upon them such as Pinelands and farmland preservation and to allow them to develop certain areas of their town so that they can create that revenue. Mayor Patriarca advised he also expressed some concerns to the Commissioner, Joe Duria, along the same lines and there was not one representative that got up and spoke including himself that said they would be able to meet the requirements of the State without a substantial loss of services and employment status within their communities and were not able to put a Budget together within that time and make those decisions without some help. The Mayor commented that the Governor and Commissioner both assured everyone that they would be back at the table looking at the issues. Mayor Patriarca brought up the issue of gypsy moth spraying and how that affects them and it is inside of their cap and it hinders them in preparing the Budget and in trying to keep the services. This is one of the things that they are looking into and

possibly changing. The Mayor relayed that the things that they are waiting to come down from the State have yet to come down and as Mr. Cartier questioned and Mr. Vaz remarked, the Township still has an obligation of March 20<sup>th</sup> to introduce this Budget. There has been no revised date for introduction at this point. Mayor Patriarca noted that they are obligated to submit it and they are not saying not to follow the law in this respect but it's a very difficult thing to introduce this Budget in the condition it is in right now. Mrs. Stinney thanked the Mayor for attending the meeting and commented that it was on her agenda to attend. Mr. Prickett commented on Mr. Cartier's concern that they have an obligation and the Mayor's concern that they have an obligation to meet the deadline however, the biggest obligation is to the residents to make sure that there is a Budget that is as reasonable as possible. Mr. Prickett conveyed that the first four years he was on Council, the Budgets were not introduced at the appropriate times and there was one point the Budget was not introduced until July. Mr. Prickett reiterated Council's first priority is to the residents to ensure this Budget is as fair and as equitable to the residents. Mrs. Stinney commented that she had a conversation with Mr. Prickett and Council has never had such a state cut as this year when Mr. Prickett was a Council member. Mr. Cartier agreed with Mrs. Stinney that Council was elected to be fiscally responsible to the residents of the Township and also to uphold the laws of the State as imposed upon by the Governor and the legislature of the State. Mr. Cartier informed he is not opposed to tabling it at this time but wants to make sure after having that concern addressed that Council would not end up sitting in front of DCA. Mrs. Stinney expressed that these are extraordinary circumstances.

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

Mrs. Stinney thanked Council for their hard work.

## **11. ORDINANCES FOR INTRODUCTION**

- a. ORDINANCE NO. 7-2008 (title read by Mrs. Stinney)  
AN ORDINANCE CONFIRMING THE SALE OF REAL PROPERTY TO DANITOM DEVELOPMENT, INC.

Motion by Cartier and Scull to introduce Ordinance No. 7-2008. An ordinance confirming the sale of real property to Danitom Development, Inc., with a public hearing to be held April 2, 2008. Cartier, yes; Scull, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

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

- a. ORDINANCE NO. 1-2008 (title read by Mrs. Stinney)  
AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 190-35 "GRADING, TOPSOIL AND CLEAN FILL" OF THE CODE OF THE TOWNSHIP OF PEMBERTON CREATING ADDITIONAL STANDARDS FOR LOT GRADING AND DRAINAGE

Mrs. Stinney noted that the Planning Board has rendered its recommendation for this ordinance. Mr. Prickett stated the Planning Board has recommended that a definition be added to this ordinance; a definition of "disturbance" to address minor activities on a property which can be expected to have little or no adverse impact on drainage conditions in the area of construction. Mr. Prickett asked if this could be done without significantly changing this ordinance. Mr. Bayer responded that this couldn't be done tonight without having to re-introduce it and suggested adopting the ordinance as it and they could amend it at a later date if they so wished. Mr. Bayer added that typically Planning Board review on these

kinds of things are under the Land Use Law are limited to consistency with the Master Plan and certainly they can make any recommendations they like on an ordinance but in terms of their legal function, it's really consistency with the Master Plan. Mr. Prickett stated the other concern the Planning Board had was with the fees and if the Council decided to reduce those fees to some extent would this significantly change the ordinance. Mr. Bayer stated if Council is reducing the fee, it is not a substantial alteration because it was advertised at a higher and then going lower; if a fee were being increased then that would be a substantial change which would require Council to start over. Mr. Inge asked if Council had already approved all of the fees. Mr. Bayer replied yes, then it was introduced and this is the second reading and it was approved upon introduction.

Motion by Cartier and Prickett to adopt Ordinance No. 1-2008, an Ordinance amending and supplementing section 190-35 "grading, topsoil and clean fill" of the code of the Township of Pemberton creating additional standards for lot grading and drainage.

Mrs. Stinney opened the meeting to public comments on Ordinance No. 1-2008. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments. Mr. Inge asked if the information added by the Planning Board is going to be removed. Mr. Cartier stated the Planning Board cannot add it; it is their recommendation to add. Mr. Inge stated Council is disregarding the last sheet then. Mr. Cartier informed that is what Mr. Prickett had asked in that if the ordinance is changed now is it substantially changing the ordinance and the opinion of Mr. Bayer is that yes it would and Council would have to start all over again. Mr. Cartier continued that Mr. Bayer recommended adopting the ordinance as it is and then if necessary add it and do it again.

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

- b. ORDINANCE NO. 5-2008 (title read by Mrs. Stinney)  
**(PUBLIC HEARING WAS HELD ON 3/5/08 - DETERMINATION FOR FINAL ADOPTION IS NEEDED)**  
AN ORDINANCE TO AMEND THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AND SPECIFICALLY SUBCHAPTER 41-14, ENTITLED "OUTSIDE EMPLOYMENT OF POLICE OFFICERS"

Mr. Bayer informed that at the last Council meeting there was a representative from PSE&G present who had asked for some accommodations to the utility companies because of how they do business and how they didn't want their rate payers basically leaving money in Township escrow accounts. Mr. Bayer conveyed that since that meeting, the Business Administrator received a letter from PSE&G with some recommendations that his office is in the process of analyzing and suggests that Council carries this to the next meeting date so that he can provide a revised ordinance at that time which takes into account PSE&G's concerns and then see how Council feels about the changes based on PSE&G's advise. Mr. Bayer suggested at this point it be carried for at least one more meeting.

Motion by Prickett and Cartier to table Ordinance No. 5-2008 until the April 2, 2008 Council meeting. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

### 13. UNFINISHED BUSINESS

- a. ORDINANCE NO. 6-2008 (title read by Mrs. Stinney)  
AN ORDINANCE TO AMEND THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF



NEW JERSEY AND SPECIFICALLY SUBCHAPTER 41-5, ENTITLED "COMPOSITION OF POLICE DEPARTMENT" (*Council must determine which version of draft ordinance to use for introduction. One draft includes a Chief of Police, three Lieutenants, seven sergeants, and a number of non-ranked police offers not to exceed 48. The second draft includes a Chief of Police, one Captain, two Lieutenants, seven Sergeants, and a number of non-ranked police officers not to exceed 48).*)

Motion by Scull and Cartier to table Ordinance No. 6-2008 until the Budget is finalized.

Mr. Bayer asked is a motion is really needed since it was not introduced and it's just really a discussion item and then the Council as a whole can decide to move it to the next meeting or whatever. Mrs. Young commented Council needs to indicate what meeting to bring this back on. Mr. Prickett noted that this was done at the last meeting with that idea in mind and if Council moves forward with this ordinance to increase the number of police within the department, the ordinance reads will not exceed a certain number so Council could actually move forward and have this discussion tonight and not put this off until another time. Mr. Prickett reiterated this has to do with not exceeding the number and he thinks Council should have a discussion. Mr. Prickett commented that he has not heard from the Chief of Police to talk about the Captain's position, and the Chief has been in office for 4.5 to 5 months and the Chief needs time to settle in before Council entertains any idea of having a Captain's position. Mr. Prickett noted that if the Chief comes forward and requests that, it would be another matter. He relayed there are only three Lieutenants in the Police Department and he does not believe the Township needs a Captain's position in that context. Mr. Prickett advised that they do however, need the two Officers that Council has been discussing over the last couple of months and that is a position that he feels strongly about at this point and would be delighted to hear from other Council members as well. Mr. Cartier commented that he agrees and thinks that Council should carry this until there is a definite outcome with the Budget. Mrs. Scull stated that there were two Officers in last year's Budget. Mr. Prickett agreed. Mrs. Scull reflected that the ordinance came forward and the ordinance was defeated and Council had the opportunity at that time to review the ordinance and proceed with those two Officers. Mr. Prickett agreed that is correct. Mrs. Scull stated she is amazed that it is such a big deal now when working on the Budget and that is her concern. Mrs. Scull expressed belief there should be a Captain and it is a very defined roll; the military has it and when this was being discussed last spring many of the residents stood up and stated it was a good way to run the Police Department. Mrs. Scull noted that Pemberton Township has a large Police Department, not a small one and it is her belief that bringing this issue back up at Budget time was an effort to help their Police Department and it is a good thing. Mrs. Scull agreed with Mr. Prickett in that the new Chief has not said anything about that and her feeling on that is they could all be hit by a truck tomorrow and they need to look at the department and see what is best with the department and not for personalities and individuals. Mrs. Scull expressed disappointment because these two Officers were put in last year and they were never approved. Mr. Prickett questioned if it was because the ordinance wasn't in place. Mrs. Scull answered that's right. Mr. Prickett informed he was not aware of that; those two Officers were not hired because the ordinance was not in place. Mrs. Scull stated the ordinance was not in place and the ordinance was up to 57 and asked Mr. Vaz if she were correct. Mr. Vaz advised the total number in the existing ordinance is 57. Mrs. Scull asked if the ordinance that had been proposed would have raised it to 59. Mr. Vaz replied yes. Mayor Patriarca clarified there were 59 Officers in the department last year working outside of the ordinance and when two Officers left the department, they had no ability to hire the two Officers, there was funding in place but there was not an ordinance in place to reflect that compliment so the two Officers could not be hired. The Mayor explained that is when Administration

attempted to add two Officers to the department and their position was with a Captain's position and Council's position was not to entertain any Officers at that time whether it is with a Captain or just two Officers. Mayor Patriarca advised Administration tried to save those two Officers last year, and made the comment at the meeting that this will cost the department two Officers and the ordinance was shot down last year. Mr. Inge commented that now Council has a chance to re-introduce that ordinance and thinks that Council should re-introduce the ordinance. Mr. Prickett stated it would have to be added to the agenda first. Mr. Prickett advised there are two ordinances for consideration; one with the Captain's position and one without the Captain's position. Mr. Prickett responded to Mrs. Scull's comments in that he doesn't think anything that he said tonight has to do with any personality. Mr. Prickett reiterated there are two ordinances and the one that he would favor is the one that has the Chief, 3 Lieutenants, 7 Sergeants and a number of non-ranked Police Officers not to exceed 48. Mr. Prickett asked Mr. Inge if that was a motion he had made. Mr. Inge replied yes. Mr. Prickett informed he would second the motion to add Ordinance No. 6-2008 to the agenda with the description that he just supplied. Mr. Cartier stated it was pretty good how Mr. Inge threw his voice down the table.

Motion by Inge and Prickett to add Ordinance No. 6-2008 that specifies one Chief, 3 Lieutenants, 7 Sergeants and a number of non-ranked Police Officers not to exceed 48 to the agenda.

Mrs. Stinney stated for the record that is the version without the Captain's position. Mr. Inge replied yes.

Inge, yes; Prickett, yes; Scull: Commented that she wants to see the two Officers and is upset that it isn't done in the Budget and she would prefer not to do this until the Budget is settled, no; Cartier, no; Stinney, yes. Motion carried.

Mr. Inge advised that he also asked Administration if the Officers could be funded through the UEZ and doesn't see why Council has to wait; either they can do it or they can't do it. Mr. Prickett stated that information is still out. Mr. Inge reiterated he is still waiting. Mr. Vaz advised he wasn't aware noting they had talked about it at the meeting. Mayor Patriarca informed that they currently fund 2 Officers through the UEZ and this year they are looking to do it again. Mr. Vaz advised year two and it was discussed at the last Budget meeting. Mr. Inge noted it was also discussed if they can have 2; can they have 4 funded under the UEZ. Mr. Vaz answered that he had said yes, it would have to be something that gets requested through the State and approved as part of the Budget. Mr. Cartier informed that they don't currently have two Officers; it was approved tonight to go out to next year and they never applied for this year. Mr. Vaz clarified they applied for year two funding for the existing two Officers. Mayor Patriarca clarified that it was in this Budget. Mr. Vaz noted it was actually part of the Consent Agenda. Mr. Cartier noted that what was requested here tonight was for next year, fiscal year 2009. Mr. Vaz explained it is because of the difference in the fiscal year between the State and doesn't mean that they are losing two Officers and in the meantime it's just because they are on a different Budget year than the State is.

Motion by Prickett and Inge to introduce Ordinance No. 6-2008, that specifies one Chief, 3 Lieutenants, 7 Sergeants and a number of non-ranked Police Officers not to exceed 48.

Mr. Cartier expressed it is a necessity to add two Police Officers to the Township and bring the total up to 59 and he believes that they need a Captain's position. Mr. Cartier reflected that the Captain's position adds a natural progression in the chain of command for the Police force of this Township. Mr. Cartier relayed that it does not leave the future Chief of Police up for negotiation or up for an

appointment by a political elected position in this Township. It gives them the opportunity to train their future Chief of Police and it is not hand picked by the Chief of Police or the Mayor, it's tested just like every Police position in the Township. Mr. Cartier advised that currently their second in command in the Police Department is not tested and it is the only position in the Police Department that is not tested. Mr. Cartier asked what is the scare in testing for the second in command in the Township noting he does not understand it. Mr. Cartier expressed support for adding two Police Officers to their current ranks but thinks Council is doing an injustice to the Township by not adding a Captain's position. Mr. Inge asked if that was what just happened about 4 or 5 months ago. Mr. Cartier asked Mr. Inge what he meant. Mr. Inge asked if Administration selected a Chief of Police. Mr. Cartier suggested adding the Captain and Administration wouldn't have that ability; the Captain would be the Chief of Police. Mr. Inge stated Administration did that. Mrs. Scull noted that is what a Captain would prevent from happening. Mr. Vaz conveyed that he is talking about in the absence of the Chief. Mr. Cartier agreed noting he is right, in the absence of the Chief the second in command is the Captain. Mr. Prickett stated that currently the Chief appoints the second in command. Mr. Cartier pointed out that currently the Chief hand picks the second in command. Mr. Inge expressed that the Chief has a right to do that. Mr. Vaz relayed that he assigns somebody to be the Commanding Officer in his absence. Mrs. Stinney thanked Council for their comments, noting that she certainly does agree that the support of the 2 Police Officers is needed; however, she would ask Council if they could hold off until they get more clarification in the Budget. Mr. Prickett stated the ordinance reflects a number of non-ranked Police Officers not to exceed 48 and if Council does not fund the extra 2, they are not obligated to have 59 Officers. He expressed that this is a document that would accommodate the extra 2 Police Officers if they chose to put them in the Budget which they have at this point but as it was referred to at the last Budget meeting, the Mayor indicated that he would not hire those 2 Officers unless they had money for social security and pension, which is approximately \$25,000 for each. Mrs. Stinney commented to Mr. Prickett that Council is not obligated to fund the Captain's position either. Mr. Prickett acknowledged that is true. Mr. Inge recalled that at one of the last Budget hearings it was said that the Police Officers don't go through Sunbury Village enough and two days later it's in the newspaper showing where there was a raid in Sunbury Village and two weeks later there was another raid in Sunbury Village. Mr. Inge stated if the County is going to be releasing people after they were busted twice and the bail is \$15,000 the second time in two weeks and some people are let out without any bail, what is the Chief of Police supposed to do. Mrs. Scull asked how that is part of this discussion. Mr. Inge expressed it is a big part of it; it wasn't his statement that the Police Officers don't go to Sunbury Village. Mrs. Scull acknowledged that was her statement and he is taking it out of context. Mr. Inge conveyed he does think the Police are doing their job, the Chief is doing his job and they should give him the tools that he needs. Mrs. Scull advised that was not stated either that they were not doing their job or the Chief wasn't doing his job. Mr. Cartier asked Mrs. Stinney for clarification on her comment about waiting. Mrs. Scull reiterated that is what she has been suggesting. Mr. Cartier asked Mrs. Stinney exactly what she is looking for. Mrs. Stinney replied that she is looking for Council to hold off until they find out what is going to be in the Budget. Mrs. Stinney added that Council accepted the Budget with 2 Police Officers in it and that is the Budget and is exactly what was budgeted for. Mr. Cartier agreed. Mrs. Stinney continued that she is asking that since Council is going to hold off until April 2<sup>nd</sup> for introducing, that Council could do the same for the ordinance. Mrs. Scull noted that in order to do that Council could just table introducing it. Mr. Bayer conveyed that if there is any inclination, a motion to table would trump a motion to introduce. Mr. Cartier stated he would make that motion. Mrs. Scull added she would second it.

Motion by Cartier and Scull to table the introduction of Ordinance No. 6-2008 that specifies one Chief, 3 Lieutenants, 7 Sergeants and a number of

non-ranked Police Officers not to exceed 48 until after the Budget is determined. Cartier, yes; Scull yes; Inge, no; Prickett, no; Stinney, yes. Motion carried.

### **GENERAL PUBLIC COMMENTS:**

Mrs. Stinney opened the meeting to the public for general comments, those commenting were: **Susan Jakob, Presidential Lakes: 1.** Advised that her question concerns the lack of “lake” in Presidential Lakes noting that it will be four years this August. She expressed that currently Imagination Kingdom is taking center stage and she thinks Presidential Lakes comes first. Ms. Jakob asked the Council where they stand. Mr. Prickett informed that Council received an engineer’s report from Alaimo which has a chronology and as of right now this project should be completed according to the chronology, in December, 2008. Mr. Prickett read a portion of the chronology, “March 5, 2008, Alaimo Group made resubmission to Pinelands Commission for final approval; March 2008, Receipt of all permits; April 2008, Project to be publicly bid (one month); May 2008, Township to award project. Contracts to be endorsed (ten days); May – December 2008, Project construction (eight months). Ms. Jakob asked if all permits have been approved. Mr. Cartier informed this is a projection; they are projecting to receive the permits by the end of this month. Mrs. Stinney noted the Alaimo Group had a representative attend an Association’s meeting. Ms. Jakob explained she was not able to attend that meeting as she was away. Mrs. Stinney provided a copy of Alaimo’s report to Ms. Jakob. **Roseann Monroe: 1.** Informed that behind Bayberry, behind Hanover and East Lakeshore, the road out to Range Road has a lot of new houses from Rugby over to Bayberry without street signs. She advised that a little boy was recently killed and from what she read in the paper it was because of a lack of a sign. Ms. Monroe expressed that signs have to be put up. Ms. Monroe added that maybe that little boy might not have died. Mr. Vaz advised as a result of yesterday’s tragedy, he has received at least a half dozen emails today requesting various signs through various areas of the town. Mr. Vaz noted Administration has been involved in a project to do just that that pre-dates yesterday’s tragedy. It goes back quite a while and unfortunately there are areas in town that do not have traffic control at various intersections. Mr. Vaz expressed it is something that he has found bizarre while driving through town since he has been here in May. Mr. Vaz reported that the Public Works Supervisor will be providing a list to him by tomorrow. Mr. Vaz informed he will be asking Council to introduce an ordinance on April 2<sup>nd</sup> to do that and unfortunately it has to be done by ordinance and they cannot install signs at intersections without the ordinance. Mr. Vaz reiterated that Administration has been working on this project. Mr. Prickett asked if the ordinance is for an intersection. Mr. Vaz replied he is not sure what the format will be as he is going to get the list of roads, forward it to Council and Mr. Bayer to start putting it together and it would depend on how the ordinance is set up now. Mr. Prickett advised there are no parking ordinances and the Council had to designate the no parking areas under that ordinance and he always thought that for stop signs there was a certain procedure to go through, a procedure through the Police Department and the County. Mr. Bayer advised that some of it would also go up to the DOT. Mr. Bayer spoke of a town in Mercer County that put up stop signs without the appropriate approvals and when summons were issued for going through the stop signs, they were all dismissed in Court because the stop signs were not legally approved. Mr. Vaz noted that two of their engineers are out on vacation so he was unable to get an answer but the point is, Administration has been involved in this project and will get something to Council by the next meeting. Mrs. Scull commented that there could be hundreds of stop signs needed for the town. Mr. Vaz agreed with Mrs. Scull. Mrs. Scull relayed that there are a lot of streets out there that don’t have stop signs and Council needs to make sure they are all addressed because then they’ll end up with a situation where everybody else had one but this particular street did not. Mr. Vaz advised this has been done by sections of town and they have actually been trying

to hit various parts of town and keeping track of it that way and even though he has gotten several emails today he has also gotten them over the course of time since the summer when the website comment form went up. Mr. Vaz informed that those emails have been added to the list that Mr. McNaughton has been keeping. Mrs. Scull noted that for the public, she is not opposed to putting stop signs up but rather there are a lot of streets that do not have stop signs. Mr. Prickett asked Mrs. Scull if she was saying if there had been a stop sign.....Mrs. Scull interjected the stop signs have never been there. Mr. Vaz added they probably weren't part of the subdivision approval. There being no additional members of the public wishing to comment, Mrs. Stinney closed public comments.

**SOLICITOR'S REPORT:**

Mr. Bayer advised he has nothing to report to the public sector tonight.

**ENGINEER'S REPORT:**

No report.

**MAYOR'S REPORT:**

**Mayor David Patriarca:** 1. Advised that the Business Administrator will have comments on a project. 2. Reminded Council that Council tabled the introduction of the Budget this evening and hopefully it will be introduced on April 2<sup>nd</sup>. He brought to their attention that currently included in the Budget is participation in the gypsy moth spraying and there are certain timelines that are involved in that project that Council has to keep in mind. He advised that notifications in the newspaper and by mail to the residents and signing of a contract authorizing payment to the vendor are required. Mayor Patriarca reiterated he wanted Council to be aware of this so that by the next meeting they are prepared for this because if Council does not introduce the Budget on the next meeting and there is no action taken to authorize the advertising and spraying of the gypsy moth, Council will essentially eliminate the spraying of gypsy moth by default because they won't authorize the funding and will exceed the timeline necessary to be involved in the program. Mr. Prickett stated it was discussed earlier and Mr. Vaz had mentioned that they might be re-evaluating the gypsy moth program. Mr. Vaz informed he was referring to whether it was inside or outside of the cap but he is also aware that on the local legislatures together with some other legislatures and Mrs. Stinney.....Mrs. Stinney interjected and stated she has been in contact with Senator Phil Haines and as of yesterday he was in Trenton lobbying for those towns who are weighing the option of spraying. Mr. Haines was to get back in touch with Mrs. Stinney but there is a letter for all of the municipalities in this area that he is going to sign off on, as well as Dawn Addiego and hopefully they will get some funding. Mrs. Stinney reported that Mr. Haines informed there was \$17 million in federal funding and she spoke with Mr. Vaz regarding this and they are not sure if it's the funding that they already get the 25% from so she is just waiting for Mr. Haines to get back to her. Mr. Prickett asked if the funding might be coming forward on a second spray. Mrs. Stinney commented that she can't go on anything. Mr. Prickett asked if they are still talking about BTK or using something stronger than that. Mayor Patriarca advised BTK is the only approved aerial spray at this time and to his knowledge there has not been any additional talk of going to the dimlin which would have been the option that was pursued for several years now. The program would consist of one spray application of BTK and the current price is \$243,000. Mr. Prickett stated the discussion last Thursday was that if they decided and somehow received a second spraying that they might not have the time to advertise and do all of the background work and also might not have enough pilots for airplanes to do that spray. Mayor Patriarca advised that one of the concerns for the second spray was going through the RFP process and they would contract themselves. The Mayor reiterated that there is not enough time to go through the RFP process and spray in the effective timeframe when the caterpillars are in their vulnerable state during the feeding phase. Mr. Prickett noted that he contacted Mr. Vaz in respect to Mrs. Scull's proposal last Thursday which was if

the township could compensate or give a stipend or whatever term is appropriate to use perhaps in lieu of spraying, to use that money to help residents contract with a local person to spray their trees maybe in groups and blocks. Mr. Prickett commented that he doesn't know if a sprayer would come back for one home but perhaps residents could get together and possibly be provided with a stipend of maybe \$450 to help with that endeavor. Mrs. Scull stated that Oak Pines did that a few years ago. Mayor Patriarca asked if the residents got together and sprayed on their own noting that he doesn't know if the amount that the Township would be refunding....Mr. Prickett interjected that there would have to be a limit. The Mayor continued that there is only \$243,000 in the Budget and then it becomes a question as to there are certain areas and the funding is coming from all of the residents, the general Budget, but the spray zones are only for limited areas and questioned if they would be refunding to just the designated spray areas. Mayor Patriarca added that if refunding to all of the residents, there would be refunds given to individuals that wouldn't have been in the treatment area to begin with. Mr. Prickett agreed that is a good point and the DEP puts out a map and if they were able to move forward with that plan, he would imagine that money would be used to help the residents within the plan the DEP has put together. Mr. Prickett also asked the Mayor if he had received the DEP map. Mayor Patriarca replied yes. Mr. Bayer commented that he is not sure without researching it, but his gut says that there would have to be created ahead of time a program and however it is decided to administer it, everyone has equal opportunity for the money however it would work, first come first serve or specific areas. Mr. Bayer reiterated that would have to be created ahead of time and make sure it is administered in a fair and even way and that is his general legal thought without any research. Mr. Vaz conveyed that Administration spent a considerable amount of time trying to come up with different scenarios but for the last few days if they just use the one number that is in the Budget now, \$243,000, and just using the number of households that might be eligible, and a lot of it is just guess-estimating, Administration came up with it being a benefit to that particular household of between \$50 and \$70. The \$243,000 is not going to go very far with the number of people in the spray zones. Mr. Vaz reported that Administration is using numbers from the Tax Assessor's office and eyeballing the spray zones and even went so far as to look at how that would increase the mailing costs and the administrative time of putting together forms and monitoring and creating. Mr. Vaz conveyed that at the end of the discussion, Administration stated it would be better to take \$243,000 out of the Budget and say they saved the tax payers x number of dollars on their individual property taxes. Mr. Vaz stated it's different than sending somebody a check because they all like to get those rebate checks in the mail but no different than the state homestead rebate, if the State would just lower their taxes, they wouldn't need the rebate check. Mr. Prickett expressed concern that the bottom line is trees are going to die on residents' property and it would be very expensive for them to have these trees removed; it would be thousands of dollars. Mr. Vaz conveyed that Mr. Cartier informed him that an 80x100 lot is \$300 to have it sprayed. Mr. Prickett expressed that seems to be pretty reasonable. Mrs. Stinney commented that Mr. Phil Haines is also lobbying to the Governor a State of Emergency for the gypsy moth as well and doesn't know how this is going to go through. Mr. Prickett expressed it is nice to discuss the ideas because they don't know what the outcome is going to be or what Phil Haines is going to come up with. Mrs. Stinney added there are so many towns that are in the same situation and actually she called Westampton, one of the smaller towns, and spoke with Mr. Vaz regarding Westampton as well. Mrs. Stinney stated she wanted to know how many towns were opting to go in with the gypsy moth or go out of the gypsy moth and there is going to be a town meeting with Westampton Council and they will be meeting with Willingboro, Mount Laurel, Eastampton, Mount Holly and Springfield. Mr. Prickett asked if that was a public meeting. Mrs. Stinney commented she is sure it would be. Mr. Prickett asked for the date. Mrs. Stinney replied she does not have it and will have to contact the two Council members from Westampton as they are working on it with their gypsy moth and when she finds out.....Mrs. Scull

interjected that she doesn't get credit for the idea because it came from a veteran at the Budget meeting. Mayor Patriarca reminded Council to keep in mind that there are timelines that have to be followed and refunds can be looked at later on down the line if the money is left in the Budget and the program is not done, Council could then turn around and say something has to be done with the money. The Mayor reiterated there are timelines built into this program and if they are going to participate and he is not saying they should participate because he still believes as he stated in the Budget meeting that this program is not an effective program for what they are spending. He noted that \$243,000 for a program that is probably at its best case scenario, 15% effective; 60% effective if a double application of BTK is done under its best conditions and they are only doing a single application so that would be 30% if everything fell perfectly such as the wind, the feeding habits, etc.,. Mr. Prickett stated that's true everywhere. Mayor Patriarca stated it is a real chancy roll at the dice to spend \$243,000. **3.** Reported that some Council may have received complaints on a situation at Clematis Street regarding a drainage issue. He explained this was dealt with before in the past and to update Council, the engineer has been out there today looking at this situation along with a survey crew and they have advised they will be providing Administration a report in approximately 10 days on the situation. **4.** Reported that Mr. Berardi has signed a contract with an environmental company, Environmental Resolution, and they have signed on to remediate the contaminated site. He advised he spoke with Mr. Scangerelli, one of Mr. Berardi's professionals, and he informed that Environmental Resolution has informed them if they got started right away, they could be in there by next week and take care of this problem in a matter of weeks. The Mayor commented that it is good news and he'll believe it when he sees it. He has heard enough good news on this project not to believe it all.

#### **ADMINISTRATOR'S REPORT:**

**Mr. Chris Vaz:** **1.** Wanted to remind everyone that the next Master Plan Public Workshop meeting is March 24<sup>th</sup> at 7:00 pm at the Dominique Johnson building. He advised that they have been fairly well attended and hopefully there will be another great turn out on this. **2.** Informed they had their third project meeting last night on Imagination Kingdom. He advised they are starting to see different faces which is good. He noted that pretty much at this point they are broken down into sub-committees and within the next 7 to 10 days will start to see information on the public access channel, posters, a new website specifically for Imagination Kingdom designed for children to sit with their parents to get information and so on. He reported that the Lion's Club has been, among other people and groups, very supportive and in particular now they have applied for a grant through General Mills, Hamburger Helper that if one goes to the website from our homepage, there is a direct link to this. All one has to do is spend a few minutes to add a comment and they are up to 139 comments that the Lion's Club has been able to drum up. It appears from the website that the more public comments, the more encouragement there is to General Mills to give them the \$10,000 that was requested. Mr. Vaz advised he has read some of the other projects that were funded that had substantially less than 139 people. Mr. Vaz noted that when 139 people spend the time to go on the website, that is a good sign for Pemberton Township. Mr. Vaz asked anyone that has not gone to the website, to please take the extra few minutes to do this. He acknowledged that \$10,000 doesn't sound like a lot of money against a project that might cost \$400,000 or more, but every amount is going to count and frankly \$10,000 is not a small amount of change by any standard. Mrs. Stinney thanked Mr. Vaz and advised she saw something on TV regarding a playground for the youth that also had an area where senior citizens were able to do outside play as well and asked Mr. Vaz if he were aware of anything like that. Mr. Vaz informed he has seen it at assisted living facilities. Mayor Patriarca advised he saw the same program and it looked like seniors on a playground playing with different things. Mr. Prickett asked if the Mayor and Mrs. Stinney were going to put together a design. The Mayor answered they probably could. **3.** Reminded Council that Council and Administration need to return to



Executive Session to go over things that were left off from before. Mr. Prickett questioned the Country Lakes dam and asked where they are at this point. Mr. Vaz advised Council authorized the H&H study and they have started that project. Mr. Cartier asked when the next Browns Mills Redevelopment meeting is. Mr. Vaz replied off the top of his head, it's April 8<sup>th</sup> but didn't want anybody to write that down because it was just provided to him a couple of days ago. Mr. Vaz commented that they are usually at 3:00 but he is not sure. Mr. Cartier expressed concern that the meetings are always at 3:00 and there are the same people at every meeting. Mr. Vaz informed he is aware of this and it has been discussed at the meetings getting everybody's input and Ragan Design Associates in choosing that time is really being guided by the people that are attending the meetings. Mr. Cartier stated he would like to see a different time because he would like the ability to attend some of the meetings. Mr. Vaz informed they could probably add a Saturday or a night meeting.

### **COUNCIL MEMBER COMMENTS:**

**Richard Prickett: 1.** Hoped that Mrs. Stinney did not take offense to his earlier comment regarding putting together the senior playground. Mrs. Stinney replied no, not at all. Mr. Prickett commented that Mrs. Stinney is still beautiful.

**Sherry Scull: 1.** Thanked everyone for coming out. She emphasized that they must keep the pressure on Senator Haines and assembly persons regarding the state of the State and tell them we need to seriously look at different ways to cut the property tax. **2.** Announced there is a Senior Prom for senior citizens on April 16<sup>th</sup> at St. Ann's Church from 3:00 – 7:00. she noted the prom is being sponsored by the Pemberton Township Education Association from a grant through NJEA and in conjunction with the students from the district; there are future business leaders of America, the future teachers of America also working with us. The children are going to serve the senior citizens and there will be a jazz band. Tickets are only \$5.00 a piece and it should be a terrific evening. Mrs. Scull hopes the Mayor shows up to do at least a couple of dances with the seniors. Mrs. Scull commented that the seniors were telling her today that they need some dance partners and she volunteered the Council. The seniors are going to the high school to make their centerpieces with the students of the horticulture class. The bakery is having a lesson on the fancy desserts that the students will be making for the senior citizens so it is an inter-generational event that has created a lot of excitement in the school system as well as the senior center. Mrs. Scull noted there are two choices, roast beef and chicken. Mrs. Scull asked the fire department to show up in their uniform and the senior citizens will love it. Mrs. Scull added they are looking forward to a great event; they had 140 shows up to the Valentine luncheon and Christmas luncheon and putting out 150 to 200 tickets for the Senior Prom and are looking forward to it being a very nice event for the Township. **3.** Stated she would like a walking path around Imagination Kingdom for those that like to walk. **4.** Thanked everyone for coming out.

**Tom Inge: 1.** Advised that the only comment he has is that he would like to see the residents put a little pressure on the County as far as when the Police Department locks criminals up, the County shouldn't be letting the criminals out with these little fines. Mr. Inge stated it's the same thing with the Township Judge; if one is going to be locked up and then 2 weeks later get locked up again for the same thing, they'll get a \$15,000 fine and they can make that money in a couple of days because it doesn't take long for them to get out of jail. They should make their fines a lot stiffer. If it were in other townships, the fines would be a lot stiffer but since its Pemberton Township, they just put them back on the street.

**Ken Cartier: 1.** Advised it's nice to see everybody and wished them to have a safe trip home.



**Diane Stinney:** 1. Thanked the Mayor for lobbying at Trenton whenever he possibly can. 2. Announced to Council that the sub-committee, Mr. Inge, the Mayor and herself, for the school board are meeting at 2:00 and asked Council if they had any questions for the sub-committee to propose to Dr. Gorham to please email them to the sub-committee and they will try to address as many as they can. Mrs. Stinney noted general questions, shared services and things like that. Mrs. Stinney noted the \$10,000 for a computer system and was going to ask the Board of Education to pay their fair share as Mrs. Scull had noted the schools would probably be using it the in school system. 3. Thanked everyone for coming out this evening and thanked everyone for their comments and wished everyone a good night.

Mrs. Stinney announced that Council will be returning to Closed Session to continue discussions from earlier this evening.

Council went into closed session at approximately 8:36 p.m. and Mrs. Stinney reconvened the open meeting at 9:32 pm.

The meeting was adjourned at 9:33 pm.

Respectfully submitted by:

Mary Ann Young, CMC  
Township Clerk