

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

MARCH 5, 2008

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.

Mrs. Stinney asked the public to continue standing to observe a moment of silence for an Upper Chi Chester Volunteer Fireman, Nick Cozie, who passed away this afternoon.

PRESENT

Ken Cartier
Tom Inge
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Solicitor Andy Bayer and Tim Cunningham, Township Clerk Mary Ann Young and A Representative from ARH

2. Council President Stinney called the meeting to order at 6:30 p.m.
3. Closed Session Res. No. 80 -2008

Mrs. Stinney advised that Closed Session Resolution No. 80-2008 authorizes Council to go in to Closed Session.

RESOLUTION NO. 80-2008

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 HEREAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
CONTRACT NEGOTIATIONS: WITH AFSCME & PBA, SCHOOL RESOURCE OFFICERS, AND PROPOSED INTER LOCAL SERVICES AGREEMENT WITH SOUTHAMPTON REGARDING LAW ENFORCEMENT.
LITIGATION: WOODARDS VS. PEMBERTON TOWNSHIP.
PENDING AND/OR ANTICIPATED LITIGATION REGARDING BROWNS MILLS SHOPPING CENTER.
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Cartier and Scull to approve Resolution No. 80-2008.

Mr. Prickett asked what is going to take place during Closed Session. Mrs. Stinney announced that the closed session topics will be contract negotiations with AFSCME and PBA, school resource officers, proposed inter local services agreement with Southampton regarding law enforcement, litigation Woodards vs. Pemberton Township. Mr. Prickett asked if Council could also have a discussion on potential litigation with the Browns Mills Shopping Center. Mr. Cartier asked if shared services with Tabernacle could also be added. Mrs. Stinney asked Mr. Bayer if there were anything else he would like to add to closed session topics. Mr. Bayer replied he did not have anything to add but she could certainly take into consideration what Mr. Prickett and Mr. Cartier have asked for.

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

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

Mr. Prickett asked if the Chief of Police could be present for the Southampton Police discussion in Closed Session. Mayor Patriarca informed they will not be going into anything that will involve the Chief at this point. Mrs. Stinney convened the meeting at 6:35 p.m. to go into Closed Session and reconvened the open session at 7:00 p.m.

5. Formal action as necessary pursuant to closed session.

Mrs. Stinney advised there will be no formal action necessary at this time, pursuant to the Closed Session held, and announced that Council will return to Closed Session at the end of this meeting.

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.**

***9. MINUTES FILED BY MUNICIPAL CLERK**

- a. Regular meeting, February 20, 2008.

***10. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 81-2008

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:
CBD RE INVESTMENT LLC, \$2,870.67, PROPERTY TAX PAID BY INCORRECT OWNER, BLOCK 761, LOT 5
JOAN G. CORBIN, \$1,752.48, DUPLICATE PAYMENT OF CURRENT 4TH QUARTER 2007 TAXES, ASSESSOR GRANTED SENIOR CITIZEN DEDUCTION FOR 2007, ASSESSOR GRANTED WIDOW OF VETERAN DEDUCTION FOR 2007, BLOCK 842, LOT 18
GEORGE AND JOAN REGN, \$155.44, REFUND OF WATER DEPARTMENT OVERPAYMENT, BLOCK 405, LOT 4
NORMAN FOULKS, SR, \$3.00, OVERPAYMENT OF DOG LICENSE

RESOLUTION NO. 82- 2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON COUNTY OF BURINGTON REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE REBUILDING AND MAINTENANCE OF IMAGINATION KINGDOM PLAYGROND TRUST FUND PURSUANT TO N.J.S. 40A:50-29

WHEREAS, PERMISSION IS REQUIRED OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL AS A DEDICATION BY RIDER OF REVENUES RECEIVED BY A MUNICIPALITY WHEN THE REVENUE IS NOT SUBJECT TO REASONABLE ESTIMATES IN ADVANCE, AND
WHEREAS, N.J.S. 40A:50-29 ALLOWS MUNICIPALITIES TO RECEIVE DONATIONS TO HELP OFFSET THE COST OF REBUILDING AND MAINTAINING PEMBERTON TOWNSHIP'S IMAGINATION KINGDOM PLAYGROUND, AND
WHEREAS, N.J.S.A. 40A:4-39 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE EXPENDITURES OF MONIES BY DEDICATION BY RIDER,
NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

1. THE MAYOR AND COUNCIL HEREBY REQUEST PERMISSION OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO PAY EXPENDITURES FOR DONATIONS TO HELP OFFSET THE COST FOR THE REBUILDING AND MAINTENANCE OF PEMBERTON TOWNSHIP'S IMAGINATION KINGDOM PLAYGROUND AS PER N.J.S.A. 40A:4-39.
2. THE MUNICIPAL CLERK OF THE TOWNSHIP OF PEMBERTON IS HEREBY DIRECTED TO FORWARD TWO CERTIFIED COPIES OF THIS RESOLUTION TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES.

RESOLUTION NO. 83- 2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON COUNTY OF BURINGTON REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR PEMBERTON TOWNSHIP'S POLICE DEPARTMENT K-9 UNIT PROGRAM TRUST FUND PURSUANT TO N.J.A.C. 5:30-15

WHEREAS, PERMISSION IS REQUIRED OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL AS A DEDICATION BY RIDER OF REVENUES RECEIVED BY A MUNICIPALITY WHEN THE REVENUE IS NOT SUBJECT TO REASONABLE ESTIMATES IN ADVANCE, AND
WHEREAS, N.J.A.C. 5:30-15 ALLOWS MUNICIPALITIES TO RECEIVE AMOUNTS FOR COSTS INCURRED FOR PEMBERTON TOWNSHIP'S POLICE DEPARTMENT K-9 UNIT PROGRAM, AND
WHEREAS, N.J.S.A.40A-39 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE EXPENDITURES OF MONIES BY DEDICATION BY RIDER,

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

1. THE MAYOR AND COUNCIL HEREBY REQUEST PERMISSION OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO PAY EXPENDITURES FOR PEMBERTON TOWNSHIP'S POLICE DEPARTMENT K-9 UNIT PROGRAM AS PER N.J.S.A. 40A:4-39.
2. THE MUNICIPAL CLERK OF THE TOWNSHIP OF PEMBERTON IS HEREBY DIRECTED TO FORWARD TWO CERTIFIED COPIES OF THIS RESOLUTION TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES.

RESOLUTION NO. 84-2008

WHEREAS, THE GYPSY MOTH *LYMANTRIA DISPAR*, HAS BEEN FOUND HEAVILY DEFOLIATING TREE AND PLANT GROWTH IN THE TOWNSHIP OF PEMBERTON; AND
WHEREAS, CONTINUED DESTRUCTION OF FOLIAGE MAY RESULT IN THE LOSS OF VALUABLE FOREST LANDS AND TREES; AND

WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON HAS DETERMINED THAT GYPSY MOTH CONTROL PROGRAM SHOULD BE INSTITUTED WITH THE STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE AND THAT APPLICATION FOR ANY FEDERAL OR STATE FUNDS AVAILABLE BE AUTHORIZED.; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE TO APPROVE THIS PURCHASE IN THE AMOUNT OF \$244,000.00, FROM LINE ITEM APPROPRIATIONS -320 GYPSY MOTH; AND

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT GYPSY MOTH IS DECLARED TO BE A PUBLIC NUISANCE AND THE PROTECTION OF VEGETATION OR PLANT LIFE THERE FROM IS DEEMED TO BE A SUBJECT MATTER OF PUBLIC WELFARE, AND THAT ALL MEASURES DEEMED NECESSARY, IN COMPLIANCE WITH THE STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE RECOMMENDATIONS, IS HEREBY AUTHORIZED TO SUPPRESS THIS FOREST AND SHADE TREE PEST.

I, MARY ANN YOUNG, CLERK OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS RESOLUTION WAS ADOPTED BY THE MUNICIPAL GOVERNMENTAL BODY AT AN OPEN PUBLIC MEETING WHICH WAS DULY ADVERTISED TO THE CITIZENS OF THE MUNICIPALITY IN ACCORDANCE WITH THE LAW, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-9.

I ALSO CERTIFY THAT THIS MUNICIPALITY HAS, OR WILL COMPLY WITH THE NOTICE PROVISIONS REQUIRED BY N.J.S.A. 4:7-39.

RESOLUTION NO. 85-2008

RESOLUTION AUTHORIZING THE SALE OF TAX SALE CERTIFICATE 1584-1943 BY ASSIGNMENT

WHEREAS, THE TOWNSHIP OF PEMBERTON IS THE HOLDER OF TAX SALE CERTIFICATE NUMBER 1584 -1943; AND,
WHEREAS, IT IS DEEMED FINANCIALLY BENEFICIAL TO AND IN THE BEST INTERESTS OF THE MUNICIPALITY TO SELL SUCH TAX SALE CERTIFICATE.

WHEREAS, THE TAX COLLECTOR HAS FULFILLED THE REQUIREMENTS WHEREBY NOTICE OF POTENTIAL ASSIGNMENT HAS BEEN MAILED TO THE OWNER AT THE ADDRESS AS APPEARING ON THE TAX DUPLICATE; AND,

WHEREAS, NOTICE OF ASSIGNMENT HAS BEEN POSTED IN THREE PUBLIC PLACES WITHIN THE TOWNSHIP OF PEMBERTON AND PUBLISHED IN THE BURLINGTON COUNTY TIMES AS REQUIRED BY LAW.

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 AUTHORIZE THE SALE BY ASSIGNMENT OF THE TAX SALE CERTIFICATE NUMBER 1584-1943 IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) TO:

BRETT MACPHERSON
213 ORANGE AVENUE
BROWNS MILLS, NEW JERSEY 08015

FOR THE CONSIDERATION THEREIN SET FORTH, WHICH SUM INCLUDES THE LIEN FOR UNPAID SUBSEQUENT TAXES FOR THE PERIODS SET FORTH, ALL AS PROVIDED FOR AND PERMITTED UNDER N.J.S.A. 54:5-113,

BE IT FURTHER RESOLVED, THAT THE MAYOR AND MUNICIPAL CLERK BE AND ARE HEREBY AUTHORIZED AND EMPOWERED TO MAKE, EXECUTE AND DELIVER ANY AND ALL ASSIGNMENT FORMS OR OTHER LEGAL DOCUMENTS WHICH MAY BE NECESSARY OR DESIRED TO EFFECTUATE THE SALE PERMITTED BY THIS RESOLUTION.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR.

RESOLUTION NO. 86-2008

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 1125 LOT 10, 600 CONCORD DRIVE, OWNED BY WILLIE C JONES, JR. QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF NOVEMBER 21, 2007; 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 1125 LOT 10 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, TAXES HAVE BEEN OVERPAID ON BLOCK 1125 LOT 10 IN THE AMOUNT OF \$1,112.48 FOR THE 2007 FOURTH QUARTER (PRO-RATED IN THE AMOUNT OF \$342.94) AND \$769.54 FOR THE FIRST QUARTER 2008, THE TAX COLLECTOR HAS REQUESTED THE AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$1,112.48 IN TAXES TO FIRST AMERICAN REAL ESTATE TAX SERVICE, 1 FIRST AMERICAN WAY, MAIL CODE: DFW 1-3, WESTLAKE, TEXAS 76262, 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 \$1,112.48 TO FIRST AMERICAN REAL ESTATE TAX SERVICE, 1 FIRST AMERICAN WAY, MAIL CODE: DFW 1-3, WESTLAKE, TEXAS 76262, 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. 87-2008

AUTHORIZES THE BURLINGTON COUNTY MOSQUITO EXTERMINATION COMMISSION TO CONDUCT AN AERIAL MOSQUITO CONTROL ACTIVITY

WHEREAS, THE COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, APPROVES THE AERIAL MOSQUITO CONTROL ACTIVITIES TO BE CONDUCTED BY THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL; AND

WHEREAS, THE COUNCIL AUTHORIZES THE MAYOR TO EXECUTE THE AGREEMENT WITH THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL FOR THE AERIAL SPRAY.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL IS HEREBY AUTHORIZED TO CONDUCT AERIAL MOSQUITO CONTROL ACTIVITIES IN PEMBERTON TOWNSHIP

RESOLUTION NO. 88-2008

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO BUILDING INSPECTION UNDERWRITERS, INC. FOR THE PROVISION OF THIRD PARTY PLUMBING SUBCODE INSPECTIONS IN PEMBERTON TOWNSHIP

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE PROVISION OF THIRD PARTY PLUMBING SUBCODE INSPECTIONS FOR PEMBERTON TOWNSHIP; AND

WHEREAS, THE LOCAL PUBLIC CONTRACT LAW (N.J.S.A. 40A:11-15(11)) PERMITS SAID CONTRACTS TO BE AWARDED FOR A TERM NOT TO EXCEED THREE (3) YEARS; AND

WHEREAS, THE TOWNSHIP RECEIVED BIDS FROM THE FOLLOWING VENDORS IN THE FOLLOWING AMOUNTS:

1. BUILDING INSPECTION UNDERWRITERS, INC.
20 E. TAUNTON ROAD – SUITE 525
BERLIN, NJ 08009
YEAR 1 – 70% OF DCA FEES PER N.J.A.C. 5:23-1 ET SEQ.
YEAR 2 – 80% OF DCA FEES PER N.J.A.C. 5:23-1 ET SEQ.
YEAR 3 – 80% OF DCA FEES PER N.J.A.C. 5:23-1 ET SEQ.

WHEREAS, THE ADMINISTRATION AND THE TOWNSHIP SOLICITOR HAVE REVIEWED SAID BID(S) AND RECOMMEND THAT THE CONTRACT BE AWARDED TO BUILDING INSPECTION UNDERWRITERS, INC. AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND

WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD THE CONTRACT TO THE LOWEST QUALIFIED BIDDER, BUILDING INSPECTION UNDERWRITERS, INC., FOR THE PROVISION OF THIRD PARTY PLUMBING SUBCODE INSPECTION SERVICES FOR PEMBERTON TOWNSHIP.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE PROVISION OF THIRD PARTY PLUMBING SUBCODE INSPECTION SERVICES FOR PEMBERTON TOWNSHIP BE AND HEREBY IS AWARDED TO BUILDING INSPECTION UNDERWRITERS, INC., AT THE RATES SET FORTH ABOVE AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO AS EXHIBIT A; AND

BE IT FURTHER RESOLVED, THAT THE CONTRACT IS SUBJECT TO THE APPROVAL OF THE TOWNSHIP SOLICITOR; 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 1035-2-51103; AND BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. BUILDING INSPECTION UNDERWRITERS, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP.

RESOLUTION NO. 89-2008

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PLUMBING SUPPLIES TO L/B WATER SERVICE WHEREAS, THE TOWNSHIP OF PEMBERTON SOLICITED BIDS FOR VARIOUS PLUMBING SUPPLIES UNDER CONTRACT PT-4-2008 (THE "BID SPECIFICATIONS"); AND

WHEREAS, THE BID SPECIFICATIONS PROVIDED THAT THE VARIOUS SUPPLIES COULD BE AWARDED IN ALTERNATES WITH THE BIDDER PROVIDING THE LOW BID ON EACH ALTERNATE BEING ENTITLED TO AN AWARD OF A CONTRACT FOR THAT ALTERNATE; AND

WHEREAS, L/B WATER SERVICE INC., WITH OFFICES LOCATED AT 540 S. HIGH STREET, SELINGSGROVE, PA SUBMITTED THE FOLLOWING BID FOR ALTERNATE A (WATER METERS):

FIFTY (50) WATER METERS (¾" DIRECT READ GALLONS SHORT BODY) AT THE UNIT PRICE OF \$70.50
FIFTY (50) WATER METERS (5/8" X ¾" WITH REMOTES) AT THE UNIT PRICE OF \$65.25; AND

WHEREAS, UPON REVIEW BY THE TOWNSHIP ADMINISTRATION AND THE WATER DEPARTMENT, IT WAS DETERMINED THAT L/B WATER SERVICE, INC. WAS THE LOWEST COMPLIANT BIDDER SUBMITTING A BID FOR ALTERNATE A; AND WHEREAS, THE TOWNSHIP DESIRES TO AWARD A CONTRACT FOR THE PROVISION OF PLUMBING SUPPLIES, AS SET FORTH IN ALTERNATE A TO THE BID SPECIFICATIONS, TO L/B WATER SERVICE, INC.;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT A CONTRACT BE AWARDED TO L/B WATER SERVICE FOR THE PROVISION OF PLUMBING SUPPLIES, AS SET FORTH IN ALTERNATE A TO THE BID SPECIFICATIONS, FOR AN AMOUNT NOT TO EXCEED \$6,787.50; AND

BE IT FURTHER RESOLVED THAT THIS CONTRACT IS AWARDED AS AN OPEN-ENDED CONTRACT, AND THE CONTRACTOR SHALL SUPPLY THE PLUMBING SUPPLIES IN ACCORDANCE WITH THEIR PER ITEM BID AMOUNTS AS INDICATED IN THEIR BID SUBMISSION ON AN AS NEEDED BASIS AND ONLY AT THE REQUEST OF THE TOWNSHIP; AND BE IT FURTHER RESOLVED THAT THE WATER DEPARTMENT SHALL NOT EXCEED ITS BUDGETED AMOUNT FOR THE PURCHASE OF PLUMBING SUPPLIES WITHOUT PRIOR APPROVAL FROM THE TOWNSHIP COUNCIL; AND

BE IT FURTHER RESOLVED THAT THE CHIEF FINANCIAL OFFICER HAS INDICATED THAT SUFFICIENT FUNDS ARE AVAILABLE FOR THIS CONTRACT FROM ACCOUNT NUMBER 05-2007-0001-0512-2-05501 AND 05-2008-0001-0512-2-05501; AND

BE IT FURTHER RESOLVED THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE CONTRACT OR PURCHASE ORDER WITH L/B WATER SERVICE, SUBJECT TO THE APPROVAL OF THE SOLICITOR, IN ACCORDANCE WITH THIS RESOLUTION.

RESOLUTION NO. 90-2008

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PLUMBING SUPPLIES TO WATER WORKS SUPPLY CO, INC. WHEREAS, THE TOWNSHIP OF PEMBERTON SOLICITED BIDS FOR VARIOUS PLUMBING SUPPLIES UNDER CONTRACT PT-4-2008 (THE "BID SPECIFICATIONS"); AND

WHEREAS, THE BID SPECIFICATIONS PROVIDED THAT THE VARIOUS SUPPLIES COULD BE AWARDED IN ALTERNATES WITH THE BIDDER PROVIDING THE LOW BID ON EACH ALTERNATE BEING ENTITLED TO AN AWARD OF A CONTRACT FOR THAT ALTERNATE; AND

WHEREAS, WATER WORKS SUPPLY CO., INC., WITH OFFICES LOCATED AT 660 STATE HIGHWAY 23, POMPTON PLAINS, NJ SUBMITTED THE FOLLOWING BIDS FOR ALTERNATES B, D AND E TO THE BID SPECIFICATIONS:

ALTERNATE B: COPPER TUBING

1" SOFT COPPER (60' ROLLS) 1,200 FT. \$6.99/FT.
TOTAL \$8,388.00

ALTERNATE D: VALVES AND VALVE BOXES

VALVE BOXES 12 UNITS \$55.00/UNIT
8" X 6" FIRE HYDRANT TEE 5 UNITS \$256.31/UNIT
FIRE HYDRANTS 10 UNITS \$1664.31/UNIT
6" X 6" FIRE HYDRANT TEE 10 UNITS \$ 206.77/UNIT
CURB BOXES 10 UNITS \$ 34.42/UNIT
TOTAL: \$20,996.75

ALTERNATE E: PVC WATER MAIN

8" PVC WATER MAIN 3,000 FT. \$6.95/FT.
TOTAL \$20,850.00

WHEREAS, UPON REVIEW BY THE TOWNSHIP ADMINISTRATION AND WATER DEPARTMENT, IT WAS DETERMINED THAT WATER WORKS SUPPLY CO., INC. WAS THE LOWEST COMPLIANT BIDDER SUBMITTING BIDS FOR ALTERNATES B, D AND E; AND

WHEREAS, THE TOWNSHIP DESIRES TO AWARD A CONTRACT FOR THE PROVISION OF PLUMBING SUPPLIES, AS SET FORTH IN ALTERNATES B, D AND E TO THE BID SPECIFICATIONS, TO WATER WORKS SUPPLY CO., INC.;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT A CONTRACT BE AWARDED TO WATER WORKS SUPPLY CO, INC. FOR THE PROVISION OF PLUMBING SUPPLIES, AS SET FORTH IN ALTERNATES B, D AND E TO THE BID SPECIFICATIONS, FOR AN AMOUNT NOT TO EXCEED \$50,234.75; AND

BE IT FURTHER RESOLVED THAT THIS CONTRACT IS AWARDED AS AN OPEN-ENDED CONTRACT, AND THE CONTRACTOR SHALL SUPPLY THE PLUMBING SUPPLIES IN ACCORDANCE WITH THEIR PER ITEM BID AMOUNTS AS INDICATED IN THEIR BID SUBMISSION ON AN AS NEEDED BASIS AND ONLY AT THE REQUEST OF THE TOWNSHIP; AND BE IT FURTHER RESOLVED THAT THE WATER DEPARTMENT SHALL NOT EXCEED ITS BUDGETED AMOUNT FOR THE PURCHASE OF PLUMBING SUPPLIES WITHOUT PRIOR APPROVAL FROM THE TOWNSHIP COUNCIL; AND

BE IT FURTHER RESOLVED THAT THE CHIEF FINANCIAL OFFICER HAS INDICATED THAT SUFFICIENT FUNDS ARE AVAILABLE FOR THIS CONTRACT FROM ACCOUNT NUMBER 05-2007-0001-0512-2-05501 AND 05-2008-0001-0512-2-05501; AND

BE IT FURTHER RESOLVED THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE CONTRACT OR PURCHASE ORDER WITH WATER WORKS SUPPLY CO., INC., SUBJECT TO THE APPROVAL OF THE SOLICITOR, IN ACCORDANCE WITH THIS RESOLUTION.

WHEREAS, THE GYPSY MOTH *LYMANTRIA DISPAR*, HAS BEEN FOUND HEAVILY DEFOLIATING TREE AND PLANT GROWTH IN THE TOWNSHIP OF PEMBERTON; AND

WHEREAS, CONTINUED DESTRUCTION OF FOLIAGE MAY RESULT IN THE LOSS OF VALUABLE FOREST LANDS AND TREES; AND

WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON HAS DETERMINED THAT GYPSY MOTH CONTROL PROGRAM SHOULD BE INSTITUTED WITH THE STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE AND THAT APPLICATION FOR ANY FEDERAL OR STATE FUNDS AVAILABLE BE AUTHORIZED.; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE TO APPROVE THIS PURCHASE IN THE AMOUNT OF \$244,000.00, FROM LINE ITEM APPROPRIATIONS –320 GYPSY MOTH; AND

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT GYPSY MOTH IS DECLARED TO BE A PUBLIC NUISANCE AND THE PROTECTION OF VEGETATION OR PLANT LIFE THERE FROM IS DEEMED TO BE A SUBJECT MATTER OF PUBLIC WELFARE, AND THAT ALL MEASURES DEEMED NECESSARY, IN COMPLIANCE WITH THE STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE RECOMMENDATIONS, IS HEREBY AUTHORIZED TO SUPPRESS THIS FOREST AND SHADE TREE PEST.

I, MARY ANN YOUNG, CLERK OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS RESOLUTION WAS ADOPTED BY THE MUNICIPAL GOVERNMENTAL BODY AT AN OPEN PUBLIC MEETING WHICH WAS DULY ADVERTISED TO THE CITIZENS OF THE MUNICIPALITY IN ACCORDANCE WITH THE LAW, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-9.

I ALSO CERTIFY THAT THIS MUNICIPALITY HAS, OR WILL COMPLY WITH THE NOTICE PROVISIONS REQUIRED BY N.J.S.A. 4:7-39.

c. Applications submitted for memberships, licenses, permits:

- *1. **Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Browns Mills Fire Co.:** Firefighter Christopher R. Thomas;
Magnolia Road Fire Co.: Firefighter Jeffery A. Frake.
- *2. Memorialization of Council's (Stinney, Prickett & Scull) approval on 2/15/08 of **Loud Speaker Permit application:** Jessica Moody/Fran Nyhammer, Birthday party with stereo system at BMIA Bldg., 2:30 pm-5:30 pm, 2/16/08.

- *16. Approval by Council required for payment of vouchers on bill list dated 2/29/08.

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

8. PRESENTATIONS

- a. Report by Ragan Design Group regarding Master Plan Re-Examination Review Committee's information update.

Mrs. Stinney introduced Mr. Rick Ragan from Ragan Design Group who will be providing a report on the Master Plan Re-Examination. Mr. Ragan informed the Master Plan is progressing quite nicely. He advised there have been a number of meetings one of which was held in Country Lakes where Council did receive a memorandum of those meeting minutes and a recent meeting on March 4th in Presidential Lakes. He advised that he will be providing those minutes to Council as well. Mr. Ragan informed there have also been four meetings in regard to Browns Mills and the Redevelopment area therein. Mr. Ragan noted the response has been very good from the neighborhood which has had between 40-60 people at the various meetings. He relayed the attendees have been very vocal and willing to participate. Mr. Ragan commented that he has generally gone over a number of master plan items such as circulation, sewer, water, community facilities, and open space, and has received a number of comments from each of the residents regarding their wishes and desires in those areas that will help formulate the Master Plan. With regard to the Browns Mills area, he noted the topic that comes up both in the community meetings and in the discussion of downtown Browns Mills is the question of when the Acme site is going to be fixed up. Mr. Ragan advised that he has reached out to the owner, Mr. Berardi, and his consultants and has asked for an update. He advised there was an extension discussion regarding this at the last Browns Mills meeting. Mr. Ragan reported that the site plan was approved by the Planning Board almost two years ago and the applicant has

worked on some of the items that were required as a condition of approval. Mr. Ragan noted it was understood from the last meeting that there is a contamination issue that comes from the Cleaners that has hopefully not yet begun its work but the owner states he will be signing a contract to have this happen soon. He relayed there is also a request by the Utility Authority that the sewer lines be televised so that they are clear on whether or not there is grease and entrapment going into the Township sewer system. He informed there are also some outstanding items with the County as well as the Soil Conservation Service. Mr. Ragan relayed that he has an update that was forwarded to the Mayor which outlined some of the items that need to be completed. He stated that Mr. Berardi has been asked several times to attend a meeting and he has not been available. He noted that at the community meeting and the Browns Mills meeting, this becomes a volatile subject. He announced that it was learned at the last meeting that this Township, ten years ago, had actually commenced eminent domain actions against that parcel and an appraisal was done which went before Judge Sweeney who advised the Township could proceed to condemn this property, noting that when it came before the governing body, they chose not to act. Mr. Ragan advised he does not have all of the details but suggested those that were there could enlighten Council. He explained that in any case, that non-action then allowed Mr. Berardi to continue to move along at his snail's pace and as a result, they are many years down the road and have not received a response. He noted they have not seen action that would fix the potholes and fix the code enforcement items that are wrong with the property. Mr. Ragan conveyed that he has experienced, as the Planner, a public outcry for this to be fixed. Mr. Ragan reported that a discussion ensued on whether or not eminent domain still had any possibility or not and he noted that politically it would have to be turned over to Council as he is a Planner and not an attorney. Mr. Ragan conveyed the frustration felt from the residents and business community that this particular parcel needs to be taken care of sooner rather than later, and he would be happy to answer any questions from Council. Mrs. Stinney thanked Mr. Ragan for his presentation. Mrs. Scull asked Mr. Ragan if he has the memorandum Council just received from Scangarello regarding their progress. Mr. Ragan acknowledged he has received a copy and Scangarello is indicating there is a contamination issue, the dry cleaning issue, the MUA requirements to the County Planning Board and this is an update on where they are from Mr. Scangarello who is Mr. Berardi's consultant. Mr. Ragan informed he did speak with Mr. Scangarello who advised that Mr. Berardi has still not signed a contract for the clean up of the PCE's because those expenses may reach six figures. In addition, there is also a concern that the Township's inaction in not going forward with the condemnation may lead Mr. Berardi to pursue legal action against the town for making him pay all of those fees to go to court to defend himself when in fact the town never acted. Mr. Prickett advised that he had requested that this be talked about during Closed Session because of the potential litigation and asked Mr. Ragan to stay until the end of tonight's meeting so he can take part in this Closed Session matter. Mr. Prickett expressed that it's important and this is information that should not be discussed with the public as it is a potential litigation matter and he thinks this is the way to take a look at it. Mr. Ragan responded that the attorney can advise them in regards to that and he was only providing an update with regard to the Master Plan and the elements regarding Browns Mills. Mr. Ragan noted that Mr. Prickett has attended a number of those meetings. Mr. Prickett advised that he attended every meeting and also attended the last Revitalization meeting where the Acme Shopping Center was discussed and one of the things talked about was how they need to consult with the Solicitor and move forward with that. Mr. Prickett commented that he has been in attendance in all of the Master Plan meetings and all but one of the Revitalization meetings, and disputed Mr. Ragan's reported attendee number of 40 – 60, where at the most there have been 30 people at the meetings and that at the BMIA there were 28 people. Mr. Ragan conveyed that he was not at the BMIA meeting. Mr. Prickett informed that the number was under at the Country Lakes meeting although the Presidential Lakes meeting did have a big number. Mr. Prickett

pointed out that at the last Revitalization meeting, a man came in from the Town Center stating that no one knows about this and asked why all of the shop keepers don't know. Mr. Prickett expressed that they need to do a better job to make sure all of those people in Browns Mills know about these meetings so they can participate. Mr. Ragan advised that he has advertised in every possible form that he can and has made every effort to do this and at the same meeting, it was talked about having some flyers that could be distributed to the business tenants which he will make an attempt to do. Mr. Ragan emphasized that it has not been for a lack of interest on his part or anyone else's part and every concerted effort is being made and he is on a schedule as Mr. Prickett is aware and must meet the schedule in accordance with the contract. Mr. Ragan relayed that that schedule is on the website and it has been and he is staying on top of it. Mrs. Stinney thanked Mr. Ragan for coming this evening and for his continued effort of informing the public of what is going on. Mrs. Stinney noted it is important for Council to make decisions on information that is given. Mrs. Stinney expressed to Mr. Ragan that she appreciates him informing the Council members that did not have the opportunity to attend some of those meetings and to continue to let the public know what is going on. Mrs. Stinney advised Mr. Ragan that he is doing a wonderful job, and she thanked him for everything that he is doing. Mrs. Stinney asked Council for any comments. Mr. Prickett commented that he is glad to see the Planner noting it has been a long time since he has attended a meeting to do a report and hopes he will do so on a regular basis. Mr. Ragan reminded that he was here about a month ago. Mr. Prickett expressed it was not for the benefit of the public. Mr. Ragan replied no, but pointed out that it was certainly for Council's benefit. Mrs. Scull advised she has been involved and has been at a lot of meetings in the Township over the years where one is lucky if five people show up so she is encouraged if there are 18 people coming to the BMIA meeting and the numbers that are coming out. Mrs. Scull expressed that it is important and she is glad to see that many of their citizens are taking these issues seriously and are giving their input. Mrs. Scull commented that she is very concerned about the Browns Mills Shopping Center and appreciates the information he is bringing forth as it happens. Mrs. Scull noted that she enjoyed reading his notes from the first meeting and looks forward to reading the second meeting notes. Mr. Ragan conveyed that those will be out to Council this week. Mrs. Stinney reiterated thanks to Mr. Ragan for coming forward and providing an update to the Council. Mrs. Stinney advised that as she took on the Chair seat of Council, her philosophy is communication and any and every opportunity that she has that will impact the community that Council serves, she will have them come forward just like they did this evening. Mrs. Stinney asked the Mayor if he had anything on this. Mayor Patriarca spoke of the attendance at the meeting and advised there is a core group of individuals that do attend the Master Plan meetings and it is encouraging to see them continuing to attend. The Mayor stated they come to different portions of the community in each area that these meetings are held and there are also individuals that come out from the community where the meetings are held. Mayor Patriarca reiterated it is nice to see even if it's only the 30 people that are attending, noting the 12 people in attendance tonight and that there are probably 8 that attend all of the meetings. He suggested Council advertise a little better or do something to get people out and asked if maybe they are missing it there. The Mayor stated it's in all of our meetings and any organization so it's not just the Master Plan meetings or the Council meetings; if people want to come out, they will come out and they can only advertise so much. Mayor Patriarca commented on the Browns Mills Shopping Center issue noting that Administration stays in contact with Mr. Berardi quite often. The Mayor advised that he spoke with Mr. Berardi yesterday on this issue and conveyed some concerns on the contaminated site and his lack of progress in cleaning this up and some options that are available to the Township that they might pursue. The Mayor conveyed that Mr. Berardi assured him he would get back to him by the end of the week with some satisfying results. Mayor Patriarca expressed high doubts, and based on Mr. Berardi's history with this community, he doesn't expect to see any satisfying results from him. Mrs. Scull

asked the Mayor if he were throwing in the towel. Mayor Patriarca replied he is not throwing in the towel and he does speak with Mr. Berardi quite often and will continue to do that and pursue that this project is moving forward. Mr. Prickett asked Mr. Ragan regarding the "six figure" amount if there were a more definite amount. Mr. Ragan replied no, and added that is what was said to him and he is just relaying the information to Council. Mrs. Stinney stated to Mr. Ragan that this report may not be available to the residents and recalled Mr. Ragan reading some information the other day about an extension. Mr. Ragan conveyed that Berardi was requesting that Council permit him to build a Dunkin Donuts and the Rite Aid and not fix up the rest of the center. Mr. Ragan relayed that that request was rejected out of hand as not being responsible since he has not lived up to any of his previous promises. He referenced where people that visited the other centers that Mr. Berardi owns and had find them to be 200% better than this existing center and find it deplorable that he cannot spend the same kind of money that he spends on his other centers here and question why Browns Mills is last on his list. Mr. Inge asked if Mr. Berardi loses his application in two years. Mr. Ragan advised his application is up in April of 2008, and he would have to come in and ask for an extension from the Planning Board. Mr. Inge asked if he would have to come to Council or the Planning Board. Mr. Ragan replied the Planning Board. Mr. Inge expressed hope the Planning Board rejects it. Mr. Ragan thanked Council and acknowledged that they have a long way to go but are making progress. Mr. Ragan noted that in regards to the residents that do come out, it seems like everyone has a voice and they are able to take notes on that voice and put it down and that is what is reflected in their minutes and that's why they get good response because people have an understanding that they will be heard. Mrs. Stinney thanked Mr. Ragan for the presentation.

11. OTHER RESOLUTIONS

91-2008 Authorizes introduction of 2008 Municipal Budget.

Mrs. Stinney reported that Council has had three public meetings regarding the Budget. She conveyed they have received the figures from Governor Corzine of the State of New Jersey and their Business Administrator will provide that figure for them. Mrs. Stinney asked Council to set another date for Budget hearings to work with the figures that will be presented for their municipality. Mr. Vaz advised that they need to shave \$365,000 off the Budget to maintain the level of the funding of the Budget that was agreed to at the last Budget meeting last Saturday evening. Mr. Vaz explained that after the governing body made its review, it was around the 2.5 cents mark and with the addition of the loss of the State aid that will add on about another 4.20, .25 cents on top of the 2.5 cents. Mr. Vaz stated they have more work cut out for them and he has seen them all day today and last night after they received the State aid certification from the State, the Mayor was in his office already shaving money off the Budget and doing quite well actually. Mr. Vaz explained their intention was to do that and give the governing body Administration's suggestions as to where to shave the \$365,000. He acknowledged that obviously it would be up to the Council to take that information and do what it considers doing. Mrs. Stinney asked Council to look at their calendars to schedule an all day workshop. Mrs. Scull informed that she is out of the State this weekend. Mr. Cartier expressed that the first question should be when the auditors need it by. Mrs. Stinney advised that they need to do it by the 19th and the auditors need it by the 20th. Mr. Vaz stated that is the last Council meeting before the deadline but the.....Mr. Cartier interjected clarifying his question was when the auditors need it by. Mr. Vaz informed by the 14th which could probably be pushed to that Monday to give them the ability to meet that Saturday. Mrs. Stinney asked how many days. Mr. Vaz conveyed he wants it the Friday before the Council meeting on the 19th and added that they can push him to do it for that Monday which that only gives him a couple of days to do it. Mr. Cartier commented that is why they get paid the big bucks. Mrs. Scull asked if Mr.

Vaz had a chance to get back to the Department Heads to see where they could suggest some funds or some things they could live without. Mayor Patriarca replied no and added that when Administration does shave the Budget, they will present it to the Department Heads for their concerns because there may be some concerns that Administration is missing. The Mayor noted Administration wants to make sure they do not interfere with operations any more than they have to; there is certainly going to be interference by taking money out of the Budget regarding the level of service that they have all grown accustomed to and that service comes at a price. Mayor Patriarca commented that as the revenue is taken away from a department, they are reducing the level of service and they want to ensure the level of service continues in the best way they can but they also know that they have to tighten their belts and separate their wants from their needs which is what they are working on. Mrs. Scull agreed that is true but added that she has always found it helpful to go to the people in the trenches who know where the waste is and quite often the tax payers don't want to tell her where that waste is. Mrs. Scull clarified that she is not suggesting that the Mayor has to take their advice but rather it might be a good idea to communicate with his Department Heads and employees. Mayor Patriarca agreed but noted his experience has been that if the Department Heads put it in their budgets then that is what they need and he feels the same way. The Mayor stated that would be his position as a Department Head and that is what he needs to do the job and if Council wants him to do less of a job then they should tell him what he gets and he'll do that job. Mayor Patriarca commented that is what a Department Head should feel because otherwise he is wasting the Township's money by putting all of this padded pork in the Budget in the first place. The Mayor informed that the Department Heads gave him the leanest Budget they could with the services that are requested and he now has to decide what services the Township can do without in order to make the Budget work. Mrs. Scull explained that she is just trying to make his life a little easier to get some help. Mayor Patriarca expressed appreciation for that. Mrs. Scull wanted to know if a letter of discontent has been sent to the Governor as she doesn't know how he thinks that cutting state aid to municipalities is going to fix the property tax issue and there are a lot of things in the Budget such as bringing back their own EMT and emergency services but still thinks it would be so beneficial to the community and residents that it will probably be one of the things that are going to have to go. Mrs. Scull stated that she doesn't see that the Governor is really saving money for the property tax relief and she does wholeheartedly agree that they should charge for State Police in the districts that aren't paying for their police; however, to cut their Budget when they have very few rateables in Pemberton Township is a great disservice to the residents of Pemberton Township because their Budget is pretty lean as it is. Mrs. Scull relayed that they worked very hard to keep that increase at 2 cents and still be able to provide things like their own emergency services and a couple of extra Police Officers and it really broke her heart when she heard that all of that work is really for nothing because now they have to find \$365,000 more dollars. Mrs. Scull advised that she plans on letting the Governor know that she is not real happy and she's glad that he is trying to find out their contact information because she knows his. Mrs. Stinney suggested they could get their representative that represents their Township and have them send a letter of concern or maybe even invite them. Mrs. Stinney commented that over the years on the School Board level they would invite their representatives that represent the towns to the school board hearings. Mrs. Scull expressed that Phil Haines will hopefully be very receptive, noting he is their Senator now, and he had assured them that he would be concerned about Pemberton Township if elected and maybe they need to take him up on that. Mr. Prickett had some dates for Mrs. Stinney and reminded that Mrs. Scull will not be available for this weekend and the rest of the week and that is fine with him and all next week from the 10th to the 14th he is available but prefers not to go away from something he has on the 11th but he would break that engagement to participate in the Budget hearings. Mr. Prickett asked Mrs. Scull if she would be available all next week as week. Mrs. Scull replied yes and she would find someone to cover

for her if needed. Mr. Cartier advised the 11th is the only bad day for him. Mrs. Stinney and Mrs. Scull suggested the 10th, 12th or 13th. Mr. Cartier advised the 10th is no good because the room is occupied on that date. Mrs. Stinney asked about the 12th or 13th. Mayor Patriarca commented it can be held at an off site location if there is another building available also if needed such as the Senior Center or somewhere else. Mr. Prickett asked about the 12th or 13th. Mrs. Young noted the recording equipment is here. Mr. Prickett stated three people can do the 12th or 13th and asked Mr. Inge if he was available on those dates. Mr. Inge replied as long as they're not here until 12:00 at night. Mrs. Scull responded that Mrs. Stinney will not allow them to be here at all hours of the night. Mrs. Stinney commented they will be very prepared and will also have their recommendations to Council in a timely fashion so that if there are any questions that Council can come back to the Mayor and Mr. Vaz in ample time before meeting. Mayor Patriarca advised he has been through the Budget and is up to Public Works at this point and he is going through it line by line and shaving every where he can and will present the suggested sheet to Council hopefully by the end of the week, noting it may be possible. The Mayor noted this will give Council enough time to go through it and either agree or disagree on certain areas of the Budget books. Mrs. Scull questioned if both nights needed to be kept free because that is a lot of money. Mr. Inge added especially if they are going to keep all of these job titles and raises in the Budget; the increases of pay of \$3,000 to \$9,000 for an employee, he would think more than one day is needed. Mr. Prickett asked what time Council will be starting. Mrs. Stinney confirmed the 12th and 13th for the next Budget hearings in the Court Room, at 6:00 p.m. Mr. Cartier asked Mr. Vaz if he was okay with the 12th and the 13th. Mr. Vaz responded not in this room and they are trying to figure it out. The Mayor answered there might have to be some adjustments noting there should be some other locations they can move to if need be and Administration will let Council know commenting that they may have to use an alternate recording system if necessary. Ms. Young commented that she is more concerned about the 48 hour notice so the sooner she finds out the determination, the better. After further discussion it was determined they would meet the 12th and 13th at 6:00 p.m. Mr. Prickett asked if the introduction of the Budget needs to be tabled. Mrs. Young and Mrs. Stinney confirmed it did.

Motion by Prickett and Scull to table Resolution 91-2008 which authorizes the introduction of the 2008 Municipal Budget until the next meeting of March 19, 2008. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

12. ORDINANCES FOR INTRODUCTION

a. ORDINANCE NO. 6-2008 (TITLE READ BY MS. 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"

Motion by Scull and Cartier to table Ordinance No. 6-2008 considering the budgetary problems. Scull, yes; Cartier, yes; Inge, yes; Prickett, no; Stinney, yes. Motion carried.

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

a. ORDINANCE NO. 5-2008 (TITLE READ BY MS. STINNEY)

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"

Motion by Cartier to approve Ordinance No. 5-2008.

Mr. Prickett asked if it had to be opened to the public first. Mr. Bayer informed there is a motion first and then it is opened to the public.

Motion by Cartier and Scull to approve Ordinance No. 5-2008.

Mr. Prickett apologized as he thought it was introduced last time. Mr. Cartier informed it was introduced. Mr. Prickett asked what the motion was. Mr. Bayer explained it was a motion to introduce Ordinance 5-2008. Mrs. Young acknowledged it has already been introduced. Mr. Bayer explained it has already been introduced, it was a motion to approve and then Council opened it to the public after the motion. Ms. Stinney advised that Mr. Cartier made the motion and Ms. Scull seconded it.

Mrs. Stinney opened the meeting to the public for public comments on Ordinance No. 5-2008. Those wishing to comment were: **David Richter, Attorney for PSE&G: 1.** Mr. Richter expressed concerns that PSE&G has with this ordinance. Mr. Richter noted that PSE&G prefers to use Police Officers when doing traffic control for their projects. He noted that the people on staff and the workers prefer to have Officers there and they feel more comfortable with them. He advised that from PSE&G's perspective they certainly want to use Police Officers at all times. He informed the concerns PSE&G has are both legal and fiscal in connection with this ordinance. Mr. Richter noted there was some mention of the Budget and things of that nature. He relayed that one of PSE&G's concerns are there seems to be some revenue generation involved. He relayed the cost of a Police Officer is 1.5 times that of a Lieutenant and asked if there were not a Lieutenant there where does the extra money go for that. Mr. Richter expressed concern regarding withholdings and insurance requirements as these might raise some employment issues regarding joint employment between PSE&G and the Township. He expressed it seems that since the Police are in Township Police cars and are in Township uniforms, these are employees of the Township. He expressed they may be working extra duty and getting paid overtime for that, which PSE&G understands this concept; but to actually pay the taxes, withholdings and insurance on these officers can raise some employment related concerns where they can be considered employees of PSE&G at that point. Mr. Richter commented on the escrow accounts and the signing of a contract with the municipality. He advised that PSE&G works in 365 municipalities across the state and at all times have not given any escrow accounts to these municipalities or signed contracts. He explained the reason for that is that to have rate payer of funds escrowed in over 365 municipalities would be millions of rate payer dollars that would be sitting in escrow accounts not doing anything for the rate payers. Mr. Richter expressed that is a concern of PSE&G's. Mr. Richter noted that would also be a concern for the rate payer advocate as well to have all rate payer funds in escrow accounts throughout 365 different municipalities. Mr. Richter reiterated that PSE&G has not in any town they have worked in given any money to an escrow account. He acknowledged that PSE&G understands that municipalities have concerns regarding paying Police Officers within a certain period of time; there are legal requirements that Officers have to be paid within a certain period of time after they complete the work. He reported that PSE&G has put a process together by issuing purchase orders to Townships and guarantees payment within 7 days of the purchase order information being received. He explained this is a way for the Townships to meet their requirements under law and for PSE&G not to be using rate payer funds in escrow accounts across the state. Mr. Richter further explained that PSE&G's purchase order process has been used in other towns and it has been very successful. He noted the Township's appreciate it, in that they don't have to have someone looking over the escrow accounts, making sure the money is paid back to the utility when the escrow is not used and it allows them to not have this

oversight but still allows them to pay their Police Officers within a certain period of time. Mr. Richter commented that it makes sense for a third party developer or someone that doesn't have a statutory right to use the public streets for the facilities to sign a contract, but PSE&G and other utilities have statutory rights to occupy public rights of way in the state. He informed that PSE&G has an obligation to maintain their facilities under the Board of Public Utility regulations. He expressed it seems counter-intuitive to have to sign an agreement to allow PSE&G to do this with Police Officers. Mr. Richter reiterated that PSE&G is willing to pay the Police Officers the actual costs for them to be on site and certainly an administrative fee to cover the costs of the Township's administration of the process, but PSE&G is concerned with exceeding the actual costs being incurred, employment issues and contractual issues. Mr. Richter reiterated that PSE&G does want to use Police Officers, but if these issues are too much to overcome, they may have to look into using certified flaggers, which is not the preference of the utility or their workers. Mr. Prickett explained that the reason the Township is doing this is because they need to bring in the funds that it costs to have a Police Officer out regulating traffic. Mr. Prickett added that they need to ensure the costs are covered and are not looking for added revenue and does not see an increase in revenue as a result of this. Mr. Prickett noted that PSE&G's other issues regarding contracts could possibly be answered by their Solicitor. Mr. Richter acknowledged that the contract issues are legal issues and added that the revenue generation issue seems like the idea should be the utility or anyone that comes on to hire Police Officers actually pay for the costs the Police Officers incur. Mr. Richter expressed that if it's a rookie that has a salary much lower than a Lieutenant's, it should be one and half times the rookie's salary and not one and half times the Lieutenant's salary. Mr. Richter noted in the ordinance itself, the school district pays one and half times a PBA Officer rather than the Lieutenant. Mr. Prickett clarified that it is the highest salaried PBA Officer. Mr. Richter agreed and reiterated it should be the actual costs and not an additional cost that might not be the actual costs of the Officer. Mr. Inge advised that would be the actual costs. Mr. Cartier stated not if a Lieutenant was used and not if a rookie was used. Mr. Inge commented it would be the actual costs incurred. Mayor Patriarca commented that would be their expense and what they would pay the Officer. The Mayor continued that the Township doesn't get the balance; it goes to the Officer and that is the fee the Officers set, not Administration or Council; it is the bargaining unit that sets the fee. The Mayor noted that Mr. Vaz could expand on the answer. Mr. Vaz explained that the rate is essentially provided in a negotiation process; however, it was the number that the Police provided to Administration. The law requires that it be a negotiable item and that is one of the things that the Public Employment Relations Commission state is a negotiable item. He noted the difference between a Patrolman and a Lieutenant could obviously be quite substantial and Mr. Richter is questioning why PSE&G would want to pay time and a half of a Lieutenant's rate when there is someone that just started on the job six months ago. He pointed out that the problem of doing it differently is that the compensation the bargaining unit told Administration will give them the ability and make them happy to go out and do the work. Mr. Vaz reiterated that was not Council or Administration decision regarding the dollar amount. He advised there was a distinction that the PBA agreed to between the school and other entities who are not the school and that has to do with the fact that the school is another tax paying receiving entity. Mr. Bayer commented to Mr. Vaz to let him deal with the contract issues. Mr. Richter commented that it is an important concept that Mr. Vaz mentioned, but something that needs to be taken into consideration is PSE&G's rate payers are actually tax payers of the Township and they are the same individuals. Mr. Vaz stated he does not think that is true and PSE&G cannot say all rate payers are tax payers. Mr. Richter acknowledged that not all of them but there are certainly tax payers in the Township that are both rate payers and tax payers of the Township. Mayor Patriarca asked if Pemberton Township's tax payers' rates would be raised based on this item. Mr. Richter replied no; it would be across the state. Mr. Vaz advised in regards to the issue of the withholdings, it

is really the way it is written in the ordinance. He noted the concept would be that the contract actually has the dollar amount figured into it. Mr. Vaz stressed that one of the practical problems with doing it the way PSE&G wants to do it wherein Officer A is paid the exact amount is that the Township will not know in advance to some degree that the Officer from the overtime list is going to be. He explained that if PSE&G informs they need someone three weeks from now, the Township may not be able to tell PSE&G who the Officer will be and that is part of what caused the problem that they found themselves in which necessitated the change. He relayed they needed a flat dollar amount and it was the easiest thing to do. He informed that they went to the State and the State said that is the way to do it; pick one dollar amount and that is what they receive and what they pay out. He noted it was being done another way and it caused problems for them. Mr. Vaz spoke of the escrow and advised doing it by escrow is the way that the State has recommended that the town do it. Mr. Vaz noted to some degree according to the ordinance it is the way it should have been done all along but there is the occasional emergency such as a telephone pole gets knocked down and the concept of having an escrow is two fold. He relayed that first there will be an escrow where they know there is going to be a job and the cost is estimated and PSE&G pays the escrow; the other is the escrow is going to be an offer to the utilities probably the ones that have utility poles that might get knocked down in an accident and if looking at the 2007 experience, how many times was there an emergency where the Police Department had to be called right away. Mr. Vaz added the Township thinks it might be better to have an estimate up front in a running escrow account at all times, give the option anyway, and then be invoiced on the escrow and PSE&G replenishes it. Mr. Vaz further noted that if the Township states its \$1,000 and PSE&G receives a bill for \$800 as a charge off against the \$1,000 then the \$800 is replenished because the balance is \$200. Mr. Vaz reflected that it is similar to a developer's escrow. Mr. Richter commented that on the emergency services, if a pole gets knocked down, it's an emergency situation and questioned if the Police Officers shouldn't be on site as part of their job rather than PSE&G paying them to be on site for that. Mr. Richter expressed that seems to be the way it should work in those types of situations. He expressed that if the emergency situation is taken care of and there is no longer an emergency situation but PSE&G still wants the Police Officers on site, he can understand starting to pay at that point. Mr. Vaz advised that is what he is talking about; when there might be a need to have Police Officers around for hours and hours when the initial emergency might be over but the utility can't get crews out to replace the pole. Mr. Bayer expressed that his issue is that PSE&G does not want rate payer money sitting in an escrow account, but the ordinance only says they have to pay the money five days ahead of time. Mr. Richter expressed he was more concerned with the part where there is an ongoing escrow. Mr. Bayer noted that is not required. Mr. Richter expressed it is his understanding that the utility could not use the Police Offices in those situations if there is not an escrow account set up for those situations where there is an emergency situation for the Police Officers to stay on site ten hours after the emergency situation has been resolved. Mr. Vaz acknowledged it presents a problem. Mr. Bayer informed subsection D does talk about an emergency. Mr. Richter advised to hang a head of planned work is not a big issue but putting money aside is the bigger concern. Mr. Bayer stated Mr. Richter did not delineate that. Mr. Richter noted he did not but that is the bigger concern; having money sitting around for long periods of time and it is really rate payer funds and not PSE&G's. Mr. Bayer noted subsection 1D. Mrs. Scull stated those are really public safety issues and there should be some kind of ability to have exceptions. Mayor Patriarca asked Mrs. Scull to repeat her statement. Mrs. Scull commented that the circumstances that Mr. Richter is talking about such as the on going escrow especially from a company like Jersey Central or PSE&G, those issues are safety issues to the residents and doesn't think the Township should have anything that requires those folks to have an escrow account in case an emergency happens because they are responding to an emergency. Mayor Patriarca noted that as Mr. Richter explains, he is correct in that when a pole goes

down and there is accident that is an emergency and there is an Officer at the scene, but once the emergency situation has been remediated and there is no longer a need for an Officer there for the emergency, there is still a need for PSE&G to replace the pole and that is not an emergency situation. He expressed that would justify an Officer coming in who is not scheduled to work. The Mayor noted this is by no means a way of compensating that Officer that is working that shift because that Officer still has to go to work and it's the Officer that gets called in to work 3 or 4 hours with the pole crew to put that pole back in and that is where the escrow would come in. Mrs. Scull expressed it is still an emergency and she doesn't want PSE&G putting a pole up and there is nobody there to maintain the safety of the area. Mrs. Scull expressed that to her it is a safety issue and the Township should not be requiring PSE&G to have an escrow for something of that issue especially if it's PSE&G and they know where to get the money. Mayor Patriarca disagreed that it is not an emergency issue and PSE&G is creating the hazardous condition at that point if they don't have an Officer or flagman there; if they need an Officer there has to be some type of set up to where they can pay the Officer for that work. Mrs. Scull asked Mr. Richter if this is not what PSE&G does in the other communities around the State. Mr. Richter replied that is exactly what he is saying; PSE&G does not have escrow accounts in any Township currently in the State of New Jersey. Mr. Bayer asked if PSE&G would sign an agreement that stated PSE&G would pay the Township through the voucher system within 7 days. Mr. Richter replied PSE&G would be willing to sign something and a lot of contracts have indemnification clauses and these are employees of the Township and PSE&G shouldn't be indemnifying the Township from their own employees. Mr. Richter expressed it is a contractual issue. Mr. Bayer clarified he is talking about it conceptually. Mr. Richter commented conceptually PSE&G would sign something that states PSE&G would pay the Officers within 7 days of receiving the paperwork for those Officers. Mr. Vaz added if the Township doesn't get paid, they just wouldn't authorize anymore work so the liability would be minimized and that seems to work. Mr. Richter expressed that PSE&G would understand that concept. Mayor Patriarca confirmed with Mr. Richter that this is a program that PSE&G is doing throughout the State. The Mayor asked if there was someone in Burlington County already involved in this and thought it was Bordentown Township and Evesham is looking at it. Mr. Richter replied there are over 70 municipalities involved in this already and PSE&G would be willing to talk to the Business Administrator about this program and how it works to make sure he is okay with it. Mr. Prickett asked Mr. Bayer if it would be appropriate to either amend the ordinance tonight or table it to provide Mr. Bayer an opportunity to consult with Mr. Richter. Mr. Bayer suggested tabling the ordinance because it will not be able to be worked out as they are sitting here. Mr. Bayer expressed to cover the utility issue and figure out the best way to go. Mr. Richter conveyed PSE&G would certainly be willing to meet with Mr. Bayer. Mr. Prickett asked if Council should just table the ordinance and state that it will be up for public hearing tonight and final adoption at the March 19th meeting. Mr. Bayer agreed and added that if there are substantial changes as a result of his meeting, Council may need to start over so it may not be final adoption on March 19th depending upon the meeting. Mr. Prickett expressed there is a chance. Mr. Bayer replied yes, but thinks it is better to try to work this out ahead if that is what Council would like. Mr. Bayer suggested seeing if there is any other public comment before taking any action. **Joseph Barton, Regional Public Affairs Manager for PSE&G: 1.** Reiterated that PSE&G does have a purchase order process in place in some Burlington County towns such as Springfield and Mount Holly as well as a lot of Camden County towns. Mr. Barton advised that he has a purchase order process that he can email to the Township. Mr. Barton explained that the process involves PSE&G calling and scheduling an Officer from the Police Department as well as faxing a confirmation, PSE&G meets the Officer at the job, a Crew Leader from PSE&G has a voucher that he provides to the Officer, the Officer signs the voucher and takes a copy back with him for Administration to process the paperwork and the Crew Leader brings a copy of the voucher back to

PSE&G. Mr. Barton noted that if it is a one time job, the voucher can be processed right away or if the Officer is needed for a week and the Township wants to wait until the end of that week, the Township can either email the voucher or fax it to PSE&G. He further advised that the Township provides the voucher made into an invoice and PSE&G reconciles their records. He informed there are two purchase orders; one for electric and one for gas and the Township basically becomes PSE&G's vendor and that money is held in the purchase order and when it is received electronically, a check is forwarded to the Township. Mr. Barton explained this takes approximately 7 days so if the Officers are paid within 14 days, it meets the letter of the law in that the Township is not using municipal funds to pay the Officers while waiting to get reimbursed. Mr. Barton advised that PSE&G is asking for this consideration because they are a utility and have been here for over 100 years and will be here for the next 100 years. Mr. Barton informed that PSE&G works in the town everyday and likes using the Police Officers rather than flagmen and clearly there are times when the Officers are not needed when on side streets. Mr. Barton conveyed that safe, reliable powers are their gate and that is what they are here for. Mr. Barton confirmed Mr. Richter's statement that the Township's residents are PSE&G's rate payers. He noted that PSE&G's costs get built into the rate base and they all pay those rates throughout the state. Mr. Barton relayed that this is PSE&G's process and a lot of towns like it as it runs like clockwork once it is up and running. Mr. Barton asked Council to consider amending the ordinance for a utility section to cover the utility in a different manner which would resolve all of the issues. Mayor Patriarca expressed that his appreciation for PSE&G coming out with their comments as well as PSE&G doing all of the legwork to put this program together because it apparently is working for other municipalities and will hopefully work for Pemberton Township, when they can get on board with this. The Mayor further noted that the Township likes the fact that PSE&G uses the Officers as opposed to flagmen and also likes the fact that PSE&G is in their town. Mayor Patriarca conveyed that hopefully they can work this out soon and asked PSE&G to contact Administration with their current program and Administration will certainly entertain this and hopefully be able to come back to Council with an amended ordinance to reflect this. Mr. Barton advised that he will leave his business card with Mr. Bayer and Mrs. Young and will email Mr. Bayer the information. Mr. Barton conveyed there was an article recently and his counterpart, Don Totola, in COPS Magazine, NJ Municipal League magazine had an article about this process and how it works. Mr. Barton noted this is the second year PSE&G has rolled this out and looked at it administratively. He emphasized that for PSE&G to put funds in to 365 towns, they would have to hire several people just to monitor those funds and the towns would have the same burden on their end. He reflected that if PSE&G is in and out of the town throughout the year maybe 50 or 60 times and they have to keep an escrow at a certain point, there is going to be a lot of communications and papers going back and forth for tracking those funds and this process is neat and clean. He assured that PSE&G did not do this on the fly as it took approximately 2 years to develop this process, noting that PSE&G met with some towns to see how this problem can be solved. Mr. Barton asked Mr. Bayer to call him with his email address and he can provide the information next week. Mr. Bayer commented that he wished Mr. Barton had called him ahead of time prior to the ordinance being published however, is glad he did come today. Mr. Bayer suggested in the future, if Mr. Barton knows something is on the agenda to try to contact them ahead of time. Mr. Barton conveyed this was picked up through a service and the ordinance was discovered on Friday. Mr. Barton explained that PSE&G uses a service that searches for certain words that they look for and would have preferred to have known about this ahead of time and could have probably gotten it resolved before the ordinance reached this point. Mr. Barton did apologize for this. Mr. Prickett expressed that is why public hearings are so important and he is so glad PSE&G could come out. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

Motion by Prickett to table Ordinance No. 5-2008.

Mrs. Scull commented regarding tabling this ordinance. Mrs. Young advised there was already a motion on the floor to approve this ordinance before going into public comments. Mr. Bayer advised the motion to table would trump that. Mr. Cartier expressed that he has some concerns. Mr. Prickett asked if comments should wait until after his motion receives a second. Mr. Prickett then asked if Council wanted him to pull his motion. Mr. Bayer suggested Mr. Prickett withdraw his motion unless Council receives the comments. Mr. Prickett withdrew his motion to table Ordinance No. 5-2008. Mr. Cartier questioned Section 2, C, noting subsection 1C refers to third party contracts that request the services of an Officer or Officers in accordance with this section shall enter into a contract with the Township using the form of contract that is attached to this ordinance. Mr. Cartier noted there is no contract attached to this ordinance. Mr. Cartier advised he had expressed those concerns to Mr. Vaz the other day and was informed he would provide a copy or try to rectify the problem. Mr. Bayer commented that Mr. Vaz spoke with him today regarding this and regardless of the PSE&G issue, this ordinance may be tabled anyway so that the ordinance can be complete before adoption and he will have this together for the next meeting. Mr. Cartier further expressed concern regarding the fee section, noting specifically that the School District Hourly rate will be one and one half times the contracted regular hourly rate of pay of the highest PBA bargaining unit and asked if that means Lieutenants will not be used for any school district functions or is the Township just going to take the hit on this. Mayor Patriarca conveyed this ordinance does not provide for the payment to a Lieutenant working with the school. Mr. Prickett asked if they had a choice and if a Lieutenant could work in the school. Mayor Patriarca advised that currently there is no provision for a Lieutenant to work any overtime in any situation. Mrs. Scull asked why they are using the rate of pay for the highest Lieutenant. Mayor Patriarca reiterated that is what the PBA bargaining unit negotiated as the rate that they would accept as compensation for doing the work. Mrs. Scull confirmed if that was regardless of what their pay is that every time there is a contracted job they will get paid one and a half times what a Lieutenant makes. Mayor Patriarca responded if this ordinance is approved as it was read, yes. Mrs. Scull expressed that Council needs to look at this again. Mr. Cartier agreed. Mr. Inge asked if a first year officer would be paid one and half times. The Mayor advised they'd be paid approximately \$75.00 per hour. Mrs. Scull expressed respects for what Mr. Richter said noting that none of them are going into this to make money but rather they just want to make sure that it's not causing the residents money like in the past. Mrs. Scull asked if even though this was negotiated and Council has not approved that contract yet, if an ordinance can over ride a contract. Mrs. Scull expressed her perception that regardless of what is in the contract, if there is an ordinance or law that says something else, the ordinance or law must be followed. Mr. Bayer replied he would like to contemplate his answer. Mr. Inge exemplified Moore's Funeral Parlor as a third party and asked if the resident's would have to pay an Police Officer \$75.00 per hour plus the additional. Mayor Patriarca confirmed Moore's Funeral Parlor would have to pay and what he charges the residents is.....Mr. Inge interjected that it was said the residents would have to pay that amount because they are not going to swallow that fee and it will be passed on to the residents. Mr. Inge expressed that the residents should not have to pay that high of a fee. Mr. Prickett noted it sounds like this ordinance has a lot of problems and he doesn't know that it will be revisited on the March 19th meeting.

Motion by Prickett and Cartier to table Ordinance No. 5-2008 indefinitely.

Mr. Bayer advised that the ordinance cannot be tabled indefinitely. Mr. Bayer stated he understands Mr. Prickett's concerns but since it was introduced and there has been a public hearing, a date needs to be set and if it's not ready on that date, it will be tabled again.

Mr. Prickett revised his motion to table Ordinance No. 5-2008 until the March 19, 2008 Council meeting. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Mr. Prickett commented advertising requirements noting concern if they ordinance fails at the next meeting. Mrs. Young explained that Council is tabling the final adoption and if there is any amendment that is what would have to be advertised. Mr. Prickett stated as long as there are no expenses to advertise. Mr. Bayer replied that Council would not have to republish but if it is changed subsequently, then it would need to be re-advertised.

14. UNFINISHED BUSINESS

- a. Council's approval of PTMUA's professional contracts (as to fees).

Motion by Scull and Prickett to approve the PTMUA's professional contracts. Scull, yes; Prickett, yes; Cartier, no; Inge, yes; Stinney, noted the Alaimo Group has her yes vote, Holman and Frenia has her yes vote, and Parker and McCay has her "no" vote. Motion carried.

15. NEW BUSINESS

- a. Request from Recreation Dept. to expend funds in excess of \$2,000.00 for payment for fingerprinting/criminal background checks to the Division of State Police –SBI Unit in the amount of \$5,000.00.

Motion by Prickett and Scull to approve the request from Recreation Department to expend \$5,000 for payment for fingerprinting/criminal background checks to the Division of State Police –SBI Unit. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

- b. Request from Administration to expend funds in excess of \$2,000.00 for purchase of flooring for Room 10 renovations from John's Hardwood Floors, in the amount of \$7,678.80.

Mr. Prickett expressed concern that public floors make noise when one walks on them. He noted this is a board room which needs some quiet and if someone drops their keys or has heels on, this will be heard. Mr. Prickett also expressed concern that people will slip as some of these floors can be slippery and this is not really appropriate for Room 10. Mrs. Scull asked if the flooring were regular tiles. Mayor Patriarca explained it is a pergo type, snap together type of floor. Mrs. Scull stated she thought they were looking at tiles and asked if they were more expensive. Mayor Patriarca advised that they did not look at tiles and were looking at this type of floor or carpet and felt that carpet wasn't as clean. Mayor Patriarca explained this is the floor that was in his office and is not a tile but rather is a piece of the floor that would snap together. Mr. Inge asked if there was anything for sound. The Mayor informed there is an intention of putting a runner in the walkways. Mr. Prickett asked if this flooring had formaldehyde in it since it is a laminate. Mayor Patriarca acknowledged it is a good question but doesn't know. Mr. Prickett stated he did his homework. Mayor Patriarca asked if this existing floor in the room they are in has formaldehyde in it. Mr. Prickett advised it is not a laminate, but he is sure it has some other chemicals in it. Mayor Patriarca replied it is carpet. He commented that he would imagine it has approval as it is a commercially used product. Mr. Cartier asked about the wear and tear as there will be chairs and tables being moved around constantly. The Mayor relayed it is out of the commercial line of the product and there is a 15 year wear and tear warranty. Mrs. Scull asked for the length of the warranty. Mayor Patriarca reiterated it is

either 10 or 15 years and it might have been 15 on residential and 10 on commercial.

Motion by Scull to approve the flooring for Room 10 from John's Hardwood Floors, in the amount of \$7,678.80.

Mrs. Scull asked if the Township employees could do this. Mayor Patriarca replied no; they couldn't do it for the price that they were able to contract it. The Mayor noted the three prices and was interested to see how he can do it for this price when the other two prices came in at 100% and much more on the third price. Mr. Cartier asked if the other two were for different materials. Mayor Patriarca and Mrs. Scull both answered no. Mrs. Stinney asked Council if there was a second to the motion or if Council was still looking at the information. Mrs. Scull asked if there was any other information needed such as the formaldehyde question. Mrs. Stinney noted that in the proposal there is a note stating this proposal may be withdrawn if not accepted within 30 days. Mr. Cartier commented to the Mayor that he has expressed his concerns regarding this before when he asked why they weren't using carpeting and asked the Mayor if he even priced carpeting. Mayor Patriarca replied no. Mr. Inge stated that most commercial buildings use the sectional carpeting that can be removed so that if one section gets damaged it can be removed and another piece put down. Mr. Inge advised that it doesn't even have to be re-glued. Mrs. Scull voiced concern with carpet regarding all the formaldehyde that is in carpet, noting she is extremely allergic to many commercial carpets. Mrs. Scull expressed concern if something were installed in the room it would have to be of very high quality that has no toxins in it and it might be a lot of more expensive than this flooring to go to carpeting.

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

GENERAL PUBLIC COMMENTS:

Mrs. Stinney opened the meeting to general public comments. Those wishing to comment were: **Roseann Monroe: 1.** Announced she has lived in the Township since 1972 and has lived at South Lakeshore Drive for approximately 10 years. She explained that has dealt with the house at 36 Press Avenue for 10 years noting she met the owner when she first moved in and thought of the elder gentleman to be like her "grandmother" and he was a type of "pack rat". Ms. Monroe expressed the house and property was in bad condition, but she did not say anything because he was an elder gentleman. Ms. Monroe stated she has put poison out for the rats, possums, squirrels and skunks. Mrs. Monroe noted she did not realize the elder gentleman passed away four years ago and assumed he was still living there. Two years ago his daughter passed away and she did see the ambulance at that address. Ms. Monroe advised she allowed the family a few months to grieve and then called Mr. Chuck Fisher. She got to the point with Mr. Fisher where he advised he couldn't do anything because it is an estate problem. Ms. Monroe conveyed that she at first thought it was an estate problem because the father died and then it was passed to the kids and she could understand the kids fighting when both of the parents has passed. Ms. Monroe informed last year she received a notice for her 1994 van that is not running. Ms. Monroe advised she needs a fuel pump for the van. Ms. Monroe noted she cannot keep any paperwork in her garage because of the rodents. She is purchasing the "good" poison from WalMart every time she goes. It has gotten to the point where she calls Mr. Fisher and he knows her without her giving her name or address and he is now telling her that she needs to do something about her roof. Ms. Monroe explained she has moss on her roof and didn't have the money to do anything so she went up on her roof and took the moss off and now her roof leaks. Ms. Monroe commented her neighbor's house, the Bibb's family house, is in worse condition. Ms. Monroe stated she has been harassed about a trampoline that has been in her front yard and a blow up pool.

She advised that she cannot put the blow up pool in the front of her house because Mr. Fisher drives by her house everyday to get home and he will stop and site her to the point where she told him she will go to court and unplug her pool and drain it out and move it. She noted the Pool can be moved and it appears that everyone else seems to have one. Ms. Monroe stated Mr. Fisher is no longer harassing her about this. She then reported that on the 19th, she was driving on South Lakeshore Drive to the college at noon and Mr. Fisher was also driving on South Lakeshore Drive and he was on the phone and his tire was over the line on the road and she tapped her horn. Ms. Monroe stated she didn't realize it was Mr. Fisher until he was very close. She advised that subsequently on the 20th, she received her notice for van. Ms. Monroe provided pictures to Council of the Bibbs' house and conveyed that they are living in a trailer and doesn't know how electricity is being kept on the property and suggested they are on some type of battery timer because lights do come on. Ms. Monroe informed that she called the MUA a few times because of the odor of feces. Ms. Monroe informed she has city sewer and her neighbor has city sewer. She commented on the trash and advised that she showed the Mayor who thought she was talking about the overgrowth. Ms. Monroe stated she doesn't care about the overgrowth but there is trash in the grass. From her upstairs window, this is the view that she has and it is bad. Mr. Cartier and Mrs. Scull expressed that they would be interested in seeing her photos. Mayor Patriarca acknowledged that he met with Ms. Monroe the other day and she did present this argument to him and he did suggest that she present the photos and location so it can be addressed. The Mayor commented that the Chief of Police and Business Administrator did have a meeting scheduled that had to be canceled today where this was going to be addressed. Mayor Patriarca reiterated that he did address this with Ms. Monroe and he did ask for a second copy of the photos and her concerns would be addressed. Ms. Monroe answered that her problem now is money and she is waiting for child support. Ms. Monroe stated she is fighting for every penny she gets to support her family and kids. She is sitting in a house with no heat; RCA cannot help her because her ex-husband has liens in his name on her property that is in her name. Judges have told her that the Township can do things for that but the Township can't do anything because it's RCA and it's the State. Ms. Monroe informed acknowledged understanding this but feels that she is being harassed by Mr. Fisher. She reiterated that she has lived in this town for many years and on South Lakeshore Drive for most of her life. Ms. Monroe advised she used to walk the woods; Wheeler Avenue, Hawthorn down to Rockland. Ms. Monroe informed Mr. Fisher lives on Rockland and he is a Code Enforcer and the only reason Rockland is not all the way through is that approximately 20 years ago, kids used to party out there and get wild so the Township put a dump load of dirt there off of Wheeler Avenue. He advised that technically there is no variance that she has been able to find stating that Rockland is a closed, dead-end street. Ms. Monroe admitted that that she does not know the dimensions of Mr. Fisher's property but one is not allowed to go in the front their houses with any building as there is frontage and then the house. Ms. Monroe acknowledged she is not a surveyor but when looking at Mr. Fisher's property, he has pop-up tent shed which is more to the front of his property, there is a wood pile on Rockland that is blocking, there is the street hole, a wood pile, and a blob of white that is a trailer in the woods. She expressed that Mr. Fisher who is a Code Enforcer should know all of these rules and should have told someone in the Township to come and get whoever dumped those illegal logs there because they shouldn't be in the middle of the route and there shouldn't be a trailer all the way in the back. Ms. Monroe advised that Mr. Fisher owns a couple of pieces of property on that street. She reiterated that Mr. Bibb's home needs to be done and she would like to go to more than the Township with this as she has been dealing with this for more than 10 years. She has told Mr. Fisher at Country Farms approximately 2 years ago that people that go fishing in the front of her house state they see rats coming from the log cabin and pointed out the two holes on the front porch that she believes assuming are animal habits. Ms. Monroe added there appears to be what looks like paw marks there as well. Ms. Monroe stated that is what she has been dealing with

but she gets a fine for \$100 for a van that is not a beat up van. If the vehicle is beat up, she can see a tarp but if the paint still looks good and the vehicle looks like it can get out on the street and is drivable, a tarp starts looking tacky. Ms. Monroe provided a picture of vehicles on the Bibb's property that have tarps on them but one can't tell that they are tarps because they are shredded. Ms. Monroe reiterated that something needs to be done with Mr. Fisher and expressed that he needs to do his job. Ms. Monroe added that she doesn't know how Mr. Fisher knows the Bibbs or what it is but he is not doing anything about it and she has complained and the Pemberton Township Police should know of at least three phone calls regarding smelling feces in the last fifteen months and that doesn't count the last ten years. Mrs. Stinney and Mr. Prickett thanked Ms. Monroe. Ms. Monroe commented that she knows Mr. Fisher doesn't own the road and knows there are two houses on the street but because he is a Code Enforcement Officer and knows the code she would like to be able to cite him for not having his street clear of debris; those logs and the trailer. Mr. Vaz asked Mr. Prickett as to Ms. Monroe's violation if this was something that she might be able to appeal to the Property Maintenance Advisory Board. Mr. Prickett asked if he said appeal to the property maintenance board and expressed that it is really something that Code Enforcement needs to look at and take care of. Mr. Vaz stated he thought there was a property maintenance appeal board. Mr. Prickett explained there is a property maintenance board but not an appeal board but there is a possibility of appeals. He reminded having noted at the last meeting, the Property Maintenance Board has been on hiatus because they need to have some cooperation with Administration. Mr. Vaz expressed that part of the problem might be that residents don't know that they have a right to do that and suggested the people that are violated be educated....Mr. Bayer suggested Mr. Vaz look at this as some are able to be addressed with the Municipal Court so he is not sure how Council would be able to handle that and would assume the board would be more advisory. Mr. Prickett confirmed that the Board is advisory and asked if there was a warning issued because one is required to give a warning on these things before a summons or violation notice is actually issued. Ms. Monroe advised she received a warning last year when the fuel pump went and thought she was going to have the money and have the van put on the road. Ms. Monroe commented that last year her son stole her car and totaled it and then the van broke down and between getting another vehicle; she never had the money and reiterated that her ex does not pay child support. Ms. Scull asked how many vehicles are in her yard. Ms. Monroe replied two. Mr. Cartier asked if the two included her van. Ms. Monroe answered at the time it was two registered vehicles; one unregistered. Last year when she received the summons, the Neon was totaled and she kept it there so she could say to her son this is why he doesn't have a life and to throw it in his face. As soon as he paid it off which was approximately August, it was off. Ms. Monroe advised she has seven kids and has no backyard and that is the first thing Mr. Fisher went after her for was the kids toys when she first moved in. Ms. Monroe commented the pictures depict the trash. Last year Ms. Monroe told the Mayor and Code Enforcement, not Mr. Fisher, that they can come on to her property to see the Bibb's property. Ms. Monroe expressed that the Bibb's property makes the Acme property look nice. Mrs. Scull indicated she had quite a conversation with Ms. Monroe during the budget hearings and one of the issues when running for Council was Code Enforcement in the community and how it seems to be very selective. She advised that this is what was heard from the residents all throughout the town and it didn't matter what community they were in. Mrs. Scull commented that the Mayor put the Code Enforcement department under the Police Department hoping to have better control. Mrs. Scull added that she brought this up at one of the Council meetings and Council supported her in her opinion that no improvement has been seen. She relayed that there are still a lot of tarps over roofs and Council is not really pleased that it is not moving along the way they want it to and asked Mayor Patriarca if that was the meeting that was canceled between Mr. Vaz and the Chief. Mr. Vaz indicated that the meeting was scheduled with all of the players but one of them was mandated to be in Trenton for an 11:30 meeting and he went to the meeting while the Mayor stayed to work

on the Budget in light of the information received last night. Mrs. Scull advised Council understands and hears what Ms. Monroe is saying. Mrs. Scull expressed concern that this is something that has been talked about and it is a problem in the Township and it needs to be addressed. Ms. Monroe conveyed it has been needed to be addressed for years; Mr. Fisher has been picking and choosing. Mrs. Stinney thanked Ms. Monroe. Mr. Inge commented on two pictures that she provided that concerns a property that he owns. Ms. Monroe stated they were meant to be taken out and heard that something was already being done with that. Mr. Inge advised he did have Code Enforcement stop in and he sent letters for the past year to the owners and it is in litigation and prior to that usually when people put trailers on properties they don't stay more than a week or two weeks tops. Mr. Inge commented there was a problem with the property that the people bought and it is his understanding they have to go through Pinelands, noting they received Pinelands approval and then there was problems with the deed and it is in litigation now. Mr. Inge conveyed that he has spoken with their attorney and it has taken over one and a half years to reach someone, and they have paid him personally \$400 which he gave to the workers that worked on this and asked if they could check on this because he is not there that often. Mr. Inge stated as far as making any money for them being on the property, he doesn't receive a penny for that and in the beginning when they came it was his understanding that they were only going to be there for a week and he is trying to get them off the property and just sent a letter to the Pinelands today but has not had any success in getting them off the property yet. Ms. Monroe and Mr. Inge are talking at the same time.

America Phillips: 1. Expressed that Administration should take care of the needs of the residents of this community. **2.** Advised that she still has not received an answer from Mr. Fisher from last year. She noted that one day at lunch time she saw Mr. Fisher in Presidential Lakes on New York Road and Rhode Island inspecting a house being worked on, and Mr. Fisher saw an individual picking up trash from his yard and throwing it on an empty lot. Ms. Phillips advised that Mr. Fisher did nothing about this. She expressed that as Code Enforcement of the Township, the residents are paying his salary, and Mr. Fisher should take care of the people better. **3.** Reported there was an oil spill on February 5th in Presidential Lakes and asked who is responsible for that. She noted this was on television, but the Fire Department was never notified. Ms. Phillips informed the address where the oil spill occurred was 408 North Carolina Trail and the residents are renting this house with an option to buy. She explained that during the transition of purchasing this home, the landlord was aware the oil tank was leaking and did nothing about it. Ms. Phillips asked who would handle this; the Health Inspector or Code Enforcement. Mayor Patriarca conveyed that Ms. Phillips is referring to an oil spill that was reported to them by the State and also by Emergency Management. The Mayor informed the requirements have been met and DEP is also aware of the spill. Mayor Patriarca explained that when referring to a spill it doesn't mean a 250 gallon tank spilled into the ground but could also be a one gallon spill which would still be required to be reported. He relayed that once reported; they get the notifications from the State. He advised that Emergency Management also contacted them to inquire if they were notified of the spill because the Fire Company was not. He noted that if this is the same spill that Ms. Phillips is talking about, that they were notified and the information was passed on to Emergency Management. Ms. Phillips asked the Mayor when he was notified. Mayor Patriarca replied it comes through correspondence through the mail so it would have taken a few days to get through. Ms. Phillips advised that the landlord told the tenant they had to get out because the oil spill was checked out and the end result is that nobody can live in the house. She reported that the landlord now has people living in the house. Mayor Patriarca advised Administration will look into that with their rental inspector to find out what the status is of that unit. **4.** Asked who else is in Code Enforcement besides Mr. Fisher. She expressed that the tax payers' money is being wasted for nothing. She advised that a lot of people have a lot of problems with "this man"; he is not doing his job and for them to face it. She stated that if she is not doing her job with the State, she would be out the door.

Mayor Patriarca informed there are currently three Code Enforcement Officers. Ms. Phillips asked for the names. Mr. Bayer suggested the Mayor provide this information to the resident and doesn't think a public meeting would be the appropriate forum. Ms. Phillips asked for the Mayor to leave her a message. **5.** Spoke of a resident on Kentucky Trail that was not allowed to install a swimming pool because he had no back yard. Mrs. Scull asked Ms. Phillips if the owner spoke to the Mayor. Ms. Phillips informed he came to the Township. Mr. Cartier stated it happens that he has two frontages and asked if his back yard goes all the way to the street behind him. Ms. Phillips confirmed it does. Mr. Cartier explained that technically the owner has two front yards and needs to come and see the Zoning Official. **5.** Reported that 210 Louisiana Trail has a trailer in the backyard. She noted that the Police are aware of the parties and who lives there. Ms. Phillips expressed belief they are manufacturing drugs in the trailer. She asked if the Township was aware of who lives in the house noting that sometimes there are 10-14 people that she sees leaving there. Mayor Patriarca replied that he currently does not know but will find out. **6.** Reflected there were a lot of problems heard tonight about Mr. Fisher. She asked who Mr. Fisher's boss is. She expressed that they want their people to live in the community and take care of it. Ms. Phillips noted Ms. Monroe stated she doesn't have any heat. Ms. Phillips commented that she fought for a 66 year old lady; she went everywhere, the Township, Mount Holly and the Freeholders. She advised that she took off from work today and transported her everywhere and got heat for the lady. She expressed they are older people and they should take care of them. **7.** Commented that Mr. Charles Graff passed and he was the founder of the BMIA building. She suggested the building be renamed for Charles Graff because he was the main one that started that place. Mrs. Scull agreed that it is a good idea but the building already has a name and suggested finding an alternative. Ms. Phillips suggested a recreation park. Mr. Prickett agreed with Mrs. Scull that they should find some way to recognize Mr. Graff noting it has been discussed with the Graff family and he is not sure that they would want to see a building named after Charlie Graff. Mr. Prickett stated he is sure Council would like to see Mr. Graff recognized in the community. **8.** Reiterated that nothing is being done about Code Enforcement in the community. She advised that Mr. Fisher gave a summons to a lady for her grass being too high, noting the lady came to the Township the next day and informed it was decoration. She expressed that people are receiving summons and then just coming to the Township and paying them. Ms. Phillips expressed hope that the next time she comes in here, there will be a new Code Enforcement Officer. Mrs. Stinney informed Ms. Phillips that the Mayor has made a commitment. Mayor Patriarca replied he is awaiting the results of the meeting between the Business Administrator and the Chief and is sure they are going to get results in this department along with some direction. **9.** Reported that the Presidential Lakes Bridge on the back road does not have a weight limit sign. Mayor Patriarca noted the County was asked to change the weight limit of that bridge and the County feels the weight limit does not need to be changed, and the bridge is not unsafe. **George Petronis: 1.** Expressed that the Township ordinance that defines properties that stretch from one street to another is patently ridiculous and shouldn't be an issue for residents to spend \$1,000 and have to go before the Zoning Board to get that "ridiculousness" recognized. Mr. Petronis suggested the Council take a look at that definition and have it more carefully pegged so that people are not unfairly impacted by it. **2.** Agreed with Mrs. Scull that she and everyone should let the Governor know their feeling on his cut of State Aid. He noted the rumor going around is that the Governor is penalizing small, relatively efficiently run rural and suburban communities so that he can continue pumping money into the sucking chest wound of big city waste. He expressed that he is cutting services; he is not cutting waste and they should all probably individually and as group make a point that they don't like it. **3.** Attended a couple of the Browns Mills Redevelopment Meetings, specifically the meeting where the old Acme Shopping Center was discussed. He advised that as a matter of principal, he is generally completely opposed to the use of eminent domain and condemnation

of private properties and for the most part, governments need to keep their hands off of private property and live their lives. He expressed however, if there is ever an argument for eminent domain, that shopping center is one of them. He noted that from everything he hears of other people's comments, the owner of that property has shown over a great number of years that he has no real interest in cooperating with the community to upgrade that property. He expressed they have a vested interest with the way the Pinelands restricts what they can do in this town and they need to maximize the value of any available commercial properties. He relayed they need to do things that will help improve the image of this town and do things that will help improve the prosperity of this town. He exemplified that one of those things would be to use available spaces to maximize the types of businesses that can be brought in and to maximize the kinds of jobs that can be brought in to this community. He expressed that in that perspective, that is a horribly wasted piece of property. Mr. Petronis encouraged the Council and Administration to do whatever they can to either get the owner on a fast track to upgrade that property and put it to its best use or to take what actions are necessary to allow someone else to do it.

Michael Balas:

1. Reported that last night was the last sign up for baseball and there were a total of 203 signed up, noting that the numbers for baseball have increased again for the eighth straight year.
2. Announced a complex clean up on Sunday at 12:00 noon. He suggested Public Works energy could be on the in-field and the rest of the complex will be taken care of. He advised that whatever is not done this Sunday will be done by prisoners that he has set up with some Captains and Lieutenants that are prison guards to finish up prior to the season starting.
3. Informed that in a joint effort from last year between the Township and the Baseball Program, there are poles and netting that were ordered to help protect the kids and parents from getting foul balls. He advised that joint endeavor ended up being approximately \$2,500 and within the next week he is trying to schedule the installation of the poles and netting before the start of the season.
4. Announced that April 11th is the opening day for Cal Ripkin. Mr. Balas informed Mr. Cartier is the Treasurer of Babe Ruth and will probably be seeing an invitation to throw out the first pitch or something to do on opening day.
5. Announced that Babe Ruth starts Saturday, April 12th. He noted there are four teams in Babe Ruth and they are going to interplay with Medford, New Egypt, Tabernacle and a few other ones to get the kids a different look and get them ready for the district competitions. The majors will also be intermixing with some New Egypt teams.
6. He relayed with the start of baseball on April 11th and April 12th, there are a lot of Policemen that have kids and grandkids or friends that do participant. Mr. Balas gave the Chief an open invitation at any given times during the night games or Saturdays for Police Officers to come and walk through the complex and talk to the kids for open communication with the kids. Mr. Balas relayed that the kids gather around when a police car is there and most of the time the Police take their time showing the kids the car. He expressed this is a great opportunity for interaction between the kids and the Police. Mr. Balas stated that if the Police are going to take this time during their lunch break, he can set up some hotdogs and sodas for them so they will not lose out on their lunch time while doing some community service.
7. Expressed that TAG is an interesting venture and has had three meetings to date and not counting Mr. Cartier, he has seen two people. He advised however, there are a few things in the works and a lot of it is through the schools and he is receiving a lot of help from the County Coordinator, Molly O'Keefe. He informed there is a TAG sponsored dance on March 14th at Helen Fort and the cost of the dance is \$3.00 to the kids but if they bring an adult, the kids get in free. In turn, the adults go to a class which will cover internet safety and information on the next presentation on April 18th.
8. Announced there is a TAG sponsored movie night at Helen Fort. The price is \$7.00 for the kids and if they bring an adult, the kids get in free. Mr. John Kreager will be providing a presentation for the adults about 2 hours long, titled "what's hot/what's not" and it is an education to the adults and the parents on drugs of today. An interesting part covers what kids are doing to get high and they are doing it in front of parents and teachers and the adults are clueless to all of this. This is Mr. Kraeger's biggest

presentation as far as interest from the adults because it gets them at the kids' level. He noted that May 1st is a community youth initiative which entails everyone in the community involved in different issues within the community. Letters will be going out to local politics, police, fire, clergy, businesses and prominent members of the community. This will probably be at Helen Fort also. **9.** Announced that Red ribbon week will be in October. In the past, TAG picked one school and got with the PTO President and an interested teacher as far as what they would do with the school and funded the program with money. Mr. Balas informed he is trying to do two schools if not three depending on how he moves the money around with the budget that he has. **10.** Reported that he stopped by the Nesbit Center and spoke with the two coordinators to find out what their needs are. Their biggest interest is to get their computers up and running. They have also received a lot of donated books and they are also looking for shelves. Mrs. Scull informed that the PTA is purchasing bookshelves for them. Mr. Balas advised he has two programs on VHS tapes that are an interactive presentation for the kids but the problem is they don't have a TV. He is working on obtaining them a TV and VCR. Mr. Balas noted he deals a lot with Ms. Redmond and has all of the shirts and everything for the teen center. Money was available from last year's budget to do this for the kids. Between dealing with Barbara Grecko through the school district and Molly O'Keefe from the County, a lot of good ideas are out there and there are a lot of things that can be done. Mr. Balas noted that his time is getting limited with baseball season coming up. Mr. Balas commented that he emails a week prior to the monthly meeting and receives a lot of rejected emails from people that are dealing directly with kids in the school system. Mr. Balas conveyed that if it wasn't for Barbara Grecko, he would have lost all of his faith in Pemberton Township Schools as far as the adults getting involved with the community because she is the only one really supporting this. Mr. Balas stated if anyone knows of ways to get people involved to let him know. Mrs. Stinney thanked Mr. Balas for his ongoing efforts for all of the students and children in Pemberton Township. Mrs. Stinney commented on how hard it must be to do it all with the little bit of people that come forward and volunteer noting it is a hard task and again thanked Mr. Balas. Mr. Balas commented the ones that do step up and help are very proactive and they help as much as they can. There being no additional members of the public wishing to comment, Ms. Stinney closed the meeting to public comments.

Mrs. Stinney convened the meeting for a short five minute break.

SOLICITOR'S REPORT:

Mr. Bayer advised there is nothing to report this time.

ENGINEER'S REPORT:

Mr. Stan Wojciechowski: **1.** Reminded Council that the 2007 State Aid for Norcross Lane must be bid and accepted no later than October 2008. For ARH to meet that deadline, they must begin the survey and design this March to ensure the deadline is met. He is asking for Council action to approve the proposal attached to the engineer's report. He advised that because of budgetary constraints; instead of awarding the entire amount for survey, design and construction management, the Council could at this time just authorize the survey and design portion only. He explained that this way at least ARH could get started on it and get the bids out and deal with the construction management at a later date. Mr. Cartier asked who the engineer is tonight. Mr. Wojciechowski replied he is. Mr. Prickett asked if the money is available. Mayor Patriarca advised they would take the design out of general engineering and then assess the project after the Budget is approved. Mr. Prickett asked if Administration was giving this a green light. Mayor Patriarca replied yes. Mrs. Scull reminded this is from last year and they risk losing the aid if they don't move on it. Mayor Patriarca agreed, noting it is \$150,000. Mr. Prickett asked if this portion was \$27,000, to which Administration confirmed it was.

Motion by Prickett and Scull to authorize ARH to begin the work on Norcross Lane by authorizing the expenditure of \$27,000 to do the survey and design portion. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

POLICE CHIEF'S REPORT:

Chief Lewandowski: 1. Advised that the normal statistics are not available now due to the leap year and they do not have the computer system which was able to generate the normal police report and that will attend to the Mayor by March 10th which was by the Mayor's request. Chief Lewandowski advised that he does have some statistics and information to report. 2. Two Police Officers, Patrolman Brewer and Waters, who graduated three months ago from the Police Academy have finished their field training program; one tonight and one finished tomorrow. Both of them will be assigned to Patrol Division and will be able to start patrolling on their own and this will put two more Officers out on the streets which will be a big help to us there. 3. With the onset of the warmer weather, the Police Department will start utilizing the off road vehicles; the motorcycles, to patrol the pits and the roads frequented by off road vehicles. There have already been a few complaints regarding the trails in behind Country Lakes with the ATV's and motorcycles. The bicycles go out next week for tune ups to get them ready. Four Officers are going to the Police Bicycle School at the Police Academy which begins next week or the following week. The bikes will be out as soon as the weather breaks. 4. Commented on two simultaneous drug raids in Sunbury Village by their Safe Neighborhood Unit which resulted in four arrests, the recovery of approximately \$8,000 in cash as well as crack cocaine. Three of the defendants have previous drug convictions, one for manslaughter who served a total of two years. The Safe Neighborhood Unit also arrested an individual last week in the Evergreen Boulevard area after seeing a suspicious car and stopping the vehicle. The Police observed the driver make some type of movement towards the back of the vehicle, and when they looked inside the car they found a loaded 45 caliber hand gun which was tossed in the back seat between two young children. He did not want to be caught with the gun, so he figured he would get rid of it. He was charged with possession of a weapon and had a prior criminal record and was also charged with child endangerment. 5. Their Detectives arrested Jason Mitchell of Country Lakes on charges of fraud and theft. Mr. Mitchell had for the last several years been running various events under the DARE dream car shows in Pemberton Township claiming he was raising money for the State and local DARE program. Pemberton Township did not have a DARE program until this year, so their DARE Officer, Christal Bartholemew, approached Mr. Mitchell and informed they now had the DARE program and the programs that they were doing and asked for the money that he had given to us. Mr. Mitchell claimed the money had been given to the State. After checking with the State, it was discovered it had not gone to the State and after bringing Mr. Mitchell in he did admit that he had in fact used the money for his own personal use. It is at least \$3,000 as we understand and he was charged with fraud and theft and will be facing other charges in the future as soon as they get to the bottom of the bank account statements. 6. Their Code Enforcement Officer, Mr. Chuck Fisher, was involved in an arrest. The Biesecker property has been subject to litigation for a number of years over junk cars and total junk and the Township has been trying to get this property cleaned up. There have been court orders on this giving them the opportunity to remove certain amounts of vehicles and junk every year. Mr. Fisher was doing some inspections in the area and went to the Biesecker property to ensure they were continuing to do what they were supposed to be doing and located one of their Browns Mills residents who was dumping tires on the property. Mr. Fisher called one of their Police Officers who arrested the subject and charged him with illegal dumping and forced him to pick up the tires and put them back in his truck and give them a receipt to prove where he legally dumped the tires. This is an ongoing problem in the Township with people dumping tires in their wooded areas. 7. As of March 1st, hand held cell phones and other

wireless devices are no longer authorized and legal to be used while driving in New Jersey. It is also a primary offense, so an Officer can stop one for doing this. This past week since it started, the Officers have been instructed to use this period as an instructional, educational period. The State Police have said from day one they are giving out tickets, but Pemberton Township wanted to give a little education even though it has been publicized for quite a while. Chief Lewandowski informed that his department had prepared a small notice to be given out tonight. Starting on Saturday, tickets will be issued instead of the courtesy notice violation. **8.** March 31st is the deadline to apply for the police test. In an effort to expand the recruitment, his department has prepared posters that will be placed at the high school, BCC, the library and distributed to churches, civic organizations and other bulletin boards around the Township. March 26 is the recruitment date for a recruitment session in the municipal building that will provide a chance for prospective applicants to come by and speak with him and other members of the Police Department. The selection process will be explained to them describing exactly what will happen, the test, what the background investigation will be like, what they are looking for and everything they need to know before they get in here. They will be provided a tour of the Police Station and give them a chance to ask us questions and talk to some of their Officers as to why they became Police Officers. This might be a good way to bring people in. Applications will also be available if they haven't filled them out. There are also a number of private organizations that offer prep courses for Police exams, similar to the SAT prep programs. They don't really teach what one would need to know about Police work but they teach how to pass the tests. That's what these people need; they need to know how to answer things. Dates have not been scheduled yet because the test dates have not been announced yet. **9.** Every year the FBI and the State Police come out with the UCR reports, Uniformed Crime Reports. It is a statistical way of showing how a town did in regards to crimes in various categories. It does not track all crimes; it only tracks major crimes that the State Police handles such as murders, rapes, robberies, burglaries, thefts, domestic violence and those types. He advised they cannot use this report solely to measure how a town is doing but it does provide an idea on the trends. This time last year, the UCR was used to show Pemberton Township had a high crime rate. At that time, he stated the UCR cannot be used only and he repeated the same statement today to show how much crime is in a town or how good or bad a Police Department is doing. The Chief noted the statistics were received on Friday for the six month period from January to June of 2007. It showed that there was an increase of six robberies in the same time period over 2006. The Chief noted that was the only increase; there was a decrease in assaults down 29.9%, residential burglaries are down 16.9%, regular burglaries are down 12.8%, thefts down 24.0% and total crime rate difference between 2006 and 2007 for the first six months is down 15.4%. The Chief noted summers are the busiest time. They won't know the numbers for the end of the year until approximately July or August. The Chief commented that the Police Department is out there and they will continue to stem the numbers and handle anything else that comes up on there. **10.** He commented that he had not seen the off duty employment ordinance until tonight. He expressed that he is glad that it was tabled because he has some problems with the ordinance as well. He relayed that some of the misconceptions with this is that when talking about the Lieutenant's salary it was made very clear that this is what the Patrolman is going to get because this is what the PBA had negotiated in their contracts; they wanted the Lieutenant's salary for working public jobs and the highest PBA salary for working the other jobs. Based upon the salaries which have been approved by the Mayor and presented to Council, the pay would be roughly \$67.50 per hour which would be the top salary for a Sergeant in the Detective Bureau who has the highest paid salaries so that is what would be paid for the schools. Right now the Lieutenants do not have a contract and based upon the appropriated salary for 2008, the difference would be \$67.50 for Lieutenants and \$66.67 for the Sergeants so there is less than a dollar difference between what the school will be charged and what the public entities will be charged. Those

numbers for the public entities will hopefully go up because the Lieutenants will be getting a contract. The Chief commented that what is troubling him is that it used to be that the third parties were considered to be the utilities, Moore's Funeral Home and the non-entities would have been any private organization and also the boy scouts and girl scouts and the churches. The individual that wanted a party at the BMIA building had to pay for it. According to the ordinance, the only people that get the cut rate will be the schools because it specifically states school district. He acknowledged that it is up to the Council, but if the local church wants to hire Police Officers, they are going to pay the higher rate plus the 10% charge. If the girl's cheerleaders want to have a dance at the BMIA building, they are going to pay that higher fee as well. The Chief reiterated that is ultimately up to the Mayor and Council, noting he will put his questions, thoughts and objections to the Mayor between now and the next meeting. 11. Regarding Code Enforcement, the Chief recently heard there was a member of Council not happy with the state of Code Enforcement and also heard a lot about that tonight as well. The Chief expressed he is not happy about it yet either and commented that a meeting scheduled for tonight had to be cancelled. He expressed that he does see changes within the Code Enforcement Office and has received a number of letters from some of the people who complained last year about how bad the code enforcement works, especially the investors in Sunbury Village. The Chief added that now they are seeing changes and he sees it getting a little better and was forwarded a letter from the Mayor from one of the investors in Sunbury Village saying pretty much the same thing. He then advised that he wants to discuss what is needed to perform the duties. Chief Lewandowski expressed that everyone knows Pemberton Township is 64 square miles and there are couple of thousand different structures in the town. There are three people to handle Code Enforcement but that number is misleading. The Chief clarified there are not three Code Enforcement Officers; there is one full time Code Enforcement Officer, one trainee who cannot do anything except ride with the Code Enforcement Officer for the next year until September when she would be eligible; she can learn but cannot issue summons and go on her own and the third Code Enforcement Officer spends about 60% of her time doing rental inspections. The Chief reiterated that there is one full time Code Enforcement Officer. He advised that there is no computer program to track the rental inspections which must be done on the old program and by paper; this only leaves one full time Code Enforcement Officer. The Chief informed that towns similar in population size to Pemberton Township such as Willingboro, have 33,000 and Pemberton has approximately 28,000 and Willingboro has eight square miles with five Code Enforcement Officers. Willingboro can go out every day and cover the entire town and the Township cannot. The Chief stated that hopefully they will have three Code Enforcement Officers noting the Mayor had mentioned that he was going to put another Code Enforcement Officer in the Budget and he understands the Budget had to get cut and that was probably one of the initial cuts. Without the additional personnel, it makes it more difficult. He has asked Lieutenant Kreig to prepare a list of properties that will be targets. The Chief noted Ms. Monroe's comments earlier and informed the Township has five specific Code Enforcement zones. He has asked Lieutenant Kreig to provide a list of twelve locations in each of the five zones and take these 60 locations and start with them; the worse objectionable places in town. The Chief informed that they need to keep up with all of the violations but with the limited manpower they now have, they just can't worry about it and they have to triage everything just like in the hospital. Peeling paint, trash and high grass have to be addressed and it will be but the most important thing needs to be these structures and these places that people are talking about such as the blue tarped houses. The Chief noted the equipment out there is old enough to start a scrap dealership. He has driven around with Lieutenant Kreig as recent as yesterday and pointed out a number of locations and asked why these were not tagged. The Chief commented that they get excuses and information that a particular area is under a court order and they are finding out whether these things are legitimate or not. He expressed that Code Enforcement is going to start tackling these things. He noted they can work with the homeowners

really trying to work with things; if they are not trying to do something then they will receive a code violation. The Chief reported the statistics from February show that Code Enforcement made 645 inspections, issued 314 notices of violations, wrote 9 summons, had 260 call ins, 85 walk ins to the office, 45 follow up calls, towed 4 vehicles, 54 rental inspections, issues 235 rental licenses and 11 special assignments. He explained that special assignments are some things where people have called and advised about specific locations. He will be meeting with the Business Administrator and will come up with some type of better plan. The Chief reiterated that he is not happy with Code Enforcement, Council is not happy with it but he sees a difference than what Council sees. He sees things are changing and have changed but not as much as they should. 12. Council had asked Administration at a budget meeting whether the special events such as the water carnival are paid for by them and they were informed they are paid for by Recreation and the Chief noted that is incorrect. The Chief advised the \$162,000 spent last year included the Police Department supplying 60 hours of Officers to work the Winter Parade, 60 hours to work the Water Carnival, 9 hours to work the Homecoming Parade, 9 hours to work the Memorial Day Parade and 9 hours to work the Veterans Day Parade which is 147 hours. Recreation paid the Police Department for one hour at the Winter Parade because they wanted to have an Officer in early because they needed to construct the reviewing stand early by the dam. There is approximately \$1,500 to \$2,000 in their Budget for Police officers. Recreation did pay for Officers to work the International Day that came out of their funds. The \$162,000 was totally the Police Department's money that they spent and had nothing to do with any types of reimbursement. At that rate, there were 3,296 hours of overtime at that is at the 2006 rate. A \$5,000 increase in the overtime budget for this from \$135,000 to \$140,000 gives them a net loss because this is budgeted at the 2006 rates and they now have to turn around and pay the 2008 rates. This means that the \$140,000 would provide 2,634 hours of overtime and that is at the average Police Officer's salary which is Step 6, which is 662 hours less than we spent last year and 112 hours less than we budgeted in 2007. The Chief referenced the Mayor's comment regarding what they are going to do about the Budget and that they have to cut things, noting these are their needs and they are not their wants. The Chief stated without the overtime, he needs to know what it is that they don't want them to do. He expressed that is the bottom line of any budget as the Mayor truthfully said, they are going to have to decide in every department what it is that they are doing now and what can they do with less and where do they want to cut that. He expressed it's going to hurt everywhere, everybody in every department. He relayed they just can't spend money that they don't have. He relayed that something will have to give in this, and the Police Department will do their best to work with the Administration and Council to ensure it is done that way. Mrs. Scull asked the Chief if the Officers will receive retro for the overtime hours they worked. The Chief replied yes. Mrs. Scull stated they are then already in the hole for this and asked if it is budgeted somewhere else. The Chief replied he does not know if it is budgeted somewhere else. Mrs. Scull commented that it has to be retroactive somewhere. Mr. Vaz clarified it is reserved. The Chief expressed that it sounds like a \$5,000 increase but when they receive their pay increases if it is along the lines of what was previously agreed upon, it effectively cuts the number of hours; it provides more money but they're paying more so they receive less for it. Mrs. Scull asked if that also includes when someone is sick and someone else has to come in. The Chief explained that includes all of the overtime but does not include Court Time which is budgeted on a separate line; this is for manpower overtime, late calls, calling a detective in, robberies, and any other type of overtime that is on the road that the Police Officer has to provide that is not a special event that is budgeted separately. Mr. Cartier asked the Mayor if the Code Enforcement Officer that is in training was advertised as a training position. The Mayor replied yes. Mr. Cartier asked if this person was being paid as a trainee. Mayor Patriarca responded yes they currently are. Mr. Cartier noted the Budget reflects Code Enforcement Officer. The Mayor asked Mr. Cartier what Budget document he was referring to. Mr. Cartier replied the

2008 Budget. Mayor Patriarca responded that is correct. Mr. Cartier commented that the Chief stated the Code Enforcement Officer would be in training for at least another year. Mayor Patriarca advised that he is not going to comment on the Chief's report at this time and will discuss that with the Chief at a department meeting. The Mayor added that the employee is currently being paid as a trainee. Mr. Cartier stated if this employee is riding around with another Code Enforcement Officer, they are receiving no benefit from them. Mr. Inge asked if this was a Civil Service requirement and if it was a Civil Service job. Mayor Patriarca answered the job was listed as a training position and has questioned that since as to why they do that and doesn't know but will address it in that manner the next time if and when a Code Enforcement Officer is hired. Mr. Inge commented it has been clear that all Council members know that one of the Code Enforcement Officers does rental inspections and that does take at least 80% of their job. The Chief advised that at least half of the time and when she does rental inspections she also does code of those buildings and when she doesn't do rental inspections she does do code enforcement but that is probably 25-30% percent of the time that she actually does real code enforcement besides rental inspections. Mr. Inge commented on page 27. Mayor Patriarca emphasized that he does not have the Chief of Police, his department head, in attendance to be questioned on the Budget and things that should be done in either a Budget hearing or with Administration. He advised that the Chief is here to provide a report on the Police Department and the status of the Police Department; not to sit here and go over Budget issues. Mr. Inge informed that the Chief mentioned the need of computer software and he was looking at the Budget and it shows there is an amount of money budgeted for that and it should help the department. Chief Lewandowski responded that the Mayor is totally correct; the Mayor answers questions about the Budget and his only point he made during his presentation was to talk about Code Enforcement that had been brought up by the Council that questioned why Code Enforcement is not up to par. The Chief reiterated that he is anticipating that Code Enforcement will be up to par and they will get it with the help of the Township, the Budget and Administration's cooperation. Mr. Inge stated that gives him an idea that these items are going to be needed and shouldn't be taken out of the Budget. Mr. Inge continued that is the point he is trying to make; to ensure that the employees have the tools they need to carry out their jobs and then maybe they wouldn't have the problems that the residents say they have in that department. Mrs. Scull commented that the only thing that needs to be addressed is whether or not it is a true perception but selective code enforcement is the perception. Mrs. Scull added that there are people complaining that an individual goes on their property where they have no right to be to look behind their fence to see what is behind their fence and those are the kind of complaints that they hear. Mrs. Scull further expressed that whether or not it is a perception or an actual situation, that is what she was speaking about the other night and it does reflect on all of them. Mrs. Scull reiterated that is the main issue with the public, whether it is a true perception or not it needs to be addressed. The Chief replied that perception is reality at the very least to the person who perceives it and that is what he is trying to do. He commented that he would love to come to Council meetings and not have any problems with Code Enforcement. The Chief added that the Business Administration and Mayor would also like it. He reiterated they will work with everyone to strive to get this done so that the perception changes that everyone is here to work with the Township. Mrs. Scull expressed appreciation that for the information that Willingboro has five Code Enforcement Officers because that is important to know what other towns that are close to their size are doing and maybe part of their problem is that they don't have enough personnel in that department. Mr. Inge stated there will always be complaints about Code Enforcement being at the wrong property. If they weren't at the Beisecker property, they would not have had any idea about the tires being dumped and he is sure the Biesecker property did not want Code Enforcement on their property but they just happened to be there and were able to see that the tires were being dumped. Mr. Inge further noted they were probably being paid from the people that were dumping even though he can't prove that. Mr. Inge reiterated

that the dumping would probably still be going on if someone wasn't out there and saw this. Mr. Inge expressed there will be complaints of them being somewhere they shouldn't be but 90% of the time the person that is in trouble over it will be on their property.

MAYOR'S REPORT:

Mayor David Patriarca: 1. Mayor commented that there is a serious problem on their hands with the Budget. The Governor's cuts of \$365,000 plus are only what they know of now. They currently believe there will be additional changes and these changes will also affect their Budget but they don't know them yet. The Budget is currently being looked at by Administration and there are cuts being made in every department and these will be suggested to Council. He expressed hope that Council really looks at these suggestions, noting that the Departments will have to tighten their belts. The Mayor added there will be a series of cuts where Administration believes they can manage more efficiently and only hopes that Council takes those cuts in to consideration as opposed to passing on increases in their tax rates to their residents and make them pay for the Governor's decision. The Mayor noted he has spoken with the Administration and there should be no problem in getting the numbers to Council by Friday to allow Council time to look them over and agree or not agree to the suggested cuts. Mr. Inge asked Administration regarding Ordinance No. 6-2008 noting the two patrolmen that are paid out of UEZ, if they would be able to have an additional two patrolmen so there would be a total of four patrolmen under the UEZ. Mayor Patriarca noted any officers that are put in the UEZ program to be funded through the UEZ has to be funded first and at the end of the year anticipate a refund through the UEZ Program. Mr. Inge asked Mrs. Stinney to reconsider putting Ordinance No. 6-2008 on the agenda for the next Council meeting to add two Police Officers through the UEZ. Mrs. Scull expressed that Council needs to wait and see. Mr. Prickett stated this is for introduction and it could be re-introduced tonight and modified tonight. Mrs. Stinney stated that Mr. Inge is asking that it be added to the March 19th agenda. Mr. Inge commented he didn't see why Council could not go through with this is funding through the UEZ. Mrs. Scull indicated that this could be found out during the Budget hearing and then it can be put back on the agenda if Council desires. Mr. Cartier suggested seeing what happens noting it can always be added to the March 19th meeting. Mr. Prickett noted that the Township has had 59 Officers and the complaint primarily from the Mayor was for the ordinance to reflect the number of Officers that have been in the Department and that is what this ordinance could have done. Mrs. Scull disagreed there are not 59 Officers. Mr. Prickett replied nor do they have to fill the extra Officers if they are not funded but the ordinance should reflect what was. Mrs. Scull reflected that it is tabled and it should be left tabled until the Budget hearing. Mrs. Stinney reiterated that the ordinance is tabled and his request is to add it to the next Council meeting.

COUNCIL MEMBER COMMENTS:

Richard Prickett: Mr. Prickett did not have a comment for tonight.

Sherry Scull: 1. Thanked everyone for coming out. She expressed that it has been a very productive, interesting and informative meeting. **2.** Announced the Senior Citizen's prom will be on April 16th. She advised that Council is invited and can leave in time to attend the Council meeting. She advised that the senior citizens are extremely excited and it should turn out to be a very nice event. Mr. Cartier asked for the time it is scheduled. Mrs. Scull informed from 3:00 pm to 7:00 pm. **3.** Expressed that as Council is looking at the Budget and the cuts from the State that impact everyone, they have to keep in mind that they need to provide services to the community that the community needs. Mrs. Scull encouraged Administration to involve their department heads in their conversations and perhaps some staff who could have suggestions on how to save money. There have been contests in the pass if one has a suggestion, they get a bonus. A lot of

times the employees in the trenches are the ones who can tell where to save the money that they might not think of. 4. Thanked everyone for coming out.

Thomas Inge: 1. Thanked everyone for coming out. He expressed hope that the public can come out to the next Budget meeting. 2. Asked Administration if part time and full time civil service workers can be put under a special program that could be funded through the Township other than the way it was funded through Recreation illegally the prior years. Mr. Inge advised he doesn't see how salaries get changed from \$7.40 to almost \$14.00 for seven or eight employees. Mr. Inge asked to look for different funding and fund it as special projects and not under a title if possible. Mayor Patriarca clarified to Mr. Inge that it wasn't that they were illegally funded in any way through any wrong department but that the department that they are being funded through is the correct department because they are recreation programs, the after school program, the teen center and so on. He noted these are all recreation programs and not where the problem was. The Mayor explained the problem was with the titles of the individuals. He advised that years ago these programs were started with the titles that were inappropriate for civil service. They were using seasonal workers and these are not seasonal workers; they work all year long. He informed that Administration corrected the titles through DOP and those titles are already in the contract and the contract entitles certain salary ranges which are why the salaries and titles are different now than the previous titles. The Mayor reiterated they still belong under Recreation but the titles have changed. Mr. Inge asked if the new titles can be classified under UEZ for special projects. Mayor Patriarca reiterated that the programs run all year long and that is the only title found in civil service that pertains to the work they do. Mr. Vaz advised that even if another title is found, ultimately it is not going to resolve the problem wherein they can only hold seasonal employees for six months in a twelve month period. He noted it will still be the same problem of having to lay off these employees and hire new employees to replace them; lay those employees off in six months and hire. Mr. Vaz conveyed when talking about lifeguards or seasonal help to pump up the Public Works Department in the summer, that's easy to do but when talking about the kind of program that is involved like the after school program, it's a little tougher. Mr. Inge suggested not giving the position the title of after school program, but rather giving it a different title. Mr. Vaz asked Mr. Inge if he was referring to purposes of the contract, the title in the contract and what they get paid; instead of being called Recreation try to negotiate a different title at a lower salary. Mr. Inge suggested creating different funding for that. He expressed that the change in the increase of pay is ultimately going to cause the loss of some of these programs and then not only is the employee going to be out but the residents that count on these programs will as well. Mayor Patriarca advised that what it comes down to is there is an employee working in the after school program and there are two in one building on any given day that manage 40-50 kids and the question is what is a fair compensation for that individual that is responsible for watching that number of kids at any given time. The Mayor advised that he has watched them do their homework with them, manage them in their games and so on and it's not a matter of what they can afford; if they want those kids to have that program, they have to pay for it and the question is if that is a fair compensation. He expressed that it may not be enough but that's what they are offering them. Mayor Patriarca expressed that what they were paying them before was ludicrous; noting that paying someone barely the minimum wage to manage 40-50 kids, be responsible for them and to perform the tremendous work involved to do the job was outrageous that they were able to get away with that for so long. Mayor Patriarca stated he does not know what a babysitter cost today but the two individuals that work the one program are doing much more than a babysitter ever does; they are raising these kids. Mr. Inge advised that he agrees with that part of it. The Mayor expressed the question in point is what is a fair compensation. Mr. Inge pointed out the question is if there is no funding for it where are the kids going to go after that. Mrs. Scull relayed that it doesn't mean they don't pay people what their job is worth. The Mayor noted it

comes down to where they want to make the cuts. Mrs. Scull agreed noting the program can be cut at the Budget hearing. Mrs. Stinney commented that in defense of the programs, if they really looked at it legally, the ratio is totally out of hand and the low man always gets the least and does the most. Mr. Vaz explained there is a twist to civil service also and it's too early to project where it's going to land but Corzine proposed eliminating the Department of Personnel. He noted that if that is maintained through the end result of the Budget process, they are no longer married to these titles and this particular problem they have with the six months on and six months off. Mrs. Scull reflected they will put it somewhere else under another department. Mayor Patriarca stated to Mr. Inge that would be a good thing if they do that. Mrs. Scull relayed that doesn't mean it will go away. Mr. Vaz reported it might go away for the local government. Mr. Vaz expressed he dreams for the day where Chief Lewandowski can give his own Chief's test. Mrs. Stinney asked Mr. Inge if his questions have been answered. Mrs. Stinney reiterated to Administration to be careful with the ratio. Mr. Inge commented that he understands what everyone is saying about the pay amount but if there are no programs and if there is another way to look for the money such as with UEZ and title it something else, acknowledging he does not know if this can be done, that this is why he is asking the question. Mr. Vaz reiterated the employee is then a twelve month grant employee and will need to be laid off after twelve months and they would then have to hire someone else. Mr. Vaz conveyed that it really falls back to the kind of program that they are running. Mrs. Stinney suggested Mr. Vaz hold those comments until the Budget meeting.

Ken Cartier: 1. Reported that the Township Code Review Committee met last week and there is another meeting scheduled for tomorrow. He noted there was some feedback received from Administration and Mrs. Young. He asked Council to let the Committee know if there is anything they would like the Committee to review. Mrs. Stinney asked Mr. Cartier if he would like to offer to Council if they would like to send their questions via email. Mr. Cartier suggested they forward their questions to Mrs. Young.

Diane Stinney: 1. Thanked everyone for coming out this evening. **2.** Expressed belief that their Administration presented a responsible Budget and worked very hard. Mrs. Stinney expressed confidence that in the upcoming days they will be fair and equitable across the board to all departments.

Mrs. Stinney recessed the open meeting at 10:35 p.m. to go back into Closed Session following a short break and reconvened the open session meeting at 11:40 p.m.

Formal action as necessary pursuant to continued closed session:

Mrs. Stinney noted that Council would like to continue the Closed Session topics from this evening on the March 19th meeting at 5:30 p.m.

Motion by Scull and Prickett to change the time of the next Council Meeting on March 19, 2008 to 5:30 p.m. for the purpose of continuing the negotiation discussions from tonight's Closed Session. Scull, yes; Prickett, yes; Cartier, pass; Stinney, yes; Cartier, yes. Motion carried.

The meeting was adjourned at approximately 11:50 p.m.

Respectfully submitted,

Mary Ann Young, CMC
Township Clerk

