

TOWNSHIP OF PEMBERTON

REGULAR MEETING

APRIL 16, 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.

PRESENT

Ken Cartier
Tom Inge
Richard Prickett
Sherry Scull (arrived at 6:30 pm)
Diane Stinney

ABSENT

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

2. Chairwoman Stinney called the meeting to order at 6:30 PM.
3. Closed Session Res. No. 112-2008

RESOLUTION NO. 112-2008

WHEREAS, SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, P.L. 1975 PERMITS THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES; AND
WHEREAS, THIS PUBLIC BODY IS OF THE OPINION THAT SUCH CIRCUMSTANCES PRESENTLY EXIST;
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
CONTRACT NEGOTIATIONS: WITH AFSCME, PBA, CWA & SCHOOL RESOURCE OFFICERS
ANTICIPATED LITIGATION: CHALLENGE TO TWP.'S SEX OFFENDER RESIDENCY ORDINANCE AND BROWNS MILLS SHOPPING CENTER
LITIGATION: TROUTMAN VS. PEMBERTON TOWNSHIP.
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Mrs. Stinney asked Mr. Bayer if there were any additional items to be discussed during Closed Session. Mr. Bayer advised there would be two additional items, the first one being litigation, Troutman vs. Pemberton Township and the Browns Mills Shopping Center.

Motion by Cartier and Prickett to approve Resolution No. 112-2008.
Cartier, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION

Mrs. Stinney convened the meeting at 6:30 pm to go in to Closed Session. Mrs. Stinney reconvened the meeting at 7:00 pm.

5. Formal action as necessary pursuant to closed session.

Mrs. Stinney advised that there was no formal action necessary pursuant to closed session but that Council will be returning to Closed Session at the end of tonight's 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.**

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

a. Special Meeting, March 1, 2008; Regular Meeting, March 5, 2008; Special Meeting, March 12, 2008 and Special Meeting, March 13, 2008.

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 113-2008

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING 2008 EMERGENCY TEMPORARY APPROPRIATIONS WHEREAS, AN EMERGENT CONDITION HAS ARISEN IN THAT THE TOWNSHIP OF PEMBERTON IS EXPECTED TO ENTER IN CONTRACTS, COMMITMENTS OR PAYMENTS PRIOR TO THE 2008 TEMPORARY BUDGET FOR THE AFORESAID PURPOSES, AND

WHEREAS, N.J.S. 40A:4-20 PROVIDES FOR THE CREATION OF AN EMERGENCY TEMPORARY APPROPRIATION FOR SAID PURPOSE, AND

WHEREAS, THE TOTAL EMERGENCY TEMPORARY APPROPRIATION RESOLUTIONS ADOPTED IN THE YEAR 2008 PURSUANT TO THE PROVISIONS OF CHAPTER 96, P.L. 1951 (N.J.S.A. 40A:4-20) INCLUDING THIS RESOLUTION TOTAL \$ 15,282,235.00

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

1. EMERGENCY TEMPORARY APPROPRIATIONS BE AND THE SAME ARE HEREBY MADE IN THE AMOUNT OF \$5,909,900.00 AS FOLLOWS:

CURRENT FUND:

GENERAL APPROPRIATIONS:

TOWNSHIP COUNCIL

SALARIES & WAGES	20,000.00
OTHER EXPENSES	1,000.00

MAYOR/BUSINESS ADMIN.

SALARY & WAGES	45,000.00
OTHER EXPENSE	2,000.00

TOWNSHIP CLERK

SALARIES & WAGES	45,000.00
OTHER EXPENSE	10,000.00

FINANCE

SALARY & WAGES	45,000.00
OTHER EXPENSE	20,000.00

AUDIT SERVICES

OTHER EXPENSE	10,000.00
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ASSESSMENT OF TAXES

SALARY & WAGES	40,000.00
OTHER EXPENSE	2,000.00

COLLECTION OF TAXES

SALARY & WAGES	40,000.00
OTHER EXPENSE	10,000.00

LEGAL SERVICES & COSTS

OTHER EXPENSE	75,000.00
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PROSECUTOR

OTHER EXPENSE	18,000.00
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ENGINEERING SERVICES

OTHER EXPENSES	35,000.00
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SOLID WASTE BILLING	
SALARY & WAGES	20,000.00
OTHER EXPENSES	(1,000.00)
INSURANCE	
WORKER'S COMPENSATION	300,000.00
GROUP HEALTH FOR	
EMPLOYEES	500,000.00
OTHER INSURANCE PREMIUMS	40,000.00
PLANNING BOARD	
SALARY & WAGES	25,000.00
OTHER EXPENSES	0.00
ZONING BOARD OF ADJUSTMENT	
SALARY & WAGES	25,000.00
OTHER EXPENSES	2,000.00
CODE ENFORCEMENT	
SALARY & WAGES	50,000.00
OTHER EXPENSES	3,000.00
AID TO VOLUNTEER FIRE	
COMPANIES	72,000.00
AID TO FIRST AID SQUADS	48,000.00
AMBULANCE CONTRACT	40,000.00
POLICE	
SALARY & WAGES	1,500,000.00
OTHER EXPENSES	150,000.00
EMERGENCY MANAGEMENT	
OTHER EXPENSES	10,000.00
ANIMAL CONTROL	
SALARY AND WAGES	60,000.00
OTHER EXPENSES	2,000.00
ENVIRONMENTAL PROTECTION	
OTHER EXPENSES	1,000.00
RECREATION	
SALARY & WAGES	100,000.00
OTHER EXPENSES	25,000.00
SENIOR CITIZEN SERVICES	
SALARY & WAGES	50,000.00
OTHER EXPENSES	15,000.00
BUILDINGS & GROUNDS	
SALARY & WAGES	300,000.00
OTHER EXPENSES	75,000.00
FIRE HYDRANT RENT	
OTHER EXPENSES	(2,300.00)
STREETS & ROADS	
SALARY & WAGES	300,000.00
OTHER EXPENSES	70,000.00
FLEET MAINTENANCE	
SALARY & WAGES	0.00
OTHER EXPENSES	100,000.00
TRASH COLLECTION	
OTHER EXPENSES	350,000.00
UNCLASSIFIED	
STREET LIGHTING	200,000.00
TELEPHONE	25,000.00
HEATING OIL	6,000.00
GASOLINE	200,000.00
ELECTRICITY	100,000.00
NATURAL GAS	12,000.00
POSTAGE	30,000.00
WATER	(2,300.00)
SEWER	1,500.00
TRAFFIC SIGNAL ELECTRIC	5,000.00
TIPPING FEE'S	300,000.00
DEMOLITION OF BUILDINGS	5,000.00
URBAN ENTERPRISE ZONE	
SALARY & WAGES	20,000.00
OTHER EXPENSES	55,000.00
SOCIAL SECURITY & MEDICARE	
OTHER EXPENSES	200,000.00

MUNICIPAL COURT	
SALARY & WAGES	100,000.00
OTHER EXPENSES	5,000.00

2008 TEMPORARY MUNICIPAL BUDGET	<u>5,909,900.00</u>
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WATER UTILITY FUND	
SALARY & WAGES	200,000.00
OTHER EXPENSES	200,000.00
SOCIAL SECURITY	10,000.00
TOTAL - WATER UTILITY	<u>410,000.00</u>

2. SAID EMERGENCY TEMPORARY APPROPRIATIONS WILL BE PROVIDED FOR IN THE 2008 BUDGET.
3. THAT ONE CERTIFIED COPY OF THIS RESOLUTION BE FILED WITH THE DIRECTOR, DIVISION OF LOCAL GOVERNMENT SERVICES.

RESOLUTION NO. 114-2008

WHEREAS, THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT, P.L. 1987, C. 102, HAS ESTABLISHED A RECYCLING FUND FROM WHICH TONNAGE GRANT MAY BE MADE TO MUNICIPALITIES IN ORDER TO ENCOURAGE LOCAL SOURCE SEPARATION AND RECYCLING PROGRAMS; AND
 WHEREAS, IT IS THE INTENT AND THE SPIRIT OF THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT TO USE THE TONNAGE GRANTS TO DEVELOP NEW MUNICIPAL RECYCLING PROGRAMS AND TO CONTINUE AND TO EXPAND EXISTING PROGRAMS; AND
 WHEREAS, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IS PROMULGATING RECYCLING REGULATIONS TO IMPLEMENT THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT; AND
 WHEREAS, THE RECYCLING REGULATIONS IMPOSE ON MUNICIPALITIES CERTAIN REQUIREMENTS AS A CONDITION FOR APPLYING FOR TONNAGE GRANTS, INCLUDING, BUT NOT LIMITED TO, MAKING AND KEEPING ACCURATE, VERIFIABLE RECORDS OF MATERIALS COLLECTED AND CLAIMED BY THE MUNICIPALITY; AND
 WHEREAS, A RESOLUTION AUTHORIZING THIS MUNICIPALITY TO APPLY FOR THE 2008 RECYCLING TONNAGE GRANT WILL MEMORIALIZE THE COMMITMENT OF THIS MUNICIPALITY TO RECYCLING AND TO INDICATE THE ASSENT OF PEMBERTON TOWNSHIP TO THE EFFORTS UNDERTAKEN BY THE MUNICIPALITY AND THE REQUIREMENTS CONTAINED IN THE RECYCLING ACT AND RECYCLING REGULATIONS; AND
 WHEREAS, SUCH RESOLUTION SHOULD DESIGNATE THE INDIVIDUAL AUTHORIZED TO ENSURE THE APPLICATION IS PROPERLY COMPLETED AND TIMELY FILED;
 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF PEMBERTON TOWNSHIP, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT PEMBERTON TOWNSHIP HERBY ENDORSES THE SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION FOR 2008 TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND DESIGNATES PHIL SAGER TO ENSURE THAT THE APPLICATION IS PROPERLY FILED; AND BE IT FURTHER RESOLVED THAT THE MONIES RECEIVED FROM THE RECYCLING TONNAGE GRANT BE DEPOSITED IN A DEDICATED RECYCLING TRUST FUND TO BE USED SOLELY FOR THE PURPOSES OF RECYCLING.

RESOLUTION NO. 115-2008

WHEREAS, THE NEW JERSEY URBAN ENTERPRISE ZONE COORDINATOR HAS PREPARED A PROPOSAL FOR SUBMISSION TO THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY FOR FUNDING FROM THE ENTERPRISE ZONE ASSISTANCE FUND FOR THE FOLLOWING PROJECT: UEZ CLEAN TEAM- PHASE 1; AND
 WHEREAS, SAID PROJECT IS CONSIDERED TO BE A PUBLIC IMPROVEMENT TO THE ENTERPRISE ZONE; AND
 WHEREAS, SAID PROJECT WILL FUND TWO FULL TIME EMPLOYEES' SALARIES, BENEFITS, AND 80% OF THE COST OF TWO (2) ADDITIONAL PUBLIC WORKS VEHICLES, EQUIPMENT, AND SUPPLIES FOR THE PURPOSE OF MAINTAINING THE URBAN ENTERPRISE ZONE; AND
 WHEREAS, PEMBERTON TOWNSHIP WILL CONTRIBUTE (20%- \$43,000) OF THE COST FOR THE ADDITIONAL VEHICLES, SUPPLIES, AND EQUIPMENT; AND
 WHEREAS, FUNDS ARE AVAILABLE TO SUPPORT THIS PROGRAM IN PEMBERTON'S URBAN ENTERPRISE ZONE ASSISTANT FUND;
 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY DOES HEREBY AUTHORIZE THE SUBMISSION OF THIS PROPOSAL OF \$274,000 TO THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY FOR APPROVAL OF SAID PROJECT.
 BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK SHALL FORWARD CERTIFIED COPIES OF THIS RESOLUTION TO THE URBAN ENTERPRISE COORDINATOR AND THE URBAN ENTERPRISE ZONE AUTHORITY.

RESOLUTION NO. 116-2008

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:
 FRANK KIENZLE, INSPECTION FEES RESIDENT NOT DOING WORK, \$38.40, BLOCK 614, LOT 10.

RESOLUTION NO. 117-2008

WHEREAS, THE PRESERVE AT RANCOCAS CREEK (FORMERLY PEMBERTON WOODS) HAD PREVIOUSLY POSTED A PERFORMANCE BOND FOR THE FAITHFUL COMPLETION OF CONSTRUCTION OF PRESERVE AT RANCOCAS CREEK IN PEMBERTON TOWNSHIP; AND
 WHEREAS, THE ENGINEER HAS RECENTLY REPORTED THAT A SUBSTANTIAL AMOUNT OF THE WORK HAS BEEN COMPLETED TO HIS SATISFACTION AND THE PERFORMANCE BOND IS ELIGIBLE FOR REDUCTION;
 NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE PERFORMANCE BOND IN THE AMOUNT OF \$4,574,409.30 PREVIOUSLY POSTED BY PRESERVE AT RANCOCAS CREEK BE AND THE SAME IS HEREBY AUTHORIZED TO BE RELEASED CONTINGENT UPON THE POSTING OF A PERFORMANCE BOND IN THE REDUCED AMOUNT OF \$2,501,515.55 IN A FORM SATISFACTORY TO THE TOWNSHIP SOLICITOR.

13. NEW BUSINESS

- *d. Request from Police Department to expend funds in excess of \$2,000.00 for installation of equipment for new police vehicles, from state contract vendor Quality Communications, in the amount of \$3,362.28.
- *e. Applications submitted for memberships, licenses, permits:
 - *1. **Fire Company Memberships:** (Council confirmation/acknowledgement of new members):
Magnolia Road Fire Co.: Firefighter Michael Espenschied; **Country Lakes Fire Co.:** Firefighter Steven McLaren
 - *2. **Loud Speaker Permit applications:** 1. Susan McBroom, D.J. for birthday party at BMIA building, 6pm-10pm, 5/17/08. 2. Jacqueline Todd, stereo system for birthday party at Country Lakes Rec. Center, 6pm-10pm, 4/26/08.
 - *3. **New Jersey Ride against Aids:** Request for Council's annual concurrence for their yearly fund raising bike ride charity project.
- *14. Approval by Council required for payment of vouchers on bill list dated 4/11/08.

Mrs. Stinney informed Council that she asked Administration to put before them a memo from the Public Works Department asking for a purchase order to be added to the Consent Agenda, PO# 20080349 for Home Depot in the amount of \$4,948.00. Mrs. Stinney asked for a motion to add this request to the Consent Agenda.

Motion by Scull and Prickett to add Public Works request to expend \$4,948.00 to Home Depot . Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mr. Prickett requested to pull from New Business *b. Request from Public Works Department to expend funds in excess of \$2,000.00 for the installation of two additional drainage systems in the municipal building basement, by B-Dry System, in the amount of \$2,628.00. Mr. Cartier requested to pull from New Business *c. Request from Police Department to expend funds in excess of \$2,000.00 for the purchase of three Ford Crown Victoria Police vehicles from state contract vendor Winner Ford, in the total amount of \$70,580.92. Mr. Inge asked to pull Resolution No. 118-2008 and Resolution No. 119-2008.

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

RESOLUTIONS PULLED FROM THE CONSENT AGENDA:

Mr. Inge noted Resolution No. 118-2008 shows the amount owed on the property but he did not see the appraisal and there is a big difference between what the Township appraised it as and what the bank gives an appraisal at. Mr. Inge

commented there is a difference of \$90,000. Mr. Cartier explained that is the difference between the assessed value and the appraisal because the Township is becoming very close to being required to doing a new re-assessment. Mr. Inge stated a farm home rancher would not be able to be sold in today's market for \$185,000 and that's what these are; 3 bedroom, 1 bath. Mr. Inge reiterated that in today's market, these homes would not sell for that. He doesn't know how the Bank of America does their appraisals. Mr. Vaz commented that their choices are to do their own appraisal which he does not think would be cost effective for them to do or to rely on their assessed values which would not be cost effective because they know how the ratio is almost at 50%. Mr. Vaz stated that generally speaking the mortgage companies use computerized models based on sales reports; recorded data at the County Clerk's office on deeds that are filed of what properties are going for and the computer works up what the appraisal is. He is sure that they will always be able to argue on any property plus or minus a certain range and what Mr. Inge is speaking about, \$185,000. Mr. Bayer commented that the issue is not if the property is worth \$185,000 because if looking at the liens or loans, there is a \$98,000 first mortgage and the proposed second mortgage or home equity loan of \$25,000 and so really the question is, is the property worth \$125,000 and so long as it is worth \$140,000 it should be okay. Mr. Vaz advised they can argue plus or minus the computerized model, but what they really need to look at is what the liens are. Mr. Inge expressed they need to look at what is actually owed on the property. Mr. Bayer replied yes, as long as it's worth \$140,000 theoretically the Township should be able to get some money out of it. Mr. Bayer asked if under the RCA program, under the rehab program if the people live in the home a certain length of time, if the loan is forgiven under this. Mr. Vaz answered yes. Mr. Bayer stated to keep in mind that the way this program works under the old regulations, is if the people lived in the home for 6 years after the improvements, the loan was forgiven so the homeowner's may never actually even owe this money back to the town if they stay there for 6 years. Mr. Bayer stated the requirement now is 10 years but when this loan was given, it was probably 6 years. Mr. Inge appreciated Mr. Bayer and Mr. Vaz clarifying this for him.

Mr. Inge then noted that the questions he had for Res. 119-2008 were the same.

RESOLUTION NO. 118 -2008

WHEREAS, THE TOWNSHIP OF PEMBERTON IS A SECONDARY MORTGAGEE UNDER A MORTGAGE DATED JUNE 19, 2006, BETWEEN VIRGINIA GREEN, 1711 RED FEATHER TRAIL, BROWNS MILLS, NJ 08015 IN THE AMOUNT OF \$21,500.00, AS A RESULT OF FUNDS PROVIDED BY THE TOWNSHIP TO OWNER OF SAID PROPERTY UNDER THE REGIONAL CONTRIBUTION AGREEMENT (RCA) WITH FLORENCE; AND

WHEREAS, BANK OF AMERICA HAS PROVIDED THE NECESSARY FORMS FOR THE APPLICANT WHICH ARE ENCLOSED, BY WAY OF A LETTER HAVE REQUESTED THAT PEMBERTON TOWNSHIP EXECUTE A SUBORDINATION AGREEMENT TO ALLOW THE OWNER TO SECURE A LOAN, COPIES ARE ATTACHED HERETO AND MADE A PART THEREOF THE RECORD; AND

WHEREAS, THE TOTAL ASSESSED VALUE OF THE PROPERTY KNOWN AS BLOCK 660, LOT 4-5, 1711 RED FEATHER TRAIL, IS CURRENTLY ASSESSED AT \$98,200.00 PER 'THE ASSESSOR'S OFFICE AND AN APPRAISAL IS ATTACHED IN THE AMOUNT OF \$195,700.00, AND THE ADMINISTRATION HAS DETERMINED THAT THERE IS SUFFICIENT EQUITY IN THE PROPERTY TO PROTECT THE TOWNSHIP'S RCA INTEREST; AND

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE SUBORDINATION AGREEMENT FOR VIRGINIA GREEN AS ATTACHED HEREWITH WITH BANK OF AMERICA.

RESOLUTION NO. 119-2008

WHEREAS, THE TOWNSHIP OF PEMBERTON IS A SECONDARY MORTGAGEE UNDER A MORTGAGE DATED JUNE 19, 2006, BETWEEN PATRICK BOYLE, 1500 RED FEATHER TRAIL, BROWNS MILLS, NJ 08015 IN THE AMOUNT OF \$17,650.00, AS A RESULT OF FUNDS PROVIDED BY THE TOWNSHIP TO OWNER OF SAID PROPERTY UNDER THE REGIONAL CONTRIBUTION AGREEMENT (RCA) WITH FLORENCE; AND

WHEREAS, CITIFINANCIAL HAS PROVIDED THE NECESSARY FORMS FOR THE APPLICANT WHICH ARE ENCLOSED, BY WAY OF A LETTER HAVE REQUESTED THAT PEMBERTON TOWNSHIP EXECUTE A SUBORDINATION AGREEMENT TO ALLOW THE OWNER TO SECURE A LOAN, COPIES ARE ATTACHED HERETO AND MADE A PART THEREOF THE RECORD; AND

WHEREAS, THE TOTAL ASSESSED VALUE OF THE PROPERTY KNOWN AS BLOCK 626, LOT 1, 1500 RED FEATHER TRAIL, IS CURRENTLY ASSESSED AT \$86,100.00 PER THE ASSESSOR'S OFFICE AND AN APPRAISAL IS ATTACHED IN THE AMOUNT OF \$185,000.00, AND THE ADMINISTRATION HAS DETERMINED THAT THERE IS SUFFICIENT EQUITY IN THE PROPERTY TO PROTECT THE TOWNSHIP'S RCA INTEREST; AND

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE SUBORDINATION AGREEMENT FOR PATRICK BOYLE AS ATTACHED HEREWITH WITH CITIFINANCIAL.

Motion by Inge and Prickett to approve Resolution No. 118-2008 and Resolution 119-2008. Inge, yes; Prickett, yes; Scull, yes; Cartier, yes; Stinney, yes. Motion carried.

ITEMS PULLED FROM NEW BUSINESS 13.c.

Mr. Cartier had requested item c be pulled from New Business. *c. Request from Police Department to expend funds in excess of \$2,000.00 for the purchase of three Ford Crown Victoria Police vehicles from state contract vendor Winner Ford, in the total amount of \$70,580.92. Mr. Cartier asked what Budget year these police vehicles are for. Mayor Patriarca answered 2008.

Mrs. Stinney asked that they go back to the Agenda order and discuss item 10.

10. FINAL BUDGET DETERMINATION AND BUDGET RESOLUTION

a. Memorializes Council's April 2, 2008 decision to refrain from participation in 2008 gypsy moth program and approves the removal of gypsy moth appropriation in the amount of \$243,660.00 and removal of the anticipated revenue in the amount of \$55,289.00 from the 2008 Municipal Budget in light of the Governor's cut of state aid.

Mr. Prickett asked if this would reduce the budget by 2.5 cents. Mr. Cartier replied it will if Council votes to pull it. Mr. Prickett asked Mrs. Eden how this would affect the budget. Mrs. Eden informed when calculating everything, it's estimated to be 3.537 but that rate has to be certified by the County yet. Mr. Vaz noted that includes the schools and the County. Mr. Prickett asked with the deduction and appropriation of \$243,660 and the removal of the anticipated revenue in the amount of \$55,289.00 how much the increase in taxes in this budget is now. Mrs. Eden replied approximately 1 cent for a local level. Mrs. Stinney stated the gypsy moth appropriation was \$243,660 and the removal of the anticipated revenue is in the amount of \$55,289.00. Mayor Patriarca conveyed that money comes back from the State and that is the reimbursement that they receive. Mrs. Stinney stated that is the reimbursement anticipated from the state. Mayor Patriarca explained that is the reimbursement received from the state by participating in the gypsy moth spray and instead of the 50% they received last year that is the amount they would receive. Mr. Cartier stated it has not been removed from the Budget yet and asked how it could be memorialized. Mrs. Stinney explained that is what Council is doing now. Mrs. Scull commented that Council kind of did when they didn't approve Administration to proceed at the last meeting. Mr. Cartier interjected that it is still in the Budget though and the funds are still being appropriated in this Budget. Mr. Bayer clarified that it would not if Council approves the memorialization that is listed in letter a. of No. 10 on the agenda. Mr. Vaz agreed. Mr. Cartier stated he is wrong. Mayor Patriarca stated to remove the appropriation. Mr. Vaz informed that Mr. Frenia will be dropping off the actual Budget document tomorrow so it can be filed in Trenton within 3 days.

Motion by Scull and Cartier to Memorialize Council's April 2, 2008 decision to refrain from participation in 2008 gypsy moth program and approves the removal of gypsy moth appropriation in the amount of \$243,660.00 and removal of the anticipated revenue in the amount of \$55,289.00 from the 2008 Municipal Budget in light of the Governor's cut of state aid. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

Mr. Cartier asked what page number and line item this was removed from. Mrs. Eden advised it should be on page 39, line item 7713.

- b. Resolution No. 91-2008 Authorizes introduction of 2008 Municipal Budget.

Motion by Scull and Cartier to adopt Resolution No. 91-2008 which authorizes introduction of the 2008 Municipal Budget. Scull, yes; Cartier, yes; Inge, no; Prickett, no; Stinney, yes. Motion carried.

Mrs. Stinney informed that now that the Budget has been introduced, a public hearing is scheduled for the second meeting in May, which will be May 21st at their regular meeting and will be advertised in accordance with law. She asked the public to be reminded that the meeting starts at 6:30 pm at which time Council will go into Closed Session and the business portion of the meeting will begin at 7:00 pm. Mrs. Stinney expressed hope to see everyone there on the 21st of May. Mr. Cartier asked Mrs. Young for clarification that this motion did pass even though there were increases to certain line items. Mrs. Young replied that three votes were required to pass the Budget for introduction and confirmed that introduction of the budget did pass.

11. ORDINANCES FOR INTRODUCTION

- a. ORDINANCE NO. 9-2008 (Title Read By Mrs. Stinney)

AN ORDINANCE AUTHORIZING THE VACATION OF REEVES AVENUE BETWEEN FALCON WAY AND LARK STREET IN THE TOWNSHIP OF PEMBERTON

Motion by Prickett and Scull to introduce Ordinance No. 9-2008 with a public hearing at the first meeting in May which will be advertised in accordance with the open public meeting laws. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

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

- a. ORDINANCE NO. 5-2008 (PUBLIC HEARING HELD ON 3/5/08) (TITLE READ BY MRS. STINNEY)

AN ORDINANCE TO AMEND THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AND SPECIFICALLY SUBCHAPTER 41-14, ENTITLED "OUTSIDE EMPLOYMENT OF POLICE OFFICERS"

Motion by Prickett and Scull to remove Ordinance No. 5-2008 from further consideration with the approval of the Solicitor.

Mr. Bayer informed he agrees, given the comments received from the public service in the on-going negotiations with PBA and once that it resolved, they will be able to reintroduce this with changes. Mr. Bayer added that it is best legally to do this. Mr. Inge asked when is the soonest Council can have this. Mr. Bayer explained that the only open issue that he understands there to be is the one component that needs to be finalized with the PBA before this can be put into the

ordinance. Once that is resolved through the negotiations, the ordinance will be ready. Mr. Vaz advised they do have a third week between Council meetings because of the extra Wednesday this month so that will allow extra time to get it done before the first meeting in May. Mr. Cartier asked if it is anticipated that those negotiations will require a substantial change to this. Mr. Bayer answered yes and reminded that after it is introduced there were comments from public service which already has been incorporated into a draft but if those changes are approved by the Council that is substantially changing the ordinance in of itself and secondly if there is an agreement reached with the PBA, that would change the rate by which officers would be paid which could also be a substantial change. Mr. Inge stated to just remove this ordinance all together. Mr. Bayer informed that is what the motion is. Mr. Inge continued and in May's meeting, Council will have a new ordinance. Mr. Bayer expressed hope that Administration and the Mayor can finish up the one piece of the negotiation and Council will be ready.

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

**b. ORDINANCE NO. 8-2008 (PUBLIC HEARING REQUIRED)
(TITLE READ BY MRS. STINNEY)**

AN ORDINANCE AUTHORIZING THE REMOVAL OF A DEED RESTRICTION ON THE PROPERTY LOCATED AT BLOCK 1083, LOTS 53-56 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PEMBERTON.

Mrs. Stinney opened the meeting to public comments. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

Motion by Scull and Cartier to adopt Ordinance No. 8-2008.

Mr. Prickett asked the Solicitor to briefly explain this ordinance. Mr. Bayer advised that in 1997 the Township of Pemberton served through auction, Lot 53 through Lot 56, Block 1083. The Township sold those lots because they were non-conforming, meaning they were less than what zoning provided for, for \$400.00. They were sold with a deed restriction which was strictly development on the property except for ancillary uses such as sheds, pools, etc.,. Mr. Bayer informed those parcels were subsequently conveyed and reconveyed on two further occasions. The problem has arisen that they were conveyed and reconveyed without the deed restriction. There has been on-going litigation at this point with an innocent purchaser of the property and as a result of the litigation and our efforts through the Court, what they have done is recommended that Council adopt the ordinance. Mr. Bayer advised that to release this deed restriction, they will be paid fair market value for the lot which is approximately \$50,000, which is \$50,000 pursuant to the ordinance. It will get them out of litigation and the Township will be paid fair market value for the property.

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

13. NEW BUSINESS

- a. Planning Board's request for Council's input regarding Planning Board's proposed Storm Water Mgt. plan amendment regarding off-site drainage remediation as requested by Pinelands.

Mr. Cartier informed at the last Planning Board meeting, this is what was received back from the Pinelands requesting that they add this to their Storm water Management Plan specifically the mitigation plan section of the Storm water Management Plan. Mr. Cartier explained that what they are looking for are specific projects that they would like to see corrected in the Township within the Storm water Management Plan. Mr. Cartier advised there was a suggestion made that as they send things to the Planning Board for recommendations, that the Planning Board send this up to Council for their recommendations as to any plans or any projects that they would like to see implemented within this mitigation plan section of the Storm water Management Plan to be sent back to Pinelands for their approval. Mr. Prickett added that mitigation in terms of an example should be described. Mr. Cartier explained that suppose a contractor or developer comes in to the Township looking to develop some land and there are some wetland issues on their properties that they can't mitigate. So in lieu of mitigating that particular problem on the property, they go off site and mitigate another project specifically that they are looking to implement within the Storm water Management Plan. Mr. Prickett commented that there are two possibilities; if they can't mitigate it on site there are two possible results and their engineer is present tonight to help them with the discussion. If they can't mitigate on site, there are two ramifications of that, if they want to continue with the development or the number of houses or whatever the improvement is, the first possibility is that they don't get rid of the storm water that they need to get rid of on the site and there might be a build up of water on the road and a build up in the storm water basin. The intent of storm water regulations is to recharge the ground water and not to damage the surrounding water system through erosion by overwhelming it with extra water. Mr. Prickett continued that the other possibility is that they don't have a problem on the site because they fill their drainage basin up with water and it flows out into wetlands and into the Rancocas and it will affect somebody else. Mr. Prickett expressed there is a cost to that, a cost to the residents down stream, and a cost of how much that storm water management system is worth. Mr. Prickett asked Mr. Sella if he agrees with the on-site consequences. Mr. Sella responded that he agrees with most of what Mr. Prickett said. Mr. Sella continued that he may not have a full, clear understanding of this issue but he was under the impression that this also had to do with sediment runoff; the solids that come off of the site due to the storm water runoff. They may be contributing upstream some pollutant load and can mitigate an issue that they have downstream that they can identify where there are erosion issues along a major stream. Mr. Sella noted that is how they are trying to work one with the other. Mr. Prickett noted that is the ideal scenario; if they can't have the adequate capacity on-site, they mitigate the situation downstream to perhaps have it affected by someone down in the woods. He exemplified something upstream from Country Lakes, a developer puts houses in but can't put in the adequate storm water system, he might have erosion and sediment end up in the lakes at Country Lakes or a community downstream. He expressed that is something to think about that people downstream could be affected by not dealing with the wastewater upstream. Mr. Prickett added that the second issue is what that storm water management system would cost, quantified. Mr. Sella advised that is sort of a developer's agreement where if they are looking to mitigate downstream, they have to contribute to the cost of whatever equipment there is downstream. That improvement needs to be identified in order to quantify

that. Mr. Prickett advised in both cases, the mitigation effort as well as the decreased capacity of storm water management is a result. When there is storm water management, it is the development that physically that is responsible for the upkeep of that system and it translates if mitigated that downstream that developer isn't going to be held accountable for those costs. That would be part of quantifying not only the environmental consequences but also the costs of doing this. Mr. Prickett added that first of all areas need to be identified and secondly they need to make sure that mitigation efforts are a big project, not little projects. If something is mitigated, it should be second choice, not their first choice. Mr. Prickett stated their goal should be to take care of storm water management on site and not ship it off site for someone else to have a problem with. Mr. Prickett asked whether his organization has a list for this for Council. Mr. Cartier explained that is what this was set up for Council's recommendations on specific mitigation concerns that they would like to see implemented into this plan. Mr. Prickett stated that typically what is done in situations like this is to ask the engineers to come up with some areas in the Township that would be addressed by mitigation. Mr. Prickett added that he can think of one. Mr. Cartier answered that is what they are doing and actually are doing it on the Planning Board end and the Planning Board asked them to do the same thing. Mr. Prickett commented that maybe instead of just making one decision tonight; Council can have continuing discussion on this to work this out in a comprehensive fashion. Mr. Cartier replied that unfortunately there are time constraints with this. Mr. Cartier explained this was promised back to Pinelands by their first meeting in May. Mayor Patriarca agreed noting it was a second and final extension that was requested to the Pinelands and they are under a time restraint to get this back. The Mayor conveyed there is clearly not enough time to really look at the entire storm water management program and come up with a conclusion as to how Council would like to see it work but it is an option for Council to have input on it. It's only input because it's still a board decision and the board is under the gun to make this decision. The Mayor noted they have already decided and are affording Council the option as Council would afford the board on issues. Mr. Prickett commented that he saw in the documents that the storm water management plan had to be amended and in which case it would have to come back. Mr. Bayer confirmed it does state that and noted that the first page of the attachment stated, "It will be necessary for the municipality to amend this section of the storm water management plan". Mr. Bayer asked if he is referring to the ordinance that Council adopted the storm water management ordinance. An engineer representative from ARH replied that they are two different things. The storm water management plan is a separate document from the storm water control ordinance. Mr. Bayer asked if the storm water management plan is a planning board document. The representative agreed and informed that they are two separate documents and the ordinances are a Council.....Mr. Bayer interjected that they know that part and the question is, if the storm water management plan is a planning board document under the land use law. The engineer representative answered yes noting that is how her firm is doing it in Evesham, the plan is the Planning Board but the ordinance ...Mr. Prickett interjected with a suggestion of Sunbury Village as it has an atrocious storm water management system and he recommends Sunbury Village be on the list. Mr. Prickett stated that they shouldn't go to mitigation and it should be a last resort. If Sunbury Village could be on the list and the storm water management system repaired, it would be beneficial. Mr. Prickett noted there are other situations such as wells around the lakes in Browns Mills that has inadequate storm water management, there are problems with several homeowners that have erosion around their properties as a result of an

inadequate storm water management system that they have. Mr. Prickett advised he would like to see a plan drawn up for Browns Mills around the lakes using that as a plan that exists. Mr. Prickett reiterated that he has suggested Sunbury Village and storm water management around Mirror Lake and surrounds. Mrs. Stinney thanked Mr. Prickett and asked Council if they had any other input for the Planning Board. Mr. Prickett commented that the language needs to be very, very specific and asked if ARH is working with the Planning Board as well to which he was assured they were.

NEW BUSINESS ITEMS PULLED FROM CONSENT AGENDA

- *b. Request from Public Works Department to expend funds in excess of \$2,000.00 for the installation of two additional drainage systems in the municipal building basement, by B-Dry System, in the amount of \$2,628.00.

Mr. Prickett commented that this has been an on-going problem with water in the basement noting it used to be a creek or stream running through the basement. He advised that approximately 4 years ago, 4 sump pumps were put in and another drain system was put in and it wasn't very successful. Mr. Prickett informed that a former council woman, Jean Dwane that called in a company B-Dry Basements that she swore by that they could fix this. Mr. Prickett noted this is only for \$2,628.00 and from what he read about the specs for the sump pumps and the drain; he questioned if this would work and if there was a guarantee that if it doesn't work, they would be able to get their money back and asked what the objectives of the system are. Mayor Patriarca replied that the original system that Mr. Prickett is referring to was the four sump pumps that were put in approximately 4-5 years ago and was actually effective, it worked and is still working today. It's keeping the area where the boiler is dry. The Mayor added that he knows this personally only because he worked many years in that area. He advised that what Council is seeing today is just an extension of that project. The first part of the phase of that project worked but it was never completed; the entire basement wasn't completed. The Mayor advised there is still an issue with seepage that comes up through the ground in the floor and runs to a certain portion of the basement. It's not a stream and what they had done to remediate that over the last couple of years was to dig out the concrete and put a little ditch down to one of the working sump pumps and pump it out. It doesn't flow steady, but when it's wet, it will flow. Mayor Patriarca commented that the plan that is being presented by B-Dry would add additional pumps and an underground system in the boiler section to continue that system into the room that is being affected now. B-Dry is projecting that will dry up the entire basement, the additional part that gets wet. The Mayor noted that he personally feels that they may see it in another section and it's a good thing that they will be drawing it away because if it is being drawn away it's not creating hydraulic pressure that will pop it up somewhere else. He explained they are not seeing it in other areas so he has to leave it to the professionals and B-Dry is saying that if they take this water and it's already flowing and they take it under the system and out through the pumps, it will dry up the area. Then the ditch can be closed in and they can continue with the capital projects in the basement that they are trying to make some usable space down there. The Mayor commented that he was actually quite pleased that B-Dry was able to come in so low as opposed to some of the other companies and that they were able to tell them that this is all they need to finish this project that they know has been a problem for a lot of years. The first phase of that project was quite successful in drying out the boiler room area. Mr. Prickett suggested that he don't waste his breath that it works but be optimistic and hope that the glass is half full

but all of the efforts before this have not been as the Mayor well knows have not been.....The Mayor interjected that he disputes Mr. Prickett's comments and the efforts before that were successful in the area of where they applied the system. He reiterated where they put the system in with the four sump pumps was successful and that dried up that area, it's just that the project was not budgeted for the entire basement and was only budgeted for that one section. That problem was corrected in that one section. He explained it's another section of the basement that was leaking then and is leaking now and is still leaking and that is the area that they are addressing at this point. The Mayor added that he is hoping that by taking care of that area they now have both areas finished and will finally clean that basement up. Mr. Prickett asked if there are 6 sump pumps. Mayor Patriarca replied there are 6 maybe 7. Mr. Inge asked the Mayor if the system failed about three years ago and wiped out the computer system for the phones for a period of a week. The Mayor clarified that is this side of the building and that is not where it was repaired before. That side held and it is this side where they are looking to address now where the computer phone system is kept. Mr. Inge commented that it was his understanding that when they ran their drain lines from the pumps they were all run into one line and when that one line failed, all of the pumps were going into that one system and that is what flooded the basement again. Mayor Patriarca responded that the system that is on that side of the building where the computers are is not tied into the system that was put in with the first basement project that was done before and they are separate systems.

Motion by Prickett and Cartier to approve the request from Public Works to expend funds in excess of \$2,000.00 for the installation of two additional drainage systems in the municipal building basement, by B-Dry System, in the amount of \$2,628.00. Prickett, yes; Cartier, yes; Inge, no; Scull, yes; Stinney, yes. Motion carried.

- *c. Request from Police Department to expend funds in excess of \$2,000.00 for the purchase of three Ford Crown Victoria Police vehicles from state contract vendor Winner Ford, in the total amount of \$70,580.92.

Motion by Prickett and Scull to approve the request from the Police Department to expend funds in excess of \$2,000.00 for the purchase of three Ford Crown Victoria Police vehicles from state contract vendor Winner Ford, in the total amount of \$70,580.92. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

GENERAL PUBLIC COMMENTS:

Mrs. Stinney opened the meeting to general public comments. Those wishing to comment were: **Elmer D'Imperio: 1.** Reported that he attended the Mayor's Conference in Atlantic City as a guest of Dr. Kay's. Mr. D'Imperio advised the information he received at the conference is invaluable. He expressed that what was so important was they were talking about shared programs with other Townships. The State has in its budget, \$200 million and they pay for the contractual agreement with whoever the Township happens to be and any item that they agree upon after applying for the grant, the State pays anywhere from 60-70% of that item. The State will not pay 100%. When they consider being able to use something like that in various Townships, it cuts the budget down drastically; especially if it's a large item. Mr. D'Imperio gave as an example a back hoe might cost between \$80,000 and \$100,000 and is needed for a particular project and perhaps another Township could also use it. Mr. D'Imperio stated that it is

important that Council becomes a member of the Mayor's Conference. Mr. D'Imperio provided a booklet to the Mayor from the conference. 2. Asked if the \$70,000 for the three police cars was in the Budget. Mr. Vaz replied the Budget has not been adopted yet but it is covered by the temporary budget that was approved. Mr. Cartier commented to Mr. D'Imperio that at the last Council meeting, Council approved getting involved in that program with the fire fighters. Mr. D'Imperio noted it is a great program and there were four to five State Senators in attendance and all of the Directors from the Departments along with the Governor were there. Mrs. Scull commented that conferences are important and she appreciated Mr. D'Imperio's comments. Mrs. Stinney agreed and added that they can get a lot of information from conferences.

SOLICITOR'S REPORT:

Mr. Andrew Bayer: 1. Advised there was a personal injury case against the Township, called Troutman vs. the Township and the School Board. It involved a law suit by someone that was injured in a car accident after they had left school grounds. There was a law suit against the school board and the Township. Mr. Bayer reported that he had sent a frivolous lawsuit letter to the plaintiff's attorney who brought the claim against the Township. The Township as they all know doesn't have anything to do with running the school board or school district. They were able to obtain an order of dismissal by consent without having to spend any money in discovery or litigation. The plaintiff's attorney consented, and the lawsuit was dismissed with prejudice. Mr. Bayer reiterated that they were able to get a lawsuit dismissed without expending too much in terms of resources. It's good news from a legal front.

ENGINEER'S REPORT:

Mr. Dave Sella: 1. In attendance for Mr. Rehmann. Mr. Sella advised there is no formal report but there is one action item which is a proposal for Imagination Kingdom. The items in the proposal include some minor land survey work, engineering design work, permitting and a funding application to the green acres program. The value of the proposal is \$16,050. Mr. Vaz advised Administration received the report on Monday from ARH and distributed the report through email. Mr. Vaz noted this is to get the actual construction moving forward; the Pineland's application and wanted to get this done tonight because there are three weeks in between meetings and they really didn't want to waste a day.

Motion by Scull and Cartier to approve the engineer's proposal for Imagination Kingdom.

Mr. Prickett commented that he had a question regarding the application for green acres and asked what the deadline is. Mr. Sella acknowledged that is a good question and he does not have the answer but will find out. Mr. Vaz informed that it is actually a grant application. Mr. Sella commented that it depends how the municipality is classified with Green Acres; they may be a full grant and they may be a 50/50.

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

MAYOR'S REPORT:

Mayor David Patriarca: 1. Thanked Council for acting so quickly on the action item for the Imagination Kingdom. He noted that Mr. Vaz is working diligently to

get the Imagination Kingdom project underway. It will materialize one day to something they will all be proud of. **2.** Met with the school superintendent along with Council President Stinney and Councilman Inge. It was a very productive meeting and was basically a preliminary meeting to start communicating with the school superintendent and the things that are happening there. The Mayor added that he continues to speak with the superintendent as recently as today regarding a recent affair. Mayor Patriarca informed they have agreed especially in light of the results of the recent election and the question on the ballot of the school budget and how close that was, that they need to work harder in communicating and also presenting these issues to the public and educating the public on where they are with issues here in the Township and with the school board because there was clearly a misunderstanding as to the way the budget process is working in the school district for that question to be that close. **3.** Recently met with the base commander at Fort Dix regarding some issues with the future of the base and the realignment of the merger of the three bases and how it could affect their community in Pemberton. They also proposed some ideas as to what Pemberton can do to help them and help the soldiers that are coming into the area and there are plans of approximately 1,500 additional soldiers coming in to Fort Dix. The Mayor noted that they are looking to try to accommodate them in ways such as outside of base recreation. He advised there are concerns being received by individuals coming in to the base and the base commander is passing this information on to Administration. The Mayor advised Administration is working closely with the base on this issue as time goes on. **4.** Invited everyone out to the Clean Communities Clean Up on Saturday, April 19th. It is scheduled from 8:00 am to 1:00 pm and will be staging at the St. Mark's Baptist Church on Lakehurst and Ridge Roads. The scheduled areas of clean up are Ridge Road and Country Lakes. The Mayor encouraged anyone that wants to come out and participate in the clean ups to come and join everyone. Mayor Patriarca commented that it is a fun event; they are able to meet people within their community, obtain a feeling of community pride by cleaning up the area and passing the message on that they like to see their town be presented as a clean town. The Mayor gave kudos to both the Clean Communities and the Environmental Commission because both chairmen are husband and wife, Dan and Dawn Hullings, and both individuals have so much energy in this that he doesn't know how they are doing it. They want to do so much more but they are walking through the process. Hopefully this event will be as successful as the last. The rain date would be Sunday, April 20th at the same time and will be staging behind the Country Lakes Shopping Center in the parking lot.

Mr. Prickett informed that he received from Ms. Devlin, Pemberton Township School District, and wanted to bring to the attention an exemplary employee of Public Works, Tom McNaughton. Mr. Prickett added that Mr. McNaughton was involved in getting warning signs for a Road and she stated he was more than helpful. Mayor Patriarca thanked Mr. Prickett noting Administration does recognize the achievements of Township employees when they act in this manner. The Mayor added that Administration appreciates the kudos from the school.

5. Attended an event today that was put on by the PTEA and the students of Pemberton Township for the senior citizens which were called the Senior Prom. The Mayor noted that he was so proud to be a part of this event and everyone enjoyed themselves. The kids did a great job putting it together and actually created a prom for the senior citizens, prom queen and king, dinner and did it during the day while the seniors could appreciate it. Mayor Patriarca reiterated it was a great event and very nice to see the seniors come out in their gowns and tuxedos, dancing and enjoying themselves. The students were serving the seniors

and were very attentive to their needs. The Mayor commented that his hat is off to the students, the PTA and the Recreation Department. Mayor Patriarca added that a year book has been made with photos of all of the seniors that participate in the program. The Mayor stated that he had at least four individuals come up to him to say that they have never seen this in any other town that they have lived in. One individual specifically said she stays here because of the senior program that the Township runs; her children are trying to get her to move and she won't leave because they don't have a senior center like she does. The Mayor added that if they want to see how their tax dollars are beneficial to the seniors, to come out to one of their events and there won't be any question as to where that money should go.

BUSINESS ADMINISTRATOR'S REPORT:

Mr. Christopher Vaz: 1. Met with a representative from a company that specializes in grant writing and it was a very good meeting. He advised that he will also be reaching out to another company to meet with as well. One thing that came out of the meeting was that Pemberton Township has missed out on a lot of money over the last five years and they can certainly do a lot better and get what the residents of Pemberton Township deserve. Mr. Vaz advised he will be attending a meeting on Friday with a representative at the Department of Community Affairs in Trenton and they are pushing a new program noting it's very hard to get people in to home ownership. There are two sections of town that qualify and are designated as an urban aid center. These areas of town, when seeing the criteria to get these mortgages and loans and low interest and no points and see how easy it is going to get hopefully many people to get in to home ownership and that should help in the long run improve the conditions in a couple of areas in town. When a person is vested and invested in their property, they seem to want to take care of it a little bit more and root out some of the problems.

2. Had some pretty extensive meetings with Code Enforcement over the last two weeks. They have developed a plan that they will try on a trial basis. They have identified the top five properties that need to come down, that are unsafe and need to be demolished. They have identified them, photographed them, done property owner research and are in the process now of doing a check list so they can make sure their liens will be thoroughly protected and enforced at some point. We should be seeing that in the next few weeks. With Mrs. Eden's help and with the consent of the Construction Official, the concept is to create a line item in the construction trust budget to actually pay for this. Mr. Benash has agreed that his Budget should support \$50,000 for that effort. Council has appropriated another \$10,000 in the 2008 Budget so there will be \$50,000 to get this up and running. Mrs. Stinney thanked Mr. Vaz for looking into the grant. Mrs. Stinney continued that while serving on the Board of Education, there is a technology department that runs the entire school district and the head of that department would write grants and find grant money for breakfast, lunch and dinner and there was enough money to pay for the complete staff in the technology department. Mrs. Stinney thanked Mr. Vaz again for seeking out and when she became Councilwoman that was one of the things she kept questioning which was if they could get some kind of grant money or some kind of person to come in here and look in to grants. She knows they are very competitive, but it is worth it. Mr. Vaz noted there is a potentially large return on the investment of what it cost to write a grant. With the small cities program, they're talking \$400,000 grants and the grant application would be under \$10,000, so the return on investment on that is intense. The grant writers are in the luxury of showing a return on investment unlike lawyers unfortunately because they find themselves being defendants most of the time in a lawsuit and not a

plaintiff. They have heard you, Council has talked about it at Budget meetings, the public has talked about it and they will hopefully have some kind of proposal within the next couple of meetings. Mr. Inge stated at the last Council meeting he raised a question regarding not having the Police Chief's report provided at the Council meeting and now sees that the Police Chief is not even on the list and asked if there is a reason why the Police Chief can't give a monthly report. Mr. Vaz replied that he can get the ball rolling on that if the Mayor wants him to. Mr. Vaz added that the written report was provided to Council about a week ago. Mr. Inge replied that he did receive the written report. Mr. Vaz commented that what Administration has been talking about in-house and asked Mr. Bayer today to consider giving Administration a written opinion that the Chief of Police is a department head like all of the other department heads and except in an occasion like tonight with the Budget and was told Mrs. Eden would be present for the Budget hearings as well and no other department heads are present. Mr. Vaz informed, Administration feels it would be better for Administration to be able to treat the Chief of Police in the same way that they treat the other department heads; where they get their issues straightened out during the day and then they are present for the Council meetings to answer the questions and respond back to Council like they do with most issues that come before them. Mr. Inge asked Mr. Vaz if he thinks the public has a right to have a Chief's report every month. Mr. Vaz advised there is a written report and some of that information is not something the Chief would want circulated publicly because it has confidential and classified information. Mr. Vaz added Administration could do a redacted version of it. Mr. Inge asked if residents came to the Council meetings to hear a Chief's report and usually request a Chief's report in the past. Mr. Vaz stated to be frank, these are Council's meetings and not Administration's meetings but for the Mayor insisting that Administration be present for Council's meetings and the Mayor wants to be present as well as Administration. Mr. Vaz continued that but for that fact, Administration is not obligated to be at Council's meetings and likewise no one from Administration is obligated to be at Council's meetings. Mr. Inge asked if he can make a choice. Mr. Vaz asked who. Mr. Inge answered the Police Chief if he wants to come. Mr. Vaz replied no, not under this form of government. Mr. Inge then asked how come when the other Chief was in the position and Administration put him in that position why was that Chief at every Council meeting and why did he provide a report at every Council meeting. Mr. Inge stated Council also received reports during that time through email. Mayor Patriarca responded that the current Chief led Administration and made the decision for Administration not to appear at Council's meetings. The Mayor added that administration realizes that this form of government is set up in the manner so that the communication is from Council through the Administration; not from Council through department heads. It is done that way for a reason so that there is some type of control with department heads and so that the department heads don't circumvent the system and so the system doesn't also circumvent the department heads. The Mayor continued that Administration is there as that next chain of command and the next step for department heads. It is Administration's responsibility to communicate with Council and it's also on the same line, Council's responsibility to communicate with Administration and if the public has issues with a department head, the public is certainly entitled to come in at any given time and see the Chief of Police or Administration to get their answers such as Council if at any time they have a question, they have a right to ask Administration to find an answer out from a department head, which Administration has always done and will continue to do if Administration is questioned. The Mayor reiterated that the form of government is set up this way for a reason and Administration's position is, if they don't like

the form of government, then they have one of two choices, they either solicit the change to change the law and have the law changed which they are attempted to abide by or they change the form of government and he highly recommends against that. Mayor Patriarca continued that he really thinks this form of government works in a town of their size. They're going up in the world and trying to comply with the law, and unfortunately, in the past it became a practice and Council's attempt to take control of Department Heads by having them come to meetings which was not their right under the law to do so and it just became a practice and Administration is setting that straight where Department Heads answer to Administration and Administration answers to Council and that's the way the government is set up to operate. Mr. Inge relayed that it was fine before but it's not fine now. Mayor Patriarca replied that it was not fine before and it was not correct and once Administration realized that it should not occur, they decided that they need to comply with the statute and that is what they are doing. The Mayor stated if Council wishes for Administration to not comply with the statute that will only be Council's wish because that will not be what occurs here. Mr. Inge commented that it seems mighty funny that it all of a sudden becomes an issue where it wasn't an issue before. Mr. Vaz commented that it has just built up over time to be honest and it just got to the point where Administration had to internally make a decision....Mr. Inge interjected and asked Mr. Vaz if he has received complaints about the Chief coming to meetings. Mr. Vaz answered no one has complained about the Chief coming to meetings. Mr. Inge then asked why that was an issue. Mr. Vaz responded the issue is the Police Department is not a super department and it's a department like Public Works, Tax Collection, Tax Assessment and the Finance department. Mr. Vaz continued that as a department head, the Chief is on equal footing as all other department heads and Administration does not ask the other department heads to be present at Council meetings. Mr. Vaz conveyed Administration has reasons that they don't think it is necessary or appropriate and there are times when he sits at a meeting and thinks it would be nice to have the Rec Director present to answer a specific question but in the big question, this is the way it is supposed to operate. Mr. Vaz informed that from his personal experience, one doesn't see the Mayor of the City of Paterson going to Council meetings and they don't see the department heads going to Council meetings. This is not how this is set up; there is communication from Council to the Mayor or Business Administrator and the information is received that way or there are meetings scheduled. Mr. Vaz offered if any Council person wants to have a meeting with the Chief and many have, that happens and the Chief is out there at various meetings with organizations and is out in the public eye doing what he does. Mr. Prickett asked Mr. Vaz that about two months ago Council requested a report on Recreation regarding attendance at the various Recreation programs and took a vote on that and the Clerk sent a letter out requesting that information and was wondering if that was in Council's realm that they can request a report from Administration and get the information back at some point and hopefully in a timely manner and suggested asking Mr. Bayer. Mr. Bayer answered that he doesn't recollect the event Mr. Prickett is speaking of. Mr. Prickett replied that Mr. Bayer was not there but as far as requesting reports from Administration is there any law that allows Council to request those reports. Mr. Bayer answered yes, under Faulkner there is a procedure and Council can certainly make that request. Mr. Prickett added that he thinks that procedure involves writing a letter. Mr. Vaz informed that he recalls the request and will follow up with Mrs. Redmond tomorrow. Mr. Prickett added that he would like to have an update on that. Mr. Bayer reiterated that any Council member may require a report on any aspect of the government by making a written request through the Mayor.

Mr. Prickett stated Council had a unanimous request. Mr. Prickett commented that he just wanted clarification and an update on this.

COUNCIL MEMBER COMMENTS:

Richard Prickett: **1.** Stated he needed some clarification and that he and Mr. Inge last year were the Council liaisons for the Chief's Association. In the past this continued but this year there was a misunderstanding or change and Mr. Inge went to a meeting and was not allowed to stay because the selection had not taken place this year. Mr. Prickett asked for clarification on this. Mrs. Stinney replied that she doesn't know. Mr. Cartier answered that it is his understanding that the liaisons are still in place. Mr. Prickett asked Mr. Inge if that were correct in that he went to a meeting and was told that he was not appointed to that position. Mr. Inge replied yes, they stated they were not sure who the liaisons were for that for Council. Mrs. Stinney asked Mr. Prickett if he were saying that he understands that every year a different subcommittee has to be selected. Mr. Prickett answered that was not his understanding but as a result of what was said at a meeting, he was under the assumption that this was a possibility and he needed to have it clarified at a Council meeting. Mrs. Stinney asked if Mr. Prickett and Mr. Inge are still considered the liaisons. Mr. Prickett answered they are as long as it's agreeable with the Council. **2.** Attended the Senior Prom and it was terrific and Mrs. Scull was involved in it. It was through some of her comments she made to Mr. Prickett that he made sure he attended the Senior Prom. Mr. Prickett continued that everyone had a good time, everyone was dressed up and it was a beautiful event. **3.** Next Friday a number of Council members as well as the Mayor are going to the opening baseball game across the street and this will be another super event and is something to be extremely proud of that so many people are involved. **4.** Had a meeting at the Library and he knows it's their library but for some reason he doesn't think of it as a Pemberton Township Library but rather thinks of it as a Burlington County Library. When he was in there, he noted this is a wonderful facility and they need to think about how many wonderful facilities they have in their town and should take advantage of the Library. Mr. Prickett encouraged everyone to stop in and check it out because it is a beautiful facility.

Sherry Scull: **1.** Was asked by the School Administration to pass on to the Township Council, Mayor and the Police Department that several weeks ago there was a tragedy and a 3 year old was killed. The tragedy involved a school bus. The schools, administration and the police officers came together and handled it extremely well and making sure the other children were taken care of. The district was very impressed with how their Police Department, Officer Shin, reacted. Ms. Devlin had stated that she couldn't believe how much support the school system received and how well the kids responded and wanted the Township to know how pleased they were with how those events turned out. **2.** Thanked everyone for coming out to her father-in-law's services. She appreciated the cards and the individuals that came to the service. Her father-in-law passed away last Wednesday and he was 78 years old. She informed that he worked in Pemberton Township driving a school bus for 35 years and has been a very intricate part of this Township and community. **3.** Expressed that she is extremely pleased with the event that took place this afternoon which was a grant from NJEA and can't think of a better group of people to spend that kind of money on than the senior citizens in their community. The schools came together to make the centerpieces for the senior prom, the bakery baked desserts that were out of the world, and chocolate mouse. Their future teachers of America and future business leaders of America and all were very instrumental in what happened today. She praised all

that were involved and contributed towards the success of the event. Over 130 senior citizens attended as well as the Mayor, some school administration and all Council members and Council President Stinney and Councilman Inge both made it to the Senior Court. **4.** Thanked everyone for coming out.

Tom Inge: **1.** Thanked everyone for coming out tonight. Thanked Mrs. Scull for her part in the Senior Prom. Mr. Inge noted that the Senior Prom was one of the best events the Township has had and is looking forward to next year. Mr. Inge suggested filming the Senior Prom and sending it out to Fort Dix and McGuire showing what kinds of activities our Township has. The meal was only \$5.00 and the desserts were plentiful. A photographer was there and was very professional and everyone had a great time. He also suggested if there is some footage on it, possibly getting it on Channel 19. Mrs. Scull answered that plenty of footage was taken and she is hoping that something can be done with that. Mrs. Scull added that all of the newspapers were invited as well as the TV stations but no one really came except for the Burlington County Times. **2.** Reiterated that over the years the Chief was coming to Council meetings and he thinks it is an important thing that the Chief is available to give a report to the residents and for residents to come up when they have questions so they can direct them right to the Chief. It's not that he is always happy with what goes on with the Police Department and noted that on Friday, he was ticketed for not having a seat belt on. He was bringing his mother-in-law home from the doctors and was running into the dollar store and being in a hurry because he still had to pick up his daughter, he forgot to put his seatbelt on. He didn't make it a mile down the road and was pulled over. Mr. Inge commented that he does recall the Chief informing at a prior meeting that the Police Officers would initially give a warning but after that weekend if they are caught without a seatbelt, they would have to pay a fine and now that is what he has to do. Mr. Inge noted that he was upset all weekend over this and stated this was the first time he was pulled over for a seatbelt and was informed that if he didn't agree, he could read the back of his ticket and it would tell him where to go to report.

Ken Cartier: **1.** Congratulated the Pemberton Township Education Association, the schools and recreation for their efforts at the Senior Prom. The Prom was a very nice affair, very well ran and everyone seemed to have a nice time. **2.** Thanked everyone that showed up for opening ceremonies last Friday for baseball. **3.** Thanked everyone for coming out and wished everyone a safe trip home.

Diane Stinney: **1.** All week it has been a week of a young child celebration through the state of NJ. On April 18th at 9:00 am, the early childhood department director, Kathy Forman, is going to have a celebration starting at 9:00. Mrs. Stinney asked the Mayor if he would be attending. The Mayor replied he would do what he could and will check his schedule. **2.** Stated the Mayor was very modest regarding their meeting with Dr. Gorman, Mr. Inge, the Mayor and herself. They talked about several things and one of the things the Mayor and Dr. Gorman agreed to do was a TV show on channel 19. They would come up with topics of discussion and this is another form of communication that she wholeheartedly agrees is very important for the board of education, communication with the superintendent and the Mayor to come together. It is important that there is communication with Council and Administration. It is a wonderful thing and she is enjoying it. She can now find more time during the day. **3.** Thanked Administration for the updates on the room 10 renovations. She noted they have not heard anything from the public yet but the Mayor is certainly on that and

thanked him for the detailed report. 4. Mentioned to Mrs. Scull that the young 3 year old that was killed in the auto accident, attended an early childhood program for 3 year olds and she also serves as an Assistant Director to an early childhood program and it broke her heart not only to attend the funeral but vowed to do whatever she can to educate parents on the importance of seatbelts. With her heart being heavy for so long, she went back to her regional director and asked her what she could do for the residents of Pemberton Township who had children to educate them on the importance of seatbelts. Mrs. Stinney commented she called Sheriff Jean Stanfield because she knows of the programs regarding providing car seats and had a meeting on the first not as Council President but as assistance director of the early childhood program with Sheriff Jean Stanfield, Sheriff Jean Oducka, Cathy Briggs, the BCC associate dean of student activities and campus program, Carol Regago, the Administration Assistant for College Relations and Public Relations, Hector Gonzalez, who is the Director of Public Safety at BCC, Lieutenant Gornet, Public Safety and two of her supervisors and informed the Mayor that on May 4th, the BCC will be sponsoring its annual FunFest Day. Sheriff Jean Stanfield and the Center that she is assistant director at will be partnershiping on educating parents on the importance of seat belts with their children. Mrs. Stinney advised of the give aways. On May 18th, the BCC is going to set up a check point to have parents come in with their car seats and they have a grant for 100 seats this year. 5. Congratulated Mrs. Scull because she has proven that if you seek out grant money, a lot of things can happen. She expressed the Senior Prom was an awesome program and hoped there is going to be an annual prom for the Seniors. Mrs. Scull advised she took her husband to the prom. 6. Thanked everyone for coming out tonight.

Mr. Cartier reminded there is a Master Plan meeting on April 28th, at Newcomb School, Area 6 at 7:00 pm. The Mayor advised it is the north side of town, the North Pemberton Road, Fort Dix Road side. Mr. Cartier noted it is very important to get as many residents out to these meetings as possible.

Mrs. Stinney convened the open session meeting to go into Closed Session at 9:00 p.m. and advised there may be formal action as necessary pursuant to continued closed session.

Mrs. Stinney reconvened the meeting at 9:34 pm.

Mr. Prickett commented that Mr. Vaz stated Administration does not have to be present at a Council meeting. Mr. Prickett advised that the ordinance or state law requires the Business Administrator to be at Council meetings. Mr. Vaz noted that he read it in the ordinance. Mr. Prickett asked if it were not state law. Mr. Cartier informed that it is in the Township ordinance but is not in the Faulkner Act. Mr. Prickett then asked about the Mayor. Mr. Cartier replied that it is all the same. Mr. Prickett confirmed it is only in the Township ordinance. Mr. Cartier noted that is actually one of the ordinances that he is in the middle of going over right now. Mr. Bayer commented that this is an issue that is seen all over and for instance in cities like Newark, there is always a big fight going on because the Mayor doesn't attend the meetings. Mr. Bayer reiterated that it is a common issue. Mr. Prickett asked if it were the same kind of Faulkner Act. Mr. Bayer replied yes and added that he doesn't know how many Council people they have but there is a strong Mayor. Mr. Prickett noted there are at least three.....Mrs. Stinney interjected asking what town this was about. Mr. Bayer answered Newark and continued that Jersey City has the same issue.

The meeting adjourned at 9:45 pm.

Respectfully submitted,

Mary Ann Young, CMC
Township Clerk