

TOWNSHIP OF PEMBERTON

REGULAR MEETING

APRIL 2, 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
Diane Stinney

ABSENT

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

2. Chairwoman Stinney called the meeting to order at 6:30 PM.
3. Closed Session Res. No. 102-2008

RESOLUTION NO. 102-2008

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 HERINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
CONTRACT NEGOTIATIONS: WITH AFSCME & PBA
SCHOOL RESOURCE OFFICERS
LITIGATION: WOODARDS 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. Cunningham if he had any items to add to the Closed Session items Council will be discussing, to which he advised he did not.

Motion by Cartier and Scull to approve Resolution No. 102-2008. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION

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

5. Formal action as necessary pursuant to closed session.

Motion by Cartier and Prickett to add Ordinance No. 8-2008 to the Agenda. Cartier, yes; Prickett, yes; Scull, yes; Inge, abstain; Stinney, yes. Motion carried.

ORDINANCE NO. 8-2008 (title read by Mr. Bayer)

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

Mr. Bayer read Ordinance No. 8-2008 by title and advised that the ordinance relates to a deed restriction on Township owned property upon which has been substantial litigation within the past year and the Township will be paid \$50,000 to remove the deed restriction.

Motion by Cartier and Prickett to introduce Ordinance No. 8-2008 with a public hearing to be on April 16th. Cartier, yes; Prickett, yes; Scull, yes; Inge, abstain; Stinney, yes. Motion carried.

6. Public comments on agenda items only.

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.

***7. Consent Agenda: All items listed with an asterisk (*) are considered to be routine by the Township Council and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.**

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

a. Special Meeting, February 27, 2008.

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 103-2008

WHEREAS, COUNTRY LAKES VOLUNTEER FIRE COMPANY NO. 1, INC. DESIRES THAT, PURSUANT TO THE PROVISIONS OF N.J.S.A. 15:8-4, CERTAIN PERSONS BE APPOINTED TO PERFORM PERMITTED POLICE DUTIES AT FIRES AND FIRE DRILLS;

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE BELOW LISTED MEMBERS BE APPOINTED AND DESIGNATED AS FIRE POLICE OFFICERS FOR A TERM OF FIVE YEARS FROM THE DATE OF THIS APPOINTMENT TO PERFORM DUTIES AS PRESCRIBED IN N.J.S.A. 15:8-4 UPON TAKING APPROPRIATE OATH BEFORE THE TOWNSHIP CLERK, A COPY OF WHICH IS TO BE FILED WITH THE CLERK AND ALSO THE SECRETARY OF THE FIRE COMPANY.
ERICA TIMMONS

RESOLUTION NO. 104-2008

WHEREAS, THE COUNTY OF BURLINGTON HAS AWARDED GRANT FUNDS IN THE AMOUNT OF \$16,000 TO PEMBERTON TOWNSHIP FOR ITS MUNICIPAL ALLIANCE COMMITTEE; AND

WHEREAS, IN ORDER TO COMPLY WITH GRANT REQUIREMENTS THE TOWNSHIP MUST SIGN AN AGREEMENT WITH THE COUNTY WHICH REQUIRES VARIOUS PROGRAM AND FINANCIAL CONTROL AND REPORTS TO BE ESTABLISHED; AND

WHEREAS, IT IS FURTHER REQUIRED THAT THE TOWNSHIP PROVIDE A TWENTY-FIVE PERCENT CASH MATCH TO THIS GRANT, WHICH MATCH HAS BEEN APPROPRIATED IN THE 2008 MUNICIPAL BUDGET, AND A SEVENTY-FIVE PERCENT MATCH IN KIND; AND

WHEREAS, THE TOWNSHIP IS IN SUPPORT OF THE EFFORTS OF THE MUNICIPAL ALLIANCE TO PROVIDE CONSTRUCTIVE ALTERNATIVES AND ACTIVITIES FOR THE YOUTH OF PEMBERTON TOWNSHIP;

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

RESOLUTION NO. 105-2008

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF ONE (1) 37 FOOT HYDRAULIC ARTICULATING AERIAL DEVICE

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR ONE (1) 37 FOOT HYDRAULIC ARTICULATING AERIAL DEVICE (BUCKET TRUCK) FOR THE TOWNSHIP'S DEPARTMENT OF PUBLIC WORKS IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACT LAW; AND

WHEREAS, THE TOWNSHIP RECEIVED THREE (3) BIDS FROM THE FOLLOWING VENDORS IN THE FOLLOWING AMOUNTS:

- (1) H.A. DEHART AND SON
THOROFARE, NJ
BID: \$73,886.00
- (2) ALTEC INDUSTRIES INC,
ELIZABETHTOWN, KY
BID: \$73,896.00
- (3) DUECO, INC.

WAKUESHA, WA
BID: \$82,513.00; AND

WHEREAS, THE ADMINISTRATION AND THE TOWNSHIP SOLICITOR HAVE REVIEWED SAID BIDS AND FIND THE BID SUBMITTED BY ALTEC INDUSTRIES TO BE NON-RESPONSIVE TO THE BID SPECIFICATIONS; AND WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO H.A. DEHART AND SON 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, H.A. DEHART AND SON, FOR THE PROVISION OF ONE (1) 37 FOOT HYDRAULIC ARTICULATING AERIAL DEVICE FOR THE TOWNSHIP'S DEPARTMENT OF PUBLIC WORKS; AND

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 ONE (1) 37 FOOT HYDRAULIC ARTICULATING AERIAL DEVICE FOR THE TOWNSHIP'S DEPARTMENT OF PUBLIC WORKS BE AND HEREBY IS AWARDED TO H.A. DEHART AND SON, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND H.A. DEHART AND SON FOR THE PROVISION OF ONE (1) 37 FOOT HYDRAULIC ARTICULATING AERIAL DEVICE (BUCKET TRUCK) FOR THE TOWNSHIP'S DEPARTMENT OF PUBLIC WORKS IN AN AMOUNT NOT TO EXCEED \$73,886.00 AND IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY H.A. DEHART AND SON; 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 04-2007-200708-4012-4-91020, 2007 CAPITAL PROGRAM; AND BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. H.A. DEHART AND SON
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 106-2008

RESOLUTION APPOINTING MEMBERS TO THE VETERANS ADVISORY COMMITTEE

WHEREAS, BY ORDINANCE 20-2004 THE TOWNSHIP ESTABLISHED A VETERANS ADVISORY COMMITTEE;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON THAT THE FOLLOWING APPOINTMENTS ARE MADE AS FOLLOWS:

APPOINTMENT OF ORGANIZATION MEMBERS: TERM

JOHN CLARK

AMERICAN LEGION REP

TO FILL AN UNEXPIRED THREE
YEAR TERM TO EXPIRE 12-31-10

RESOLUTION NO. 109-2008

A RESOLUTION OPPOSING S-770 AND A-1645 MANDATING THE APPOINTMENT OF A QUALIFIED PURCHASING AGENT AND THE ATTENDANT REORGANIZATION OF THE TOWNSHIP OF PEMBERTON PURCHASING FUNCTIONS.

WHEREAS, THE TOWNSHIP OF PEMBERTON STRONGLY SUPPORTS THE EMPLOYMENT OF THE BEST PURCHASING PRACTICES TO NOT ONLY ENSURE COMPLIANCE WITH THE NUMEROUS STATE STATUTES GOVERNING PUBLIC PROCUREMENT BUT ALSO TO OBTAIN THE MOST FAVORABLE PRICING FOR REQUIRED SERVICES AND PRODUCTS; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON ENCOURAGES AND ALLOWS ITS EMPLOYEES TO RECEIVE CONTINUING EDUCATION COURSES AND FREQUENT TRAINING TO REMAIN CURRENT OF NEW STATUTES, CHANGES IN REGULATIONS AND BEST PRACTICE PROCEDURES WHICH ENCOURAGE PROPER COST EFFECTIVE PURCHASING; AND WHEREAS, THE LEGISLATURE HAS BEFORE IT BILLS, S-770 AND A-1645, ENDORSED BY THE PURCHASING OFFICIALS ASSOCIATION AND NO OTHER STATEWIDE LOCAL GOVERNMENT ORGANIZATION, THAT WOULD SIGNIFICANTLY IMPACT ON THE OPERATION OF THE PURCHASING FUNCTION BY REQUIRING THE REORGANIZATION OF THE PURCHASING FUNCTION INTO A SEPARATE OFFICE NOT UNDER THE DIRECT SUPERVISION OF THE LOCAL UNIT'S ADMINISTRATOR, MANAGER, CFO AND OTHER OFFICIAL; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS NOT EXPERIENCED ANY CHALLENGES OR CRISIS IN PURCHASING PROCEDURES THAT WARRANTS IMPOSING THIS UNFUNDED MANDATE UPON LOCAL GOVERNMENTS AND QUESTIONS WHAT EXISTING PROBLEM(S) IT PURPORTS TO FIX; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON TAKES EXCEPTION TO THIS UNFUNDED STATE MANDATE WHICH REPRESENTS AN INTRUSION INTO THE MANAGEMENT PREROGATIVES OF LOCAL OFFICIALS TO ORGANIZE PURCHASING FUNCTIONS THAT ARE IN THE BEST INTERESTS OF RESIDENT TAXPAYERS; AND

WHEREAS, S-770 AND A-1645 WILL NOT REDUCE THE COST OF THE MUNICIPAL OPERATION NOR LEAD TO BETTER PURCHASING ACTIVITIES; RATHER THESE UNFUNDED MANDATES WILL, IN ALL PROBABILITY, LEAD TO HIGHER PERSONNEL COSTS IN THE FUTURE GIVEN THE MANDATES CONTAINED THEREIN; AND

WHEREAS, IT IS UNCONSCIONABLE FOR THE LEGISLATURE TO IMPOSE ANOTHER UNFUNDED MANDATE DURING A TIME WHEN MAYORS AND GOVERNING BODY MEMBERS ARE FOCUSED ON PROPOSED BUDGET CUTS THAT WILL RESULT IN INCREASED PROPERTY TAXES AND THE POTENTIAL CURTAILMENT OF SERVICES TO RESIDENTS.

NOW, THEREFORE, BE IT RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON IN THE COUNTY OF BURLINGTON.

1. THAT WE OPPOSE S-770 AND ITS COMPANION BILL A-1645 AS AN UNFUNDED STATE MANDATE, WITH NO NEW OR ADDITIONAL CAPABILITIES TO ASSIST TOWNS IN IMPROVING PURCHASING ACTIVITIES, AND WHICH IN ALL PROBABILITY WILL LEAD TO FUTURE COST INCREASES.

2. THAT WE OPPOSE S-770 AND ITS COMPANION BILL A-1645, WHICH CHANGE AN EXISTING OPTION AFFORDED LOCAL UNITS INTO AN UNFUNDED MANDATE TO APPOINT A QUALIFIED PURCHASING AGENT.

3. THAT CERTIFIED COPIES OF THIS RESOLUTION BE FORWARDED TO GOVERNOR JON CORZINE, SENATOR PHILIP E. HAINES, ASSEMBLYWOMEN DAWN MARIE ADDIEGO, ASSEMBLYMAN SCOTT RUDDER, AND THE NJ LEAGUE OF MUNICIPALITIES.

12. *c. Request from Buildings & Grounds Department to expend funds in excess of \$2,000.00 for the annual testing of the Senior Center sprinkler system by Communal Co. Inc. in the amount of \$4,600.00.

***2. Loud Speaker Permit applications:** a. Miriam Smith, Baby Shower at 19 Maricopa Trail, 4PM-9PM, 5/3/08. b. Therese Ferdetta, Birthday Party at BMIA Building, 6PM-10PM, 5/3/08

***13.** Approval by Council required for payment of vouchers on bill list dated 3/28/08.

Mr. Prickett requested to pull Resolution No. 110-2008. Mr. Cartier requested to pull Resolution No. 107-2008. Mr. Inge requested to pull Resolution No. 108-2008.

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. Cartier informed that he requested Resolution No. 107-2008 be pulled because he wanted it voted on separately due to his relationship with Pemberton Babe Ruth.

RESOLUTION NO. 107-2008

RESOLUTION AUTHORIZING AWARD OF CONCESSION AGREEMENT WITH PEMBERTON BASEBALL ASSOCIATION, INC. DURING GAMES

WHEREAS, THE PEMBERTON BASEBALL ASSOCIATION, INC. (HEREINAFTER "LEAGUE") DESIRES TO PROVIDE CONCESSIONS OF FOOD AND DRINKS AT LEAGUE GAMES AT THE SPORTS COMPLEX LOCATED AT PEMBERTON-BROWNS MILLS ROAD; AND

WHEREAS, THE TOWNSHIP SOLICITOR OF THE TOWNSHIP OF PEMBERTON HAS DETERMINED THAT THIS CONSTITUTES A "CONCESSION" PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW, AT N.J.A.C. 5:34-1.2; AND

WHEREAS, THE TOWNSHIP COUNCIL, UPON ADVICE FROM THE TOWNSHIP SOLICITOR, WISHES TO AWARD A CONCESSION AGREEMENT (HEREINAFTER THE "AGREEMENT") TO THE LEAGUE PURSUANT TO THE LOCAL PUBLIC CONTRACT LAW REGULATIONS GOVERNING CONCESSIONS (N.J.A.C. 5:34-9.4); AND

WHEREAS, THE LEAGUE'S PROVISION OF CONCESSION WILL PROVIDE INCOME TO SUPPORT THE LEAGUE; AND

WHEREAS, THE LEAGUE INTENDS TO SELL PRE-PACKAGED GOODS SUCH AS BOTTLES OR CANS OF DRINK AND CANDY BARS, AND MAY WISH TO SELL HOT DOGS AND OTHER PREPARED FOODS; AND

WHEREAS, THE ESTIMATED INCOME FROM THESE CONCESSIONS TO THE LEAGUE IS ANTICIPATED TO BE WELL UNDER THE CURRENT THRESHOLD UNDER THE LOCAL PUBLIC CONTRACTS LAW OF \$17,500.00; AND

WHEREAS, THE TOWNSHIP WILL NOT INCUR ANY COSTS, SERVICES OR ENDORSEMENTS AS PART OF THE CONCESSION, AND WILL ONLY BE PROVIDING THE USE OF PUBLIC PROPERTY FOR THE CONCESSIONS.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, THAT THE TOWNSHIP DOES HEREBY AWARD A CONCESSION AGREEMENT TO THE PEMBERTON BASEBALL ASSOCIATION TO PROVIDE CONCESSIONS AT LEAGUE GAMES, WHICH AGREEMENT SHALL BE NON-EXCLUSIVE; AND

BE IT FURTHER RESOLVED THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWNSHIP.

Motion by Scull and Prickett to approve Resolution 107-2008. Scull, yes; Prickett, yes; Cartier, abstain; Inge, yes; Stinney, yes. Motion carried.

Mr. Inge stated he wanted to call Mr. Vaz regarding this and totally forgot about it. Mr. Inge asked Mr. Vaz what the progress on the new football field is. Mr. Vaz replied it is still tied up at the County at this point. Mr. Inge asked if it probably won't be ready by the fall. Mr. Cartier commented if they haven't started, it won't be ready by the fall. Mr. Vaz responded he wouldn't think so.

RESOLUTION NO. 108-2008

RESOLUTION AUTHORIZING AWARD OF CONCESSION AGREEMENT WITH PEMBERTON YOUTH FOOTBALL DURING GAMES

WHEREAS, THE PEMBERTON YOUTH FOOTBALL (HEREINAFTER "LEAGUE") DESIRES TO PROVIDE CONCESSIONS OF FOOD AND DRINKS AT LEAGUE GAMES AT THE SPORTS COMPLEX LOCATED AT PEMBERTON-BROWNS MILLS ROAD; AND

WHEREAS, THE TOWNSHIP SOLICITOR OF THE TOWNSHIP OF PEMBERTON HAS DETERMINED THAT THIS CONSTITUTES A "CONCESSION" PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW, AT N.J.A.C. 5:34-1.2; AND

WHEREAS, THE TOWNSHIP COUNCIL, UPON ADVICE FROM THE TOWNSHIP SOLICITOR, WISHES TO AWARD A CONCESSION AGREEMENT (HEREINAFTER THE "AGREEMENT") TO THE LEAGUE PURSUANT TO PROPOSED REGULATIONS GOVERNING CONCESSIONS (N.J.A.C. 5:34-9.4); AND

WHEREAS, THE LEAGUE'S PROVISION OF CONCESSIONS WILL PROVIDE INCOME TO SUPPORT THE LEAGUE; AND

WHEREAS, THE LEAGUE INTENDS TO SELL PRE-PACKAGED GOODS SUCH AS BOTTLES OR CANS OF DRINK AND CANDY BARS, AND MAY WISH TO SELL HOT DOGS AND OTHER PREPARED FOODS; AND

WHEREAS, THE ESTIMATED INCOME FROM THESE CONCESSIONS TO THE LEAGUE IS ANTICIPATED TO BE WELL UNDER THE CURRENT THRESHOLD UNDER THE LOCAL PUBLIC CONTRACTS LAW OF \$17,500.00; AND

WHEREAS, THE TOWNSHIP WILL NOT INCUR ANY COSTS, SERVICES OR ENDORSEMENTS AS PART OF THE CONCESSION, AND WILL ONLY BE PROVIDING THE USE OF PUBLIC PROPERTY FOR THE CONCESSIONS.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, THAT THE TOWNSHIP DOES HEREBY AWARD A CONCESSION AGREEMENT TO THE PEMBERTON YOUTH FOOTBALL TO PROVIDE CONCESSIONS AT LEAGUE GAMES, WHICH AGREEMENT SHALL BE NON-EXCLUSIVE; AND

BE IT FURTHER RESOLVED THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWNSHIP; AND

Motion by Inge and Prickett to approve Resolution No. 108-2008. Inge, yes; Prickett, yes; Scull, yes; Cartier, yes; Stinney, yes. Motion carried.

Mr. Prickett conveyed that Resolution No. 110-2008 has to do with a grant to research consolidation of the Township's emergency services. During the Budget process, he had requested to add \$60,000 to the Budget to do a consolidation study; a use study on emergency services in Pemberton Township. Mr. Prickett advised he pulled this resolution to say this is a good thing to do and he approves of it but just wants to know if \$20,000 is enough money to do such a study. Mr. Prickett asked Mr. Vaz if he would know the answer to that. Mr. Vaz responded that he has asked different people and the studies run anywhere between \$20,000 to \$35,000 as an average amount. Mr. Vaz stated that \$20,000 is sort of a standard and Administration is permitted to ask for more and the Township's circumstances might justify more being that the Township has such a large number of volunteer agencies serving the Township. Mr. Vaz advised the intent would be to request substantially more than \$20,000 and suggested maybe double or triple that amount. Mr. Prickett asked if the Township had to put in 10%. Mr. Vaz informed 10% in cash or in kind. Mr. Prickett asked how it would be in kind. Mr. Vaz replied services that Administration would provide in support of the project. Mr. Prickett thanked Mr. Vaz.

RESOLUTION NO. 110-2008

A RESOLUTION AUTHORIZING APPLICATION FOR A FEASIBILITY STUDY GRANT THROUGH THE NEW JERSEY SHARE (SHARING AVAILABLE RESOURCES EFFICIENTLY) GRANT PROGRAM CONCERNING THE CONSOLIDATION AND/OR SHARING OF FIRE AND EMS SERVICES

WHEREAS, LOCAL OFFICIALS ARE FINDING THEMSELVES HARD PRESSED TO MAINTAIN ESSENTIAL SERVICES DURING A TIME OF ECONOMIC RETRENCHMENT AND TAXPAYER RESISTANCE TO ANY INCREASE IN THE COSTS OF GOVERNMENT. AN ALTERNATIVE LIES IN THE SHARING OF SERVICES AND THEIR COSTS. INTERLOCAL SERVICES OFFER AN OPPORTUNITY TO PROVIDE SERVICES WHILE MAXIMIZING THE USE OF VALUABLE TAX DOLLARS. BY SHARING RESOURCES, COMMUNITIES MAY BE ABLE TO MAINTAIN SERVICE LEVELS WITHOUT INCREASING COSTS, OR EVEN INITIATE NEW SERVICES WHICH WERE PREVIOUSLY TOO COSTLY.

WHEREAS, SHARE IS DCA'S GRANT PROGRAM TO ENCOURAGE AND ASSIST GOVERNMENT INTERLOCAL COOPERATION AND SERVICE SHARING. THE PROGRAM OFFERS GRANTS TO LOCAL UNITS TO HELP THEM STUDY, DEVELOP AND IMPLEMENT NEW SHARED OR REGIONAL SERVICE PROGRAMS.

WHEREAS, SHARE OFFERS THREE FUNDING OPTIONS, FEASIBILITY STUDIES, IMPLEMENTATION GRANTS, AND COUNT OR REGIONAL COLLABORATION STUDIES. ALL GRANT ASSISTANCE IS ON A REIMBURSEMENT OF LOCAL EXPENDITURES BASIS. APPLICATIONS REQUIRE APPROVING RESOLUTIONS OF THE GOVERNING BODY OF THE APPLICANT AND EACH PARTICIPATING LOCAL UNIT.

WHEREAS, FEASIBILITY STUDY GRANTS ASSIST LOCAL GOVERNMENTS TO PLAN, STUDY AND DEVELOP NEW OR EXPANDED SHARED SERVICES. THESE GRANTS OFFER UP TO \$20,000 (AND POTENTIALLY MORE IN SOME CIRCUMSTANCES) TO HELP UNDERWRITE THE COSTS OF DEVELOPING A NEW, SHARED PROGRAM. FEASIBILITY STUDY GRANTS REQUIRE THE APPLICANT AND PARTICIPANTS TO PROVIDE A CASH OR IN-KIND MATCH EQUALING 10% OF THE GRANT AMOUNT SOUGHT.

WHEREAS, THE RESIDENTS OF PEMBERTON TOWNSHIP ARE SERVED BY FOUR LOCAL VOLUNTEER FIRE AGENCIES AND A PAID, THIRD-PARTY EMS CORPORATION THAT IS ASSISTED BY FOUR VOLUNTEER EMS AGENCIES.

WHEREAS, PEMBERTON TOWNSHIP ALSO PROVIDES A CASH STIPEND TO THE GOODWILL VOLUNTEER FIRE COMPANY, WHICH IS BASED IN OUR SISTER MUNICIPALITY PEMBERTON BOROUGH, FOR PROVIDING PRIMARY RESPONSE FIRE SERVICES IN ONE SECTION OF PEMBERTON TOWNSHIP.

WHEREAS, IN ADDITION, ALL EIGHT VOLUNTEER FIRE AND EMS ORGANIZATIONS SERVING PEMBERTON TOWNSHIP PROVIDE ASSISTANCE TO FIRE AND EMS AGENCIES IN OTHER MUNICIPALITIES UNDER A COUNTYWIDE MUTUAL AID AGREEMENT.

WHEREAS, DESPITE THE TIRELESS EFFORTS OF VOLUNTEERS TO SUSTAIN THE PROVISION OF FIRE AND EMS SERVICES, THE TOWNSHIP COUNCIL IS WELL AWARE THAT MANY OF THESE ORGANIZATIONS HAVE DIFFICULTY FUNDRAISING AND MAINTAINING MEMBERSHIP. THE ECONOMIC TIMES IN WHICH WE LIVE OFTEN REQUIRE POTENTIAL VOLUNTEERS TO MAKE THE DIFFICULT CHOICE BETWEEN VOLUNTEER SERVICE AND FINDING A SECOND SOURCE OF INCOME TO MEET FAMILY NEEDS. FURTHERMORE, IT IS BECOMING MORE AND MORE DIFFICULT FOR THE VOLUNTEER SERVICE TO ADEQUATELY PROVIDE SERVICES DURING REGULAR BUSINESS HOURS, THE TIME WHICH MOST VOLUNTEERS ARE AT WORK IN THEIR CAREER JOBS.

WHEREAS, THE PEMBERTON REGIONAL FIRE CHIEFS ASSOCIATION SUPPORTS EFFORTS TO EXPLORE THE POTENTIAL SAVINGS AND EFFICIENCIES OF CONSOLIDATING THE MUNICIPAL FIRE SERVICES.

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. THAT THE TOWNSHIP COUNCIL AUTHORIZES THE TOWNSHIP ADMINISTRATION TO SUBMIT A SHARE GRANT APPLICATION SEEKING FUNDS TO PAY FOR A FEASIBILITY STUDY CONCERNING THE CONSOLIDATION AND/OR SHARING OF FIRE AND EMS SERVICES.

2. THAT TOWNSHIP ADMINISTRATION IS REQUESTED TO CONTACT REPRESENTATIVES OF ADJOINING MUNICIPALITIES, INCLUDING BUT NOT LIMITED TO PEMBERTON BOROUGH, IN ORDER TO ASSESS THEIR INTEREST IN JOINING PEMBERTON TOWNSHIP'S SUBMISSION OF THE GRANT APPLICATION AND PARTICIPATING IN THE FEASIBILITY STUDY.

3. THAT ACCEPTANCE OF THE GRANT FUNDS, IF THE GRANT APPLICATION IS EVENTUALLY APPROVED, IS CONTINGENT UPON INSERTION OF THE 10% CASH MATCH IN THE MUNICIPAL BUDGET WHEN IT IS INTRODUCED OR, ALTERNATIVELY, ACCEPTANCE BY DCA OF AN IN-KIND CONTRIBUTION.

4. THAT CERTIFIED COPIES OF THIS RESOLUTION SHALL BE FORWARDED TO REPRESENTATIVES OF ALL VOLUNTEER FIRE AND EMS AGENCIES SITUATED IN PEMBERTON TOWNSHIP AND PEMBERTON BOROUGH, THE MAYORS OF EACH MUNICIPALITY THAT BORDERS PEMBERTON TOWNSHIP, AND THE PEMBERTON REGIONAL FIRE CHIEFS ASSOCIATION.

Motion by Prickett and Cartier to approve Resolution 110-2008. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

10. OTHER RESOLUTIONS

111-2008 Opposing Governor Corzine's Proposed Budget.

Mrs. Stinney asked Mr. Vaz to provide an update regarding this resolution. Mr. Vaz advised that Mrs. Eden and he have been monitoring the many meetings throughout the State including a meeting last week in Mt. Laurel with State Legislatures along with another meeting next week in Atlantic City. Mr. Vaz reported that most of them are comfortable in believing that the State will probably make concessions and phase in the State aid cuts. Mr. Vaz stated the problem they are facing is that they don't believe that will happen by gubernatorial fiat; it will probably more likely happen simple as a matter of the Budget process. That is the deadline that the State is facing and it is very possible if they don't get the Budget done in time and there is another shut down with State government. Mr. Vaz conveyed that he and Mrs. Eden have been talking about their own in-house Budget issues and they are inclined to suggest that maybe at the next meeting or after that, Council introduce the Budget and move forward. Mr. Vaz noted it is not likely Administration will receive another notice from DCA that says the Governor has changed his mind; it will happen through the Budget process and Administration will receive the notice probably in August. Mrs. Stinney asked Council if they had any questions for Mr. Vaz at this time.

RESOLUTION NO. 111-2008

OPPOSING THE GOVERNOR'S PROPOSED STATE BUDGET FOR THE 2008-2009 FISCAL YEAR FOR ITS FAILURE TO TREAT PROPERTY TAX RELIEF AS A PRIORITY.

WHEREAS, ON FEBRUARY 26, 2008, GOVERNOR JON S. CORZINE PRESENTED HIS FY 2009 BUDGET PROPOSAL TO A JOINT SESSION OF THE NEW JERSEY STATE LEGISLATURE; AND

WHEREAS, THE PROPOSAL, WHICH REPRESENTS WHAT THE GOVERNOR CALLED "MANY UNPLEASANT CHOICES", CALLS FOR THE ELIMINATION OF TWO DEPARTMENTS OF STATE GOVERNMENT, THE DEPARTMENTS OF AGRICULTURE AND PERSONNEL, AND THE STATE COMMERCE COMMISSION, AND ASKS ALL OTHER DEPARTMENTS TO ABSORB FUNDING CUTS, AND FURTHER CALLS FOR SACRIFICE IN A NUMBER OF OTHER AREAS, INCLUDING DIRECT PROPERTY TAX RELIEF, HOSPITAL AID, HIGHER EDUCATION ASSISTANCE AND MEDICAID, WITH INORDINATELY DEEP CUTS IN MUNICIPAL PROPERTY TAX RELIEF FUNDING; AND

WHEREAS, ONE YEAR AFTER THE HISTORIC SPECIAL SESSION FOR PROPERTY TAX REFORM, WHICH PURPORTEDLY ELIMINATED THE NEED FOR A CITIZENS' CONVENTION, OUR PROPERTY TAXPAYERS WILL ONCE AGAIN BE ASKED FOR PATIENCE AND TO SHOULDER MORE THAN THEIR FAIR SHARE OF THE FUNDING BURDEN; AND

WHEREAS, LOCAL OFFICIALS HAVE DONE SO MUCH WITH SO LITTLE FOR SO LONG AND HAVE NO REALISTIC ABILITY TO MAKE FURTHER BUDGET CUTS ON A LOCAL LEVEL; AND

WHEREAS, UNDER THE PROPOSAL MUNICIPAL PROPERTY TAX RELIEF WILL BE SLASHED BY \$189.6 MILLION; AND

WHEREAS, UNDER THE PROPOSAL MUNICIPALITIES WITH A POPULATION OF LESS THAN 5,000 WILL NOT RECEIVE ANY CMPTRA FUNDING; MUNICIPALITIES WITH A POPULATION TOTAL BETWEEN 5,000 AND 10,000, RELIEF WILL BE LIMITED TO ONE-HALF OF THE AMOUNT RECEIVED IN THE STATE'S 2006-2007 BUDGET; AND UNDER THE PROPOSAL THE \$32.6 MILLION DISTRIBUTED ACCORDING TO THE CMPTRA FORMULA, WHICH MUNICIPALITIES RECEIVED LAST YEAR AS 2008 MUNICIPAL PROPERTY TAX ASSISTANCE, HAS BEEN ELIMINATED; AND

WHEREAS, ALL MUNICIPALITIES UNDER THE PROPOSAL WILL RECEIVE NO INCREASE IN ENERGY TAX RECEIPTS OR PROPERTY TAX RELIEF, DESPITE STATE LAW THAT 'REQUIRES' ANNUAL INFLATIONARY ADJUSTMENTS; AND

WHEREAS, LAST YEAR'S \$32 MILLION IN MUNICIPAL HOMELAND SECURITY FUNDING HAS BEEN ELIMINATED AND MUNICIPAL AID FUNDING HAS BEEN CUT FROM \$153 MILLION TO \$145.4 – A LOSS OF \$7.6 MILLION, EXTRAORDINARY AID FUNDING HAS BEEN REDUCED BY \$1.7 MILLION – FROM \$34 MILLION TO \$32.3 MILLION, AND THE \$8 MILLION REGIONAL EFFICIENCY AID PROGRAM WILL NOT BE FUNDED; AND

WHEREAS, IN ADDITION TO THESE PROPOSED REDUCTIONS AND ELIMINATIONS, CERTAIN MUNICIPALITIES SERVED BY THE STATE POLICE WILL BE ASKED TO CONTRIBUTE \$20 MILLION TO THE STATE'S GENERAL FUND AND HOMESTEAD REBATES FOR HOMEOWNERS WILL BE CUT BY \$257 MILLION, AND BY \$124 MILLION FOR RENTERS; AND WHEREAS, PINELANDS MUNICIPALITIES ARE ALREADY OVERBURDENED AS A RESULT OF THE INABILITY TO CREATE A BASE OF TAX RATABLES IN VIEW OF THE RESTRICTIONS ON DEVELOPMENT IN THE PINELANDS AND THUS ABSORB A DISPROPORTIONATE SHARE OF THE REAL COST OF PRESERVATION.

NOW THEREFORE, BE IT RESOLVED, THAT THE GOVERNING BODY OF TOWNSHIP OF PEMBERTON CALLS UPON THE N.J. STATE SENATE AND THE N.J. STATE ASSEMBLY TO WORK JOINTLY AND WITH THE GOVERNOR TO TAKE AFFIRMATIVE ACTION TO RESTORE FUNDING SUFFICIENT TO HONOR STATE STATUTES AND THEIR STATED COMMITMENT TO THE CAUSE OF PROPERTY TAX RELIEF IN ALL NEW JERSEY MUNICIPALITIES; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE FORWARDED TO GOVERNOR JON S. CORZINE, THE NEW JERSEY LEGISLATURE, ALL NEW JERSEY MUNICIPALITIES AND THE N.J. LEAGUE OF MUNICIPALITIES WITH A REQUEST FOR SIMILAR ACTION.

Motion by Scull and Cartier to approve Resolution No. 111-2008. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

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

Mrs. Stinney conveyed that Resolution No. 91-2008 Authorizes Introduction of 2008 Municipal Budget as it was last determined by Council at the last Budget hearing. Mr. Vaz advised this is a resolution Administration is asking Council to table until one other meeting, Council has a break of 3 weeks after the next meeting, but Administration does not think the situation will change drastically between now and the next four or five weeks.

Motion by Scull and Prickett to table Resolution No. 91-2008 Introduction of the 2008 Municipal Budget until April 16, 2008.

Mrs. Scull stated it is frustrating to wait and there are issues that Council would like to see solved. Mrs. Scull added that at this point she is willing to go along with the recommendation to wait two more weeks. Mrs. Stinney stated there is an issue of the gypsy moth spray that was included in the Budget. Mrs. Stinney noted that in order to give Administration ample time to inform the residents, to set up the spray, some type of decision needs to be made tonight. Mrs. Stinney relayed that she is inclined to have this discussion now. Mr. Prickett expressed that the discussion should have been on the agenda. Mrs. Stinney replied that it is in the Budget and when speaking with Mr. Bayer, he thought it would be the appropriate time to talk about it right now. Mrs. Scull questioned if they should talk about it here instead of under Old Business or New Business. Mr. Vaz explained that a decision would have to be made this evening because the notice requirements, require Administration to take action before the next meeting. Mr. Vaz stated the money is already appropriated in the Budget as it stands so what Council would be doing by giving Administration the okay to keep it in, Council is kind of marrying themselves to that concept once the Budget is introduced because forces will be in motion from that point forward to get the aerial spraying accomplished. Mr. Bayer asked Mr. Vaz how the gypsy moth issue is in a temporary budget. Mr. Vaz answered it is not there yet unless it's in a miscellaneous expense but the Township doesn't have to pay for it now anyway and it is not a payment issue, it's an authorization issue so that they know that by going forward with the notices in telling the State that they are doing this, it's not going to end up coming out of the Budget through the Budget process which is not complete at this point. There is going to have to be at least one other emergency temporary appropriation that Mrs. Eden is preparing for the next meeting but in all likelihood, they won't get a bill for it anytime soon. Mr. Bayer asked how the program would be authorized if the Council has not introduced the budget yet. Mr. Vaz explained that they are only looking for Council's decision for Administration to move forward with the process. Mr. Bayer conveyed to Mrs. Stinney that Mr. Vaz is saying that if Council is inclined to table the introduction of the Budget, Council can still get a consensus from Council to move forward or not to move forward with the gypsy moth spraying; Council can do this whether or not they table the Budget. Mr. Cartier asked Administration if anything has happened in the last month since the gypsy moth program was brought up to make them believe this program would be any benefit to the Township. Mayor Patriarca replied that he personally does not think one application is going to be sufficient enough to warrant spending a quarter of a million dollars of tax payers' money and still receive all of the complaints he knows he will receive. The Mayor continued that he received complaints last year with two applications and knows there will be at least the same amount of complaints this year. Mrs. Stinney asked the Mayor how the complaints received last year were documented regarding the ineffectiveness of the spraying. Mayor Patriarca replied they were not tracked but that he spoke to each individual that called. Mr. Vaz advised that between the Mayor and Mrs. Brown; all calls were

initially forwarded to Mrs. Brown and if she was not available, the Mayor handled the calls personally. Mr. Prickett asked if the State evaluated and indicated how successful the program was at any point in the spray program. Mr. Prickett informed the State does evaluate the areas needing to be sprayed and if they compared what they did last year via a map compared to a map from this year that would give some indication as to the success of the program. Mr. Vaz agreed. Mrs. Scull asked if the State is planning on spraying the same area they sprayed last year or if it is a different area. Mr. Vaz advised it is the same area, as it did not expand. Mr. Inge asked if they have that information on the percentage. Mr. Vaz explained that Mrs. Brown spoke with Mr. Joe Zotowski from the gypsy moth program today and was informed that one application of BTK kills approximately 65% which is about 1 million moths and leaves approximately 1.5 million moths alive. Mayor Patriarca stated this is coming from the individual.....Mr. Cartier interjected questioning how it is 65%. The Mayor reiterated that this is coming from the individual running the program and if the Township is doing a double application, they should have eradicated all of the gypsy moths or the problem should be solved. Mr. Cartier disagreed in that according to that math, there is 500,000 left alive. The Mayor reiterated it's 65% and they're doing a double application and are eradicating 130%. Mr. Vaz replied the math does add up. Mr. Cartier asked if there were any other options. Mr. Vaz relayed that first of all he just did the standard google search and looked at what other states were doing. Mr. Vaz noted that what he found just anecdotally is that if they do two applications at a minimum and there is some theory that it works if they do the two applications. Mr. Vaz added that just in-house talking to people there are a number of home remedy types of things that some of their long term residents suggested that they educate people on. One involves some sort of tape around the bark of a tree and this particular person swore by it. Mr. Vaz continued that it is a matter of educating the public as to what things they can do and some of the material that he read states one of the most effective things a home owner can do is hire someone to come in and do spraying right on the property. Mr. Vaz informed that is something for them to look at for the municipal property as well; whether they are going to scrape them if they're low enough or hire someone to spray them. Even the trees out in the front have the eggs all over them. Mr. Vaz concluded that the State is not changing its position at this point, they are not moving away from the BTK this year. Mrs. Stinney informed that she can go either way and her theory is that some is better than none. The Mayor asked at what price. Mayor Patriarca informed that the BTK is fine as far as what it is saving in the environment such as the effect on the honeybees, birds, eggs and so forth which is fine but it takes a double application to be effective and get their money's worth. Mrs. Stinney replied that she doesn't have any documents showing her this. Mayor Patriarca asked Mrs. Stinney what documents she has showing that it is effective. Mrs. Stinney expressed that last year it was effective with the two applications and she doesn't know how it's going to be effective with one application. Mr. Cartier stated he can refer to proof stating it was not effective noting a reporter for the Burlington County Times is sitting in the audience and they did a big article about how ineffective it was. Mrs. Stinney stated she doesn't know as she doesn't get the Burlington County Times. Mr. Vaz added that a lot of the phone calls Administration received last year occurred after the spraying took place were from people wanting to know when they were going to spray. Mr. Vaz explained that after getting their address, locating that on a map and informing them they were already sprayed twice, the people would swear that they couldn't have possibly sprayed because they had a huge gypsy moth problem all around their properties. Mr. Vaz reiterated it is all anecdotal which is the problem, there's no firm statistics. Mr. Vaz suggested that Mr. Prickett has a good idea in that looking at an aerial from last year and comparing it to another year to see where they stand with

the trees being destroyed and ravaged. Mr. Bayer asked who the person at the State is and asked what kind of person is an expert in this. Mr. Bayer continued that it might not be an engineering issue and asked if what Mr. Prickett had suggested, is there someone that could look at it and make an informed decision. Mr. Rehmann answered that he has a number of towns that are similar to Pemberton and its vegetated state and in Hammonton it got to the point after the BTK applications that individuals had to spray again. The problem is one can't spray aerially because there is so much of a notice issue that people have to spray their yards. Mr. Rehmann explained in his situation, he has two acres and can get to the front acre but cannot get a truck into the back acre because it is wooded. Mr. Rehmann advised that he is now losing that wooded area and has to make a decision as to what to do. In Monroe Township, Williamstown, Gloucester County, their BTK applications were fairly successful and they have to go back and do it again. There were some individuals that complained that they were not sprayed but they were not in the spray area. Franklin Township and Gloucester County sprayed and the same comments as Mr. Vaz mentioned that residents were saying they couldn't tell it was sprayed. Weather, wind, rain, putting up balloons to tell where to spray is an entire balancing act that has to occur and he believes that the State of New Jersey has gotten some statistical analysis done to justify the cost that they are spending. There must be someone saying the BTK is not as effective and they could spray Seven and then everything dies but with the BTK there is a compromise. Mr. Rehmann stated the Mayor is correct; you have to balance the cost versus the effectiveness and if most of the damage is in the woods, you can't do it by ground unless one hires their own aerial sprayer. It's not an easy choice and everybody is struggling with this. A representative from ARH informed it is a suppression program and it is not an elimination program and it will never be 100% effective. BTK does biodegrade in seven days and that is the other reason why people are not noticing it and not seeing it; it only lasts for one week. That is why timing is important with the spray. Mr. Inge commented that unless it is on one's vehicle and that was probably the biggest complaint. Mayor Patriarca conveyed if the Township were able to receive two applications it would be their best option but the fact that they are not going to receive two applications the question is whether they're getting the best bang for their buck and it's a lot of money for a shot in the dark; a quarter of a million dollars. Mr. Prickett asked the Mayor why the Township is not able to spray two applications. The Mayor explained it is because so many towns signed up for it this year that the contractors are not able to provide enough planes to spray the entire area that was requested. Personally, he thinks they should have gone to McGuire and obtained a big tanker and sprayed the entire state but he guesses the government doesn't want to get involved. Mr. Prickett stated there is a shortage of pilots. Mrs. Scull conveyed that is her concern with the entire issue is that the weather has to be just perfect and if it's not, then they are just throwing that money away. Mrs. Scull added that she would certainly like to see the gypsy moth's population decreased as they are losing an awful lot of trees, but she doesn't want to throw money away either. Mrs. Stinney recalled that last year they had to cancel a spraying date or push it out because of the weather. Mr. Cartier replied it was because the leaves were not out yet. Mayor Patriarca answered the program was delayed because the leaves weren't out yet and there have been several times throughout the program over many years where in the morning when the crews go out and put the balloons up and the atmosphere is not right for the spray they had to cancel out. Everything has to be right, the winds and precipitation. A representative from ARH conveyed that the timing has to be right as far as the egg growth, the spray is for the larvae and the young and is not powerful enough for the adults and if not done at the right time and if the moth has already grown past a certain stage, it's not going to affect it. Mrs. Stinney concluded that would probably have been some of that problem

last year. Mrs. Scull agreed. Mr. Cartier conveyed that the State has already said they are not doing the state forest and McGuire and Fort Dix so the gypsy moth will just infiltrate to Pemberton. Mr. Prickett explained that what will happen is that they will eat themselves out of food and that's how they die. If they are not spraying in McGuire, the gypsy moths will take all the leaves of the trees and not have anything to eat and extinguish them that way. So that might actually benefit Pemberton Township because they have never sprayed and he would imagine their trees have been devastated. Mr. Cartier noted he understands everyone's agony however, something has to be done about the gypsy moth and this program is not the answer.

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

Mr. Inge asked if the Township had put their application in earlier, would they have been able to get two applications. The Mayor conveyed that nobody is getting two applications, noting that everyone in the program is getting afforded one application because there are too many people that got involved this year. Mrs. Scull asked if this was a state budget and if it was budgeted a lot less because last year the Township received 50% back and this year will only receive 25% back. The Mayor noted that is federal money. Mrs. Stinney asked Mr. Vaz is that part of the \$17 million that he was speaking about earlier. Mr. Vaz answered yes, but there is legislation that the senator had introduced and there are different competing bills out there but none of them are actually going to go anywhere before this May. Mr. Rehmann stated to Mr. Vaz if ARH could obtain the maps for this year and next year, he could overlay them at no cost to the Township, and he is curious to see if there was any impact. Mr. Rehmann added it was Mr. Prickett's suggestion to compare the spray areas. Mr. Prickett stated to see if the hot spots have changed. Mrs. Stinney asked if it is the consensus of the Council to not be involved with the spray and then legislation comes through later that states all towns that did spray will receive something extra or something to help out with the budget for the spray that Pemberton Township would then be left out. Mr. Vaz replied if the Township does not move forward with the spraying, the Township would be locked in to that at this point. Mr. Vaz conveyed that it is already April 2nd and May is right around the corner and then June. Mr. Prickett noted that the public is present and since it wasn't on the agenda for discussion, he was curious if any members of the public had any comments on this. Mrs. Stinney explained that it is not open to the public right now and she is trying to get a general consensus as to how Council feels. Mrs. Stinney clarified this was on the agenda in as much as comments could have been addressed during the public comments section and she is because there is so much controversy about it across the State, asking to hear what Council had to say about it. Mrs. Stinney noted it is already set in the Budget and the money is already there.

Motion by Cartier to not move forward.

Mr. Inge asked if Council could wait and re-open this to the public. Mr. Prickett asked if Mr. Inge was suggesting they make the decision at the end of the meeting. Mr. Inge replied yes. Mrs. Young informed there is a motion on the table and asked for a second. Mr. Bayer conveyed that before anyone acts on Mr. Cartier's motion it is not needed as it is more a consensus issue and then when Council introduces the Budget they could adjust it, however they didn't need a formal motion. Mr. Cartier explained that he is trying to have some sort of conclusion to the discussion as Council has been going back and forth for the last 15 minutes. Mrs. Stinney asked what the consensus of the Council is. Mr. Bayer stated Mrs.

Stinney can poll the Council. Mrs. Stinney asked Mr. Inge if he wanted to spray or not to spray. Mr. Inge replied that he would like to hear from the residents. Mrs. Stinney asked Mrs. Scull and she replied that she is leaning towards not spraying but she would like to hear from the residents. Mrs. Scull noted Council has heard from some residents already. Mr. Cartier informed that he is not trying to be offensive to any of the residents in the audience as there are 8 residents in the audience. Mrs. Stinney noted there may be a few more a little later on and that's okay, Council can move right ahead. Mr. Inge stated maybe Council should have extended this out to the organizations that Council was going to talk about it. Mrs. Stinney conveyed that Council did talk about everything on the Budget. Mrs. Scull agreed and added that it is well known that Council has been having on-going discussions about whether or not to cut this out of the Budget and she hasn't seen people running in asking Council to leave it in.

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

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

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

Motion by Cartier and Scull to adopt Ordinance No. 7-2008, An Ordinance Confirming The Sale Of Real Property To Danitom Development, Inc.

Mr. Prickett asked if the money coming from the sale will be used for the 2008 Budget. Mayor Patriarca answered no; it can't be used in the 2008 Budget.

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

12. NEW BUSINESS

- a. Discussion of proposed amendments to Ordinance Nos. 7, 8 & 9-2006 regarding Chapter 190.

Mr. Cartier asked for clarification as to why Recreation improvements or any mention of Recreation would be stricken from any of these ordinances. Mr. Bayer explained these ordinances were adopted the end of 2006 and during the end of 2006 and beginning of 2007, the Builder's League of South Jersey sent letters to the former Township Attorney, to himself and he's assuming to the Mayor and Council objecting to these ordinances on legal grounds. There have been two meetings with them; one with the Mayor, Business Administrator and himself with the representatives of the association and a second meeting with Mr. Ragan, the Planner, his associate, the Builder's League and himself. Mr. Bayer conveyed this draft was provided to them as well as to the Builder's League and he has not heard back any comments from them and will check with their attorney to see because it was provided to them some time ago. The basic issue in all of these ordinances is that based upon the advice of the Planner, the way they handle a lot of these issues in the Planner's view was to do it through the circulation plan map of the Master Plan and the issue of imposing fees for Recreation are clearly, without discussing too much of this in public, but as a general principal, a contested legal issue. To

the extent that these changes were made, they were attempting to work with the Builder's League to avoid litigation but to at the same time meet the concerns of the Township in terms of bikeways, sidewalks and those sorts of things intended to a new development. Mr. Bayer informed in terms of the details, he would suggest when this is discussed as Mr. Prickett likes to say, that Mr. Ragan be present because these are certainly recommendations he has made concerning these ordinances. Mr. Prickett stated to Mr. Bayer that he didn't make the strike outs on the document. Mr. Bayer informed that it is a combination; they went through a meeting with Mr. Ragan's office, drafted it as it is clearly what was discussed, he reviewed it and it clearly was what was discussed at the meeting with the Builder's League, and as stated earlier, the Builder's League has not gotten back to him. Mr. Bayer noted he does believe these changes proposed for discussion are consistent with applicable law. Mr. Bayer informed Mr. Cartier he could provide a detailed memo to explain why if he needed it. Mr. Cartier stated that he doesn't think imposing fees on developers for recreation was the intent of the ordinance; rather it was to give developer's options of either recreation facilities on site or pay for off site recreation. Mr. Prickett commented that the idea was that all developments should have recreation facilities and if the builder could not accommodate them, as there have been situations where there wasn't enough room to put the recreational facilities, so the intent was that shouldn't get the developer off the hook. There should be facilities somewhere else that these folks can use. Mr. Bayer conveyed the legal issue is the municipal land use law only allows a certain and certainly if it's off track, certain off track improvements and what the changes were meant to address was that issue as he recollects. Mr. Rehmann added if Council includes it in the land development ordinance, specific types of recreation that would require such as a baseball field if there were so many homes, and then they chose not to do it on-site, then this would be the issue referred to where they could negotiate. Mr. Rehmann noted that South Jersey Home Builders sued Egg Harbor Township and that was resolved. Mr. Bayer explained there were two competing cases; one was in Atlantic County and there was a decision favorable to the municipalities and then there was a decision out of Ocean County from Jackson which was adverse to the municipalities and those cases are up in the Appellate Division now. Mr. Bayer noted it is unresolved because those appellate cases have not come down as of yet. Mr. Inge asked if the D.R. Horton agreed to pay for off-site recreation. Mr. Cartier answered no, they have on-site recreation. Mr. Prickett informed that Mr. Inge might be talking about Baker. Mr. Cartier informed that Baker agreed to off-site recreation. Mayor Patriarca informed this would not apply to Baker under those conditions as that development agreement was already approved and agreed upon so they are still obligated to pay what they agreed to pay. Mr. Prickett conveyed if a baseball field is needed according to the recreation standards, not every development is going to be able to accommodate a baseball field so it makes some sense that every development contribute a little towards a baseball field to go in some where. Mr. Prickett added that along with that line of thought, it makes a lot of sense but if that is what is supported by NJ Law, then that's what Council has to look at. Mr. Prickett stated that he thought some laws under Smart Growth enacted legislation to that effect. Mr. Prickett commented it doesn't appear that the Planner and Mr. Bayer are aware of those laws either. Mr. Cartier asked if their concern is that they feel this ordinance is mandating off-site recreation improvements. Mr. Bayer answered he believes so but would suggest because the whole idea was if it was possible to satisfy what the Township's concerns were as well as avoid a law suit regarding the legality of these ordinances, he will follow up with their attorney. Mr. Bayer noted whenever this was provided to Council which was some time ago, at least one month ago, it was provided to the Builder's League and they were supposed to get him comments which they have not done. Mr. Bayer suggested seeing what comments if any that they have, he will do a

memo reporting back to Council and then suggest bringing Mr. Ragan back to discuss these. Mr. Bayer advised there is one more coming which is a fourth ordinance that was adopted but Mr. Ragan's office is still working on changes. Mrs. Scull expressed that it makes sense to her to wait and see what the comments are. Mr. Bayer replied that obviously at the end of the day if the Builder's League is not happy that may not be the end all and be all and the Township wants to protect their own interest but certainly to the extent that they are at least taking into account their comments to avoid litigation if possible and that certainly is worthwhile doing from a budgetary standpoint.

b. Discussion of proposed ordinance for Defense and Indemnification of Municipal Employees.

Mr. Bayer informed he has been working with the Administrator where there was an employment issue in town where an employee has requested that the Township provide representation to them. Mr. Bayer has recommended to the Mayor and the Administrator that the law requires the Township to do so. In discussing the issue, Mr. Vaz realized that this type of proposed ordinance which came from Little Egg Harbor, will clarify the issue in the future so that if an employee is sued in connection with his employment, whether that be civil or criminal, as opposed to the Township attorney having to go through some legal analysis as to whether the employee should or should not have a Township provided attorney, they will have a standard set forth in an ordinance which will guide how the Township should act and it will be done uniformly. Mr. Bayer expressed that is why it is a good idea to have something on the books and all of the employees will then know what the standard is and they will know that everyone is being treated the same and this is the ordinance. Mr. Bayer added that it's not that people haven't been treated the same but there has not been a published standard other than looking in cases and statutes and coming up with a legal analysis. Mr. Inge asked if there was an old ordinance. Mr. Bayer answered there is one sentence which is very vague. Mr. Bayer advised it is 38-9 of the code which states, The Township does hereby authorize and provide indemnification to its employees and officials and appointees in accordance with the indemnification provision applicable to all state employees. Mr. Bayer explained that basically says, and this is the analysis that he has gone through in regard to the one employee, is that under the NJ Tort Claims Act, there is a provision that describes how state employees will be defended and indemnified if sued. That statute does not apply to criminal complaints against an employee and there is a separate statutory provision for that. The Little Egg Harbor ordinance amplifies what exactly the status of state law is so in the provision on the books, it just states that they will do it in accordance to how state employees are treated. Mr. Bayer further noted that what the ordinance from the other town does is lay out how it would work as opposed to that employee now won't have to go looking for an attorney to figure out what state law says about it as it will be on our books. Mr. Inge asked why the Township should represent an employee or public official if they weren't acting in the best interest of the Township and they were acting on their own behalf. Mr. Bayer replied that the issue is not a best interest question rather the question is, and he will limit this to the purpose of this discussion to an employee, whether an employee was acting in his or her scope of employment. Mr. Bayer noted if an employee was doing their job but did it negligently and someone gets hurt and the town and the employee gets sued, under state law that employee is entitled to a defense and an indemnification for his actions, on the other hand if an employee or public official commits a criminal act whatever that act may be such as an employee takes a bribe, that employee somehow gets indicted by the State or federal government, obviously the Township under that scenario would not have to be legally obligated

to provide a lawyer to that employee for his defense because the action of taking a bribe is outside the scope of employment; it's against the law, you can't do it. Mrs. Scull commented that would fall under exceptions. Mr. Bayer agreed Mrs. Scull is correct. Mrs. Scull further commented that 26-4 lists exceptions as to where the Township wouldn't be responsible to provide the attorney. Mrs. Scull expressed that the Township should have something like this so that it is spelled out so that everybody knows what the case would be. Mrs. Scull asked if the law that is referred to under the one sentence Mr. Bayer read, 59-10. Mr. Bayer explained that law is a provision under the NJ Tort Claims Act which talks about the attorney general's office providing a defense to state employees who have been sued for damage claims. Mrs. Scull noted that it is really not what the Township is looking for. Mr. Bayer advised the Township certainly has cases where there is a personal injury case and exemplified that an employee drives a truck into a car while they are doing their job and that person gets hurt, that person will sue the Township and that employee and under that circumstance that is the kind of thing that this statute is really referring to. Mr. Bayer expressed the more difficult issue has become when an employee gets involved in a manner that is quasi criminal or hypothetically a Police Officer involved in the manner and he arrests someone and that person files a complaint against the Police Officer related to that arrest. The Police Officer was doing their job and enforcing the law but then the person arrested states the Officer wasn't doing their job and that's when it becomes more difficult. Mr. Inge confirmed that Mr. Bayer is talking about when the Officer is on duty. Mr. Bayer advised yes. Mr. Inge asked what about when the Officer is off duty. Mr. Bayer replied that is an open question of law and ultimately the attorney will have to perform an analysis as to depending on the claim whether that person would be entitled to a lawyer. Mrs. Stinney asked Mr. Vaz if he had any comments regarding what he spoke with Mrs. Stinney about it. Mr. Vaz replied he would offer the opportunity for individual Council to come in and if he goes over the particular situation in which this arose, Council will understand the difficulty in why the issue is difficult and why Administration thinks this ordinance is important. Mr. Inge asked if this could be added to Closed Session today and review it. Mrs. Scull asked if it were a Closed Session discussion. Mr. Bayer answered it would be an employee issue and they would have to provide a RICE notice and it's an affected employee which is why they couldn't do it, but if they noticed the employee they would maybe be able to do it but if they wanted to do it at a later meeting and give the employee notice, they could have that discussion. Mrs. Scull commented that if all of this is now spelled out and is not included in 59-10-4; this is so that everything is spelled out and everybody knows. Mr. Vaz informed this will now cement the fact that Administration will control the defense if an employee is requesting an attorney and is eligible for one, they will choose the attorney for that employee; that is one aspect of it. Mr. Vaz further noted that these were issues that came up and there wasn't any guidance because there wasn't an ordinance. Mr. Prickett expressed hope that this proposed ordinance would also protect the employer in that they would know what is appropriate to look for. Mr. Prickett gave an example of an elected official who is no longer in office and if looking at the ordinance it would state out of office under those circumstances the Township is still going to protect them legally with the civil service helper or another lawyer's help. Mrs. Scull noted an example where there was a situation where some staff were accused and brought in to court for ridiculous charges and the School District did not provide their attorney, but when it was all said and done, the School System got the bill. Mr. Bayer asked if they were found innocent. Mrs. Scull replied yes, noting that it was something that their Administration was involved with and if they had known in advance that they were going to be the one picking up the bill, maybe they would have handled it a little differently. Mrs. Scull expressed that she is amazed that the Township didn't already have this. Mr.

Bayer advised that in the scenario Mrs. Scull just provided, this would have been a lot more cost effective for the Township or School Board to appoint an attorney at their cost that they charge attorneys versus paying a private attorney double the rate for the defense and it would be a cost savings measure as well, and the Mayor and Council are concerned about budgetary issues. Mrs. Scull commented that they just tried to say to the attorney, "we're just going to pay you what we want to" and it didn't work, they ended up paying the \$300 an hour instead of the \$150 an hour. Mr. Vaz stated it was too late at that point, but this would put the Township in the position from the beginning. Mr. Inge asked if Council had to approve each case. Mrs. Scull answered no. Mr. Bayer asked if Mr. Inge was asking in terms of whether or not the employee gets the defense. Mr. Inge answered yes. Mr. Bayer responded like other decisions of that nature, it is an employment decision which falls under the guise of Mayor/Administration. Mrs. Scull conveyed that she would not want that responsibility because then that could become a liability. Mr. Bayer relayed that is not a legislative decision. Mr. Bayer noted it is Administration's obligation to enforce ordinances once they are on the books. Mr. Cartier asked what form of government Little Egg Harbor has. Mr. Vaz replied they are Township Committee. Mr. Vaz advised the ordinance he offered to Mr. Bayer and Mr. Cunningham arose in the same way that this is arising here. Mr. Vaz noted that Little Egg Harbor Township did not have an ordinance in place at the time the issue arose and the ordinance was a reaction to a situation as it turned out to be in this case. Mr. Prickett commented on Mr. Inge's question of who decides who gets legal help and noted that Administration would make that decision and if the individual didn't think Administration made a good decision, they could get a lawyer and fight it. Mrs. Scull stated they could then come to Council on it. Mr. Prickett continued that it is described within the ordinance. Mrs. Scull reiterated that they could come to Council. Mr. Cartier informed that he would like to see something more suited to Pemberton Township in writing. Mr. Bayer advised that this came up in a relatively short timeframe and he just wanted to get the issue before Council. Mr. Prickett asked if Administration denied legal assistance to an individual, would that individual be able to come before Council and request that assistance and get it. Mr. Bayer responded that if it's denied and they then hire their own and assume the answer is no and then they hired their own attorney and were successful, they would have to sue the Township to get their money back. Mrs. Stinney thanked Mr. Vaz, Mr. Bayer and Council. Mr. Prickett asked if the Solicitor is going to review this ordinance. Mr. Bayer replied if that is the consensus of Council, he will have something before the next meeting. Mr. Cartier, Mrs. Stinney and Mrs. Scull replied yes.

12. d. Applications submitted for memberships, licenses, permits:

- 1. Parade Permit Application: (PUBLIC HEARING REQUIRED)**
VFW, Memorial Day Parade, starts at Harker Wylie, ends at Sun Bank, 5/26/08, 10am.

Mrs. Stinney opened the meeting to public comments on the VFW Memorial Day Parade parade permit application. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

Motion by Prickett and Scull to approve the VFW Memorial Day parade permit application. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney convened the meeting for a short break at 8:05 pm and reconvened the meeting at 8:16 pm.

GENERAL PUBLIC COMMENTS

Mrs. Stinney opened the meeting to general public comments. Those wishing to comment were: **Tim Wadsworth: 1.** Advised he lives in an area where sprayed occurred for gypsy moth and he believes water was sprayed because it didn't make a bit of difference. He didn't see any difference what-so-ever. Mr. Wadsworth conveyed that he does landscaping and was in Presidential Lakes where it was a mess. He asked if Presidential Lakes was in the spray area. The Mayor informed it was. Mr. Wadsworth encouraged people to get bird houses because the birds eat the moths and if there are no moths there are no eggs for the following year. He noticed that moths fall about the same time the second hatch of finches and robins lay their eggs. Mr. Wadsworth conveyed that \$250,000 is a lot of money that could be spent more wisely elsewhere. **Joe McBreen: 1.** Commented that it is a lot of money for the gypsy moth spraying and it doesn't work. It has been documented and Council has been beating it up for a month now. If it doesn't work, it doesn't work. It didn't work with two applications last year; and it didn't work with two applications the year before. Mr. McBreen stated everyone is talking about one application this year and not getting the amount of money back from the state that was received the two previous years and he doesn't see how it is still being talked about. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Mr. Andy Bayer: Nothing to report.

ENGINEER'S REPORT:

Mr. Chris Rehmann: 1. The 2006 Road Program consisted of Busansky Lane which is scheduled to be resurfaced and he would like to hold that road out of the program because on Catesville Road there will be a small section of overlay, it has berms on both sides trapping the water and it is his opinion that the surface will just be lost again. Mr. Rehmann suggested building a series of concrete flumes out to the ditches along the roadway to get the water off. That would be an extra and instead of increasing the cost of the project, if the money associated with Busansky Lane could be used, that work could be done without increasing the cost to the taxpayer. Mr. Rehmann relayed that he is awaiting a price from Earle Asphalt who is the contractor for this project to make the improvements to Woodbine Road and if they could substitute those, it would allow more flexibility and get the two more difficult issues solved. Mr. Rehmann advised that Busansky Lane is in the redevelopment area and he has talked to a contractor who may eliminate the road in the redevelopment plan he has. Mr. Rehmann suggested holding off on Busansky Road and use the money elsewhere for the program unless there is an objection. Mr. Prickett advised that road was on the 2006 list because Public Works requested it be placed on there and asked Mr. Rehmann to keep that in mind and to check with them. Mr. Prickett asked if he doesn't do Busansky Road and there is money left, if that money can be used on another road or another application. Mr. Rehmann answered yes. He advised there are some issues and there are some change orders before starting the job and he doesn't like to do that. Mr. Rehmann expressed he is aware that they are tight on the Budget and what he is trying to do is have a reserve fund which is approximately \$15,000 so that Mr. Rehmann would not have to come back to Council to find additional funds. Mr. Prickett advised he doesn't have a problem as long as the money from that particular project to another project can be transferred. Mr. Prickett asked if these went out to bid yet as that is his main concern. Mr. Rehmann responded yes and added the contractor is satisfied. He explained that they can't exceed 20% of the original contract amount. Mr. Rehmann conveyed that he has to check to ensure

the bond issue has not specifically named each of the roads because if it does then they can't do it. If it states various roads, it can be done. Mr. Rehmann advised he would have to come back to Council for funding for Woodbine anyway and is trying to anticipate that so that they don't have to add more to the Budget woes. 2. Conveyed that he and the Mayor are trying to provide a second route out of Presidential Lakes as there is currently only one route. When the dam gets under construction, there is only one route. Mr. Rehmann informed he wanted Council to be aware of this. Mr. Prickett advised that he spoke to the Superintendent of Parks at the Brendan Byrne Forest, and he indicated that there is a road back there and Buzzard's Bridge is used by that road for a second access. However, that bridge is not in "upper snuff" at this point and doesn't know how hard it would be to upgrade that bridge so that it could be used as a second access. Mrs. Scull commented that the bridge is out all together. Mayor Patriarca informed there is no bridge and at this point it is just a motorcycle trail. Mr. Inge suggested building a ramp on each side. Mr. Rehmann conveyed there is ambulance inside of the Presidential Lakes area but they can't get out if there is a problem in that location and that's really what the concern is. Mr. Rehmann informed that he will look into this and come back to Council with a recommendation. He added that in order to cut costs down in Country Lakes, he is meeting with the representative from the Bureau of Dam Safety. After looking at the drainage area of Country Lakes, there is a significant amount of tributaries coming into those lakes with structures that would have to be field location to model the times of concentration of all that water arriving in each of the dam locations. Mr. Rehmann conveyed there are certain things that can be eliminated from the model and he wants to check with the State before going out and doing all of the work and then the State says they don't have to do that or that they have to do more work. Mr. Rehmann informed he is meeting with Mr. Earلمان on April 9th at the DEP to do that so that work is progressing pretty well. He informed the basic survey work is done that he knows is needed and now it's just the perimeter stuff and they are talking about probably anything within a mile or a mile and half of those dams, so there are a lot of structures out there. He advised that the rest of the items are in his report unless Council has a question. Mr. Cartier asked if Council was taking any action on Busansky. Mr. Vaz informed it is a request to remove Busansky from the 2006 Road Program. Mr. Rehmann conveyed to at least just give him a feeling as to whether there is anything there because he could do that in a change order and present that to Council at the next meeting. He informed he has not talked to Public Works and that Mr. Prickett brought up a good point and asked if Council knew of any particular reasons why it was on there. Mrs. Scull commented the second road is very much in need of some help and Catesville Road definitely needs some help because that road is pretty pitiful. Mayor Patriarca conveyed the Woodbine project is also included in this and that's what Administration is looking at as a priority. The Mayor informed he has been on Busansky Lane and it's not a bad road and there are a lot of other roads that are a lot worse off than Busansky Lane. Mayor Patriarca noted that is one factor to consider and another is that it is in the redevelopment zone which Administration is looking at and it would be a waste of money if that entire zone was changed. Mrs. Stinney asked if they wanted to eliminate Busansky from the 2006 Road Program. Mr. Cartier, Mrs. Scull and Mr. Inge replied yes.

MAYOR'S REPORT:

Mayor David Patriarca: 1. Attended a meeting with Charlie Vestor from the MUA to discuss ways to bring sewer into the Presidential Lakes area. The Mayor advised they are aware of the battle that was fought before and are looking at those issues and strategizing how to approach those issues again to try to accommodate that area with sewer. He advised they are in preliminary talks and he has offered

all of the assistance Administration could offer trying to make that project a success. **2.** Attended a joint land use study meeting recently with Council President Stinney and they are staying involved in that process. The Mayor informed they have hired a Planner to work with the municipalities on this project. There was not a lot done at that meeting other than introducing them to the Planners and the process that it was done in other bases. **3.** Met with Mr. Berardi, the owner of the Browns Mills Shopping Center and he has hired an Environmental Company to do a study on the remediation; he has finally signed a contract. The Mayor conveyed Mr. Berardi advised within a week and a half he can have the results of the study and a course of remediation; however, with what he has given them in the past, the Mayor would give him a couple of years. Mayor Patriarca informed that Administration will be reaching out to find out the results of the study and what Environmental Resolutions has suggested to remediate this and then pursue having him sign with a company for the remediation. The Mayor informed he is also continuing to meet other obligations such as working on storm water issues with the County and Pinelands and still has meetings set up with them.

Mr. Prickett informed there was a very nice candidate forum for the Board of Education at the BMIA building this weekend. There were very nice presentations by the candidates and some issues were brought to his attention. Mr. Prickett noted he forwarded them to Mr. Vaz by email and has not heard back from him. Mr. Prickett conveyed that one issue was that in the kitchen, the switch plate was missing resulting in a potential for someone to get shocked and the second issue is there are two receptacles in the kitchen that do not have covers on them. Mr. Prickett expressed that knowing this is a facility that is used by kids and the Teen Center, etc., he was hoping that those things got fixed. Mr. Vaz informed he forwarded Mr. Prickett's email to Public Works and almost immediately received an email reply informing those issues would be done immediately. Mr. Vaz explained that he has not been there himself, but Public Works stated those were things that they would take care of right away. Mr. Prickett commented he doesn't understand how those issues were left like that and that's something that should be checked out as to how that happened. Mr. Prickett asked Mr. Vaz if he had heard anything regarding the heating system and when the fans come on. Mr. Vaz explained that is not something that could be done right away and someone has to look at that. Mr. Prickett noted he has another concern at the Nesbit Center where there is a drainage basin in the back with a cyclone fence surrounding it to keep kids from playing in the drainage basin. A big section of it is bent over and the posts are present but the fence is twisted around and he is concerned that not only can kids get in there but they can also get caught in the fence. Mr. Prickett continued that it has been like this for quite a while and was hoping that could be addressed. Mayor Patriarca expressed to Mr. Prickett his appreciation for bringing this to Administration's attention and he apologized for not seeing it himself even though he drove by that today. The Mayor asked if in the future, when Mr. Prickett drives by and sees issues to not hesitate to call them when he gets home so it can be fixed immediately. The Mayor further noted that if he has known about this situation for this matter of time, then the hazard existed for this amount of time. The Mayor reiterated not to hesitate to call and that he didn't have to wait until a Council meeting to bring it up. Mr. Prickett replied that he emailed Mr. Vaz and wanted a response to his email and thinks an email is just as good as a telephone call. The Mayor asked him to email when he finds it out and Administration will take care of it at that point.

COUNCIL MEMBER COMMENTS:

Richard Prickett: 1. Informed there was discussion at the candidate's forum at the BMIA building regarding report cards that schools have. Mr. Prickett stated schools have report cards showing the strengths of the schools and suggested municipalities should have something similar; a report card indicates how the residents in the community are taken care of in regards to municipal services. Mr. Prickett noted it is not anything that Council can do. He provided an example of the data that came in for fire companies. Mr. Prickett expressed he was very impressed with all of the calls that the fire volunteers go out to and in his mind this information is like a report card for fire services and thinks they should get an A for that. 2. Referred to an article in the Community News that talked about police crime being down in the Township. NJ State Police statistics showed decreases in all areas and quoted the Chief, "We are willing to try anything. If it doesn't work, we'll try something else. We will do whatever it takes". Mr. Prickett expressed he is really proud of their Police Department and the effort they put forth in controlling crime in their community.

Sherry Scull: 1. Announced there was an MUA meeting last night and one of the things that she talked about when she was first appointed to the MUA approximately 5-6 years ago was about the Presidential Lakes sewer situation. Mrs. Scull advised they have presented a timeline and a history of efforts made by the MUA and conversations with the State. Mrs. Scull noted that Council has talked about how the State will approve water long before they approve sewer. Mrs. Scull informed Council that she will be providing Mrs. Young with the documents for distribution to Council, the Mayor, Mr. Vaz and Mr. Rehmann. 2. Announced the Senior Prom will be in two weeks and hopes to see everyone. The seniors sold 60 tickets the first day they were available. Mrs. Scull conveyed the seniors are very excited and wanted everyone to come out and support them.

Tom Inge: 1. Thanked everyone for coming out. 2. Noted the Chief of Police is in the audience and he would have liked the Chief to have come up and provide a Chief's report. The Chief could have provided some more details on what is going on in the Township. 3. Looked over the information on the fire chiefs and cannot find where it provides the number of calls that were made and not received or calls that were not responded to. Mr. Inge asked Mr. Vaz if he can tell him where that is at on the report. Mr. Vaz answered he is not sure what Mr. Inge is asking him. Mr. Cartier informed he is asking if there were any unanswered calls. Mr. Inge stated it does not show that information anywhere on the documents unless he doesn't see it. Mr. Vaz answered that is probably how the computer printed it out. Mr. Vaz asked if he referred to the event any of their fire companies aren't out covering a particular call and maybe have to draw mutual aid from another town. Mr. Inge asked if calls were made to the fire department and they were not able to come out. Mr. Vaz questioned if they had to be picked up by another fire company. Mr. Inge replied yes. Mr. Vaz explained that eventually it will be covered by somebody. Mr. Inge informed it doesn't show that on here and this was supposed to show the response and how they are able to respond to any situation in the Township excluding one fire company. Mr. Vaz informed he requested more specific information from the County on Goodwill because the numbers that were presented at one of the meetings showed x number of calls in to Pemberton Township but the data requested was how many are in the primary call area, the area they get a stipend for covering, as opposed to all of the other calls they come in to the other areas of town on a mutual aid or task force basis. He advised their fire companies go in to the Borough and are not compensated by the Borough for doing that part of the job so there was information that Administration had to go back a second time and in fact a third time he saw an email on his behalf from Mr. Augustoni to the County asking for a list of things that were not evident.

Mr. Vaz advised he does not remember the unanswered fire calls being in the most requested information but will ensure it is asked for tomorrow. Mr. Inge noted that would be part of it and if eliminating a fire department, Council wants to make sure the fire departments in the surrounding area that they have been covering for the past 7 years since they have been back with the Township as being paid that they will have ample coverage. Mr. Vaz clarified that there is not a suggestion to cut out a fire company but the issue is how much the compensation should be to balance it out with what their fire companies receive in total. Mr. Inge expressed that what he doesn't understand is that it was never an issue before and now all of a sudden it is becoming an issue. Mr. Vaz conveyed that part of it is the Budget crisis that they are in with the State reducing the State aid and them having to cut somewhere and Administration looking at it, other parts of it are a reflection of the sentiment of their four fire departments and how they feel about the inequity in the situation and another part is there are issues outside of the Budget issues that are on-going between their fire companies and that fire company in the Borough. Mr. Vaz relayed that most of it has been driven by the Budget problem and the need to have cuts somewhere and that opened up the questions of what are they being paid by the Borough and the information that they were learning at that point and comparing it to what was represented to the town in the past and seeing discrepancies and their fire chief saying they would love to not have to do fundraising too. Mr. Vaz stated they were here and made their presentation and they were not asking anything other than they get paid the same total compensation that Goodwill gets. Mr. Inge replied it would have been nice though if they would have come up with this last year before the tax payers decided to shell out all of this money for additional vehicles and maybe that should have been brought to the table at the very beginning that it was a big issue. Mr. Inge further expressed that if things were presented to Council in the very beginning and now it seems like it's being turned around 180 degrees and it was part of the question of the calls; were the other fire companies getting out to the calls in particular areas. Mr. Inge commented that a lot of this information wouldn't have created the problems that it created now if this all could have been done prior and in a Closed Session going over the information such as the calls. Mr. Inge conveyed at the last Budget hearings, it just heated it even more before the fire chiefs and he doesn't think the residents should suffer because of certain people having disagreements with other people. Mr. Vaz replied that personally and professionally being the Business Administrator, the Township pays him at this point and the Mayor will verify this, he is a paid babysitter for the fire and EMS services. He is a paid babysitter for 8 volunteer agencies, 5 if Goodwill is counted. Mr. Vaz stated there is something terribly wrong with this picture and it is evidence of the need to address the situation and if that means that tough decisions have to be made and suggestions of a cut in the Budget or the stipend for one fire company to bring equity to their own departments, if it means having to ask for authorization to get a grant to look at consolidation of the services; at the end of the day it is about protecting the public and it's not about the personalities between individuals. Mr. Vaz admitted that does go on but he doesn't look at it from the perspective of what those issues are. He advised the Mayor and they ponder what is the best solution to getting a fire truck to a burning house in the quickest time possible, what is the best solution to getting an ambulance to a house in the quickest time possible and that's how they approach the situation. Mr. Vaz advised that Mr. Inge is not wrong in saying those other issues are going on but they are not their issues; their issues are what is best for Pemberton Township's residents and tax payers. Mrs. Scull expressed that the Township needed those fire engines as they have not bought fire engines for a long time. Mayor Patriarca commented that is his point; they are apples and oranges. Mrs. Scull agreed noting that one has nothing to do with the other. The Mayor stated that everyone voted that they needed fire trucks and doesn't think anybody

said they didn't need them. The Mayor further noted that when the plan was proposed, all of Council decided that the fire trucks were in need for this Township, and they decided to buy them. He relayed that now there's an issue of budgeting and questions of where they can cut and where make things as equitable as possible. Mayor Patriarca conveyed that they have some things that are not balanced in that particular area and they were just trying to balance out. Mr. Inge advised they also had an idea of what they were paying out to fire companies too at that time and what they assume they were going to be paying out for the following years to the fire departments and emergency squads. Mr. Inge questioned that if they are going to do an outside study on the fire departments and emergency squads, why they can't just wait and have the experts come in and recommend which way to make their cuts. Mrs. Stinney agreed that is a good idea. Mayor Patriarca relayed that it takes each department a certain amount of dollars to operate and they all agree with that but what Mr. Inge is saying is that it's the responsibility of their fire departments in their Township to go out and find the additional revenue to operate and that the Township does not provide them what Goodwill doesn't have to find. The Mayor expressed that Goodwill doesn't have to do that, but their fire companies do and Mr. Inge is saying that's okay. Mayor Patriarca stated that Mr. Inge is saying their fire companies should go out and find that extra \$20,000 - \$30,000 a year but Goodwill will be paid by Pemberton Township. The Mayor further expressed that Pemberton Township residents will pay it to Goodwill but won't pay it to their own fire companies and that's why he has a problem. He expressed that it's about equity; it's about everyone getting a fair share and doing the same amount of work to operate. He relayed that if Goodwill is willing to operate under the same conditions as their fire companies, then Goodwill will be out there running their fund drives and creating a revenue source such as their departments do. He noted they all run bingo and do fund drives except for Goodwill. Mr. Cartier commented that he knows the perfect place to get \$225,000 to give to the fire companies. Mrs. Stinney clarified that it is Mr. Inge's time to comment. Mr. Inge asked the Mayor if he knew they were getting stipends from the Borough last year. Discussion ensued between Mr. Prickett and Mrs. Stinney regarding Mr. Inge's time for comments having been interrupted and she clarified that she as the chair had addressed the interruption. Mr. Vaz informed that Administration will provide the data to Mr. Inge on the unanswered calls to the extent that the County can provide it or the fire chiefs can provide from their own records. Mr. Inge noted that this isn't anything that wasn't asked prior to tonight. Mr. Inge expressed that it seems mighty strange to him that all of a sudden these things come up. Mr. Inge reported it wasn't taken out of the Budget in the very beginning and asked if he is correct. Mr. Vaz conveyed that initially the Budget that was prepared was without the benefit of knowing that there was a \$365,000 cut in State aid. Mayor Patriarca advised it was at that time that Administration went back and started looking at other ways of cutting the Budget and that was one of the areas that Administration elected to entertain. Mr. Vaz noted the Budget now is what it is and has the money in there for.....Mrs. Stinney interjected that it has the money in there.

Ken Cartier: 1. Apologized to Mr. Inge for interrupting his comments. 2. Thanked the 10 residents that showed up this evening for coming out and the 2 that came forward to speak on gypsy moth. He noted that the Council has decided to wait and hear from the public concerning the gypsy moth and he would like to go back at this time and readdress the gypsy moth budget numbers. Mr. Cartier added that he is still against going forward with spraying for gypsy moth and would like to hear Council's opinion on it now. Mrs. Stinney replied that she has to have her comments first. Mr. Cartier agreed and added that he would still like to hear Council's opinion tonight. Mrs. Stinney advised that Council would revisit that

issue. Mr. Cartier thanked the 20% of the members that came forward that are here this evening and spoke on the gypsy moth and spending their time with them this evening. **3.** Mr. Cartier expressed that the other number is way too small for him to even try to calculate as it is 1 over 3700, so everyone can figure that percentage out for themselves. **4.** Wished everyone a good night and to have a safe trip home.

Diane Stinney: **1.** Thanked everyone for coming out this evening. **2.** Expressed hope to see everyone at the prom. **3.** Thanked the Mayor for the escort ride to the Joint Land Use meeting. Mrs. Stinney noted they talked the entire time to and from the meeting and expressed that the communication level is great and she believes in communication. **4.** Thanked Mr. Vaz for explaining a lot of things coming in and offering the opportunity to make the time for Council to come in and ask these questions. Mrs. Stinney thanked the Mayor again. **5.** Advised that when asking Council to support her on the Joint Land Use committee, she would find time everyday. This committee will not only listen to the needs and wants of Pemberton Township and it is just truly great. She relayed that to see the concerned Mayors at this meeting and all talking and agreeing, representing their town is just a beautiful thing. Mrs. Stinney informed she will be bringing back the agenda and for Council it will be in the library for Council to browse through. She informed there will be a website coming soon. **5.** Announced that tomorrow night is the self insured, joint insured training course for Council. Mrs. Stinney noted that she is not sure how many Council members signed up but advised that they do receive a \$250 per Council member and Administrator cost savings. Mrs. Stinney asked Mrs. Young who had signed up. Mrs. Young informed that Mrs. Scull, Mr. Inge and Mrs. Stinney had. **6.** Asked everyone to come out on April 11th to support their Pemberton Township Baseball Association. She informed their opening day ceremony will start at 5:45 pm. Mrs. Stinney advised that she has been practicing to throw the ball out. **7.** Thanked everyone very much and thanked Council.

Mrs. Stinney announced that at this time Council will go back to the consensus, general agreement on the gypsy moth issue. Mr. Cartier commented that they might as well put the money up in the plane instead of the spray and let the money come out of the plane because they would be doing the residents a lot better favor. Mr. Inge stated he doesn't know if it was that non-effective because so many other towns decided to spray and that is one of the reasons that they can't get the double spraying and asked if he was correct on that. Mr. Vaz replied yes. Mayor Patriarca stated that is why they can't do it this year. Mr. Inge noted that a lot of towns that chose not to spray last year found out that they should have sprayed and decided to spray this year. Mr. Inge commented that part of his trees, some of the higher trees had leaves eaten off and on the lower trees they weren't. Mr. Inge informed it was more effective where he lives or on the north side of the lake and it was pretty effective compared to the year before when they didn't spray. Mr. Inge noted he thinks it did work but is just not sure with one application if it's going to work or be more beneficial if the individual residents take it upon themselves to spray and asked how much would it take off the taxes, \$250? Mayor Patriarca replied very little because to do it fairly, every person in the town would have to be looked at and then calculated.....Mr. Inge interjected that he's not saying to pay to have.....The Mayor asked if it were a tax break. Mr. Inge answered no. Mr. Cartier asked how much is in the Budget for gypsy moth. Mayor Patriarca answered it's about 3 cents roughly. Mr. Inge noted that it would probably be more cost effective if the individual residents that have a problem to spray their properties and asked if it would be more effective that way because then they wouldn't have to use certain chemicals and could use whatever. The Mayor

clarified that a resident has other options because there are ground spraying as opposed to aerial spray and they can use other chemicals available. Mr. Inge asked if they choose not to spray this year if they could sign up early and make sure they get a double spray next year. Mayor Patriarca explained it is not a factor of signing up early or late; it's a factor of how many people sign up. It would be nice if the State would have maybe hired more contractors or sprayers so that there could have been double applications. Mr. Inge then expressed that they not spray. Mrs. Scull commented that like she said before, she doesn't want to waste money and to her it's throwing money in the air and their residents deserve better than that. Mrs. Scull continued that if she knew it was going to work, that would be a different subject. Mrs. Scull noted that they could buy a lot of Dawn dish detergent and mix it with water and spray it a lot for \$200,000 + and it would probably be more effective. Mrs. Scull conveyed that she is for not spraying. Mr. Prickett informed he is saddened because if the residents are going to be paying for this, they are going to be paying by either having to spray themselves which he would advise they do if they have some big trees on their property, they need to hire a company to come out and spray their trees. Mr. Prickett continued that if they don't spray, things are going to die and they will pay the bill one way or another. They will have to cut those trees down and it's not cheap to cut a tree down. Mr. Prickett advised that as he stated in the last meeting, he wished there was a way to help the residents out with the cost of getting spray on their own, but the Solicitor informed they couldn't have a program in place in time for that to happen. He expressed that unfortunately, their hands are tied. Mr. Prickett noted it was asked if he thought spraying would help to some extent and he advised he thinks it would help to some extent. Mr. Prickett then asked if it is really going to benefit everybody in the community, and he doesn't think it is. Mr. Prickett noted just having one application is not going to be enough and with that he would reluctantly say that they shouldn't use the money to spray this year. Mrs. Stinney commented that after hearing from the few residents that came forward tonight, certainly her mind has been changed. Mrs. Stinney conveyed that she would like to see the residents receive some type of information on what they can do, where they can go and that sort of thing on spraying. She knows the County College used burlap around the trees and it seems to have worked. Mr. Vaz conveyed Mr. Cunningham uses duct tape and swears by it. Mrs. Stinney advised she would want the residents to become educated and basically given some information on what has happened in the past and why they can only get one spray now and have them come forward. Mrs. Stinney suggested the residents have a committee to talk about what they can do next year. Mrs. Stinney informed she and the Mayor have heard from one of the Mayors at the Joint Land Use meeting and they were talking about how they were going to get neighbor groups to join together and take on a pack of their area. She suggested perhaps they could reach out to residents in those infested areas to put a committee together. Mayor Patriarca stated one thing that Administration could possibly do since they are talking about taking the \$243,000 gypsy moth out of the spray program, there is also funding available in the budget for postage and the mailing of this program and they can still utilize this since the envelopes are ready to go in anticipation of the program being approved. The Mayor continued that Administration can put an informational package together and mail that out to the residents instead, with options explaining what led them to this decision as to not to spray mainly because of the program that is being offered to them at the price and then maybe some of the options that are available to the residents also and that would help get some of the information out to the residents. Mr. Inge asked if the mail was pretty expensive. Mayor Patriarca replied it is not cheap; it's several thousand dollars that they mail. Mr. Inge asked if they would be able to find any materials and have residents come pick up the materials to wrap their trees and suggested finding out if they can get a good discount if they buy in bulk like

they do with waste management. Mr. Inge further suggested that the residents can come out to pick up the material and get a pamphlet to show them how to wrap their trees. Mayor Patriarca stated he doesn't know how this could be controlled per resident, is there a limit, he doubts there is enough time to put a program like that in effect, if talking a large purchase of that nature they would probably have to go through a bid process because if they are going to accommodate all of the residents in the Township.....Mrs. Stinney interjected that the spraying areas that were assigned to be sprayed. Mr. Inge asked if they could do it that way. Mayor Patriarca replied if they were to buy that much duct tape or that much of anything, it's obviously going to exceed \$17,500 which would require them to go out to bid and for them to put something like that together before the program had to be in place, he doesn't see that happening. Mrs. Stinney added that is why they should start with the consensus now that they should have the community to come together and have something in place for next year, Plan A, Plan B, Plan C. The Mayor noted that is a great idea and is something that unfortunately they should have probably done last year but they didn't anticipate the Budget cuts and the single application and all the other things that led them to this decision. Mr. Vaz commented that anything that Administration can do now, they will look into doing if it's feasible and there is time to do it. Mr. Inge suggested sending flyers out through the school. The Mayor stated Administration is prepared to do a mailer to every resident in the Township in the spray area and are already set up for this to send out the information on the spray and they can send out some other options to the residents. Mrs. Scull agreed that is a good idea. Mrs. Stinney asked if this could be put on the web page informing the residents and their media was here, the paper that she doesn't get. Mr. Vaz advised Administration will work very fast to get the proper information out so people have time to plan their own if they are going to hire someone on their own to spray so they have time to make the decisions. Mr. Vaz suggested getting people in that have experience with the burlap wrapping to show the residents as Mr. Inge suggested and continued that there are things that Administration can do very quickly. Mr. Vaz relayed that as the Mayor informed, a bid process would not be able to be turned around quickly but the things Administration can do will work very quickly to do it. Mrs. Stinney commented as long as the people are informed. Mr. Rehman asked if there are any municipal properties that are in the infestation area that they might want to ground spray. Mr. Vaz continued that is one thing he and Mrs. Eden spoke of that the Township has its own property to worry about including in front of the building.

Mrs. Stinney closed the meeting to the public to go back in to Closed Session and reconvened the open session at approximately 9:51 p.m.

There being no formal action needed pursuant to closed session, the meeting was adjourned at 9:51 p.m.

Respectfully submitted,

Mary Ann Young, CMC
Township Clerk