

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

MAY 21, 2008

6:00 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, Engineer Chris Rehmann, Township Clerk Mary Ann Young

2. Chairwoman Stinney called the meeting to order at 6:00 pm.
3. Closed Session Res. No. 132-2008

RESOLUTION NO. 132-2008

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

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
CONTRACT NEGOTIATIONS, AFSCME, PBA, CWA
PENDING AND/OR ANTICIPATED LITIGATION BROWNS MILLS SHOPPING CENTER
PENDING AND/OR ANTICIPATED LITIGATION GOBER V. PEMBERTON TOWNSHIP

Mrs. Stinney asked Mr. Bayer if he had anything to add to Closed Session. Mr. Bayer replied not from his perspective.

Motion by Cartier and Scull to approve Resolution No. 132-2008. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION (NOTE: Closed Session notes are transcribed separately and considered part of these minutes)

Mrs. Stinney convened the meeting at approximately 6:00 pm to go in to Closed Session. Council returned from Closed Session and Mrs. Stinney reconvened Open Session at 7:05 pm.

5. Formal action as necessary pursuant to closed session.

Mrs. Stinney advised that Council will be returning to Closed Session at the end of tonight's meeting and any formal action necessary pursuant to closed session will be taken after.

6. Public comments on Consent Agenda items only.

Mrs. Stinney opened the meeting to public comments on consent agenda items only. Those wishing to comment were:

Keith Skulimoski: 1. Commented on Resolution No. 134-2008 regarding the RCA program. Mr. Skulimoski conveyed that he has been calling the Township for the past couple of months to see if there are any funds available in the RCA program and has not been able to get a definitive answer. He has noticed at the past few meetings there has been some RCA activity and was wondering if this was from previous agreements or if they are new. Mayor Patriarca advised these are previous agreements or amendments. The Mayor informed the Township is currently not operating the RCA program; there are no funds available. He noted they are currently awaiting funds from another municipality and will see how that works out. Mr. Skulimoski inquired as to when that may occur or if there will be an announcement. The Mayor responded there will be an announcement if and when the Township receives additional funds and the program resumes but currently there is not an active program; they are just finishing up an old program. Mr. Bayer advised there is legislation pending and in fact it is going before the legislator tomorrow by Speaker Roberts which would eliminate RCA's completely. If they are eliminated, by State law, Pemberton is not getting any more money. They technically still exist but have been held up because of issues going on with the Council On Affordable Housing. Mr. Bayer reiterated it depends what happens with this legislation. **Mike Tamm: 1.** Asked what various routine refunds are as related to Resolution No. 133-2008. Mr. Cartier replied it is an overpayment of a water bill. Mrs. Stinney informed it is exactly \$497.91. There being no additional members of the public wishing to comment on Consent Agenda items, Mrs. Stinney closed the meeting to public comments on Consent Agenda items.

***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. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 133-2008

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO REFUND MONIES TO THE FOLLOWING PERSONS FOR THE AMOUNTS AND REASONS SET FORTH:
GEORGE HORN, \$497.91, OVERPAYMENT OF WATER BILL, BLOCK 857, LOT 38.02

RESOLUTION NO. 134-2008

WHEREAS, THE TOWNSHIP OF PEMBERTON IS A SECONDARY MORTGAGEE UNDER A MORTGAGE DATED OCTOBER 27, 2005, BETWEEN CARRIE SPRAGUE, 431 PEMBERTON BLVD., BROWNS MILLS, NJ 08015 IN THE AMOUNT OF \$11,425.00, AS A RESULT OF FUNDS PROVIDED BY THE TOWNSHIP TO OWNER OF SAID PROPERTY UNDER THE REGIONAL CONTRIBUTION AGREEMENT (RCA) WITH FLORENCE; AND
WHEREAS, CONTINENTAL HOME LOANS, INC. HAS PROVIDED THE NECESSARY FORMS FOR THE APPLICANT WHICH ARE ENCLOSED, BY WAY OF A LETTER HAVE REQUESTED THAT PEMBERTON TOWNSHIP EXECUTE A SUBORDINATION AGREEMENT TO ALLOW THE OWNER TO SECURE A LOAN, COPIES ARE ATTACHED HERETO AND MADE A PART THEREOF THE RECORD; AND
WHEREAS, THE TOTAL ASSESSED VALUE OF THE PROPERTY KNOWN AS BLOCK 4, LOT 17, 431 PEMBERTON BLVD, IS CURRENTLY ASSESSED AT \$86,000.00 PER THE ASSESSOR'S OFFICE AND AN APPRAISAL IS ATTACHED IN THE AMOUNT OF \$165,000.00, AND THE ADMINISTRATION HAS DETERMINED THAT THERE IS SUFFICIENT EQUITY IN THE PROPERTY TO PROTECT THE TOWNSHIP'S RCA INTEREST; AND
NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE SUBORDINATION AGREEMENT FOR CARRIE SPRAGUE AS ATTACHED HERewith WITH CONTINENTAL HOME LOANS, INC.

RESOLUTION NO. 135- 2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON COUNTY OF BURLINGTON REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR PARKING OFFENSE ADJUDICATION ACT PURSUANT TO PL 1989, C.137
WHEREAS, PERMISSION IS REQUIRED OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL AS A DEDICATION BY RIDER OF REVENUES RECEIVED BY A MUNICIPALITY WHEN THE REVENUE IS NOT SUBJECT TO REASONABLE ESTIMATES IN ADVANCE, AND
WHEREAS, PL 1989, C.137 ALLOWS MUNICIPALITIES TO RECEIVE AMOUNTS FOR COSTS INCURRED FOR PARKING OFFENSE ADJUDICATION, AND
WHEREAS, N.J.S.A.40A4-39 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE EXPENDITURES OF MONIES BY DEDICATION BY RIDER,
NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

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

RESOLUTION NO. 136- 2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON COUNTY OF BURLINGTON REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE DARE PROGRAM PURSUANT TO NJSA 40A:50-29

WHEREAS, PERMISSION IS REQUIRED OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL AS A DEDICATION BY RIDER OF REVENUES RECEIVED BY A MUNICIPALITY WHEN THE REVENUE IS NOT SUBJECT TO REASONABLE ESTIMATES IN ADVANCE, AND
 WHEREAS, N.J.S.A.40A:-50-29 ALLOWS MUNICIPALITIES TO RECEIVE AMOUNTS FOR COSTS INCURRED FOR DARE PROGRAM, AND

WHEREAS, N.J.S.A.40A4-39 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE EXPENDITURES OF MONIES BY DEDICATION BY RIDER,
 NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

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

RESOLUTION NO. 137- 2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON COUNTY OF BURLINGTON REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE FEDERAL BULLET PROOF VEST PROGRAM PURSUANT TO NJSA 40A:50-29

WHEREAS, PERMISSION IS REQUIRED OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL AS A DEDICATION BY RIDER OF REVENUES RECEIVED BY A MUNICIPALITY WHEN THE REVENUE IS NOT SUBJECT TO REASONABLE ESTIMATES IN ADVANCE, AND

WHEREAS, N.J.S.A.40A:-50-29 ALLOWS MUNICIPALITIES TO RECEIVE AMOUNTS FOR COSTS INCURRED FOR THE FEDERAL BULLET PROOF VEST PROGRAM, AND

WHEREAS, N.J.S.A.40A4-39 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE EXPENDITURES OF MONIES BY DEDICATION BY RIDER,
 NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

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

10. NEW BUSINESS

***a.** Applications submitted for memberships, licenses, permits:

***1. Loud Speaker Permit applications:** **1. Oleta Stites:** Birthday party w/DJ at BMIA Building, 6PM-10PM, 6/21/08 **2. Robert Kinslow:** Hornets Wrestling Club fund raiser w/DJ at BMIA, 11:00 AM-10PM, 5/31/08 **3. Bishop Marvin Anderson:** Tabernacle of Praise Outreach Ministry w/amplification system and instruments at Nesbit Center, 10AM-5:30PM, 6/28/08.

***11.** Approval by Council required for payment of vouchers on bill list dated **5/16/08.**

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

9. OTHER RESOLUTIONS

138-2008 Authorizes the 2008 Municipal Budget to be read by title.

RESOLUTION NO. 138-2008

WHEREAS, THE 2008 SUMMARY MUNICIPAL BUDGET OF THE TOWNSHIP OF PEMBERTON WAS POSTED ON THE OFFICIAL BULLETIN BOARD IN THE MUNICIPAL BUILDING FOR A PERIOD OF AT LEAST ONE FULL WEEK PRIOR TO THE PUBLIC HEARING SCHEDULED FOR SAME; AND

WHEREAS, FULL COPIES OF THE 2008 MUNICIPAL BUDGET WERE MADE AVAILABLE FOR EVERY PERSON REQUESTING THE SAME DURING SAID WEEK PRIOR TO THE PUBLIC HEARING AND ARE NOW AVAILABLE TO ALL PERSONS ATTENDING SAID HEARING; AND

WHEREAS, IN ACCORDANCE WITH N.J.S.A. 40:4-8, AS AMENDED BY CH. 259 PL 1995, THE MUNICIPAL CLERK HAS CERTIFIED BY SCHEDULE A ATTACHED TO AND MADE A PART OF THIS RESOLUTION, THAT COPIES OF THE 2008 MUNICIPAL BUDGET WERE DELIVERED TO, AT MINIMUM, THE BURLINGTON COUNTY LIBRARY IN WESTAMPTON TWP., NEW JERSEY; TO THE BRANCH LOCATION OF THE BURLINGTON COUNTY LIBRARY; LOCATED IN PEMBERTON TOWNSHIP; THE BURLINGTON COUNTY COLLEGE LIBRARY LOCATED IN PEMBERTON TOWNSHIP; AS WELL AS POSTED ON THE TOWNSHIP'S OFFICIAL WEB SITE;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE CONDITIONS SET FORTH IN N.J.S.A. 40A:4-8; HAVE BEEN MET, AND IT IS HEREBY DETERMINED THAT THE 2008 MUNICIPAL BUDGET SHALL BE READ BY TITLE ONLY.

Motion by Cartier and Scull to approve Resolution No. 138-2008. Cartier, yes; Scull, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

91-2008A Authorizes final adoption of 2008 municipal budget.

PUBLIC HEARING ON BUDGET:

Mrs. Stinney opened the meeting to public comments on the 2008 Municipal Budget. Mr. Prickett interjected that there are some comments that he would like to make prior to the public comments. Mrs. Stinney advised there will be time for Council to comment later..... Mr. Prickett interjected that he would like to make his comments now. Mrs. Stinney reiterated there will beMr. Prickett interjected that he would like the public to know that after the public hearing.....Mrs. Stinney commented to Mr. Prickett.....Mr. Prickett interjected that he needs to do this. Mr. Prickett informed he is going to make a motion in respect to a line in the.....Mrs. Stinney interjected to Mr. Prickett that there will be an opportunity for the public to hear.....there will be an opportunity, if he would just give respect to.....Mr. Prickett reiterated that he would like the public to know what the motion is that he wants to make after public comments. Mr. Prickett continued that it is important to him for the public to know what he is going to say so that they can comment on it and he would appreciate the opportunity to do that. Mrs. Stinney replied okay and added that it is important that Mr. Prickett knows that after the public has made their comments, Council will have an opportunity to discuss whatever is in that Budget that the public will hear. Mr. Prickett replied that he would like the public to have an opportunity to comment on the motion he is going to make to amend the 2008 Budget. Mrs. Stinney conveyed that as he said it that way, that's fine, he may continue. Mr. Prickett informed that he would like the public to know as well as the Council that after public comment and during the period of time that Council has an opportunity to talk about the Budget, he is going to suggest a motion to the Council to amend the 2008 Budget to reflect that within the fire company lines, one company does not have a contract with the Township and he is going to make a motion to amend the Budget so that it reflects that they have one un-named fire company in the Budget and that will change the specific name of the company to an un-named fire company until....Mrs. Stinney asked Mr. Prickett as to what amendment he is referring that would amend what. Mr. Bayer informed Mrs. Stinney that it is an un-named fire company. Mr. Prickett continued that he is also going to suggest to the Council that in the future when they have public hearings, in cases where they do not have contracts with different companies that they put a line for un-named company in the budget to reflect that. Mr. Prickett explained that he wanted the public to know this so they can comment on that when they come up to comment on the budget and Council can reflect upon that when they have that discussion. Mr. Prickett thanked Mrs. Stinney and apologized for the interruption. Mrs. Stinney commented that was okay. Mrs. Stinney noted that this evening Mrs. Eden, the Township CFO, and Mr. Frenia, the Township Auditor, are available to address questions. Those wishing to comment were: **Mike Tamn: 1.** Mr. Tamn noted this meeting was advertised for 6:30 for the Budget and commented that usually a public hearing on the Budget starts on the time it is advertised for and not 7:10. **2.** Asked for an explanation of non-contractual employees for all departments on page 3C. Mrs. Eden and Mr. Vaz advised that would include Mrs. Eden, Mrs. Young, Business Administrator, Chief of Police, Tax Collector and the Tax Assessor. Mr. Tamn then asked about part time employees. Mr. Vaz stated permanent part time would be correct to the extent that they are not in the contract and it wouldn't include seasonal employees if he is interpreting part time to include summer help. Mr. Tamn asked how many

the Township has. Mr. Vaz replied there are two to three and their titles would be covered by AFSCME to the extent that they have any time they would be under the next line. Mr. Tamn asked if he could obtain the list of permanent part time employees. Mrs. Eden responded yes. **3.** Asked why there is \$2,680,000 in surplus in the Budget this year and what will happen in the following years when there is not a \$2,680,000 surplus to play with. Mr. Frenia explained every year is a balance between what they want to do with the tax increase or lack of tax increase and how much surplus they want to use. Mr. Tamn stated he would like to know when the taxes will go down instead of going up and expressed there should have been a decrease through attrition in some of the employees this year. Mr. Tamn asked how many employees the Township has now. Mrs. Eden replied there are 171. Mr. Tamn then asked of the 171, how many are permanent employees under Civil Service. Mr. Vaz replied almost all of them with the exception of maybe 3 or 4 because they haven't accrued tenure yet, like the Tax Collector and Tax Assessor. Mayor Patriarca responded to Mr. Tamn that short of cutting services which Administration is trying not to do because they have become accustomed to services and attrition hasn't occurred yet because they don't have people retiring. The Mayor further noted that they would like to use that option and plan to use that option as it occurs and are not trying to cut services and did not feel it would be fair to continue those services which would require a tax increase while they had the revenue in the bank. Mayor Patriarca expressed that the Township has the money and it is not fair to collect the taxes one year and hold those taxes and then tax them again for the services to keep going. **4.** Referenced page 5 and asked where the money is that comes back from the state where there is farm preservation land. Mr. Frenia responded that he does not know what funds Mr. Tamn is talking about. Mr. Tamn then asked if the Township is getting back \$30,000 or if it is in the Pinelands or what. Mr. Frenia responded the Pinelands Stabilization Act is money that they get because they have Pinelands in their area and they also have the Garden State Trust Pilot Aid and those two would equal \$30,000. Mr. Tamn asked if that is in lieu of taxes. Mr. Frenia replied yes. **5.** Referenced the Uniform Construction Code, sheet 6 and stated 0 is listed for fees. Mr. Tamn asked if the Township received any money from the Uniform Construction Code. Mrs. Eden replied it goes into a dedicated trust fund. Mr. Tamn stated that fund allows for payment of space and other facilities that the Construction Official uses and asked if there should be something on this line. Mrs. Eden explained the Construction Code is not in the Budget as they are self sufficient and are running out of their own trust fund. Mr. Tamn asked who pays for the phone and the use of space. Mr. Frenia informed they pay for some of that out of the trust fund. Mr. Tamn asked where it is accounted for in the Budget. Mrs. Eden again explained that it is not in their local Budget, it doesn't affect the tax rate and it is in a dedicated trust fund. Mr. Tamn asked if it came back in as revenue. Mrs. Eden replied no. Mr. Tamn then asked how it reimburses the Township. Mrs. Eden answered they pay for their own services; their own photocopier, own salaries, social security, medical, a portion of all of their utilities based on the bill they received. Mr. Tamn asked if there is anything that shows that. Mrs. Eden reiterated it is in the dedicated trust fund and is no where in the Budget. Mr. Frenia explained that they are a self sufficient operation and those fees are dedicated to that situation. Mr. Frenia continued that they are charged for phone and use of space and those things. In the last year or so, they have become much more aggressive with that in trying to get as much as they can justify from that. **6.** Noted page 9, the NJ Transportation Trust Fund Authority Act, \$230,000 and asked what that is for. Mr. Frenia responded that is for a road program; Springfield Road, Norcross and the second phase of Norcross. Mr. Frenia explained page 26A has \$150,000 and \$80,000 which equals \$230,000. Mr. Tamn asked where the money from the T21 grant fits into here. Mrs. Eden stated T21

would have affected a prior year's Budget and would have nothing to do with this. Mr. Tamn asked if they would be carrying it. Mrs. Eden answered no. Mr. Tamn asked that even though they went out in anticipation notes and bonding would it show up here. Mrs. Eden answered no. Mr. Tamn then asked where it shows up. Mrs. Eden explained it would show up in the capital. Mr. Frenia stated it would not be in the Budget and if it were a capital item it would be in the capital budget which doesn't show up in here. Mr. Frenia stated that would be to reimburse an ordinance and there hasn't been any activity on that in quite a while. Mr. Tamn asked if it were still there. Mrs. Eden answered that she would have to check the ordinances. Mr. Tamn asked if there was any way he could find out. Mr. Frenia responded that Mrs. Eden would have all of the audit reports in the office. Mr. Vaz commented that this was cancelled by a previous Council and it was part of an ordinance canceling other unspent money and it was pre-2007. Mr. Tamn asked how it was cancelled and where the money went. Mr. Vaz answered a prior Council cancelled it. Mrs. Eden advised the money went to capital surplus and if it was unfunded it just came off of their debt. Mr. Vaz advised that the Township was never reimbursed by the government for it. Mr. Frenia stated they never funded it. Mr. Vaz noted it was just showing in prior years' Budgets as something that they may do, but never did. Mr. Frenia explained that they never did it or received any funding for it so there was never any money raised for it. Mr. Frenia further explained that what the previous Council simply did was cancel the authorization to spend it. Mr. Tamn stated they did receive money and received anticipation notes that occurred 5 years ago. Mrs. Stinney reminded that they are supposed to be talking about the current Budget. Mr. Tamn replied it has to do with the current Budget indirectly. Mrs. Stinney asked for the page number. Mr. Tamn replied he thought it was on this page. Mr. Frenia explained it would not show up in this Budget regardless of whether it was received this year or five years ago; this is the current operating Budget and that is a capital item and would not show up here. Mr. Prickett asked how the architect got paid for that project then because they did submit a bill. Mr. Vaz explained from a different portion that was funded and they did put in for reimbursement and received a good portion of it and had to supply more information to receive the full balance. Mrs. Stinney asked if they are talking about this Budget because they are losing her. Mr. Vaz answered no that he was just trying to get an answer for Mr. Tamn. Mrs. Stinney suggested to Mr. Tamn to stop in and see Mr. Vaz this week regarding that matter. 7. Regarding page 9, the Clean Communities Program, he questioned if they have this for 2008. Mr. Frenia explained they have not received the funding yet and chances are they will receive that again this year. He noted that if they receive grants during the year, they can do a Chapter 159 which will add that money to the budget. Mr. Tamn asked if that also applied to page 9A, UEZ Police. Mr. Frenia explained that all of the grants that they have been notified of and have definite funding on are in this Budget. He explained that as they go through the year and are awarded grants, a resolution is done to add the revenue and an appropriation to the Budget. 8. He noted sheet 12, the Administration section of the Budget had \$210,558 last year and now has \$257,750 this year and asked for the reason of the increase of \$47,000. Mayor Patriarca informed it is a result of one promotion within the office of one employee and also one of the employees was being charged partially in the Water Department which the Township has the ability to do in the budgeting process because the individuals do work for the Water Department. The Mayor explained that it has been customary that their head of the Water Department probably manages more employees than any other department head because of all of the employees that have been listed under that department. He informed that they removed all of the individuals that were charged to the Water Department and for probably the first time in many years that the Water Department is only managing individuals in the Water Department. Mr. Tamn

asked if he heard right that the utility users that have water are paying for employees that are being used by every taxpayer in the Township. Mayor Patriarca informed the employees that do work for the Water Department, have the ability to charge that department for that service. There are different employees that do work for the Water Department; our Finance Office does work for the Water Department and they could charge a portion of the Finance Office to the Water Department and that is strictly legal and they have done that in the past. He reiterated that they are trying to create a surplus in the Water Department so they can start to run efficiently and do the projects that they want to do in providing that utility to the resident and improving that utility. The Mayor reiterated that they are trying to increase that surplus by charging the departments that the individuals work in and not accessing part of that to the Water Department as it has been customary in many Budgets in the past. **9.** Stated that the liability insurance on page 15e has gone up. He reflected that it is \$48,000 more than last year and last year they ended up with a reserve of \$12,800. Mrs. Eden explained that is driven by their JIF payments, it is a contractual item and is an actual bill. **10** Asked if the Environmental Commission is getting any funding this year. Mrs. Eden replied \$3,500. **11.** Asked about the difference of approximately \$130,000 in the Road Department, sheet 15b, Salaries and Wages. Mr. Cartier answered that they are contract negotiations and they were being paid under 2006 and have not received raises in two years so it reflects the contract increase and this applies to the entire Township. Mayor Patriarca explained they didn't receive it in 2007 and have yet to receive it in 2008 and this also includes anticipated in 2008 salary as well. **12.** Noted Solid Waste, page 15c, has \$651,000 for 2008 and he has not seen the Township implement a program to create more recycling to cut this down by at least 20%. Mr. Tamn commented that he asked for this approximately 1.5 years ago. Mayor Patriarca commented that he would be amazed if they could and they are going in to a new contract year. The Mayor advised they are looking at some options and one of the programs is something that the County is working with them on that which is a funding issue. **13.** Mr. Tamn asked what is anticipated in capital improvements this year. Mr. Frenia answered that page 40b shows the capital budget noting that this is only a plan and does not authorize spending any money as that would have to be done on an individual basis. These are some of the items that are being considered for funding in the capital improvement funds. **14.** Commented that the line for the Bridge Commission capital lease, which is sheet 27, is blank. Mr. Frenia explained the budget form has changed so that the capital leases have to be broken out prior to July 1, 2007 and after July 1, 2007. Mr. Frenia noted he is not exactly sure of the reason for this but he would be comparing the 354,179 to the 348,550. Mr. Tamn asked if that is combined with the bonding that is out. Mr. Frenia advised it is a lease and is a little different than a bond and it is a separate line item. Mr. Tamn asked how that adds up to their total debt. Mr. Frenia informed it is not technically considered part of the total debt but in all aspects it is part of the total debt. Mr. Tamn asked how much the lease is. Mr. Frenia advised the General Capital Lease is \$4 million and that is very similar to a capital bond but it has a little different funding method. Mr. Frenia further noted that the Water Capital is \$2.4 million. Mr. Tamn noted that is roughly \$6.4 million added to their current debt of bonding. Mr. Tamn advised it was added four or five years ago and is not a new item. Mr. Tamn conveyed some times people don't understand that the lease is actually the same as bonding; you are paying principal and interest back. Mr. Frenia agreed it is very, very similar.

Thomas Maahs: 1. Thanked Mrs. Stinney for allowing Mr. Prickett to speak regarding his proposed motion he will be making. Mr. Maahs spoke of his email sent to Council earlier and expressed hope that Council will support the motion that Mr. Prickett will be making. Mrs. Stinney asked Council if they have received the email he is referring to as she has not. Mr. Cartier stated he did

receive it and offered Mrs. Stinney his copy. Mrs. Stinney notified Mr. Maahs that she does not have his email. Mr. Maahs advised the email that was sent to Council went along the same lines that Mr. Prickett spoke about. Mr. Maahs suggested taking the five fire companies and rolling them under one line item in the Budget as fire protection services, which allows the Township by contract to justify where the money went. He explained that if there is a fire company that is not being funded the full \$24,000 as allotted in the Budget, they can then take that money elsewhere within the Budget. He relayed that Mr. Prickett's concept is going along that same route. Mr. Maahs reiterated that he hoped Council supported Mr. Prickett's motion. **Ed Tournquist: 1.** Referenced page 15d of the Budget, Urban Enterprise Zone, noting Salaries and Wages make sense; however other expenses had \$39,050 last year and this year has \$72,950 which is an extraordinary bounce. Mrs. Eden explained that it has to do with the grants that they will be applying for; a two year UEZ Police Officers, clean team for downtown and the other two have the matching funds that would be required for this grant and reimbursement from the State UEZ required them to place it into the Budget. Mr. Tournquist asked if they did this last year. Mrs. Eden answered no. Mr. Prickett asked Mrs. Eden if that would also cover the 19,000...Mrs. Eden interjected it is 100% reimbursement. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

COUNCIL COMMENTS ON 2008 BUDGET:

Diane Stinney: announced that after many meetings and many hours of reviewing this Budget and now that public comments have been received, she would like the record to reflect that the State has approved the 2008 Municipal Budget for Pemberton Township. She advised that Council is now in the position to take action regarding final adoption. She advised that before Council takes such action or final adoption of the Budget, she would like to give the opportunity to each Council member to make any comments they would like to express regarding the Budget.

Richard Prickett: commented that as he mentioned earlier he intends to make a motion to change the description in the Budget, not to increase the amount and not to consolidate the aid to the Fire Companies but only to make the change in the name of one line so that it reflects that they do not have a contract with that fire company. He explained that in essence they could have a contract with another fire company if necessary if they can't get a contract with the fire company that is on this line. Mr. Prickett stated that before the Council considers this and he makes that motion, he would like to say that if he does this his understanding is that if they amend this Budget, they cannot adopt it tonight. He advised that they will need a resolution which we will amend the Budget and that resolution would have to be sent to DCA for their consideration and approval. Mr. Prickett conveyed that Mr. Vaz has done research on this; the Budget then could not be adopted until the next meeting which is the first meeting in June. Mr. Prickett wanted to ensure that everyone understands that. He reflected that the purpose in his mind of the amendment he is about to propose is so that they have contracts for companies that they deal with. Mr. Prickett expressed that is important. Mr. Prickett reiterated that he is not looking to change or consolidate any numbers but rather he is looking to change the name of a company for an un-named fire company since they don't have a contract yet. Mr. Cartier asked Mr. Frenia if what Mr. Prickett is proposing will require Council to do that. Mr. Frenia replied that if Council amends the Budget, there are certain statutes and one of them is if an appropriation is increased or decreased by more than 10% that would require them to advertise and have a second hearing. Mr. Frenia noted that the nature of

what is being proposed would fall under that. An amending resolution would need to be done, which could be done tonight and that would have to be advertised; there would have to be another public hearing and the public hearing would only have to be on the amending resolution and at that point then Council would be able to adopt. Mrs. Stinney asked Mr. Vaz and Mr. Bayer if they would like to comment. Mr. Bayer conveyed that the only question he has is based on their rationale, Mr. Prickett is not talking about changing a number but rather changing a name. Mr. Frenia stated there was a review of the Budget this year and what they were telling them was that they would need to review the amending resolution before they would let them adopt. Mr. Bayer asked that just because a line item is in the Budget for a particular entity doesn't mean they have to spend the money and if they wanted to spend that money elsewhere, there are mechanisms to do that. Mr. Frenia replied that just because it's in the Budget doesn't require them to spend it; the only contingent would be that they have to wait until November 1st to make a Budget transfer. Money could be put in the line item or leave it as it is, make a transfer November 1st and then spend the money as they see fit. Mr. Vaz added that part of the concern is that by being very specific as the way it has been approved now as to a particular named fire company, the concern is that they could be potentially locked into that prior to November 1st before they can do transfers if they were to negotiate a contract with some other entity to cover that area of town. Mr. Bayer asked if that was the case even if there is no agreement. Mr. Cartier asked how they could be locked into something that they don't have a contract for. Mr. Vaz answered that this presumes a contract with another named fire company, whoever that could be in the future. Mayor Patriarca asked if they couldn't get a contract with the named fire department if that would stop them from negotiating and bringing in another company and using their name just for another contract. Mr. Vaz stated this could potentially be done as an emergency and he did discuss this with the Division of Local Government Services in fact with one of the Deputy Commissioners, the person that specifically reviewed their Budget and they understand their concern of not being in a contract now and not knowing who they might be in a contract with. Mr. Vaz continued that they said the approach they wanted to take would be fine by leaving it as an un-named entity; that way they have the most freedom and flexibility to negotiate a contract with whomever it may turn out to be. Mr. Frenia added that in order to award a contract, they have to certify that the funds are available and if they didn't have a line item to take that money from until November, they wouldn't be able to certify that the funds were available until November 1st. He noted that the only other method is to do an emergency health and welfare issue that this obviously would fall under and put a new line item in and then fund that line item next year but that is probably not the best way to handle it because that will give them more liability next year. Mr. Cartier thanked Mr. Prickett for allowing him to receive that explanation. Mr. Prickett commented that he wants to make that motion; however, Council needs to add a resolution to the agenda because this will be a resolution that Council will be approving. Mr. Prickett clarified that Resolution No. 139-2008, which amends.....Mrs. Stinney interrupted stating that she really wants all of the other Council members to comment first. Mrs. Stinney commented to Mr. Prickett that he can do his motion at the end of Council comments.

Sherry Scull: asked if they would be better off having one line item and have all of the fire companies fall in that line. Mr. Frenia acknowledged that would be a cleaner way to do it however that is up to Council noting that one line item for Fire Company and one line item for a rescue squad would be a much cleaner way to do it. Mr. Frenia recommended that would be the way to do it in the future because of the simplicity as it would avoid these types of issues. Mrs. Scull stated that would solve the situation and Council had a lot of discussions at meetings about

transferring funding from some of the revenue and then they could spend the money where they chose. Mr. Frenia commented that would eliminate that and allows them to contract as long as you stayed within the total. Mrs. Scull asked Mr. Frenia if he thought Administration is working hard to tighten their belts around here because the Governor cut up and the Township took some hits on the elimination of gypsy moth spraying in that \$262,000 is better spent elsewhere. Mrs. Scull stated this Council is very concerned with how they are spending money and there was a position available recently where letters went out to people who applied and they were told because of budgetary restraints and the cuts by the State that they are not filling that position at this time and confirmed this with the Mayor. Mrs. Scull commented that someone in the community received a letter stating this. Mrs. Scull continued that Council is trying to look out for all of the tax payers and to everybody else and that is a concern and surplus that goes in this year might not be there next year but if they don't spend that surplus, they would have to raise taxes to continue the services that they have at this point. Mrs. Scull noted they are looking very closely at what services they have and how to get the best bang for their buck and are talking about shared services with other communities and will continue to do that. Mrs. Scull commented on the program Live Where You Work because one of the things they need to do is sell the homes with for sale signs on them and if they can get individuals into their community with children to help them to say the problems that may becoming their way in a couple of years that they were referring to, that would help them greatly with their budgetary problems. She expressed that they need to promote Pemberton, they need to get individuals buying homes in Pemberton Township and that will be the biggest thing they can do to in regards to the hard times that are out there that Pemberton. Mrs. Scull added that she is pretty proud of the Budget that they put together.

Thomas Inge: informed that he has several problems with the Budget and his major problem is when he asked for certain information during the Budget hearings the information that was provided to him at later meetings was totally turned around from what he thought especially under the new hires that they had in certain departments. Mr. Inge continued that the amount of money that certain employees received and with everyone talking about hard times he can't see the Township justifying that. He doesn't see Administration justifying the wage increases for certain employees. Mr. Inge stated one of the biggest things he has a problem with is when he asks for certain information and does not receive it and not receiving it in a timely fashion. Mr. Inge commented that he asked questions regarding the Budget and Mr. Prickett had asked specific questions. Mr. Inge added that he would like to see the answers to Mr. Prickett's questions as well and to his understanding Mr. Prickett has not received the information either regarding specifically the Recreation Department, where are those funds going, are the programs effective and helping the community. Mr. Inge noted \$10,000 was put in that department for a computer program so residents can register their children for Township sports but now they have to pay these high fees to put their children in these sports instead of lowering the price for children to be able to participate in sports, now they are going to raise the fees and make it easier for Department Heads to do their jobs. Mr. Inge conveyed that he spoke highly on it to remove it and did not get any support. Mr. Inge stated when he complained about certain things during the budget hearing, he didn't get any support and that is one of the biggest problems that they have in this Township, it's not getting support. He expressed that it doesn't matter who you are, if someone has questions, they should get their question answered. Mr. Inge commented on the Fire Chiefs providing data during their Budget hearing and he had asked for this data way before this. Mr. Inge stated that as he stated during the Budget hearings, it wasn't the Chief's

responsibility to provide him with information when he had asked Administration for that information. He further expressed that it is not the Chief's responsibility to come before Council and provide data for the residents; it is Administration's responsibility to make sure the data is for the public. Mr. Inge conveyed that Gypsy Moth spraying is being taken out of the Budget but now the Township is going to spray its own trees. He expressed that the Township trees are not any more important than his trees and if he can't get his trees sprayed, he doesn't see how they can allow Administration to do so and he didn't know anything about it until it was brought up in a public hearing that the Township was going to spray the trees on its property. Mr. Inge conveyed that was never said during the Budget hearings that the Township was going to spray its trees but rather it was up to the individual residents to spray their own trees. Mr. Inge continued that if it was that important of an issue then it should never have been put on the chopping block during the Budget hearings; it should have been left in the Budget. Mr. Inge informed that is one example of things that are going on in the Township and that another example is that they are paying all of these high fees for Administration people. He then noted one of the biggest concerns is Imagination Kingdom and one of the biggest complaints is the soil. Mr. Inge asked if the Engineer can tell them if the contaminated soil has been removed from that property. Someone (it is undetermined who answered) that he does not have that answer tonight. Mr. Inge again asked if the contaminated soil has been removed. That same person replied no. Mr. Inge commented that is one of his points. He commented that they can remove everything but they can't fence it off. He reflected that it was stated at the last meeting that it should be fenced off and if they go by there today, it's still not fenced off. He questioned that if their kids come out to the baseball field and there are other kids that aren't playing and they want to go over and play in the sand, which is going to stop them. There's no fencing up there and things like that are very important. Mr. Inge conveyed that they are very quick to take it down but they don't put anything up to prevent anybody from getting hurt and that was the biggest issue if everyone looks back at the minutes, that was said from Administration, if they save one kid from getting hurt, that's why they removed it, but no one took the time to even put a fence up to keep any other kids from playing in that dirt, but they can pay all of these high salaries. Mr. Inge asked if anyone was thinking about these things and stated everyone is getting paid really good money and that's one of the problems and that's why he has a problem with that.

Kenneth Cartier: commented that in regards to sheet 15, Ambulance Contract, he thought Council had put money back into the paid ambulance service. Mrs. Scull noted it is on the same page as the Fire Companies. Mr. Cartier relayed that it shows no appropriation for this year. Mr. Prickett asked if it was at the bottom of the page. Mr. Cartier informed it shows no appropriations. Mr. Cartier reflected that it was under Mr. Vaz' recommendation that it be at \$60,000. Mr. Frenia advised it is on page 14, Emergency Medical Services. Mr. Frenia conveyed that the State has changed some of their verbiage around so they are trying to keep them happy.

Diane Stinney: thanked Council for their comments. Mrs. Stinney commented to Mr. Prickett that she wished he had taken the time out to share some of his concerns earlier noting she doesn't always put it in her computer and doesn't have that luxury to check her email and she apologized noting that she knew nothing of this email until it came before her tonight. Mrs. Stinney commented that she never had an opportunity to thoroughly digest what he was saying and that is why she was not on the same page as Mr. Prickett as to his comments earlier before the public comments portion. Mr. Prickett stated he understands and added that he didn't receive the specific information until he walked in the door from the

Business Administrator. Mrs. Stinney advised that she would like to have done some research herself as well instead of reaching over to Mr. Bayer and asking questions and not feeling comfortable about this and not feeling comfortable about that. Mrs. Stinney noted however, that she does respect his sentiments on his comments tonight and making that change.

RESOLUTION NO. 139-2008

Motion by Prickett and Cartier to add Resolution No. 139-2008, which amends line item 0255-2-15005 of the 2008 Budget by deleting the name of Goodwill and adding Un-named Fire Company.

RESOLUTION NO. 139-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, AUTHORIZING AN AMENDMENT TO THE INTRODUCED 2008 BUDGET

WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON INTRODUCED THE 2008 BUDGET ON APRIL 16, 2008; AND

WHEREAS, THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVED THE BUDGET AS INTRODUCED; AND

WHEREAS, N.J.S.A. 40A:4-9(B.) PROVIDES THAT THE GOVERNING BODY MAY AMEND THE BUDGET DURING OR AFTER THE PUBLIC HEARING ON THE INTRODUCED BUDGET AND THAT ALL AMENDMENTS SHALL BE SUBMITTED TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES FORTHWITH; AND

WHEREAS, N.J.S.A. 40A:4-9(C.) PROVIDES THAT ONLY THE BUDGET AMENDMENTS DESCRIBED THEREIN REQUIRE PUBLIC ADVERTISEMENT OR PUBLIC HEARING; AND

WHEREAS, THE BUDGET AMENDMENT CONTAINED IN THIS RESOLUTION ARE NOT THE TYPE DESCRIBED IN N.J.S.A. 40A:4-9(C.) AND, THEREFORE, DO NOT REQUIRE PUBLIC ADVERTISEMENT OR PUBLIC HEARING; AND

WHEREAS, THE BUDGET AMENDMENT CONTAINED HEREIN WILL MERELY MODIFY THE DESCRIPTION OF A PARTICULAR APPROPRIATION AND NOT THE AMOUNT OF THE APPROPRIATION; AND

WHEREAS, THE PURPOSE FOR THIS AMENDMENT IS TO RECOGNIZE THAT THE TOWNSHIP PRESENTLY CANNOT IDENTIFY WHICH VOLUNTEER FIRE COMPANY(IES) LOCATED IN ADJOINING MUNICIPALITIES WILL BE AWARDED A CONTRACT(S) IN 2008 TO COVER A SECTION OF PEMBERTON TOWNSHIP THAT IS NOW COVERED BY THE GOODWILL VOLUNTEER FIRE CO. NO. 1.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT:

1. THE FOLLOWING AMENDMENT IS HEREBY MADE TO THE INTRODUCED 2008 CURRENT FUND BUDGET:
TOWNSHIP OF PEMBERTON
CURRENT FUND - APPROPRIATIONS

8. General Appropriations (A) Operations – within "CAPS"			
PUBLIC SAFETY	FCOA	for 2008	for 2007
Aid to Municipal Volunteer Fire Companies in Adjoining Municipalities (N.J.S.A. 40A:14-35) - Contracts			
Fire Companies 1 to 5	25-255	\$24,000	\$24,000
General Appropriations	No Changes		
TOTAL GENERAL APPROPRIATIONS	No Changes		

Mr. Bayer asked for more clarification from Mr. Frenia. Mr. Frenia conveyed that every three years their Budget gets reviewed by the State and this happened to be their year. They had spoken to them about possibly making this change and they were okay with them making this change but they wanted to see a copy of the Resolution prior to the meeting. He noted they weren't sure whether or not they were going to do that so they didn't want to take the liberty of sending that up to them so they have not reviewed it. He advised that once they review it, he is sure it will be approved because it is pretty standard, and then at the next meeting they will be able to adopt. Mr. Cartier asked if a new hearing would be required on the amendment. Mr. Vaz answered no and the reason is the statute only requires a public hearing and the advertising in the event there is a change in the amount of the appropriation that exceeds that 10% and that is one of the reasons Mr. Prickett brought this up at the beginning of the meeting to announce what his motion was going to be so that anybody concerned in the public would have a chance while the public comments were happening for the Budget, they could make comments about that particular change during the public Budget hearing part because the statute doesn't require a separate public hearing for this type of an amendment. Mr. Vaz explained the idea would be the public hearing is now closed and if the Council adopts a motion to amend the Budget and there is not a change of

appropriations, they will fax that up to the State tomorrow and they will presumably sign off on it and at the next Council meeting all that needs to be done is a vote on the Budget at that point. Mrs. Stinney questioned for clarification that no further hearing would be needed. Mr. Vaz agreed. Mr. Bayer stated there would be a discussion with the Resolution approving the Budget, but there is no requirement for a formal hearing. Mrs. Scull questioned that if by chance they get a contract with that company, it does not.....Mr. Frenia interjected that it leaves them open to negotiate with anybody. Mrs. Scull noted it is not putting that company out all together. Mr. Frenia advised she is correct. Mr. Inge stated one of the main purposes of this is to make sure that they get a signed contract and that is the main purpose and it is not to remove any of the fire companies that they have right now. Mr. Prickett stated it sets the tone that they have to have contracts. Mr. Bayer explained right now there is a resolution, a motion pending to add the amendment to the agenda. Council can vote on that and then there would be a motion on whether or not the actual amendment to the Budget would take place and if that passed, then Council would be done with the Budget activity for this evening and then consider adoption of the Budget at the next meeting. Mrs. Young asked if Council has to formally table the final adoption to the next meeting. Mr. Frenia stated that would be the best way to do it. Mr. Bayer commented that right now Council has a vote and once they authorize a vote, Council has a vote pending on whether or not to add the amendment to the agenda.

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

Motion by Prickett and Cartier to approve Resolution No. 139-2008, which amends line item 0255-2-15005 of the 2008 Budget by deleting Goodwill and adding Un-named Fire Company. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Motion by Cartier and Scull to table Resolution No. 91-2008A until the June 4, 2008, meeting. Cartier, yes; Scull, yes; Inge, yes; Prickett, yes; Stinney. Motion carried.

Mr. Bayer asked Mr. Frenia if he needed the lawyer to do the resolution. Mr. Frenia replied he would do that. Mr. Bayer conveyed he had assumed that but just wanted to make sure.

Mrs. Stinney convened the meeting at approximately 8:31 pm for a short break and reconvened the meeting at approximately 8:36 pm.

GENERAL PUBLIC COMMENTS:

Mrs. Stinney opened the meeting to general public comments. Those wishing to comment were: **Steve Skulimoski: 1.** Commented that he is really proud that Council is pushing the issue with the School District over Fort Dix, noting that the whole town needs to take the initiative and make sure they hold on to what they have and maybe even push for taking some more. **2.** Expressed a safety concern regarding Evergreen Boulevard especially with summer coming. He conveyed that everyone walks up and down Evergreen Boulevard to go to the new Acme and on the corner where Evergreen Boulevard and West Lakeshore meet; there is absolutely no room for people to walk. Mr. Skulimoski noted that he has seen people almost get hit by cars numerous times and it is completely unsafe. He inquired if there was any way to have sidewalks put on Evergreen Boulevard in next year's Budget to increase safety for pedestrians. Mr. Prickett commented on sidewalks and bike paths in the Master Plan. Mr. Skulimoski asked if sidewalks

were something the Township could do internally instead of having to send out contracts. Mr. Skulimoski conveyed he would appreciate it if Council could look into this. Mrs. Stinney thanked Mr. Skulimoski and conveyed that it has been a concern and the BMIA used to have a wish list which was always addressing the area Mr. Skulimoski is speaking of. Mrs. Stinney asked Mr. Skulimoski to put his concern in an email and she will pass it along. Mrs. Scull noted that their Township engineers are also making note of this. **Sandra Armstrong: 1.** Informed that when coming down the hill on Evergreen Boulevard, one can't see cars coming around the corner and she was wondering if there were any plans or if anything can be done. Mrs. Stinney advised that quite a few years back there was discussion regarding putting a stop sign from the West Lakeshore Drive side. Mayor Patriarca informed that West Lakeshore is, unfortunately, a county road and that section from Evergreen to Hanover is the county portion. He acknowledged it is certainly a concern and Mr. Prickett mentioned last night it came up regarding the Master Plan and it does have the Planner's attention and the Engineer is also listening. The Mayor conveyed that they are going to look at ways to try and make that a safer intersection. Mrs. Stinney suggested to Ms. Armstrong and the Mayor to put emails or letters together to send to the County Engineer along with some ideas that Council has. Mayor Patriarca commented that since Evergreen is the Township's and that part of West Lakeshore is the County's, they could maybe work together as it might involve part of the property on the side. He explained that is where the problem is, one can't see past the embankments on the two sides when they come down the road. Ms. Armstrong asked if some type of mirror where one could see the cars coming and during bad weather she has actually slid down the hill into the intersection and the car coming around the curve was fortunately going slow and didn't hit her. **2.** Informed that she and a few neighbors got together and had their own properties ground sprayed. Mrs. Armstrong suggested that next year to consider having ground spraying if the aerial is not effective. She expressed that the ground spray is just as effective and maybe not as expensive. The Mayor informed that the Township decided to do for the residents' trees in the Township which are on Township property and only certain areas; the municipal building, the senior building and the ball field. He reported that the cost was approximately \$1,400.00 for ground spraying for those three properties. Ms. Armstrong informed that each family paid approximately \$250.00 and there were about 5 to 6 families. Mayor Patriarca stated that is the average from what most residents were saying that they spent on their properties. Ms. Armstrong informed the company they used was very responsive and is now on the Township's list. Mayor Patriarca stated there is a large list of licensed sprayers that the residents can use. Ms. Armstrong advised she had called a number of them and several didn't do gypsy moth spraying or were not interested in doing anything. Mrs. Stinney asked if it's the one in Hainesport. Ms. Armstrong answered no, it is in Medford Lakes and the gentleman was just here but has since left. Mr. Prickett commented it is important to note that the sprayers on the list are licensed and approved by the DEP to know what kind of chemicals are going to be used. Mr. Prickett noted that they need to determine how long that pesticide is going to be active in the yard; it should only be a couple of days that it is not less that it should be active. Ms. Armstrong noted that apparently the DEA sent their names down because when he called the Township today he found out he was on the Township's list. She advised they all have received a guarantee and have written an article in Rutgers' newspaper and she is getting a copy of the pesticides that they use which is suppose to last up to 30 days and another up to 90 days. Mr. Prickett asked if that is the length of time the pesticide is viable or the length of time before the gypsy moths die off. Ms. Armstrong explained that is the length of time it is viable and is working. She doesn't know what happens next year for the Budget. The Mayor commented that it really wasn't a Budget issue

that was the determining factor for taking gypsy moth spraying out of the Budget. Mayor Patriarca explained the reason for taking that out of the Budget was that the Township was only afforded the one spray this year and that was due to the State's program where there were so many people involved in the program they couldn't service everyone so they cut the spraying down to one. He noted that gives the Township the option at that point to contract with a private contractor to do a second aerial but they really didn't have the time to put that all together with RFP's to get that done and they felt the one spray wouldn't be that effective as what it would be for the residents to go out and do it themselves. Ms. Armstrong asked if the ground spraying proves to be just as effective and also cost effective, wouldn't that be the way to go instead of the aerial spray, noting that ground spray can focus on the trees and they actually did her house as well. Mayor Patriarca commented that as Mr. Prickett noted, they have to be careful as to what is sprayed also. Ms. Armstrong conveyed that they provide a label of the pesticides that are used. The Mayor noted that one company used Tempo Ultra II that has a very low toxicity and they don't even wear a mask when they spray. The Mayor advised that he spoke with the gentleman who informed that mouth wash is more toxic than what they spray. Ms. Armstrong pointed out this is supposed to be non-toxic and not harmful to animals or plants. **America Phillips: 1.** Expressed that the children in Presidential Lakes need facilities in the park. She asked why there are no portable potties in the park, noting that she had previously asked Council regarding this. Mayor Patriarca informed there was a proposal for a restroom facility and other amenities in 2006 under a Green Acres project, and the residents, including Ms. Phillips, came forward and opposed that project and did not want it. Ms. Phillips replied that Council did not offer the residents a Community Center; rather they offered a Pavilion for the drug addicts. The Mayor replied that Ms. Phillips just asked for a rest room and that is what he answered. Mrs. Stinney asked Mr. Vaz to try and reach out and make this happen. Mr. Vaz informed that he did ask the Public Works Supervisors what the history was regarding restrooms in the park. Mr. Vaz advised that no one at Public Works remembers there being a port-a-potty at the facility but did express concerns regarding the use of one. He explained that due to the amount of vandalism in that area, it will be turned upside down the first starless night, and in the end the company is going to have a concern with leaving it there unattended. Mrs. Stinney asked how this would work; if they are contracted. Mr. Vaz conveyed that the Township can contract with the company. Mr. Vaz explained that ultimately the company will just pull the port-a-potty out but there are other companies that offer more sturdy portable bathroom facilities and in some regards more permanent. Mr. Cartier asked how they end up being secured at night. Mr. Inge commented they are small trailers. Mr. Cartier again asked how to secure access to them at night because all they'll end up being is a haven for drugs. Mayor Patriarca expressed concern as to who is controlling accessibility and asked if someone is going to lock it every night so that it's not open for kids to hang out and do whatever they want to do. Mrs. Stinney asked if there are any other facilities in the Township that have the port-a-potties. Mayor Patriarca replied we had them at Imagination Kingdom. Mrs. Stinney asked if they were locked each night. The Mayor responded no but added that there was no vandalism at Imagination Kingdom either and they went through a long period of vandalism at the park with the lights and finally ended up building a locked building to house the electrical service, noting that the vandals even went as far as actually chopping the wires running up the poles. The Mayor agreed with Mr. Vaz in that if port-a-potties are put out there, they will be burned up or flipped over and the only solution would be some type of permanent facility. He expressed that if they build a restroom facility and it was managed to where someone could lock it up each night so that at the end of the day it was closed, that would be the only solution. Mrs. Phillips suggested to Council and the Mayor that they have plenty

of trees that they can be chained to. **2.** Commented on the Township spraying for gypsy moths at Township facilities. Mrs. Phillips advised she is using burlap and duct tape in her yard. She expressed that it is not fair that the Township took away spraying for the residents but yet are spraying Township facilities. Mrs. Phillips commented that a statement was made at the meetings that the spray does not work and she questioned why they are now spending over \$1,000 for that. Mayor Patriarca clarified that the spray that was done is not the same spray that the plane would have sprayed, noting the plane sprays a different chemical and it takes more of that to do the effect that she would have been looking for. **3.** Spoke of the leaf pick up program. Mayor Patriarca informed Presidential Lakes was completed for leaf pick up. The Mayor advised that those residents that didn't have their leaves out can either bring their leaves to the municipality on their own or they can hope that they can get to them on a rotating list as they call in. Mayor Patriarca informed that he cannot assure that the leaves will be picked up as residents are required to have them out at the time the Township does leaf pick up. He noted they are still finishing up another area now, and can't send those trucks to another area that has already been picked up. Mrs. Phillips asked if they can at least be picked up before the other leaves fall down. Mayor Patriarca reiterated that he cannot assure that Public Works will be out there anytime soon as they have to finish up what they are doing and then they will be starting brush pick up. The Mayor explained that is why notifications are done for residents that rake their leaves to have them out at a certain time so that they can be picked up. Mayor Patriarca informed that there are other towns that do not entertain this at all and will not come back a second time. He pointed out that some towns even fine the residents for having leaves out after a certain time. The Mayor conveyed that they do not ordinarily do that and still offer the residents the opportunity to bring their leaves to the municipality and on occasion if they have time, will go out and pick someone's leaves up. He expressed that it is a very cumbersome process and they don't do that service outside of the scheduled leaf pick up if they can avoid it; as it takes away from other services that they are trying to provide. **4.** Expressed it would be nice if the Township would put up a fence at the Imagination Kingdom Playground so the kids won't get sick. **5.** Asked Mr. Prickett about a boarded up house at 427 West Virginia Road. Mr. Prickett advised that he wished the Police Department would be able to answer her questions but is sure that Administration.....Mrs. Phillips interjected that she is not allowed to ask the Police Department. Mrs. Phillips asked Mr. Prickett to find out for her for the next meeting. Mrs. Stinney asked Mrs. Phillips to address her and stated that she is not sure why she addressed Mr. Prickett. Mrs. Phillips explained that she spoke in the past with Mr. Prickett and had a list of houses that she knew were empty and where business went on in those houses. Mr. Prickett noted that what can be done is address this to the Mayor or Business Administrator so they can look at it they can report to the Council. Mrs. Phillips asked Mayor Patriarca to find out if 427 West Virginia Road was sold or what is going on in the house. Mayor Patriarca noted that he was recently speaking to the owner of that house if it is the house he is thinking of and added that he will look into that address for the status. **Thomas Maahs: 1.** Thanked Council for their action on the First Aid Squads and Fire Companies tonight. He apologized if nobody got their emails until late today or didn't receive them at all and will make sure that doesn't happen again. He expressed that Resolution No. 139-2008 was a great move on Council's part, and they are heading in the right direction. He noted the Auditor suggested to put it all under one line item next year and hoped Council considers it. Mr. Maahs thanked Council for their action on behalf of the other three Pemberton Township Fire Chiefs and himself. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Mr. Bayer informed that he had nothing for public session.

ENGINEER'S REPORT:

David Cella sitting in for Mr. Rehmann reported: 1. Country Lakes Dams I, II and III require a NJDEP Dam Safety Compliance Schedule form completed and submitted to the DEP by June 1, 2008. There were some timeframes outlined in this report that would fill in the blanks on the schedule. The question at hand is to pull this form out based on the timeframes in the report. He noted that the H&H analysis would be a six month period and the DEP review from that would be four months. The preliminary design service for permitting purposes would be a six to eight month window. Review of that by the regulatory agency would be another four months and final design going out to public bid and awarding a contract would be another three months. He advised that this puts a timetable that the DEP will hold them to and if things happen for example if the four month review takes five months, there will be a little leniency on the back end but they would have to demonstrate why they are where they are. Mrs. Scull asked if a motion is needed to approve that. Mayor Patriarca asked if the timeline provided is a worse case scenario timeline and are they expected to come under those numbers provided. Mr. Cella advised that they would like the Township to. He explained that the six month timeline on the schedule is what DEP is allowing and is not what it should take us. He is anticipating based on his conversation with Mr. Ingram that they will do the work closer to a three to four month window to complete the work. Mr. Cartier stated it should almost be done. He answered that they are into it. Mayor Patriarca commented that when he initiated this project as a three dam project to get it all done at once, he wasn't anticipating it as being a drawn out process and wants it addressed in the most efficient and timely fashion that they can possibly do this and still get their approvals. The Mayor reiterated that he is looking to not drag this out as other dam projects have drug out and he is speaking of spillway dams and how they were drug out and they are experiencing that now and doesn't want to experience it again with this project. Mr. Cella replied that he has six months for the H&H Analysis because they are allowing that and the review process, a couple of projects that are under review now are over that four month window and while there are six months on the H&H there is a give and take and it's about a two year total. He noted it is a pretty aggressive schedule because of the agency that they are dealing with. If it can be done quicker, they will do it. Mr. Cella advised that if the Mayor wants to tighten this up, they will do that but he doesn't know if they will hurt themselves by.....The Mayor interjected that he is not asking to tighten this up because if this is worse case scenario and these are things that they can run into and it will give them that little bit of a buffer. Mayor Patriarca continued that he doesn't want to see this become the worse case scenario and would like to see them stay on top of the project and move it forward without any delay if possible. Mrs. Scull asked if they need Council to make a motion tonight to authorize this. Mr. Cella acknowledged that he is asking for authorization to fill the form out. Mr. Bayer asked if it is an application. The Mayor answered that it is a commitment to the timeline with the DEP and Dam Safety. Mr. Prickett asked if this is a new document or is this something that is standard, noting that he doesn't remember doing this in the past but thought it was a good idea and asked how much will it cost for the letter. Mr. Cella explained it will be attached to his report in the back and they could complete it tonight. Mrs. Stinney asked Council if they were in agreement. Mrs. Scull, Mr. Cartier, and Mr. Inge replied yes. 2. Mr. Cella commented that the next issue is there was an H&H Analysis proposal submitted May 7th. He noted that Mr. Rehmann has previously advised it would be in the \$75,000 range. Mr. Vaz commented that Council authorized ARH to move forward on the H&H Study but limited the authorization

to \$75,000; the written proposal received from ARH on May 7th indicated the exact amount would be \$79,610. Mr. Vaz noted he asked ARH to add it to their action items for tonight just to get reauthorization for the full amount they are requesting. Mr. Cartier expressed that just for \$4,000 they won't stop a project. 3. Applications for the NJDOT Municipal Aid Program are due June 20th. He reminded that in the past the Township has received funds for Norcross and Kinsley Road. He asked for authorization to prepare the application and asked what Council would actually like to put an application in for. He advised that when the State provided a discretionary award of \$80,000, there was a list of five roadways that Public Works provided for them to evaluate. The report provided by ARH is attached. Mr. Prickett asked if this is part of the application. Mr. Cartier noted there are other roads in Sunbury Village such as Lemmon. Mr. Cella relayed that he is comfortable addressing the next road but when this question arose in the past as to where to place funds, a list of streets was provided that included Aster Street, Washington Avenue, Harper Street, (*could not hear to make out name: _____ Avenue*) and Virginia Avenue. He advised that list was provided to ARH in December 2007. Mr. Cartier agreed with Mr. Prickett in that they started the project initially in Sunbury Village and should finish the project in one area before moving on to something else. He expressed that it doesn't make sense to do half a project and not complete it. Mrs. Scull asked if any roads in Presidential Lakes are on another list. Mayor Patriarca advised that some of the roads in Presidential Lakes are on this list; the only ones that they see are at the top of the priority list. He expressed it goes down to other roads if they take the list in its entirety there are other roads in Presidential Lakes and other parts of towns. He advised that Public Works has compiled a list of roads that need repairs and paving. Mr. Prickett stated the roads that are on the list could also be funded through the \$850,000 capital improvement project. The Mayor added they most likely will be because they are the top five roads because when they get to the road project, they will be the roads looked at. Mrs. Scull noted there were a couple of roads in Presidential Lakes that are worse than the ones on this list. Mrs. Stinney stated that she sees a disaster happening on Apple and indicated there was a petition started four or five years ago. Mayor Patriarca noted they are at the top of the list and when the project comes through, he relies on Public Works to take these actions. Mr. Prickett noted there is a road drainage sub-committee where members of the Council review the roads and one of the things that they try to accomplish in that committee is to make sure that road repair projects were fair across the whole Township. The Council is the body that approves these roads and he suggested the possibility of the sub-committee evaluating the roads. Mr. Cartier stated Council approves the funding to repair these roads and the designation of the roads that need to be rebuilt or need to be done have to come from Public Works, Administration and the Engineering Department. Mrs. Scull agreed with Mr. Cartier noting that she might look at a road and think it's bad but questioned what she knows about the engineering and that it might have been ready to cave in and she wouldn't have seen it. Mrs. Scull noted that Council needs to leave that to the experts. Mr. Cella commented on Sunbury Village in that he has two action items that he would like to address. He advised that one item is financial authorization for ARH to proceed which is \$2,500 to prepare an application per roadway. He would like that authorization acted on tonight if possible and then he will bring the resolution to the next meeting listing the roadway that is recommended from Sunbury Village. He further advised that he is under the impression that one roadway will be done. Mr. Inge asked when the soil from Imagination Kingdom will be removed. Mr. Cella acknowledged that he does not have that answer tonight but will make sure ARH has a better answer at the next meeting. Mr. Inge asked if fencing is going to be put up, to which Mr. Cella answered no. Mr. Cartier clarified it would not be the engineer's decision. Mr. Inge asked if there was

contaminated soil, would it be a concern for the Township or a business to have that sealed off. Mr. Cella relayed that he is not that familiar with what is actually there and if it's something that is harmful the question would be how harmful it is and if it is something that one would have to eat a pound of soil and he doesn't know and that may be the issue. He reiterated that he is not that familiar with what the contaminate is and would assume that it is not that threatening. He did relay that yes, they have some responsibility to pay attention to what is out there and the responsibility on the flip side is that coaches and parents need to pay attention to make sure their kids aren't running around in there. Mr. Inge asked the engineer if he would be able to make a recommendation to Administration that this should be addressed and should be taken care of immediately. Mr. Cella replied that he will talk with the individual that is handling the project based on the contaminate tomorrow and reach out to Administration with a recommendation on whether or not fencing needs to be put up. Mrs. Stinney asked him to repeat his comments regarding parents. Mr. Cella reiterated that he was saying that parents should have some responsibility and he is not trying to pass the buck but rather is saying everyone should be. Mrs. Stinney suggested putting signs up. Mrs. Scull noted that Alaimo has reported that phase II is ready to go to bid. Mr. Vaz informed he is going to ask Council tonight to do a motion to authorize the receipt of bids.

Motion by Prickett and Scull to authorize the receipt of bids for Lebanon Forest Dam #1.

Mr. Vaz advised that Administration has been working on the financing aspect and has asked Alaimo to provide a proposal for construction management of the project and will also ask other engineers to provide a proposal for the same.

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

MAYOR'S REPORT:

Mayor David Patriarca: 1. Met with the Presidential Lakes Civic Association last week and discussed several items of concern with them that they are working to address for that area. 2. Met with the Planners for the Joint Land Use Study along with the Engineer, their Planner and the Superintendent of Schools. The Mayor advised this is as a result of a request he made at a Joint Land Use Study Technical Meeting. Mayor Patriarca noted he asked that they come out to each town individually and meet with the towns and their professionals to receive individual concerns as opposed to what has been done at meetings where they have all the members of the Joint Land Use Study giving concerns at the same time. He relayed that they like the idea and started the process and are now going to the different municipalities and meeting with the professionals and the towns on an individual basis before they regroup again. He explained that the Superintendent of School was invited because he thought it was important to include the impact this is going to have and some of the concerns the school district has. He indicated that the majority of the meeting involved the school district and the Superintendent with his presentation. He advised that they did give their concerns and are scheduled to meet again on June 29, noting they will be presenting each town's concerns and see how it will impact them. 3. There was an environmental clean up on May 17th in the Rancocas Creek area. The Mayor noted he was involved in the land crew which worked the area from the Mirror Lake spillway down behind Dominos and out to Noteboom. He reported that they were unsuccessful in finding much trash out there as a result of last year's clean up. Last year they brought approximately 20 tires out of there and this year they removed 2 tires and not much trash. He advised that a suggestion was made during the Master Plan meeting that

they go in there and clean that up as far as the brush. They will look at that in that maybe the inmates can be brought in to clean that up and remove all of the ground cover so it is open when riding over the dam they can see through the woods and see everything. He expressed that might deter the current activity that is taking place down behind there. He expressed that it is a nice area outside of the things that occur; the area itself can be used for recreation. He informed that the second crew that worked that event was the crew that floats and took 6 canoes and boats down the Rancocas that was put in at the by-pass and took it down to the Boro and was successful in pulling a lot of debris and tires out. They also pulled a floating dock that had dislodged and became caught downstream and was in the middle of the creek. The Mayor conveyed that all of these things are important and need to be enhanced even more because when that debris blocks up the water way, it backs up and that is what contributes to the flooding issues. He expressed the Environmental Commission was very successful in the cleanup. 4. Announced that the next Imagination Kingdom meeting is scheduled for June 5th and it will involve the residents that have been meeting to decide how to proceed with redeveloping that park. There have been several meetings in the past and they are making headway and some direction from the residents as to what they would like to see there. The Mayor encouraged everyone to come out and contribute to that project, noting the next meeting will be held at the municipal building. 5. The Mayor informed they received a confirmation letter from the NJ Department of Corrections on a request made to utilize their inmates to do some clean ups in their towns. The area scheduled for that work will be in the west end park where there is a ditch area where the creek runs that they would like cleaned up. The Mayor advised that they normally do the work; however, it takes an extensive amount of time. The NJ Department of Corrections has conveyed that they will send 15 inmates and work that area for two days and hopefully knock a lot of that out for them and clean that up. He expressed that it does become a hazardous area and they do receive complaints from residents. He noted this is scheduled for June 27 and June 28. 6. Announced that the Memorial Day Parade is scheduled for Monday, May 26th. It will begin at 10:00 am at the Stackhouse School and proceed down Trenton Road to the Veterans Park. There will be a ceremony at the Veterans Park from several contributing organizations such as the VFW and the American Legion. A command speaker from Fort Dix will be attending and there will also be other events scheduled as well. Mayor Patriarca encouraged everyone to come out to that event and pay tribute to their fallen soldiers. 7. Reported that Administration is currently scheduling meetings with various security companies to go over security issues not only in the municipal building but throughout the town as well. He explained that that will probably involve security cameras throughout the property at the municipal building and areas in town. The Mayor conveyed another important subject that was brought up last night at the Master Plan meeting was improving the security of their downtown business district. They have spoken about it during their Budget hearings as well as other meetings that they've had. They believe it is important and are proceeding forward. A north Jersey Mayor did this in his town and cut crime drastically. He noted there were cameras on poles, intersections and buildings. Mr. Bayer informed that Burlington City is seriously considering this and it is in their capital budget. The Mayor noted one is on camera practically everywhere you go. One can go out anywhere in public and someone has them on camera somewhere and most of them don't realize it or don't care if they're not doing anything. He explained it's not for the people that are abiding by the laws but its there to protect them from those that don't abide by the law. Mr. Bayer conveyed that he attended a presentation on this and they are smart cameras that actually if for an example, if there is a gun shot, the camera turns and zooms to where the shot comes from. Mr. Bayer added that it is also a way to assist police and law enforcement. Mayor Patriarca noted that the

audio recordings can record shots fired and there is a gamut of security measures that can be implemented. Administration will be looking into this and come up with a proposal. He indicated this will play into the redevelopment of the Browns Mills downtown section to help promote that redevelopment by adding a level of security that does not exist there now. Mrs. Stinney commented that the pizza place and Chinese restaurants networked and put cameras up in that area. Mayor Patriarca acknowledged that some businesses have put cameras up; such as WaWa, 7-11 and an area of town where an owner put cameras up and one can go on the internet and watch the activity. This could be opened up where the residents can watch the town as the residents are the eyes and ears anywhere and give them another tool to keep an eye on the town. **8.** Reported that he had a meeting with members of the Pinelands Commissions regarding some issues in the Public Works area in the back. They believe that they have come up with a solution on how to get their application moving forward on their r fuel station that has been held up. The Mayor expressed he didn't understand why they had contamination issues and why they would hold their application up from them wanting to move forward and clean the contaminated site up. There are some other issues back there that they are holding them hostage on and they have come to an understanding as to how they are going to deal with both parts of that. He expressed hope that in the very near future they should be seeing their application approved and can get that facility started. That is a problem that they are having at the fuel facility and have to get it done before the DEP shuts it down.

BUSINESS ADMINISTRATOR'S REPORT:

Mr. Chris Vaz: **1.** Scheduled to accompany the four Fire Chiefs to Pennsylvania next Thursday for a preconstruction meeting on the fire trucks. He noted that today they received an email from the representative of the company informing them that they can actually get delivery of these trucks, because their production schedule has improved, by the end of December providing that their funding is in place. He advised they already have the appropriations and it's a matter of either doing bond anticipation notes or doing the regular bonds. They may even see these fire trucks by the end of the year. **2.** The engineer that is the project manager for ARH put the request for proposal out this week for the site remediation at Imagination Kingdom. It is under the bid threshold so it is being done as an RFP and not a formal bid. They expect that within the next two to three weeks that will be resolved. **3.** There is a meeting on June 5th as the Mayor mentioned and also June 16th. They moved away from the Tuesday meetings to allow other people an opportunity to come to the meetings so there is a Monday night and Thursday night meeting scheduled. **4.** The other part of ARH that would be involved in the application to Pinelands, is essentially ready to move and the problem is they need to know exactly what they are building and what the safety surface is going to be. The safety surface affects the impervious coverage and it affects the storm water management aspect of the Pinelands Commissions applications. Until they actually select a particular structure or type of structure and safety surface, they can't move forward on that part of the project. Mr. Prickett asked if they absolutely have to get Pinelands approval. Mr. Vaz explained that depending on the surface, if they change the ground and change the drainage. Mr. Vaz expressed that with the new storm water management regulations, they are tied with having to go through this process. The process that the town went through the first time around was based on a different set of standards in place. At the time it was required to be designed to a 50-year storm with a 24 hour constant rainfall and that is very different now. Mr. Prickett asked if this is the playground at Imagination Kingdom. Mr. Vaz replied there is actually a Pinelands Commission file for Imagination Kingdom I where the town had to get Pinelands approval to build it originally and they have to follow up and do a second application now. They are

trying to find out if they need to do this in other parts of the town because there is the equipment from United Communities that is being donated to the town and they have been looking at different parts of the town where they can use this equipment. There is also a concern as to whether or not they have to go through this process in other parts of town. He relayed that they are looking into that through the engineer's office at this point. 5. Responded to Councilman Inge's comments regarding information not being supplied. Mr. Vaz stated he personally went through the Budget meeting minutes, had his secretary go through the Budget meeting minutes and Mrs. Young provided a copy of the written request from Council. He advised that to the extent of the items that were requested specifically by Councilman Inge during the Budget meetings, he has received every single answer to every single question and in fact received virtually every piece of it in a written memorandum from him at some point in that process. He noted that a second piece of that puzzle was resolved yesterday when he sent to Council by email a memo involving a personnel matter and whether certain hirings were legal or illegal by a prior Administration. He explained that took a substantial amount of time for him to research, go through personnel files, discuss issues with Civil Service and discuss things with employees who had knowledge of those issues when they occurred in the prior Administration. Mr. Vaz expressed that in regard to Mr. Prickett's questions regarding the Recreation issue.....Mr. Prickett interjected that it was the entire Council and it was submitted on behalf of everyone who said they wanted to have a report on that. Mr. Vaz agreed and stated the first part of that was received by Council yesterday, the 2007 data and he had indicated to Mr. Prickett at the last meeting that Mrs. Redmond, the Recreation Director, had indicated that she would have that prior to tonight's meeting. Mr. Vaz reported that he circulated that yesterday that she would need approximately 30 more days to put together the 2006 data because it has to be compiled and it is not in one place where she can just print it out. He expressed hope that Mrs. Redmond will be able to do that with the new software and they are learning a little more about the Public Works software capabilities. So far from what he can tell from the reports that he has asked for, it gives them a lot of capabilities. Mr. Vaz stressed that Administration has responded to all of the questions and if there is anything that Council wants or doesn't feel they have the proper information to vote on the Budget through inadvertence or otherwise that they still want, Administration can still try to get Council that before the June 4th council meeting. Mr. Vaz conveyed there was a lot of time that went into researching the minutes of the meeting to make sure they didn't miss anything. Mr. Vaz noted his secretary read every word of every set of minutes and that he did as well and in going through that every single question was answered and in fact in a paper written memorandum. Mr. Prickett noted the Faulkner Act mentions writing a letter to Administration requesting information or reports and submission of those written requests helps to prevent something being missed. Mr. Vaz noted Administration doesn't require a written request every time Council asks for something. In fact the items that were requested specifically by Councilman Inge was not a part of the written request but Administration was responding to those questions irregardless if it was in writing or not. Mr. Vaz conveyed that he heard that comment made at several meetings and he asked the Mayor for permission tonight to respond to it directly, because he is beginning to feel uncomfortable sitting here without the ability to respond to baseless and fact less accusations. Mr. Inge expressed that if he just received information yesterday on something that he asked for over four weeks ago, noting that the Budget hearing was supposed to be tonight, that doesn't give him enough time to respond to his questions even if he felt that his information still didn't answer his question or if he had more questions to change his questions because he still feels that some of Mr. Vaz' answers are incorrect. Mr. Inge added that as far as receiving information, he still says what he said

before; he doesn't receive the information correctly and he said in the previous Budget hearing. When a Budget hearing is scheduled for extra meetings and we spoke of employees, the Civil Service, their pay was based on what the Civil Service requirements were and when he questioned that the answer was it was based on what Administration felt they should be paid. Mr. Inge stated that was not said in the first meeting. Mayor Patriarca stated that is inaccurate because salaries.....Mrs. Stinney interjected, however the Mayor continued expressing that Mr. Inge made a comment that he would like to respond to. The Mayor commented that nobody made this accusation....Mrs. Stinney interjected that she doesn't want a debate, noting that the dialogue is, that Mr. Vaz has made his comments and Council will have their turn during their comments. Mrs. Stinney stated to the Mayor that he had his comments and she would like for them to come together and for anything else that is not provided, give an opportunity to get those things and call her and she'll see that they get provided. Mayor Patriarca stated to Mrs. Stinney that she knows as well as he does that the door has always been offered to be open to anyone to come into his office and it's been offered and he will offer it again for Councilman Inge to come into his office which he has yet to do in a year and a half and he is not going to do it in the next year and a half. The Mayor continued that Mr. Inge will sit here and lobby for whatever he is lobbying for, make false accusations against Administration which he will not stand for because Mr. Inge is stating that Administration is setting the salaries for the employees; that Civil Service sets the salaries for employees and that is inaccurate, Civil Services does not set the salaries. The Mayor explained that Administration negotiates the salaries, Council votes on the salaries and decides what the salaries are for the employees. Mayor Patriarca stated for Mr. Inge to remember that when he votes on the contracts that are coming up; Council decides that not Administration; Administration negotiates it. Mrs. Stinney thanked the Mayor. Mr. Inge commented that it was also stated that it was the suggested price for Civil Service for those employees. Mayor Patriarca reiterated that Civil Service does not set salaries so Administration would not have said that. Mr. Inge suggested looking back at the minutes as he believes it does say that. Mrs. Stinney apologized to Mr. Vaz that his comments were interrupted. Mr. Inge commented that he is still speaking to Administration and comments are still open. Mrs. Stinney asked Mr. Vaz if he was done with his comments. Mr. Vaz replied yes. Mayor Patriarca informed Council that Administration has sent a letter to the Department of Education, Lucille Davy, in support of their students from Fort Dix to remain at our school and quite frankly they'll take the McGuire students too if they want to give those students to them. The Mayor noted Administration would also like Council to support that effort to the Department of Education with a letter. Mrs. Stinney advised Mr. Inge that he will have an opportunity to speak during Council comments.

COUNCIL MEMBER COMMENTS:

Ken Cartier: 1. Thanked Mr. Vaz for his time spent on the phone this week answering his questions. Mr. Cartier informed he has never had a problem receiving an answer or comment from Administration either by phone or in person. He noted that the email that everyone received regarding contract issues this week started with him. He explained that Mr. Vaz took it upon himself to forward it to everyone else. Mr. Cartier reiterated that he has never had a problem getting questions answered or comments out of Administration. He noted that he walks in the door, the door is open and he walks in and sits down with the Mayor and he and Mr. Vaz goes over issues. Mr. Cartier informed he is sure that door is open to anybody else. 2. Thanked everyone for coming out this evening and wished everyone a safe trip home.

Tom Inge: 1. Stated he is quite sure the information Mr. Cartier receives is a lot different than the information that he gets. Mr. Cartier interjected that that is wrong, because Mr. Inge gets the same information that he gets. Mr. Inge stated that he is not talking about.....Mr. Cartier interjected again and said the question he asked, Mr. Vaz answered in the email that everybody received and everybody else on Council received the other day. Mr. Inge stated how about.....Mr. Carter interjected that Mr. Inge is calling him a liar now. Mr. Inge questioned when he requested information about the Chiefs, why did Mr. Cartier receive the information before he did when he was the one that requested it and everybody got emails. Mr. Cartier stated he got the same information that Mr. Inge got at the same time he got it. Mr. Inge conveyed that he is saying that he doesn't get the same information that Mr. Cartier gets if he goes in Administration's office. Mrs. Scull asked Mr. Inge if he has been there. Mr. Inge replied that he emails and then asked Mrs. Scull if he is talking to her. Mrs. Stinney banged on the gavel and emphasized for everyone to please comment one at a time...Mr. Inge stated no, she [Mrs. Scull] is going to interrupt him and first of all he was not talking to Mrs. Scull and asked Mrs. Stinney the next time Mrs. Scull interrupts him, why doesn't Mrs. Stinney stop Mrs. Scull from running her mouth. Mrs. Stinney stated she is and continued to bang the gavel. Mr. Cartier stated Mr. Inge is talking to him and asked Mr. Inge if he has been to Administration's office. Mr. Inge replied yes he has. Mrs. Stinney called for a point of order. Mr. Inge responded that he has been there with Mrs. Stinney before and with Mr. Prickett before and he also emails and forwards emails to other Council members when he emails Administration. Mr. Inge stated it is his turn for public comment. Mrs. Stinney replied that she asked him to go ahead and speak. Mr. Inge commented that Mrs. Stinney did not stop Mr. Cartier from saying anything and didn't stop Mrs. Scull from saying anything. Mrs. Stinney responded that he did not hear what she said when she stated one at a time. Mrs. Stinney emphasized that it is not a matter of favoritism here; it is called respect; R – E – S – P – E – C – T. Mr. Inge expressed that this is not the first time it happened; it is not the first time he has been interrupted when he makes his closing statement. Mrs. Stinney replied to Mr. Inge that Councils do not argue they talk things out and asked Mr. Inge to continue with his comments. **2.** Thanked the residents for coming out tonight and added that hopefully the next time he has a statement to make during his closing statements, he will not be interrupted by other Council members.

Sherry Scull: 1. Thanked everyone for coming out this evening.

Richard Prickett: 1. Informed he has some agreement with Mr. Inge. He noted that in some cases, it has been very slow to get out with the Recreation report and there are some other things that have taken a long time to get to Council. On the other side of the coin, he thanked the Business Administrator regarding a resident that came up a number of weeks ago that spoke of the deficiency of having the hydrants flushed. Mr. Prickett informed he thought he sent an email asking for the report and maybe all of Council asked for it and doesn't want to give Administration full credit because he thinks the Water Department put this together, but Mr. Vaz provided Council with a hydrant flushing report on this year and as far back as 2006. He expressed that is very important, because all of the hydrants can't be flushed at one time and there needs to be a record. He reported that most of Council went to a JIF meeting informing that they have to prioritize their hazardous situations in the Township in order to not be liable. Mr. Prickett conveyed this report covers them as it shows that they were flushing these hydrants on a regular basis. Mr. Prickett again thanked Mr. Vaz for the hydrant flushing report and also for the Recreation report part 1. **2.** Recognized the Veterans

Advisory Committee as well as Mr. Tournquist for working so hard, noting that Administration was involved as well. He advised they are working so hard to have a very successful, event filled Memorial Day parade for Monday, May 26th at 10:00 am. **3.** The BMIA is meeting at 2:00 on Sunday for a special presentation called The Domestication of the Blueberry at Whitesbog. This is an introduction to the Blueberry Festival which is at the end of June. Mr. Prickett stated he would like to see everybody there and he will be presenting that presentation. He is very proud of that presentation and everyone might appreciate more of what happened in this town. **4.** Announced there is a Revitalization Meeting tomorrow in the Court Room at 7:00 pm. He expressed it is getting better and better every meeting. The Planners have done a lot of things with their down town as far as the Noteboom area, the Browns Mills Emergency Squad Building and Firehouse. He encouraged everyone to come out and understand what is going on and also put their two cents in on that. **5.** Informed there was a vision meeting at the Browns Mills Fire House. He expressed that unfortunately there were only 6 people from Browns Mills that came out, noting there is another chance for the folks to come out sometime in June, and advised the actual date is on the Township website. **6.** Expressed great respect for all of the firemen in all of the fire companies in Pemberton Township. **7.** Wished everyone a good night.

Diane Stinney: 1. Pointed out to Council that Resolution No. 107-1999, reflects Council by-laws. She advised that when she took this seat she was totally against disrespecting the public. She expressed that arguing is not the order of her day and she believes in communication which is why the Mayor, Business Administrator and Engineer sit down once a month and have a round table meeting. Mrs. Stinney noted she was disagreeing with the Mayor on Monday in his office and that's okay as they should be allowed to do that but as adults they should be able to respect each other. Mrs. Stinney read a portion of Resolution No. 107-1999 and asked Mrs. Young to provide a copy to Council. Mrs. Stinney read a portion of the resolution, C, on page 6 regarding interruptions. "A member, once recognized, shall not be interrupted when speaking unless it be to call him or her to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order to be determined and, in order; he shall be permitted to proceed". Mrs. Stinney expressed that she sees why they have this matter in this resolution and she would call that "member respect". **2.** Mrs. Stinney advised that on April 10th, the sub-committee, the Mayor, Mr. Inge and herself met with the Superintendent, Dr. Gorman, for a monthly meeting for communication. Mrs. Stinney informed one of the discussions was regarding the Mega Base and how they wanted to redefine the boundaries of their children going to other schools. Mrs. Stinney thanked Mrs. Young for preparing a letter in support of their children staying on Fort Dix. Mrs. Stinney read a portion of the letter, "Fort Dix and McGuire Commanders have asked the State Department of education to amend its sending agreements to mandate that all children residing on two bases attend North Hanover and Northern Burlington County Regional schools which Council strongly opposes. The removal of those children from our school systems would result in an exorbitant loss of impact aid which will be detrimental not only to the residents of Pemberton Township that will be faced with an outrageous property tax dilemma but also will affect the military families that live off base within our Township. The reason cited by the military commanders regarding boundary lines being problematic pale in comparison to the devastation that this Township would face should this come to fruition. The suffering of our economy could cause a ripple effect resulting in the loss of jobs, homes and tax base". Mrs. Stinney expressed that it is a good thing to communicate and stress your concerns. Mrs. Stinney suggested attending the Board meetings and express their concerns that they do not support this boundary amendment. She informed

that this letter is going out to Commissioner of Education, Lucille Davy, Dr. Michael Gorman, and County Superintendent of School, Lester Richen, Senator Phil Haines, Assemblywoman Dawn Addiego and Assemblyman Scott Rudder. Mrs. Stinney noted the Board of Education did meet with these people and she doesn't know if it fell on deaf ears, but they do represent Pemberton Township. She expressed that if this should happen in Pemberton Township, as stated in the letter, it would be devastating to Pemberton Township. She suggested that if they could go on line, and email these legislatures and share their concerns of Pemberton Township, it would be greatly appreciated. Mrs. Stinney asked Mrs. Scull for her comments on the letter she would like to send out. Mrs. Scull commented the letter is good and she would really like to see it copied to the Governor as well. Mr. Prickett suggested that while they are doing that they might as well copy it to Rob Andrews, John Adler and Jim Saxton as well as following it up with a resolution. Mr. Inge stated he thinks it is a great idea. Mr. Cartier had no comments. Mr. Prickett commented to also send it to the Commander's offices.

Mayor Patriarca then apologized to Mrs. Stinney for any actions that may have disrupted her meeting. He stated that he knows Mrs. Stinney does her best to control her meetings and run an efficient ship and she is correct in citing the by-laws and in no way does Administration want to be barred from any future meetings that she may hold. The Mayor expressed appreciation for Mrs. Stinney allowing Administration to be present and again apologized if he in any way disrupted her meeting.

Mrs. Stinney convened the meeting at 10:12 pm to return to Closed Session. Council returned from Closed Session at 11:09 pm and then proceeded with formal action.

Motion by Cartier and Scull to add Ordinance No. 12-2008, to the agenda.

ORDINANCE NO. 12-2008 (Title read by Mrs. Stinney)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON TO AMEND RELATIVE SECTIONS OF SECTION 145, THE CODE OF THE TOWNSHIP OF PEMBERTON CONCERNING COMPLIANCE WITH THE PROPERTY MAINTENANCE CODE

Mr. Prickett asked what the changes are. Mr. Bayer advised they are in bold on the second and third pages. Mr. Cartier added it's from G on. Mr. Bayer informed it basically provides the Township with the right after giving notice and requiring the property owner to make corrections which are in violation of the property maintenance code if that owner does not comply, this ordinance would provide the Township with the right to make the correction and then place a lien on the owner's property to recover the funds that were expended to remediate the property. Mayor Patriarca asked if this would apply to residential and commercial and all properties within the Township. Mr. Bayer advised the Property Maintenance Code is for all properties. Mr. Prickett jokingly asked if this means if there is any kind of house painting, they're going to send out painters to his house. Mr. Cartier jokingly agreed, and noted that Mr. Prickett is going to pay for it. Mr. Bayer expressed for them to ultimately keep in mind that the Council would have to ultimately authorize it... Mr. Prickett interjected that there are houses that need to be boarded up and this may give them a little more cover within the ordinance to address these matters.

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

Motion by Cartier and Scull to introduce Ordinance No. 12-2008 with a public hearing to be held on June 4th. Cartier, yes; Scull, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

Motion by Cartier and Scull to ratify the MOA as amended (the resolution authorizing the Mayor to sign the contract will be done at the next meeting). Cartier, yes; Scull, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

The meeting was adjourned at 11:16 pm.

Respectfully submitted by:

Mary Ann Young, CMC
Township Clerk