

TOWNSHIP OF PEMBERTON
SPECIAL MEETING

SEPTEMBER 29, 2008

5:00 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

Tom Inge
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

Ken Cartier

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Solicitor Representative Jake Archer, ARH Representative Kelly Willis, Township Clerk Mary Ann Young

2. Chairwoman Stinney called the meeting to order at 5:00 P.M.

BUSINESS FOR DISCUSSION AND/OR FORMAL ACTION, AS ADVERTISED: For the purpose of holding a public hearing on a Green Acres Program application for funding from the New Jersey Department of Environmental Protection for the recreational improvements associated with Block 845, Portion of Lot 20.02 for the construction and replacement of the Imagination Kingdom Playground and associated landscaping. Formal action may be taken.

Chairwoman Stinney asked Ms. Willis if she would like to speak prior to opening the meeting up to the public. Ms. Willis thanked Council for having ARH here tonight. Ms. Willis noted ARH wanted to bring this project in front of Council for their approval to send in to Green Acres for funding in order to help move this project along so the Township can have their Imagination Kingdom back in function. Mrs. Stinney thanked Ms. Willis.

3. **PUBLIC HEARING**

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

3. **RESOLUTION NO. 216-2008** Authorizes submission of Green Acres grant application and execution of grant agreement.

RESOLUTION NO. 216-2008

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION
WHEREAS, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES PROGRAM ("STATE"), PROVIDES LOANS AND/OR GRANTS TO MUNICIPAL AND COUNTY GOVERNMENTS AND GRANTS TO NONPROFIT ORGANIZATIONS FOR ASSISTANCE IN THE ACQUISITION AND DEVELOPMENT OF LANDS FOR OUTDOOR RECREATION AND CONSERVATION PURPOSES; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON DESIRES TO FURTHER THE PUBLIC INTEREST BY OBTAINING FUNDING IN THE AMOUNT OF \$889,875.00 FROM THE STATE TO FUND THE FOLLOWING PROJECT(S): FOR THE CONSTRUCTION OF THE IMAGINATION KINGDOM PLAYGROUND, AND ASSOCIATED LANDSCAPING, AT A COST OF \$889,875.00;

NOW, THEREFORE, THE GOVERNING BODY/BOARD RESOLVES THAT DAVID A. PATRIARCA OR THE SUCCESSOR TO THE OFFICE OF THE MAYOR AND TOWNSHIP CLERK IS HEREBY AUTHORIZED TO:

- (A) MAKE APPLICATION FOR SUCH A LOAN AND/OR SUCH A GRANT,

(B) PROVIDE ADDITIONAL APPLICATION INFORMATION AND FURNISH SUCH DOCUMENTS AS MAY BE REQUIRED, AND

(C) ACT AS THE AUTHORIZED CORRESPONDENT OF THE ABOVE NAMED APPLICANT; AND

WHEREAS, THE STATE SHALL DETERMINE IF THE APPLICATION IS COMPLETE AND IN CONFORMANCE WITH THE SCOPE AND INTENT OF THE GREEN ACRES PROGRAM, AND NOTIFY THE APPLICANT OF THE AMOUNT OF THE FUNDING AWARD; AND

WHEREAS, THE APPLICANT IS WILLING TO USE THE STATE'S FUNDS IN ACCORDANCE WITH SUCH RULES, REGULATIONS AND APPLICABLE STATUTES, AND IS WILLING TO ENTER INTO AN AGREEMENT WITH THE STATE FOR THE ABOVE NAMED PROJECT;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF PEMBERTON TOWNSHIP

1. THAT THE MAYOR AND TOWNSHIP CLERK OF THE ABOVE NAMED BODY OR BOARD IS HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT AND ANY AMENDMENT THERETO WITH THE STATE KNOWN AS IMAGINATION KINGDOM PLAYGROUND AND ASSOCIATED LANDSCAPING;
2. THAT THE APPLICANT HAS ITS MATCHING SHARE OF THE PROJECT, IF A MATCH IS REQUIRED, IN THE AMOUNT OF \$ N/A ;
3. THAT, IN THE EVENT THE STATE'S FUNDS ARE LESS THAN THE TOTAL PROJECT COST SPECIFIED ABOVE, THE APPLICANT HAS THE BALANCE OF FUNDING NECESSARY TO COMPLETE THE PROJECT;
4. THAT THE APPLICANT AGREES TO COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, AND REGULATIONS IN ITS PERFORMANCE OF THE PROJECT; AND
5. THAT THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Mrs. Stinney asked Council for their comments. Mr. Prickett asked what the time line is as they have budgeted and gone out to bond a few meetings ago for \$275,000 and asked Mr. Vaz if he is correct. Mr. Vaz replied \$250,000. Mr. Prickett commented having a Green Acres grant since it is a matching grant is a good idea; especially if they are looking for a \$500,000 grant and they have already budgeted \$250,000, they would get twice the buck for their dollar. Mr. Prickett expressed concern with the total amount of \$889,000 and was curious where they were going to get this and he is aware the other half is a low interest loan from Green Acres. That is available but he is not sure if that is what Administration is looking at and he is also interested in the time line when Imagination Kingdom was going to be built. Mr. Prickett asked if it would occur in the spring as he thinks that is when the grants are announced. Mr. Prickett then asked if there are two times a year that the grant can be applied for. In the past when he has been involved in the Green Acres matching grants it was in the spring when they found out. Mr. Prickett reiterated he would like to know about the time line and the financing. For \$889,000, he is curious if there is enough room over there for the project that Administration has in mind. When he went to see some of the playgrounds, he thought the figures were around \$450,000 to put a nice set together similar to what is in the handout provided to Council. Mr. Prickett inquired if Administration has quotes on any of the playgrounds. Mr. Prickett noted the DOW dropped 777 points at the close today and he is concerned about the economics at this point. Mr. Vaz answered that one thing that may be a little different from Council's package is that the package he read indicated that they are applying under a standard application. He advised that Pemberton Township is in the urban aid program so the final draft that ARH prepared indicates that they are applying through the urban aid status which means that they will be eligible for a 50% matching grant and a 50%, 0% loan as opposed to the 25 and 25. Moving to the next question, in terms of the timing, right now the project timing is contingent on having all of the money in place to do this. He noted that one thing that they are potentially considering is buying some if not most of the equipment because there is an issue going on in the State with the state contract for recreation equipment. Consideration is being given by the state division of purchase to not renew that contract after December 31st and move to some sort of national contracting system similar to what they did for the auto parts; which has turned out to not be working so well for local government. Mr. Vaz continued that what they see in the plan design is a "perfect world" scenario; if they had all the money for what they wanted to be able to build. The parents and residents that have shown up at the Steering Committee meetings have essentially said that this is what they would like to see their children and grandchildren have. It comes with a price tag. The \$250,000 that was put in the capital budget this year will not buy something like this. They know and have known since Imagination Kingdom I came down,

that they can go to one of the different vendors and purchase playground equipment similar to the style that the schools build. They could have had something up overnight and it would have been inexpensive in the bigger scheme of things to do but there has been an understanding amongst the parents in house and amongst Council members too that they wanted to see something at least equivalent to what Imagination Kingdom I was for Pemberton Township and for the kids; something “WOW” and this is that. This is the plan that was ordained by the parents that have been showing up for the Steering Committee meetings. Mr. Prickett stated he has seen something similar to this in Toms River. Mr. Vaz agreed and informed it is the same company. Mr. Prickett asked if there is sufficient space to put this in. Mr. Vaz explained this was designed by Landscape Structure using a CAD file from ARH’s surveying department. It has actually been plotted using the actual survey of the property. Mr. Prickett advised Council does not have any information on it only a picture and they have no idea of how it fits on the site. Mr. Vaz informed Administration does have other drawings. Mr. Prickett then asked if it shows where some of the landscaping would go. Ms. Willis displayed a plan of how the playground would lay out with the existing site. Mr. Prickett asked where the concession stand is located. Ms. Willis located the concession stand for Mr. Prickett. Mr. Prickett then inquired if they have the approval from Pinelands to do this. Ms. Willis noted they have not reached that point yet. Mr. Prickett stated they still have to do that. Mr. Archer provided something to Mr. Prickett. Mr. Vaz conveyed the actual dollar amount for the actual equipment and the site work in taking out the administrative costs is approximately \$787,000. The largest chunk is for the actual recreation equipment which is approximately between \$310,000 up to about \$450,000. The surfacing that is on the color plan provided to Council, is a very costly type of surface is called poured in place resilient surfacing and is a foamy type and is very good in terms of playground safety but it is expensive. Mr. Vaz informed it is approximately \$260,000 if they were going to do the entire facility with it. One thing that has been discussed at the Steering Committee meetings is maybe to not use the poured in place under the entire structure but to use it in some key spots and it will also add a little aesthetics to it. Mr. Prickett advised he understands it is permeable so water can move through it and is great for kids falling down as it protects them from injuries but asked about the fire hazard part of it and is it fireproof. Mr. Prickett continued that he thinks it is made from tires and he knows tires burn and asked if there a material in there that prevents it from burning. Mr. Vaz replied he does not know but added that there have been discussions regarding the surface but fire issues have never come up. He reflected upon chewing gum, kids coming off the fields with their cleats and potential cleat damage has been discussed but fire hazards have never come up. Mr. Prickett responded that he would imagine that it is fire proof but Council needs to know for sure because if there is a fire started in one area, it would just go through the entire playground and he doesn’t know that it would move quickly but it could potentially be a mess but he does think they have thought about that but wants to be sure. Mr. Prickett then commented that most of the money would go to purchase the equipment. Mr. Vaz affirmed \$450,000 is what they would be asking in the grant application for the equipment but it’s not to say it will cost \$450,000. Administration has received a quote for most of what is on the paperwork under state contract and it is just over \$310,000. Mr. Vaz asked Ms. Willis what the contingency is if the quote is about \$310,000 and they are looking for \$450,000 and asked if that included installation. Mr. Vaz conveyed the \$450,000 includes installation and that is almost 140 of this amount and something that ARH was not aware of is that this is intended to be a community build project just like Imagination Kingdom I. This means the extra

cost that is built in to the \$450,000 is not something we anticipate needing. The people at the Steering Committee are pretty certain that they will be able to generate enough community support like the first time around to have the public come out and actually build this where we can save \$140,000. Mr. Prickett reported that he spoke with the engineer prior to tonight's meeting and she mentioned a maintenance cost and asked what that cost is that will go in the grant to cover the yearly maintenance. Mr. Vaz advised Ms. Willis has emailed him 3 times and he has communicated the request to Public Works the same number of times and has not received that information as of yet but it is needed by tomorrow morning. Mr. Prickett remarked that he would think it would be the playground company that would provide him with that information because we haven't dealt with this type of playground equipment before. Mr. Vaz explained the first part of maintenance will be under warranty and it will start out with our maintenance costs being very low and then our maintenance cost will increase as the age of the equipment increases and the warranty expires but as far as specific numbers he does not have them yet. Mr. Vaz noted it is a good point and commented that he will email Mike Riley after the meeting. Mr. Prickett commented if he is the representative he might be the best person to go to and it would be a starting point. Mr. Prickett asked how much of the \$889,000 would go towards landscaping. Mr. Vaz replied there is a contingency of approximately \$37,000. Mr. Prickett commented it is a great deal if we only have to contribute 25%. Mr. Prickett informed he would like to know how many grants this size has been awarded by the state as opposed to something smaller. Mr. Prickett continued that he is sure if the State feels this is a good project and is a priority on the list, they might hopefully give the full amount but would still give them a lesser amount if they think it is a good project and he believes they will. Mrs. Scull asked of the percent that they are required, does in kind service count. Mr. Vaz explained that as he understands it the urban aid application will give us 50% towards the cost and they offer 50% loan for the balance at the 0% interest but they don't have to borrow that. If they had it through their capital program or otherwise if they had it in cash in capital surplus and they were going to pay cash; they are on the hook for 50% and where they come up with it is their business but they do have the opportunity to get the 0% interest through the program. Mr. Prickett remarked he thought Mr. Vaz stated 25%. Mr. Vaz informed for a standard acquisition it is a 25% state grant and then they give loans at 2% interest and here it is 50/50. Mrs. Scull noted it states N/A on page 14. Mr. Vaz commented that Marion from ARH who is not present today advised Ms. Willis that it will be left as not applicable for right now and they know it is 50% that we have to come up with and Marion is not present to answer that. Mrs. Scull expressed that was her hope if in kind services can be counted because they will have carpenters and everyone else in the community working on this project and it may end up being less of a cost to the community anyhow and asked if she were correct in that. Mr. Vaz agreed and expressed if we will not have to pay \$140,000 for installation and that will be done through a community build that is less for our 50% part. Mrs. Scull stated that could be part of our 50% contribution along with whatever they have already budgeted. Mrs. Stinney thanked Mrs. Scull. Mr. Inge noted that during the budgets it was agreed to put aside \$250,000. Mr. Vaz concurred and added it was in the capital program. Mr. Inge asked what the fees are to send this to Green Acres. Mr. Vaz asked Mr. Inge if he were asking about the engineering fees to prepare the application. Mr. Inge replied yes. Mr. Vaz answered there is no application fee to Green Acres. Mr. Inge stated to prepare the application. Mr. Vaz replied he doesn't remember and added that it was brought up at a Council meeting to approve the proposal and off the top of his head, he thinks it was approximately \$5,000 but would have to

double check with Mrs. Young's office. Mr. Inge asked how many years the Township has to pay back the 0% loan. Mr. Vaz replied up to twenty years. Mr. Inge then asked if the Township had to come up with the additional \$200,000. Mr. Vaz responded in that ball park. Mr. Vaz added this is not the only application where they are seeking funds and have also been in the process of seeking some corporate funding. Mr. Vaz advised he is not in a position to say at this point who might be making a large contribution, but Administration has been in discussion with a local business who is very pumped up about it and they have indicated that they will be making a very substantial contribution and we are also going to be applying for an ADA related grant because this facility is being built with the idea that it is handicap accessible. Mr. Vaz informed the handicap ramp can be seen in the design and he believes it does make us eligible for that type of grant. Mr. Vaz remarked we are trying to minimize our 50% of that. Mr. Inge asked if they do not receive all of the funding that they are trying to get from the various grants, how long would it take to scale this project down so they can get something. Mr. Vaz replied it can be done in a couple of meetings with the company that has been working with us at gratis and with the Steering Committee. Mr. Vaz noted there have already been discussions regarding this like the poured in place. To do the entire facility with poured in place is about \$260,000 and if we have to scale that down or consider doing away with it in its entirety, they know where they would have to look to start cutting. Mr. Vaz reminded this is a "perfect world" scenario where they would be giving the children of Pemberton Township 110%. Mr. Vaz commented he believes this will be the most awesome park in Burlington County. Mr. Vaz reiterated there is something very similar in Toms River and he drives by there every weekend and it is packed. Mr. Inge noted that it was mentioned prior that Lowes and Home Depot set up these types and he is not sure if it is the same quality but they do it at cost. Mr. Vaz advised he is familiar with the Home Depot program where their employees come out and participate in a community build and they get involved in the project and help coordinate it. Mr. Inge asked about the materials. Mr. Vaz answered he is not aware that they make substantial contributions in the material end of things. What he has read is that they make substantial contributions of manpower and things. Mr. Inge remarked there was a special meeting to move this forward because there is a deadline. Mr. Vaz informed the deadline is on the application part for the Green Acres grant. Mr. Inge asked how long that usually takes once applied for. Mr. Vaz answered that Mr. Prickett is correct in that they announce for this round of funding in the spring. Mr. Inge asked if Council can find out what grants were given out to other towns in Burlington County in 2007 so they can have an idea if there is a really chance in getting the full amount. That way if it does look like that they can really get a good chance and not worry as much about a back up plan if it is kind of iffy. If it is kind of iffy, they might have a back up plan in place already. That way they don't lose any time. Mr. Vaz replied absolutely and ARH can probably do that with a phone call. Mr. Vaz explained he has personally knowledge about the parks in North Jersey that were funded through Green Acres money and some of them are regular parks like this and he has also seen the water parks which are becoming popular in the cities that have also been funded with Green Acres money in some of the other urban aid towns in New Jersey. Mr. Prickett suggested this could probably be googled because every year when they make their awards, it is in the newspaper. Mr. Inge confirmed the \$37,000 for shrubbery and asked if that included the installation. Mr. Vaz replied there is not actually a line item in the grant application for shrubbery but there is a miscellaneous and contingent for \$37,500 and that is where they would look for the money to do some shrubbery and landscaping. Mr. Inge asked if the shrubbery has to be approved by Pinelands

or since there is basically no shrubbery now, he doesn't know why they would have to have the approval now. Ms. Willis informed ARH had a meeting with the Pinelands to let them know what was going on with the project as it was a requirement with the Green Acres application to have a pre-submission meeting with them and they gave some of their thoughts on how they would go about with this new material because they have not seen this pour in place material before. Ms. Willis advised ARH wanted to bring to the Pinelands attention that this is something they might be using and they would still be going to Pinelands with a full submission and the entire plan when we are asked to go forward to put the plan together. Mr. Inge noted there are some nurseries in town that are under Green Acres such as McGlocken farm and if they go to them and see if they have certain plants, they might be willing to donate to the Township or provide it at cost. Mr. Inge suggested checking with them and find out what they have or other places in town that have shrubbery and present that to the Pinelands so that what they have available would be a low cost to the Township. Mrs. Stinney thanked Mr. Inge and Council for their input and added that a lot of those questions were very good questions. Mrs. Stinney asked what if any concerns have the committee had during the meeting discussing the playground equipment and those sorts of things. Mr. Vaz replied cost has been a big focus and they have been concentrating on getting something grand. There is no kidding around about it and as Mr. Jenkins has stated repeatedly and it is a good point that he keeps making is that the children of Pemberton Township deserve nothing less but the best. Mrs. Stinney commented that is a nice quote. Mr. Vaz continued that the best cost money and they are working on it through applications like this. Mrs. Jenkins had worked very hard through the Lions Club for a grant on line and we received an enormous amount of community support if you remember going to the website yourself and unfortunately we didn't get the grant which as of today he is still mystified by because he had seen some of the other grants given out in prior years and they didn't even come close with the number of people that had signed up at the website and showed support. There were probably 5 to 6 dozen people that had signed up and showed support. Mr. Vaz relayed that cost is certainly one factor and the Steering Committee has shown an interest in trying to keep costs down and knowing where we need to look when it comes to that point of where we might need to cut here and there. Another area has been things like maintenance as mentioned earlier the chewing gum and cleats. The Committee spent time dealing with those issues and in particular the poured in place surface and how to address the cleat issue. It was talked about having a big fiberglass or wooden box for the kids to put their cleats in before walking on to the premises. Pinelands also came in to pay during the meetings as to what requirements we might have. The first Imagination Kingdom did go through a Pinelands application process. He has talked to the staff at the Pinelands and they have promised us a fairly quick and painless application process because they are a governmental entity and they do like to help towns especially when it is a project like a park for the children. Mr. Vaz added they have also talked about how the poured in place affects the drainage and things like that. Right now from the perspective of the Steering Committee as they have kind of reached that point where the focus has to be on the money part now. They have the plan and what they would like to see and now it is a matter of coming up with the funding. The grant application process has started and at some point we are also going to start with the other type of fund raising that happened the first time around with the community being involved and he is expecting soon to be able to make an announcement as to what business in town is going to be making a substantial contribution to the project. Mrs. Stinney expressed that she understands these are very competitive grants with Green Acres and Mr. Vaz

mentioned something very important that peaked her concern under the 504 disabilities act and asked if they have looked in to any type of funding that they can come out and provide assistance due to that 504 disabilities act. Mr. Vaz explained there are numerous opportunities for grant money because of the handicap accessibility park and they are actively looking at that. Some do not have the deadline that the Green Acres program has so this will probably be on a regular meeting agenda for a resolution. Mrs. Stinney commented the Steering Committee has been working diligently at their meetings that she was able to attend and asking questions and reaching out in to the community for everyone to be a part of this project. Mrs. Stinney thanked the Steering Committee for their hard work and noted there are two members of the committee present tonight. Mrs. Stinney thanked Council for their questions. Mr. Inge stated that since they are going through Green Acres for the grant if they want to add or remove several years down the road, are we allowed to do that or is basically what we put in what we have and we can't change it. Mr. Vaz answered they can add to the facility providing they have space and it is consistent with Pinelands requirements and he doesn't believe we could just wipe out the playground and not use it for recreation but not just because of Pinelands but also because of a reverter clause in the deed that the property across the street belongs to Pemberton Township as long as it is used for recreational purposes. That is how the County deeded it over to the Township. Mr. Inge commented he wasn't looking for that and stated for the gazebo part of it, there are a lot of seniors in the town and he is not sure how much space it holds but if down the road we find that it is used by a lot of our seniors and parents, there might be separate gazebos for a party and could be scheduled with the Township. Mr. Inge reiterated if down the road if there are a lot of requests like that if it can be added. Ms. Willis replied that if the area exists on the lot and have the space, she can't see any grant being a reason to stop something like that. Mr. Inge commented Presidential Lakes that basically have nothing for their children and it is quite a distance from there to here and asked if the grant is going to put the Township in a position where the next year or two we won't be able to look at anything in that area. Mr. Inge added they have received playground equipment from Fort Dix and hasn't heard where that is going and asked if there was any thought to moving that equipment to Presidential Lakes. Mr. Vaz replied they started that a few weeks and there was and continues to be some difficulty with that. They had all the playground equipment moved here to the Public Works yard and they started to assemble it out back to organize it so they could visualize it and see what pieces were missing and they did have to order pieces from the company. Part of the problem was a lot of it once it was taken apart and disassembled, some of it just broke as it was old equipment and was probably much better to just leave it in tact. Public Works have taken the best pieces that they can reassemble and have started using that equipment and is already up at Presidential Lakes. The entire set will be put up in the same form it was removed. Components might also be added in other parts of the town. Mrs. Scull asked if additional monies needed to be put in to a grant to help us get some of the equipment out in Country Lakes and Presidential Lakes and around the lake wherever they have Township parks without equipment. Mrs. Scull advised she is glad to hear that something is going on about that. Mr. Prickett expressed what is nice about the location is that it is pretty much the center of the Township so everyone has equal access to Imagination Kingdom and he is curious whether they will have 24/7 access or if there will be a fence around it to have it opened only during certain periods of time and he has seen nothing on the drawing. Mr. Vaz advised there have been very preliminary discussions regarding security. One thing talked about in house and maybe not in detail with the Steering Committee,

but they have talked about security cameras and there hasn't been a lot of discussion about a fence. Mr. Prickett noted the Toms River facility has a fence around the park. Mr. Vaz added that it is pretty accessible though most hours. Mr. Prickett commented that they can jump over the fence. Mr. Vaz added they can probably drive in there most hours of the day and night and the difference is it is very close to the Dover Township Police Department and there are always police vehicles driving in that area. Mr. Prickett remarked that is a concern as it is dark over there and asked if there were any thoughts regarding lighting or protection at night. Mr. Vaz noted lighting has been talked about in the context of security but not so much in the context of keeping the facility open all hours of the night. Mr. Prickett stated some of these structures are rather high and have flags with what appears to be lightning rods at the top and asked if there is any protection and are they grounded as far as lightning. Mr. Prickett added that if Mr. Vaz does not know that, he wanted to bring it up as now is the time to do that because it is something to be considered especially with the structures that are high up with the flags on top. Mr. Vaz answered he will have to check specifically but added that generally the equipment is built within the new standards of playground safety and that should include potential lightning strikes and he will double check it. Mr. Inge noted a lot of the parks do post signs and behind Tractor Supply on Route 38 in Smithville, they have signs posted for 8:00 is the deadline to leave the area and it is not lit after that and it would be pretty costly. Mr. Inge commented that traveling by here at night, there really are never any cars parked out there when it is dusk. Mrs. Scull added unless it's baseball season. Mr. Archer noted the ordinance could be amended so it gives some teeth to the police for enforcement in after hours in case there are juveniles or people trying to use it and from a legal standpoint it would not be too difficult to assist the police in the enforcement provision of it. Mrs. Stinney stated that was a good question and thanked Council for their input. Mr. Inge added the residents that put this together really put a lot of thought in to it and it looks nice. At different economical times, they would not have a hard time swallowing this but right now with the economy the way it is especially after today, nobody has a crystal ball so we don't even know what will happen the next week or the week after. Mr. Inge continued that if they do move forward on it, \$5,000 for the engineer to prepare this is worth spending to pursue this. Mrs. Stinney thanked Mr. Inge for his comments.

Motion by Prickett and Scull to approve Resolution No. 216-2008. Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

5. GENERAL PUBLIC COMMENTS

Mrs. Stinney opened the meeting to public comments. Those wishing to comment were:

Donna Jenkins: 1. Her son, Brian, was instrumental in the design. Brian was to speak to Mr. Vaz. Costs will be going up after the first of the year. Mr. Inge asked Mrs. Jenkins if she is stating the cost will go up 15%. Mr. Vaz explained that if they enter in to a contract with this particular company and they have a state contract, they have a price list that they can shop off of for this equipment which is something they are considering doing which is at least buy the equipment part because he is also concerned not just about the 10-15% price increase but also concerned about there not being a state contract for recreation equipment at all after December 31st. Mr. Vaz continued right now they only have the \$250,000

and may have a small balance left over from the \$108,000 that was appropriated in 2006 that they have been using for the remediation across the street and will probably be very close to getting almost all of the equipment with the money that is available now and then the other issues will be poured in place, the contingencies, the administrative costs, landscaping and things of that nature. Mrs. Stinney asked if they will have that locked contract. Mr. Vaz explained that they are considering it. The problem would be and there is \$250,000 that was appropriated with the budget and we know that we can go out now and take the \$250,000 and spend it but they want to make sure that what they are spending and buying is going to be compatible with what they may buy after January 1st. They don't want to go out and buy pieces of it to find that the only pieces available after January 1st aren't compatible with what we purchased. There are a lot of little issues that come in to play. They might be very close to having \$300,000 - \$310,000. Mr. Vaz noted they are protected because that would be their agreement to buy at those prices and then all they have to do at that point is deliver and they would have to store it until they are in a position to build it. Mr. Inge asked Mr. Vaz if that changes the warranty of the company. Mr. Vaz replied that is a good question and stated does the warranty run from when they buy it and it's sitting in a storage facility or does it run from when it is installed. Mr. Vaz continued that is a good question to get an answer to. Mr. Vaz informed that Mr. Jenkins thinks that one of the meetings that was discussed and were advised by this company that it wouldn't run until the day of installation but he will double check that. Mrs. Stinney asked Mr. Jenkins if he wanted to come forward because Mrs. Young indicated that he is not audible from his location. Mr. Inge asked Mr. Vaz if the state contract is going to change to federal. Mr. Vaz explained the state is looking to push the contract to a federal type of contracting where they could still buy off of contract but it wouldn't be the contract that we normally buy from. Mr. Inge asked how many years this company has been in business. Mr. Vaz answered quite a while but does not remember the specifics and added they have been around and has a lot of experience. They don't just sell equipment, they design equipment and one of the key pieces that Brian Jenkins had researched and is all the way over the left on the plan, it's the last piece of red equipment near the red and white bulls eye was actually designed by this company. Their owner is in the business of designing equipment. Mr. Vaz informed he has been involved in government one way or another for quite a while now and he knows the name, General Recreations, has been around for a long time. Mr. Inge confirmed the back bone of that company is not just because they get state contracts but because they also design other equipment for other companies that don't have that. Mr. Vaz confirmed and added they are at the forefront of recreation equipment and not just as sales people but in the design also. It has been an interesting process with the two gentlemen they have met occasionally from landscape structures. They are recreation architects and recreation planners just like their municipal planner as they have that level of expertise in the design, safety issues, surfacing, and site development. He is not pushing this particular company as there are quite a few companies that do this particular type of thing but he can say these gentlemen are at the peak of their careers and knowledge of this. Mr. Inge stated if they have a four year service contract where it breaks down less and less every year through them, they can be pretty confident they will still be in business four years from now. Mr. Vaz answered yes and added that none of us can predict in today's market and Mr. Inge mentioned earlier the headlines today. If all things are equal, this company should be around for along time. Mrs. Stinney wanted to publicly thank Mr. Vaz for his input and dedication to the project. Not only has she heard Mrs. Jenkins as she stated about Mr. Vaz' involvement with the Steering Committee

and projects and input, but she understands that he has arranged for visitations to make sure everyone is on one page and visiting with the parks and working with shared services with the schools so that we can all work together. Mrs. Stinney thanked Mr. Vaz for his dedication to the project for the community.

The meeting was adjourned at approximately 5:52 P.M.

Respectfully submitted:

Mary Ann Young, MMC