

# TOWNSHIP OF PEMBERTON

## REGULAR MEETING

OCTOBER 1, 2008

6:30 P.M.

1. Council President Stinney announced that notice of this meeting was given in accordance with the Open Public Meetings Act and led the assembly in the Pledge of Allegiance, followed by roll call.

### PRESENT

Ken Cartier  
Tom Inge  
Richard Prickett  
Sherry Scull  
Diane Stinney

### ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Representative Jake Archer, Township Solicitor Andy Bayer, Township Engineer Chris Rehmann, Township Clerk Mary Ann Young

2. Chairwoman Stinney called the meeting to order at 6:30 P.M.
3. Closed Session Res. No. 211-2008

### RESOLUTION NO. 211-2008

**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  
-LITIGATION: MORRISON VS. PEMBERTON TOWNSHIP
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Cartier to approve Closed Session Resolution No. 211-2008. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes.  
Motion carried.

### 4. CLOSED SESSION

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

5. Formal action as necessary pursuant to closed session.

Mrs. Stinney advised there will be no formal action.

6. Public comments on consent agenda items only.

Mrs. Stinney opened the meeting to public comments on Consent Agenda items only. Mr. Vaz advised that the Mayor pointed out that when Mrs. Stinney started the meeting, she mentioned not voting on anything in Closed Session and that is not entirely true. He noted that on the Consent Agenda there is the AFSCME Contract Resolution that was very briefly discussed. Mrs. Stinney apologized and

thanked the Mayor. Mrs. Stinney then advised Council will be taking action pursuant to closed session. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

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

Mrs. Stinney informed that item# 12a originally had an asterisk but it has been removed. Mr. Prickett recognized the Fire Police Officers, Kevin Miller, Thomas Maahs and Ann MacRae for Presidential Lakes Fire Company and John Hinshaw and Thomas Wilms for Country Lakes Fire Company. Mr. Prickett thanked them for their service and their commitment to our town. Mr. Prickett requested Resolution Numbers 213-2008 and 214-2008 be pulled from the Consent Agenda. Mr. Cartier requested on page 6 of the bill list, Police Department, line 01-2008-0001-0240-2-04203, veterinary bill in the amount of \$1,655.73 and on page 14, Department 1035 Construction Code, line 23-1323-0000-1035-2-05700 for \$742 and line below that appears to be the same number for \$594.50. Mrs. Stinney thanked Mr. Cartier. Mr. Prickett asked what those items were. Mr. Cartier answered it looks like furniture. Mrs. Stinney thanked Mr. Cartier again. Mrs. Stinney informed she would like to abstain on page 1, line 01-2008-0001-0110-2-04100 for \$45.00. Mrs. Scull informed she would like to abstain on that as well.

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

- \*a.** Regular Meeting, September 17, 2008.

**\*10. CONSENT AGENDA RESOLUTIONS**

**RESOLUTION NO. 212-2008**

WHEREAS, PRESIDENTIAL LAKES FIRE & RESCUE AND COUNTRY LAKES FIRE COMPANY DESIRE THAT, PURSUANT TO THE PROVISIONS OF N.J.S.A. 15:8-4, CERTAIN PERSONS BE APPOINTED TO PERFORM PERMITTED POLICE DUTIES AT FIRES AND FIRE DRILLS;

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

PRESIDENTIAL LAKES:  
KEVIN MILLER  
TOM MAAHS  
ANN MACRAE  
COUNTRY LAKES:  
JOHNATHAN HINSHAW  
THOMAS WILMS

- \*d.** Applications submitted for memberships, licenses, permits:

- \*1. Special Use Permit applications:** 1. The Pitt Stop N Shop: 8 sidewalk sales during 2008, as authorized by Township Code, contingent upon their obtaining the required permits from the Construction Office for each of the 8 events.
- \*2. Acknowledgement/Consent:** The Pine Barons Enduro Riders, mostly within the bounds of the sand and gravel fire access roads in the State Parks and Wildlife Management areas w/exception of few public roads and highways that connect to the parks, some of which will be in Pemberton Twp., 10/11 & 10/12/08.
- \*13.** Approval by Council required for payment of vouchers on bill list dated **9/26/08.**

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

## **8. PRESENTATIONS**

### **a. Mayor's Proclamation of Fire Prevention Week October 5<sup>th</sup>-11<sup>th</sup>, 2008.**

Mayor Patriarca relayed that Fire Prevention Week is October 5<sup>th</sup> through October 11<sup>th</sup> and it is a time of the year where they try to refresh everyone on fire safety and appreciate the job well done by their volunteers and paid services. It is an important time of the year not only for their residents but also for their volunteer personnel and they are here tonight in force because this is an important issue to them. They believe that fire safety and the education of fire safety is most important to keep them in their stations where they would rather be. The Mayor indicated there are some handouts at the back of the room and asked the public to help themselves before they leave. In recognition of this important week, Mayor Patriarca has issued a proclamation which reads as follows:

WHEREAS, THE TOWNSHIP OF PEMBERTON IS COMMITTED TO ENSURING THE SAFETY AND SECURITY OF ALL THOSE LIVING IN AND VISITING OUR TOWN; AND  
WHEREAS, FIRE IS A SERIOUS PUBLIC SAFETY CONCERN BOTH LOCALLY AND NATIONALLY, AND HOMES ARE THE LOCATIONS WHERE PEOPLE ARE AT GREATEST RISK FROM FIRE; AND  
WHEREAS, HOME FIRES KILLED MORE THAN 2,500 PEOPLE IN THE UNITED STATES IN 2006, ACCORDING TO THE LATEST RESEARCH FROM THE NONPROFIT NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), AND FIRE DEPARTMENTS IN THE UNITED STATES RESPONDED TO NEARLY 400,000 HOME FIRES; AND  
WHEREAS, COOKING IS THE LEADING CAUSE OF HOME FIRES AND HOME FIRE INJURIES, WHILE HEATING EQUIPMENT AND SMOKING ARE THE LEADING CAUSES OF HOME FIRE DEATHS; AND  
WHEREAS, PEMBERTON TOWNSHIP'S FIRST RESPONDERS ARE DEDICATED TO REDUCING THE OCCURRENCE OF HOME FIRES AND HOME FIRE INJURIES THROUGH PREVENTION AND PROTECTION EDUCATION; AND  
WHEREAS, PEMBERTON'S RESIDENTS ARE RESPONSIVE TO PUBLIC EDUCATION MEASURES AND ARE ABLE TO TAKE PERSONAL STEPS TO INCREASE THEIR SAFETY FROM FIRE, ESPECIALLY IN THEIR HOMES; AND  
WHEREAS, RESIDENTS WHO HAVE PLANNED AND PRACTICED A HOME FIRE ESCAPE PLAN ARE MORE PREPARED AND WILL THEREFORE BE MORE LIKELY TO SURVIVE A FIRE; AND  
WHEREAS, THE 2008 FIRE PREVENTION WEEK THEME, "IT'S FIRE PREVENTION WEEK – PREVENT HOME FIRES!" EFFECTIVELY SERVES TO REMIND US ALL OF THE SIMPLE ACTIONS WE CAN TAKE TO STAY SAFER FROM FIRE DURING FIRE PREVENTION WEEK AND YEAR-ROUND.  
THEREFORE, I DAVID A. PATRIARCA, MAYOR OF THE TOWNSHIP OF PEMBERTON DO HEREBY PROCLAIM OCTOBER 5-11, 2008 AS FIRE PREVENTION WEEK THROUGHOUT THIS STATE, AND I URGE ALL THE PEOPLE OF PEMBERTON TOWNSHIP TO PROTECT THEIR HOMES AND FAMILIES BY HEEDING THE IMPORTANT SAFETY MESSAGES OF FIRE PREVENTION WEEK 2008, AND TO SUPPORT THE MANY PUBLIC SAFETY ACTIVITIES AND EFFORTS OF TOWNSHIP'S FIRE AND EMERGENCY SERVICES. MAYOR PATRIARCA APPLAUDED THE VOLUNTEER SERVICES OF OUR COMMUNITY FOR THE WORK THEY DO THROUGHOUT THE YEAR.

Mrs. Stinney advised that her schedule has been adjusted to accommodate a visit to every one of the fire stations in Pemberton Township and the Boro on Monday. She announced that all of the fire stations in Pemberton Township and also the Goodwill Fire Station in Pemberton Boro will be open to the public on Monday, October 6<sup>th</sup> from 7:00 pm to 9:00 pm. Mrs. Stinney commented that she attended last year and it was really exciting. Mrs. Stinney reiterated how important it is to have fire escape plans for your families in case of fire and everyone should practice it. Mrs. Stinney reminded everyone to change their smoke detector batteries when setting the clocks back this month.

### **b. Presentation by County Recycling Program regarding incentive program.**

Mrs. Stinney informed there will be a presentation by the County Recycling Program regarding incentive program by Mr. Michael D'Angelo. Mrs. Stinney thanked Mr. D'Angelo for taking the time to come to Pemberton Township and for answering some of her questions during the conversation they had. Mrs. Stinney relayed that she brought some of the information they discussed to tonight's

meeting. Mrs. Stinney noted that Ms. Anne Moore has accompanied Mr. D'Angelo tonight and will come forward to answer questions from Council. Mrs. Stinney thanked Ms. Moore for taking time out of her schedule as well and noted that questions will be taken after the presentation. Mr. D'Angelo thanked the Council President, Council and Mayor for the opportunity and introduced himself. He advised that the Recycle Bank is here to help with the environment, help focus on recycling and more importantly to help reduce costs associated with trash. He relayed that tonight he is going to share a unique, innovative program that Recycle Bank has to offer and to thank Ann Moore and the County for the opportunity to bring recycle back to each of the municipalities in Burlington County. Mr. D'Angelo explained that Recycle Bank is not a hauler, they do not pick up recycling and are not a processor of recycling. Recycle Bank is a rewards and loyalty program. They are not a financial institution although they have the word Bank in their name. Mr. D'Angelo reported that tonight he is focusing on recycling and the County has an innovative cart program that will be used to capture more fiber out of the waste stream, noting that fiber is newspapers, junk mail, catalogs, magazines, cardboard, cereal boxes and things like that. Tonight, he is focusing on the fiber collection. There are three steps to the program: 1. Everyone resident will receive a recycling cart. The carts will be rolled out on a schedule as agreed to by the County and the Township. 2. Recycle Bank supercharges the carts by putting a radio frequency identification tag on those carts. It is approximately the size of a quarter and is five quarters piled high that is affixed to the cart so Recycle Bank knows who is participating in the program. 3. This is important because if one participates and recycles, Recycle Bank will reward for recycling. Mr. D'Angelo asked Council if they had any questions regarding the three steps. Mrs. Stinney stated that they spoke of how the information is disseminated through the chip that is placed on the carts and asked Mr. D'Angelo to explain this. Mr. D'Angelo explained that there is no personal identification on the chip; the chip only has a serial number and works like ez-pass; it notes when one recycles and when one doesn't; it doesn't note what or how much one recycles; it just knows that one recycles and that is attached to their account. Mr. D'Angelo explained that Recycle Bank rewards one from the very first pound that they recycle. He reflected on the power point presentation slides that on the left hand side of the chart it shows 2.5 Recycle Bank points per pound of recycling. The charts shows that an average recycler might do 80 pounds of recycling per month, times 2.5 Recycle Bank points will equal 200 total Recycle Bank points for the month. That equates to approximately \$20.00 in reward savings. The program does cap out and has monthly maximums at 450 Recycle Bank points on a monthly basis and that equates to approximately \$45.00 in reward savings. Mr. D'Angelo asked Council if they had any questions. Mrs. Stinney commented that they spoke about how the program will get businesses to tie in to this program for rewards. Mr. D'Angelo explained that there are two different reward type offers that are available. The first is a reward offer for Rite Aid Pharmacy and CVS Pharmacy. The example shows a \$5.00 reward for the pharmacy and that would cost 50 Recycle Bank points. Another is for Acme Grocery Store which is \$10.00 off of a \$50.00 purchase. That type of reward would be 100 Recycle Bank points. Mr. D'Angelo explained there are over 80 national partners and 400+ local partners. There is a list of vendor partners on the screen such as Dunkin Donuts, Acme, Kraft Foods, Dick Sporting Goods and the like. Recycle Bank actually comes in to the community and works with the Township when they launch in a community to get local businesses involved in the program. What they have found through the program is that when local businesses get involved it drives local economic development. Over half of the rewards that are redeemed through the program are redeemed with local reward partners. It is a tremendous opportunity. While they started off tonight talking about recycling, there is also a great economic development component for the Township. Mr. D'Angelo advised Recycle Bank wants to ensure there is a reward for everyone so they also have gift card merchants that residents can choose from or residents can

donate their points to a local school or charity. Mr. D'Angelo showed a screen shot of recyclebank.com. What Recycle Bank has found is that when rewards are added to a program, recycling participation will increase. The Township will get more out of the waste stream. The four examples Mr. D'Angelo is displaying are clients that have gone to Recycle Bank and Wilmington, Delaware was the first. They went from no formal recycling program to a recycling program where they are getting 750 pounds of recycling out of the waste stream and that is a significant cost savings for them. Everett, Massachusetts when they added rewards to their program, went to 825 pounds per household per year out of the waste stream. Clayton, New Jersey in Gloucester County when adding rewards to their recycling program, receiving 847 pounds per household out of the waste stream. Cherry Hill, New Jersey is probably the most prominent town that Recycle Bank has launched in and they are seeing 1,150 pounds in total of recycling coming out of their waste stream. Mr. D'Angelo advised Recycle Bank's goal is to make sure it costs the Township nothing for the program. There is a program fee and that fee is .60 per home per month which is \$7.20 per home per year. Mr. D'Angelo explained how the program pays for itself just by increasing the fiber out of the waste stream. Looking at 4 additional pounds of fiber coming out of the waste stream, per home, per week. Four additional pounds times 52 weeks equals 208 pounds per year. When looking at disposal costs, the costs the Township is paying to send it to the landfill, the tipping fee is \$69.34 per ton. When converting the 208 pounds in to tons, it equals 0.104 tons multiplied by the tipping fee and they get a cost of disposal of \$7.21. Recycle Bank is stating that by shifting those 4 pounds from the waste stream in to the recycling stream, they would cover the cost of the program. Mr. D'Angelo asked for any questions. None were received so he continued. Pemberton Township's current state of recycling is about 4.25 pounds of fiber per household per week for the 8,100 households in the Township. With Recycle Bank's program with the cart, they believe very conservatively that the Township can get 6 extra pounds out of the waste stream. That is the cart and the program from the rewards perspective. If the Township is able to do that, they will take the weekly pounds per household to 10 pounds. That translates into an annual avoided disposal cost of \$149,000. When subtracting out the baseline, there will be a net savings of \$87,000 a year. This is with 6 additional pounds per week. When looking at this over a five year period, it's \$438,000. That is what happens for the Township; they get to save money and that is a significant amount of money. The residents will see rewards and rewards going in to their pockets will be about \$125-\$130 per household, per year. That is over \$1,000,000 coming back to the community through this program. Mr. D'Angelo asked for any questions. Mr. Prickett asked if when the fiber is picked up in the containers if there an automatic arm that picks up the container and puts it in the truck and weighs it at the same time or if people actually pick it up and put it in the truck. Mr. D'Angelo conveyed that OTC, who the County contracts with, will still be the hauler and pick up the recycling. The way they will be picking up the recycling through an automated arm; there is no scale on the automated arm to do the weighing. When looking at how recycling is collected, the RFID tag is going to tell us who participated in that collection. If they participated, their participation will be divided into the total weight for that load for that truck and that is how points will be given out. Mr. Prickett asked if Recycle Bank will be able to evaluate the quality of the fiber as far as if it is wet or if there are other things mixed in with the fiber. Ms. Moore explained this project was tested in Medford and Evesham and one of the things they were very concerned about was the level of contamination. They found that less than 1% of what was in the cart was unacceptable things that could not be recycled and that is comparable to what we are picking up now. The carts have lids and the materials will be a lot drier than it was in the past and one of the reasons Mr. D'Angelo has a cap on the rewards is to prevent the bowling ball factor so people aren't throwing concrete and bowling balls in to their carts to get more rewards. Mr. Prickett commented that he thinks the containers will help. At his house, he has bags for papers, letters and then has to figure out when to take

them out. He thinks they would recycle more if they had a container and the date when pick up was much clearer when that day was. Mrs. Stinney asked Ms. Moore who would supply the containers to the residents. Ms. Moore explained the cart program which the Township has signed on for to get 1,000 carts to start is a cost share between the Freeholders and the Township. The Township is paying for half the cost of the 1,000 carts and the County is paying for the other half. The carts cost \$56.00 and the Township's share is \$28.00 per cart for the 1,000 and the Freeholders have committed to do the 50% match. The reason the County came up with this idea is this year the Township just received \$14,000 for the tonnage grant program and that will help cover the cost of the carts. Next year, because of a new law that was passed this year, the tonnage grant check will be a minimum of \$41,000 and that will cover the cost of the carts over time. The Freeholders agreed to spread the share of the cost of the carts over six years so the 1,000 carts the Township is receiving this year, won't start paying for until next year and then as more carts are added, that payment will continue to be spread out over six years. Mrs. Stinney asked that for those residents that faithfully recycle with more than one recycle container, will they be given the opportunity to pay for multiple containers. Ms. Moore answered the cart that the residents are getting is just for paper and cardboard; the residents will still use the bucket for bottles and cans. The cart is a 92 gallon cart and when Recycle Bank did the study in Medford and Evesham, they used a smaller 65 gallon cart and less than 5% of the homes needed to move up to a 95 gallon cart. It will be the Township's decision as to how they plan to give extra containers to residents. For most residents, this is going to more than meet their needs and if they have an occasional overflow, if they set it next to the cart, the driver will still get out and manually put that in to the truck. Mr. Cartier asked about oversized cardboard. Ms. Moore responded if a resident shoves cardboard in the cart and it is sticking out 3' of the top, the automated arm can still pick it up. In the rare cases where people are moving in or have a huge amount, the literature they are given states if it won't fit in the cart, place it next to the cart or use the Township drop off, which is the same behavior they have been doing all along. Mr. Cartier asked how the rewards program is funded. Mr. D'Angelo's answer is inaudible. Mr. Cartier stated \$7.20 per household, per year will cover \$1 million. Mr. D'Angelo answered yes. Mrs. Stinney noted that they spoke about it being mandatory for a resident to participate in the program and asked Mr. D'Angelo to elaborate on that. Mr. D'Angelo responded that in the State of NJ, recycling is mandatory for all residents. Whether a resident wants to participate in the rewards program is purely their prerogative. Recycle Bank thinks there is some goodness to it and finds that people are more motivated and more encouraged and start to look for things to recycle. Recycle Bank will leave that up to the Township. Mr. Vaz asked if the recycling that is dropped off at the Township building will tie in to the program. Mr. D'Angelo answered it does not; Recycle Bank is focused on residential, curb side recycling. What they might find overtime is, residents might determine that they don't need to take it to the Township but can use their cart at home. Mrs. Stinney asked how they can get their local schools to participate in the program. Mr. D'Angelo spoke of a Green Schools Community Fund which Recycle Bank funds along with some of their corporate sponsors. Recycle Bank will work with the Township to enroll the schools in to the Green Fund and there is an application process for that. Mrs. Stinney asked who will be responsible for getting the word out to the residents regarding this program. Mr. D'Angelo explained that part of the program fee not only covers the technology that the RFID tag and working with the County and OTC to retrofit their trucks so that the data collection can be done but there is also the community outreach that is done in conjunction with the County to make sure that it is consistent. Recycle Bank will be responsible for educating the residents on the rewards aspect of it to make sure it is consistent with how the County wants to collect the fiber. Ms. Moore commented that when the residents receive the carts and depending on the timing, if the Township chooses to go forward with Recycle Bank depending on the timing, when the residents receive the cart they

will also receive information on Recycle Bank. If the Township doesn't move that fast, Recycle Bank will give literature to go out later than when the cart is shipped, they will deliver the information. When the residents get the cart, there will be a full color brochure that is inside a plastic sleeve so that they will get information. Mr. D'Angelo added that Recycle Bank will send to each resident a Welcome Kit that explains how the program works and what can and cannot be recycled. This is for a single stream recycling program and it would be customized and co-branded with Pemberton Township's logo, seal and information. This usually comes with a letter from the Mayor or Council providing an opportunity to talk about sustainability, green initiatives and things like that. Mr. D'Angelo continued that it is a multi-pronged campaign communication program and there are dedicated Project Managers that will work with the Township and the County to roll out the program. After roll out, there is dedicated account management. Mrs. Stinney asked how the \$7.20 per year is collected. Mr. D'Angelo answered that will be invoiced from Recycle Bank to the Township on a monthly or quarterly basis. Mr. Vaz commented that Mrs. Stinney had asked earlier about commercial businesses and doesn't think that was addressed. Mr. D'Angelo responded there are two parts on the commercial side. Recycle Bank does not focus on commercial recycling rather they focus on residential curb side recycling. If there are local businesses that are participating in the curb side pick up program, they can also have a cart. Recycle Bank has found in other communities that they are giving their fire houses and police stations carts and as they do recycling with the same type of collection rate like residential, curb side collection, they are earning rewards. Cherry Hill is actually using the rewards their fire stations are earning to purchase batteries and smoke detectors and give back to the community. They see a savings on things that they would have to go out and buy. Mrs. Stinney commented there is a gentleman not present this evening and hopes he doesn't mind her using his name but they have spoken many times regarding recycling and discussed the Cherry Hill program and the program in Philadelphia which she calls the All In One program. Mrs. Stinney asked Mr. D'Angelo how close the County is with an All In One type of program. Mr. D'Angelo deferred to Ms. Moore. Ms. Moore responded that they are looking at the cost to put in and Single Stream is the term they use. One of the reasons they suggested to the towns to get the 90 gallon cart vs. the 65 gallon is that if within a few years the Single Stream is done, the 90 gallon cart should hold both bottles, cans, paper and cardboard. Ms. Moore added they just completed a cost analysis to look at what it would take to upgrade the plan and it is several million dollars. They need to see if the savings on the collection side are going to pay it off within a certain period of time and should be presenting that to the Freeholders by the end of the year and hopefully have a decision as to which way they are going. It does appear to be the wave of the future. Ms. Moore estimates within three years they will be doing it. Mr. Prickett expressed his appreciation to Mr. D'Angelo and Ms. Moore coming out and providing this presentation. It sounds like it is going to make a big difference in Pemberton Township. Mrs. Scull asked what the businesses in town are doing and if they recycle through the County program now because she has had seniors asking her. Mayor Patriarca replied that some of their businesses do have curb side pick up and they might not be recognized as a business and that's why they are getting picked up. The Mayor continued that some of our businesses in the back which it is not frowned on because they are recycling, but they are all not participating to his knowledge. The businesses use their dumpsters for most of their trash and it would be nice to get them to recycle. Mayor Patriarca's concern was the Fire and EMS; they are considered businesses by the County Recycling Program and they are not picked up and we would like to get them onboard. The Mayor conveyed it is important and they want to be on board and get picked up. Ms. Moore reported the larger businesses such as Acme, Deborah and fast food places are at least recycling their cardboard. That does get recorded to the Township Recycling Coordinator and that is one of the reasons why there is tonnage grant money back from the State. Under the existing ordinance, if a

business contracts privately for garbage, they should be contracting privately for recycling and that has been the law and the way of doing business. It is just a function of getting the word out to them and enforcing the ordinances. Ms. Moore informed that because of this new law that was passed, the potential for the Township to get a lot more money in that tonnage grant and get maybe \$60,000 instead of \$40,000 next year is going to be a function of how well the businesses are recording what they are recycling. The textile boxes and the clothing drop off boxes need to have the tonnage reported so the Township can get money. Any businesses that are recycling their computers; the State is paying a higher payout for type of material vs. what they reimburse for concrete or asphalt. The businesses need to report. Ms. Moore conveyed the County program has been designed all along for residents and with non-profits such as civic groups, VFW's, fire halls, etc., for them to pick it up curbside, they have to put out a curbside amount. If they are putting out a giant stack of cardboard, if they are a fire hall, emergency squad, etc., if the Town provides them with a dumpster, they will pick it up but they need to follow the model that they have established for service. Ms. Moore noted that they are doing a few VFW's and some towns provide dumpsters to their emergency management so they do service them. Mr. Bayer asked if Recycle Bank asks for some sort of an agreement between the Township and them. Mr. D'Angelo responded yes, there is an agreement that Recycle Bank would forward to the Township. Mr. Bayer asked if Recycle Bank has some type of an agreement with the County as well. Mr. D'Angelo informed Recycle Bank is working through those agreements right now. Mr. Cartier stated all of his questions were covered. Mr. Inge had none. Mrs. Scull had none. Mr. Prickett commented it is a great plan. Mrs. Stinney commented if it is the Council's desire and as she mentioned to Mr. D'Angelo, he would come back and answer any questions from the public if Council would like to consider this and have this placed on the agenda under New Business and open the discussion up to the public at the next Council meeting or in the near future. Mr. Cartier commented it is an excellent idea and Mr. Vaz recorded the entire presentation to be put on the web which will allow the public to see exactly what was said this evening and hopefully come in the next time this is on the agenda and give comments. Mr. Cartier added that it is a great program and something that Council really needs to consider. Mrs. Stinney asked the Mayor and Mr. Vaz if Mr. Vaz can place this presentation on the web page to allow the residents to have an opportunity to look at it and also the three designated areas (Township Building, Senior Center and Library) could have packets of the presentation as well along with any other information. Mayor Patriarca responded that is Administration's intent and they will take care of that. Mrs. Stinney reported it is the desire of the Council to have Mr. D'Angelo come back and will set up another schedule to have New Business and the public come in. Mrs. Stinney humbly thanked Mr. D'Angelo and Ms. Moore for taking the time out of their schedules to come out and do the presentation for the residents of Pemberton Township. Mr. D'Angelo thanked Council President Stinney, Council and the Mayor.

Mrs. Stinney convened the meeting at approximately 7:43 pm for a short break and reconvened the meeting at approximately 7:50 pm.

### **RESOLUTIONS PULLED FROM THE CONSENT AGENDA:**

Mrs. Stinney noted there were two resolutions pulled from the Consent Agenda, 213-2008 and 214-2008. Mr. Prickett explained he does not have a particular reason at this point to not vote on Resolution No. 213-2008.

#### **RESOLUTION NO. 213-2008**

RESOLUTION AUTHORIZING MAYOR AND CLERK TO EXECUTE COLLECTIVE BARGAINING AGREEMENT WHEREAS, THE ADMINISTRATION AND TOWNSHIP COUNCIL HAVE ENGAGED IN NEGOTIATIONS WITH THE MEMBERSHIP OF THE AFSCME LOCAL 2783 REGARDING A COLLECTIVE BARGAINING AGREEMENT TO COVER THE TIME PERIOD OF JANUARY 1, 2007 THROUGH DECEMBER 31, 2011; AND WHEREAS, THE PARTIES TENTATIVELY REACHED SETTLEMENT ON THE TERMS AND CONDITIONS OF AN AGREEMENT, WHICH THE COUNCIL ACCEPTED, WHICH THE UNION MEMBERSHIP APPROVED BY VOTE TAKEN ON OR ABOUT AUGUST 28, 2008; AND

WHEREAS, SAID AGREEMENT IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION; AND WHEREAS, THE ADMINISTRATION HAS RECOMMENDED TO THE TOWNSHIP COUNCIL THAT IT ACCEPT THIS CONTRACT, AND THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS IN THE BEST INTEREST OF THE RESIDENTS AND CITIZENS OF THE TOWNSHIP TO ENTER INTO THIS COLLECTIVE BARGAINING AGREEMENT WITH AFSCME LOCAL 2783; 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 CLERK BE AND ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE ATTACHED AGREEMENT WITH AFSCME LOCAL 2783 FOR THE TIME PERIOD JANUARY 2, 2007 THROUGH DECEMBER 31, 2011; BE IT FURTHER RESOLVED THAT THIS AUTHORIZATION IS CONDITIONED UPON ADOPTION BY THE TOWNSHIP COUNCIL OF AN ORDINANCE AUTHORIZING THE WAGES, SALARIES AND BENEFITS CONTAINED IN SAID COLLECTIVE BARGAINING AGREEMENT.

Motion by Prickett and Cartier to authorize Resolution No. 213-2008. Prickett, yes; Cartier, yes; Inge, yes; Scull, abstain; Stinney, yes. Motion carried.

Mr. Prickett commented that in regards to Resolution 214-2008, the application is still incomplete and does not want to bring this up for a vote at tonight's meeting. Mrs. Stinney thanked Mr. Prickett.

## **11. ORDINANCES FOR INTRODUCTION**

- a. ORDINANCE NO. 19-2008 (Title Read By Mrs. Stinney)  
AN ORDINANCE AMENDING ORDINANCE NO. 1-2004, AS SUBSEQUENTLY AMENDED, RELATING TO WAGES AND SALARIES WITHIN THE TOWNSHIP OF PEMBERTON.

Motion by Cartier and Prickett to introduce Ordinance No. 19-2008 with a public hearing to be on October 15<sup>th</sup>. Cartier, yes; Prickett, yes; Inge, yes; Scull, abstain; Stinney, yes. Motion carried.

## **12. NEW BUSINESS**

- a. Council's designation of two Council members to serve on review committee along with Mayor and designee to review RFPs received for Grant Consultant.

Mrs. Scull asked if this could be done at the same time Council goes over the other two RFP's that Council has not met on yet. Mrs. Stinney answered yes. Mr. Cartier asked Mrs. Scull if it would be her and Mr. Prickett. Mr. Prickett responded agreed. Mrs. Scull advised it is okay with her if they can get it all done at once unless someone else wants to do this. Mr. Cartier added that it makes sense to do it all at the same time. Mrs. Stinney noted for the record, the two designees will be Mr. Prickett and Mrs. Scull. Mrs. Stinney thanked Mr. Prickett and Mrs. Scull.

- b. Request from Recreation Department to expend funds in excess of \$2,000.00 for Junior Golf Program greens fees and Hippo junior golf equipment at Fountain Green Golf Course on Ft. Dix, in the total amount of \$2,846.00.

Mr. Cartier had no comments.

Motion by Cartier and Scull to approve Recreation's request to expend funds in excess of \$2,000 for the Junior Golf Program.

Mr. Prickett asked if there are any numbers available as to how many participants are involved in golf. Mayor Patriarca replied it was well attended and was in the 50's or 60's last year. The Mayor added this funding comes from the trust. Mrs. Stinney commented it was well attended. Mrs. Scull remarked Mr. Williams informed her 47 and had more participants in golf than they did in basketball.

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

- c. Request from Recreation Department to expend funds in excess of \$2,000.00 for inflatable amusements for Community Day/International Festival, from Amazing Amusements, in the total amount of \$2,400.00.

Mayor Patriarca informed it will be held on October 18<sup>th</sup>.

Motion by Prickett and Scull to approve the Recreation Department's request for \$2,400.00 for the International Festival/Community Day event. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney commented that the inflatable amusements are phenomenal; the community, noting there are long lines just to get inside of those things.

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

**3. Parade Permit Applications: (PUBLIC HEARING REQUIRED)**

1. Soroptimist International of Rancocas Valley: Candlelight Vigil in memory of victims of domestic violence, to be held 5:30 p.m.- 7:00 p.m. at Peace Garden located at S. Lakeshore Drive & Arethusa, 10/3/08.
2. Pemberton Township High School, Homecoming Day Parade, 10:00 a.m.-12 Noon, 11/1/08.

Chairwoman Stinney opened the meeting to public comments. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments. Mrs. Stinney advised she attended the candlelight vigil last year and it is really something to hear and see the silhouettes that represent the many women in Burlington County who have been abused to the point of death. Mrs. Stinney informed she will be there. Mrs. Stinney thanked the Mayor because she goes by there and often sees how well this area is kept by the Public Works Department. Mayor Patriarca replied that as much as he would love to take credit for that, the Soroptimist Organization maintains that and they do appreciate it. The Council and the town has done some work there recently.

Motion by Prickett and Cartier to approve the application for the Parade Permit. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

**ITEMS PULLED FROM THE BILL LIST FROM CONSENT AGENDA:**

Mr. Cartier advised page 6 is an information item only and upon third view of the bill list, he is questioning the vet bills for Bandit and asked what happened to Bandit. Mayor Patriarca conveyed that the vet bill included x-rays and blood work that was done. The Mayor continued that Administration had intended to discuss this with the Chief today but the Chief had to cancel for other reasons and tomorrow is the rescheduled meeting. Mayor Patriarca advised that Administration will get that information. The Mayor added that he does remember signing it which was Red Bank Veterinarian and it was for blood work and x-rays and hopefully for injuries that occurred and not something that was inherited like the last dog that we had to send back. Mr. Cartier commented that he is curious as to what happened.

Motion by Cartier and Prickett to approve bill item 2-04203. Cartier, yes; Prickett, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Mr. Cartier expressed concern regarding the purchasing of the book cases and office furniture for the Construction/Code Office, noting it seems a bit excessive to spend that type of money for book cases. Mrs. Stinney asked Mr. Cartier if he is speaking of the book cases that had a cherry finish, for \$742.00. Mr. Cartier confirmed and added he is also concerned with the storage files for \$594.50. Mr. Prickett asked if these were all wood pieces of furniture or metal with a finish. Mayor Patriarca explained they are wood and when Councilman Cartier brought this to his attention, this came up a while ago when they were ordered and it was also part of his concern, regarding the price of them. The Mayor continued that he went on line and looked up the company and looked up comparable size cabinets and shelves that the office was requesting for the many books that were stacking up on his floor and even in the metal cabinets, the price range was the same and was not that much difference. Although a cherry finish sounds plush, it is just the color and they are wood cabinets as opposed to metal cabinets and it doesn't mean the wood is cherry but the finish is. Mr. Prickett asked if the funding for these two pieces of furniture would come from their funding. Mayor Patriarca informed the funding would come from the construction trust and are purchased through a vendor through the state contract. Mr. Prickett noted from the last two budgets, the costs for that department were covered by the funds that they generate through their permitting. The Mayor confirmed and added that none comes from the budgeting process. Mrs. Scull stated she is glad to hear that the Mayor went on line and checked it out because just because the money doesn't come from their budget process does not mean that they should not be watching for extravagance. Mrs. Scull thanked the Mayor for checking on that. Mr. Cartier commented that irregardless of where the funds come from, they are still responsible for approving the expenditure of those funds and it is still a cost to this Township and it still seems a bit exorbitant to him. Mr. Prickett asked if these items have already been purchased. Mr. Cartier stated that apparently they are sitting in their office. Mayor Patriarca commented that as any item under \$2,000, the process in this form of government is that Administration will approve purchases up to that amount for operations with the obligation to manage responsibly and also to make sure the items that are needed to maintain operations are here. They do that with paper, pencils and bookshelves are included and that is why there is a limit for purchasing and when it gets to that limit of \$2,000 that is set by Council, that's where Council wants to see that number. For Council to say that they can't get something in here before that, he knows Council is not looking for that because that would certainly hamper operations to get approval on a bill list for bi-weekly meetings for buying a pencil or a bookshelf or anything under that \$2,000. Mayor Patriarca continued that \$2,000 is not even what is required and they could go higher than that but Council sets it at \$2,000 and they work within the \$2,000 purchase number not to exceed that without coming to Council for authorization. Mrs. Scull conveyed that Council does not have any intent of that but whether it's under \$2,000 it is still Council's responsibility to question things. Mayor Patriarca replied that he understands that but when the question is asked if it is already purchased and is here, the answer is yes and that is the way the normal process of purchasing occurs and he wanted to explain that so it is understood that they on a daily basis receive products that we purchase before the bill list comes to Council because it has to occur that way in order to operate. Mrs. Scull commented that she doesn't think Council was saying anything other than that other than they just want to make sure that any expenditure is no exhorbinent. Mrs. Scull asked if Council does not approve this does the furniture go back. Mr. Vaz replied yes if they will take it back. Mrs. Scull stated that since the Mayor informed that he went on line and checked it out at the time it was ordered and that it is not that much different than buying metal and she does know from going through the books and getting involved in purchasing in the schools that it is expensive a lot of times. Mrs. Scull continued that she does not have a problem approving it since the Mayor had checked it out ahead of time. Mr. Prickett commented that if these items were purchased and there were another couple of items on this purchase it would have

been over \$2,000 and then the Council would have to approve it. Mr. Prickett conveyed that it might be nice that when items are purchased this big, that they are put together in aggregate so that Council can look at those and approve those. Mr. Prickett noted that the Mayor is shaking his head no and commented that it is just his opinion. Mayor Patriarca stated that they can't buy more than they need. Mr. Prickett commented that he doesn't have the bill list page in front of him but thought there were a few more items from that company on the list. The Mayor stated they were not from that department. Mrs. Scull remarked that she does not want to have to approve \$2,000 worth of paper or pens or anything like that and to just lump them all together.

Motion by Scull to approve on page 14 of 16 of the bill list, items 2-05700 in the amount of \$742.00 for the book cases and \$594.50 for the storage case.

Mr. Cartier clarified that it is a book case and not book cases. Mrs. Scull asked if they could get the high school kids to make a shelf. Mrs. Eden advised it is for one book case and two files. Mrs. Scull suggested talking to their wood shops first the next time. Mayor Patriarca commented they have to look for the boxes and added if they didn't already recycle them. Mr. Prickett advised there is a lot of cardboard around and it could be taped together with duct tape. Mr. Vaz stated he and Mr. Archer were just talking and these types of office supplies are very expensive by most companies and the Mayor has already looked in to it. Mr. Vaz asked if it would be helpful if Administration submitted some comparables and as Ms. Eden pointed out, they use a state contract company and purchase a lot of supplies from them because they are on state contract and we do receive free delivery and installation. If they look at other companies that are not on state contract and they add shipping and installation and Administration can submit some comparable items and it might be helpful for Council to know that they are talking about office furniture that is generally expensive in the first place and would be happy to give Council comparable items if Council likes. Mr. Cartier acknowledged that he would like it. Mr. Inge informed he would have made a motion to second the motion but since he was accused of being friends with the Building Inspector, he figured if he made a motion to second it someone might say that he was bias so he is not going to make a motion. Mr. Prickett commented to Mr. Inge that that is a good point. Mrs. Stinney thanked Mr. Inge and advised Mr. Vaz that Council will wait for the information to come forward. Mr. Vaz replied Administration will do that. Mr. Cartier thanked Administration.

#### **GENERAL PUBLIC COMMENTS:**

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

**Steve Skulimoski: 1.** Wanted to commend Mr. Prickett for his actions at the last Council meeting being able to see through the Solicitor's smoke and mirrors and see the issue for what it was, two members of the Planning Board that got up at a public meeting and asked very direct questions and lied. He expressed that unlike other Council members, Mr. Prickett was willing to stand up for his principals. Mrs. Stinney thanked Mr. Skulimoski. **Bob Cushmeyer: 1.** Commented that he noticed the podium swiveled around and asked if this dais moved at all. Mrs. Stinney answered it does. Mr. Cushmeyer reminded that at the last Council meeting it was suggested that rather than have peoples' back to the audience, that perhaps it should be moved to have one's back to wall so one could see the elected and non-elected and officials of the town. Mrs. Stinney answered no. Mr. Cushmeyer commented it is just something to consider. Mrs. Stinney replied okay. **2.** Thanked Mr. Vaz for getting the minutes for the six new Master Plan Visioning meetings that were held in the Township by Ragan Associates. The minutes are finally on the Pemberton Township website under the links. He expressed there is good information there and for those Council members specifically since they will

be in the process of adopting the new master plan or anyone here tonight that did not get a chance to get to those visioning meetings. It is a good chance to read the minutes and is basically what the residents of the Township want in a new master plan. He suggested that rather than take one individual's ideas about what the new master plan should be; take a look at what the people want in the town. The information is there and one should obviously review it before getting further along in the process. Mr. Cartier clarified for Mr. Cushmeyer that Council does not adopt the master plan; they adopt the zoning ordinance that coincides with the master plan. Mr. Cushmeyer agreed and added that somewhere in the process Council will get asked if they have ever listened to or read what happened at the visioning meetings and does the new master plan encompass what the people of the town want or does it encompass what a specific individual or individuals want in the town. Mr. Cushmeyer asked where they are with the new master plan and reminded that he was informed two weeks ago that Mr. Vaz had been briefed by Ragan Associates about the new master plan and there would shortly be a draft copy available. Mr. Cushmeyer asked Mrs. Stinney if he could address that question through Mr. Vaz or the Mayor. Mrs. Stinney informed to address that question through the Mayor. Mayor Patriarca replied there is not a draft copy available at this time. He explained that the Planning Board has not received any draft and he has been in contact with the Planner on issues that they have with the Township and Administration. Mayor Patriarca reiterated there is no draft available at this time. Mr. Cushmeyer asked if that means it exists but it's just not released within the.....The Mayor interjected he is sure the planner has a draft and has been working on it long enough and should be somewhere in the process but it is not available. Mr. Cushmeyer remarked that two weeks ago Mr. Vaz mentioned that there was a map that was going to be displayed to the Mayor at some meeting with Ragan and Associates and asked if that map has been discussed or provided or available. Mayor Patriarca indicated that there have been some personal actions that have prevented him from meeting with the Planner on scheduled events that they had planned to meet and they will be meeting at some point. Mr. Cushmeyer asked if there is a specific reason why a draft copy of the master plan would not be available to the public until it is available to the Planning Board. Mr. Cushmeyer asked if a public document is available to the public. The Mayor explained that it would not be a public document at that point. It is basically notes that the Planner is formulating. Mr. Vaz explained that at the last meeting he was the one that mentioned that he had seen a draft. He had a first meeting with them for budgeting purposes and to see where they were at with the project. They have their work product that they are working on. It was really for his benefit to know where they stood in the timeline of the project. Mr. Vaz commented that whatever they had, he hasn't read it and doesn't know what is in it. They have a document, obviously, because they are the ones that are preparing it. Mr. Cushmeyer asked if it were in the building or available to the public. Mr. Vaz replied no and added that at some point it is packaged in a way that it will be sent to the Planning Board in a normal course as a draft because it won't be adopted at that point. Mr. Vaz explained that he used the word draft at the last meeting but it was really not a draft that Administration has been asked to review or comment on but it was for purposes of knowing where they are in a project and they came in and said here it is and they had some kind of a map with some kind of an overlay on it. They are not ready to submit anything to the Planning Board. There was a meeting scheduled with the Mayor and as he indicated he had some personal circumstances that required it to be cancelled and they are trying to get dates through his secretary to do that. Mr. Cushmeyer questioned that the map that they had is not available to the public now. Mr. Vaz agreed and added that it was magic marker and wasn't a map that one would see printed off of an engineer's color printer. Mr. Cushmeyer commented that he is willing to read magic marker. Mr. Bayer stated it is the Planner's work product and has not submitted it yet to his client. Mr. Vaz remarked that is what he is clarifying for Mr. Cushmeyer and he probably got it confused for everyone last week because he used the word draft and

wanted to clarify that it was just to see where we are with the project from a billing perspective and timeline. Mr. Cushmeyer then asked where in the timeline they are and the Planning Board meeting tomorrow night does not have a review of any draft copy or new master plan outline and is not on their agenda and when can they expect to see it on an agenda. Mr. Vaz advised that Mr. Ragan was in yesterday to meet with the Planning Board Chairperson and commented that he knows he is about two to three weeks behind and is trying very hard to catch up to get it done in another two to three week timeline. He is aware that they are behind. Mr. Cushmeyer confirmed that two to three weeks would not even allow a ten day public period before the November Planning Board meeting so it's really probably December realistically. Mr. Cartier advised the ten day viewing will be before any adoption. Mr. Cushmeyer asked if that is for an adoption or hearing. Mr. Cartier answered adoption. Mr. Cushmeyer then asked what about for a hearing. Mr. Cartier explained for a hearing the 10 days viewing period doesn't and before it is formally presented to the Planning Board for final adoption, there won't be anything available. Mr. Vaz commented the Planning Board is not going to just adopt the document; there has to be a public hearing and notices. Mr. Cushmeyer stated he is interested in seeing the document at an early as possible date because they have to prepare their particular arguments too. Mrs. Stinney thanked Mr. Cushmeyer. **America Phillips: 1.** Noted recognition of fire services in the Township. **2.** Thanked Council for their approval for the Recreation Department's funds requested. She is glad the Township is doing this kind of sports for the children. She has two grandsons that are 8 and 9 that go golfing with their parents and are doing great. **3.** Questioned if there is a mailbox available to drop off bills like taxes, solid waste and water. Mr. Cartier stated that is a good idea. Mayor Patriarca responded there is not a box other than the U.S. mail to put the mail in. He advised there is an account clerk that takes in the payments during business hours and for them to take payments in a box outside that doesn't end up in here the next day for whatever reason; they can't prove that they paid the Township. He pointed out that if it goes through the U.S. mail, they have a much better chance. The only way that they can prove one paid is if they come in to the window and pay the clerk and get a receipt stating they paid. Mrs. Phillips remarked that it would be a great idea because people work different hours and they can just come in the building and drop it off. Mayor Patriarca reported that it could increase the speed of payments but it could also create a problem that they could end up in disputes with residents as to whether they paid or not. By not paying, it could end up putting liens against ones' home and there are consequences that he doesn't know we want to enter in to. The program seems to be working well and they are working on eventually coming on line and credit card payments in the Township which should ease the burden of coming in and paying the bills. The Mayor continued that the most secure way that they know they paid their bill unfortunately has to come here and pay in person or mail through the U.S. mail. Mr. Cartier commented on the prospect of some late night hours. Mrs. Phillips advised she pays everything by check and does not believe in credit cards. Mrs. Stinney noted that Burlington City is a beautiful, beautiful building. They do have a mailbox when entering the main lobby and there is a clerk or someone that periodically checks the box. **4.** Has not heard anything tonight in reference to the dam. Mayor Patriarca informed he recently met with the President of the Presidential Lakes Civic Association, Mr. Ross, today. The Mayor suggested Mr. Ross invite Mrs. Phillips to the meetings so her questions can get answered. Mrs. Phillips responded that she is not able to because she has to work. Mayor Patriarca advised that he contacted the engineer today to get the dates and what they are waiting on is the contract that was awarded to the contractor to come back signed so that they can schedule a preconstruction meeting which they anticipate to occur before October 10<sup>th</sup>. Once that is done, they should start to hear machinery in the dam area. **5.** Since it will soon be fire prevention week, asked if the Township or any of the 5 fire departments can donate smoke detectors and batteries to the people. Also asked for a way to educate the people. Mr. Prickett asked if she goes

to the fire prevention week program on Monday whether they might be handing out new batteries or smoke detectors and it would be a good opportunity at that time to talk to the Chiefs in person about that. Typically they do hand out smoke detectors. Mrs. Phillips commented that hers did not last year; they only had pamphlets. She does not know if the other fire departments do. Mrs. Stinney advised the County has a program where they give smoke detectors out. Mrs. Phillips commented it is the Freeholders. Mrs. Stinney added WalMart is a big contributor in donating those detectors. Mrs. Phillips spoke of teaching residents about fire safety. Mrs. Stinney noted that stop, drop and roll has a program that the center used to invite each year to talk to the little ones about the importance of stop, drop and roll and the door and they go through the schools for the presentations as well. 6. Asked how many mobile microphones there are. Mrs. Stinney clarified that Mrs. Phillips is asking how many cordless microphones they have. Mrs. Phillips confirmed. Mayor Patriarca explained there is only one cordless microphone and it is because it is preferred that only one person speaks at a time. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

### **SOLICITOR'S REPORT:**

**Mr. Andrew Bayer:** 1. Nothing to report in open session. Mr. Prickett relayed that he has a question for the Solicitor in respect to the investigation decision that Council made at the last meeting. He has some questions from the minutes and read, "Mr. Prickett: he has a lot of faith in Mr. Bayer's analysis of this request that Council made, that he in particular made asking him to render". Mr. Prickett wanted to recognize that he has given faith to Mr. Bayer in his analysis. Mr. Bayer thanked Mr. Prickett. Mr. Prickett continued that he also said that from his perspective, he wanted to take a look at material and public records that Mr. Bayer reviewed and talked about the open session minutes from the Planning Board with the Inge application as well as the closed session, the executive session. Mr. Prickett commented that Mr. Bayer mentioned the briefs and asked if he looked at the briefs from both attorneys. Mr. Bayer answered yes he did. Mr. Prickett then asked if the briefs were available from the court house in Mount Holly and is that a process where one goes and fill out an OPRA or can they actually read them without filling out an OPRA. Mr. Bayer replied that he doesn't think to get a document from a court's file one would need to make an OPRA request; he thinks one would just ask for the file. Mr. Bayer doesn't think the court clerk's office would allow one to just take and read it and they may have to pay for them to copy it. Mr. Bayer advised that there is on file with the Township, all of these documents. The Planning Board has the file which would include the public litigation documents and that is where he got them and could provide a copy of anything he needs. Mr. Prickett stated if they are on file, would there be a way for him to access those documents. Mr. Bayer answered absolutely. Mr. Prickett conveyed that he was also interested in the transcripts for the decision and the opinion that Judge Sweeney rendered and didn't realize there were transcripts but thought about it and wanted to ask Mr. Bayer about those transcripts if they were available for the public to review. Mr. Bayer replied they would be but the Township Planning Board attorney he doesn't believe ordered a copy of the transcript because that is how it would be on file with the Planning Board because of the substantial cost with that to get a court reporter to produce the transcript. That is usually done for purposes of appeal; if either party appeals the court decision, you have to get a transcript and then give it to the appellate court. At least as of now on file, he doesn't believe there is a transcript because he doesn't think Mr. Hardt ordered it. Mr. Prickett asked if they put their transcripts together similarly to the town with a recording system for digital recordings and if so, would it be possible through OPRA or another request to get a copy. Mr. Bayer responded yes and added that anyone can order and he has only seen it through attorneys but typically parties to cases order transcripts and there is a service that

provides that to the court. Some judges use court reporters; some use recording systems like typically criminal matters are more often than not through court reporters. Mr. Bayer informed he was not at the Inge hearing before Judge Sweeney so he wouldn't know. Mr. Prickett informed it would have been Mr. Hardt. Mr. Bayer conveyed that Mr. Hardt could give him that information. Mr. Bayer acknowledged that he has been before Judge Sweeney on many matters and can't say that he can picture a court reporter in his court room so he is sure he had a recording system.

### **ENGINEER'S REPORT:**

**Mr. Chris Rehmann:** 1. The Mayor as he pointed out is working with a contractor to get the Presidential Lakes project under way and hopes to have that moving very quickly this month now that the contract is in the contractor's hands. The procedure is the contractor has to provide performance guarantees. Their Solicitor has to review those performance guarantees and also the certificate of insurance because they want to make sure everything is covered and held harmless on those issues. 2. The Woodbine Street drainage project will have a preconstruction conference on Tuesday at 10:00 am in the Township to get that project underway. MacRose is the contractor and they do have the signed contracts. That should also be moving forward. 3. They have spoken with the Police Chief in regard to the speed humps that were included in the 2006 Road Program. In the report, they mentioned that there were some options for additional speed humps and the Police Chief at this point in time is satisfied with the program as it has been done. They are not putting any additional speed humps in unless there is another opinion put on the table. Obviously this is almost a personal thing as opposed to an engineering and technical thing. We have relied upon the Police Chief for his opinion and therefore, will not be putting anymore in unless Council gives us additional direction. 4. Those that are familiar with the situation on Clematis Street where there is a woman who has had substantial damage to her home. Her home has been repaired but the surface drainage of Clematis unfortunately, she is on the down hill side and gets drainage in to her front yard which has caused some of this problem. They have a contractor on site, Earle Asphalt who has been very accommodating and has done a decent job for the Township. Mr. Rehmann conveyed he does not like to fight with contractors but it seems to be the case more so than not and this is not the case with Earle Asphalt. They have obtained a price to extend their contract to do the drainage work for Clematis Street which would be an additional \$75,000. However, what that is and they have saved by not putting some speed humps in and also by reducing some quantities where they could about \$25,000 on their original contract. It would be a net \$50,000 increase to complete Clematis Street. Mr. Rehmann conveyed they are allowed to add a supplemental agreement with a contractor up to 20% of the amount of the work and this is going to be on that edge and he is concerned whether Council would like to see a change order in this regard or whether they would like to see Clematis bid as a separate project. Mr. Cartier asked if the \$50,000 includes engineering. Mr. Rehmann explained if the Township took bids today, they would expect the price to be somewhere around \$75,000. They have a contract with Earle Asphalt now and ARH will be providing a change order to reduce the face value of that contract by \$25,000. Since that is appropriated, he would put that towards the \$75,000. What he is concerned about is, does Council feel more comfortable in bidding this as a separate project as opposed to negotiating an addition to the present 2006 Road Program. Mr. Cartier replied that he understands that and his question is if the extension already engineered. Mr. Prickett asked how long it would take to do the second bidding and is it possible for the price to go up between now and then considering the cost of oil and asphalt. Mr. Rehmann replied that is a brave question and given the confusion in the financial markets he does not know where oil is going to be and there is a general trend at the moment for it to go down. The port prices that they look at as a reference have dropped in the last week but it will take them probably two to three

weeks to get the specifications and the advertisement and they have to advertise at least 10 days and that is required by the local public contracts. Mrs. Scull asked if they do order specifications, will that be more money and then the bid will be more money and wouldn't that possibly be costing them more. Mr. Rehmann replied ARH has not completed a bid package and what they were attempting to do is get the additional work done by Earle Asphalt and we gave them a set of plans and we gave them a set of material specifications. They are trying to save the engineering costs and any additional costs on their parts other than the design that the Township paid ARH to do. Mrs. Scull announced it would cost the Township to put it out to bid again and really what Mr. Rehmann is suggesting would save them money in the long run. Mr. Rehmann answered yes. Mr. Bayer asked if it mattered if all if there was a different contractor if it is bid out or if there is someone other than Earle Asphalt. Mr. Rehmann explained this is almost a separate project and they were trying to get something done before the end of the year so that they could provide some relief to this poor woman who has had this problem longer than what we should. Mr. Prickett asked for the price of the project. Council answered \$75,000. Mr. Cartier asked for the price of the original project. Mr. Rehmann replied the original project was \$267,000. Mr. Prickett asked if this decision had to be made tonight. Mr. Rehmann advised the decision doesn't have to be made tonight but if it is delayed another two weeks it obviously pushes it further on but we could hopefully have a good winter and still get it done. Mr. Prickett indicated that he would like Administration to take a look at this and analysis it. He doesn't have it on paper and can't see the numbers to compare back and forth. Mr. Prickett suggested Mrs. Eden look at it and provide an opinion. He would support moving forward with it if it meant delaying this project at a reasonable time and would like to receive input from Administration and especially Mrs. Eden. Mr. Cartier agreed and added that he could ask questions for the next half hour and still have another half hour worth of questions and thinks it's best if Council can see it on paper. Mr. Inge stated they are looking at the original contract and looking at an add on. Mr. Rehmann answered that is correct. Mr. Inge commented to basically look at the original contract and see what they charged per square foot and look at what they charged for square foot on their piping and if they stay with the same price, he doesn't see the problem with that. If the price is staying the same from their addition to what their original price was, there is nothing changed. Their original price has gotten them that bid and they were the low bid so the additional work is going to be done and as long as it is done according to the same price as the original bid per footage of the materials and labor, he doesn't see a problem with that. Mr. Rehmann informed what he needs to do and noted that Mr. Inge brings up an excellent point, is that he needs to provide a comparison of the items for Clematis Drive and what was included in the original contract and those unit prices because we have to build a retention basin and put some sand in there so there will also be supplemental items that they have a price for. Mr. Rehmann wants to provide the information to Council and have discussion at the next meeting. Mrs. Stinney advised that seems to be the consensus of the Council. **5.** They are still trying to determine the best way to put together Evergreen and Lakeshore. The Chief of Police has provided his input which is appreciated because they have to go out and pick up the pieces and apparently the change of Evergreen to include a new turn does not address a couple of the issues that would still allow Evergreen to be a one way in from Lake Shore. Mr. Rehmann suggested at the next meeting along with preparing for the Solicitor a draft resolution to have the county traffic engineering office investigate the possibility of a three way stop that all three legs would stop as opposed to having a free flowing turn off of Lakeshore into Evergreen. Apparently, as they are coming along Lakeshore and turn right on to Evergreen, there are rear end collisions because the people coming around the curve can't see the person slowing down. If they have the people coming and making a left turn on to Lakeshore on to Evergreen, the problem is the people coming around the curve still can't see them. The Chief of Police has recommended that there is a piece of property between

Evergreen and Lakeshore that has a mound to it and that property should be purchased, that mound and trees removed and that would improve the site distance in both directions. Mr. Rehmann acknowledged that he does not know if that possible and he has not looked in to that possibility as he was trying to come up with the least cost project and obviously one of them would be to have everyone stop before they get there. It may require a flashing signal to alert the person coming from Lakeshore making a right hand turn on Evergreen going in that direction around that curve might need a flashing signal stating stop ahead. That would be the only improvement as opposed to rebuilding Lee Street and that extra cost and that would also keep them out of the Pinelands and that would also reduce the costs. They are trying to come up with a least cost situation. Mr. Rehmann suggested thinking about that as they are driving through the intersection about how that would work if they stop and maybe get some email comments from Council as to how to proceed with that. 6. Mr. Rehmann commented on the Historic Train Station in that they are very close to making a submission to the Department of Transportation for their certification. They need to have a utility certification which they are getting those letters from the utility company. They also need to have a letter from our Solicitor stating the right of way that is in that area is in fact owned by the Township or the County and is a public right of way. They are ready to go to bid and all they need are those certifications so the DOT will give them their final blessings. Mr. Prickett has asked if they can get that underway this month if there is any way possible and they will be pushing to do that. 7. There are bids for the improvements along Springfield Road and this is an old project that has been sitting and they now have everything and have a scenario in their engineer's report where they are suggesting that they do the portions of the roadway that both sides of Springfield from Four Mile Road up to where the Pinelands offices are. They were going to ask to go the entire length but there are frankly other roads in the Township that are much worse off than the piece between the Pinelands headquarters and Pemberton Browns Mills Road. Mr. Rehmann advised he is going to recommend that this not be paved even though he hates to leave a road with what appears to be half paved but they have money that they need to spend on other roads in the Township. That is his recommendation and he would like to get that started also. Mrs. Stinney had a question on page 3 he prepared a cost breakout and maybe that is in Mr. Bayer's report this evening but asked if that is as far as ARH is with Lake Valley Acre's sidewalk replacement. Mr. Rehmann conveyed the last he understood was the Mayor was doing some research to make a determination as to whether the sidewalks are public property and the responsibilities associated with that and they would be ready to proceed as soon as the Council has that direction. Mrs. Stinney asked the Mayor to provide Council with an update tonight. Mr. Inge stated there was a special meeting on Monday for a Green Acres Grant for Imagination Kingdom and Council was provided a drawing. Mr. Inge referenced a survey that Mr. Rehmann showed Council at the meeting and asked him for a copy. Mr. Rehmann answered absolutely and asked if he would like one for each Council member. Mr. Inge replied if they want one. Mr. Prickett informed Mr. Inge that he had mentioned an adobe file and if it mattered to him if it were an adobe file or a hard copy. Mr. Inge answered that he would like to see a hard copy which is the same as what was shown to Council on Monday. Mr. Rehmann advised he does have a full application package in Mr. Vaz' office but he would be more than happy to provide Council with a copy. Mrs. Stinney thanked Mr. Rehmann.

### **MAYOR'S REPORT:**

**Mayor David Patriarca:** 1. Commended the Engineer for suggesting they only do a part of Springfield Road. The Mayor added that his thoughts on that project were to just get that road done and be done with it. Mayor Patriarca informed he had concerns about residents driving up that road and asking why it was paved because it is not really that bad of a road and not understanding that there was a substantial drainage issue that the Township was addressing. The Mayor is glad

that Mr. Rehmann is leaning towards not doing the entire road because this was a concern on paving something that is fairly decent when there are numerous roads in the town that are quite atrocious at this point. The Mayor commended Mr. Rehmann for looking out for the Township's best interest again. His idea with the three way stop sign, as the Chief was looking at the property being the option and it still might be as it still has to be looked at, but that may not even be an option depending on the land and what can be done with it and if they can even acquire it. That might be a longer haul and a three way stop sign seems to be a quick solution and it might be something for further review and it might solve that problem. Although it might seem a hindrance to have to come to a stop at that particular location, it would be a safe solution to a dangerous curve as they all know that travel that road that it is a very dangerous curve. Again, the Mayor commended the engineer on his thoughts on that project and that is why we pay him the big bucks. **2.** DPW just completed a project on South Lakeshore Drive that they did in-house which involved armoring the banks of two locations along the roadway that have the lake on both sides of the roadway and had been washing out and taking away the roadway. DPW went out there and did a nice job on armoring that bank and hopefully that is going to be an inexpensive solution to a serious problem where they thought they were going to lose a substantial portion of the roadway with a really good storm that they could have had. **3.** As mentioned earlier, Friday night at 5:30, the Soroptomist Candlelight Vigil will be held on South Lakeshore Drive at the park. They primarily maintain this through volunteers and their DPW does contribute and they just put a retaining wall in for them and also put water in for them so they can water their flowers. It is a nice location and for those that don't know it is there he has recently had residents that have recently married and gone there and take pictures. It is a beautiful location and what he likes to comment about that is that although there were a few small incidents of vandalism there where someone carved their name in the wood, the gazebo and a little burning with what they suspect is a lighter and for the most part and he has seen kids sitting in there in the evenings and no body vandalizes that property. Maybe the meaning of the park has caught on to the kids also and they respect that property and they appreciate that. The Mayor reiterated that it is very well maintained and it is very meaningful. Mayor Patriarca noted he was at the college today and they are working on the silhouettes. **4.** Pemberton Clean Communities has a clean up scheduled for Saturday morning at 8:00. They will be meeting at the Nesbit Center and it will include the Pemberton area. Everyone is welcome to come out and help clean up the area. Transportation will be out there and there will be plenty of nice people to work with if they would like to come out and help us pick up litter in our community. They will probably be working both the west side Lake Valley side and the Sunbury Village in Pemberton side if they get enough people. The Mayor reiterated they will be staging at 8:00 am at the Nesbit Center. **5.** Attended a joint land use study meeting which involved an organization that is doing a study on their study. It is the National Academy of Public Administration (NAPA) and it is a study to see how their study is working and it is an independent study. Hopefully they will see an independent report on our midway process because they are half way through the process of their joint land use study and they'll see how they rate them for the progress that they have obtained. They also had the demonstration at the college that the joint land use study put on. They also put one on in Ocean County in Jackson and they had six people come out. Theirs was packed. There is a lot of concern as to how the mega base is going to affect their community and they were quite impressed as to how well it was attended here. They are looking at some other options in the policy committee on how to get the information out there possibly to make some type of a broadcast that they can put on their local TV station; some type of infomercial or something that would be able to answer some questions for those that may not have been able to get out. They are still looking at different forms of advertisement on this. **6.** The Browns Mills Shopping Center is still moving along although it doesn't seem like much is happening out there. There is a lot of behind

the scenes work that is going on. The owner's professionals have made some changes and concessions and have submitted some of the necessary changes to the county engineers for their review and they are hoping to see some movement in that area real soon. They are still, even in light of the bad times, planning to move forward with the project and they are still taking the necessary steps to get the approvals to complete this project. 7. They did just bid out the bond anticipation notes and they were received today and surprisingly even in light of all the bad times and these are notes that are going to fund projects that have been going on for the last several years that we have been paying up front and so forth and ones that they are going to need to pay like the fire trucks and so forth and originally they received word that no one might even show for this and might not even bid because of the current economic situation. They did receive three bids and their local financial institution, Beneficial Bank, came in with the low bid with 2.74%, which surprised all of us. The high bid was in the area of a little over 5% and at 3.25%. Beneficial in the Mayor's opinion is making a statement by doing this that their institution is strong and they plan to be around and working with Pemberton Township in the future. He was quite pleased to see that they were able to come forth and help them in a time when we thought we were going to be short and not be able to go out and borrow when they needed to and they stepped up to the plate. That will fund some projects including the dam in Presidential Lakes so that project won't be held up. They are pleased Beneficial was able to help them out. Mr. Prickett stated to Mrs. Stinney that he has some comments and questions for the Mayor. Mrs. Stinney replied that will be fine and to go right ahead. Mr. Prickett thanked the Mayor and the Business Administrator for their fine presentation at the BMIA meeting this past Sunday. It was a well attended event and they covered a vast amount of material and a lot of questions were asked. One of the responses the Mayor made was in regard to Eugene's and the new establishment next door, the Subway and they had so many seats and this buffet or Chinese restaurant that was trying to establish themselves next door didn't have the parking spaces needed and he doesn't know the entire process they did or didn't go through but there was a stop work order on that project. It seems to him to be really a shame and there is a big effort into the master plan and all of these meetings on visioning and they are nearing the completion of the new master plan but they don't know when they are going to have their revitalization inclusions in place and perhaps they need to start trying to implement some of the laws regarding revitalization that are not on the books now. Mr. Prickett commented that some Townships sell parking spaces to businesses for a certain amount of money; he doesn't know what the mechanism is there but he knows that behind Eugene's and behind Subway is the Township Municipal parking area. Unfortunately across the street, the Dee Lenik property would have been a very nice parking area but unfortunately the Township lost that property; it was sold. Mr. Prickett conveyed that the Mayor prides himself on being by the book with the stop work orders, but wishes they could move much more quickly with getting some laws in place for the redevelopment area. Mayor Patriarca asked Mr. Prickett if he stated putting some laws in place. Mr. Prickett answered yes, some laws in place and some zoning laws. The Mayor commented that that is Mr. Prickett's job and he would love to see him do something to help them move along. Mayor Patriarca reiterated that is Council's responsibility. Mr. Prickett reiterated that the Mayor prides himself by going by the book and a lot of people respect him for that. He reflected that during the Inge application before the Planning Board, the Mayor recused himself whenever the Planning Board met but there was one exception and that was during the Executive Session that the Mayor participated in the Inge hearing. Mr. Prickett relayed that the public knows about this and the Mayor needs to have an opportunity to tell them why he participated behind the scenes but did not participate out in the public. Mayor Patriarca responded that he does not believe that he participated in the process; they were discussing procedural matters in Executive Session and that, he felt, discussing procedural matters was something that he could discuss. Again, he was not discussing issues on the application, per se, as to whether the applicant should

be approved, disapproved or whether he was in violation, not in violation. Mr. Prickett thanked the Mayor.

### **COUNCIL MEMBER COMMENTS:**

**Richard Prickett: 1.** The comments he has tonight have to do with the relationship between the Council and Administration. The comments he has to talk about tonight are really about the powers that separate the two parts of their government. As many of them know, they are under the Faulkner Act. They have a strong Mayor/Council form of government. Mr. Prickett spoke about some changes that have recently taken place in the building. He first spoke of the history of these changes. On August 2<sup>nd</sup>, Council received a main office floor plan from the office of the Mayor. At the Council meeting on August 20, 2008, Mr. Prickett requested the Solicitor, Andrew Bayer, to prepare a written opinion on the rights that the Council has in respect to the main office floor plan sent to the Council with an emphasis on getting case law regarding his decision. Mr. Prickett continued that on August 20, 2008, the Council received Mr. Bayer's written opinion which stated that the Mayor controls how the property may be utilized. At the next Council meeting in August 2008, he asked Mr. Bayer to provide them with the three cases that were mentioned in his opinion and a legal definition for the term custody of municipal property. Mr. Prickett received that information and received the cases as well as the definition, Black's Law Book definition for that. The cases that were cited in Mr. Bayer's decision, with all due respect to Mr. Bayer, he has tremendous respect for Mr. Bayer, but the case law had to do with the Mayor's authority to negotiate contracts; it had to do with tax assessment on homes and had very little to do with the issue that he was concerned about. The Council on September 19, 2008, received an email from Administration, from the Mayor's office asking Council to remove any personal belongings by the end of the week of September 26<sup>th</sup>. On Friday, September 26<sup>th</sup>, a follow up email asking the Council to remove personal belongings was again issued by the office of the Mayor. Mr. Prickett advised that he sought out a second opinion and for the record he wants to express how he went for the second opinion and has a few comments after reading that. For the record, Mr. Prickett went to visit the honorable Judge Robert Bookbinder and gave him the letter. Actually he gave the letter to his secretary and Judge Bookbinder a little while later invited him in to his courtroom to discuss this. This is what he asked the Judge for the record, "I respectfully ask that you stay the request made by the Business Administrator of Pemberton Township for Council members to remove any personal belongings by Friday, September 26<sup>th</sup>. From the individual offices they now occupy in the Township municipal building on 500 Browns Mills Pemberton Road and to rule on the following questions. In general, does the Mayor of Pemberton Township, the honorable David Patriarca, require the Township Council's approval to implement part or all of Administration's municipal office floor plan dated August 2, 2008 which, 1. Decreases the number of offices used by Council members. 2. Establishes an office of the Council President. 3. Proposes to alter the Township Clerk's office with a partition of unknown material and cost. More specifically, 1. Does the Mayor of Pemberton Township have the power to construct a partition in the Township Clerk's office without presenting to the Council specific plans and a request to expend funds for this improvement when according to the Faulkner Act, 40:69A-40, the Mayor shall supervise the care and custody of all municipal property, institution and agencies and most importantly, make recommendations concerning the nature and location of municipal improvements and execute improvements determined by the governing body. 2. Does the Mayor have the power to elevate the stature of the Council President through creating an individual office of the Council President or does the Faulkner Act 40:69A-36-F which gives the power to the Council to adopt rules for the Council, place that power with the Council". The third question he asked the Judge was, "Does the Mayor of Pemberton Township have the right to change the past use of offices used by Council members without Council approval.

The municipal offices used by individual Council members has been a past practice. Since he was elected to Township Council in 2002 and according to public comment, the architect many years ago designed the municipal building in such a way that Council or committee members can meet with residents, view documents, review documents, secure documents and prevent a quorum from occurring outside of the public meeting”. Four is the last question he had for the Judge, “Is the Mayor in his role as custodian, custody of all municipal property, 40:69A-40-F, required to follow policy, legislated by the Township Council on municipal property use as he is required to do with employee, personnel policy that is legislated by the Council”. Mr. Prickett advised he has a copy of the employee personnel procedures policy manual and within this manual, there are some of the things that Council legislated that are property. They include locking employees out of the building, telephone usage, uniforms and vehicles. Mr. Prickett conveyed he is not a lawyer and is not sure of all of the ramifications of this but that is his question he had for the Mayor. As stated, the Judge was nice enough to beckon him in to this courtroom and the Judge said to him that his presentation was good but he was not able to answer the questions without him doing the appropriate paperwork going through the appropriate procedures. Mr. Prickett informed he thanked Judge Sweeney because he invited him in to his courtroom quickly and discussed this in an immediate manner and he told him what he needed to do to pursue this. What he needs to do to pursue this is to in order to get a second opinion, he needed to file a lawsuit against the Township, file a complaint and file an order to show cause summary action against the Township. Mr. Prickett advised he wants the power of the Council to be protected but he also didn’t feel that he could go into that courtroom and represent himself with these questions, getting this second opinion and he also didn’t feel that he wanted to have the Township in a lawsuit with him so he declined to do that. Mr. Prickett stated that as confusing as the court system is in Mount Holly for a layman, they were certainly very courteous and helpful in his initial attempt to navigate the system there. Mr. Prickett informed that he is not going to give up and will continue to try to navigate that system. These are some of the questions that he has for the record. There are a number of things that he thinks perhaps happened and that is why since the Council did not discuss the opinion of the Solicitor publicly, he thinks that since the Council did not discuss the plan publicly, he is not sure that by doing nothing it enabled policy to be set. Mr. Prickett continued that what he really thinks is the Council needs an outside group of lawyers or legal aid to help them make sure that the Council is able to use the powers that it has as effectively and as fairly as possible. Mr. Prickett remarked to Council President Stinney that she is going to get a new office or at least the Mayor is going to provide a new office for her. Mr. Prickett suggested that maybe there is not much that Council can do about the floor plan, but certainly he can’t make her occupy that office. He can’t elevate her stature and by her not occupying that office and leaving it vacant will allow other people to use that office that are workers here. It will allow for files to be stored there and he thinks she would be setting a great precedent. Mr. Prickett suggested Mrs. Stinney “not to take the carrot from the Mayor; he always wants something else”. Mrs. Stinney thanked Mr. Prickett.

**Sherry Scull:** 1. Announced October 18, 2008 is the International Festival and Community Day. Their school children are hard at work. Every building has a country that they will be displaying. She is hopeful and will know by the next meeting whether or not she will be able to present a Pemberton Township room. In the past, she has done this at International Festivals but because of other responsibilities, she has not since it has been over at Harker Wyllie and Haines. If she has the freedom to do that, that day that is what she intends to do. Pemberton history should be celebrated during that event. It has really turned in to a phenomenal community day. There will be yard sales for the citizens and that was always a great draw when it was at the municipal building. 2. Apologized to the public for what she believes are issues between the Council and the Mayor. She

believes those personal issues belong between the Council and the Mayor. She expressed that they need to communicate better with each other. There are people right now that refuse to talk to anybody but they will sit here and talk to the public and that's not a good thing. That's very harmful to their public. She doesn't think the public should have to sit here and suffer through their personal disagreements and she does apologize for that. 3. Thanked everyone for coming out.

**Thomas Inge:** 1. Heard a statement by the Council President, Diane Stinney and a statement by Council member Sherry Scull that the firehouses give out free smoke detectors and that they have been to the firehouses during fire prevention week. Mr. Inge asked Mrs. Stinney and Mrs. Scull if they can tell him what firehouses in Pemberton Township give out free smoke detectors because he also attended fire prevention week and took his daughter to numerous firehouses and did not see the volunteer fire departments handing out smoke detectors. He did see them handing out red, plastic fire helmets to the children. He has not seen any smoke detectors. For the record, he would like Mrs. Stinney and Mrs. Scull to tell him what fire departments hand out smoke detectors since they stated that they witnessed it. Mrs. Stinney answered that maybe her statement was a little incorrect for the record, but she does believe that maybe it was the County that handed out the smoke alarms and she is not sure. Mrs. Stinney continued that she was at the same Browns Mills presentation last year, the opening and they did hand out the red helmets but maybe she should check that out as it could have been the County but she will check it out for the record. Mrs. Scull commented she does not believe she said that. She does remember that they have handed out at times and it could very well have been at one of the Community Days here where she saw smoke detectors handed out so she with no intent meant to and doesn't remember saying she went to those events. She said she did believe she has seen in the past where they were handed out and that may be where it was at a Community Day. Mr. Inge apologized and added that maybe with the noise from the air conditioning; he saw them nod and was assuming they were speaking when Mrs. Stinney made that statement. 2. Mr. Inge asked the Solicitor in that he has the minutes from the August 4<sup>th</sup> meeting where he specifically asked certain things from Mr. Archer. He was sitting in for Mr. Bayer at the time. Mr. Inge asked Mr. Bayer if he wanted him to give it to him or to Mr. Archer. Mr. Bayer answered he could give it to him and that he was off then and was on vacation. Mr. Inge reiterated that he asked for certain things and at the last Council meeting, a resident came up and asked Mr. Archer if he has given the information that he required. He went as far as saying the Mayor is taking full responsibility of what happened with the island and with the fireworks but he still hasn't received anything. There were certain things he asked for and one of them he wasn't asking the Mayor for his apology or for anything else. He was asking what the cost is going to be to the residents for the mistakes that were made by Administration. Mr. Bayer replied that he thought they had presented that information at a previous meeting subsequent to August 4<sup>th</sup> the information related to this. Mr. Bayer asked Mr. Archer if he did that. Mr. Archer answered that he did present a memo through Mr. Vaz detailing what Mr. Inge asked for as well as discussed it at the previous Council meeting and thought those explanations were sufficient enough and certainly if he feels that they are not, he can request any follow ups or further details and he will be happy to provide them. Mr. Inge conveyed that the Business Administrator did not make the request, he did and he would like any information to be forwarded to him since he made the request. Mr. Vaz commented that he was asked by Mr. Archer when he and Mr. Archer had a conversation on the phone and part of it that he remembers was that Mr. Inge asked questions about whether using DPW employees to carry boxes of fireworks, etc., etc., before the event and after the event, that was one of the questions....Mr. Inge interjected that was at the meeting after. Mr. Vaz continued that he doesn't remember the dates but Mr. Archer did call and they had a conversation.....Mr. Inge interjected that he did receive that from his office.....Mr. Vaz interjected that was what he thought Mr.

Inge was talking about. Mr. Inge continued this was a previous Council meeting when he asked for the information about using Township employees to clear property, the cost that is going to affect the Township to re-vegetate that island. Those are the questions that he....Mr. Archer interjected that at the meeting he told Mr. Inge that because of some of the complexities there that it would be a work in progress in terms of getting information and coordinating with Mr. Vaz and Pinelands and that is why he spoke with Mr. Vaz and he subsequently sent out a memo to Mr. Inge and it was basically a collaborative effort to make sure that all of the questions Mr. Inge had were answered. Mr. Bayer advised that he will look at what was previously provided and will email a copy separately this week. Mr. Bayer conveyed that he did not realize his question was still unanswered but he will make sure it is answered if it hasn't been. Mr. Inge commented that he would appreciate that. Mr. Inge then addressed Mrs. Young that Council usually picks up their packets on Friday and if they are not ready until late on Friday, they can pick them up Saturday or Friday night when they had offices to come to and that they had that availability to pick up the packets. Mr. Inge asked what the new procedure will be to pick up packets. Mrs. Young informed she will call Council as soon as she knows what the situation is with their offices but at present she will have them available in a place where Council can all have access to them or have them delivered to Council if that has not happened before the next meeting. Mr. Inge noted he sees a serious problem if the packets will be in one location where any Council member can just go in and pick up packets. He would rather have his packet held so he can make sure he has a complete packet. Mr. Inge continued that with an office, he knew he could receive a complete packet. He feels that having his packet put out that he has some uncertainty that all of the information that Mrs. Young might have put in that packet, might not be in that packet when he receives it. Mr. Inge noted that is his opinion and his feeling on it. He finds it very hard to understand why Council's offices are removed for such things as storage when they do have trailers in the back that do store papers which is the same as they are going to put in these offices. Mr. Inge noted the Township purchasing a trailer to put items in and leaving the Council offices to the Council should have been the way to do it. There are Council members stating people should put their personal feelings aside and work together. By Administration showing their power that they are running this Township and will say who has offices in the Township; he asked if Administration is afraid Council might find out some things they don't want the public to know such as Pepe's island. He expressed it's kind of hard if there will be nine or ten employees working on a project for four days that Administration wouldn't know about that. Other things that go on in this Township he thinks things will be overlooked. Mr. Inge noted this is just another power move by the Mayor flexing his muscle telling Council that he runs this Township. That the Township is not for the residents and is not for elected officials that were voted in office by the residents of the Township to have an office where they can meet members of the public if members of the public wish to meet them at the Township building. This has all been taken away. Something that has been in effect in this Township for how many years and asked Mr. Prickett. Mr. Prickett responded that he doesn't know the exact number of years. Mr. Inge noted people that have been coming here and have lived in this Township knew they can come here and see an elected official if that's what they wanted to do. This Administration just chose to flex their muscle and it's nothing more than that but as a Council member and as a resident of the Township and as a person that was elected by residents of the Township, the Mayor can do whatever he wants to do but he is not going to make him change his opinion of the way this Township has been run and the way it's being run. It's very nice that the Council President will have her own office but no other member of the Council will have an office. **3.** Thanked everyone for coming out tonight and wished everyone a nice evening. Mrs. Stinney commented that she certainly does not mean to mislead the public or Council members in any kind of way. She wanted to make sure that they mention some of the fine things that their fire departments continue to do in their Township. She does believe and will get

the information for Mr. Inge that several times she believes fire companies have had several events and some of their focuses have been on fire alarms but she certainly doesn't want to mislead Mr. Inge or any one else for the record. Mrs. Stinney reiterated that she will research that. Mrs. Stinney thanked Mr. Inge.

**Ken Cartier: 1.** Thanked Council President. For the record he wanted to say that he has witnessed Country Lakes Fire Department two years prior to the last year gives away smoke detectors. He has seen it. **2.** At the last Council meeting they had for second reading or further discussion an ordinance concerning water meters. He noted that Mr. Prickett had quite a lengthy list of questions that he wished to have answered before moving forward with the ordinance. Mr. Cartier reminded that he requested Mr. Prickett forward that to Mrs. Young so she can distribute those questions to the rest of Council along with the answers. Mr. Cartier asked Mr. Prickett if that has gone forward yet. Mr. Prickett stated that he said he can do that and he has questions from the first meeting that he hasn't gotten answers to and perhaps Administration should go back and look at the minutes. Mr. Prickett remarked that he asked for an economic analysis of the benefits to the residents, the rate payers as well as to the Township. Mr. Prickett does not believe he has gotten that. Mr. Prickett had a lot of questions at the last meeting about the replacement, we were talking about 4,800 or 5,800 water meters. The answer he received was and Mr. Cartier asked him the question and he really doesn't want to take Mr. Cartier's time but it kind of triggered it but he didn't find out about whether these instruments how often they would need batteries, what happens with lightening and there are a lot of questions that he has asked already and he could go on and on right now and he hasn't heard anything about it. Mr. Cartier agreed with Mr. Prickett and added that there were five specific questions and Mr. Prickett just listed some of them and he stated he had a whole list more that he didn't give out that night. Mr. Prickett stated to start with him getting the answers to the questions that he has already asked and then he might have some more questions. Mrs. Scull commented that she thought he was going to email them. Mr. Cartier agreed. Mr. Prickett stated that he has already said them publicly. Mr. Prickett continued that he may have some other questions but the ones that he has said publicly he would like the answers to. Mr. Cartier remarked that his request was the additional questions that Mr. Prickett had. He has not forwarded them to anybody so that Council could have all of the information back by the next meeting when Council was expected to vote on this. Mr. Prickett noted that any questions that he may ask that need to be returned by the next meeting, they have one and a half weeks to go, next Friday, is when the packet is distributed and there is still some time. Administration still has some time yet to get the answers to the questions that he has already asked. Mr. Cartier expressed that he hopes Mr. Prickett does not wait until the last minute to forward those additional questions so that there is no chance to answer them in time for the next meeting. Mr. Prickett conveyed that the questions he has already asked have not been answered yet. Mr. Prickett continued that he will do his best to get some more questions out and it may trigger some more questions because again the DOW went down 770 points this week and they are talking about putting this burden on the rate payers of Pemberton Township and it's not fair. Mr. Prickett added that it's just not right. Mr. Cartier commented that he is not saying one way or the other whether it is or isn't. Mr. Prickett added that is why the economic analysis is so important. Mr. Cartier conveyed that Mr. Prickett is asking for a lot of information and Council gave a month to get that information back and have not heard all of the questions yet. Mr. Prickett reiterated that he has not gotten any of the information yet. Mr. Cartier thanked Mr. Prickett. **3.** Noted no one has said anything concerning the recycle program. When he first heard about this it was in Cherry Hill on the news six months ago. This is a great opportunity for us to bolster out recycle program. They hear resident after resident after resident ask Council to figure out a way to bolster our recycle program and this is a perfect opportunity at no cost to the Township. He hopes everyone looks in to this deeply when this information is

disseminated over the web, form their opinions and come back and let Council know what they think. Council will not do anything without the opinion of the Township as Council has made abundantly clear over the past year and nine months. This is the perfect opportunity to move forward with recycling in this Township. 4. He expressed that he has to agree with Mrs. Scull. There is a lot of dirty laundry and a lot negativity on Council and nothing is getting done because of it here in this Township. He does not know what needs to be done to work the problems out. He suggested they sit down and talk to one another, come in and have a conversation anywhere. He relayed there is a key to this room that is hanging on the door and suggested they grab the key and sit down in this room if they don't have an office. He emphasized they have to start working together for the best interest of this Township. Irregardless of what their personal opinions are of him, Sherry, Diane, Rick or Tom or the Mayor, it doesn't matter. He reiterated that they sit down and start working together. He reflected that they say they won't step in somebody's office, and suggested they then find another office. Mr. Cartier stated he is begging everyone to please just start communicating. 5. Thanked everyone for coming out and wished everyone a nice trip home. Mrs. Stinney thanked Mr. Cartier for his comments.

**Diane Stinney:** 1. Thanked the public very much for coming out tonight. She wanted to share an experience that she had. "On September 19<sup>th</sup>, around 4:15 when traffic was heavy, people were leaving work and trying to get to their destination. She was involved in an accident at the corner of Broadway and Trenton Road in Browns Mills. The driver of the other vehicle and herself were uninjured; thank God but she wants to share her experience of the accident. As you may recall, her daughter was in an accident back in January of this year. All she could think about was her when the officer arrived at the scene of the accident. She was so nervous. The officer handled the accident with concern for both drivers and professionally with all of the chaos that was going on as many drivers were stopping by looking and to offer help. The police made her feel relaxed and she knew that everything was going to be alright. Craig's Auto was called to tow her car to the shop on Route 38 in Pemberton. Craig explained everything she needed to do to get her car taken care of. What a blessing to have this type of business in our Township showing such empathy. Mrs. Stinney shared her next experience with another business in the Township. She was given a few names by her insurance company that was on the list of approvals for repairs and Fantes Auto Body Shop in Pemberton was on that list and she selected them. She was contacted by Catherine, an employee at the shop, that her car had arrived at the auto body shop and they needed her to go in. The way Catherine handled and informed her of every detail she felt she had selected the best auto body shop in the state of New Jersey. When she arrived at the auto body shop, she was impressed by the appearance of this business from the outside to the inside. It showed through appearance, the pride he has for his business and the residents of this Township. The second thing she was impressed with was with how much time Joel took to explain the procedures of repairing her car. Now she knew she had selected the best auto body shop in the state of New Jersey. Mrs. Stinney wanted to share her experiences with others because rarely do we hear nice things about our Police Department. Sometimes they go beyond the call of duty to treat and help people with such respect and dignity. How businesses in this time of economic struggles put the people first. Publicly, she wanted to thank the officers that responded to the accident, Craig's Auto and Fantes Auto Body, Inc., for helping her through what could have been another unhappy experience that would lay heavy on her heart". Mrs. Stinney sincerely thanked them all. 2. Wished everyone a good night and thanked them for coming out. She suggested telling a friend or neighbor to come to the next meeting.

The meeting was adjourned at approximately 9:45 pm.

Respectfully submitted:

Mary Ann Young, MMC  
Township Clerk