

TOWNSHIP OF PEMBERTON

REGULAR MEETING

DECEMBER 3, 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
Sherry Scull
Richard Prickett
Diane Stinney

ABSENT

Also present: Business Administrator Chris Vaz, Township Solicitor Andy Bayer, Solicitor Representative Jake Archer, Township Engineer Chris Rehmann, ARH Representative Kelly Willis, CFO Linda Eden, Township Clerk Staff Ann Jarvis

2. Chairwoman Stinney called the meeting to order at 6:30 pm
3. Closed Session Res. No. 238 -2008

RESOLUTION NO. 238-2008

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:
LITIGATION: GOBER VS. PEMBERTON TOWNSHIP
LITIGATION: MORRISON VS. PEMBERTON TOWNSHIP
CONTRACT NEGOTIATIONS: CWA
CONTRACT NEGOTIATIONS: MASTER PLAN PLANNER
LITIGATION: LAPP 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.

Mr. Bayer added two other matters to Closed Session: Contract Negotiations with Ragan Design and Litigation Discussion Concerning Lapp vs. Pemberton Township.

Motion by Cartier and Scull to approve Resolution No. 238-2008. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION

Mrs. Stinney convened the meeting at approximately at 6:33 p.m. to go in to Closed Session.

5. Formal action as necessary pursuant to closed session.

Mrs. Stinney reconvened the meeting at approximately 7:00 p.m. Council President informed that Council will be returning to Closed Session at the end of

tonight's meeting to discuss litigation, Morrison vs. Pemberton Township and contract negotiations with CWA. Formal action may be taken.

Mrs. Stinney advised that formal action will be taken pursuant to the first Closed Session.

Motion by Prickett and Scull to add the following items to the Consent Agenda.

1. Purchase over \$2,000 for Well #11 for \$8,064.33 to repair a motor.
2. Resolution No. 250-2008, as a result of the Closed Session discussion. It is a resolution authorizing settlement in the matter of Gober vs. Pemberton Township and authorizing the Mayor to execute any documents necessary to effectuate the terms of the settlement.
3. Resolution No. 251-2008, which is a resolution authorizing forgiving interest.
4. Resolution No. 252-2008, which is a resolution authorizing settlement in the matter Lapp vs. Pemberton Township and authorizing the Mayor to execute any documents necessary to effectuate the terms of the settlement.

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

6. Public comments on consent agenda items only.

Mrs. Stinney opened the meeting to public comments on Consent Agenda items. Those wishing to comment were: **Cecelia Cathers:** 1. Began to speak of Whitesbog Road. Mrs. Stinney informed Ms. Cathers that at this time, comments are for Consent Agenda items only. Ms. Cathers advised that she was told this topic would be on the agenda tonight. Mr. Inge explained it is on the agenda under Road Improvements and not on the Consent Agenda. Mrs. Stinney informed it is listed under New Business on the Agenda and asked Ms. Cathers to hold her comments at this time. There being no other members of the public wishing to comment on the Consent Agenda, the meeting was closed for 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.**

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

***a.** Regular Meeting, November 5, 2008.

***10. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 239- 2008

REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR AFFORDABLE HOUSING (COAH) TRUST FUND PURSUANT TO PL1985 C 222 AND N.J.A.C. 5:92-181

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

WHEREAS, N.J.A.C. 5:92-181 ALLOWS MUNICIPALITIES TO RECEIVE AMOUNTS FOR COSTS INCURRED FOR AFFORDABLE HOUSING (COAH), AND

WHEREAS, N.J.S.A.40A-39 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE EXPENDITURES OF MONIES BY DEDICATION BY RIDER,

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

1. THE MAYOR AND COUNCIL HEREBY REQUEST PERMISSION OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO PAY EXPENDITURES FOR AFFORDABLE HOUSING (COAH) TRUST FUND AS PER NJSA 40A:4-39

2. THE MUNICIPAL CLERK OF THE TOWNSHIP OF PEMBERTON IS HEREBY DIRECTED TO FORWARD TWO CERTIFIED COPIES OF THIS RESOLUTION TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES.

RESOLUTION NO. 240-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AUTHORIZING THE INSERTION SPECIAL OF ITEMS OF REVENUES AND APPROPRIATIONS, N.J.S. 40A:4-87 WHEREAS, N.J.S. 40A:4 - 87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF ADOPTION OF THE BUDGET: AND

WHEREAS, THE DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR EQUAL AMOUNT, AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS RECEIVED NOTICE OF AN AWARD FOR THE TOTAL OF \$9,915.35 FROM THE BVP US DEPARTMENT OF JUSTICE, AND WISHES TO AMEND THE 2008 BUDGET TO INCLUDE THIS AMOUNT AS REVENUE.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2008 FOR THE FOLLOWING SUMS:

1. US DEPARTMENT OF JUSTICE
BULLETPROOF VEST PARTNERSHIP
2008 AWARD - \$4,200.00
2. STATE OF NEW JERSEY
DIVISION OF CRIMINAL JUSTICE
2008 - BODY ARMOR REPLACEMENT FUND PROGRAM \$ 5,715.35

BE IT FURTHER RESOLVED, THAT THE LIKE SUM OF \$ 9,915.35 IS HEREBY APPROPRIATED UNDER THE CAPTION:

GENERAL REVENUE:

MISCELLANEOUS REVENUES: SECTION F SPECIAL ITEMS ANTICIPATED WITH PRIOR WRITTEN CONSENT OFFSET WITH APPROPRIATIONS:

BULLETPROOF VEST PARTNERSHIP 2008 - \$ 4,200.00

BODY ARMOR REPLACEMENT FUND 2008 - \$ 5,715.35

BE IT FURTHER RESOLVED THAT THE SAME AMOUNT BE APPROPRIATED AS FOLLOWS:

GENERAL APPROPRIATIONS:

(A) OPERATIONS EXCLUDED FROM "CAPS"

PUBLIC AND PRIVATE PROGRAMS OFFSET BY REVENUE:

BULLETPROOF VEST PARTNERSHIP 2008 - \$ 4,200.00

BODY ARMOR REPLACEMENT FUND 2008 - \$ 5,715.35

RESOLUTION NO. 241-2008

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE REFUND OF VETERANS DEDUCTIONS FOR THE 2006 & 2007 TAX YEARS

WHEREAS, N.J.S.A. 54:4-8.10 ET SEQ.; ALLOWS FOR A QUALIFIED VETERAN TO RECEIVE A \$250.00 YEARLY DEDUCTION; AND

WHEREAS, WALTER A MORRIS THE OWNER OF BLOCK 748 LOT 3, 305 COLORADO TRAIL, APPLIED FOR AND WAS ENTITLED TO A VETERANS DEDUCTION FOR THE TAX YEARS 2006 AND 2007; AND

WHEREAS, A CLERICAL ERROR OMITTED THE DEDUCTION FOR THE TAX YEARS 2006 & 2007; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES ON SAID PROPERTY, IN THE AMOUNT OF \$500.00.

NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$500.00 AS PER N.J.S.A. 54:4-8.10. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 242-2008

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AGREEMENT WITH SUN NATIONAL BANK FOR THE USE OF THEIR PARKING LOT DURING THE WINTER PARADE.

WHEREAS, ON DECEMBER 6, 2008, PEMBERTON TOWNSHIP WILL BE HOLDING THEIR 5TH ANNUAL WINTER PARADE; AND

WHEREAS, DURING THE COURSE OF THE WINTER PARADE AND ACTIVITIES COMMENCING PRIOR TO THE BEGINNING OF THE PARADE, THE PARKING LOT OF THE SUN NATIONAL BANK BRANCH, LOCATED AT 1 CLUBHOUSE ROAD IN BROWNS MILLS, WILL BE USED FOR SOME OF THOSE ACTIVITIES; AND

WHEREAS, SUN NATIONAL BANK HAS REQUESTED PEMBERTON TOWNSHIP PROVIDE A CERTIFICATE OF INSURANCE AND A SIGNED AGREEMENT PROTECTING THEIR PROPERTY DURING PEMBERTON TOWNSHIP'S USE OF SAME;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY AUTHORIZES THE MAYOR TO SIGN THE AFOREMENTIONED AGREEMENT WITH SUN NATIONAL BANK TO ALLOW THE USE OF THEIR PROPERTY DURING THE 5TH ANNUAL WINTER PARADE.

RESOLUTION NO. 243-2008

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO REFUND MONIES TO THE FOLLOWING PERSONS FOR THE AMOUNTS AND REASONS SET FORTH:

COUNTRYWIDE TAX SERVICE, \$771.69, OVERPAYMENT OF PROPERTY TAXES, BLOCK 254, LOT 44

BAKER RESIDENTIAL, \$511.50, CORRECTED ASSESSMENT, BLOCK 812.01, LOT 60 AND 61

JEANNE AMICO, \$289.58, REFUND DUE TO APPROVED TAX APPEAL, BLOCK 946, LOT 2

FIRST AMERICAN, \$717.75, OVERPAYMENT OF THIRD QUARTER 2008 TAXES, BLOCK 81, LOT 57

FIRST AMERICAN, \$636.84, OVERPAYMENT OF THIRD QUARTER 2008 TAXES, BLOCK 209, LOT 17

FIRST AMERICAN, \$768.21, OVERPAYMENT OF THIRD QUARTER 2008 TAXES, BLOCK 333, LOT 24

ANDREW K. DIMICHLE, \$755.34, OVERPAYMENT OF THIRD QUARTER 2008 TAXES, BLOCK 374, LOT 33

WEBER GALLAGHER SIMPSON STAPLETON FIRES & NEWBY, LLP, \$30.00, SUBPOENA WITHDRAWN

FRED S. TAYLOR, \$311.91, OVERPAYMENT OF WATER ACCOUNT 04458, BLOCK 656, LOT 10

RESOLUTION NO. 245-2008

AUTHORIZING CHANGE ORDER #1 TO ABS ELECTRIC INC. WITH THE EMERGENCY GENERATOR UPGRADES

WHEREAS, THE MAYOR AND TOWNSHIP COUNCIL OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZED A CONSTRUCTION CONTRACT TO ABS ELECTRIC INC. ON DECEMBER 5, 2007, IN THE AMOUNT OF \$159,237.00; AND

WHEREAS, THE PROJECT CONSISTS OF THE INSTALLATION OF A NEW 80KW EMERGENCY GENERATOR AND CONVERSION OF AN EXISTING PORTABLE GENERATOR TO A PERMANENT INSTALLATION AT EACH WELL FACILITY, INSTALLATION OF NEW LEVEL CONTROLS, AUTODIALER AND ELECTRICAL MODIFICATIONS AND MINOR BUILDING MODIFICATIONS TO ACCOMMODATE EQUIPMENT; AND

WHEREAS, UPON COMPLETION OF THE GENERATOR INSTALLATIONS AND START-UP OF THE UNITS, SEVERAL PROBLEMS WERE NOTED WHICH AFFECT THE OPERATIONS AT THE FACILITIES; AND

WHEREAS, THE EXISTING GENERATOR AT THE LAFAYETTE STREET WELL WHICH WAS REFURBISHED WAS FOUND TO HAVE A BURNED OUT ENGINE BLOCK HEATER WHICH NEEDS TO BE REPLACED; AND

WHEREAS, IT WAS ALSO NOTED AT BOTH THE OAK PINES AND LAFAYETTE WELL FACILITIES THAT THE WELL PUMPS INSTANTLY RESTART WHEN TRANSFERRING TO GENERATOR POWER RESULTING IN WATER HAMMER; AND

WHEREAS, THE ADDITION OF TIME DELAYS TO THE WELL START WILL ALLOW THE PUMPS TO COME TO A FULL STOP AND PERMIT THE WATER COLUMN TO STABILIZE PRIOR TO TRANSFERRING TO GENERATOR POWER THEREBY ELIMINATING THE WATER HAMMER PROBLEM; AND
WHEREAS, THE SUPERINTENDENT HAS BEEN ADVISED OF THE SITUATION AND CONCURS WITH THE ACTION PROPOSED WITHIN CHANGE ORDER #1; AND WHEREAS, THE COST OF THE REPLACEMENT ENGINE BLOCK HEATER AT THE LAFAYETTE STREET WELL FACILITY IS \$750.00; AND
WHEREAS, THE COST OF THE TIME DELAY EQUIPMENT FOR BOTH THE LAFAYETTE STREET WELL AND OAK PINE STREET WELL FACILITIES IS \$500.00 EACH FOR A TOTAL OF \$1,000.00 FOR SAID EQUIPMENT; AND
WHEREAS, THE TOTAL COST OF THE IMPROVEMENTS COVERED UNDER CHANGE ORDER #1 IS \$1,750.00, WHICH INCREASES THE TOTAL PROJECT COST FROM \$159,237.00 TO \$160,987.00; AND
THEREFORE BE IT RESOLVED, THAT THE MAYOR AND TOWNSHIP COUNCIL OF PEMBERTON HEREBY AUTHORIZE THE EXECUTION OF CHANGE ORDER #1 IN THE AMOUNT OF \$1,750.00 SUBJECT TO THE AVAILABILITY OF FUNDS AS VERIFIED BY THE CFO.

RESOLUTION NO. 246-2008

WHEREAS, PURSUANT TO RESOLUTION NO. 224-2008 THE TOWNSHIP WAS AUTHORIZED TO RECEIVE SEALED BIDS FOR THE SALE OF SCRAP METAL, PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE AS PERMITTED BY N.J.S.A. 40A:11-36; AND
WHEREAS, ON NOVEMBER 25, 2008 THE TOWNSHIP RECEIVED FOUR SEALED BIDS FOR THE AFOREMENTIONED SALE; AND
WHEREAS, LYNCH-GRAY CORP., SUBMITTED THE HIGHEST RESPONSIBLE BID IN THE AMOUNT OF \$6,510.00;
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE PURCHASE OF ALL ITEMS LISTED ON SCHEDULE A, ATTACHED TO RESOLUTION NO. 224-2008, AND MADE A PART THEREOF, IS HEREIN AWARDED TO LYNCH-GRAY CORP., IN THE TOTAL AMOUNT OF \$6,510.00.

RESOLUTION NO. 247-2008

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION
WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A WIDOW OF A TOTALLY DISABLED VETERAN; AND
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1102 LOT 8, 243 COLGATE AVE, PEMBERTON, NJ OWNED BY ELNORA POOLE QUALIFIES FOR A WIDOW OF A VETERANS' PROPERTY TAX EXEMPTION AS OF NOVEMBER 24, 2008; AND
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1102 LOT 8 AS A RESULT OF THE GRANTED EXEMPTION; AND
WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 1102 LOT 8 IN THE AMOUNT OF \$808.51 FOR THE THIRD QUARTER OF 2008, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$ 332.04 TO ELNORA POOLE; AND
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF NOVEMBER 24, 2008 AND AUTHORIZE THE REFUND OF OVERPAID 2008 TAXES.
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2008 PROPERTY TAXES ON BLOCK 1102 LOT 8 AS OF NOVEMBER 24, 2008, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$332.04 TO ELNORA POOLE, 243 COLGATE AVENUE, PEMBERTON, NJ 08068.
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 248-2008

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION
WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 528 LOT 23, 2 TRAINOR PLACE, BROWNS MILLS, NJ, OWNED BY EDGARDO ANTEQUERA QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JUNE 9, 2008; AND
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND
WHEREAS, THE TAX COLLECTOR IS REQUESTING AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 528 LOT 23 AS A RESULT OF THE GRANTED EXEMPTION; AND
WHEREAS, TAXES HAVE BEEN OVERPAID ON BLOCK 528 LOT 23 IN THE AMOUNT OF \$1,688.82 FOR THE 2008 SECOND PARTIAL, THIRD AND FOURTH QUARTER, THE TAX COLLECTOR HAS REQUESTED THE AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$1,688.82 IN TAXES TO FIRST AMERICAN REAL ESTATE TAX SERVICE, 1 FIRST AMERICAN WAY, MAIL CODE: DFW 1-3, WESTLAKE, TEXAS 76262, ATTN: REFUNDS; AND
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO REFUND THE OVERPAID TAXES.
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$1,688.82 TO FIRST AMERICAN REAL ESTATE TAX SERVICE, 1 FIRST AMERICAN WAY, MAIL CODE: DFW 1-3, WESTLAKE, TEXAS 76262, ATTN: REFUNDS; AND
2. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 249-2008

RESOLUTION AUTHORIZING EXTENSION TO CONTRACT OF PROFESSIONAL PLANNER FOR THE PEMBERTON TOWNSHIP MASTER PLAN PROJECT
WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") IS REQUIRED TO CONDUCT A GENERAL REEXAMINATION OF THE TOWNSHIP'S MASTER PLAN, WHICH REQUIRES THE SERVICES OF A PROFESSIONAL PLANNER; AND
WHEREAS, THE TOWNSHIP PREVIOUSLY ISSUED A REQUEST FOR PROPOSALS AND SELECTED A PROFESSIONAL PLANNER IN ACCORDANCE WITH A FAIR AND OPEN PROCEDURE IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ. AND THE TOWNSHIP OF PEMBERTON CODE; AND
WHEREAS, THE RAGAN DESIGN GROUP ("RAGAN") SUBMITTED A PROPOSAL FOR THE PROJECT AND THE TOWNSHIP COUNCIL DETERMINED THAT RAGAN POSSESSED THE NECESSARY QUALIFICATIONS TO PERFORM THE SERVICES OUTLINED IN THE RFP; AND
WHEREAS, THE TOWNSHIP AND RAGAN (COLLECTIVELY THE "PARTIES") ENTERED INTO A ONE YEAR PROFESSIONAL SERVICES AGREEMENT ("AGREEMENT"), EXECUTED DECEMBER 15, 2007, FOR RAGAN TO PROVIDE PROFESSIONAL PLANNING SERVICES TO THE TOWNSHIP FOR THE PURPOSE OF ESTABLISHING APPROPRIATE PLANNING CRITERIA AND DESIGN GUIDELINES FOR THE TOWNSHIP OF PEMBERTON MASTER PLAN, REVISING THE MASTER PLAN AND CONSULTING ON REVISIONS TO THE TOWNSHIP ZONING ORDINANCE (THE "PROJECT"); AND
WHEREAS, RAGAN HAS NOT COMPLETED THE PROJECT WITHIN THE TERM OF THE AGREEMENT; AND

WHEREAS, THE TOWNSHIP ISSUED A REQUEST FOR PROPOSALS (THE "RFP") FOR PROFESSIONAL PLANNING SERVICES FOR 2009 IN ACCORDANCE WITH A FAIR AND OPEN PROCEDURE IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ. AND THE TOWNSHIP OF PEMBERTON CODE; AND
WHEREAS, RAGAN SUBMITTED A PROPOSAL IN RESPONSE TO THE RFP; AND
WHEREAS, UNDER THE LOCAL PUBLIC CONTRACTS LAW, A CONTRACT FOR PROFESSIONAL SERVICES MAY BE AWARDED WITHOUT COMPETITIVE BIDDING; AND
WHEREAS, THE TOWNSHIP HAS DETERMINED THAT IT IS APPROPRIATE TO AWARD A PROFESSIONAL SERVICES CONTRACT TO RAGAN IN ORDER TO COMPLETE THE PROJECT; AND
WHEREAS, RAGAN HAS AGREED TO COMPLETE THE PROJECT AT NO ADDITIONAL COST TO THE TOWNSHIP AND IN COMPLIANCE WITH ALL OF THE TERMS AND CONDITIONS OF THE AGREEMENT; AND
WHEREAS, THE TOWNSHIP AND RAGAN HAVE AGREED TO EXTEND THE AGREEMENT BY ONE YEAR VIA ANOTHER WRITTEN AGREEMENT (THE "AGREEMENT EXTENSION").
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT EXTENSION IN A FORM SUBSTANTIALLY SIMILAR TO THAT CONTAINED HEREIN AS EXHIBIT A.
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. RAGAN DESIGN GROUP
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

12. NEW BUSINESS

- *g. Requests from various departments to expend funds in excess of \$2,000.00 for the following purchases:
 - *1. **Police Dept.:** Purchase of various items for K-9 Unit from Ray Allen Manufacturing, in the amount of \$3,002.17.
 - *4. **Public Works Dept.:** Purchase of two decorative street light assemblies from Sternberg Lanterns, Inc. in the amount of \$3,189.00.
 - *5. **Public Works Dept.:** Purchase of uniforms from Best Uniform in the amount of \$3,774.50.
 - *7. **Finance Dept.:** Purchase of two computers from state contract vendor Dell Computer in the amount of \$2,267.48.
 - *8. **Police Dept.:** Purchase of uniforms from Oakwood Uniform & Equipment, Inc. in the amount of \$4,275.00.
- *i. Applications submitted for memberships, licenses, permits:
 - *1. **2009 Annual License Renewal Applications:**
 - *1. **Trailer Park Licenses:** Lakeshore Mobile Village & Belaire Trailer Park.
 - *2. **Gold Licenses:** Fashion Bug
 - *3. **Body Art Establishments:** Tadoo Everything
 - *2. **Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Browns Mills Fire Co.:** Firefighter Robert J.Colley. **Country Lakes Fire Co.:** Firefighter Matthew Warren.
- *13. Approval by Council required for payment of vouchers on bill list dated **11/26/08**.

Mr. Vaz requested that Council pull an item from the bill list for Danitom Development in the amount of \$127,143.85 because they did not do the work because the contractor had a problem with the weather. Danitom was advised that this bill cannot be added until the next meeting at a minimum because he cannot certify that the work was complete prior to tonight's meeting. This is for Presidential Lakes.

Motion by Prickett and Cartier to pull the Danitom item from the bill list as Mr. Vaz requested. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Mr. Prickett requested item G2 which is software for the Recreation Department and G6 which is software for the Finance Department be pulled from the Consent

Agenda. Mr. Inge requested item G3, purchase of three OEM radios and associated equipment and Resolution No. 244-2008 which is the GIS Equipment Program, to be pulled from the Consent Agenda.

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

ITEMS PULLED FROM THE CONSENT AGENDA:

RESOLUTION NO. 244-2008

RESOLUTION AUTHORIZING PARTICIPATION IN GIS EQUIPMENT PROGRAM AND FFY 2006 HOMELAND SECURITY RECIPIENT AGREEMENT

WHEREAS, THE BURLINGTON COUNTY OFFICE OF EMERGENCY MANAGEMENT, DEPARTMENT OF PUBLIC SAFETY SERVICES (COUNTY) IS PROVIDING PEMBERTON TOWNSHIP WITH COMPUTER EQUIPMENT AND GIS TECHNOLOGY TO SUPPORT LOCAL EMERGENCY MANAGEMENT PLANNING; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON IS ALREADY IN AGREEMENT WITH BURLINGTON COUNTY FOR THE DATA SHARING OF GEOGRAPHIC INFORMATION SYSTEM DIGITAL FILES AND AGREES TO SHARE DATA WITH THE COUNTY AND OTHER MUNICIPAL GOVERNMENTS DURING TIMES OF EMERGENCY; AND

WHEREAS, THE EQUIPMENT PROVIDED TO PEMBERTON TOWNSHIP THROUGH THIS AGREEMENT IS AT NO COST TO THE TOWNSHIP, AS THE EQUIPMENT WAS PURCHASED BY THE COUNTY OUT OF GRANT FUNDS RECEIVED BY THEM;

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

Mr. Inge informed that he had spoken to Mr. Augustoni earlier tonight regarding this and would like Mr. Augustoni to address Council. Mr. Inge asked Mr. Augustoni who will be doing the training and the other departments involved in the other Townships and the costs involved. Mr. Augustoni advised that he does not know the cost but there is training associated with that. The GIS system that they currently have is controlled at Lt. Bogdanowicz's office. They utilize this quite often and are using it this weekend for the Winter Parade. It is an essential component on the Emergency Management end. The package that is being looked at will offer toptometry so that when responding to scenes they can draw it up electronically if they have those devices in their vehicles and fire stations it's a component that will be tapped on to their dispatching system. Currently they can get real time information like the Police Department that receives information electronically over the screen. This is another item which will allow them to see real time pictures, similar to the pictures on google mapping. That component is the training and an agreement that they sign with them every year to use that. They have now allowed them to have toptometry and will be able to see almost three sides of a facility for responding. If they have a wild land fire, they will be able to map it out and it's a very useful tool for them. Mr. Inge asked if this will be under shared services with other Townships. Mr. Augustoni advised that everyone has to sign on. It's a service that they are charged through the County to use. Mr. Vaz informed that the County has these agreements with other municipalities and they are contracting directly with the County and not other towns. Mr. Inge confirmed this was just for Pemberton Township. Mr. Augustoni added it is a very useful tool and could save a lot of lives. Mr. Inge thanked Mr. Augustoni for being here.

Motion by Inge and Prickett to approve Resolution No. 244-2008. Inge, yes; Prickett, yes; Scull, yes; Cartier, yes; Stinney, yes. Motion carried.

8. PRESENTATIONS

a. Presentation by C.E.R.T Team.

Mrs. Stinney read a portion of an email Council received from the NJ League of Municipalities on November 17, 2008, "Across the nation and here in New Jersey, our communities are given top priority to the task of planning and preparing for potential threats from acts of terrorism. In any emergency, whether resulting from a natural disaster, crime or terrorist related act, local government resources will be the first responders as well as the first line of defense. CERT is a program designed to produce organized teams that will be capable of assisting their

communities in times of disasters. Every county has assigned a member of their Office of Emergency Management as their CERT Coordinator. At present, New Jersey has over 15,000 CERT volunteers. More than any other state in the country. As productive first responders and public servants, New Jersey citizens are respectively requesting your municipalities support, the enhancement of CERT membership and boosts public awareness.” Mrs. Stinney commented that is what they will have this evening.

Mr. Augustoni thanked Council President, Council, Acting Mayor Vaz for the opportunity to present the CERT team. This venture was started in 2006 under the McCullough administration when CERT was the “buzz” word around the United States. The Mayor authorized them to join with the County to start preparing this team. They started out with seven members and have grown. They are very proud of their CERT team. They are very active throughout Burlington County. Any of their County officials will tell them that they do an outstanding job. They were very instrumental in their original weapons of mass destruction exercise, which allotted the municipality a \$10,000 grant for putting on that event. Mr. Augustoni noted that he could not do his job as Emergency Management Coordinator without their back up. They take a lot of the responsibilities away from the Fire Fighters, EMT’s and Police Officers in the fire fighting, law enforcement and emergency medical work and take those support functions and help them by running shelters, the EOC, etc... If they didn’t have those, their Fire Fighters, EMT’s and Police Officers would have to fill in those positions. They are a tremendous asset to this community and to this nation. Mr. Augustoni thanked Council and the Mayor’s office for their support. Mr. Augustoni introduced the new CERT Coordinator, Richard Shemelia. Mr. Augustoni also acknowledged Mrs. Marisa Wilkins who was the original CERT Coordinator who got this ball rolling. Mr. Schemelia introduced Ms. Elaine Horner who will be speaking on the CERT team. He will be available after the Council meeting to answer any questions and there are registrations available for anyone that would like to join. Ms. Horner advised that she will be speaking on what CERT is, what they do and why the Township needs CERT. CERT is Community Emergency Response Team who are called out by the Coordinator who will be notified by the Fire Department, Police for an emergency or impending emergency. CERT is organized, educated, willing and able. Ms. Horner informed there is a CERT team in Pemberton and invited anyone who is interested in joining. CERT would like the community to take the free courses that the Office of Emergency Management offers so that everyone will be prepared. In the event there is an emergency, they would know what to do. Ms. Horner reiterated that the training classes are offered free of charge and it is very important to get the community behind CERT and take advantage of the free training. Anyone can join CERT; any age. Individuals under age 18 would need special permission to join. Senior Citizens can join CERT and their health is not an issue. CERT can perform triage. If there is a disaster, all of the rescue squads will not be here in Pemberton Township as they may be spread out to other communities. CERT would come in as they are a complement to the Fire Company, Rescue Squad and Police Department. CERT members receiving on-going training. Ms. Horner has made a commitment to help Pemberton Township and is proud to be here. She has worked in the community for 25 years and hopes the community will come forward and take the education. In the event there is a dire emergency, the media will not rip us apart the way they did for Katrina. Ms. Horner expressed that we do not need a repeat of that. Ms. Horner remarked to get the education now and at least be prepared to take care of yourself. If you can’t assist with the community, know what to do for yourself. Mr. Augustoni added that the CERT team has a website and Mr. Vaz provides information on the township website, www.pemberton-twp.com, go to the Emergency Management section for further information. The best way to handle an emergency is to be prepared for it. CERT is constantly in training and meet once a month. Mr. Augustoni notified that njready.gov has shelter information as well. It is

imperative that the community is prepared as well. Mr. Augustoni mentioned that he has spoken to Mrs. Stinney regarding the faith based organizations which is a very intricate part of what they do. Their Fire, Police, EMS, CERT and Emergency Management team are ready to roll in to action along with our cooperation of our government and residents. Mrs. Stinney asked if the CERT literature was in the library and Senior Building. Mr. Augustoni advised that they will be going out and talking about readiness as Ms. Horner mentioned knowing what to do for oneself in the case of an emergency. Literature is at the Senior Building and it should also be at the library. Mr. Augustoni noted that the information is also available electronically. Mrs. Stinney added that the faith based organizations need to be provided with literature as well. Mr. Prickett commented that he sees the CERT team at a lot of events and thanked them for their dedication and professionalism in assisting emergency services. Mrs. Stinney thanked them for the presentation.

11. UNFINISHED BUSINESS

a. Status report from Cat Licensing Research Committee.

Mr. Prickett reported that the Committee has met approximately four times with eight hours spent on talking about how to get a handle on the uncared cat population in Pemberton Township and has also spoken with two Animal Control Officers. Discussions will continue into 2009 when they will be meeting with Dr. Stull. Dr. Stull will help answer some of the technical questions from the committee. The committee has done a lot of work on addressing the education component of getting a handle on the uncared cat population. They are working on ways to reach out to the community to let them know what services are available for their cats and provide guidance on how to care for their cats. There are a lot of them that want all of the uncared for cats in Pemberton Township and this is an on-going committee. The committee looks forward to coming back to Council in 2009 with additional information.

b. Review of draft ordinance regarding third party payroll services and approval of purchase over \$2,000.00 for one year payroll services from Casa in the amount of \$10,680.95, until ordinance provisions have been determined.

Mr. Prickett announced that is a payroll service for Pemberton Township. Payroll can be complicated with the various deductions. The minutes summarize all of those benefits to the Finance Department as covered by Mrs. Eden at a previous meeting. Mr. Prickett noted that he had expressed concern at the last Council meeting over the disbursement of funds. He was concerned that a payroll service would have Township funds and if something happened that they are not aware of, they might lose some of those funds. Apparently that has happened at some point, time and place. The Division of Community Affairs has a lot of rules in place to protect the Township. Mr. Prickett was reassured by Mr. Vaz and Mrs. Eden at the last Council meeting that the funds that will be disbursed in the form of payroll checks and would not end up the bank account of the payroll service. Mr. Prickett expressed concern over a number of things in the ordinance such as taking possession of Township funds, electronic means for disbursing of funds, another entity having some of their funds and a transfer of Township funds between accounts to a dedicated cash account or to an account owned or controlled by the payroll service provider shall be deemed a disbursement subject to the local fiscal affairs law. Mr. Prickett asked why these items are in the ordinance if they have no intention of allowing a payroll service to have "dibs" on their funds. Mr. Prickett advised that he emailed Mrs. Young today who forwarded it to Mr. Vaz to find out where this contract came from noting that he thought it came from the Division of Community Affairs. Mr. Vaz advised the ordinance is almost verbatim

from the regulation. Mr. Vaz informed that the ordinance is not going to be necessary if Council approves the purchase for CASA because CASA will not have control over Pemberton Township funds. Therefore, that ordinance is not going to be required by the state regulation. It would be required if they went with another vendor that does take temporary control of the funds and the ordinance has controls and checks and balances built into it to help protect the town from some of the problems other towns had experienced. Administration is not recommending an ordinance if Council is inclined to approve the resolution granting the contract with CASA because they will not have possession of Township funds. Mr. Prickett confirmed that Mr. Vaz read the financial document by DCA that covers the parameters. Mr. Vaz answered yes. Mr. Prickett asked if the payroll service uses their own software there would have to be an ordinance in place. Mr. Vaz replied only if that software controls the disbursement of the funds. Mr. Prickett acknowledged Mr. Vaz's comments. Mr. Cartier asked if all three bids received, CASA, Prime Point and ADP, operated the same way in that they don't take possession of Township funds. Mrs. Eden explained that Prime Point and ADP do take possession of their funds. Mr. Cartier then asked if they insist on that or if they operated both ways. Mrs. Eden confirmed they insist on it. Mrs. Eden advised Council if they do approve the contract tonight, the cost for 2008 is not \$10,000 which is what it would have been originally at the beginning of the year. The cost should be under \$2,000 for 2008 because all that will be done at this point is converting the data. CASA will not run a payroll until our records match and training is done. Mrs. Eden anticipated having our first payroll in January with CASA. Mr. Cartier asked if CASA will be performing the end of year items for 2008. Mrs. Eden replied that they will need to process year end because CASA will not be processing their last payroll. Their records and CASA's records will agree to the penny before proceeding further. Mr. Inge asked if CASA is the company Mrs. Eden is recommending. Mrs. Eden confirmed it was and added that she has checked with some of the other agencies and has learned that CASA is very easy to work with and on-site training is free. Mrs. Eden pointed out that most importantly; CASA does not take possession of their funds.

Motion by Prickett and Cartier to authorize the Finance Department to purchase one year of payroll services from CASA in the amount of \$10,680.95.

Mr. Cartier asked if this needs to be redone at the beginning of 2009. Mr. Vaz clarified that it will be a one year contract. Mr. Inge noted for the record, discussions were held earlier on this and it will save the Township money if they might not have to replace those employees that do retire. Mr. Inge added that going this route will save the Township money in the long run. Mr. Prickett reported it was also discussed that they currently don't have the checks and balances because there is one group of people doing all of the checks. There will also be more time to work on the ledger which is something that has not been addressed for a lot of years with the manpower that is needed. Hopefully, as a result of the payroll service, this will be rectified. Mrs. Eden explained those will be some of the duties she would like to move over to that employee because she would be the one employee in the Finance Department that would not have control over any of the accounts or cash. She could do some of the items without having a conflict. Mr. Prickett recognized that the Finance Department under the direction of Mrs. Eden does work hard and they do their best to look out for the finances in Pemberton Township. Serving on Council for the number of years that he has, Mr. Prickett knows that is an arduous task.

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

ITEMS PULLED FROM THE CONSENT AGENDA (CONTINUED):

- *g. Requests from various departments to expend funds in excess of \$2,000.00 for the following purchases:
 - *6. **Finance Dept.:** Purchase of software for a Fixed Asset Tracking program and PDA from Real Asset Management in the amount of \$4,850.00.

Mr. Prickett noted that over the years that the Township has purchased expensive software programs he hasn't heard too many reports where these software programs were highly successful. Last year, the Township purchased a software program for Public Works and he does not know how that is working out. Mr. Prickett expressed concern that any software programs that Council is going to authorize that Council needs to have a thorough understanding of the costs, what the software will do and how much manpower is going to be involved in putting information into these systems. Mr. Prickett explained the software requested would track the assets of the town such as furniture, desk, vehicles, etc. Typically a municipality would hire a service to take inventory of what the Township possesses and is not sure if this software is going to replace having to hire a business to come in to do that. Mr. Prickett expressed concern that it might pull employees away from addressing the ledger and other items that by having a payroll service, freed those employees up. Mrs. Stinney denoted that she also had concerns regarding the software and it is her understanding that it was ordered by the auditors. Mrs. Stinney asked Mr. Vaz to elaborate on this. Mr. Vaz clarified that the auditors did not order the Township to purchase the software but they have noted in their audit, and as late as the 2007 audit, that the Township does not have a fixed asset management program in place, which is required. If it is not done electronically, they will have to do it manually. Mr. Vaz shared that he demoed the software along with an employee in the Finance Department and was very surprised when the quote was received which was only \$4,850. It will be difficult to choose a threshold in terms of a dollar amount to start tracking. Mr. Vaz reasoned that they would like to start as soon as possible in the new year because as every purchase order is being submitted, the Finance Department will flag the dollar amount, attach an asset tag, send it back to the department head that will have the responsibility from a moving forward point of keeping up with this. There is a problem that is not insurmountable that they have to go back in time and enter everything that the Township presently owns. That will be a project that all departments will have to be involved in. To answer Mr. Prickett's question, Mr. Vaz replied that Administration will not saddle the Finance Department with the total burden of making this happen. Mrs. Eden's role will primarily be oversight and Mrs. Wilkins will be trained on the software. Ultimately they will start with January with the items they purchase and catch up in phases over time. Mr. Vaz advised that should satisfy the auditors; however, 2008 is almost behind them so they will probably see the same notation in the 2008 audit. At least in the 2009 audit when it's done, this should be removed from the audit. Mr. Prickett noted that Mr. Vaz stated it was doable for Pemberton Township from a cost perspective. Mr. Prickett added this software is not super intelligent software that reads through the bill list and pulls out the inventory items and alleviates having man hours put in to the system. Mr. Vaz answered that it has the same "garbage in-garbage out" problem that most software has and that is where the policy decision comes in regarding what threshold they will use. If the threshold is \$500, when the purchase order is sent back to the department head, it will have an asset tag attached to it and that person will have the responsibility of attaching the asset tag on the asset. They will have to be more hands on for the larger assets such as buildings and automobiles but for the day to day items, if we start with 2009 moving forward we will at least be compliant for the 2009 purchases and start catching up for 2008 and prior purchases. Mr. Prickett inquired if Mr. Vaz has considered an analysis between hiring a consultant to do the inventory as opposed to doing it in house using their current manpower and the hours expended to do this. Mr. Vaz claimed

no but added that their insurance company does an assessment from a liability perspective of what their assets are valued at and this is something separate and apart from that. That aspect from the insurance company does cut it from purposes of fixed asset management. Mr. Prickett asked if Administration is aware what other municipalities do. Mr. Vaz stated his experience is with towns that have the software. Mrs. Eden reported that the last time the company came it was approximately \$7,000 and there is no maintenance or upkeep on it. The records received at year end from JIF are good records but they are not for DCA. Mrs. Eden explained that the location and the property as well as a dollar amount, the fixed asset ledger, land, value, buildings is required and this software includes a hand held PDA. It would also be a deterrent for lost of missing items. Mrs. Scull acknowledged that it's a good idea to have this software rather than hire a company to come in because this is an on-going process. Mrs. Scull commented that if a company comes in March and the Township purchases something in April, it won't be included. Mrs. Scull expressed concern regarding this and noted during the auction last month, the Township sold bookcases when she is aware that the Nesbitt Center needs bookcases. This software would give them a better idea of where things are and if one department doesn't need a particular item, maybe another department does and they would have the knowledge and it would probably save them money in the long run. Mr. Prickett concluded that putting together a good inventory is important and the Township has not had one for many years. Mr. Prickett cannot recall when there was a formal inventory done during the time he has been on Council and it is necessary. If Administration and Mrs. Eden both feel that it is necessary and they can assure him that it's not going to be the full burden of the Finance Department that has so many other things to do, then he can support this. Mr. Prickett added that he hopes this is the best software and asked Mrs. Eden if she compared different types of software. Mr. Vaz and Mrs. Eden both confirmed they did.

Motion by Prickett and Scull to approve the request from the Finance Department to purchase software for a Fixed Asset Tracking program and PDA in the amount of \$4,850. Prickett, yes; Scull, yes; Inge, yes; Cartier, yes; Stinney, yes. Motion carried.

Mr. Inge explained that he thought Mr. Prickett had pulled item g7 and had a question on this item. Mr. Prickett commented that Council had discussed earlier purchasing a payroll service which would relieve some of the work and take some of the data out of the computers that they have in the Finance Department but yet Finance is asking to purchase two Dell computers. Mr. Inge commented that they must purchase from Dell because it's a state contract. Mrs. Stinney confirmed. Mr. Inge asked why the two computers are being requested. Mr. Vaz reported that the existing two computers are bad; they essentially melt down and shut off and at certain points they are incapable of doing anything for us and we wind up wasting a lot of time sitting around until the computers feel like cooperating. Mrs. Eden explained that the Mayor had a public hearing last Friday with his department heads for the 2009 budget and the Finance office could not print the budget because the computers froze. It took approximately 3 hours to have their software vendor connect to a laptop to their printer to their server and then print the budget for the Mayor. The two computers to be replaced are about 7 years old and every morning one states hardware is going to crash, failure. Mr. Inge indicated that his questions have been answered.

*g. Requests from various departments to expend funds in excess of \$2,000.00 for the following purchases:

*2. **Recreation Dept.:** Purchase of operations management software, from Active Network Solutions in the amount of \$7,061.00 (year one), and \$3,000.00 annually for service contract (based on annual revenues collected by the Dept.)

Mr. Prickett remarked that this software was discussed during the budget and now it needs to be looked at more specifically in detail and that's why he pulled this. Mr. Prickett commented that he is not sure exactly what the software completely does. Council was provided with a thick packet. During the budget hearing, it was discussed how the software would enable residents to sign up for recreation programs on line and pay for those programs on line as well. The software will also allow them to organize different events and determine how many people are participating and track them as well as a number of things the software can do. Mr. Prickett stated he would like to see the software in action in a municipality before putting the money out to move forward with this. The \$7,061.00 is just for this year's purchase and every year there is another amount to pay. Mrs. Stinney explained the \$3,000 would be generated by the Recreation Department. Mr. Prickett reiterated that he would like to see the software working in another town, and he would also like Mr. Bayer to look at this contract to ensure the Township is covered for liability since it deals with money and residents using credit cards. Mrs. Stinney commented that at budget time she questioned what towns this was working in and asked Mr. Vaz what two towns he mentioned during the budget hearings. Mr. Vaz answered that he does not remember the names but added that he will try to schedule a demo through Mrs. Redmond's office if Mr. Prickett would like. Mr. Prickett replied he would. Mr. Vaz added that unless they have a demo on-line where one can log in with a user name and password. Mr. Vaz reported that the Toms River Basketball Association does everything through the on-line system. One can't even make a phone call until their coach is assigned. Everything is done through registration on-line and they can't register in person until the very end of registration. If waiting for in-person registration, by that time the teams have already been filled because of the large number of kids that are registering. Mr. Vaz has experienced registering his daughter on-line with this process and added that their software does this and more. Mr. Vaz commented that he will try to set up a demo for Council within the next week to hopefully have this on the agenda for the next meeting on the 17th. Mr. Inge stated when this was discussed during the budget, he was opposed to this. The cost at that time was \$10,000 and there was not any discussions regarding paying an additional \$3,000 per year. Mr. Inge noted that this contract is a 3 year contract where they will be paying an additional \$3,000 every year. He expressed that after a 3 year contract, who knows what they will end up paying or if the software will be obsolete. Mr. Inge reiterated that parents should be able to register their children by coming to the various recreation sites. The cost of the programs to the parents are getting more costly every year and this would only be an additional cost. Mr. Inge commented that it has been stated that the \$3,000 will be paid by the Recreation Program. Mr. Inge suggested that instead of paying \$3,000 for this program, \$3,000 could be reducing registration fees for the parents. Mr. Inge again stated the additional yearly fee was not discussed during the budget meetings. Mrs. Stinney asked how the \$3,000 would be generated. Mr. Vaz explained it is based on the fees that are generated through the on-line system. Mr. Vaz assumed that for each registration the company is getting a portion for providing the on-line registration service. Initially it will probably be less until people realize it's there and start utilizing it. At some point it will probably be up to that \$3,000 range. Mr. Vaz indicated that he recalls discussing the \$10,000 at the budget hearings. Mrs. Stinney commented that the \$3,000 fee was not there at the budget hearings. Mr. Vaz explained that \$7,000 and \$3,000 is \$10,000 and it is broken down into components. Mr. Vaz repeated that he will try to schedule a demo. Mrs. Scull remarked that if we go this route, registration in person should still be available as well. Mr. Vaz replied the plan is to continue to have the in person registrations and to also have the software available at the in person registrations for credit/debit card transactions as opposed to doing it on-line. Mr. Vaz continued that some people are not comfortable with putting their credit card number on a website. Mr. Prickett added that some people might not have a computer as well. Mrs. Scull

remembered when her children were young and she was working two and three jobs and not really having the time and she would have loved to be able to go on line and register. She can see the advantage of this as well. Mrs. Stinney confirmed with Mr. Vaz that he will be scheduling a demo.

- *g. *3. Public Works Dept.:** Purchase of three OEM radios and associated equipment for Public Works Supervisors' trucks, from state contract vendor Motorola c/o Quality Communications in the amount of \$8,556.00.

Mr. Inge advised that he went on line to try to find the costs for these radios and he was unable to find the costs. It seems very high for three radios. Mr. Inge noted it is \$2,852.00 per radio. Mrs. Scull asked if they are all state vendors. Mr. Vaz answered it is a state contract and from his personal experience in his volunteer fire company, these radios are very expensive. Mr. Vaz spoke of a dispute with his volunteer fire department and the fire district in Toms River that contracts with them to provide a service in Ortley Beach which focused on 5 new radios that were requested because of the expense of the radios. Mr. Inge indicated that he was unable to find anything on line to compare the costs. Mr. Cartier stated these are not handheld radios. Mr. Vaz informed he was only using it as an example.

Motion by Inge and Prickett to approve the purchase of three OEM radios and associated equipment for Public Works Supervisors' trucks, from state contract vendor Motorola c/o Quality Communications in the amount of \$8,556.00. Inge, yes; Prickett, yes; Scull, yes; Cartier, yes; Stinney, yes. Motion carried.

12. NEW BUSINESS

- a.** Authorization to solicit bids for RCA repairs at 302 Springlake Blvd.

Mr. Prickett asked for clarification on soliciting bids for the RCA repairs and asked if that is money that is still left in the bank for RCA repairs. Mrs. Stinney replied yes. Mr. Prickett added that most of the RCA funds have been depleted. Mr. Vaz answered that this is a project that was started approximately 16-18 months ago. Contractor 1 did a horrible job and was thrown off the site by the homeowner and the homeowner would not allow Contractor 1 to complete the job. Administration has issues that Contractor 1 on other projects and sooner or later it will involve the Solicitor's office unfortunately. Contractor 2 came in under a prior request for proposal to fix what Contractor 1 did not do. Other issues arose when Contractor 2 got on site and saw issues in the attic. An engineer was hired to evaluate the property and in the mean time Contractor 2 has advised Administration that they have gone out of business. They sent them a certified letter demanding performance under the contract and they have not responded and he does not expect them to respond. This is, unfortunately, their third try at this. So that Council is aware, it involved roof leakage. He noted that after consulting with Mrs. Young, they are scheduled to open bids this Friday.

Motion by Scull and Prickett to authorize the solicitation of bids for RCA repairs on 302 Springlake Blvd. Scull, yes; Prickett, yes; Inge, yes; Cartier, yes; Stinney, yes. Motion carried.

Mrs. Stinney asked Mr. Vaz to provide a breakdown on what is left in the RCA program. Mr. Vaz replied that Administration has a written report that was emailed to her and he can also share that with the rest of Council. Mr. Vaz continued that there is a small amount left in one program and any monies left in the other programs are actually administrative fees that they are hoping to roll over for 2009 to go back and replenish the salaries and wages that were paid in past

years towards the projects. Mr. Inge asked if there was any money left in the small cities grants. Mr. Vaz conveyed that he is not aware of any. Mr. Inge then asked if one was approved by Council. Mr. Vaz explained that for an emergency housing repair and the State does that and they cautioned that they have limited money for emergency repairs and that Pemberton does have a need for this. Mr. Vaz continued that the state encouraged the Township to hire a grant consultant to apply for the “big” money. The Mayor and he have discussed and will be recommending in the budget that a grant consultant is hired. The quotes received from grant consultants are approximately \$15,000 and that will get them about \$400,000. Mr. Inge asked Mr. Vaz to let Council know how much is left in the Small Cities Grant money. Mr. Vaz asked Mrs. Eden. Mr. Inge thought it was in the \$20,000 range. Mrs. Eden and Mr. Vaz did not recall this. Mr. Vaz informed he has a print out from the State that lists all of the grants that Pemberton has applied for and approved for in the past and we are all caught up with the State in terms of receiving the money and completing the paperwork. Mr. Vaz reminded that unfortunately there was money that the town was granted that was not spent but there is nothing that can be done about that at this point. Mr. Vaz and Mrs. Stinney agreed that was money for down town that was lost out on.

- b. Authorization for Twp. Clerk to publish the required notice for 2009 Reorganization meeting to be held 1/7/08 at 6PM and the first regular meeting immediately following at 6:30 PM.

Motion by Cartier and Scull to authorize the Township Clerk to publish the required notice for 2009 Reorganization meeting to be held 1/7/08 at 6PM and the first regular meeting immediately following at 6:30 PM. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

- c. Request from Ick Me & Sung Hui Yang for use of municipal parking area behind their proposed business at 22 Juliustown Road.

Mr. Inge stated to Mr. Bayer that he owns commercial property in the GCLI and asked if he should abstain. Mr. Bayer advised him that if this is something that he would be eligible to receive as a benefit then he would be better off recusing himself. Mrs. Scull asked Mrs. Stinney if Council could refer this to the Planner or Engineer. Mr. Cartier stated he had previously requested at the last Planning Board meeting that the engineer be brought up to speed on this issue as well. Mr. Prickett asked if it would be possible to talk about the ordinance in Council’s packet first as it does have something to do with the resident’s request. Mrs. Stinney agreed and continued that Council will first ask a few questions. Mrs. Stinney asked how many spaces are needed, noting that she does not believe she has seen this in her information. Mr. Cartier advised that the engineer should be able to answer that. Mr. Rehmann suggested asking the applicant to provide a synopsis of what they are seeking. From the Planning Board meeting and Mr. Ingram’s comments, Mr. Rehmann informed he is somewhat confused as to what the ultimate use of the property in question is. Mr. Rehmann continued it would be helpful to have an explanation from Mr. Ragan regarding the ordinance in Council’s packet. Mrs. Stinney asked Mr. Bayer if it was okay to have the applicant address Council. Mr. Bayer replied yes and asked of the Planner or Engineer if this ordinance is designed just for this particular applicant or for the district as a whole. Mrs. Stinney indicated that she wants to ensure that what is done for one applicant must be available to everyone in Pemberton Township and not just for one particular applicant. Mrs. Stinney asked Mr. Cartier for his comments as this situation was recommended to the Council to resolve so that this applicant may be able to move on. The situation for Council to discuss tonight is the ordinance and Council will continue to do that through the information that is provided by the Planner. Mr. Yang was introduced by his brother-in-law, Bruce. Bruce is translating for Mr. Yang as he does not speak English well. Bruce

advised the property in question is the plaza with three stores. Mr. Yang had purchased the property a few months ago without knowing that zoning for the plaza required three parking spaces for each chair in the Subway restaurant. Subway had occupied 14 parking spaces where the plaza has 22 total parking spaces. The zoning is 7 parking spaces per store but since Subway is already occupying 14 spaces, Mr. Yang is not able to have any other tenants move into the plaza to open up their businesses. Mr. Yang can now only have one tenant and he is at the point where he could lose the entire plaza and not have any businesses. Eventually there will be an empty plaza there and he will probably have to file bankruptcy and foreclose on the property. Mr. Bruce explained that Mr. Yang is requesting the Township allow him the use of 7 additional parking spaces in the municipal parking area so that the Planning Board can give him a C.O. so he can have tenants move in and open up shops. Mr. Bruce advised Mr. Yang has a tenant who would like to move in but he is awaiting approval from the Township to allow the 7 additional parking spaces to be used by the customers that are coming to the plaza. The Township has requested that drawings be provided by an engineer and Mr. Yang spent \$1,700 for these drawings. Mr. Yang already had a survey of the property which the Township would not acknowledge. Mr. Bruce reiterated that if Mr. Yang is not afforded the 7 additional parking spaces, he will lose the plaza. Mr. Prickett asked if the engineer has a copy of the new drawing. Mr. Bruce informed he just received the drawings this morning but the engineer has the original survey of the property that was not acknowledged by the Township. Mrs. Scull asked who had originally asked for these drawings. Mr. Cartier explained that the drawings that were received with the application were from the prior owners; from the original approvals and that is why the Planning Board asked for updated surveys. Mr. Cartier continued that that the Planning Board granted conditional approval to the applicant based on the outcome of tonight's meeting. Mr. Bayer asked when that was granted. Mr. Cartier replied November. Mrs. Scull stated there are parking spots there that are called Township parking spots that are there for businesses and asked what is the problem with somebody wanting to go to Subway and parking in the Township parking lot or another restaurant. Mr. Cartier informed Mr. Rehmann that he is attempting to explain this to Mrs. Scull and to correct him if he is wrong. Mr. Cartier continued that through the application process and opening up of a business, and Mr. Inge can attest to this being a business owner, for the amount of seats that a business requires, one parking spot is required for every three seats. Subway has so many seats within their business that they need all of those parking spots. The Planning Board does not have the authority to give away public parking to a business owner to fulfill their application requirements. Mrs. Scull then asked what good is public parking and why is there any parking that belongs to the public. Mr. Cartier informed that to open a business per ordinance, the applicant is required to have the parking spots on the premises. Mrs. Stinney asked Mr. Yang to pass the drawings to Council, the engineer and planner. Mr. Cartier remarked that these are the plans that are part of the conditional approval. Mrs. Scull asked why they think they will be any different than the other ones. Mr. Cartier answered because the other drawings were twenty years old. Mr. Rehmann conveyed there was some question as to access to the property and the Planning Board has the right to give a variance and what Mr. Ragan has put together in the form of a draft ordinance, he has just received a copy. Mr. Vaz clarified that the ordinance that is in Council's packets was prepared by the Planner and it has its origins at a Browns Mills Revitalization meeting and was intended to be a first step and get a discussion going about the issue. Mr. Vaz relayed that the ordinance does not deal with all of the issues that Mr. Rehmann reflected that the idea was to have Council consider all of those issues and determine what kind of a standard they would like to see in an ordinance so this can play out in the future fairly for other business owners. Mr. Ragan's office was not asked to prepare a whole ordinance and only to prepare an ordinance that was specifically being discussed and it is very limited in scope. Mrs. Scull clarified that Council does need to pass an ordinance in order to approve

allowing Mr. Yang to use the parking spots at this time. Mr. Vaz replied that he will defer to Mr. Bayer and added that Administration will have some very strong concerns about doing that for a lot of the reasons that Mr. Rehmann just mentioned and added that when having the Browns Mills Revitalization meetings, parking is very important and at a minimum Council needs to know what it is getting itself in to if they want to go down the road of this type of an ordinance. It's in everybody's best interest to examine this very carefully. Mrs. Stinney commented that the ordinances can always be revised as she has asked Mrs. Scull and Mr. Cartier along the way. The ordinances need to be revised to fit the mold of their new Pemberton Township or downtown revitalization. Mr. Vaz noted that he deals with spot issues everyday and tries to filter those issues to the appropriate staff and this was one where the bell was ringing very loudly. It is a small ordinance but probably needs to be much bigger and larger and more thought out than the first draft. Mr. Prickett commented that certain elements of this proposed ordinance covers limited areas in the Township and have to do with existing structures that may change what is being done and may need a few more parking spots and instead of having to leave, you accommodate because there is no more land there. It is a business and building that has been there and has been commercial all along. Because of a change not necessarily in use but they are doing something different that has been sanctioned in the Township, it is within the Zoning ordinance and somehow this accommodates that business by allowing the businessman or businesswoman to purchase spots in the municipal parking lot. Mr. Prickett attended the revitalization meeting and is in support of the conceptual idea. Mr. Prickett expressed concern regarding how to couple this ordinance and introducing an ordinance, voting an ordinance and accommodates the business people in attendance tonight. They have to find a way to do this if they are going to move forward; they need to be subjected to this ordinance. It might not be that complicated and they might be able to move forward quickly with this ordinance. There are some changes that need to be looked at. Mr. Cartier agreed with everything Mr. Prickett stated and there are some changes that need to be brought forward. One of which \$50.00 is a bit steep and there needs to be some sort of compensation but \$50.00 per space is a bit much. Mr. Cartier added it appears to be broad based where it states town center, GCLI, etc., zones and anybody within that zone can accommodate or have access to those parking spaces whether it is two miles up the road from where their businesses happen to be. It needs to be a little more limited to the surrounding businesses of wherever it happens to be. Mr. Prickett noted it does vaguely confine and restrain that to the Browns Mills area and it does need to be quantified. Mrs. Scull asked if Mr. Yang owned everything with the dark line on the drawing and asked if there was another one story building in the back near a fence. Mr. Bruce answered he does own everything in the dark line and also that there is a one story building in the back. Mr. Bruce added that Mr. Yang was informed that is Pinelands or wetlands and can't be touched. Mr. Rehmann clarified that the one story building in the back is not necessarily wetlands, but if they pave it, they must make a Pinelands application. He noted there is a building behind the open spot and they would have to make full application to Pinelands to increase the parking spot. He noted it takes time to put together a site plan, do drainage calculations and the necessary things to meet Pinelands standards. Mrs. Scull acknowledged it would cost Mr. Yang more but at least that would be an option rather than losing it altogether. Mr. Bruce reiterated concern regarding his brother-in-law being able to keep up with the mortgage. Mr. Prickett asked Mr. Rehmann if that is part of the storm water system that absorbs the water from the parking lot an if there is an adequate. He further asked if there is an adequate system there in place to take care of the storm water. Mr. Rehmann expressed belief that this property and the paving on the property preceded Pinelands. He advised there is no evidence that there is any storm water management on site. Mr. Bruce reiterated that his brother-in-law has spent a lot of money trying to get this matter resolved. Mr. Prickett questioned why the applicant needs seven and a half more spaces. Discussion ensued regarding how

many businesses there would be and Mrs. Stinney asked Mr. Ragan to address these questions. Mr. Ragan noted they want to do what they can to help. He informed that this property was granted a site parking variance in 1994 by Planning Board Resolution No. 2-1994 and had series of conditions on the property. It said that the applicant would create a diagonal parking in the front, which they did. He noted they would rehabilitate the masonry building in the rear to make it more attractive and install a sidewalk from the front of the building between the EMS building and the site to connect the municipal parking lot in the rear. It would also install a six foot fence between the property owner and the adjacent single family home. He advised that the Board also conditioned that the parking in the rear must be reconstructed when a situation wherein the Township would close the municipal parking area. He explained that in other words the Planning Board granted to the previous owner the right to use some of the spaces with the condition that if the Township ever needed the space or wanted to close or use the land for any other purposes that the applicant would be required to build the spaces on his site. Mr. Ragan expressed that that resolution, if it runs with the land may still be in effect. Mr. Cartier asked if the Planning Board has the authority to grant public, personal use to public parking, to which Mr. Ragan advised it did not. He advised that's property before this board and he agrees, but that is in the event that there was a need to assist the applicant this is a current status of the Planning Board approval of course subject to what they all have done in referring here. In addition, the reason that the additional spaces are required is that based on the square footage of the Subway, the proposed restaurant with the proposed 29 seats and a proposed drop laundry area would require 31 spaces. Of course the applicant has approximately 20 or 21 spaces. Now he agrees with the comments that have been made here about the ordinance and Mr. Rehmann and he has had a conversation. He feels if they have a subcommittee of himself, Mr. Rehmann and Mr. Vaz or anyone else that they would like to have participated in that they would see if they couldn't tailor this proposed ordinance more specifically to the Browns Mills downtown area. From a conceptual point of view, they are working on the downtown. They have some sketches and they have a lot of ideas about how to create a town center focal point. And part of that focal point is also to create parking by expanding municipal lot and expanding the municipal lot perhaps even across this property. He relayed that one of his thoughts was if this owner would grant to the Township a generic cross easement that indicates that the parking could be expanded to the benefit of this applicant and the Township that there would be a possibility for a mutual benefit to occur and that benefit would outweigh in my mind, any requirement for a cost of \$50 a space or anything else. He reflected that this ordinance started 25 years ago when they were working in Medford Township and there was a need to create some parking and the original ordinance requested \$800 per space to be put in an escrow fund where it was a one time fee and the town would use it to buy property and build parking and maintain it. As it evolved over the years, they felt the \$800 was way too onerous on a new business and what they came to was suggesting that a, what they felt was a deminimous annual fee would be a way to go. That's why they presented here. He acknowledged it certainly is open and flexible and he thinks if they have a subcommittee work on it they can grapple with the suggestions they have. But, his notion would be that if they were able to have an agreement of some kind with the property owner that said they'd be willing to grant a cross easement to the Township for the purpose of parking as they move forward with the concepts, he thinks there would be a joint benefit to both parties and under that kind of direction perhaps the Council could give that direction to the Planning Board and say if they are willing to do that they think they might be able to use an area temporarily but that's a very big exchange of concepts. He pointed out that where the person is giving up a part of his private property for the benefit of the whole. He relayed there is a Planning board meeting tomorrow night and maybe they could find a way to allow this applicant to move forward without too much other delay. He emphasized that he is willing to work with the other professionals and staff to fine

tune this ordinance and put that on for another day. Mrs. Stinney: highly recommended that work on that ordinance but in the meantime right now they really do need to get this resolved as they heard tonight the urgency. Mr. Prickett: I'd asked what the cross easement is that the Planner is talking about. He would like to get that resolved tonight. Mr. Ragan: explained that the cross easement says that the applicant would agree to permit an eventual redesign of the back portion of his property in a manner that would be suitable for both his use and the ability of cars to be able to come from the municipal lot onto his property and continue through perhaps to another access point. They would be granting, to the Township, something of value. Mr. Ragan further noted that a cross easement is something of significant value that they would find beneficial and he in the long run would find beneficial because his customers may have a better circulation of how to get in and out of his property as well as other users that are being planned in that area would also have a better way of circulating behind the businesses that are going to front on Juliustown Road and the new town center area. Mr. Bayer asked if he was talking about the portion of the property where the vacant building is to which Mr. Ragan clarified that he is speaking about everything behind this primary building Mr. Prickett suggested it's possible that the Township, with the applicant could work on some kind of a wetland issue there to address the whole parking lot storm water management that isn't in existence. Mr. Ragan agreed and added, to give him the opportunity to pursue having a business in there and with this generalized cross easement they can examine whether or not they would have an extreme hardship with the Pinelands or not. He noted however, whether in fact as Mr. Rehmann indicates there's a possibility that they could use that land for parking. He thinks it's a win win for both the Township and the applicant if they could come to that understanding. Mr. Prickett asked Mr. Bayer if they could prepare some kind of an agreement that has teeth that is meaningful under this circumstance, to which Mr. Bayer said they could. Mrs. Stinney questioned if that would be just for temporary with them, to which Mr. Prickett clarified it would be for the cross easement. Mr. Bayer explained that with what Mr. Ragan is speaking about, if they're getting this easement its permanent, it's not a temporary sort of thing, it's permanent. Mr. Ragan, clarified, no it's a permanent easement. Mr. Bayer commented that the property owner would have to consent, to which Mr. Ragan acknowledged to be correct. Mr. Bayer relayed that in essence he would be giving his land for this purpose with getting the benefit of using the Township's parking spaces until this expansion of the municipal lot to include over his property. Mr. Ragan agreed and added that it would create the ability for traffic from his lot to flow freely on to the municipal lot and traffic from the municipal lot to flow freely onto his property and perhaps continue on to the next property and get out to the other road that connects the two properties. He perceives it as an absolute win win; a benefit for him as a property owner and a benefit for the Township and thereby making the plan work. He added that if they are able to make this work, then hopefully his property will be a beneficiary of all the work, hard work the Township is going to be putting in to making Juliustown Road and the down town of Browns Mills a better place to be. Mr. Bayer questioned who would do the improvements to the parking, if it would be the Township. Mr. Ragan relayed that would be, something they would discuss. They are not requiring anything yet of the applicant but that would be discussed and they would have a mutual discussion of how the parking lot goes and if they are wildly successful and they have a great number of customers then perhaps they could make something work. He expressed that the important thing is to have the cross easement. Mrs. Stinney asked Mr. Bruce if he has an attorney. Mr. Bruce advised they do but this discussion is something new that they just heard but he thinks it's a good idea. He doesn't think his brother-in-law bought the property for the piece of the land but actually the income that it can generate and bring in customers the business owners can generate their businesses he thinks like the gentleman said it's a win win situation. Mr. Ragan clarified they're not asking him to construct this at this point. They're saying the cross easement is something that they can then

incorporate into their overall plan. Bruce acknowledged understanding. Mr. Ragan further noted that if they figure out that plan there may be some additional improvements that they'll talk about as they go down the road. If they get their customers in there they're going to be much more willing to talk about their parking lot than they are tonight. Mr. Bruce expressed that their tenants will also like that as long as they know they can have parking spaces, more parking spaces for their customers it will be workable. He expressed that he does not think his brother-in-law can wait for that part as to the municipality. Mr. Bayer asked if he understands what Mr. Ragan is suggesting is this parking would be permitted for people other than those who would be using their businesses; it could be a public lot. Mr. Ragan agreed that it's clearly, the area behind their buildings that will be primarily used by their customers, but it does give the right for another individual to come and park there if everything else was parked up. He noted that by the same token, when they're having dinner at night and their area is full, they can expand over into the municipal lot. He expressed there's this sharing that goes on and the legal mechanism is this cross easement that makes it right. Mr. Cartier commented that ultimately, it could end up going back to their original plan of having another restaurant there next to the Subway where they wanted, with seating. He noted that since this is the way it is right now they had to convert away from that because of the parking restrictions situation having to be taking out only. He pointed out it was originally designed to be another restaurant. Bruce commented that this is Pinelands area and his brother-in-law is not quick to pursue with the applications but perhaps the township can push on his behalf get the approval. Mr. Bruce expressed that to build the parking space there it's better for the municipality as well as his brother-in-law. He reiterated that this is more parking spaces for the municipality, the whole township as well as for his brother-in-law. He expressed that with mutual cooperation, it will be good for everyone. Mr. Bayer relayed that the concept would be that if they got the cross easement from them in the interim before this is all done that they would be permitted to use the public spaces now. Mr. Bayer advised the Yangs if they have a lawyer, he would strongly suggest they get him involved because they would need to do an agreement and there are substantial property rights at issue so they want to make sure they're properly protected. It was discussed that those that should be involved in the process would be Mr. Ragan, Mr. Bayer, Mr. Vaz, Mr. Rehmann, the Yangs, their attorney and Engineer if they have one. Mr. Ragan suggested they could get a meeting together but asked if they could have some kind of conceptual Mrs. Stinney asked if they would have an agreement now. Mr. Ragan clarified direction, then even at tomorrow night's Planning Board meeting subject to this being worked out. Mr. Cartier reiterated that the application was approved conditionally working out the parking process. Mr. Bayer noted to Mr. Ragan that he thinks what they would need to do is have an agreement in place for the Council to consider. The Council would have to adopt a resolution approving whatever agreement; they'd need a written executed agreement. Mr. Ragan expressed they should then work with the applicant and get their lawyer in touch with Mr. Bayer. Mr. Ragan commented that they need to do it before the start of the year. Mr. Cartier questioned if it had to be this month. Mr. Bayer clarified that they have one meeting left this year so if they're going to get this done; they have to do it in two weeks. Mr. Bayer questioned why they don't find out if the concept is amendable. There was consensus to move forward to have an agreement made. Mr. Prickett commented that there are a number of businesses that have been held up in zoning processes and planning process so they're moving ahead as quickly as they can here and he thinks it's a creative and interesting idea. Mr. Cartier agreed but questioned Mr. Ragan where he is with the revitalization plan, noting he's heard about the conceptions but nothing specific. Mr. Ragan offered to summarize briefly. Mrs. Stinney clarified with Mr. Bayer that Mr. Inge could now be included in the discussion. Mr. Ragan noted on a drawing the masonry building behind it, this is the municipal parking lot. He advised that this is the area behind it and there's no real connection there. In the event that they proceed with the early

concept of down town there would be some major new green space a major town center. This is the building in question. Parking may be changed in the back and parking would come through and this all these buildings along Juliustown Road that are in red would be new and buildings in orange are existing with new facades and they'd end up with a retail street scape that includes buildings that all front the street and then little connections for additional businesses that go back and a main town square that allows for some fancy fountains, pavilions and so forth. Mr. Prickett questioned where's the parking for that circle and if it was all the white area. Mr. Ragan confirmed that it was, noting everything's in the rear. Mr. Cartier acknowledged that this works right in to his conception. There was consensus to move forward with this plan as discussed.

Mrs. Stinney recessed the meeting for a short break then reconvened the meeting approximately five minutes later.

d. Review of Planning Board's proposed application escrow agreement.

Mr. Bayer commented that the escrow agreement was reviewed by the Planning Board over the past three or four months and the fee schedule was reviewed by both GluckWalrath and that ARH and they tried to update the fee schedule to make it more current so that Township staff don't have to call applicants frequently for additional funds. The fee schedule is broken down into the recommended application fees which are increased from \$50 to \$100 for an informal review; the minor sub-division remains unchanged; and when there is a minor site plan or a waiver of a site plan, the Planning Board attorney prepares a Resolution for the escrow deposit and a minor review. A re-zoning fee, the escrow requires that the Engineer and the Planner and the attorney are involved therefore requiring the escrow deposit to be increased 50%. Each category has been updated to 2008 pricing and establishes a reasonable and current "state of the art" schedule of fees that are necessary. They agree that they do not want to make it too expensive for the applicant, but do not want the Township to have to chase applicants for money. This fee schedule is a way to enable the applicant and the professional to be on notice; to say this is what the fees are and to stay within those parameters and an applicant that doesn't submit well-documented drawings sometimes has to pay more because the Solicitor or the Engineer may have to do more work to review the submission. If the application provides a full checklist of work, then the Solicitor should attempt to stay within general parameters realizing though that each job is different and each review is different. Mrs. Stinney questioned if their fee schedule is on point with other municipalities. Mr. Bayer assured the current fee structure is lower than most. Mrs. Scull questioned if the applicant would be reimbursed for any monies that were not utilized. Mr. Bayer concurred that any fees not used would be returned to the applicant. Mrs. Scull mentioned that the purpose of this ordinance was to ensure that the Township was covered in case an applicant was denied and did not want to pay after the fact. Mrs. Scull thanked the Solicitor and Engineer for their work. Mr. Prickett inquired as to whether Council had seen this Ordinance before and whether the Ordinance had gone back to the Planning Board for tweaking. Mr. Cartier stated that the Ordinance had not gone back before the Planning Board. Mr. Prickett asked if the fee schedule would need to be done by agreement or ordinance. Mr. Bayer stated that an Ordinance would be necessary to modify the fee schedule. Discussion ensued regarding the Escrow Agreement and whether Council would have to approve and who would sign. It was determined it would be done by Ordinance and brought before Council sometime in January. Mr. Cartier asked that the Planning Board Secretary receive a memo advising on how Council will act on this.

e. Review/Determination regarding shared services agreement with County for exchange of County owned land adjacent to municipal complex for Township's train station and rails to trails.

Mr. Vaz mentioned that this is a Shared Services Agreement, but for all intent and purposes it is a contract so that both sides can start due diligence title work and surveys, etc. Due to the fact that the contract involves two public entities, the County and the Municipality, the timeline that is set forth in the statute will put them into the spring before any deal is consummated. Mr. Prickett asked if this meant that the work on the T-21 grant would not start till the Spring. Mr. Vaz assured that the grant would continue because it is a condition of the County taking over the property. The County wants to see the T-21 program go forward. The issue with the improvements will need to be addressed by the Engineer because there are some minor bugs that are being worked out but should not be an issue much longer and incorporated into the Agreement. Mr. Cartier asked how the Historic Trust is affected by the Agreement. Mr. Vaz advised there would be an assignment in the lease to the County. The County has indicated that they are looking forward to the Trust continuing its presence and role which it has now at the railroad station. Mr. Bayer stated that if property was going to be conveyed it would need to be done by Ordinance. Mr. Cartier stated that this is just a shared services agreement. Mr. Bayer stated that if there was property conveyed it would need to be done by Ordinance. Mr. Vaz assumed that if something hypothetically came up in title work and the County doesn't own the land adjacent to the Municipal Building or vice versa, there would really be no point in doing an ordinance. Mr. Bayer asked what Mr. Vaz was looking to get accomplished by December 17th. Mr. Vaz stated that he would like to get into contract so that both parties understand that there is a meeting of the minds to go forward with doing surveys and title work, sort of like a real estate contract. Mr. Bayer reiterated that the Township would not be able to "close" without an ordinance. Mr. Vaz suggested a contingency be put into the contract stipulating the transfer be made pending ordinance approval. Mr. Cartier suggested the specifics be worked out later and have it back before Council on December 17th. Mr. Inge questioned who would be responsible for the grant. Mr. Vaz stated that ARH is in the process of coordinating that whole project which Council authorized at a past meeting. It regards architectural plans that were done long ago that are not in conformance with present construction/architectural standards. Mr. Inge asked if the County would take over the grant and construction once they take over the property. Mr. Vaz answered that the Township would be responsible for that within the Agreement. Specifically Paragraph D on page 3 that addresses the T-21 grant. The main focus is to get the improvement project completed.

- f.** Authorization for Administration and Clerk to receive bids for 5" hose and miscellaneous equipment for new fire truck.

Motion by Scull and Cartier to authorize the Township Clerk to receive bids for 5" hose and miscellaneous equipment for new fire truck. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

- h.** Review and approval of proposed 2008 Road Program.

Mr. Prickett expressed concerns regarding the Road List. He inquired the cost and specific location of each project. He acknowledged specifically on Harper Road there are few houses and a serious drainage issue with a cost of approximately \$80,000 to complete the project. He expressed that this information should be included in the report. It is his understanding that Public Works compiles the list and had asked for the list of residents that requested road repair. His hope is that the residents are being heard. Mr. Prickett would like to see the complete list to ensure that the residents' requests are being considered. Mrs. Stinney yielded to Mr. Rehman to address Mr. Prickett's concerns. Mr. Rehman responded that his firm is not authorized to do any road work and provided preliminary numbers. Unfortunately, he did not know that the map did not accompany the letter that

Council received. He advised these are all roads brought to the Engineer as their "highest priorities" to take care of maintenance problems which they believe to be an inordinate amount of money to maintain and hopes that this will save the Township in the long run from having to fix and patch. Mr. Rehman apologized for not having a particular list of exact repair locations but it would not help without a map. He stated he is not aware of any list other than what they were provided. The figure of \$870,000 is just a ballpark figure and it is their understanding that there is \$800,000 available. He advised that there is currently a bid for Norcross Road. They received 9 bids out of 17 that asked for specifications. He expressed that there is no work out there. The low bidder was \$256,000 the high bidder was \$370,000 and they had 5 bids that were under \$300,000 and only had a spread of 9% between the three low bidders so people are very aggressive right now. Mr. Prickett stated that the year is almost over and the money was appropriated a while back and Council should have had this list presented previously. Mr. Rehman advised that no money had been appropriated for 2008. Mr. Prickett recalled a Bond that was approved by the Council. Mrs. Eden confirmed that three roads listed in the Capital Ordinance were Springfield Road, Norcross and Woodbine. This did not include the \$800,000. Mr. Rehman confirmed that Woodbine is complete, Norcross has gone out to bid and Springfield will be under construction shortly. Mr. Prickett inquired that in order to do this work another bond ordinance will need to be passed which was confirmed by Mr. Rehman. Mr. Rehman stated that the Department of Transportation has informed them that within the first 100 days of the new President's office, an infrastructure of proposals will be put forward. If this passes, it has been his past experience that those projects which can be bid within 120 days from the date of the award of a contract will be those that will be considered. Pemberton Township must deal with an environmental agency that sometimes lengthens that time frame. Mr. Prickett stated that he doesn't remember Pinelands approval interfering with too many roads. Mr. Rehman stated that Springfield and Woodbine were some of them. He stated that drainage issues contribute to some being more expensive than others and will provide general numbers at the next meeting if desired as well as maps and alternatives. His desire would be to have this designed and approved within the first two months of 2009 so if the new president can have his program approved, Township money could be substituted for grant money which would be the ideal situation. Mr. Prickett asked if in that scenario, maybe the Township should think bigger than \$800,000 and identify other areas such as Presidential Lakes which could use new roads in the entire community as well as some other communities. He requested that the Township prioritize the roads that need to be repaired/improved in case the grant money becomes available. Mr. Vaz stated that the Mayor has asked ARH to prepare a five year plan as well as the 2008 roads. Mr. Prickett inquired as why North Road was taken off. Mr. Rehman apologized that he did not know and would get that information to Prickett via email. He also stated that there is a sense of urgency and it would be a major capital improvement in the Township and they need to move forward, but with everyone's consensus. Mrs. Scull questioned if roads could be changed if needed. Mr. Rehman answered that if the Bond Counsel is willing to describe the work as "various improvements to municipal roads within Pemberton Township" instead of listing each individual road, then the Township could be very flexible. ARH is suggesting due to the fact that oil is below \$40 a barrel, asphalt costs are also decreasing, the Township do alternate bids to take advantage of the funds. So if you want to add other roads in addition to priority roads they can get it as close as possible. Mr. Inge recalled that the last couple of years that the residents have come out complaining about roads that are referred to public works but Council never hears what happens regarding those roads. He questioned if Council should not be looking at the residents' requests when considering what roads to do. Mr. Rehmann clarified that he wants to see all of the requests and not just the ones they selected to present to Council. Mr. Inge confirmed that was correct. Ms. Willis reiterated the process they used to put the

list together. Mr. Rehmann advised he would have the complete list, breakdown and map for them sometime next year. Council determined to table action on this until receipt of the documents requested of the Engineer.

GENERAL PUBLIC COMMENTS

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

Cecelia Cathers: Presented a note from her father-in-law's doctor regarding his health condition and that the condition of North Whitesbogs Road. She explained that the road was constructed many years ago and is not a standard sized road. Her father-in-law's doctor cautions that the dust on this road contributes to his health problems. She noted that she has a heart condition as well. She relayed the drainage problems on the road with heavy rains. She relayed there have been complaints lodged since 2005 without result. She expressed the people of North Whitesbogs Road will expect nothing less than for Council to pass what is necessary to prepare and install a good quality road pavement on North Whitesbogs between White Street and Ridge.

Howard Cathers: Reiterated his Ms. Cather's sentiments adding that after living there 45 years and paying road taxes as everyone else and they have a dirt road with pot holes. He acknowledged public works has been good with the grader to fix the holes after a rain, however.

Patricia Perrine: She lives off Margaret Street and reiterated Ms. Cathers' sentiments and petitioned Council to consider these roads. She has written previous Council's and has called public works and hopes she will be on the list that Council receives.

Mr. Corson: Noted he lives behind the Cathers. He advised of the damages to his car due to the dirt that gets in the system from the road. He explained the inordinate amount of dust that's created when traveling that road.

Michelle Forman: 1. Expressed sympathy for the residents' road problems. 2. She expressed that she receives no support regarding her complaints concerning gypsy moth. She noted that she has been here three times with specific questions regarding the decision of gypsy removal from last year's budget. She questioned why this topic was not on the agenda last year. She noted if there are any meetings regarding gypsy moth she will be there if at all possible. She expressed that the residents are being brain washed by someone at the township that the gypsy moths are not that bad. She questioned who will pay for the trees that die. She read portions of articles that depicted residents' problems with the gypsy moth. She lobbied for spraying, reiterated her concerns over how the process was followed last year and again questioned when she would receive answers to her questions she has repeatedly presented. She noted that if Council puts this matter on the agenda for the next meeting they we only have two days to make a decision for next year, noting that Mr. Vaz had shared the State's letter with her. She expressed that would not give the public much time to prepare for discussion. Mr. Vaz noted the State's letter she refers to is the first step in the process. Mrs. Stinney instructed her to leave her written questions for the Clerk to distribute to Council and to address to Administration for answers. Mr. Inge expressed that if Council has to make a decision soon this should be posted on the web site to allow opportunity for public input. Mrs. Stinney asked if Administration could report to Council at the next meeting after reaching out to Ft. Dix if they could perhaps participate in spraying.

Sandra Armstrong: 1. Advised that when she and her neighbors found out the township was not going to be able to spray, they were contacted by a pest control company and they went out and paid for it on their own and they haven't had any problems and were just so glad they did it. She advised that it did help and it was something similar to what the township did for their building, the ground spray. She expressed belief that when she had mentioned it the Mayor he said that it wouldn't be monetarily feasible to do that throughout the township. 2. Noted that she missed a couple of meetings when this was brought up but there was something about the water meters, she believes was a purchase of new water meters and thought it's now on the back shelf because the cost was pretty astronomical. She advised that she had recently spoken to a former worker who worked as water meter in the township

and has now moved but he had mentioned that it was his understanding it was purchased years; water meters of some sort, new ones but they were never installed and it cost quite a bit of money. She clarified that it was hundreds of thousands of dollars and they are sitting in a warehouse in Country Lakes. She wondered if that's something that could be checked with Mr. Williams and see if that is something that's there or is something that could be used by the township. She doesn't know what type they are and perhaps they're not as modern as what was proposed, but maybe it's something that could still be used. Mrs. Stinney advised that they would look into that and asked Mr. Vaz to check into it. 3. Recalled that at the last meeting that she attended she spoke a few words about Mr. Inge's situation with his going forward with his restaurant. She reported that shortly after that, about a week later, she received a three page anonymous letter in the mail, telling her what the scenario of facts were in his case and then on the last page they did like a little cartoonish type thing that suggested that she should not really want to be linked with Mr. Inge and the facts are not correct and things like that. She advised that she wants to continue supporting him in his quest to go forward even though the facts show that he's wrong. She clarified that she's not up here to protest what the letter states the facts are but this is going against the spirit of someone getting up and being able to say what they know their opinion is whether it's right or wrong. She added that by them being anonymous, she has no one to address to it but this, this was post marked the day after she spoke at the Council meeting so it had to have been somebody in the room, there wasn't too much public. She clarified that she is not saying that it would be anybody on the Council because she feels that they all are very outspoken and some of them have already voiced their opinion to her and they wouldn't do something like this. She added that she is not implying the Mayor or somebody close to them that they know but expressed it's just a shame that someone can feel that they have to write an anonymous letter and it's pretty well written. She noted they got their facts, they know how to write and in a way it's even kind of silly too. She advised that it bothers her that someone would want to do that in their town and that they know if someone disagrees. Mrs. Stinney agreed that it's sad because she was sitting here about a month ago looking at an anonymous letter as well, and unfortunately she learned a long time ago when she served on the Board of Education that anonymous letters would really just tear her. She reiterated that it is so sad that people would have to anonymously address one. Mrs. Stinney advised that she learned from the attorney that unfortunately there's nothing that they can really do with this letter but it does sadden her. She stated the spirit is so wrong that a person cannot stand up and say to a person or how they actually really feel, but unfortunately that's the type of society they live in. Mr. Prickett addressed Mrs. Armstrong noting that Judge Sweeney heard the case in Mr. Inge's situation and he's been able to listen to the audio and the comments that Judge Sweeney made and one would have to listen to the tape to interpret it but his interpretation was Judge Sweeney clearly said that Mr. Inge's rights needed to be protected in this and that the Planning Board needed to take another look at this. Mr. Prickett conveyed that in his mind and what he heard on that tape, Mr. Inge was vindicated by Judge Sweeney's comments. He reiterated that at least Judge Sweeney has spoken and it's down where one can listen to it and he's going to get the disk and pass it out to the council so they can all hear what his remarks were. Mr. Prickett also commented that the Judge wasn't as flattering to certain members of the Planning board as he was to Mr. Inge. Mrs. Armstrong commented that that's good to hear that there's still justice out there, but what bothers her is just that...Mrs. Stinney interjected noting it's trash. Mr. Vaz asked if she would mind sharing that with them because they might be able to read it and it might reflect the way the person wrote it might ring some bells internally. He noted it was not likely they could convict anybody over it but if there's identifying language that somebody uses in there they might be able to plug some holes or leaks by assuming it's a certain person. Mrs. Armstrong advised that she would not mind. Mr. Vaz noted he would just make a copy of it. Mrs. Stinney reiterated that it is

trash to her, she does not want it. She expressed that it's trash and she prefers that Mrs. Armstrong not give an anonymous letter to anyone of these Council members. She further noted that if they want to see her with that piece of letter with that she considers a piece of trash they can see her after the Council meeting, but she does not address anonymous letters. Mrs. Scull agreed with Diane, in that the best thing to do with something like that is to ignore it because once they don't ignore it then just gives the person a thrill that somebody paid attention to them and it...Mrs. Armstrong commented this one they have looking at she also wanted to expose it, noting she believes in exposing something like that. Mrs. Scull expressed only if they know who they are ...Mrs. Armstrong interjected that since she does not know and they know what that does it kind of casts suspicion like she could take it the wrong way and suspect that somebody on the Council or someone in Administration or the staff or maybe there was only a few people in public. Mrs. Stinney advised that she can wrack her brain all night long on an anonymous letter. Mrs. Armstrong: relayed that she has not really been wracking her brain to think about whom that is but that's what it does; something like that divides and it just does nothing but cause trouble. Mrs. Stinney reiterated its trash. Mrs. Scull: relayed from personal experience, that she has been accused of something of that nature in the past and it is very harmful and one knows so especially when they're innocent to have somebody accuse them. She explained that's what she's saying, that she would be very careful they know about even with Mr. Vaz he may decide oh this looks like somebody could have done it but they can't go accusing people of something and that's why her attitude is the best thing to do is ignore it, throw it in the trash. Mrs. Armstrong relayed that it's not anything that is telling a lie about her. Mrs. Stinney expressed it's not a factual document. Mrs. Armstrong suggested that it might, they know some of the things that they laid out they might think it's factual. Mrs. Stinney expressed that people lay out a lot of stuff talking about a lot of people and until a signature goes on it, it is trash. She suggested maybe other Council members feel differently, but she feels it is trash and there's no merit to it. There's no signature there; there's nothing to go after. Mrs. Armstrong noted this person has the facts and was able to get a hold of information; her address, and mail it to her home address. Mrs. Stinney asked if she is in the book, to which Mrs. Armstrong noted she was not. Mr. Vaz commented that if this came out of their office, and clarified not the Department of Administration but rather globally then he has a concern, so it will be taken seriously. Mrs. Armstrong thanked them. **Ed Tournquist:** Questioned regarding three contractors responding to an RFP, whether the Township requires performance bonds. Mr. Vaz explained the legal provisions for when bonds are required. **America Phillips:** 1. Agreed regarding previous comments made about Gypsy Moths. 2. Noted that leaf pickup has begun and pointed out that Presidential Lakes has a lot of leaves. 3. Noted that one can't walk barefooted in Presidential Lakes, noting the trash and pot holes. 4. Questioned where the Mayor is and was advised that he is on vacation. She noted that it's been five years that the lake has been down. She remarked about a sign having been posted that the road would be closed and questioned where the second exit is. Mr. Vaz relayed there is one to Route 70 and the other side of Oregon Tail-Mt. Misery Road. 5. Questioned the Engineer regarding drainage problems on the 100 block and 200 block. 6. Noted she has a brand new radio that can be used. 7. Expressed her opinions on having had to use three different contractors for the RCA project in that Better Business Bureau should have been called. 8. Hears that Mr. Augustoni was here tonight and expressed interest in joining the CERT team. She expressed that the Township must be prepared in the event of an emergency. **George Petronis:** 1. Expressed that gypsy moths were terrible this year, noting that things left outdoors turned black. 2. Expressed that some issues with the military are considered political such as the gypsy moth. He suggested approaching the matter through their congressional representatives. There being no other members of the public indicating their desire to be heard, the meeting was closed to public comments.

Solicitor's report.

The Solicitor did not have anything to report for open session.

Engineer's report.

1. Reported that his firm will be making a recommendation for the Norcross Lane Contract regarding the bids received. The low bid was \$252,713.00 and they have \$300,000.00 available for the project.
2. They received a grant of \$196,915.00 for the Lemmon Ave. project.
3. Received bids for the Well No. 11 project and they will be making a recommendation of award for the next meeting on that contract as well. Mr. Prickett asked if the \$300,000.00 would be enough to complete that road. The Engineer did not believe it would complete all of it but they will be looking at it and making a recommendation. Mr. Cartier questioned reason why Lebanon Lakes Dam was not started yet. Mr. Rehman explained they are currently working on videoing the roads around the construction site first.

Mayor's and/or Business Administrator's report.

1. Reported they anticipate delivery of the two pumpers/engines Friday night, noting construction went smoothly and all Chiefs participated in the inspection process. He hopes to have them equipped within the next few weeks.

COUNCIL MEMBERS' COMMENTS

Richard Prickett: **1.** Expressed sadness that the road problems at Presidential Lakes and believes that some of the problem aside from the road damage, is that the storm water system has not been cleaned on a regular basis. **2.** Commented regarding the Cat Research Committee noting that much has to do with not having cats spayed or neutered. They had talked about establishing a fund and some have noted a desire to donate to the fund and he expressed he would like to be the first to donate to the fund with a personal check in the amount of \$100.00. He expressed hope there would be a resolution at the next meeting establishing this trust fund. **3.** Expressed hope the weather is good for the Winter Parade this Saturday and noted hay rides would be available at the train station.

Sherry Scull: **1.** Hopes everyone enjoyed Thanksgiving. **2.** Noted she had her first opportunity to attend the League at Atlantic City. She noted there were so many interesting ideas to consider during budget time such as hybrid cars. **3.** Commented on not having heard legislatures discuss charging fair income tax. **4.** Noted High School and Middle School passed AYP and their test scores have improved.

Thomas Inge: **1.** Reminded that during the budget hearings he voted against gypsy moth spraying, but thinking about the history of Pemberton Township and preserving the beauty of the Township it is important to think about protecting the trees. He expressed the costs may be less if they can look into the avenues and perhaps look into a second spraying. He does not believe they can count on Ft. Dix and perhaps they should reach out to the media. **2.** He encouraged everyone to attend the Winter Parade.

Kenneth Cartier: **1.** Commented that he was glad to see they are actually going to approve the road program in the actual year it was budgeted. **2.** Announced that the Pemberton Township JROTC had an accomplishment he will let Mrs. Stinney share.

Diane Stinney: **1.** Thanked everyone for their comments, and attending the meeting. **2.** Expressed sadness regarding the anonymous letter. **3.** Praised the School's JROTC that have been selected to present the colors for the ceremony for

the final count of votes for President Elect Obama. 4. Noted that she and Mr. Inge as the school liaison would be meeting with Mr. Gorman and asked Council to share any comments they may want to through email. 5. Also enjoyed attending the League and noted that one issue they will have to keep close mind of is Affordable Housing.

She noted that at this time Council will be going back into closed session to continue the Morrison litigation and there may be formal action necessary.

Mrs. Stinney closed the open session to go back into closed session at approximately 11:17 p.m. and reconvened the open session at approximately 12:19 p.m. Closed Session minutes are transcribed separately and considered part of these minutes.

Formal action as necessary pursuant to continued closed session:

Mr. Cartier noted that Mrs. Stinney recused herself from this portion of the closed session and is not present at this time. He advised there is one item to add to the agenda.

Motion by Prickett and Scull to add Resolution No. 253-2008 authorizing a settlement agreement and release in the matter entitled William T. Morrison: Prickett, yes; Scull, yes; Cartier, yes; Inge, yes. Motion carried.

Mr. Bayer noted minor changes to be made to the body of the resolution.

Motion by Scull and Prickett to approve Res. 253-2008 as amended by the Solicitor: Scull, yes; Prickett, yes; Inge, yes; Cartier, yes. Motion carried.

The meeting was adjourned at approximately 12: 20 p.m.

Respectfully submitted by:

Township Clerk Staff Member Ann Jarvis

For

Mary Ann Young, MMC, Township Clerk