

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

FEBRUARY 6, 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.
2. Chairwoman Stinney called the meeting to order at 6:30 p.m.

PRESENT

Ken Cartier
Tom Inge
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Engineer Chris Rehmann, Planner Rick Ragan, Township Clerk Mary Ann Young

3. Closed Session Res. No. 61-2008

RESOLUTION NO. 61-2008

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:
 1. CONTRACT NEGOTIATIONS: WITH AFSCME, PBA, SOA & CWA
 2. LAND ACQUISITION: TO BE DISCUSSED UNDER ATTORNEY CLIENT PRIVILEGE FOR PROPERTY TO BE DISCLOSED AT APPROPRIATE TIME IF IT OCCURS.
 3. ANTICIPATED LITIGATION: TO BE DISCUSSED UNDER ATTORNEY CLIENT PRIVILEGE AND DISCLOSED AT APPROPRIATE TIME IF IT OCCURS.
 4. PENDING LITIGATION CASES: WOODARDS VS. PEMBERTON TOWNSHIP; LAKE VALLEY APTS. VS. PEMBERTON TOWNSHIP.
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Mrs. Stinney announced the closed session matters for discussion and asked Mr. Bayer if there were any additional topics to add to Closed Session Resolution No. 61-2008. Mr. Bayer replied no.

Motion by Cartier and Scull to approve Resolution No. 61-2008. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

4. **CLOSED SESSION (Reference Note: Closed session minutes are transcribed and filed separately and considered part of these minutes.)**

Mrs. Stinney recessed the open session at 6:30 p.m. to go into closed session and reconvened the open session at 7:00 p.m.

5. Formal action as necessary pursuant to closed session.

Motion by Cartier and Scull to add Resolution No. 73-2008 to the agenda, a resolution of the Township Council of the Township of Pemberton, County of Burlington, State of New Jersey, accepting an offer to sell municipally

owned land to the State of New Jersey Green Acres Program. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

6. Public comments on agenda items only.

Mrs. Stinney opened the meeting to public comments on agenda items only. Those wishing to comment were: **Mr. Michael Tamn:** 1. Regarding Ordinance 2-2008 questioned if Council took into consideration the qualifications for this position when creating this Ordinance. Mr. Bayer answered that this is a model ordinance that comes from COAH regulations. Mr. Bayer informed that under COAH regulations every town is required to have this position, and it is created through an ordinance, noting it is modeled after state law. Mr. Tamn asked if there were any reasons why qualifications could not be added to the ordinance. Mr. Bayer responded that it is not a legal question but rather more of a policy question. Mr. Vaz agreed with Mr. Bayer in that this ordinance is establishing the position and advised that there is a model resolution once the ordinance is adopted to designate someone to be the Municipal Housing Liaison. Mr. Vaz explained that the minimum qualification is to attend COAH's one day course and taking their required test. Mr. Tamn acknowledged that COAH may require this but asked why the Township could not put qualifications in the ordinance because there has been a lot of money coming through the RCA Program and a lot of money was not spent properly and was wasted. Mr. Tamn noted that anyone in that position should have qualifications so that they can follow everything that is being done to the "T". Mr. Tamn expressed that the Administrator has enough to do without having to monitor this as well. He suggested the Administrator overlook someone else, but they should still have qualifications. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

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

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 63-2008

RESOLUTION AUTHORIZING EXTENSION OF CURRENT CONTRACT WITH PINEGROVE CLEANERS FOR PROVISION OF DRY CLEANING SERVICES FOR PEMBERTON TOWNSHIP POLICE AND DETECTIVE UNIFORMS UNTIL MARCH 31, 2008 TO ALLOW BIDDING FOR NEW CONTRACT WHEREAS, PURSUANT TO RESOLUTION 266-2005 THE PEMBERTON TOWNSHIP COUNCIL AUTHORIZED THE EXECUTION OF AGREEMENT WITH PINEGROVE CLEANERS FOR DRY-CLEANING; AND WHEREAS, SAID AGREEMENT PROVIDED FOR THE PROVISION OF THOSE SERVICES UNTIL OCTOBER 31, 2006 AND WAS SUBSEQUENTLY EXTENDED THROUGH OCTOBER 31, 2007 BY RESOLUTION 175-2007; AND WHEREAS, IT IS NECESSARY TO AGAIN EXTEND THAT CONTRACT; AND WHEREAS, IT IS NECESSARY TO HAVE AN AMENDED AGREEMENT EXECUTED BETWEEN PEMBERTON TOWNSHIP AND PINEGROVE CLEANERS FOR THE PROVISION OF DRY CLEANING FOR THE PERIOD OF OCTOBER 31, 2007 THROUGH MARCH 31, 2008; NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF PEMBERTON TOWNSHIP, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AS FOLLOWS:
1. THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE DRY CLEANING SERVICE AGREEMENT WITH PINEGROVE CLEANERS AS WELL AS ANY OTHER DOCUMENTS NECESSARY TO ENSURE THE PROVISION OF DRY CLEANING SERVICES BY PINEGROVE TO BE EXTENDED UNTIL MARCH 31, 2008.
2. THE CLERK AND ADMINISTRATION ARE HEREBY AUTHORIZED TO SOLICIT BIDS FOR A NEW DRY CLEANING CONTRACT, SUBJECT TO THE REVIEW AND APPROVAL OF THE SPECS BY THE SOLICITOR.

RESOLUTION NO. 64-2008

WHEREAS, BUTTONWOOD HOSPITAL HAS PROPOSED AN AGREEMENT TO THE TOWNSHIP COUNCIL TO MAKE AVAILABLE THE MEALS AND PREPARATION SERVICE FOR SAME, FOR THE PEMBERTON TOWNSHIP SENIOR CITIZENS CENTER LUNCH PROGRAM LOCATED AT BROOK STREET IN BROWNS MILLS FOR FEBRUARY 1, 2008 THROUGH JANUARY 31, 2011; AND WHEREAS, SAID AGREEMENT PROVIDES FOR AN ALLOCATION OF RESPONSIBILITIES AND OBLIGATIONS FROM SAID AGREEMENT; WHEREAS, THE TOWNSHIP COUNCIL DEEMS IT TO BE IN THE BEST INTEREST OF THE RESIDENTS OF PEMBERTON TOWNSHIP ENTER INTO SUCH AN AGREEMENT FOR SAID PERIOD OF TIME; NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE ATTACHED AGREEMENT WITH BUTTONWOOD HOSPITAL FOR THE AFOREMENTIONED PURPOSES AND AS STIPULATED IN TERMS OF SAID AGREEMENT.

RESOLUTION NO. 66-2008

RESOLUTION AWARDDING BID FOR PURCHASE OF NEW FIRE TRUCK

WHEREAS, THE TOWNSHIP RECENTLY SOLICITED BIDS FOR THREE NEW FIRE TRUCKS; AND
 WHEREAS, BIDS WERE RECEIVED ON DECEMBER 27, 2007 FOR THESE FIRE TRUCKS; AND
 WHEREAS, THE LOWEST RESPONSIBLE BID WAS SUBMITTED BY KOVATCH MOBILE EQUIPMENT CORPORATION IN THE AMOUNT OF \$ 1,294,678.00 ; AND
 WHEREAS, THE PEMBERTON AREA FIRE CHIEFS HAVE RECOMMENDED THE AWARD OF THIS BID TO KOVATCH MOBILE EQUIPMENT CORPORATION IN SAID AMOUNT; AND
 WHEREAS, FUNDS IN THE AMOUNT OF \$1, 440,000.00 WERE APPROPRIATED FOR THIS PURPOSE ; AND
 WHEREAS, THE TOWNSHIP COUNCIL IS DESIROUS OF PURCHASING SAID FIRE TRUCKS;
 NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR AND CLERK BE AND ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE A CONTRACT WITH KOVATCH MOBILE EQUIPMENT CORPORATION IN THE TOTAL AMOUNT OF
 \$1, 294,678.00.

RESOLUTION NO. 67-2008

RESOLUTION REJECTING BID OF MONMOUTH-OCEAN HOSPITAL SERVICE CORPORATION FOR EMERGENCY MEDICAL SERVICES AND EXTENDING PRESENT CONTRACT TO MONMOUTH-OCEAN HOSPITAL SERVICE CORPORATION THROUGH MARCH 31, 2008
 WHEREAS, THE TOWNSHIP COUNCIL HAS DETERMINED TO PROVIDE FOR EMERGENCY MEDICAL SERVICES FOR THE TOWNSHIP OF PEMBERTON; AND
 WHEREAS, N.J.S.A. 40A:11-4 AND 5 STATE THAT A CONTRACT THE COST OF WHICH WILL EXCEED \$21,500.00 IN A FISCAL YEAR SHALL BE AWARDED ONLY AFTER PUBLIC ADVERTISING FOR BIDS AND BIDDING THEREFORE; AND
 WHEREAS, THE TOWNSHIP COUNCIL BELIEVES THAT THE COST OF THE AFOREMENTIONED ITEM TO BE PAID WITH MUNICIPAL FUNDS MAY EXCEED \$21,500.00 IN THE FISCAL YEAR;
 WHEREAS, MONMOUTH-OCEAN HOSPITAL SERVICE CORPORATION SUBMITTED A BID IN CONNECTION WITH THE CONTRACT FOR EMERGENCY MEDICAL SERVICES WHICH DID NOT CONTAIN ALL OF THE DOCUMENTS REQUIRED BY THE BID PROPOSAL; AND
 WHEREAS, THE DEFECT IN THE BID DOCUMENTS WAS A MATERIAL DEFECT AND NOT WAIVEABLE BY THE TOWNSHIP COUNCIL; AND
 WHEREAS, IT WAS RECOMMENDED THAT THE TOWNSHIP COUNCIL REJECT THE BID DUE TO THE MATERIAL DEFECT IN THE BID DOCUMENTS; AND
 WHEREAS, THERE IS CURRENTLY A CONTRACT BETWEEN PEMBERTON TOWNSHIP AND MONMOUTH-OCEAN HOSPITAL SERVICE CORPORATION FOR THE RENDERING OF EMERGENCY MEDICAL SERVICES WHICH IS DUE TO EXPIRE ON FEBRUARY 6, 2008; AND
 WHEREAS, THE PARTIES WISH TO EXTEND THAT CONTRACT FOR AN INITIAL PERIOD OF TIME UNTIL MARCH 31, 2008; AND
 WHEREAS, IT HAS BEEN DETERMINED THAT THE EXTENSION OF THIS CONTRACT CAN BE AWARDED WITHOUT ANY FURTHER REQUIREMENTS UNDER THE LOCAL PUBLIC CONTRACTS LAW.
 NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL FOR THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:
 1. THAT THE TOWNSHIP COUNCIL HEREBY REJECTS THE BID OF MONMOUTH-OCEAN HOSPITAL SERVICE CORPORATION IN CONNECTION WITH THE BID PROPOSAL FOR EMERGENCY MEDICAL SERVICES FOR THE REASONS SET FORTH ABOVE. THE TOWNSHIP COUNCIL HEREBY AUTHORIZES THE IMMEDIATE REBID OF THIS PROJECT, IF DETERMINED TO BE NECESSARY BY THE TOWNSHIP SOLICITOR.
 2. THAT THE TOWNSHIP COUNCIL HEREBY AUTHORIZES THE EXTENSION OF THE CURRENT CONTRACT BETWEEN PEMBERTON AND MONMOUTH-OCEAN HOSPITAL SERVICE CORPORATION UNTIL MARCH 31, 2008 WITH THE SAME TERMS AND CONDITIONS AS THE PRESENT AGREEMENT OR UNTIL ANOTHER CONTRACT IS AWARDED FOR THIS SERVICE.

RESOLUTION NO. 69-2008

WHEREAS, THE TOWNSHIP OF PEMBERTON IS A SECONDARY MORTGAGEE UNDER A MORTGAGE DATED NOVEMBER 15, 2005, BETWEEN ROBERT H. KLEIN, 335 BIRMINGHAM ROAD, PEMBERTON, NJ 08068-1325 IN THE AMOUNT OF \$4,230.00, AS A RESULT OF FUNDS PROVIDED BY THE TOWNSHIP TO OWNER OF SAID PROPERTY UNDER THE REGIONAL CONTRIBUTION AGREEMENT (RCA) WITH FLORENCE; AND
 WHEREAS, SPENCER SAVINGS BANK HAS PROVIDED THE NECESSARY FORMS FOR THE APPLICANT WHICH ARE ENCLOSED, BY WAY OF A LETTER HAVE REQUESTED THAT PEMBERTON TOWNSHIP EXECUTE A SUBORDINATION AGREEMENT TO ALLOW THE OWNER TO SECURE A LOAN, COPIES ARE ATTACHED HERETO AND MADE A PART THEREOF THE RECORD; AND
 WHEREAS, THE TOTAL ASSESSED VALUE OF THE PROPERTY KNOWN AS BLOCK 793, LOT 10.13, 335 BIRMINGHAM ROAD, IS CURRENTLY ASSESSED AT \$51,500.00 PER THE ASSESSOR'S OFFICE AND AN APPRAISAL IS ATTACHED IN THE AMOUNT OF \$99,575.00, AND THE ADMINISTRATION HAS DETERMINED THAT THERE IS SUFFICIENT EQUITY IN THE PROPERTY TO PROTECT THE TOWNSHIP'S RCA INTEREST; AND
 NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE SUBORDINATION AGREEMENT FOR RICHARD KLEIN AS ATTACHED HERewith WITH SPENCER SAVINGS BANK.

RESOLUTION NO. 70-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE TRANSFER OF APPROPRIATIONS WITHIN THE 2007 RESERVE BUDGET.
 WHEREAS, N.J.S.A. 40A: 4-59 AUTHORIZES APPROPRIATION TRANSFERS DURING THE FIRST THREE MONTHS OF THE SUCCEEDING FISCAL YEAR; AND,
 WHEREAS, IT IS NECESSARY TO TRANSFER FUNDS BETWEEN APPROPRIATIONS IN THE 2007 RESERVE BUDGET;
 NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE FOLLOWING BUDGET APPROPRIATION TRANSFERS BE MADE:

<u>FROM:</u>	<u>TO:</u>
TAX COLLECTOR # 0145 O & E 4,000.00	TAX COLLECTOR S & W 4,000.00
SOLID WASTE # 0146 O & E 500.00	SOLID WASTE S & W 500.00
PLANNING BOARD # 0180 S & W 1,000.00	TELEPHONE O & E 1,000.00
TOTAL TRANSFER <u>5,500.00</u>	TOTAL TRANSFER <u>5,500.00</u>

RESOLUTION NO. 71-2008

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:
 ANTHONY SCHIAVONE, SEASONAL WORLD, \$9.00, DUPLICATE PAYMENT FOR OPRA REQUEST
 HELEN KEMP, \$54.00, REFUND PERSONAL PAYMENT FOR NJPO CLASS FOR PLANNING BOARD MEMBER
 ANTHONY RAZZANO, \$367.00, REFUND FOR BUILDING PERMIT #07-0995, OWNER WILL NOT BE BUILDING ADDITION

RESOLUTION NO. 72-2008

A RESOLUTION AUTHORIZING THE SECOND AMENDMENT TO THE DEVELOPER'S AGREEMENT BETWEEN PEMBERTON TOWNSHIP AND DANITOM DEVELOPMENT, INC.

WHEREAS, THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") ISSUED REQUESTS FOR PROPOSALS/REQUESTS FOR QUALIFICATIONS (HEREINAFTER REFERRED TO AS THE "RFP/RFQ") SOLICITING BIDS FOR THE PURCHASE OF CERTAIN TOWNSHIP-OWNED PROPERTIES; AND
 WHEREAS, AFTER THE ISSUANCE OF THE RFP/RFQ, THE TOWNSHIP DISCOVERED THAT THE PROPERTIES LISTED FOR SALE WITHIN THE RFP/RFQ INCLUDED CERTAIN PROPERTIES (BLOCK 10, LOTS 1-4) WHICH WERE NOT OWNED BY THE TOWNSHIP AND THE TOWNSHIP THEREFORE ISSUED AN ADDENDUM TO THE RFP/RFQ ON JANUARY 25, 2006 DELETING BLOCK 10, LOTS 1-4 FROM THE LIST OF PROPERTIES TO BE SOLD BY THE TOWNSHIP; AND
 WHEREAS, THE TOWNSHIP RECEIVED MULTIPLE PROPOSALS IN RESPONSE TO THE RFP/RFQ AND, AFTER REVIEW OF THESE PROPOSALS, THE TOWNSHIP DETERMINED THAT THE PROPOSAL SUBMITTED BY DANITOM DEVELOPMENT, INC. ("DANITOM") WAS THE MOST FAVORABLE TO THE TOWNSHIP; AND
 WHEREAS, THE TOWNSHIP THEREFORE ADOPTED RESOLUTION NO. 181-2006 AUTHORIZING THE SALE OF THE PROPERTIES TO DANITOM AND SIMULTANEOUSLY ENTERED INTO A DEVELOPER AGREEMENT WITH DANITOM RELATING TO THE PROPERTIES; AND
 WHEREAS, THE TOWNSHIP ALSO ADOPTED ORDINANCE NO. 12-2007 AUTHORIZING, PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW, THE SALE OF THE PROPERTIES TO DANITOM AS DESCRIBED MORE FULLY WITHIN THE DEVELOPER AGREEMENT; AND
 WHEREAS, THE TOWNSHIP SUBSEQUENTLY DISCOVERED THAT THE LOTS WHICH HAD PREVIOUSLY BEEN DELETED FROM THE RFP/RFQ PROCESS (BLOCK 10, LOTS 1-4) BY ADDENDUM HAD BEEN INADVERTENTLY LISTED WITHIN THE AUTHORIZING RESOLUTION AND DEVELOPER AGREEMENT AS BEING INCLUDED IN THE PROPERTIES BEING SOLD BY THE TOWNSHIP AND ALSO LEARNED THAT TWO OTHER LOTS (BLOCK 28, LOTS 11 AND 12) HAD ALSO BEEN INCLUDED IN THE LIST OF PROPERTIES TO BE SOLD WITHIN THE AUTHORIZING RESOLUTION AND DEVELOPER AGREEMENT EVEN THOUGH THEY ARE NOT OWNED BY THE TOWNSHIP AND THEREFORE THE TOWNSHIP ADOPTED RESOLUTION 285-2007 AUTHORIZING THE TOWNSHIP TO ENTER INTO AN AMENDMENT TO DEVELOPER'S AGREEMENT WITH DANITOM TO CORRECT THE INCONSISTENCY BETWEEN THE RFP/RFQ PROCESS AND THE DEVELOPER AGREEMENT; AND
 WHEREAS, THE DEVELOPER AGREEMENT REQUIRED DANITOM TO SATISFY THE AFFORDABLE HOUSING OBLIGATION ARISING FROM THE DEVELOPMENT OF THE PROPERTIES CONTAINED WITHIN THE DEVELOPER'S AGREEMENT BY EITHER COMPLYING WITH TOWNSHIP ORDINANCE 15-2006 (GROWTH SHARE) OR ORDINANCE 16-2006 (DEVELOPER FEE ORDINANCE), WHICHEVER THE TOWNSHIP DECIDED TO IMPOSE UPON DANITOM; AND
 WHEREAS, THE TOWNSHIP MET WITH DANITOM AND THE PARTIES HAVE AGREED THAT DANITOM SHALL SATISFY THE AFFORDABLE HOUSING OBLIGATION ARISING FROM THE DEVELOPMENT OF THE PROPERTIES BY PAYING THE TOWNSHIP A DEVELOPMENT FEE IN THE AMOUNT OF \$300,000; PAYABLE IN PHASES AS THE PROPERTY IS DEVELOPED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN THE SECOND AMENDMENT TO DEVELOPER'S AGREEMENT; AND
 WHEREAS, THE PARTIES HAVE ALSO DECIDED TO AMEND SECTION 9 OF THE DEVELOPER AGREEMENT TO REQUIRE DANITOM TO FILE A LAND USE APPLICATION WITH THE TOWNSHIP PLANNING BOARD WITHIN THIRTY (30) DAYS OF RECEIVING ITS CONSISTENT CERTIFICATE OF FILING FROM THE NEW JERSEY PINELANDS COMMISSION.
 NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE THE SECOND AMENDMENT TO THE DEVELOPER'S AGREEMENT BETWEEN THE TOWNSHIP AND DANITOM IN A FORM SUBSTANTIALLY SIMILAR TO THE SECOND AMENDMENT TO DEVELOPER'S AGREEMENT ATTACHED HERETO AS EXHIBIT A.

d. Applications submitted for memberships, licenses, permits:

***1. Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Browns Mills Fire Co.:** Firefighter Sandra Matt (*transferred from Magnolia Road Fire Co.*); **Country Lakes Fire Co.:** Jr. Firefighter Roy E. Prouty, Jr.; **Magnolia Road Fire Co.:** Firefighter James Miller, and Jr. Firefighter Daniel J. Smith.

***13.** Approval by Council required for payment of vouchers on bill list dated **2/1/08.**

Mr. Cartier requested Resolution No. 62-2008 be pulled from the Consent Agenda. Mr. Inge requested Resolution Nos. 65-2008 and 68-2008 be pulled from the Consent Agenda. Mr. Cartier requested the minutes be pulled from the Consent Agenda as well.

Mr. Bayer explained that Mrs. Stinney could not vote on the minutes as she was not present at the meeting. Mr. Prickett asked if she had read the minutes. Mrs. Stinney advised him that she did read the minutes while she was in Michigan and upon her return home and thanked Mr. Prickett for asking. Mr. Prickett then asked Mr. Bayer if the Council President had read the minutes if she could then vote. Mr. Bayer answered probably not, because even though the Township Clerk takes excellent minutes that Council person would not have been present to know those events described in the minutes actually occurred.

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

***8. MINUTES FILED BY MUNICIPAL CLERK (Pulled from consent agenda)**

- a. Regular meeting, January 16, 2008.

Motion by Cartier and Scull to approve the minutes filed by the Municipal Clerk. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, abstain.
Motion carried.

RESOLUTION NO. 62-2008 (Pulled from consent agenda)

Mr. Cartier explained that he had asked to have Resolution No. 62-2008 pulled because he would like to disqualify the comments Mr. Prickett made during the Council meeting of January 16, 2008 concerning reading the minutes from June 23, 2005 and May 17, 2006. Mr. Prickett explained there was a conflict of interest by the person that was nominated at the last meeting as this person should have disclosed that her spouse owned the property next to the property that she voted to put on the auction block. Mr. Prickett added that she should have disclosed that she was trading as ABC properties, at least according to certain deeds that are recorded. Mr. Prickett advised that Deed 6129, page 104 and Deed 6055, page 526 in the County Clerk's office indicates that the person that was nominated for that position also trades as ABC Properties and as you know ABC Properties purchased one of the properties that was in that resolution. Mr. Cartier clarified that the person that was nominated for that position does not trade as ABC Properties; her husband trades as ABC Properties. Mr. Prickett advised that is not what the deeds in the County Clerk's office show. Mr. Cartier stated that is neither here nor there but thanked Mr. Prickett for the clarification. Mr. Cartier confirmed Block 535, lot 19 and Block 538, lots 1, 2 and 3 as the minutes Mr. Prickett had given. Mr. Prickett read the following: "On June 23, 2005, Pemberton Township Councilwoman, Corrine Lopez Kemp, cast the deciding vote to sell many parcels of Township land at public auction. One of the selections included in the land sale list approved by the Council was block 538, lots 1 through 3 and block 535, lot 19. The first three lots found in block 538 and approved for sale by the Council are adjacent to a property, block 538, lot 4 through 8, purchased by the Councilwoman's husband, owned by the Councilwoman's husband, May 4, 2004 from Lee La Roche". Mr. Cartier asked if this motion were made prior to the land going to auction. Mr. Prickett acknowledged that is correct. Mr. Cartier added that Council had no idea that the Councilwoman's husband would be purchasing that property. Mr. Prickett stated that property was purchased before the resolution was made. Mr. Cartier asked if that land that was up for auction was purchased before the resolution was made. Mr. Prickett replied no, the adjacent piece of property. Mr. Cartier stated that she had no idea that her husband would be purchasing the property prior to the resolution. Mr. Prickett answered that he has no idea and reiterated that she should have disclosed that her spouse owned the property next to a property that was going up for auction and should have also disclosed that she trades as ABC Properties. Mr. Cartier confirmed that prior to the resolution the land had not gone up for auction and there were no bids solicited for these properties that were auctioned off at a later date. Mr. Prickett expressed that doesn't make sense. Mr. Cartier commented that the resolution Mr. Prickett is talking about was the approval to put these properties out for auction. Mr. Cartier confirmed the list is the minutes from June 23, 2005 stating the Resolution for land to be auctioned. Mr. Prickett conveyed that would be correct if it were the 2005 Pemberton Township Land Sale Auction. Mr. Cartier added that the second set of minutes pertain to Mrs. Dwane questioning Mrs. Kemp about that vote. Mr. Cartier commented that he has another set of minutes that Mr. Prickett failed to disclose to everyone which is the minutes of October 20, 2005 where Council approved accepting the bids from the auction and selling the land. Mr. Prickett stated Mrs. Kemp abstained from that vote. Mr. Cartier reiterated that Mrs. Kemp did abstain from that vote knowing that her husband had subsequently bid on

property at the auction and intended to purchase the property. Mr. Cartier asked Mr. Prickett if he backed Ms. Radice at the last meeting. Mr. Prickett advised that he did not. Mr. Cartier advised that he did and read from the minutes of January 16, 2008, "Mr. Prickett recognized Caroline Radice who was in the audience tonight and has applied for this position. Mr. Prickett informed that Ms. Radice was on the MUA Board for five years, has done a terrific job and is very knowledgeable about MUA affairs and it's a shame that she does not have an opportunity to serve again". Mr. Cartier noted that from Mr. Prickett's comments that he just read, he would believe that Mr. Prickett would back Ms. Radice for the MUA again. Mr. Prickett replied he did not. Mr. Inge agreed that Mr. Prickett did not. Mr. Cartier commented on the minutes from October 20, 2005, where Council did accept the bids from the auction and pointed out that Ms. Kemp did abstain from that vote where her husband did purchase a piece of property; however, Ms. Radice did not abstain and did vote in accepting the bids from that auction where her parents did purchase a piece of property. Mr. Cartier advised Mr. Prickett there is a conflict of interest there and stated Mr. Prickett owes the Kemps an apology.

RESOLUTION NO. 62-2008

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE FOLLOWING INDIVIDUALS ARE HEREBY APPOINTED TO THE PEMBERTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, FOR THE TERMS INDICATED BELOW.

CORINNE KEMP REGULAR MEMBER

TERM
2/1/08 – 2/1/13

JAMES PICKETT ALTERNATE #2 (FILLS UNEXPIRED TERM)

2/1/06 – 2/1/11

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FILED WITH THE OFFICE OF THE SECRETARY OF STATE.

Motion by Scull and Cartier to adopt Resolution No. 62-2008 appointing Ms. Corrine Kemp as Regular Member of the Pemberton Township Municipal Utilities Authority and Mr. James Pickett as Alternate #2. Scull, yes; Cartier, yes; Inge, no, Prickett, no, Stinney, yes. Motion carried.

Mr. Inge commented that if Mrs. Kemp's husband knew he was going to bid on a piece of property, as everyone knew what properties were going to be put up, and knew prior to the sale that she owned property adjacent to this piece of property, Mrs. Kemp should have abstained from the first motion. Mr. Inge then asked where Mrs. Kemp is now and why she couldn't come before Council now if she wants to clarify what was done and why she didn't abstain from the very beginning. Mr. Cartier stated that this list wasn't made public until after Council approved it for the auction. Mr. Inge questioned if Mrs. Kemp didn't know her husband owned the property next to it. Mr. Cartier replied that he did not state this and asked if Mr. Inge knew about the auction list. Mr. Inge answered no. Mr. Cartier expressed then that everybody didn't know about it. Mr. Inge then commented that Council members knew about it and approved the list of properties that were going to be sold and Mrs. Kemp knew prior to this that her husband owned property next to it and Council members knew it. Mr. Inge added that he was at the meeting when it was brought up and Mrs. Kemp said she knew it. Mr. Inge conveyed that if there was a problem, Mrs. Kemp could have spoken tonight and everyone knows the appointment will be a political appointment anyway. Mr. Prickett commented that the property that is being discussed has had a change of use and is now being used as a parking lot and wondered if the owners of the property came before the Township to get approved to do that. Mrs. Stinney commented that Council needs to stick to the issue noting this is an appointment. Mr. Prickett replied that this has to do with the appointment. Mrs. Stinney relayed that it could be brought up at another time.

RESOLUTION NO. 68-2008 (Pulled from consent agenda)

RESOLUTION NO. 68-2008

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS PREVIOUSLY ENTERED INTO AN AGREEMENT WITH THE PEMBERTON COMMUNITY LIBRARY ASSOCIATION AND THE BURLINGTON COUNTY LIBRARY COMMISSION, SAID AGREEMENT ENTITLED "BRANCH SERVICE AGREEMENT – TOWNSHIP OF PEMBERTON"; AND WHEREAS, SAID AGREEMENT EXPIRES MARCH 31, 2008;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AN AGREEMENT WITH THE PEMBERTON COMMUNITY LIBRARY ASSOCIATION AND BURLINGTON COUNTY LIBRARY COMMISSION FOR THE PERIOD OF APRIL 1, 2008 THROUGH MARCH 31, 2009.

Mr. Inge conveyed that Council has spoken about the cost of maintenance on the Library and expressed that it would be beneficial to the Township to look at having the County take this over. Mr. Inge asked if Administration considered contacting the County about taking over the Library. Mayor Patriarca replied that Administration has not done that but if Council wanted Administration to they could however, he did not know if Council would even entertain that as this is a program throughout the County, noting the County provides numerous towns with aid in the Library system. The Mayor explained that the County contracts with the various towns and the towns supply the buildings, maintenance and utilities and the Library supplies the staff. Mayor Patriarca noted that he would like to give the County the Library and ask them if they would be willing to take it if that is what Council wanted. Mr. Inge reminded that the costs associated with the Library were brought up during the previous budget hearings. The Mayor commented on a \$3,500 heating bill for one month for the Library. Mrs. Stinney asked the Mayor to look into this for Council. Mr. Cartier suggested that in the meantime there still needs to be a contract with the Library while the negotiations are going on.

Motion by Cartier and Inge to approve Resolution No. 68-2008. Cartier, yes; Inge, yes; Prickett, yes; Scull, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 65-2008 (Pulled from consent agenda)

RESOLUTION NO. 65-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, EXPRESSING SUPPORT FOR A PROPOSED LAND EXCHANGE BETWEEN PEMBERTON TOWNSHIP AND BURLINGTON COUNTY

WHEREAS, TOWNSHIP ADMINISTRATION HAS PROPOSED THE EXCHANGE OF CERTAIN MUNICIPALLY OWNED PROPERTY FOR PROPERTY OWNED BY BURLINGTON COUNTY. THE PROPERTIES THAT WOULD BE THE SUBJECT OF THE LAND EXCHANGE ARE THE PEMBERTON RAILROAD STATION/RAILS TO TRAILS PROPERTY (BLOCK 787, LOTS 3 AND 4) AND PART OF THE BUTTONWOOD HOSPITAL PROPERTY (P/O BLOCK 812, LOT 9.01) ; AND WHEREAS, TOWNSHIP COUNCIL RECEIVED A BRIEFING PACKAGE FROM TOWNSHIP ADMINISTRATION AND HAD THE OPPORTUNITY TO CONSIDER THE PROPOSAL; AND

WHEREAS, THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS HAS REQUESTED THAT THE GOVERNING BODY ADOPT A RESOLUTION EXPRESSING ITS SUPPORT FOR THE CONCEPT OF THE PROPOSAL SO THAT THE PARTIES CAN TAKE THE NECESSARY STEPS TOWARD IMPLEMENTING THE PROPOSAL, INCLUDING THE ADOPTION OF ANY REQUIRED RESOLUTIONS AND ORDINANCES.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY EXPRESSES IT SUPPORT FOR THE CONCEPT OF THE PROPOSAL TO EXCHANGE THE LAND DESCRIBED ABOVE.

BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL THAT ITS SUPPORT FOR THE CONCEPT OF THE PROPOSAL IS SUBJECT TO TOWNSHIP ADMINISTRATION PERFORMING THE REGULAR DUE DILIGENCE THAT IS PERFORMED WHEN A PURCHASER ACQUIRES PROPERTY.

Motion by Inge and Cartier to approve Resolution No. 65-2008. Inge, yes; Cartier, yes; Prickett, yes; Scull, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 73-2007 (Added to agenda pursuant to closed session)

RESOLUTION NO. 73-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, ACCEPTING AN OFFER TO SELL MUNICIPALLY OWNED LAND TO THE STATE OF NEW JERSEY GREEN ACRES PROGRAM

WHEREAS, TOWNSHIP ADMINISTRATION HAS PROPOSED THE SALE OF CERTAIN MUNICIPALLY OWNED PROPERTY TO THE STATE OF NEW JERSEY GREEN ACRES PROGRAM. THE PROPERTIES THAT WOULD BE THE SUBJECT OF THE LAND EXCHANGE ARE LOCATED ADJACENT TO THE BRENDAN BYRNE STATE FOREST IN PEMBERTON TOWNSHIP, AND ARE GENERALLY DEPICTED IN THE ATTACHED SCHEDULE; AND

WHEREAS, THE GREEN ACRES PROGRAM HAS MADE AN OFFER OF \$600 PER ACRE FOR AN ESTIMATED 346 ACRES OR, STATED OTHERWISE, A TOTAL PURCHASE PRICE OF \$207,600; AND

WHEREAS, THE TOWNSHIP COUNCIL WISHES TO ACCEPT THE STATE'S OFFER AND AUTHORIZE TOWNSHIP ADMINISTRATION TO PROCEED WITH THE STEPS NECESSARY TO SELL THE PROPERTY, INCLUDING EXECUTING ANY CONTRACTS.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY ACCEPTS THE STATE'S OFFER OF \$600 PER ACRE AND AUTHORIZES THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE STATE FOR THE SALE OF THE SUBJECT PROPERTY.

Mrs. Stinney asked Mr. Vaz to elaborate on Resolution No. 73-2008. Mr. Vaz explained that there had been prior negotiations with the County for the Township to sell this property to the State. Mr. Vaz noted that those negotiations were bogged down because the way the town acquires the property is typically through

foreclosures and there are always title issues involved. Since this is a large parcel of land, approximately 346 acres with many lots, the State wanted the Township to cover the cost of doing the title work and insuring title. Mr. Vaz conveyed that in the meantime, the State rethought that position and came back to the Township with another offer to reduce the offer by \$200 per acre but the State will absorb the cost on their end for performing the title work which would have run approximately \$70,000. Mr. Vaz explained the new offer is \$600 per acre for a total of approximately \$207,000 and the other benefit to the sale to the State is that it would push the Township over the 20% threshold in terms of payment in lieu of taxes that the DEP makes to the town for acquiring the property. Mr. Vaz advised that it is currently \$2.00 per acre that the Township receives every year and this would push the Township over the 20% threshold wherein the town would now be receiving \$5.00 per acre. Mr. Vaz added that it would then put in the State's hand this large tract of property that would be preserved. He noted some of the Council members indicated earlier in Closed Session, the location of this property in regard to Country Lakes and Presidential Lakes will help protect the water quality as well. Mr. Vaz commented that there are a lot of positives and not many negatives in doing this. Mr. Vaz added that the State and non-profit open space is almost 8,000 acres. Mrs. Scull asked if the Township would receive \$5.00 per acre for all of the 8,000 acres once approved. Mr. Vaz confirmed it would. Mr. Prickett noted it would increase revenue by \$30,000.

Motion by Scull and Prickett to approve Resolution No. 73-2008. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

10. ORDINANCES FOR INTRODUCTION

- a. ORDINANCE NO. 1-2008 (TITLE READ BY MRS. STINNEY)**
AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 190-35 "GRADING, TOPSOIL AND CLEAN FILL" OF THE CODE OF THE TOWNSHIP OF PEMBERTON CREATING ADDITIONAL STANDARDS FOR LOT GRADING AND DRAINAGE

Motion by Cartier and Prickett to introduce Ordinance No. 1-2008.

Mr. Prickett asked the Engineer how he feels about this in lieu of Woodbine Street and other drainage problems throughout the Township. Mr. Prickett also asked if this would alleviate poor drainage on someone's property and alleviate the cost of putting drainage projects in the Township in general in some cases. Mr. Rehmann explained this gives the Township and the property owner the opportunity to review all of those issues prior to the house being constructed or an addition being put on that would create an issue for drainage. Mr. Prickett added that if there was an ordinance such as this one in place, the Township might not have the problems it has now. Mr. Inge asked if a homeowner has a survey of the property, why they would have to pay a \$100 fee. Mr. Bayer explained it is Section 190-35.N towards the back of the ordinance and it is number 3 within that section. Mr. Rehmann answered that all of these are review fees for the Engineer's office to insure there is compliance with the zoning codes. Mr. Inge asked if the Inspections didn't already do this. Mr. Rehmann replied that it could be handled that way also. Mr. Inge then asked if it were not done this way now. Mr. Rehmann agreed with Mr. Inge but added that the Inspection Office does not have a foundation survey to review; they have a plot plan that shows a proposed structure. Mr. Rehmann explained that once the foundation is constructed, they would have to go back out and locate that foundation to show that it complies with the proposal that was submitted. Mr. Rehmann noted that in the past in other Townships, it has been found that foundations were placed too close to the property lines and could not meet the minimum zoning requirements. Mr. Inge conveyed that if one has a survey,

especially for an addition, it does show how many feet it is from the property line so it would be very easy for the inspector to measure from the building side of the addition. Mr. Rehmann added that there would be no need to measure because the surveyor would have already done that. Mr. Inge replied that if there is a question on the size of the footing that was put in such as a 10' footing was on the paperwork but actually a 20' footing was put in that Inspections should make sure they are within their guidelines of what was submitted. Mr. Inge commented that if they are not doing what was submitted, they should be required to change it. Mr. Rehmann stated that if he feels comfortable that the Inspections Department can make that decision, this ordinance would need to be amended to eliminate that phase. Mr. Prickett informed the ordinance would not need to be amended; rather it could just be changed because it has not been published yet. Mr. Rehmann concurred since this is the first reading and reiterated to eliminate the need of that submission and go back to section 190.35j to make the amendment. Mr. Inge questioned the \$585 fee. Mr. Rehmann replied that most of this was directed more towards the developments within the Township in order to be non-discriminatory it included anyone that would receive a building permit. Mr. Inge answered that he didn't see a problem with developers being included but did not agree with the homeowners being included. Mr. Inge confirmed with Mr. Bayer that homeowners had to be included so it would cover everyone. Mr. Bayer noted that Administration worked with Mr. Cunningham from his firm in putting this ordinance together. Mr. Inge noted that he now understands why homeowners must also be included because it would be discriminatory to only apply to developers. Mr. Bayer added that everyone must be treated the same. Mr. Rehmann pledged to Mr. Inge to try to make sure that the individual people are treated with as little expense as they possibly can make. Mr. Rehmann noted that with minor subdivisions with the Planning Board, his firm has billed a flat fee rather than billing on an hourly basis. Mr. Inge reiterated that he understands it now after Mr. Rehmann and Mr. Bayer explained it and he does not have a problem with keeping it in the ordinance.

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

Mr. Prickett asked if this ordinance will be advertised. Mrs. Young noted that the public hearing will be advertised in accordance with law.

- b. ORDINANCE NO. 2-2008 (TITLE READ BY MRS. STINNEY)**
AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON (MHL)/RCA ADMINISTRATOR FOR THE PURPOSE OF ADMINISTERING THE TOWNSHIP OF PEMBERTON'S AFFORDABLE HOUSING PROGRAM AND REGIONAL CONTRIBUTION AGREEMENTS PURSUANT TO THE FAIR HOUSING ACT.

Mrs. Stinney noted that this ordinance was explained by Mr. Vaz at a previous Council meeting and is up for a motion to introduce on first reading.

Motion by Prickett and Scull to introduce Ordinance No. 2-2008.

Mr. Cartier questioned the need for this ordinance. Mr. Bayer explained that Pemberton Township has an approved COAH Plan, second round affordable housing plan. As part of the approval of the second round affordable plan which technically only dated back through 1999, in order to remain under COAH's jurisdiction and to be in compliance with their regulations, their more recent regulations require municipalities to have this position because the municipality is ultimately responsible to ensure that the affordable housing units are being

administered in accordance with COAH's regulations. Mr. Bayer advised that there are different ways that towns can ultimately implement that and whether the Township hires someone or does it themselves, the Township needs a municipal employee to be in this position. Mr. Bayer informed that Mr. Vaz did attend a class to get certified and it is something that was lacking in the Township and it would be good from a legal perspective to do this. Mr. Cartier asked where the Township stands concerning their COAH obligations. Mr. Bayer advised that COAH has introduced new regulations that are published and they are at the point where they are taking public comments. Mr. Bayer informed that COAH has sixty days to do this and the public comment period closes the third week in March and they have publicly stated that they envision adopting these regulations in May or June of 2008. He further explained that once those regulations are adopted, towns like Pemberton will be required to develop a third round affordable housing plan. He noted there were previous COAH third round regulations which an appellate court had set aside and these new proposed regulations attempt to deal with the court's concerns. He advised that later this year, Pemberton will probably need to submit a re-petition to COAH for a new affordable housing plan. Mr. Cartier appreciated Mr. Bayer's response but added that it was projecting the future and again asked where the Township stands now. Mr. Bayer answered that the Township is in compliance and when the Planner was looking at doing a third round plan last year under the old third round regulations, the Township had at least at the end of the second round an excess of 100 units. The Township was in compliance and had an additional 100 affordable housing units. Mr. Bayer added that the Township is in compliance as of this point but under the new third round regulations, the overall statewide need increased dramatically and every town's fair share has also increased dramatically. He expressed that Pemberton's third round number is probably significantly higher than it was under the old third round regulations. Mr. Bayer advised that COAH's process needs to be a little further along before knowing exactly where the Township stands. Mr. Cartier advised the reason he is asking these questions is Administration had previously mentioned that they are interested in starting negotiations with Mt. Laurel to enter in to another RCA Agreement and he wants to ensure that the Township is not going to be in a position where they need to go out and purchase somebody else's to cover it. Mr. Bayer reiterated that COAH's regulations will be approved in May or June and then after that is when the town will need to look hard at where it is going with that. Mr. Inge stated that Council should take what Mr. Tamn had suggested earlier in that the Business Administrator has quite a bit of work already and if the town is entering into another project, he hopes it will run better than the previous RCA Program as far as bids and change orders. Mr. Inge commented that the Inspections Department and the person in charge of the RCA Program did not work together previously. Mr. Inge noted that he would like to see the Building Inspector more involved in the RCA Program and look at the properties before the Township agrees on the bid to make sure everything is included in the bid and to ensure that all of the work is being done. Mrs. Scull commented that this is the intent of this anyway, noting she was happy to see that it could be full time or part time. Mrs. Scull noted that it does provide specific duties and when Administration hires this individual they would not consider someone that does not have some experience or the ability to follow through with the duties that are written down. Mr. Prickett commented that the ordinance does not require that the Business Administrator hold the role of Administrator for the RCA position. Mr. Prickett noted that at previous Council meetings, the Business Administrator informed he was taking the class to be certified to do this but the ordinance in itself does not state it requires the Business Administrator to do this, noting it was probably a policy decision. The Mayor explained the intent of the Business Administrator getting certified to be eligible for that position was that in the event the program did kick off there was someone available to start the program and commended the Business Administrator in taking the initiative to prepare the

Township for the moment when it happens. Mayor Patriarca agreed with Mr. Inge 100% in that the previous program was a failure and Administration and Council came in to it when it was a failure and basically did what they could to get through the end of it. The Mayor commented that if another agreement is entered into, it will be a much more successful program as opposed to what was experienced in the past. Mayor Patriarca expressed that the intent is not for the Business Administrator to take on any additional duties, but rather that he is available with the proper qualifications if needed to oversee the program. Mr. Prickett stated that typically the bucks stop at the Mayor's office and it also stops at the Business Administrator when it comes to this situation as he is going to be the person responding to COAH as well as with Code Enforcement and Zoning. Mayor Patriarca acknowledged that the Business Administrator is ultimately in charge of personnel and handles all personnel matters. The Mayor emphasized that it is important that the Business Administrator is fully informed as to what is needed in those positions. Mr. Prickett also commended Mr. Vaz for taking the class.

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

Mrs. Young informed the public hearing is for the next meeting and it will be advertised in accordance with law.

- c. ORDINANCE NO. 3-2008 (TITLE READ BY MS. STINNEY)
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40a:4-45.14)

Mrs. Stinney noted that this ordinance was listed on the agenda at the last Council meeting.

Motion by Scull and Cartier to introduce Ordinance 3-2008.

Mayor Patriarca commented that Mr. Vaz momentarily left the meeting to see the CFO to address this ordinance if there were any questions. Mr. Prickett commented that at the last Council meeting, several Council members expressed concern that they had not seen the budget yet. Mr. Prickett added that this ordinance will not be voted on until the next meeting and Council should receive the budget in the interim and will be educated on whether Council wants to follow through with this. Mrs. Stinney advised that the Mayor's budget will be submitted within the next few days. Mayor Patriarca explained that the intent is to have the budget to Council by Friday but he is waiting on the State as they have not responded to him on the rules. The Mayor assured that Council should have the budget prior to addressing adoption of this ordinance. Mayor Patriarca advised that it is imperative that this ordinance is introduced tonight because there is a timeline to have this done before the budget. Mr. Cartier asked if the figures were correct as there was an issue with it at the last meeting to which he was advised that they are.

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

Mrs. Young informed the public hearing is for the next meeting and it will be advertised in accordance with law.

11. UNFINISHED BUSINESS

- a. Selection of dates for Council Budget Hearings and authorization for Clerk to advertise same.

Mr. Prickett stated that in the past, Council has been able to get the date when the budget had to be adopted delayed and asked the Township Clerk if this date could be delayed as well. Mrs. Young advised that this information was in Council's package and it is an outline that was provided by the State which gives the revised dates on the right column noting that Council has to introduce their budget by March 11th. Mrs. Young added that the adoption date has been extended as well and it is April 21st. Mr. Prickett commented that in the past, there was a timeline for Council to adopt the budget but they had not met that deadline. Mrs. Young noted that Council had exceeded the statutory deadline that was given. Mr. Prickett expressed concern that there would not be enough time. Mrs. Stinney suggested the Budget Hearings be scheduled and advertised for February 16th, February 23rd and March 1st in case a third Saturday is needed to allow the Business Administrator and Auditors time to prepare the final budget for introduction at the March 5th meeting. Mr. Cartier expressed that he is okay with this schedule, as long as Council receives the budget at least one week prior. Mayor Patriarca reiterated that he will do everything possible to have the budget to Council by Friday. The Mayor noted that he had previously informed he would try to have the budget to Council by February 8th which would allow them one week prior to the mandatory submission of February 15th. Mayor Patriarca explained this would allow Council to call Administration with any questions they may have. Mrs. Stinney asked Council to thoroughly review the budget and if there are any questions to ensure these questions are brought to Administration so the budget meetings can be expedited and the public addressed in a fair and timely manner. Mr. Prickett stated that Council has not seen the budget yet and noted that previous budgets that he has seen were lacking a lot of information and further noted that last year Council did not have explanations from departments for line items. He suggested it would be generous of Administration to provide this material along with the budgets since there is such a short period of time to work on this budget. Mr. Prickett explained that this is one of the things that have previously held up the process in that Council has not had the information that is needed. Mayor Patriarca informed that it would not be a problem for Administration to submit this with the budget. Mr. Prickett relayed that March 1st is not good for him unless it is later in the day as he will be teaching two classes at the Pinelands Short Course. Mr. Prickett added that he would like to be present at the meeting and said he has not missed a budget hearing in the past. Mrs. Stinney commented that the March 1st meeting is only if a third meeting is needed. Mr. Cartier asked Mrs. Young for the absolute last date that this has to be advertised. Mrs. Young informed it requires 48 hours notice for the normal special meeting notice and if all three dates were not needed, one date could be cancelled. Mr. Cartier requested that if the budget is not received by Friday, that the first hearing be delayed by another week. Mr. Vaz added that it is more than likely that Council will not receive the budget by Friday, because Administration is still waiting for guidance from the State and was told last week that Administration would receive it by last Friday and they have not received it. Mr. Vaz explained that this information would contain the formula that is needed to apply the new tax levy cap and without that his understanding is that there are some substantial changes and the CFO will need time once the formula is received. Mr. Vaz advised it is more than likely that Council will receive the budget by mid-next week as Administration is at the mercy of the Division of Local Government Services. Mr. Cartier commented that he has a problem with receiving the budget mid-week next week and having a budget hearing on February 16th. Mrs. Stinney agreed that she also has a problem as she would not have enough time to thoroughly digest anything. After further discussion of possible dates Mrs. Stinney clarified that if the budget is not received by Friday,

February 8th, the tentative dates for their budget session meetings will be February 23rd, February 27th and a third date of March 1st if needed.

12. NEW BUSINESS

- a. Review and determination of draft ordinance amending Ch. 94 of the Code to reflect maximum number of licenses that can be issued to match section that stipulates maximum number of (4) dogs permitted per household, and to increase license fees effective in 2009. (*Proposed increase of \$3.80 of State's allowable increase to \$21.00, is first increase in over 24 years*)

Mr. Prickett asked if this was requested by the Clerk's office and specifically the Deputy Clerk. Mrs. Young responded that she had requested this and the Deputy put together the information. Mrs. Young explained that Chapter 94 has an inconsistency in as much as one section limits the number of dogs and the licensing section does not limit the number of licenses that can be sold. She noted that Animal Control suggested the amendment to help with their enforcement. Mrs. Young noted that in consultation with the Solicitor's office, Jennifer Schwartz provided the draft language for this amendment. Mrs. Young advised that she had her Deputy incorporate the license increase fee in this section to save on advertising costs and as Mrs. Stinney mentioned it is the first increase in over 24 years. Mrs. Young conveyed that she is proposing an increase of \$3.80 noting the State is allowing an increase up to \$21.00. Mr. Prickett conveyed that this is a modest increase and the Clerk's office deals with issuing dog licenses on a daily basis. Mrs. Scull commented that Council is discriminating and that if the Township is charging for dogs they should also charge for cats. Mrs. Young informed that issue is being addressed in a separate proposal that will be presented to the sub-committee that will be reviewing ordinances at a later date. Mr. Cartier asked if the Clerk's office has the ability to track the number of dogs at a residence. Mrs. Young advised that the computer would be able to do this by household. Mr. Vaz asked if Animal Control does an annual census to which Mrs. Young confirmed it does. Mrs. Scull asked where the amount of four dogs came from. Mrs. Young explained that number was established by prior Administrations and Councils years ago; it was brought out to the public, surveys were done, it was discussed and they ultimately established the limit to four dogs per household. Mr. Prickett commented that the committee could consider increasing or decreasing the number of dogs allowed at one household. Mrs. Young informed that her present concern is not the number of dogs but rather that those sections of the ordinance are consistent.

Motion by Cartier and Scull to add Ordinance No. 4-2008 to the agenda. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Cartier and Scull to introduce Ordinance No. 4-2008.

Mr. Cartier asked what other animals the ordinance applied to. Mrs. Scull informed that is just the name of the code. Mr. Bayer advised that the changes to the referenced ordinance only refer to dogs; that is just the name that was historically in the code.

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

- b. Council President's request for Council's support for her to sit on Ocean County Joint Land Use Study Policy Committee as Council's liaison.

Mr. Prickett asked Mrs. Stinney to fill Council in on where the meetings are, when they are and how long they meet. Mrs. Stinney replied that she has not met with them yet but did ask the Mayor to provide this information. Mrs. Stinney commented that she will provide the webpage address. Mayor Patriarca advised that there is not a set schedule but they try to have meetings between Ocean County and Burlington County and the three meetings that he has attended consisted of explaining the program and discussing options within the program. Mayor Patriarca explained that it is a joint land use study that the government is doing in conjunction with Ocean County who is sponsoring it and the study is to determine how to responsibly develop the property within the town so as not to conflict with the operations of the adjoining military bases. The Mayor conveyed that the object is to advise the town in instances of not developing a housing development under a flight path that would ultimately result in complaints from homeowners within the development or to develop next to a range or high traffic training area. Mayor Patriarca noted that what they are basically trying to do is create a buffer zone around the bases so that towns don't develop in areas that conflict with the space that they are already using. The Mayor commented that he has expressed his concerns not only to the Joint Land Use Committee but also to the Council in the past as to the restrictions. Mayor Patriarca relayed that the agreement that was initially put out by the Committee stated that if the town agreed to sign on with the study they would have to adhere to the decision of the study. The Mayor further noted that the results could be that a town could not build in a particular location because it could conflict with operations that the military has or plans to have and that is his primary concern because there is already so much preserved property within Pemberton Township. Mayor Patriarca conveyed that he did express his concerns at the last meeting and noted that it is in the documents that he was provided. The Mayor further noted that he has requested the documentation that states this is not the case and the Township would not have to adhere to this and he has yet to receive this information. Mayor Patriarca advised that he will be asking for this again at the next meeting. Mrs. Stinney commented that she is not sure when the next meeting will be but will make sure that by her participating; Council will receive an update from the meeting. Mr. Prickett expressed concern that he is aware how busy Mrs. Stinney is and questioned if she would have enough time to do this. Mrs. Stinney asked Mr. Prickett what schedule she has and how busy is she. Mr. Prickett commented that if she can squeeze this into her very busy schedule, he would support her. Mr. Prickett added that he barely sees her. Mrs. Scull commented that she supports Mrs. Stinney as Council liaison. Mrs. Stinney reiterated that she wanted to know how busy she is and stated she was shocked. Mr. Prickett asked if she disagreed. Mrs. Scull noted that busy people are never busy; it's the people that aren't busy that are too busy to do anything. Mr. Prickett stated that it wasn't a criticism at President Stinney. Mrs. Stinney replied that she doesn't know how to take that comment. Mr. Prickett clarified that his comment was meant as a concern. Mrs. Stinney reiterated that she is still busy and asked how busy she is; she commented that she works everyday which is normal. Mr. Prickett explained that was exactly what he noted in that she does work everyday. Mrs. Scull commented that now that Mr. Prickett is retired he has a different view of the term "busy". Mrs. Stinney commented that is because he doesn't understand. Mr. Prickett apologized to Mrs. Stinney if he offended her. Mrs. Stinney accepted his apology noting that she was offended. Mrs. Scull asked if Mrs. Stinney needed a motion. Mr. Bayer informed a motion is not needed. Mrs. Stinney expressed that she doesn't want or need a motion she only wanted Council's support. Mrs. Scull reiterated that she has her support. Mrs. Stinney noted that she will provide information to Council so they will be updated on things.

- c. Memorialization of Council's (Inge, Prickett, & Cartier) approval of purchase of 6 new tires for Browns Mills Fire Truck #1812 from State contract vendor Highway Tire, in the amount of \$2,009.00.

Motion by Scull and Cartier to memorialize Council's approval of the purchase of 6 new tires for Browns Mills Fire Truck #1812 from State contract vendor Highway Tire, in the amount of \$2,009.00. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

Council President Stinney recessed the meeting at approximately 8:25 pm for a short break and reconvened the meeting at approximately 8:30 pm.

GENERAL PUBLIC COMMENTS

At this time, Council President Stinney opened the meeting to public comments. Those wishing to comment were: **Anthony Mielkarik: 1.** Advised that he was here tonight to clear his name. He informed he was the Treasurer of the Senior Citizen Council for eleven years. In 1995, TC Kay was the Mayor and appointed him to the Senior Citizen Council. Mr. Mielkarik noted that Paul Tuliano, Sr., was the President and a few months into the organization, Mr. Tuliano asked him to be an associate treasurer because the existing treasurer was retiring. Mr. Mielkarik noted that he received 4 commendations; 2 from Dawn Robertson an Accountant and former Council member and Bud Clark. Mr. Mielkarik added that TC Kay gave him a commendation for being able to follow his spreadsheets. Mr. Mielkarik noted that he was the Financial Secretary and Treasurer for Local 125, for quite a number of years and retired as President. Mr. Mielkarik commented he was a pilot in the Air Force and attended various schools such as management, procedures, and executive management for logistics with a total of 32 years active duty and retired as a Lieutenant Colonel. Mr. Mielkarik advised he is a life member of the following associations: ROA, Reserve Officers Association; MOAA, Military Officers Association of America and Post 294. He helped formulate and is a charter member and President of the Indian Mills Lions Club. He has served as President of the Pemberton Township Lions Club as well. He is a member of the Holy Name Church, a fourth degree Knight of Columbus and past President, member of the Presidential Lakes Civic Association and holds the Director's Seat on a Polish organization in Philadelphia. In closing he recited from passage "thy shalt not bear false witness against thy neighbor". Mrs. Stinney commented that she is impressed and is honored and blessed to hear of Mr. Mielkark's accomplishments. **Craig Augustoni, Chairperson of the Pemberton Regional Fire Chief's Association: 1.** Thanked Council, Administration, the Mayor and the residents of Pemberton Township. Mr. Augustoni noted a lot of emergency services personnel are not receiving the funds they need; however, Pemberton Township's Council and Mayor have once again proven their concern to the residents of the municipality by affording the opportunity to receive three brand new fire fighting vehicles that will benefit the community. Mr. Augustoni acknowledged Chief Maahs, Chief Bozowski, Chief Davis, Chief Tiesmeyer and former Chief Markel who assisted in this project, Mr. James Miller, the Chairperson of the project, Captain Mike Gallagher of the Country Lakes Fire Department, Pat Dedella of Browns Mills Fire Company and Assistant Fire Chief Robert Palfy from Presidential Lakes Fire and Rescue were also acknowledged by Mr. Augustoni. He advised that Mr. Prickett and Mr. Inge guided those just mentioned in making the final decision which Council voted on tonight. **America Phillips: 1.** Asked if Imagination Kingdom will be replaced. Mrs. Stinney replied that she is hoping the park will be replaced as soon as possible. Mrs. Stinney noted that Mr. Prickett has spoken of "\$1.5 million dollars", and she is hoping some of that can be used. Mrs. Stinney asked Mr. Vaz for an update on the committees. Mr. Vaz advised that there have been some internal meetings with Public Works

and Recreation and they have been on-going. Mr. Vaz noted he has had a meeting with the sales person that sells the recreation equipment to the schools and has also provided some ideas and estimates on equipment costs. Mr. Vaz has also contacted two additional companies that provide the same type of equipment for their cost estimates. Mr. Vaz advised there will be a meeting on February 19th that will consist of talks regarding replacing the playground equipment. Mr. Vaz noted he will be asking for authorization tonight from Council for the Engineer's proposal to oversee the next step which is the physical work at the site; the site remediation. Mr. Vaz noted a proposal was received in January for the removal of the tainted soil. Mr. Vaz commented that some type of application will need to be submitted to Pinelands once it is decided what will be built. Mrs. Phillips asked for the location of the February 19th meeting. Mr. Vaz informed it will be held in the municipal building.

2. Asked Council and the Mayor about the Freeholders making transportation cuts. Mrs. Stinney informed she holds a monthly round table meeting and she has asked the Business Administrator and Mayor for a Resolution supporting transportation in the Presidential Lakes area. She noted that in previous years, the Mayor and Administration has lobbied and petitioned and it has fallen on deaf ears. Mr. Vaz informed the public meeting was on January 31st. Mrs. Stinney added this was for hearings on the cuts in transportation in Burlington County and was also one of the discussions at her round table to discuss transportation and give support to the seniors in the area. Mr. Vaz added that in a sadly ironic moment, as a result of the meeting with Mrs. Stinney, he had emailed his secretary to draft a resolution for tonight's agenda and when he got to the office in the newspaper there was an article about the budget being reduced and reducing the scope of the transportation program. Mr. Vaz commented that Administration was looking to have something on the agenda this evening to move it forward but given the approach the County is taking explains why it is not on tonight's agenda.

3. Asked how many buses does the Township have for the seniors. Mayor Patriarca replied there are two buses and they are the same size. She asked what the requirements are for the driver of these buses. Mayor Patriarca informed the driver needs the appropriate license to operate the vehicle. Mr. Vaz added they are required to have a passenger endorsement on their license. Mrs. Phillips then asked if background checks are done for the drivers of the senior buses. Mayor Patriarca answered that the individual hired was hired prior to but added that he would hope that a background was done on the current driver and any future drivers will also receive a background check.

4. Asked Chief Lewandowski what has been going on in Presidential Lakes. Chief Lewandowski replied that he does not have any specific information for Mrs. Phillips but suggested she let him know if she is looking for specific information and he can research it for her. Mrs. Phillips then asked if things happened in Presidential Lakes. The Chief replied that things happen everywhere and reiterated that he does not know what she is specifically asking for. The Chief added that there have not been any large out of the ordinary crimes or instances having taken place in Presidential Lakes. Mr. Inge commented on letters that were sent home with school children regarding the Imagination Kingdom playground noting that it stated it was discussed with Council and asked how many times this was discussed with Council members. Mr. Inge noted that he recalled only one notification. Mr. Vaz advised there was an email in November with a complete package and another approximately two to three days with a draft press release. Mr. Vaz also noted that he had discussions with individual Council members at various points. Mr. Vaz commented that Imagination Kingdom was closed for approximately six to eight weeks before it was removed. Mr. Inge added that it was not discussed with all Council members and if it is going to be put in the paper or put on the website it should be specified as to which Council members were spoken to and discussed with concerning this. Mr. Inge commented that he received the first email in November and the second was received when it was too late to do anything about it. Mr. Vaz responded that it wasn't actually too late and the timing was to allow Council sufficient time to

review the notice that was going out and make sure everyone was comfortable with what was contained in it. Mrs. Scull commented that it was also discussed at one of the Council meetings because she had questioned what would be done with the bricks. Mr. Inge noted that it was also questioned about sealing or treating the lumber. Mr. Vaz noted that it is not just a CCA issue, rather the issue is it is not compliant with the new state regulations and the Township is obligated to be in compliance by October 18th. Mr. Inge asked when the second notice was given to Council and questioned if it were after the deadline. Mr. Vaz replied that we were long past the October 18th deadline. Mr. Inge added that not all Council members agreed to what has happened. Mr. Inge commented that he is not aware as to where the funds will be coming from. Mr. Vaz noted that the playground would have been closed and would still be closed today because by law the Township could not have kept it opened. Mrs. Stinney noted that she had questions over and over for a very long time and she asked those questions and did receive many phone calls over the past six months regarding this. Mrs. Stinney added that a resident called her today and wanted to have her children do a presentation tonight on why they are happy the playground is closed due to splinters, possibility of getting stuck between the lumber and so on. Mr. Inge asked Mrs. Stinney if she forwards those answers to other Council members. Mrs. Stinney replied that she has a "sit down" and doesn't always have the opportunity to get on a computer but will knock on their door and ask to see them. Mrs. Stinney relayed that she spends a lot of time here after work and stops in and if she sees the Mayor's door open to ask for answers. She noted that these are the concerns she has not only as a Council member but also as a resident. Mrs. Stinney advised that she is due an explanation and will come to Administration and the Mayor for an answer. Mr. Prickett asked if Mrs. Stinney will be reporting to the Council the results of her round table discussions. Mrs. Stinney reiterated that when she took office as Council President she stated that she would meet with the Engineer, the Mayor and Business Administrator once monthly to get the information to them so they can hear what the community is talking about so they can provide answers for the residents of the community. Mrs. Stinney commented that if Mr. Prickett is not too busy, she would invite each Council member to call her or come by and see her and if they have any questions, she will get those answers for them. Mrs. Stinney emphasized that all of Council has the same affordable opportunity to stop in and see the Mayor, the Business Administrator and the Engineer. Mr. Prickett asked Mrs. Stinney if during the round tables that are held once per month, if it would be possible on a rotating basis if another Council member could be a part of that. Mr. Prickett added that he would like to be a part of that occasionally. Mrs. Stinney replied that she'll see depending on the topics. Mr. Prickett responded that he would not want to be present for any conflicts. Mrs. Stinney added that as Council President the round tables were something that she thought would be good to do for establishing an open relationship between her, the Mayor and Business Administrator and wasn't sure if Mr. Prickett did this while he was President. Mr. Prickett expressed that it would be good for the rest of the Council as well to be a part of that round table. Mrs. Stinney replied that she would get him information. Mrs. Scull expressed that when Mrs. Stinney announced she would be holding monthly round table meetings she thought it was a wonderful idea and had not realized the Council President was not meeting with the Business Administrator or Mayor once per month. Mrs. Scull suggested meeting twice a month as there are two Council meetings per month so that there are no surprises and that there is more communication. Mayor Patriarca advised that the closing of Imagination Kingdom and the actual removal of the structure was ultimately his decision and he made that decision based on the information that was provided to him part of which was the contamination issue. The Mayor commented that the contamination issue in itself was sufficient reason to remove the structure, noting there were additional issues such as safety. He explained that the playground was built in compliance with the safety regulations at that time but the rules have changed and

it was felt that it would be best to remove the structure and replace it with a bigger and better structure. The Mayor emphasized that he made a decision based on the safety of the children and to prevent even one child from getting hurt or contaminated, and he made the right decision. Mayor Patriarca reported that Administration will be proposing a new project with a method of funding and it will be Council's decision. The Mayor reiterated that it was ultimately his decision and he has no regrets making the decision to take down the playground with a full intent of replacing it. Mayor Patriarca conveyed that there are several municipalities throughout the country that has gone this same route because of these same conditions and it is all done for the safety of the children. The Mayor commented that if someone can't agree with that, then he can't agree with them. Mrs. Phillips asked if the Township was planning to replace it. Mayor Patriarca answered Administration has full intentions to replace the playground noting it is one of the most used parks in the Township. From the audience, Mr. D'Imperio commented that this was to be public comments time. Mrs. Stinney apologized to Mrs. Phillips for allowing Council to convey their comments during the public comments section. Mrs. Stinney assured that it will not happen again.

At this time (approximately 9:05 p.m.) Mr. Inge announced that he will excuse himself as a Council member for the rest of the evening and sit in the audience as a resident of Pemberton Township as he wanted to comment during public comments. Mrs. Stinney noted Mr. Inge's statement. Mr. Bayer added that Mr. Inge could do this from the dais and speak as a resident and a Council member. Mr. Bayer noted that Mr. Inge can choose to leave the dais. Mr. Prickett asked if Mr. Inge will be able to come back to the dais if he steps down. Mr. Inge replied that he is stepping down for the evening. Mrs. Stinney reiterated that Mr. Inge announced he will be stepping down for the remainder of the evening.

(PUBLIC COMMENTS CONTINUED) **Michael Tamn: 1.** Conveyed that he has asked the previous Administrations and Mayors a number of times to do something about the recycling. He noted tipping fees have taken a big jump this year and there is no recycling enforcement within the Township. Mr. Tamn noted that other towns run a good program and questioned why send something to the dump if it could be picked up in recycling and save the Township money. Mr. Tamn stated that the trash fees will probably be going up but the tipping fees are a big increase that is taking place this year. Mr. Tamn conveyed that he keeps bringing this up and has not heard of any program that is being instituted to take care of this. Mayor Patriarca responded that he has just spoken to the Business Administrator concerning this and he will have an answer by the next meeting on the direction the Township will be taking. The Mayor agreed with Mr. Tamn that the tipping fees are getting outrageous. Mr. Tamn relayed that other towns have a higher percentage of recycling than Pemberton Township, and Pemberton could increase its recycling by 25% if they had some type of enforcement. Mrs. Stinney thanked Mr. Tamn for his persistence in coming back to Council, and he can rest assured that he will not have to come back to this Council for numerous years. Mrs. Stinney thanked the Mayor and Business Administrator. **Ed Tournquist: 1.** Asked for the definition of household as it pertains to the existing ordinance that limits four dogs per household. Mr. Cartier replied it would be a single family home. Mr. Tournquist asked if it was limited to that and not an apartment. Mr. Cartier acknowledged that is a good point. Mr. Tournquist commented that as an example, an apartment could have four units and that would amount to 16 dogs. Mr. Tournquist asked if the proposed increase of \$3.80 per dog license would mean that the license cost \$3.80 or is it an additional \$3.80 and asked for the cost of a license. Mrs. Young explained the license fee is \$6.00 which goes to the Township, there is a \$1.00 registration fee that goes to the State, there is .20 that goes to the State for the Pilot Clinic Fund and if a dog has not been spayed or neutered, there is an additional fee of \$3.00; the present dog license total cost is

\$7.20 for a spayed or neutered dog and \$10.20 for a non-spayed or non-neutered dog. Mrs. Young advised that proposed \$3.80 increase would be added to that price noting the State allows up to \$21.00 but she is only proposing \$3.80 across the board. **2.** Mr. Tournquist advised that he would like to remind Council about the Memorial Day Parade and has commented prior that the Memorial Day Parade needs a lot of help. Mr. Tournquist stated that it is the worse parade he attends during the year, and it is to honor the people that gave their lives to defend our country. Mr. Tournquist noted that the Township recently had a Winter Parade to celebrate winter and questioned if the veterans and those who have given their lives could have as nice a parade. The Recreation Department put together the Winter Parade and it was very successful; the Veterans Associations would appreciate assistance from the Recreation Department to make this a real parade. Mr. Tournquist noted that presently, the parade is over in three minutes and expressed this is not right. He expressed that currently there are hundreds if not thousands of veterans in the community and the parade is an embarrassment and asked the Council to think about it. **Elmer D'Imperio:** **1.** Asked if Administration has checked with the State and Homeland Security for the possibility of any grants available for fire trucks and referenced Resolution No. 66-2008. Mr. Vaz commented that he has not and added that he just received notification today that Homeland Security just opened additional grants. Mr. Vaz advised that the Fire Company did receive a grant through the organization of the Fire Chiefs. Mr. D'Imperio advised that Homeland Security recently awarded a few towns in Burlington County some type of money. He expressed if they don't ask, they don't receive anything. Mr. D'Imperio stated the cost is \$1,294,000 and he will have to start attending Council meetings again. **2.** Reiterated that the Township needs a leaf machine. Mr. D'Imperio relayed that if he has to come and beg month after month like he did for four years to get Upper Mill Road paved, then he is going to do it. He expressed it is logic; common sense and talking about spending money. He expressed it is spending money vs. saving money. Mr. D'Imperio informed that he generally rakes his leaves twice to three times in the fall. He advised that when he misses raking, he has leaves and has to wait two weeks because he missed when Public Works originally came around. Mr. D'Imperio pointed out the costs of the trucks, oil, gas, manpower and so on from the municipal end and referenced the seniors and individuals on low income and such that have to purchase the bags and pick up the leaves. Mr. D'Imperio conveyed that at budget time he will be talking about the same thing. He expressed that new leaf machine will benefit the entire community and only one is needed. **3.** Commented that he wasn't sure the \$3.80 increase (for dog licenses) is worth that type of an increase at the present time. The increase would increase the fee to \$11.00 and that is an additional expense as a lot of people have dogs. **Thomas Inge:** **1.** Announced he was representing a company he owns, Thomas Inge Enterprises and questioned Council if in November they discussed Thomas Inge Enterprises matters with the Planning Board in Closed Session. Mr. Bayer recommended that Council not answer that question since those Closed Session minutes have not been released yet and added that Council cannot legally answer that question. Mr. Inge stated it was brought up during the beginning of Closed Session when it was announced to the public what was going to be discussed, and noted it was on the agenda that Thomas Inge Enterprises was going to be discussed. Mr. Inge then asked if everyone's litigation was put on the Pemberton Township website and if this was common practice. Mrs. Stinney referred to Mr. Vaz and Mr. Bayer to respond to this question. Mr. Vaz explained that he created a new section on the website which serves a dual purpose. Mr. Vaz explained that one section allows clubs and organizations to post their events and information and goes through a typical bulletin board type of set up where they can post the information themselves. Mr. Vaz advised the other section of that board which he refers to as the document center, he has put up approximately 10 different sets of documents that are related to all types of important issues that are going on from

the inspection reports on the lakes, projects involving the master plan, and the downtown Browns Mills revitalization. Mr. Vaz added that not every issue is put on the document center because they don't have the resources or equipment but it does get a lot of hits and he has received a lot of compliments on it. Mr. Vaz relayed that as far as putting everyone's litigation up on the website, he does not but would be happy to put any public record litigation on the website. Mr. Vaz further noted that the items that are posted are items that have generated interest and not every litigation will generate interest in the public's mind. Mr. Inge asked Mr. Vaz if he was saying it's just what the Administrator feels is public interest so the public should not know about all of the litigation that the public is eventually going to pay for things that were created by the Township. Mr. Vaz answered that if a Council person wants anything on the website, he would be happy to put it on. Mr. Bayer stated that for the record, Mr. Inge has a lawsuit pending against the Planning Board now and if he was some other resident suing the Township regardless of his position as Councilman, Council would not be allowed to discuss that litigation in a public meeting. Mr. Bayer conveyed that Mr. Inge is represented by counsel in the litigation against the Planning Board and the Planning Board is represented by Planning Board counsel and it is not appropriate to be discussing litigation issues in public, and he would advise Council and the Mayor to not do so since there is on-going litigation. Mr. Inge asked if February's Planning Board agenda and the information for the agenda and the applications were published on the website. Mr. Cartier replied that he has the agenda with him and there are no applications on the agenda. Mr. Inge asked if this was published. Mr. Cartier responded yes, it has to be. Mr. Inge asked Mr. Cartier if since January 2007 he has spoken to any Planning Board members either via phone, email, fax or at a Planning Board meeting discussion regarding TRI Enterprises. Mr. Bayer reiterated that if he has a lawsuit pending against the Planning Board and if his lawyer would try to get discovery in the case that he is entitled through the court process, he is entitled to do so and added that this is not an appropriate forum to be discussing litigation that is pending against the Township. Mr. Inge responded that since it was brought up by the Township and put up on the Township website then he should be able to come to a Township meeting and ask questions concerning that. Mr. Bayer replied that as a matter of record, any lawsuit filed through the court system, the lawsuit itself becomes a matter of public record. Mr. Bayer added that anyone could go to the court house and get a copy of the complaint; it could be published in a newspaper or published anywhere. Mr. Inge reiterated that Administration took upon themselves to put it on the Pemberton Township website. Mr. Vaz clarified along with ten other subjects and added that he would be happy to take it off if it makes everyone happy. Mr. Inge stated that he would be happy if Mr. Vaz would put all of the information on the website and added that as all of the Council members know he emailed each Council member more than once on things that were on the website showing that it was just one sided. Mr. Inge informed that not all of the facts were presented; documentation was on the website that did not even pertain to the property. Mr. Vaz advised that the information was removed. Mr. Inge commented that it should have never been on the website in the first place. Mr. Inge informed he would like Council to take a look at this matter because he thinks it will come up in front of Council and he hopes that when they go in to Closed Session, Council excludes members of the Planning Board in the Closed Session meetings. Mr. Inge added that he would like to see Council members for the public's sake do an OPRA request on the secretary for the Building Inspections, Zoning Secretary, Building Inspector, Business Administrator, Mayor, and the Mayor's secretary. Mr. Inge further added that Council should do an OPRA request to look at what has been going on with the Planning Board and his case. Mr. Inge informed rest assured that when Council members look at this information, they will know that his case has been treated totally different than anybody else's case in the Township. Mr. Inge advised that people that are sitting on the Planning Board have deliberately stated things that

are untrue and it will come out and it's a shame that the residents are the ones that will be paying the cost for things that were brought up in the Township that had nothing to do with the building that was taking place on Lakehurst Road. Mr. Inge stated this was all by Administration and was backed by Administration and if one looks at the Township website over the last two weeks it was very obvious. Mr. Inge relayed that in the beginning of January, they set a date for January 24th for a special meeting. He questioned that if all of this information was so important, why wasn't it put on the website three days prior to the meeting telling the public when the meeting was going to be held. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Mr. Andrew Bayer: 1. Nothing for public session.

ENGINEER'S REPORT

Mr. Chris Rehmann: 1. Received a visit from the Bureau of Dam Safety today along with a new set of regulations. Mr. Rehmann added he is reviewing the new regulations to determine if the inspection report can be refilled for the Country Lakes Dam to determine whether the unsafe designation is the proper designation. Mr. Rehmann conveyed that the State of NJ is appropriating \$12 million dollars for the repair and reconstruction of dams through a 2% low interest loan and it will cover all costs associated with dam reconstruction including the legal engineering, acquisition of property, etc.. Mr. Rehmann noted that Pemberton Township is in a good position to take advantage of those funds as long as we stick to a specific schedule of events. Mr. Rehmann added that we would like to be under construction of any dam restoration by 2009. He reported that the State is suggesting they move forward with the study phase which would put them until 2009 to get their act together, the Pinelands act together and the State of NJ's act together. Mr. Rehmann advised that he is still evaluating this information and hopes to have a quick conclusion. Mr. Rehmann added that he is putting together a schedule along with costs so that he can determine which way to proceed and what is needed to get them under way. Mr. Rehmann conveyed that he has committed to attend a meeting on February 11th at the Country Lakes Club House to meet with the area residents to explain the dam inspection program that was presented to Council along with the results of information and have a question and answer section. Mr. Rehmann added that according to the President of the Country Lakes Homeowner's Association, approximately 400 letters went out to the residents that were directly impacted by this and invited them to the meeting. Mr. Prickett noted the three individuals from the DEP which were Don Ritchie, who oversees the process and makes the Township aware of funding that is available, Richard Tomengo, who is responsible for Country Lakes Dams #1 and #3 and Clint Olman, who is responsible for Dam #2. Mr. Prickett advised the DEP's policy just changed to the new conclusion section. Mr. Prickett explained that prior to this change, a dam either passed or failed and now the ratings entail satisfactory, fair, poor or unsatisfactory and this could give the Township some latitude as far as the condition of the dam. Mr. Rehmann explained that Mr. Ritchie is the second in command and Mr. John Moyle is the top dog in the Bureau of Dam Safety and stressed the importance of Mr. Ritchie seeing the dams in person. Mr. Rehmann stated that he will be determining a point schedule whereas whether an unsafe condition gives more points than a poor condition to see how to best compete for funding. Mr. Rehmann advised that the DEP also checked the Presidential Lakes Dam and gave a few suggestions to consider as to how to declassify the dam by putting in a culvert and working the elevation so it falls below the structure of a definition of a dam which is a 5' difference in elevation between the upstream and the downstream structures. Mr. Prickett noted that Mr. Vaz was in attendance at the meeting as well. Mr. Rehmann commented that it was a great meeting and will be telling Council more as he goes through the information with Mr. Vaz and Mr.

Ingram to come back to Council with specific recommendations to move forward. Mr. Rehmann advised that he wants the residents of Country Lakes to know is that there is going to have to be a firm commitment made. Mr. Rehmann noted that he was asked by Mr. Prickett if he had the resources to be able to allocate to this and relayed that if he says his firm is going to do it he will commit to getting it done. Mr. Rehmann advised the Mayor has directed him to provide a proposal, an outline and a work schedule. Mrs. Scull confirmed that the dam is currently labeled unsatisfactory and the Township needs to move forward even though it is a large amount of money that we were not foreseeing. Mrs. Scull commented that the meeting was very positive and appreciated the time put forth by the DEP individuals. Mr. Rehmann added that 2% is below market rate for municipal bonds and noted that it does reduce the overall cost. Mr. Rehmann conveyed that he is also still looking at the rural development agency of the federal government which used to be the farmer's home administration which is trying to determine if there are any farmer's home loan mortgage issued in the Country Lakes or Presidential Lakes areas where they might have an interest in the value of the homes. If the value of the home is down and they hold the mortgage, they could possibly provide some infrastructure funding also. Mr. Rehmann added this is probably a long shot. Mrs. Scull stated there were quite a few farmer home loans in Country Lakes and one time but it was almost impossible to get one in Presidential Lakes. Mr. Rehmann noted that sometimes a 40% grant and a 60% low interest loan may balance out the 1 point below prime and the grant may be of substantial value and the total cost of the project needs to be weighed out. **2.** There is a proposal for \$15,000 for the clean up of the land association at Imagination Kingdom. **3.** Mr. Rehmann spoke of a pending proposal for Norcross Lane and added that may be a subject for the Mayor's budget and capital issues. Mr. Prickett spoke of the Mirror Lake Dam proposal and added that Council may not have approved this. Mr. Rehmann explained that a lot of the work could be done through the normal operation of the Public Works Department and suggested Mr. Ingram could meet with Mr. Sager. Mayor Patriarca conveyed that Mr. Sager has already seen Mr. Rehmann's proposal and assured him that the Public Works Department can just about complete the punch list provided. Mr. Rehmann stated that a letter can be sent back to the State informing them that an inspection report has been completed by the Public Works Department and this could give a few "stars" to the Township because the State has been "banging on doors" and getting no answers; people have just shut them out and this could assist the Township in getting some funds as the Township is cooperating with the State. Mrs. Scull commented that there was also a suggestion of combining the efforts on all three Country Lakes Dams onto one proposal for one amount of money and this could possibly save the Township money in the long run by awarding one contract to one contractor who could do everything at once. Mr. Rehmann added that this makes sense and added that Mr. Ritchie commented to Mr. Ingram how pleased he was to see members of Council regarding this issue. Mr. Prickett commented that he was appreciative of the DEP coming to Pemberton Township as he thought the Township would have to go to Trenton. Mr. Rehmann noted that Mr. Ingram has done some very difficult jobs with the DEP that required some very innovative techniques and he has gotten a degree of respect from them. Mr. Rehmann added that Mr. Ingram knows that once they get out of Trenton and see the dams and homes and the residents that are affected, it does have an impact.

MAYOR'S REPORT

Mayor David Patriarca: **1.** Commented that he was glad to hear that there is a possibility of doing all three dam projects as one project. Mayor Patriarca advised that he contacted the Engineer recently and suggested the Engineer come up with a proposal that included the three dams as one project, perhaps as a phase-in project where the design phase would be first, the permit process and then moving forward with construction. The Mayor conveyed that the dams and lakes are important and

are a vital part of the community and need to be protected. 2. Mayor Patriarca stated that the solution to the leaves might be gypsy moths. The Mayor advised that the State does not intend to spray two applications this year as there has been so many people signing up there are not enough vendors to spray two applications. Mayor Patriarca conveyed that there are so many factors involved with the gypsy moth spraying such as weather conditions, timing of the cycle the gypsy moth is in, etc., and it is a real shot in the dark with just one application. The Mayor added that they can't not spray the one application and if they weren't involved it would be more detrimental. Mrs. Stinney noted that last year the surrounding towns like Medford were going to put together some type of petition and forward it to the State that the spray wasn't effective and asked whatever became of that. Mayor Patriarca advised that Southampton was involved in that and everyone bailed out and jumped on board with the program because they didn't see that it was going anywhere and they had to do something. Mr. Rehmann asked if Dimilin has been approved. The Mayor replied that Dimilin has not been approved at this point and he would be very surprised if it is approved and even so it would only be approved in certain areas because of the impact on the environment with the lakes and various species. 3. Announced that Public Works has been working steadily on the capital projects as well as improvements at the Teen Center, the Dominique Johnson Center and the Municipal Building and are planning on approaching other projects. 4. Announced receipt of a check today from FEMA in excess of \$9,000 from the last flood for work that was involved with that. He noted this is the second payment received from FEMA.

BUSINESS ADMINISTRATOR'S REPORT

Mr. Chris Vaz: 1. Reiterated that he would like formal approval for ARH to start the project at Imagination Kingdom. Mr. Vaz noted that ARH's proposal will not exceed \$15,150 for their scope of the work and they will basically be overseeing the removal of the soil, the additional testing that needs to be done and getting the Township to the point of ultimately getting the required paperwork from DEP, "a no further action letter". Mr. Vaz informed this would be charged to the 2006 Capital Program where \$108,000 was approved for improvements to the park. Mr. Prickett commented that Council should move forward with this quickly and stated that this should have been on the agenda tonight. Mr. Vaz apologized noting that he didn't believe it needed to be on the agenda as it was already appropriated and approved and he thought it would be appropriate to just authorize it as Administration since it was already approved by Council. Mr. Vaz added that he was reading minutes from 2005 and 2006 and saw that this was the normal practice and did add it at the last minute.

Motion by Cartier and Scull to authorize ARH to commence the clean up process at Imagination Kingdom in an amount not to exceed \$15,150. Cartier, yes; Scull, yes; Prickett, yes; Stinney, yes. Motion carried.

Mayor Patriarca announced that May 2nd is the final day of operations for Sybron. The Mayor commented that he has been in meetings with Sybron management and their President. Approximately 30% of the 90 employees are Township residents. The facility is a future concern of the Township and he is working with Sybron on various options that would allow the facility to be occupied. The Mayor advised that Sybron informed that they fully intend to stay in the area and use part of the facility as a distribution center for their product so it would change the use from manufacturing to distributing because they still have customers in the area. He advised the company is moving overseas. Mayor Patriarca relayed that the Township is currently collecting \$129,000 in tax ratables and as the facility downsizes and they start breaking down and it gets re-assessed it will affect their tax collection which will probably occur in 2010.

POLICE CHIEF'S REPORT

Chief Robert Lewandowski: 1. Reported there were 1,839 calls handled in January 2008 which is comparable to January 2007. The major calls were seventy six 9-1-1 calls, 114 alarm calls, 86 calls for domestic violence and 47 motor vehicle collisions. The Chief noted there were 558 motor vehicle summons and 21 drunk driving arrests. Chief Lewandowski added this is a major jump from 2007 where there were 11 drunk driving arrests during January 2007. There were 172 criminal complaints written which is approximately the same as January 2007. 2. The department's newest officer, Jason Gant, graduates from the Police Academy on Friday and will be assigned to the field training unit for the next 14 weeks which will be his in house training program. This will bring the count up to 57 officers on the road which is still two below the number authorized. The Chief expressed hope that the Mayor and Council will see fit during the upcoming budget hearings to continue hiring to fill these two available slots. Patrolman Danielle Hahn will complete the two week DARE training which will bring the total to two DARE Officers which will enable us to increase the program and increase the coverage and get a few more DARE programs in. The Chief explained there are several different DARE programs besides the fifth grade program and the department has not been able to do the other programs because there was only one DARE Officer. There will still be one full time officer but Danielle Hahn will be able to fill in during the time periods needed. 3. Expressed he is pleased that the Presidential Lakes Neighborhood Watch has been established. There have already been three meetings held this month to get everything up and running. Chief Lewandowski advised he will be meeting with the Presidential Lakes Civic Association on Tuesday night where he was invited to talk about the departments input and how to help to continue the growth of the organization. 4. The Youth Police Academy is filling up and there are approximately 20 of the 40 young men and women who wanted to be a part of the academy during spring break from school. The Chief advised there are still 20 openings and applications can be obtained at the schools. 5. The closing date for potential police applicants is March 31st which is the final date for the applications to be in. The Chief expressed hope that there would be a number of good candidates and asked if anyone knows of anyone that might be a good candidate, he could not encourage them enough to file and get those people in. Chief Lewandowski spoke of increasing the makeup of the Township and having the Police Department more reflective the way they are in the Township. 6. On January 23rd, a number of off duty and on duty Police Officers met at the Senior Center to serve lunch to the seniors. This affords the opportunity to meet with the Senior Citizens, get advice from them, answer their questions and speak with them. The Chief conveyed that this program started in December and will continue on a monthly basis. 7. Increasing the enforcement of curfew violations and there were 4 juveniles arrested and taken in to custody on curfew violations. The curfew ordinance was changed last year by Council to make it easier for the Police to enforce but also to make it more important that the Police and the parents are involved. The Chief advised that the parents of the 4 juveniles arrested have been cited and notified that on the next occasion they will receive a summons to appear in court. Chief Lewandowski reported that they all seemed very helpful to the department and hopefully will not see them again. 8. The UEZ officers had a plain clothes assignment on January 25th to patrol the downtown area. There were a few questions and problems at the new Acme shopping center and the WaWa. Two officers both worked the same day and made two arrests for warrants and several arrests for defying trespassing, littering and defecating in public. This is something that will occur more often on a one on one basis where they can observe people and get them before they do something worse. The Chief explained the UEZ is funded 80% by the UEZ and 20% by the Township. Mrs. Stinney informed she received permission from the Mayor to dialogue back and forth to get him with some of the faith based organizations. Mrs. Stinney noted that the Chief did attend the Martin Luther King

Program at the Friendship AME Church and met the President of the Ministerim for Pemberton Township, Reverend Kim Anderson. Mrs. Stinney advised that she also received permission to dialogue with Mr. Craig Augustoni. Mrs. Stinney noted that she does not have an outcome with that meeting and asked the Chief for an overall letter that he submitted to the Reverend. The Chief reported that the idea behind meeting with the Ministerim was that the faith based groups already have their own groups and are active people and they should be targeted first for getting the departments message out to the public as far as what the department wants, what the department wants to give to the public and what the department wants back from them as far as help and information; also what they want to see about where the department is doing well and not doing well. The Chief also added that he also wanted to talk with them concerning recruitment for police officers. The Chief added that they seem to be the ones that bring their children up right; they have faith based ideas, the children seem to be the ones that the department wants to target and get involved with the Police Department. Chief Lewandowski relayed that he was asked what his plan was and he answered he doesn't have a plan but rather wanted the input from the public and these groups and once the input is provided, they can all come up with the plan together. The Chief advised that is the mission of the Police Department to partnership with the community. Mr. Prickett commented that the BMIA sponsored a discussion on the DARE program and gang activity. Mr. Prickett noted that Officer Crystal Bartholomew was there to talk about the DARE program and complimented her for her enthusiasm in talking with the kids and her dedication she projected at the presentation. Chief Lewandowski thanked Mr. Prickett.

COUNCIL MEMBER'S COMMENTS:

Mr. Richard Prickett: 1. Spoke of the election results last night and commented that everyone that is participating in the process of the nomination of the next Presidential candidates is very impressive. Mr. Prickett added that he was impressed by the number of people that came out as well as being depressed by the people that did not come out. He noted seeing young people getting involved in the process and expressed the importance of that.

Mrs. Sherry Scull: 1. Spoke of her involvement of raising funds for Imagination Kingdom and commented that the people involved were glad to hear the bricks would not be removed. Mrs. Scull added that initially the company was asked if there was anything in the wood that could harm the children and back then they were told it met the standards. Mrs. Scull conveyed that now they find out that was not the case but reiterated that it was something that the company was asked. **2.** Noted that when she met with the Senior Citizens, many of them were not aware of how the Township is charged for the extra weight. If there is a jar that is thrown in the trash, it could end up costing extra money and this should be put in recycling. Mrs. Scull spoke of items that can be recycled. She noted finding out during the budget hearings last year the expense that costs the tax payers for the extra things that get picked up. She advised she never gets upset when she sees trash pickers because it's better that the citizens pick it up and use it and recycle it that way than for it to go on that trash truck because they'll be paying more for that. **3.** Expressed she whole-heartedly agrees with the resident from Country Lakes regarding the Memorial Day Parade. She has suggested trying and getting the wagons from the Historic Trust to use in the Memorial Day Parade this year so that the older veterans can ride in the parade instead of walk. She explained that many veterans are getting a little older. Mrs. Scull noted a list of soldiers from this area who have given their lives as far back as the Revolutionary War and are thinking about having some cub scouts get involved and suggested they read the names of the individuals from the community who gave their lives; the ultimate sacrifice. She expressed that more energy and effort needs to be put in the

Memorial Day Parade; noting this is a strong military community and somehow they have gotten away from that. **4.** Thanked everyone for coming out.

Mr. Ken Cartier: **1.** Expressed the need to educate the residents about recycling in that some residents are using their recycling cans for trash. **2.** Announced there was a TAG reorganization meeting two weeks ago and Mr. Tournquist joined TAG. Mr. Balas is attempting to get everything organized and is also getting the schools involved. Mr. Cartier mentioned that Ms. Greco suggested TAG sponsor one of the school dances and any child that brings their parents with them get to go for free and the parent gets some education on drugs and gangs. Mr. Cartier expressed that instead of just educating the kids, the parents are getting educated as well. He noted this is scheduled for sometime in March. Mr. Cartier noted he needs to speak to Chief Lewandowski regarding Dr. Kriger that will be implementing this program and will be the main speaker and would like to get the police department involved. **3.** Thanked everyone for coming out and wished them a safe trip home.

Mrs. Diane Stinney: **1.** Thanked everyone for their comments, concerns and prayers on behalf of her daughter, Rynette Smith and family to include husband, mom, dad and brothers. Mrs. Stinney commented that she was inundated with so many calls and words of comfort that she can not say thank you enough. She mentioned to people that if she could just rent a plane to fly a banner over the Township to thank all of those that reached out, she would do it. Mrs. Stinney wanted to publicly thank everyone for what they have said and done on behalf of her daughter. Mrs. Stinney thanked Council for the kind words said during the last Council meeting as she did read the minutes. **2.** Thanked those that committed to serve on the sub-committee for the ordinances. Mrs. Stinney stated that she would also like to see the Council by-laws brought up to date. She noted the Council by-laws, Resolution No. 107-1999, do not reflect the community and what is going on now. Mrs. Stinney gave this charge with the knowledge of the Solicitor to really work on these by-laws to reflect the Faulkner Act. **3.** Asked Mr. Vaz regarding a directory of emails for churches. Mr. Vaz replied that he was asking Mrs. Stinney's assistance in getting the organizations to include church addresses for purposes of hiring. Mr. Vaz noted that Administration did have success in preparing a list of these organizations that will receive a fax when there is an opening to increase the pool of candidates for positions and commented that it has been working well. **4.** Spoke with the Mayor and wanted to ensure that she was properly contacting the Engineers, the Alaimo group. Mrs. Stinney noted that it was a wonderful idea for ARH to meet with the Country Lakes organization on their dams. Mrs. Stinney reported that she and Mr. Inge went to Presidential Lakes and thought it would be wonderful to have the same opportunity there. They both explained as much as they could but it's always great to see those that have the knowledge and are getting paid by the tax payers to answer those questions. Mrs. Stinney commented that she asked the Mayor if it would be appropriate to have the Alaimo Group attend the next Presidential Lakes Association. She noted the Mayor had responded that it might cost some money and she replied that she didn't think so because there is no money. Mrs. Stinney advised that she took it upon herself to call the Alaimo Group and asked them to attend the next Presidential Lakes Association meeting and advised it would not cost the Township any money. Mrs. Stinney commented that it would be a great idea to say "here we are again this year representing Presidential Lakes as the Special Engineer". She advised that the Alaimo Group did agree to attend the next meeting and Mrs. Stinney emailed Mr. Miller asking him to contact Alaimo to coordinate the next meeting. **5.** Thanked everyone for coming out.

Council President Stinney recessed the open session meeting at approximately 10:15 p.m. to go back into closed session and reconvened the open session meeting at 10:54 p.m.

There being no formal action necessary pursuant to closed session, the meeting was adjourned at 10:55 p.m.

Respectfully submitted:

Mary Ann Young, CMC,
Township Clerk