

TOWNSHIP OF PEMBERTON

REGULAR MEETING

JUNE 18, 2008

6:30 P.M.

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

PRESENT

Ken Cartier
Tom Inge
Sherry Scull
Richard Prickett
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Representing Solicitor Jake Archer, Township Clerk Mary Ann Young

2. Chairwoman Stinney called the meeting to order at 6:30 pm
3. Closed Session Res. No. 155-2008

RESOLUTION NO. 155-2008

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. CONTRACT NEGOTIATIONS WITH AFSCME, PBA AND/OR CWA
2. ADVICE AS TO CORRECTIONS TO POLICE SALARIES AND OUTSIDE EMPLOYMENT ORDINANCES

Motion by Cartier and Prickett to approve Resolution No. 155-2008.
Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION

Mrs. Stinney convened the meeting at 6:30 p.m. to go in to Closed Session and reconvened the open session at approximately 6:37 p.m. Mrs. Stinney convened the meeting for a short break until 7:00 pm.

5. Formal action as necessary pursuant to closed session.

There was no formal action necessary pursuant to tonight's closed session.

6. Public comments on consent agenda items only.

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

Michael Tamn: 1. Noted there is a review of the draft ordinance combining Planning and Zoning Boards. Mr. Tamn commented that mostly small towns have done this. Mrs. Stinney informed Mr. Tamn that public comments are to pertain to

Consent Agenda items only at this time. Mr. Tamn conveyed that it was his understanding that Council had approved public comments on agenda items months ago and that there has been no change to restrict comments to Consent Agenda items only. Mrs. Stinney referred Mr. Tamn to Agenda Item #6, Public comments on consent agenda items only. She noted that this is an opportunity to discuss items in business and he will have that opportunity as well. Mr. Tamn stated it is more serious than that because when there is a draft resolution, evidently some action has been taken already to draw up a draft resolution. It's not a preliminary discussion on whether one is interested in it or not. Mrs. Stinney responded it is on the agenda that way and asked Mr. Tamn if he had any comments for agenda items only. 2. He asked for clarification on Resolution No. 166-2008. Mr. Archer explained that this involves the Township's insurance carrier regarding litigation in the Hunt matter and because of the issue of what they are trying to seek is non-monetary; they are looking for merely declarations of sorts. He informed that the Township's insurance carrier, MEL, instead of offering a defense in this case, are offering money in lieu of defense, noting that it is actually a good deal for the Township. He relayed that pursuant to the standard procedures in these situations, the resolution is authorizing acceptance of that amount in lieu of defense from the MEL. 3. Asked Mrs. Stinney if allowing comments on all agenda items could be taken up with the Council instead of restricting it. Mr. Tamn reiterated that this was previously done by the Council and nothing was done to restrict comments to Consent Agenda items only. He expressed that it allows the public the opportunity to say something about the items on the agenda prior to Council taking action. Mrs. Stinney advised his comments would be considered. Mr. Tamn stated one feels kind of stupid coming to a public meeting and commenting after an action is taken. Mrs. Stinney pointed out that there are children present and she would appreciate it if Mr. Tamn wouldn't use a specific word. Mr. Tamn asked if that word was stupid. Mrs. Stinney replied yes. Mr. Tamn added that the public feels kind of stupid. Mrs. Stinney reiterated that she will consider it. 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.**

***10. MINUTES FILED BY MUNICIPAL CLERK**

***a.** Regular Meeting, May 21, 2008

***11. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 156-2008

RECOMMENDATION OF AWARD IMAGINATION KINGDOM SOIL REMEDIATION
WHEREAS, AS THE TOWNSHIP OF PEMBERTON HAS SOLICITED AND RECEIVED QUOTES SOIL REMEDIATION IN ACCORDANCE WITH THE PUBLIC CONTRACTS LAW; AND
WHEREAS, THE LOW QUOTE RECEIVED FOR PROJECT CONSTRUCTION WAS PROVIDED BY THE FIRM OF TARGET ENVIRONMENTAL OF EGG HARBOR CITY, NJ WHOSE QUOTE TOTAL WAS \$13,600.00; AND
WHEREAS, THE TOWNSHIP OF PEMBERTON HAS ALLOCATED FUNDS FOR THE COMPLETION OF THE PROJECT IMPROVEMENTS TO ALLOW FOR SAID IMPROVEMENTS TO OCCUR.
THEREFORE BE IT RESOLVED, THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON HEREBY AWARD THE CONTRACT FOR THE IMAGINATION KINGDOM SOIL REMEDIATION IN THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY TO TARGET ENVIRONMENTAL OF EGG HARBOR CITY, NJ WHOSE QUOTE TOTAL WAS \$13,600.00, SUBJECT TO CERTIFICATION AS TO THE AVAILABILITY OF FUNDS FROM THE TOWNSHIP'S CHIEF FINANCIAL OFFICER.

RESOLUTION NO. 157-2008

RESOLUTION APPROVING NJDOT APPLICATIONS FOR MUNICIPAL AID PROGRAM
WHEREAS, THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY IS DESIROUS OF REQUESTING FUNDING CONSIDERATION FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT, AND
WHEREAS, THE TOWNSHIP OF PEMBERTON IS REQUESTING FUNDING FOR THE PROJECTS ENTITLED:

- LEMMON AVENUE FROM BUSH STREET TO NORCROSS LANE

WHEREAS, THE TOWNSHIP OF PEMBERTON SHALL SET A PRIORITY FOR THE PROJECTS LISTED AND SUPPLY THE PRIORITY TO THE TOWNSHIP ENGINEER, AND
WHEREAS, THE PRIORITIES SHALL BE AS LISTED ABOVE IF NO PRIORITY LIST IS SUPPLIED TO THE TOWNSHIP ENGINEER, AND

WHEREAS, THE TOWNSHIP ENGINEER HAS BEEN AUTHORIZED TO PREPARE THE REQUIRED APPLICATIONS AND AGREEMENT KNOWN AS FORM SA-96, AND

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWNSHIP OF PEMBERTON IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT

1. THE APPLICATION FOR NJDOT FUNDING IS HEREBY APPROVED.
2. MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO SIGN THE STATE AID FORM SA-96.
3. THE TOWNSHIP ENGINEER IS AUTHORIZED TO PROVIDE ALL REQUIRED REPORTS, NARRATIVES, ESTIMATES AND MAPS REQUIRED FOR NJDOT FUNDING CONSIDERATION.

RESOLUTION NO. 159-2008

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:

FORTUNE TITLE AGENCY, \$640.32, DUPLICATE PAYMENT FOR FINAL WATER READING, BLOCK 1093, LOT 1.

BENEFICIAL BANK, \$149.19, DUPLICATE PAYMENT OF SECOND QUARTER TAXES, BLOCK 841, LOT 36.01.

TANINE STEAD, \$102.50, CHILD NOT ATTENDING SUMMER RECREATION PROGRAM.

JONI IODICE, \$365.00, CHILD NOT ATTENDING SUMMER RECREATION PROGRAM.

RESOLUTION NO. 160-2008

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1093 LOT 6, 447 TEMPLE ROAD, PEMBERTON, NJ, OWNED BY JOSEPH THOMPSON QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF APRIL 14, 2008; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1093 LOT 6 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2008 TO APRIL 14, 2008 ARE \$741.52 WHICH ARE CURRENTLY OPEN AND DUE TO THE TOWNSHIP WHICH THE COLLECTOR'S OFFICE IS IN THE PROCESS OF TRYING TO COLLECT ALONG WITH 2007 BALANCE TOTALING \$2,254.37 AS MR. THOMPSON IS CURRENTLY IN CHAPTER 13 BANKRUPTCY; , AND

WHEREAS, TAX LEVY FOR FIRST HALF OF 2008 IS \$1,282.80, THE TAX COLLECTOR REQUESTS TO CANCEL \$541.28; AND WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF APRIL 14, 2008.

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

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2008 PROPERTY TAXES ON BLOCK 1093 LOT 6 AS OF APRIL 14, 2008, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 161-2008

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1104 LOT 14, 326 UNIVERSITY AVENUE OWNED BY GERALD COOK QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF APRIL 14, 2008; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1104 LOT 14 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2008 TO APRIL 14, 2008 ARE \$933.48 AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 1104 LOT 14 IN THE AMOUNT OF \$1,631.15 FOR THE FIRST HALF OF 2008, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$ 697.67 TO GERALD COOK; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF APRIL 14, 2008 AND AUTHORIZE THE REFUND OF OVERPAID 2008 TAXES.

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

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2008 PROPERTY TAXES ON BLOCK 1104 LOT 14 AS OF APRIL 14, 2008, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$697.67 TO GERALD COOK, 326 UNIVERSITY AVENUE, PEMBERTON, NJ 08068.
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 162-2008

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 627 LOT 4, 302 SENECA TRAIL, BROWNS MILLS, NJ OWNED BY ELY L. FOSTER QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF MARCH 19, 2008; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 627 LOT 4 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2008 TO MARCH 18, 2008 ARE \$597.48

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 627 LOT 4 IN THE AMOUNT OF \$1,377.64 FOR 2008, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$780.16 TO ELY L. FOSTER; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MARCH 19, 2008 AND AUTHORIZE THE REFUND OF OVERPAID 2008 TAXES. NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

3. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2008 PROPERTY TAXES ON BLOCK 627 LOT 4 AS OF MARCH 19, 2008, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
4. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$780.16 TO ELY L. FOSTER, 302 SENECA TRAIL, BROWNS MILLS, NJ 08015.
4. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 163-2008

RESOLUTION OF THE TOWNSHIP PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF TAXES

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL TAXES ON VARIOUS PROPERTIES FOR THE TAX YEAR 2007 DUE TO AN ERROR IN ADJUSTING ORIGINAL TAX BILLING. NEW TAX BILLS WERE CREATED IN 2007 WHICH WERE PAID IN FULL BY HOMEOWNERS. THE PROPERTIES WERE ADJUSTED IN THE SECOND HALF OF THE 2007 BILLING CYCLE TO REFLECT A SENIOR CITIZEN DISCOUNT DENIAL FOR 2007 INCORRECTLY CREATING A BALANCE DUE IN THE SYSTEM BUT SAID BALANCES DUE ON EACH OF THE ATTACHED PROPERTIES DID NOT REFLECT ON THE BILLS THE TAXPAYERS RECEIVED AND PAID.

WHEREAS, THE TAX COLLECTOR RESEARCHED EACH PROPERTY WITH THE FOLLOWING RESULTS:

1. TAX BILLS WERE INCORRECTLY CREATED ON EACH PROPERTY.
2. TAX PAYERS PAID EXACTLY WHAT WAS ERRONEOUSLY BILLED.
3. TAX BALANCE IS LEFT ON ALL 26 PROPERTIES IN THE AMOUNT OF \$125.00 EACH
4. THE TOTAL AMOUNT TO BE CANCELLED AMOUNTS TO \$3,250.00.

WHEREAS, BELOW IS A LISTING OF PROPERTIES THAT HAVE A BALANCE IN THE TAX YEAR 2007 WHICH SHOULD BE CANCELLED OF RECORD.

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
4	29	407 PEMBERTON BLVD	\$125.00
36	22	12 PEMBERTON BLVD	\$125.00
79	1	600 RUGBY ST	\$125.00
84	11	239 SALVIA ST	\$125.00
222	46	120 MEDFORD ST	\$125.00
223	33	218 MEDFORD ST	\$125.00
336	65	13 FERN ST	\$125.00
382	26	56 GERANIUM ST	\$125.00
395	60	91 CLUBHOUSE RD	\$125.00
420	11	71 COLUMBUS AVE	\$125.00
441	1	2 FILBERT AVE	\$125.00
527	6.03	20 DANS RD	\$125.00
588	20	521 WILLOW BLVD	\$125.00
633	26	231 CHEROKEE DR	\$125.00
636	9	15 SEPULGA DR	\$125.00
644	12	22 TENSAW DR	\$125.00
656	7	68 TENSAW DR	\$125.00
666	4	16 CARDINAL DR	\$125.00
676	9	78 GARFIELD BLVD	\$125.00
692	15	410 WASHINGTON BLVD	\$125.00
784	14	24 CREEK LANE	\$125.00
812	12.01	728 PEMBROWN RD.	\$125.00
865	3	33 DREXEL ST.	\$125.00
896	1.03	6 W WHITESBOG RD	\$125.00
1099	33	232 COLLEGE DR	\$125.00
1127	4	611 MARIE DR	<u>\$125.00</u>

TOTAL \$3,250.00

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

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL SAID TAXES FOR THE YEAR 2007.
2. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND THE CHIEF FINANCIAL OFFICER FOR FILE.

RESOLUTION NO. 164-2008

WHEREAS, APPLICATIONS HAVE BEEN MADE TO THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES, CLUB LICENSES AND LIMITED RETAIL DISTRIBUTION LICENSES FOR THE PERIOD OF JULY 1, 2008 TO JUNE 30, 2009; AND

WHEREAS, THE SAME HAVE BEEN DULY ADVERTISED AND NO OBJECTIONS HAVE BEEN FILED WITH THE TOWNSHIP CLERK; AND

WHEREAS, THE RENEWAL APPLICATIONS HAVE BEEN COMPLETED IN ALL RESPECTS AND ALL OF THE BELOW-NAMED APPLICANTS ARE QUALIFIED TO BE A LICENSEE IN ACCORDANCE WITH ALL STATUTORY, REGULATORY, AND LOCAL GOVERNMENTAL ABC LAWS AND REGULATIONS;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE FOLLOWING LICENSES BE RENEWED FOR THE PERIOD OF JULY 1, 2008 TO JUNE 30, 2009, EFFECTIVE UPON ADOPTION OF THE RESOLUTION HEREIN:

CLUB LICENSES:

EDEN STANLEY AMERICAN LEGION POST 294 #0329-31-018-001

T/A AMERICAN LEGION

BROWNS MILLS MEMORIAL VFW POST 6805 #0329-31-020-001

LIMITED RETAIL DISTRIBUTION LICENSES:

ELIZABETH M. CARROLL, INC. #0329-43-005-002

T/A JC FOOD MARKET

PLENARY RETAIL CONSUMPTION LICENSES:

JORMAR, INC. #0329-33-015-008

T/A COUNTRY LAKES LIQUORS & PUB

LAXIMI KRUPA CORPORATION #0329-33-009-004

T/A PIG'N WHISTLE

MERKO, INC. #0329-33-016-005

T/A MERKO, INC.

SAI RNJ CORP. #0329-33-001-005

T/A BELLY BUSTERS GENERAL STORE

HUNGRY PINEY, INC. #0329-33-007-010

T/A QUICK STOP DELI HUNGRY PINEY

BE IT FURTHER RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE FOLLOWING LICENSE IS APPROVED WITH CONDITIONS AS LISTED, THE LICENSEE HAVING AGREED TO THESE CONDITIONS, AS FOLLOWS:

SKIPS BAR & GRILL, LLC
SKIPS BAR & GRILL

#0329-33-011-008

- CONDITION # 1 THE BACK DOOR SHALL BE USED AS AN EMERGENCY EXIT. IT WILL NOT BE USED AS AN ENTRANCE. AN APPROPRIATE SIGN SHALL BE POSTED ON THE DOOR.
- CONDITION #2 NO PARKING SHALL BE PERMITTED AT THE BACK OF THE BUILDING, DEFINED AS THE AREA BETWEEN THE REAR CORNERS OF THE STRUCTURE AND THE REAR PROPERTY LINE. SUITABLE BARRIERS WILL BE INSTALLED TO PREVENT SUCH PARKING.
- CONDITION #3. BOTH THE OUTER AND INNER DOORS AT THE FRONT ENTRANCE AND THE WINDOWS IN THE FRONT OF THE BUILDING WILL BE KEPT CLOSED DURING ANY LIVE ENTERTAINMENT, INCLUDING BUT NOT LIMITED TO MUSICAL BANDS, SINGERS, AND DJ'S.

RESOLUTION NO. 166-2008

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND SETTLEMENT OFFER IN LIEU OF PROVIDING A DEFENSE TO THE TOWNSHIP.

WHEREAS, ON OR ABOUT FEBRUARY 28, 2008, RICHARD AND JANET HUNT AND JEFF AND KAREN CAMPBELL (COLLECTIVELY "PLAINTIFFS") SUED THE PEMBERTON TOWNSHIP ZONING BOARD OF ADJUSTMENT IN THE MATTER CAPTIONED HUNT & CAMPBELL V. PEMBERTON TOWNSHIP ZONING BOARD OF ADJUSTMENT ("LITIGATION"); AND WHEREAS, THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND ("MEL") HAS REVIEWED THIS COMPLAINT AND DETERMINED COVERAGE TO THE TOWNSHIP UNDER THE MEL'S PUBLIC OFFICIALS LIABILITY POLICY EXISTS FOR THE DAMAGE CLAIMS SOUGHT IN THE LITIGATION; AND

WHEREAS, THE MEL HAS OFFERED THE TOWNSHIP A SUM OF \$5000 IN LIEU OF PROVIDING A DEFENSE TO THE TOWNSHIP GIVEN THE WEAK NATURE OF THE DAMAGE CLAIMS ASSERTED AGAINST THE TOWNSHIP AND HAS OFFERED TO WAIVE THE TOWNSHIP'S \$10,000 SELF-INSURED RETENTION; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES IT IS IN THE BEST INTEREST OF THE TOWNSHIP TO ACCEPT THE MEL'S MONETARY PAYMENT IN LIEU OF ACCEPTING A DEFENSE UNDER THE MEL'S POLICY; AND

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 ALL NECESSARY LEGAL DOCUMENTS TO ACCEPT THE MEL'S PAYMENT OFFER OF \$5000 IN LIEU OF ACCEPTING A DEFENSE FROM THE MEL IN THE LITIGATION;

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. TOWNSHIP ADMINISTRATOR
- B. GLUCKWALRATH LLP.
- C. JOHN H. DORSEY, ESQ.

RESOLUTION NO. 167-2008

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF CREDIT CARD, DEBIT CARD, AND ELECTRONIC CHECK PAYMENTS FOR CERTAIN MUNICIPAL FEES IN ACCORDANCE WITH THE PROVISIONS OF N.J.A.C. 5:30-9.1, ET SEQ.

WHEREAS, THE DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF LOCAL GOVERNMENT SERVICES, HAS PROMULGATED REGULATIONS, N.J.A.C. 5:30-9.1, ET SEQ., AUTHORIZING MUNICIPALITIES TO ACCEPT CREDIT CARD, DEBIT CARD, AND ELECTRONIC CHECK PAYMENTS IN ACCORDANCE WITH THE PROVISIONS OF THE ADMINISTRATIVE CODE AND, IN REGARD TO TRANSACTIONS RELATED TO MUNICIPAL COURT, PURSUANT TO THE RULES OF COURT PROMULGATED BY THE NEW JERSEY STATE SUPREME COURT; AND

WHEREAS, IN ORDER FOR A MUNICIPALITY TO ACCEPT SUCH FORM OF PAYMENTS, A RESOLUTION MUST BE ADOPTED BY THE GOVERNING BODY AUTHORIZING THE SAME AND STATING THE TYPE OF OBLIGATIONS WHICH CAN BE PAID BY ELECTRONIC RECEIPT AND THE TYPES OF ELECTRONIC RECEIPTS THAT WILL BE PERMITTED; AND

WHEREAS, IT IS THE DESIRE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON TO AUTHORIZE THE USE OF ELECTRONIC FUND TRANSFERS FOR PAYMENT OF CERTAIN MUNICIPAL OBLIGATIONS SET FORTH BELOW; AND

WHEREAS, IT IS THE ALSO THE INTENTION OF THE TOWNSHIP COUNCIL TO SPECIFICALLY AUTHORIZE THE MUNICIPAL COURT OFFICE TO ACCEPT THE PAYMENT OF FINES AND COSTS BY CREDIT CARD, DEBIT CARD, AND ELECTRONIC CHECK; AND

WHEREAS, THE UTILIZATION OF ELECTRONIC FUND TRANSFERS MUST BE IN ACCORDANCE WITH THE PROVISIONS OF N.J.A.C. 5:30-9.1, ET SEQ. AND, IN REGARD TO THE MUNICIPAL COURT, IN COMPLIANCE WITH THE RULES OF COURT ADOPTED BY THE NEW JERSEY SUPREME COURT.

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

1. THAT THE TOWNSHIP COUNCIL AUTHORIZES THE MUNICIPAL COURT OFFICE TO ACCEPT CREDIT CARD, DEBIT CARD, AND ELECTRONIC CHECK PAYMENTS FOR THE PAYMENT OF MUNICIPAL COURT FINES, FEES, COSTS, AND SUCH OTHER PAYMENTS THAT MAY BE DUE TO THE MUNICIPAL COURT.
2. THAT OFFICES OTHER THAN THE MUNICIPAL COURT ARE AUTHORIZED TO ACCEPT CREDIT CARD, DEBIT CARD, AND ELECTRONIC CHECK PAYMENTS FOR THE PAYMENT OF PROPERTY TAXES, SPECIAL ASSESSMENTS, WATER UTILITY FEES, SOLID WASTE FEES, RECREATION PROGRAM FEES, DOG LICENSE FEES, RAFFLE LICENSE FEES, BINGO LICENSE FEES, LOUD SPEAKER PERMIT FEES, ALCOHOLIC BEVERAGE LICENSE FEES, FOOD ESTABLISHMENT PERMIT FEES, OPRA FEES, PERMIT FEES, MARRIAGE LICENSE FEES, BURIAL PERMIT FEES, CIVIL UNION FEES, MUNICIPAL MAPS AND ZONING MAP FEES, CERTIFIED COPY FEES, LAND USE BOARD FEES, ZONING OFFICE FEES, CONSTRUCTION OFFICE FEES, AND SUCH OTHER OBLIGATIONS THAT MAY BE DUE TO THE TOWNSHIP.
3. THAT THE USE OF CREDIT CARDS, DEBIT CARDS, AND ELECTRONIC CHECKS FOR PAYMENT IS SUBJECT TO THE PROVISIONS OF N.J.A.C. 5:30-9.1, ET SEQ.

14. NEW BUSINESS

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

- *1. Loud Speaker Permit applications: 1. Presidential Lakes Fire & Rescue Squad: July 4th Parade w/PA system, 9am-12 noon. 2. American Legion: Picnic w/DJ at American Legion, 6/28/08, 1pm-8pm. 3. Ayissa Jett: Graduation party w/DJ at BMIA, 6/29/08, 4pm-10pm.**

- *2. **Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Magnolia Road Fire Co.:** Fire fighters Barbara Ball & Suzanne Clark.
- *15. Approval by Council required for payment of vouchers on bill list dated **6/13/08**.

Motion by Prickett to approve the Consent Agenda.

Mrs. Scull requested Resolution No. 158-2008 and Item #4-44405 for Earle Asphalt in the amount of \$41,122.44 from the Bill List be pulled from the Consent Agenda.

Mr. Prickett amended his motion to reflect Mrs. Scull's changes. Motion seconded by Cartier. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

8. PUBLIC HEARING

- a. Public hearing for Small Cities Community Development Block Grant Emergency Housing Repair Fund Application.

Mrs. Stinney asked Mr. Vaz to inform the public regarding the Small Cities Community Development Block Grant Emergency Housing Repair Fund Application. Mr. Vaz advised that Pemberton Township participates in the State C.D.B.G. block grant program as opposed to the County program. He reflected that because the Township is eligible under that program, in order to take advantage of particular grants, a public hearing has to be held stating they want to enter into that particular category. Mr. Vaz reported that they had two requests over the last six weeks for emergency repairs. One application is basically done; however, they can't move forward until this hearing is held. That person had problems with the well not pumping anymore. Public water is available but now comes the expensive part of having to tie into the system. The applicant meets the financial eligibility requirements and it is a similar situation with the other applicant. He enucleated that this would be a resolution authorizing the Township to take advantage of this emergency housing fund. Mr. Vaz conveyed that it is very similar in a way to the RCA Program in terms of how it is set up, noting that they can't take advantage of it until they have this step of a public hearing. It is a way to help the residents that have a need. There is no financial obligation on our part. The money comes from the other part of the government. A lien gets put on the property and very much like the RCA Program, if the homeowner lives in the house for a period of time, sooner or later the lien goes away. Mr. Vaz remarked that it is a way to help their residents get something that they in this case desperately need. Mr. Prickett asked if the Township recoups any of the administrative costs in preparing the certifications and all of the material involved in applying for the individual projects. Mr. Vaz replied no indicating that in the first application, there are not any surplus funds and the cost of doing the work is almost close to the \$5,000 maximum that is available to this homeowner. They have done this in-house so there have not been any professional fees expended and this is being done very similar to the RCA Program. Mr. Prickett stated the certification has a number of items and all of the individuals in the household have to be accounted for and asked if it is difficult to obtain all of the documents to complete the certification. Mr. Vaz advised the burden has been put on the homeowner and they have been given a copy of the package. Everything that the homeowner is obligated to do has been done. He iterated that they sent the

Construction Official out to certify there was a problem with the water system. Mr. Vaz informed he has examined the economic eligibility requirements and he is signing off on that. There are things that had to be done and at least on the first application, they are pretty much in order and ready to go forward. Mr. Prickett surmised that it sounds as if Mr. Vaz feels it is a minimal amount of time on the Administrative end. Mr. Vaz conceded that the first one was a learning curve, but Administration is now set up. He reiterated that they do have another one where they are waiting for the applicant to bring in the paperwork and it should work smoothly. Mr. Vaz expressed that unfortunately, a lot of people in the public do not know this is available to them. Mr. Vaz referenced that once Administration has one or two under their belt, they will let it be known that there is federal money available and all they have to do is take advantage of it. Mr. Prickett asked if only one Resolution was needed and not one for each project. Mr. Vaz confirmed it was only one Resolution. Mr. Prickett asked how much the grant is for. Mr. Vaz replied it is up to \$5,000 per household. Mr. Prickett asked what the allotment is for Pemberton Township. Mr. Vaz answered \$25,000 and he has a call in to their liaison for the program at the State. The paperwork that is available through the website informs there is an allocation of \$25,000. Mr. Prickett stated that money will have to be put in the budget. Mr. Vaz clarified that it is paid directly by the State Government that is administering the program for the Federal Government. Mr. Prickett questioned if the Township will not have to pay contractors ahead of time. Mr. Vaz agreed. Mrs. Stinney then opened the meeting to the public for public comments. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

- b. Res. 165-2008: Authorizes submission of Small Cities Community Development Block Grant Application for Emergency Housing Repair Fund and execution of related required documents and agreements.

RESOLUTION NO.165-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR TO APPLY FOR A GRANT THROUGH THE SMALL CITIES PROGRAM EMERGENCY HOUSING REPAIR FUND AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS AND RELATED DOCUMENTS THAT MAY BE REQUIRED TO FULFILL THE GRANT'S REQUIREMENTS

WHEREAS, THE TOWNSHIP OF PEMBERTON DESIRES TO APPLY FOR A SMALL CITIES PROGRAM EMERGENCY HOUSING REPAIR FUND GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS ON BEHALF OF ELIGIBLE LOW AND MODERATE INCOME HOMEOWNERS; AND

WHEREAS, THE MAYOR'S OFFICE HAS RECEIVED ONE COMPLETED APPLICATION AND ANTICIPATES ON RECEIVING ADDITIONAL APPLICATIONS FROM HOMEOWNERS.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, DOES HEREBY AUTHORIZE THE APPLICATION FOR SUCH A GRANT; AND, UPON RECEIPT OF THE GRANT AGREEMENT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, DOES FURTHER AUTHORIZE THE EXECUTION OF THE GRANT AGREEMENT; AND, ALSO, UPON RECEIPT OF THE FULLY EXECUTED AGREEMENT FROM THE DEPARTMENT, DOES FURTHER AUTHORIZE THE EXPENDITURE OF FUNDS PURSUANT TO THE TERMS OF SAID AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS.

BE IT FURTHER RESOLVED, THAT THE MAYOR AND TOWNSHIP CLERK ARE AUTHORIZED TO SIGN THE APPLICATION, AND THAT THEY OR THEIR SUCCESSORS IN SAID TITLES ARE AUTHORIZED TO SIGN THE AGREEMENT, AND ANY OTHER DOCUMENTS NECESSARY IN CONNECTION THEREWITH.

Mrs. Stinney read the title of Resolution No. 165-2008 again.

Motion by Cartier and Prickett to approve Resolution 165-2008. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

9. PRESENTATIONS

- a. Presentation by Browns Mills Improvement Association requesting Council to consider renaming the Stull-Borzell Community Center as Graff Community Center-Home of the BMIA, after the late Charles Graff.

Adrienne Leonard, President of the Browns Mills Improvement Association:

- 1. Informed she is here this evening in regard to her request to rename the Stull-

Borzell Community Center, formerly known as the BMIA Building which was removed and is now Community Center. She acknowledged change is difficult and not everyone is in agreement. Mrs. Leonard commented that a medium level is found where everyone can live with it. She relayed that Charlie pushed to have the building named after Stull and Borzell because there was a group that went down to Washington to have their lakes turned over to the Township. Charlie didn't want his name on the building but he pushed for Stull and Borzell. Mrs. Leonard exclaimed they were great advocates in getting that done. Going back to 1919 when the Graf's got involved in the summer cottage, the family worked very hard in promoting the BMIA and all of their good deeds in working with the governing bodies. Many strides were made a lot of families had a lot of fun. Charlie himself has been a strong advocate for our dams, lakes, and beaches. He has been the longest serving leader for the BMIA as President and other positions. Charlie leaves a big pair of shoes to fill. Mrs. Leonard reported that the BMIA Board Members voted to honor Charles and his family by requesting this change to have the building named after him because everybody relates Charlie Graf to the BMIA. Mrs. Leonard noted that if they can't get that, perhaps something else can be worked out where he will be honored. She iterated they would like to name it as the agenda states, Graf Community Center, home of the BMIA. Mrs. Leonard added that Charlie's family, the lakes, the BMIA and their Township were Charlie's life. He only wanted the best and fairness for all of them. Now it is time to honor him and his family for all of their good deeds and the footprints they have left on their Township. Mr. Prickett reflected that there are some members of the Graf family in the audience and he would like them to be recognized. **Robert Graf: 1.** He is the oldest son of Charles and Ann. Advised he currently lives in Maryland but previously lived in Browns Mills from 1950-1959. A lot of the things that took place at the BMIA and many of the things that Mrs. Leonard just mentioned as well as a number of other activities including some public activities over the years. It's been very special in this town the 58 years that he has been coming here and watching his father as a tremendous advocate for the town and has done so many things that all of us know very well. Mr. Graf conveyed that it has been quite an honor to be his son and be part of this family and know that when people ask how long the family has lived here he reports it's been since 1916 when his grandfather's mother worked diligently for the BMIA back in the 1920's. He expressed that it's a wonderful experience to be here and they have always loved this town and the lakes and parks that go with it. Mrs. Stinney noted some of the youth are in the audience and asked if they would like to come forward even if it's only to give their name. Mrs. Stinney commented that it's not often that Council has the youth come to a Council meeting so she is quite honored to have them come forward. **Paulie Wagner: 1.** Stated that his pop-pop loved this town. Mrs. Scull stated to Paul that this town loved his pop-pop too. **Robert Graf: 1.** Advised there are four generations of the Graf's present tonight who include, his mother, himself, Martha is a granddaughter and then the great-grandchildren. Mrs. Stinny thanked them very much. **Ebba Ligouri: 1.** Moved to this town in 1975 and one of the first things that she did was join the BMIA because of all of the things that they have tried to do for the Township through the years. She never thought too much about Charlie except that he was always where ever she ended up going, she saw Charlie. If she came to a Council meeting, Charlie was sitting there. Mrs. Ligouri noted that Charlie would be out there on Township Clean Up Days with his plastic bag the same as others cleaning up especially along the roads by the lake. He made a very important impression on most of the people of giving service to the community. Mrs. Ligouri noted how Charlie would check the water in the lakes and be sure that everything is alright. She reputed that is a treasure that this town has and it's a treasure that surrounding towns do not have, noting they have the most beautiful lakes and environment here. She declared they live

here by choice, noting they could have moved and lived anywhere. They could have purchased a house anywhere when we came to this general vicinity but we chose Browns Mills and part of that choice was Charlie Graf, the ones that are dedicated to this town and have put so much into it through the years. She relayed that Charlie served on earlier Recreation Committees, Girl Scout meetings were held at the BMIA, Weight Watchers and another weight loss programs held meetings there. Mrs. Ligouri noted her daughter used to go there during the summer time. She accounted that without the lakes her children would have missed so much because they had an opportunity to go boating. Mrs. Ligouri credits Charlie with keeping the lakes pristine. If one or two people don't speak out about that, they could have gone down the hill and gone completely. She expressed that Charlie was a member of BMIA since literally before his birth and impressed that this is a very appropriate way to say thank you to Charlie and his parents who have done so much for this community. Mr. Prickett conveyed that everything heard tonight is true and as long as he has been participating in Council meetings, Charles Graf has participated as well and has made a lot of very good constructive comments whether it's through the BMIA wish list and through his advocacy of the lakes. Mr. Prickett recalled Charlie advocating use of the herbicide that was used for two or three years and the lakes were cleaned up as a result of that. Charlie was always out concerned about the level of the lakes and how the dams were managed. Charlie was always very kind and positive; he never knew him to be negative on anything. Mr. Prickett stated he has a great deal of respect for Charles Graf and he certainly is a great mentor to this community and thinks it would be appropriate to name the BMIA Building after him whether they change the name to the Graf Community Center or combine the Graf Community Center with the names that are on there already, that is up to the Council. Mr. Prickett assumed that a resolution is needed to do this. Mrs. Scull expressed concern as to what Charlie would have to say about changing the name. She reflected that Charlie was always out there and never out there for himself. He was always worried about somebody else and she would not want to upset Charles if he advocated naming it Stull-Borzell, she wouldn't want to see him upset if they changed it. Mrs. Scull conveyed that Charlie was very involved in this community and as Adrienne well knows, Charlie, Adrienne and she were fired from TAG together. The number of years that they were doing basketball games for the youth and couldn't get the parents and didn't have a lot of volunteers, but Charlie Graf was there every Friday night for those basketball games and for anything else that would benefit the children of this community. She expressed that if it were up to her, they would change the name of Pemberton Township to Graf Township because she is a historian and Pemberton didn't even live here and Charlie Graf made a huge impact on this community and she is fine with whatever Council wants to do with the building. Mr. Inge conveyed that he grew up in this town and remembers going down in the summer time to the BMIA Building and it always being opened and playing there with his brothers and sisters and neighborhood kids. They always looked forward to the dances at the BMIA Building on Friday or Saturday night during the summer. Fort Dix had the Teen Center but the majority of the kids preferred the BMIA Building. Mr. Inge commented that he doesn't see any problem changing the name and if the family feels that Charlie would have liked that. Mr. Inge expressed happiness that he knew Charlie for quite a few years noting that he was a real asset to the Township. Mr. Cartier commented that he probably has known Charlie for the shortest amount of time as he has only been in town for ten years. He shared that Charlie was all about this Township and he agrees with everything that Mrs. Leonard said. There was a reason that the building was named after Stull and Borzell and he found out this evening why. Mr. Cartier noted he had no idea who Stull and Borzell were but now he knows what they did for the Township. Mr. Cartier conveyed that as far as

removing them from the building, this Township is rich in history and to lose that type of history and not have a connection to Stull and Borzell would be a sin. Mr. Cartier suggested adding the Graf name along with Stull and Borzell just so the connection to the past is not lost. Mr. Cartier added that he is for honoring the Graf family. Mrs. Stinney commented that she is honored to hear what she has heard this evening. The Graf's have a special place in her heart and had encouraged her many years ago to become a member of the BMIA. She had always thought it was for older people and Charlie sat her down and explained it to her exactly what the organization was about and how it started. The BMIA Building was Charlie's love. She knows that through the changes that have taken place for the BMIA Building from the beginning when it started, 25 years ago, The St. Mark's Baptist Church had their first church service there and continued with 13 members. Mrs. Stinney informed that she is honored to have the opportunity this evening and her thoughts were Room 10, she recalled many times and when she had the opportunity to come to any meeting in Room 10, Charlie was at the front of the meeting whether it is Planning, Zoning or Council; he was there. Mrs. Stinney stated it sounds like this evening here the Council is in agreement to put together a resolution to be prepared for the next meeting to add the Graf name to the BMIA Building. Mark of the Graf family conveyed from the audience that he married into the Graf family and commented that most people don't ask to have their name on a building. He noted that it is being asked if Charles would want his name added to the building. He stated he knew Charles pretty well; he loved him and misses him. He advised they want to put his name on the building to honor him. He acknowledged that Charlie wouldn't ask for it but they are honoring him and want to say, here, "we love you so much and you did so much for this town; this is for you". Mrs. Scull explained that her point with that was if Charlie would be upset about removing the other names off because he was never out for anything. Mrs. Scull reiterated her suggestion of naming the Municipal Building after him or the Township. Mrs. Stinney conveyed that Charlie certainly had an impact and the Graf family still continues to have an impact, at least in her life they do. Mrs. Stinney thanked the Graf family and noted that the resolution will be prepared for the next meeting. Mrs. Young asked Council to clarify the exact name to put on the resolution. Mr. Inge commented to add also to the BMIA Building. Mrs. Stinney stated home of the BMIA and asked for clarification as to how this would be read. It is requested that they put Graf Community Center, Home of the BMIA. Mrs. Scull asked if that is what Council is going to decide to do. Mrs. Stinney noted that the letter states for the Council to consider renaming the Stull-Borzell Community Center to the Graf Community Center-Home of the BMIA. Mrs. Stinney asked Council for any further comments. Mr. Cartier reiterated that he does not want to see the Stull-Borzell names go away. He recalled that someone had suggested Stull, Borzell, Graf Community Center, Home of the BMIA. Mrs. Scull suggested putting Graf first. Mrs. Scull stated Council is to rename the Stull-Borzell Community Center to the Graf, Stull, Borzell Community Center – Home of the BMIA. Council reached a consensus to rename as Mrs. Scull stated. Mrs. Stinney informed that a resolution will be prepared at Council's next meeting of July 16th. Mrs. Stinney commented on what a wonderful article of history that was placed in the Community News. Mrs. Stinney extended her apologizes to the Mayor for omitting his comments and certainly as Mayor of this town and with a decision such as this one being made, a long outstanding resident he may have had comments. Mrs. Stinney again apologized to the Mayor and offered his comments to the Graf family. Mayor Patriarca commented that it is Mrs. Stinney's meeting and he respects that and he wouldn't expect to have to comment but always takes the opportunity if given. The Mayor acknowledged that he had expressed concern when he first spoke to Mrs. Leonard regarding changing the name of the BMIA Building and naming things after individuals because as

Mr. Cartier mentioned, history can be lost. He posed that they could lose Stull and Borzel and ten to fifteen years from now who will determine what the names will be. The Mayor suggested naming the lake in front of Charle's house, Lake Charles. Mayor Patriarca noted that Charlie lived for the lakes and everything he talked about was the lakes and he did so much for the lakes, to name the lake after him, would be less likely to change. He admitted that some type of recognition by the Township is certainly deserving for Charles; he earned it and then some. The Mayor expressed appreciation to the Graf family for attending tonight's meeting.

RESOLUTION PULLED FROM THE CONSENT AGENDA

RESOLUTION NO. 158-2008

RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER IN A DEDUCTION AMOUNT OF \$8,642.92 FOR THE CONTRACT TO EARL ASPHALT COMPANY ON THE KINSLEY ROAD RECONSTRUCTION PROJECT WHEREAS, THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AWARDED A CONTRACT TO EARL ASPHALT COMPANY FOR THE RECONSTRUCTION OF THE KINSLEY ROAD VALUED AT \$206,813.13; AND WHEREAS, THE CONTRACT CONSISTED OF A SCOPE OF WORK INVOLVING THE RECONSTRUCTION OF THE ROADWAY FROM EMMONS AVENUE TO NORCROSS LANE; AND WHEREAS, THE MAYOR AND TOWNSHIP COUNCIL PREVIOUSLY AUTHORIZED CHANGE ORDER #1, RESOLUTION #239-2007 IN THE AMOUNT OF \$5,654.75; AND WHEREAS, THE CURRENT CONTRACT VALUE IS \$206,813.13 + \$5,654.75 = \$212,467.88; AND WHEREAS, THE PROJECT IS SUBSTANTIALLY COMPLETE; AND WHEREAS, THE FINAL AS-BUILT QUANTITIES HAVE MEASURED AND APPROVED BY THE ENGINEER; AND WHEREAS, THE FINAL QUANTITIES PRODUCE A DEDUCTION TO THE CURRENT CONTRACT VALUE; AND WHEREAS, THE PROJECT COST SHALL BE REDUCED BY \$8,642.92; AND WHEREAS, THE NEW CONTRACT VALUE WILL BE \$212,467.88 - \$8,642.92 = \$203,824.96; AND NOW THEREFORE BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL THAT THE CONTRACT IS HEREBY AMENDED TO INCLUDE AN DECREASE IN THE TOTAL AMOUNT OF \$8,642.92 FOR SERVICES AND CONDITIONS DESCRIBED ABOVE AND WITHIN THE ATTACHED CHANGE ORDER #2 – FINAL QUANTITIES AND FURTHER AUTHORIZES THE EXECUTION OF CHANGE ORDER #2 – FINAL QUANTITIES IN THE AMOUNT OF \$8,642.92.

Motion by Cartier and Prickett to approve Resolution No. 158-2008. Cartier, yes; Prickett, yes; Scull, abstain; Inge, yes; Stinney, yes. Motion carried.

12. ORDINANCES FOR INTRODUCTION

a. ORDINANCE NO. 15-2008 (title read by Mrs. Stinney)

AN ORDINANCE TO AMEND ORDINANCES OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY AND SPECIFICALLY CHAPTER 38, ENTITLED PERSONNEL REGULATIONS, IN ORDER TO CREATE A NEW ARTICLE, ENTITLED, "ARTICLE VII. MILEAGE REIMBURSEMENT"

Motion by Cartier and Scull to introduce Ordinance No. 15-2008 with a public hearing on July 16, 2008.

Mr. Cartier asked Mr. Vaz what is followed now. Mr. Vaz replied that there is an unwritten policy, a hardcopy has not been found, that goes back many years for about twenty cents. This will be in writing and will actually tie in with the IRS deduction rates so it won't have to be changed as that number changes. Mr. Inge asked how many employees use their own vehicles. Mr. Vaz replied very few and the policy is if there is a town vehicle available for whatever the particular need is for a vehicle, the employee has to use a town vehicle first. It might only occur occasionally if multiple people are going to the same location and someone has to use their vehicle but it doesn't happen very often. Mrs. Stinney advised that a public hearing is scheduled for July 16th; the next Council meeting.

Cartier, yes; Scull, yes; Prickett, no; Inge, yes; Stinney, yes. Motion carried.

b. ORDINANCE NO. 16-2008 (title read by Mrs. Stinney)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 182-38, SCHEDULE H OF THE CODE OF THE TOWNSHIP

OF PEMBERTON ADDING CERTAIN INTERSECTIONS TO BE CONTROLLED BY STOP SIGNS

Motion by Cartier and Prickett to introduce Ordinance No. 16-2008 with a public hearing on July 16, 2008.

Mr. Prickett commented that he is seconding this motion reluctantly and explained that he voted no to introduce the previous ordinance and is voting yes to introduce this ordinance. The reason being is that this is a very important ordinance to get past and to get these stop signs up as soon as possible. Mr. Prickett expressed that both of these items should have been on new business so that the public and Council had time to perhaps interject some information that might have been beneficial for the ordinance. Mr. Prickett continued that when there is a public hearing on July 16th, there may be some residents that come forward and state there is a stop sign that needs to be on a particular road and the Police missed that. In that case, it cannot be added to the ordinance and would have to be amended. It would also cost more money. Mr. Prickett noted that as he has said in the past, Council needs to look at these things under new business first but he is delighted to see there will be stop signs. He advised that they have been buying stop signs for a number of years now and is delighted to see that they are going to be installed in a lot of new areas. Mr. Cartier asked if the Township has the authority to put stop signs on private property. Mr. Vaz responded that he doesn't know the answer to that but his gut is telling him probably not because when the government starts doing things on private property, they typically have to negotiate that as an easement or condemn it. Mr. Cartier asked about a bank driveway or a circle driveway and noted the first page of Schedule H. Mr. Rehmann informed there is a provision of the traffic code that allows them to enforce the traffic in various locations like large shopping centers or areas where there is a method of controlling traffic. He reflected that sometimes in condominium and homeowner associations, they come to the Township and ask to have an ordinance passed to allow the enforcement of that. Mr. Rehmann relayed that is the only way in his experience that allows that to happen. Mr. Cartier explained he just wanted to make sure. Mr. Vaz advised he will find out how the Chief came up with putting it in that specific location. Mr. Vaz iterated that the Chief did apply the state standards; the uniform traffic control; it is obviously a little strange that it strikes out as private property and he will get an answer to that. Mr. Inge asked if it would be possible for the Chief of Police to come in and explain to Council how he came up with these stop signs and streets. Mr. Vaz replied that they can do that but could explain that it started with Public Works going out and coming up with a spread sheet of intersections that didn't have any stop signs. They then looked at the existing ordinance where there are already stop signs approved and then added that as a column in the spread sheet. Once they knew where they needed them, which ones were simply a matter of putting up a new sign where one was already approved, they took care of. He explained these are ones that are needed at intersections that haven't been approved and the list went to the Police Department. The Chief had the Sergeants on their regular shifts go out and assess and give a report back to the Chief. The Chief along with Police Administration applying the state's standards, determine where at that particular location, the specific spot the stop sign should go and that's how this second column was derived. Mr. Prickett asked the Solicitor and Administration if this has to go through the County, the State or both. Mr. Archer confirmed these are all Township roads. Mr. Vaz denoted that DPW took the ones that were on County roads or State roads where there was a thought that there should be a stop sign and contacted those entities separately so these would just be local roads. Mr. Archer expounded that in terms of the DOT approvals, municipalities are only able to

erect stop signs in limited circumstances such as within 500' of a school, after an investigation is done to determine that a stop sign should be there; however, for all of these, basically they are going to assume that these have to go through DOT approvals. He announced they have been in contact with DOT initially to start the process here. He and Mr. Vaz have been tracking some legislation currently under way that might authorize or enable local municipalities to erect stop signs without DOT approval and the reason for this is that right now there is such a backlog because the manpower for the office that checks these is at 25% of its original staffing. In terms of trying to do this, they as Pemberton Township are moving as fast as possible to get this done and make sure the residents are taken care of and unfortunately there is a delay at the state through no fault of the municipality. Mr. Vaz relayed that Mrs. Young forwarded to Council the on-line alerts that she receives from the League of Municipalities. One that was received today and yesterday was they are trying to fast track a particular bill. Mr. John Wasniewski is one of the Township's professionals for tax appeals, is pushing very aggressively this legislation that Mr. Archer mentioned to put in the Township's hands the ability to do these stop signs mainly because DOT is swamped. Mr. Vaz stated what they will find is that it will probably be passed and signed by the Governor and hopefully will not have to go through the DOT process because it will probably be maybe up to one year. Mr. Prickett commented it would save the State some money maybe. Mr. Vaz noted that the State suggested to Mr. Archer that they break these down and submit it in a piecemeal fashion and the problem they would have is now they are in a position to try and prioritize and they are talking about intersections and children, and he would hate to see Council in a position of trying to figure out that equation. Mr. Prickett expressed appreciation for the statements Mr. Vaz and Mr. Archer made because sitting on Council, he is thinking the stop signs will be put up in the next month and he is sure the public is thinking the same. This way, the public that is here tonight understands that it is not going to happen right away and those people that read the minutes will also realize that this will not happen overnight. Mr. Vaz informed that they have had to resist external pressure to just go up and put stop signs up but they know that is not the right thing to do. He pointed out the Hamilton Township of Mercer County Mayor was forced to remove signs that a prior Mayor had put up without authorization because the signs were being challenged in court for not having been properly authorized. Mrs. Scull asked if she was the only one that has a problem with the 160 stop signs and expressed that they are a community and are not in the city and it just seems how they lived without these stop signs for 100 years and now they want to add 150 stop signs in the community. Mr. Cartier asked if the stop signs have to be approved by ordinance and asked where that leaves developments. Mr. Rehmann replied that it should be approved by ordinance also. Mr. Cartier asked if developments would be added. Mr. Rehmann explained what would happen if there was a stop sign that was not legal whereas if they don't stop and they get a ticket, they could challenge that. Mr. Cartier questioned what other circumstances there are, because if one stops one should be in control of their vehicle and it shouldn't be an accident situation and that is the only thing that could occur; people are not stopping at stop signs. Mr. Vaz acknowledged that there are developments with new streets that were approved by the Planning Board so Mr. Cartier's point is well taken. Mr. Cartier stated one of the streets is already in and they haven't released them but the streets are there and he is referring to the streets behind Sunbury Village. Mr. Rehmann informed Mr. Cartier if he is concerned about cost, that could be something that he could charge to the developer's escrow account because it is a cost incurred because of the development and not because they are doing it in the other parts of town. Mr. Archer suggested the Chief go over and submit some formal recommendations after doing an investigation.

Cartier, yes; Prickett, yes; Scull, no; Inge, yes; Stinney, yes. Motion carried.

13. ORDINANCES FOR SECOND READING, PUBLIC HEARING AND/OR FINAL ADOPTION

- a. **ORDINANCE NO. 12-2008 (PUBLIC HEARING WAS HELD 6/4/08; FINAL DETERMINATION NEEDED)** (title read by Mrs. Stinney)
AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON TO AMEND RELEVANT SECTIONS OF CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF PEMBERTON CONCERNING COMPLIANCE WITH THE PROPERTY MAINTENANCE

Motion by Prickett and Cartier to table indefinitely Ordinance No. 12-2008 provided the language is adequate for the Solicitor.

Mr. Archer informed the language has been retracted so the Council needs to make a decision as to either let it die, in terms of voting no and reintroduce the new one or Council can amend and reintroduce as amended.

Mrs. Young advised that an ordinance cannot be tabled indefinitely. Mr. Archer conveyed Council can just vote no. Mrs. Young informed the proper way is to remove it from further consideration because when Council tables an ordinance; they have to give a date when it will be revisited. The following amended motion was made.

Motion by Prickett and Cartier to remove Ordinance No. 12-2008 from further consideration indefinitely. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Mr. Prickett asked if it was possible to put the new ordinance on the next agenda for discussion and perhaps add it to the agenda tonight and talk about it a little bit.

Motion by Prickett and Scull to add the new Property Maintenance Ordinance received by Council to the agenda under new business for discussion. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

- b. **ORDINANCE NO. 13-2008(PUBLIC HEARING REQUIRED)** (title read by Mrs. Stinney)
AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

Mrs. Stinney opened the meeting to public comments on Ordinance No. 13-2008. Mr. Archer advised this ordinance establishes the salaries and compensation and benefits for the Township of Pemberton. There was a minor non-substantial change due to a typographical error, merely about the numbers; there was a 7 written where a 9 should be and a 7 written where an 8 should be and another minor typographical error. Mr. Archer conveyed the present Ordinance can be adopted as amended because it is not a substantial change. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments. Mrs. Stinney asked Council for any comments. Mr. Cartier, Mr. Inge, Mrs. Scull and Mrs. Stinney had no comments.

Motion by Prickett and Scull to adopt Ordinance No. 13-2008 as amended. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

c. **ORDINANCE NO. 14-2008 (PUBLIC HEARING REQUIRED) (title read by Mrs. Stinney)**

AN ORDINANCE TO AMEND THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AND SPECIFICALLY SUBCHAPTER 41-14, ENTITLED "OUTSIDE EMPLOYMENT OF POLICE OFFICERS"

Mrs. Stinney opened the meeting to public comments on Ordinance No. 14-2008. Mr. Archer conveyed that this ordinance has a non-substantial change to it under section F, Hourly Rate, the way that it is drafted originally led to minor discrepancies or not the intent of the parties or the actual contract. Therefore, the words were merely re-changed in the paragraph to reflect an understanding of the parties and what was written in the contract. He explained this is not substantial and is basically better editing and it can be adopted tonight as amended. Mr. Cartier suggested it could be read into the record because the corrections are not on the public copies and they all pertain to Hourly Rate, Section F. Mr. Archer read as amended, "One and one-half times the contracted regular hourly rate of pay of the police officer(s) assigned to the work, together with an administrative fee that covers the Township's actual costs regarding ordinary payroll related taxes and mandatory State and Federal contributions and an additional 10% to cover the cost of program administration". Mr. Vaz added that that would be for third party contractors other than non-profits and then there is also the same change for the non-profit organizations and a similar but not the same change for the school district. Those wishing to comment were: **Thomas Maahs: 1.** He relayed that their emergency services organizations will probably fall under the non-profit organizations when holding fund raisers. He advised that they will be hit with a fee of \$50.00 per project for an application fee, \$50.00 per hour for each Police Officer and \$100.00 if a police vehicle is needed. He expressed they are taking away from their fund raisers. The school district pays zero for an application fee and \$50.00 per hour flat rate. Mr. Maahs suggested this be looked at. Mr. Prickett commented if they have a contract with the municipality that in a way they are an extension of the municipality as a service even though it is a volunteer service and he doesn't know why these things would be applied to a department in the municipality. Mrs. Scull asked Mr. Maahs if he has paid for this before. Mr. Maahs advised that the last fund raiser he had was actually moved out of the Township because of the fees they were required to pay in the Township. Mrs. Scull agreed with Mr. Prickett that she doesn't understand this. Mr. Vaz noted that he can answer part of the reason in that they might be able to solve the fire companies' problems by contract. He proposed that the contract between Pemberton Township and the fire companies could probably have a clause in there that deals with that issue. He noted the problem that may exist with changing it by ordinance is that they have the right, legally, to break up entities or people to a certain degree, and they did that here with third party contractors, non-profits and the school which is a local government entity, if they look into the non-profit organizations and started breaking those up into sub-groups they run the risk of a potential equal protection claim by one of the other non-profit organizations by saying that they as a class of non-profits must be treated the same. He explained that was part of the reason for doing it this way and he didn't even know the fire companies had to pay until he just heard Chief Maahs mention that and that was not the intent. He acknowledged there was intent to group these a certain way to avoid arguments being made by other non-profits that they weren't being treated

the same. Mr. Prickett asked how this could be changed in the contract. Mr. Prickett noted Mr. Vaz mentioned changing the fire company contracts and asked what kind of change he would make in the contract. Mr. Vaz answered it would need to be discussed with the Council to see what they wanted to do. If they didn't think the fire companies should have to pay anything, then that would be built into the contract as a contract term and condition. Mr. Prickett stated it would be something that they would pay themselves as a part of the contract. Mr. Vaz agreed and added that they would absorb the cost of the Police Officers doing the work for their fundraisers. Mr. Prickett pondered that since they already have the contracts, they could amend those contracts. Mr. Vaz replied yes. Mr. Archer advised that it should be left to the contract and not actually put in there due to potential challenges. Mr. Prickett commented that it sounds good to him as long as it is considered to be fair across the board and that concern that he already had and has already looked at and it sounds like a way to resolve it. Mrs. Stinney asked Mr. Vaz if this can be done now for the fire department in the contract. Mr. Vaz explained it won't happen tonight but if the fire companies have any events coming up unless there are any objections, by Administrative policy, they will work right away to amend the contract and bring that back to the Council for the next meeting to amend their contract to have that clause put in there. Mayor Patriarca noted it is certainly not Administration's intent to add an additional burden on the volunteer services that they assist in funding. If they take more from them, they have to raise more money and it is not the intent here at all. Mr. Prickett agreed noting he understands that and expressed that is the value of having public hearings; interacting with the community because everybody has a different view and frequently can add to the discussion. Mr. Inge noted that would be the cleanest way.

Motion by Prickett and Cartier to approve Ordinance No. 14-2008 as amended. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

14. NEW BUSINESS

- a. Review of draft ordinance that would consolidate the Planning Board and Zoning Board of Adjustment, and draft resolution that would ask the County Clerk to place the matter on a ballot of an upcoming General Election.

Mrs. Stinney commented that she had asked Mrs. Young to send out a memo asking if there were any questions and to start the dialogue on this Joint Land Use Board and perhaps they could be sent to Mr. Vaz. Mrs. Stinney asked Mr. Vaz if he has received any comments. Mr. Vaz answered he did not believe so. Mrs. Stinney noted that she did research on various towns that have Joint Land Use Boards and some of the reasons why they have that. Mrs. Stinney noted that she and Mr. Prickett went to Burlington City where they had a Joint Land Use Board for several reasons including reducing additional costs to taxpayers. Mr. Prickett noted that also because Burlington City is built out and has already been totally built. Their Planning Board probably wouldn't be used as much as a Planning Board here in Pemberton Township and it might make more sense in a town that has been built out to have a joint board. It also might make more sense in a community where they don't have as many volunteers, members of the community that would serve on more than one board. Mr. Prickett noted eliminating government waste was alluded to and this is part of the public question that was prepared by their Solicitor. The Solicitor prepared a resolution pertaining to Pemberton, prepared a public question and also prepared an extensive ordinance for this. He expressed this is certainly the first time he has been aware of this

proposal. Mr. Prickett noted finding the public question to be a little bewildering and read from the proposed resolution: Ordinance authorizing the elimination of the Zoning Board of Adjustment and the consolidation of all land use powers in the Planning Board which authorizes the elimination of the Zoning Board of Adjustment of the Township of Pemberton and the consolidation of all land use powers in the Planning Board, thereby simplifying the municipal government and eliminating government waste by vesting all land use powers in a single body, be approved. Mr. Prickett expressed the big book for land use in New Jersey is the New Jersey Zoning and Land Use Administration Manual. He advised that after doing some research, he was surprised to find Section 2-8 Consolidation of Boards, in other cases, alleged cost cutting is put forth as a reason for the consolidation; however, there appears to be very little evidence of any real savings affected through board consolidation. He further reflected that in many municipalities where consolidation has taken place, it is found that the members of the Planning Board are required to meet much more often in order to hear all of the applications submitted. Mr. Prickett noted that is only a couple of sentences from this section. Mr. Prickett advised the Council to read this book and review Section 2-8. Mrs. Stinney commented that towns that have combined their Joint Land Use Boards are Delanco, Edgewater Park, Lumberton, Mount Holly, Beverly, Chesterfield, New Hanover, Pemberton Boro, Hainesport, Palmyra and Burlington City. Mr. Prickett advised that most of those municipalities that Mrs. Stinney noted are built out communities. He expressed concern that there is a document and there is a public question and resolution and there is an ordinance that consists of multiple pages that pertain specifically to Pemberton Township and wondered who authorized the Solicitor to prepare all of these documents. Mr. Prickett stated that usually the Council makes that request and there is an extensive packet that has been prepared. Mr. Prickett commented that he would like to know how many hours and added that Mr. Archer may not have the answers and he was thinking that Mr. Bayer would be present to answer those questions. The number of hours that went in to preparing the packet of information was extensive and he did look at the bill list and didn't see it on the bill list. Mr. Prickett reiterated that he is curious as to how much this has cost so far. Mr. Archer commented that at this point the attorney that did work on this is not present. Mr. Archer assured that he does great work and to find out those answers he would have to get back to Mr. Prickett after going back to his office and reviewing it. Mrs. Scull asked how many of those communities are the size of Pemberton with population. Mrs. Stinney commented that she could get those answers for her. Mrs. Scull relayed that she would like to know that because she wants to make sure and she is aware that this was talked about at various times but wanted to make sure that Council is doing what is going to be in the best interest of the residents. Mrs. Scull stated that she is not too sure that it is going to save money because she thinks there will have to be more meetings and there will be conflicts of interests with some of the members. Mrs. Scull noted we ran in to conflict of interests recently on the Planning Board. Mrs. Scull advised that it was brought to her attention that it is recommended for districts with less than 15,000 residents noting they are certainly well above that in population. Mrs. Scull asked for information on the communities that have more people. Mrs. Stinney asked Mr. Vaz if he wanted to comment. Mr. Vaz stated that Administration is doing research on this as Mrs. Stinney indicated, and this is just to get the ball rolling. Mr. Vaz notified that Administration, in conjunction with Mrs. Young's office, is reaching out to other towns that are going through this process. Rutgers University through their government services division which has an entire department that deals with local government helps train their Construction Officials, CFO's, etc., and have people they send out in the field to do reports for the towns to help them decide whether or not that particular town should go down this road. Mr. Vaz indicated they have just finished a report for a

town in Morris County, Florham Park which is next to Morristown. Medford Lakes Boro has recently gone through this process as well and about nine or ten other towns had reports written for them. Mr. Vaz advised that Administration is trying to get those reports. He reflected that that process was started today and they are also looking at trying to get a comparison of the different towns as well as trying to prepare an explanation to the Council why, at this point, it is a good thing to do or at least explore. He relayed that some of the non-economic reasons for wanting to do this and some of Pemberton's long term goals like the Master Plan and things of that nature, it's been mentioned before at Council meetings and Budget hearings and Mr. Cartier brought it up initially, that one thing he would be concerned about as a sitting Planning Board member is to what degree are they going to increase the Planning Board's work and how do they go about doing it. Mr. Vaz expressed that it will increase the Planning Board's work. The Zoning Board is not nearly as busy as the Planning Board but it does meet once a month and it does handle cases. Mr. Vaz informed that Administration is working on putting a package together for everyone. Mr. Vaz depicted that also depends on what issues are before the Zoning Board. He has noticed on occasion that the Zoning Board has been super busy and in fact met more than once a month. Mr. Prickett asked what the Zoning Board had to say about this consolidation and also the Planning Board. Mr. Vaz replied that right now he is just getting the ball rolling. Mr. Prickett asked if they know anything about it. Mr. Vaz responded that they know and he thinks the Zoning Board even discussed it at their meeting; it was an initial discussion. Mr. Prickett then asked about the Planning Board. Mayor Patriarca interjected that none of this has been discussed with either board formally in a board meeting. He clarified that it has been discussed with him by members of both boards, privately, with concerns and also advocates of the program. He denoted that it is in discussion but has not formally been brought before them at this point. The Mayor answered Mrs. Scull's question in that Pemberton is the third largest municipality in size and Bass River and Woodland Township are the only two municipalities larger than Pemberton and they are not mentioned in Mrs. Stinney's reports. The Mayor indicated that in population, Pemberton is the fourth largest municipality, over Evesham, Mt. Laurel and one other town. As far as buildable land, Pemberton is in comparison to some of the names on that list because of its restrictions in the community. He pointed out that Pemberton Township does not have a lot of buildable land left. Mr. Inge asked who authorized this. Mr. Prickett questioned who authorized the Solicitor to move forward with writing these documents. Mrs. Stinney stated that Council does not know what he is charging and would have to wait until the Solicitor gets back. Mr. Inge inquired if this should have been discussed before this. Mayor Patriarca announced that Council approves it and Administration is requesting the work from the Solicitor which they have authorization to do. As far as the approval of the ordinance, the legislation part would come from Council. The Mayor continued that if comparing apples and oranges as to who is submitting what bills to the Solicitor, Administration can provide that. Administration can show where they do a lot less with the Solicitor if that is Council's concern that Administration is creating bills unnecessarily. The Mayor assured that is not done in Administration noting that the Solicitor will inform that when he calls, the Mayor will ask if this is business or pleasure and if he's not quick, the Mayor is hanging up. Mrs. Stinney commented to be rest assured that the Solicitor has not made any money off of her and that was a great concern last year; for every call and every fax and so on and so forth. Mr. Inge asked if it was taken in to consideration how many applications go in front of the Planning Board and how many go in front of the Zoning Board. Mr. Inge surmised there would need to be at least two if not more meetings a month and doesn't see where there would be a savings. Mr. Inge reflected that yesterday, the Zoning Board had seven applications. Mr. Inge

expressed that if both of these boards are put together, there would be a lot more time spent and pointed out that most of these boards are volunteers. Mr. Inge asked if that would put a strain on the residents that are volunteering for these boards. Mrs. Stinney acknowledged that she doesn't know which is why discussion is needed. Mr. Prickett expressed that he has another concern. Mrs. Stinney reminded that she asked for Council to review this and get some of those questions forwarded to Administration instead of saying "one doesn't know" so there would at least be a dialogue regarding concerns and questions Council has before them and pass it on to Administration, Planning, Zoning and so forth. Mrs. Stinney assured Mr. Prickett she would get back to him after she is sure that Mr. Inge's questions have been answered. Mrs. Stinney reiterated Mr. Inge's concerns regarding how many applications have come before the Planning and Zoning Boards in one year's time. Mr. Inge expressed that he can't see how this would work with all of the applications in front of the boards and the cut off times and questioned how many applications would be heard and reiterated he doesn't think it will benefit the residents. Mr. Cartier remarked that he is not entirely opposed or for this at this time. He thinks it is an interesting idea and looks forward to the information that Administration is going to supply to Council. Mr. Prickett asserted that in some of his readings, he has a concern with a consolidated board like this. He noted that when there are certain hearings before the Board, certain members of the Board cannot participate. Mr. Prickett exemplified that if Mr. Cartier were on the consolidated Board, he would not be able to participate because of a variance that he might have to vote on as a Council member if it was appealed. Mr. Prickett expressed concern having read there are some questions about using alternates to replace those members that are not eligible to participate in these decisions. He referenced that if there is a Board that meets twice a month and there are Board members that tire out and don't come, there is a decision needed and one can't use certain members on the Board that can't vote on this. He questioned what would then happen with these matters if they were approved down the road automatically because the time runs out. Mr. Prickett asked Mr. Archer to correct him if he is wrong. Mr. Archer maintained there are certain circumstances. Mr. Prickett inferred that the Zoning Board is a bit different than the Planning Board in that the clock ticks at different times and one really needs to be astute when that takes place and how much time one has or they don't have the opportunity to have a say in an issue. Mrs. Stinney asked if the alternates are required to take the Planning Board course as well. Mr. Vaz answered yes. Mr. Cartier asked if Administration was asking for direction at this time. Mr. Vaz clarified that he was not tonight; however, this is one of those rare issues where there will be a drop dead date because to do this for 2009, there is a deadline for getting something on the November ballot. He explained that at some point, there will have to be some formative direction whether Council wants to do it or not for the 2009 calendar. Mr. Prickett stated it has to be done for a general election. Mr. Vaz conveyed that he doesn't know if it has to be the November election or if it could be a special but doesn't think they would need to incur the additional costs for a special election over something like this.

- b.** Approves emergency purchase/installation of air conditioning units for Police Dept., Court Office, Public Defenders' Office, from Artic Heating and Air, in the amount of \$13,400.00.

Motion by Prickett and Scull to authorize the expenditure of \$13,400 to get the air conditioning units for the Police Dept., Court Office, and Public Defender's office fixed. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mr. Cartier commented on Mr. Prickett asking a question the other day regarding the Council not being polled on this. Mr. Cartier informed he questioned the Mayor on this and the Mayor stated he was directed not to poll Council on this sort of thing anymore. Mr. Prickett asked if that is up to the Township Clerk. Mrs. Scull asked who gave the direction. Mrs. Young informed that the Solicitor's office stated there should not be phone calls conducted. Mrs. Stinney specified that Mr. Bayer is not present but perhaps Mr. Archer could comment on phone calls with a quorum. Mr. Archer advised he will schedule a meeting first thing tomorrow with Mr. Bayer to get those answers. Mrs. Stinney expressed that she has noticed since serving on Council, that phone polls do not give other Council members the opportunity of doing some research before the vote is already taken. She expressed concern that when a vote is taken over the telephone, obtaining the three votes could constitute a quorum. Mr. Prickett pointed out however; that it is one person at a time on the phone; they are not all on the phone at the same time and the Clerk does conduct the poll. Mrs. Stinney reiterated that a vote is taken and she doesn't know, she is not the Solicitor and Council will get that opinion. Mr. Prickett expressed his concern is, which is why this has been done historically, that there is an emergency situation such as a pump on a fire engine or an ambulance that needs a new tire; it is an emergency situation. He expressed that the need for air conditioning in this room with all of the people that are in here on a 100 degree day, he sees that as an emergency situation. Mrs. Stinney agreed but wants to make sure that Council legally does the right thing.

**c. 3. Parade Permit Application: (PUBLIC HEARING REQUIRED)
Presidential Lakes Fire & Rescue Squad: 10 a.m., 7/4/08.**

Mrs. Stinney opened the meeting for public comments on this parade permit application. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments. Mr. Prickett asked if this were the parade for the 4th of July. Mrs. Scull answered yes.

Motion by Scull and Prickett to approve the Presidential Lakes Fire & Rescue Squad Parade Permit Application for July 4, 2008 at 10:00 am. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

ADDED ORDINANCE (Draft ordinance added to agenda earlier in meeting)

DRAFT ORDINANCE (title read by Mrs. Stinney)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON TO AMEND RELEVANT SECTIONS OF CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF PEMBERTON CONCERNING COMPLIANCE WITH THE PROPERTY MAINTENANCE

Mr. Prickett commented on Section G first which deals with repair, closing or demolition of unsafe buildings. He denoted this is totally rewritten or written for the maintenance code and reflected that a building according to the definition in (2) a: "Building" shall mean any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses, appurtenances belonging thereto or usually enjoyed therewith. Mr. Prickett relayed that not too many people have outhouses. Mr. Archer conveyed that it doesn't necessarily mean outhouses in the way they think pointing out it may be sheds and other things that are outside. Mr. Cartier suggested it be outbuildings. Mr. Archer informed they were mirroring the language in the statute which echoes his response. Mr. Prickett referenced a notice and a violation notice for a shed or an outhouse would

remedy the situation and he envisions big buildings, people using regularly are being endangered as a result as being the intent of this and that is why he brought this up. Mr. Cartier asked if this could be tabled until the next meeting as Council just received this information this evening and there are four pages worth of changes in this ordinance. Mr. Cartier expressed concern regarding discussing this ordinance before he has a chance to read it. Mr. Archer offered a synopsis so that when Council reads it because it is lengthy, they might be able to understand and digest it better. Mr. Archer acknowledged this reworking has basically vested the power as previously requested by Council for the Mayor or his designee to conduct this investigation. It empowers the Mayor to do that and if he finds there is a problem and it specifically lists the standards as requested by Council, outlining unsanitary conditions, unsafe conditions and things that are very necessary for the safety of their residents he can institute a complaint. He indicated the complaint will charge the person to fix it or allow the Township to move forward with repairing it or demolishing it if need be but prior to that the Mayor must come to the Council and have Council make the final determination if public funds are going to be expended for that purpose. He further explained that basically it is set up to where it should work as fluid as possible in terms of allowing the Mayor under his executive authority to go ahead and do his investigations and bring his complaints but yet the ultimate authority rests with Council to allow the ultimate fate. Mr. Prickett suggested to add a petition of five people that get together and present a petition through the Mayor and do exactly.....Mr. Archer interjected that adding as well as a public authority, meaning that it also enables as Mr. Prickett keyed on, five people from the neighborhood could get together if they saw something that they felt was unsafe and petition the Mayor to investigate. The Mayor then investigates and makes his determination whether to move forward with a complaint or not. He also denoted there is authority whether it is from the state, county or local such as the County Board of Health wherein they could inform upon their inspection they found something and the Mayor would then be empowered to investigate it on his own accord and then make a determination. Mr. Prickett conveyed that he respects Mr. Cartier's request to talk about this later but had one other question regarding "just cause". Mr. Prickett suggested there could be five people that make a complaint about someone's yard or house because of a reason that isn't really because there is a problem. Mr. Prickett added that it would be Administration that would decide whether it was a serious....Mr. Archer interjected that they made sure and had a determination standard section, number 5, which guides the Mayor who may determine that the building is unfit for human habitation or occupancy or use and if he finds that conditions exist in such building which are dangerous or injurious, not sanitary, can increase fire hazards it basically gives a working guide for the Mayor to assist him in making a reasonable determination. Mr. Cartier again suggested they give everybody time to read over the changes so that everybody is okay with it. Mr. Cartier advised that he would also like to hear from Administration regarding this as the Mayor is very heavily mentioned in the ordinance. Mr. Vaz noted that Code Enforcement has also asked for the opportunity to review the ordinance as well. Mrs. Young clarified that the ordinance is to be tabled till the next meeting and listed on the agenda under Unfinished Business for discussion as opposed to putting it on for introduction, to which Council acknowledged to be correct.

BILLS PULLED FROM CONSENT AGENDA

Motion by Prickett and Cartier to approve Bill #4-44405. Prickett, yes; Cartier, yes; Inge, yes; Scull, abstain; Stinney, yes. Motion carried.

GENERAL PUBLIC COMMENTS:

Mrs. Stinney opened the meeting to general public comments. Those wishing to comment were: **Adrienne Leonard: 1.** Thanked everyone for working with them on the BMIA naming request. She indicated that since deciding to use the three names, she was thinking of what Mr. Cartier had stated about keeping it historically correct. Mrs. Leonard noted that it should be left as Stull, Borzell and Graf-Community Center to keep it historically correct; otherwise, it looks like it is the other way around. Mr. Prickett asked if she is suggesting not having the Graf name first. Mr. Prickett expressed that he kind of likes having that name first because it is the one that most people relate to and when thinking about the Graf family, one might question who are the other families and do some research. Mrs. Leonard asked if this would be taking it out of context as far as the history part is concerned. Mrs. Scull explained that they are honoring the Graf family and his mother and father as Mrs. Leonard had mentioned were very important in the whole organization. Mrs. Scull agreed that she too, likes it better with Graf first. Mr. Cartier expressed concern that he doesn't want to lose the Stull and Borzell history. Mrs. Leonard advised she likes Graf first too but was thinking about the comments Mr. Cartier made. Mr. Cartier noted she likes Lake Charles. Mrs. Scull agreed. **Mike Tamn: 1.** Commented on the new air conditioning units which are badly needed. He reflected that the air conditioning in the court room has been a disaster since 1967. Mr. Tamn pointed out that when the wall units are turned on, the audience cannot hear Council speaking. Mr. Tamn suggested putting the units on the roof and look into efficiency and performance of air units. He also suggested getting an engineer to survey prior to spending money. The Mayor clarified that the air conditioners authorized tonight are for the Police Department and Police Records and agreed with Mr. Tamn regarding the court room. **2.** Commented on the proposed Planning and Zoning ordinance. He expressed that the Zoning Board is a people's board and many of the cases have been for decks, a corner lot, a fence, a shed, a small addition on a house and things like that. He denoted that some of the residents don't have the money to spend to get professionals in and the project is small. He relayed that the Zoning Board does have a purpose and nothing would be gained by combining the two boards in this town. He iterated there are a lot of non-conforming lots in the Township which creates problems and felt it is more efficient to keep the Zoning Board separate. He shared that as far as savings, professionals are being paid by the hour and the applicant pays for it and as far as secretaries, it takes the same time and the same minutes and the Township is not saving hardly anything on expenses but the Township is losing something by combining them. He surmised that things may move a little faster because the Boards are combined but the people that go before the Zoning Board may get shortchanged when they combine them. **Ed Tournquist: 1.** Expressed concern regarding the Property Maintenance Ordinance. He asked for the number of properties slated for demolition. Mr. Vaz advised there are five properties targeted but there is existing language in the ordinance that Administration is operating under to take care of this. He assured they do not feel held up by these amendments for that purpose. Mr. Tournquist conveyed that once those properties are identified, they are now a liability for the Township. He denied they are saying those buildings are dangerous and should be secured and appropriate warnings should be on those properties. Mr. Tournquist wanted to inform Council and Administration on the danger of having identified these properties as being unsafe and now should do something about it such as closing them up or boarding them up. **America Phillips: 1.** Spoke of her experiences regarding Charles Graf. **2.** Asked for an update on the Browns Mills Shopping Center. Mayor Patriarca reported that Mr. Berardi's extension for his site plan was denied by the Planning Board. He informed that the Planning Board did put a sub-committee together to meet with Mr. Berardi to prepare a timeline as to when he would get certain things done that he has to do. He contended that it

has been their position and the Planner's position that Mr. Berardi could start certain parts of that project such as improving the parking lot and working on the building and in the meantime still file for the appropriate permits that he needs and get that part done while he is making improvements to the property. He reported that that sub-committee met with Mr. Berardi and his professionals and relayed that sentiment to Mr. Berardi that that is the direction that the Planning Board would like to see him proceed if he is going to come before the Board and seek an extension from the Board. He relayed that they will see in July's meeting what Mr. Berardi comes forth with. The Mayor conveyed that he tends to believe that it will be another stall tactic and reiterated that it is not the intention of the Board to extend to Mr. Berardi any courtesy that they don't have to. He assured they are seeking whatever measures are necessary to get that project done by Mr. Berardi or whoever is going to do it. Mrs. Phillips asked if Mr. Berardi owns the entire lot of the shopping center. The Mayor confirmed he does noting that he owns from Juliustown Road to the Mobile Home Park including the wooded property behind the shopping center, as well as one property across the street on Juliustown Road which is a vacant house.

3. Asked if the lake in Presidential Lakes will have water in 2008. Mayor Patriarca conceded that their engineer present tonight is not the engineer handling this project; noting that Alaimo Engineering is handling that project. The Mayor advised that Administration can provide an update as to where they are with that. He informed that Alaimo Engineering reported recently that they are awaiting one letter from dam safety, DEP. Mr. Vaz has been in contact with the individual that they are awaiting the letter from and that letter is not being held up, it should be on its way and they were assured it was not a major issue. He reported that Alaimo Engineering is prepared to put this out to bid which should occur within weeks and then they will go through the bid and award process. He explained that the timeline was to have that done by the end of this year; however, since they are not out to bid in May as they were expected to be, they are a little behind schedule and probably will not see that project completed until early 2009. Mr. Prickett commented that Chris Vaz had previously stated that bonding needed to be in place prior to going out to bid. Mr. Prickett advised he received an email from the Business Administrator stating that they were moving forward on the financial end on that. Mr. Prickett then asked if the financial end is now satisfied and questioned if they can actually go out to bid. Mr. Vaz denoted that Alaimo is recommending that they go out to bid as soon as possible and leave the bids open for the month of July and then move forward from there. Mr. Prickett asked if they are ready to do that at this point. Mr. Vaz relayed there was another conference with Bond Counsel and he is very satisfied that they can do the temporary notes in a two to three week period. He explained that their reasoning was "why pay interest on the temporary note before they needed to". He assured he is prepared on an email's notice, to generate the notice to bidders for the temporary financing.

4. Asked about the gates removed at the park in Presidential Lakes. Mayor Patriarca advised he has spoken to a Supervisor in Public Works and was informed that the gate was down but he was thinking of the gates on the tennis courts. The Mayor continued that the Supervisor couldn't think of the gate on the basketball court but would be out there first thing tomorrow morning to look for this gate. He had been thinking she was referring to the tennis courts. Mrs. Phillips commented on the wooden benches. The Mayor and Business Administrator advised that the equipment that was removed from the park was not only the issue of the wood but also compliance of the equipment. He explained that the equipment was not approved equipment and if someone had gotten hurt on the equipment, they could easily sue the Township because the equipment didn't meet the standards. He iterated that was the main reason for removing the equipment in that park, noting that playground did not have the same chemical problem that Imagination Kingdom had. He reflected that that playground was built out of a different type of

wood that did not have the CCA chemical problem. It was not a wood issue it was a safety issue. **5.** Noted looking for a response at next month's meeting regarding the portable potties. Mayor Patriarca referred to Mrs. Phillip's other question from last month's meeting was the leaf machine in Oak Pines. The Mayor commented that he did look into this and confirmed that was not a leaf vac that Mrs. Phillips saw in Oak Pines because they do not operate a leaf vac out of Public Works. Mrs. Phillips had described it as a large, red truck sucking up debris. The Mayor explained it is a large, vacuum truck that sucks out the leaves that are in the drain systems; it is a jet vac that either jets out the lines or suck out the debris. He advised that Public Works regularly uses this truck in Oak Pines as part of their storm water management project. Mrs. Phillips reminded that she gave Mr. Prickett the address of the house that she saw this at and this past year the same address left all of his leaves at the street again. She informed that this resident puts his leaves on the street and is the only person that does so. Mayor Patriarca remarked that he will look into that and indicated that if Public Works removed those leaves it would have been manually because they do not have a machine to do that. The Mayor reemphasized that they do maintain that strip and Public Works cuts the grass there. Mayor Patriarca affirmed that he is aware of the area that Mrs. Phillips is referring to now. **Roseann Monroe: 1.** Commented on kids on Press Avenue racing their motorcycles, cars and trucks in between the speed humps on Bishop Street. Ms. Monroe stated a lot of the problems are the kids and parents not controlling the kids or their older teenagers. She reported that they are also racing down South Lakeshore Drive in excess of 40 mph. Mr. Prickett asked Ms. Monroe if she called the Police. Mrs. Stinney reminded that it is Ms. Monroe's turn for public comment. Ms. Monroe assented that she did and the Police never got back to her. She acknowledged liking the idea of the speed humps but does not like them where they are located. She expressed that if they are to be located there, the Police Officers need to be there that can go after the bike. She further suggested that the speed hump be placed away from the park in Country Lakes as the speeders are by the bridge and more towards the back. **2.** Notices Township employees in red trucks at the Browns Mills WaWa between 7:05 a.m. and 7:15 a.m. every morning that she takes her children to school. She advised that she has called the municipal building and the road department and commented that she would like to have \$15.00 an hour to sit at WaWa to have her coffee in the morning after she goes to work. She conveyed that employees also sit near the gazebo on South Lakeshore drive and in front of her house for two hours with a Township vehicle running. She suggested vehicles should be shut off and not left running when employees are having their coffee break. Mayor Patriarca asked Ms. Monroe if she has recently seen the employees at WaWa. Ms. Monroe referenced seeing them the last two days. The Mayor communicated that complaints had been received regarding this and this has been addressed with Public Works. He relayed that the Business Administrator has even come in early in the morning to verify these actions and they have addressed this with Public Works. He expressed that Administration had hoped to have cleaned this up and if it is not cleaned up it will be readdressed. The Mayor assured that this will be cleaned up because it is not something that is taken lightly. He relayed that Administration is also looking into installing a GPS system in their vehicles so that they can monitor where their vehicles are at any given point of the day, not only for employee efficiency but also for safety purposes as well. The Mayor promulgated that Administration is looking into a no idling program. He reported that emails have been forwarded to all department heads and they have received responses from all but one department with suggestions of how to curb the gas usage in the Township in light of the gas prices. He assured they are trying to maintain some control over that. He reiterated that suggestions are being put together that they will hopefully be able to implement. The Mayor announced for

anyone to call Administration when they see this happening and it will be addressed. **3.** Expressed that whoever graded Columbus Road between Otter and Bishop Street ruined the road. She informed that the road wasn't that great before but all they did was put a load of sand in the back of a dump truck and drove very slowly with the dump truck up. She indicated that the road is now very sandy and when it gets wet, vehicles will get stuck. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

Mrs. Stinney convened the meeting at approximately 9:29 pm for a short break. The meeting was reconvened at approximately 9:37 pm.

SOLICITOR'S REPORT:

Mr. Archer advised there is no report for this evening.

ENGINEER'S REPORT:

Chris Rehmann: **1.** Springfield Road is scheduled for the July 15th Pinelands Commission meeting agenda for approval. He reported that they will be receiving bids August 1st and hopes to award at the next Council meeting for those improvements on Springfield Road. **2.** The design is complete for Woodbine Avenue and they will be seeking bids on July 8th. He announced that he will be meeting with the Chief of Police to develop a traffic control plan for Lakeshore. A representative from ARH informed when the storm shelters were put in that area to alleviate the problem, there might some traffic issues as the work comes down East Lakeshore Drive we want to make sure traffic flow is maintained and make sure the Chief is in agreement with what they are doing. **3.** Mr. Rehmann communicated that he is working on the hydraulic and hydrologic studies for Country Lakes. He expressed that it is a difficult mathematical model that is being built. Mr. Rehmann inculcated that ARH is diligently working on this. **4.** Will be meeting with the Chief of Police regarding the intersection at Evergreen and West Lakeshore Drive and the speed humps from the 2006 Road Program to obtain additional input as to what is effective and what is not. Those issues will be addressed as well as issues brought up by residents. **5.** The DEP has adopted regulations on June 2nd for Water Quality Management Planning. He acknowledged that while that sounds like a good idea, by March 2009, all 21 counties must have adopted a new Water Quality Management Plan for the County. He reported that if the counties do not adopt that plan, the DEP is authorized to institute a sewer moratorium for the entire county. Mr. Rehmann avowed that if they think they had a problem with a drop in added assessments for the 2008 Budget revenue, one can imagine what that will do when an entire County is put under clamps. He relayed that they all now have waste water management plans where they are allowed to extend their sanitary sewer systems in the various municipalities. He informed that these new regulations also require municipalities, not the County, to come up with septic system management districts so those people who are outside of the sewer service area now may be visited by the County Sanitarian saying "you have to pump out your septic system or your septic system doesn't meet today's standards". He conceded there are no details in the regulations which scare him very much because that means the regulators have all kinds of flexibility. He explained that after a build out analysis is done under the current zoning the amount of waste water capacity they have they need to match that as well as the water supply capacity. He explained that if they don't have one or the other or both, they must down zone and that ability has been given to the County. He relayed that according to his understanding as a former County Engineer and being a statutory member of the County Planning Board, that the

County enabling for County Planning Boards, doesn't give them the power to zone; that is given to the municipality. He questioned that with that occurring they are going to have to bite their own poison pill that says someone else is going to tell them how to zone Pemberton Township. He urged that it is a concern that they cannot allow somebody else to do this without at least their understanding of what the process is and who is doing what, when and where. Mr. Rehmann announced where we will get the money to do this is beyond him but the State did appropriate \$1 million to spread out among 21 counties and 500 odd municipalities in order to bring their plans up to compliance. He reported that after sitting on a panel discussion at the NJ Association of Counties convention, he was there with a utility authority Chairman, a state lobbyist, the Morris County Planner and it became clear to him that when the Supreme Court says "you as a municipality have a COAH obligation that there has to be a substantial number of affordable housing units built in the state of NJ". He relayed that when they also have to meet their budgetary requirements of not increasing their under the cap Budget by 4% annually and now having in the middle of the budget year, have a new set of regulations that have to be complied with that they will not be able to get the extension before they become law in March 2009. He indicated that there is a State that has directed casino gaming in Atlantic City where they are now proposing three new casino developments which will generate between 3,000 to 4,000 new jobs or 12,000 new jobs in that area which may generate 2,000 to 3,000 new housing units. Mr. Rehmann remarked that unfortunately they will have to be built in PA because this law is a no growth policy. He explained that he is bringing this to Council's attention because they are doing a zoning ordinance and a master plan and somehow the Planner needs to get involved in these regulations and how they are going to be influenced by what the County Planning staff is going to do in Burlington County. Mr. Rehmann affirmed that it is not good news but if it is not addressed, and they are not on the cutting edge while they can do this, they are also affected by a super base and questioned what that means as far as what the overall goal and objectives are of the federal government for the area and how they are going to staff it. He reflected that all of this comes into play with these types of regulations. He expressed that unfortunately, it is not legislation, it is regulation; the interpretation of the law according to the bureaucrats. Mr. Vaz added that the County has been preparing Burlington County towns for this. He has attended a few meetings already and they are trying to develop a plan or way of doing this. The County's next step is to invite themselves to a Township and Borough meeting to make some sort of proposal or present their idea of how the towns in Burlington County should be doing this. Mr. Vaz remarked that he doesn't know if somebody somewhere is going to challenge the regulations that the DEP has exceeded its statutory authority which is always a possibility. He agrees with Mr. Rehmann that these are extremely ridiculous and over burdensome regulations that are certainly not in Pemberton Township's best interest. Mr. Vaz promulgated that they will probably start moving fast on this issue. Mr. Rehmann stated towns like Pemberton that have a substantial portion already regulated by an environmental agency that has established an entire series of regulations. If we have to change those regulations, and this has been a beaurocratic fight between who is the ultimate environmental regulator in the State, is it the Pinelands Commission, Highlands or the DEP. Mr. Rehmann conveyed that he doesn't want them spending money and then having to re-spend that same money to do something else and then have it all thrown out by the Supreme Court because they are not meeting their Mt. Laurel obligations under that Supreme Court decision. Mr. Rehmann advised he is under the impression that the Supreme Court had a little more power than the DEP on those matters but right now it really looks like a much higher struggle for power. He expressed that ultimately, the best solution they would like to have now is 21 counties and no municipalities. Mr. Rehmann

agreed with Mr. Prickett that while they may not be the most efficient government, those people that come up to this microphone and express their opinion as to how things go and how they want things to do is the best form of government. He relayed that this is not seen at a Board of Freeholders meeting but they see it here and in Hammonton, New Field, Franklin Township and Williamstown and those areas.

MAYOR'S REPORT:

Mayor David Patriarca: 1. Noted that he previously commented on the Browns Mills Shopping Center. 2. Officiated at a few weddings this weekend which brought him up to last year's numbers. 3. Attended the Country Lakes Fire Department's Safety Day on June 8th. It was also attended by Browns Mills Fire Department and hopefully they will see all of our fire departments in attendance in the future. He expressed that Safety Day brings a very good point to the kids and residents regarding safety and fire. He denoted there were a lot of good events, speakers, demonstrations and it was a well attended event. He reiterated hope they will someday move towards a more unified department in fire safety. 4. Attended a Federal Corrections Institute meeting with the Community Relations Board. He relayed that discussions covered the future of the prison on Fort Dix and how that affects the community and what they do on Fort Dix to effectively operate that facility. The Mayor relayed that the prison is always looking for employees. They have a recruitment process that seems to never stop. He advised that the prison emphasized that the turnover rate is high. Employees start at approximately \$39,000 and there are a lot of opportunities. The Mayor encouraged the residents that are seeking employment to seek employment at the prison. 5. Reported that the turnout at the Lake Valley Civic Association meeting was not as nice as they would like to have seen it, but they are still trying. The Association is attempting to get off of the ground. Mayor Patriarca encouraged everyone to participate. 6. Administration has done extensive research regarding the T21 Grant for the train station that was discussed at a previous Council meeting. He reported that their Business Administration, CFO, and Auditor have determined that the T21 Grant funds are available and there is actually more funds available than what the grant is, noting there is \$293,000 available for this project. The Mayor emphasized that they will move forward with this project and will present this for bidding and construction management so they can get this project done and reimbursed on this grant. We can hopefully move forward to incorporating the train station project into the County Park System as discussed earlier this year. 7. Reminded that tomorrow night is graduation for Pemberton Township High School.

COUNCIL MEMBER COMMENTS:

Ken Cartier: 1. Wished everyone a safe trip home.

Tom Inge: 1. Commented that applications go to Pinelands first prior to going to the Zoning Board and asked if storm water management was reviewed for each application, to which it was confirmed that they do. He noted that the owner of a property informed him that the Engineer wants him to do a full site plan regarding the water run off in the parking lot. He relayed that the owner determined it will cost him approximately \$10,000 - \$12,000 between engineering and other fees. He questioned that if the Pinelands signed off on it, what the policy regarding water is run off if they are already meeting Pinelands standards. Mr. Rehmann asserted he doesn't feel there would be a reason for a full site plan but the engineer has to make sure they comply. Mayor Patriarca explained that he did attend last night's meeting where the case Mr. Inge is referring to was heard. He explained that it is not just a matter of run off; there are other issues involved such as they are tearing

down the building except for two walls, they are extending the footprint of the building into a larger building and are proposing to create a larger building with more facility covering more space, more parking and a number of other things that factor into this. The Mayor maintained that it is not just a drainage issue and Mr. Rehmann would not be aware of this because he covers the Planning Board and not the Zoning Board. The Mayor indicated that he does not know if they actually went in front of the Zoning Board if Pinelands signed off. He reflected that last night they came in front of the Board for a use variance and a bulk variance. They did not propose any plans to the Board for the Zoning Board to act on but they were informed to come back with the plans that they were looking to propose because they did have a conceptual plan that the Board could vote on. To come forward with the plan that they were proposing, they were advised that this seemed to meet the criteria of a major site plan they would have to submit to the Board before it could be heard. Mr. Inge questioned the traffic study. The Mayor affirmed that one member was actually concerned about the traffic at that particular intersection and did some homework and knew that the intersection was considered to be a high traffic accident area. Mayor Patriarca attested that when he was on the Police Department that was a high accident location within the Township for many years. The Mayor expressed concern regarding the traffic study as to what the accident rate was while it was an operating business and what the accident rate was for the period of time the accident was closed to see if there was any impact in the business being operated there opposed to the accidents that occurred. They were not instructed to supply a major site plan; they were advised if they proposed what they were suggesting last night, the major site plan would be required. Mr. Inge asked what would need to be done if they wanted to turn it back into a tavern. Mayor Patriarca answered that if they were just rehabbing that building within the same footprint and doing cosmetics and operating it as it was under the same use, it should be a construction code issue when they come in for a permit. Mr. Inge acknowledged when he spoke to the owner, the owner felt some of the requirements of him having to put in a traffic light ...Mayor Patriarca interjected he would never get a traffic light there.....Mr. Inge continued that the owner's other option is to just turn it into a bar or even a juice bar. Mr. Inge commented that the Zoning Board should also look at his options and not to make things so hard on him to where he will just let the building sit. Mayor Patriarca articulated that the owner has owned this property for several years now and he has yet to move on it. The Mayor remarked that he has had many conversations with the owner and he has no interest in investing a nickel in Pemberton Township. The Mayor prompted that the owner can sell it to someone else and they could open it for the same use and they could put a bar in there but that's not the best place for it. He reiterated that the issues of the Zoning Board and the individual, a contract developer that came in front of the Board last night were a use variance which the Board granted and also a bulk variance which they granted. The owner has to take the next step to build something of the magnitude that he wants to build and he has to follow the rules and file a site plan with the Board and he just can't start building it. Mr. Rehmann inferred that if he were in front of the Board for a use variance and bulk variance, he shouldn't have to go in front of Pinelands. The Mayor remarked that he doesn't believe he has been to the Pinelands. Mr. Rehmann communicated that the Pinelands are strict on storm water run off and it doesn't make any sense why he would have to prove to them especially if he is enlarging the building; they are very strict on that so it doesn't appear that he has been before the Pinelands. He didn't have to go, because one has a right to determine what use should be put on the property before they do it. Mayor Patriarca inculcated that was not the only issue and that was one of many issues that were brought up in that case. He reiterated it dealt with parking, dumpster location, trash questions and a number of issues went along with this applicant last

night on this request that didn't apply to the applicant requesting a change of use in the bulk variance. **2.** Thanked everyone for coming out this evening.

Sherry Scull: **1.** Denoted that this community historically has not had a lot of stop signs and her concern with now putting stop signs up is that it will increase the speed on the main roads. She reflected that currently individuals are careful because one is not sure of what a car is going to do coming down the road and by putting stop signs in it will result in more speed in the housing developments and may very well cause more accidents. **2.** Thanked the Mayor, Mrs. Stinney and Mr. Prickett for coming out to the schools retirement dinner. She appreciated it and knows the staff that retired and put in a total of 300-400 years in this district, appreciated them coming as well. **3.** Thanked the community for coming out and spending their time with Council.

Richard Prickett: **1.** Remarked that it was a pleasure to be at the retirement dinner. Every year that he goes, he appreciates the dedication of the teachers that she represents and what they have done to help the Township and the kids. **2.** Announced that he will also be taking time to be part of Project Graduation where the graduates of the high school will stay at the high school and participate in the events. He expressed that tomorrow can be a dangerous time for their kids' survival and they should talk to their kids about not drinking and driving and those things. **3.** Mentioned that the Blueberry Festival is on Saturday, June 28th from 10:00 a.m. to 4:00 p.m.. **4.** Reflected that the fourth of July is coming up and he will be attending the parade at Presidential Lakes. **5.** Asked Mr. Vaz if he received his email regarding the BMIA, to which Mr. Vaz confirmed he did. **6.** Asserted he would ask him a question regarding the Department of Personnel. Mr. Vaz asked Mr. Prickett if he received his response. Mr. Prickett replied no. Mr. Vaz apologized and informed that occasionally there is a problem with getting emails out and in. There is a possibility that he might receive the email in three months and then wonder what it is about. Mr. Prickett commented that the State Budget is cutting out the Department of Personnel. Mr. Vaz clarified that they are moving it. Mr. Prickett confirmed the Department of Personnel will still be in existence. Mr. Vaz explained they are moving it to Taxation and each department will have more responsibility for its own personnel issues that exist now. He explained they are not looking to phase out local Civil Service although he suspects at some point it will slow things down especially as part of their program is to retire people as well. In the long run, they'll have to see where it goes. Mr. Prickett asked Mr. Vaz to keep Council posted and thanked him.

Diane Stinney: **1.** Thanked everyone for coming out this evening. **2.** Personally wanted to publicly thank Mr. Petronis for his research that he has given regarding the cat ordinance. She expressed it is exciting for her to read the questions. Mrs. Stinney thanked Amy Cosnoski for the time she has put into the cat ordinance as well, and informed Mr. Prickett that she will forward the questions to him so everyone can be on the same page. She reiterated that it is wonderful that they can have that open dialogue so that Council can make an intelligent decision on what they hear. **3.** Thanked Council for their input, referring to business that comes forward. She advised that she takes it to heart and reemphasized that Council cannot make an intelligent decision unless they hear from all. **4.** Shared that she enjoyed herself at the retirement dinner and thanked those teachers for all of the service they have given playing the part of mom, dad, grand mom and grand pop. Mrs. Scull emphasized not to forget the cook and bus driver. **5.** Gave kudos to Safety Day. She noted that she attended it and it was very well attended by students with their parents. She explained that not only do parents learn what is going on but they can implement it with their children to make sure they

understand what is going on as well. **6.** Reported that she received a call from Mr. Roberts regarding fingerprinting for football and asked if there was a hold up and gave his phone number to the Mayor to follow up on. **7.** Thanked everyone for coming out again. **8.** Expressed hope to see everyone on July 4th, noting she is excited that she will be a Judge.

The meeting was adjourned at 10:11 pm.

Respectfully submitted:

Mary Ann Young, CMC
Township Clerk