

TOWNSHIP OF PEMBERTON

REGULAR MEETING

JUNE 4, 2008

6:30 P.M.

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

PRESENT

Ken Cartier
Tom Inge
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

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

2. Chairwoman Stinney called the meeting to order at 6:30 pm
3. Closed Session Res. No. 140-2008

RESOLUTION NO. 140-2008

WHEREAS, SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, P.L. 1975 PERMITS THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES; AND
WHEREAS, THIS PUBLIC BODY IS OF THE OPINION THAT SUCH CIRCUMSTANCES PRESENTLY EXIST;
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
CONTRACT NEGOTIATIONS WITH AFSCME, PBA AND/OR CWA
LITIGATION: HUNT AND CAMPBELL VS. ZONING BOARD
MORRISON VS THE TOWNSHIP OF PEMBERTON
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Cartier and Prickett to approve Resolution No. 140-2008. 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 7:00 p.m. after a short break.

5. Formal action as necessary pursuant to closed session.

Mrs. Stinney informed there was no formal action necessary pursuant to closed session.

6. Public comments on consent agenda items only.

Mrs. Stinney opened the meeting to public comments on consent agenda items. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

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

***10. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 141-2008

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:
TIMOTHY & TIMBERLY GAMACHE, \$784.30, DUPLICATE PAYMENT OF 2ND QUARTER 2008 PROPERTY TAXES, BLOCK 86, LOT 1
CHARLES MARLIN, \$465.00 ROAD OPENING SECURITY DEPOSIT FOR 9 HIGH STREET
JOHN C. THORNBERRY, \$852.50, TAXES PAID BY FIRST AMERICAN REAL ESTATE ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN, BLOCK 608, LOT 2

RESOLUTION NO. 142-2008

A RESOLUTION AUTHORIZING PEMBERTON TOWNSHIP TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY FOR COOPERATIVE PARTICIPATION IN THE HOME INVESTMENT PARTNERSHIP PROGRAM
BE IT RESOLVED AND ENACTED, BY THE COUNCIL OF PEMBERTON TOWNSHIP, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY TO AUTHORIZE AN AGREEMENT WITH BURLINGTON COUNTY FOR COOPERATIVE PARTICIPATION IN THE HOME INVESTMENT PARTNERSHIP PROGRAM.

SECTION I. CERTAIN FEDERAL FUNDS ARE AVAILABLE TO BURLINGTON COUNTY UNDER THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT OF 1990 AS AMENDED. PUBLIC LAW 93-383, AS AMENDED; AND

SECTION II. IT IS NECESSARY TO ESTABLISH A LEGAL BASIS FOR THE COUNTY AND ITS PEOPLE TO BENEFIT FROM THIS PROGRAM; AND

SECTION III. AN AGREEMENT HAS BEEN PROPOSED UNDER WHICH PEMBERTON TOWNSHIP AND THE COUNTY OF BURLINGTON IN COOPERATION WITH THE OTHER MUNICIPALITIES WILL ESTABLISH AN INTERLOCAL SERVICES PROGRAM PURSUANT TO N.J.S.A. 40:8A-1 ET SEQ., AND

SECTION IV. THE AGREEMENT ENTITLED "BURLINGTON COUNTY CONSORTIUM AGREEMENT", BETWEEN THE COUNTY OF BURLINGTON AND CERTAIN MUNICIPALITIES LOCATED THEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES, IS IN THE BEST INTEREST OF PEMBERTON TOWNSHIP. A COPY OF THE AGREEMENT IS ON FILE AT THE MUNICIPAL CLERK'S OFFICE.

SECTION V. PEMBERTON TOWNSHIP SHALL ENTER INTO THE AGREEMENT WITH THE COUNTY OF BURLINGTON MENTIONED WITH ALL SUPPLEMENTS AND AGREEMENTS THERETO. THE MAYOR AND CLERK ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE AGREEMENT ON BEHALF OF PEMBERTON TOWNSHIP AND AFFIX THEREUNTO THE OFFICIAL SEAL.

SECTION VI. ALL RESOLUTIONS OR PARTS OF RESOLUTIONS WHICH ARE INCONSISTENT HERewith ARE HEREBY REPEALED IN THE EXTENT OF THEIR CONSISTENCY.

SECTION VII. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY AFTER PASSAGE AND PUBLICATION AS PROVIDED BY LAW.

RESOLUTION NO. 143-2008

A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE IN THE MATTER CAPTIONED RONALD DORN V. PEMBERTON TOWNSHIP
WHEREAS, RONALD DORN ("MR. DORN") FILED LITIGATION AGAINST PEMBERTON ENTITLED RONALD DORN TOWNSHIP OF PEMBERTON, DOCKET NO. BUR-L-2232-07 (THE "LITIGATION");
WHEREAS, THE TOWNSHIP FILED AN ANSWER IN THE LITIGATION CONTESTING DORN'S CLAIMS FOR RELIEF AGAINST THE TOWNSHIP; AND
WHEREAS, THE TOWNSHIP AND DORN HAVE REACHED AN AMICABLE RESOLUTION OF THE CLAIMS RAISED BY DORN IN THE LITIGATION WHEREBY THE TOWNSHIP WILL PAY MR. DORN \$3500, AND IN EXCHANGE, MR. DORN WILL FULLY RELEASE THE TOWNSHIP FROM ANY AND ALL CLAIMS WHICH WERE ASSERTED OR COULD HAVE BEEN ASSERTED IN THE LITIGATION; AND
WHEREAS, THE TOWNSHIP AND MR. DORN WANT TO MEMORIALIZE THE TERMS AND CONDITIONS OF THAT SETTLEMENT WITHIN A SETTLEMENT AGREEMENT AND RELEASE (THE "AGREEMENT"), IN A FORM SUBSTANTIALLY SIMILAR TO THE FORM ATTACHED HERETO; AND
WHEREAS, THE TOWNSHIP COUNCIL HAS BELIEVES IT IS IN THE BEST INTEREST OF THE TOWNSHIP TO RESOLVE THE DISPUTE WITH MR. DORN TO AVOID THE FURTHER COST AND RISK OF LITIGATION.
NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE THE SETTLEMENT AGREEMENT AND RELEASE BY AND BETWEEN RONALD DORN AND PEMBERTON TOWNSHIP IN A FORM SUBSTANTIALLY SIMILAR TO THE FORM ATTACHED HERETO.
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.

RESOLUTION NO. 144-2008

WHEREAS, PRESIDENTIAL LAKES FIRE & RESCUE DESIRES THAT, PURSUANT TO THE PROVISIONS OF N.J.S.A. 15:8-4, CERTAIN PERSONS BE APPOINTED TO PERFORM PERMITTED POLICE DUTIES AT FIRES AND FIRE DRILLS;
NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE BELOW LISTED MEMBERS BE APPOINTED AND DESIGNATED AS FIRE POLICE OFFICERS FOR A TERM OF FIVE YEARS FROM THE DATE OF THIS APPOINTMENT TO PERFORM DUTIES AS

PRESCRIBED IN N.J.S.A. 15:8-4 UPON TAKING APPROPRIATE OATH BEFORE THE TOWNSHIP CLERK, A COPY OF WHICH IS TO BE FILED WITH THE CLERK AND ALSO THE SECRETARY OF THE FIRE COMPANY.
JEROME MAZE

RESOLUTION NO. 145-2008

RESOLUTION AUTHORIZING PREPARATION OF ESTIMATED TAX BILLS

WHEREAS, THE DIVISION OF LOCAL GOVERNMENT SERVICES, STATE OF NEW JERSEY HAS THE AUTHORITY BY STATE STATUTE TO EXAMINE, REVIEW AND THEN CERTIFY ALL LOCAL GOVERNMENT BUDGETS TO THE COUNTY BOARD OF TAXATION FOR THE PURPOSE OF REAL ESTATE TAXATION, AND

WHEREAS, THE BURLINGTON COUNTY BOARD OF TAXATION HAS NOT YET RECEIVED CERTIFICATION OF THE TOWNSHIP OF PEMBERTON'S BUDGET AND CANNOT STRIKE A TAX RATE UNTIL SUCH CERTIFICATION IS RECEIVED FROM THE STATE OF NEW JERSEY AND WILL THEREFORE CAUSE DELAY IN RECEIVING STATE FUNDING, AND

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT THERE WILL BE INSUFFICIENT CASH FLOW TO SUPPORT OPERATIONS IN LATE AUGUST 2008 UNLESS THIRD QUARTER REVENUE IS RECEIVED ON TIME, AND

WHEREAS, THE TAX COLLECTOR AND THE CHIEF FINANCIAL OFFICER HAVE REVIEWED AND COMPUTED AN ESTIMATED TAX LEVY IN ACCORDANCE WITH N.J.S.A. 54:4-66.3,

NOW THEREFORE, BE IT HEREBY RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY AUTHORIZED THAT:

1. THE TAX COLLECTOR IS DIRECTED TO PREPARE AND ISSUE ESTIMATED TAX BILLS FOR THE MUNICIPALITY OF PEMBERTON TOWNSHIP FOR THE THIRD QUARTER 2008, IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 54:4-66.2 ET SEQ.
2. THE ENTIRE ESTIMATED TAX LEVY FOR 2008 IS HEREBY SET AT \$8,170,937.92
3. THE TAX COLLECTOR TAKES ANY ADDITIONAL STEPS NECESSARY TO IMMEDIATELY IMPLEMENT THIS RESOLUTION.

BE IT FURTHER RESOLVED, THAT THE MUNICIPAL CLERK PROVIDE A CERTIFIED COPY OF THIS RESOLUTION TO THE TAX COLLECTOR.

RESOLUTION NO. 146-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY CONCERNING THE BURLINGTON COUNTY RECYCLING PROGRAM AND THE ACQUISITION OF AUTO CART CONTAINERS

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS ENTERED INTO YEARLY AGREEMENTS, CALLED SOLID WASTE SERVICE CONTRACTS, WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS PURSUANT TO WHICH THE BOARD HAS AGREED TO PROVIDE FOR THE COLLECTION AND DISPOSITION OF RECYCLABLE MATERIALS GENERATED BY THE TOWNSHIP'S RESIDENTS; AND

WHEREAS, THE COUNTY HAS DETERMINED TO IMPLEMENT A "CART PROGRAM" BY WHICH RESIDENTS WOULD USE CARTS FOR THE RECYCLING OF PAPER AND CARDBOARD THAT CAN BE EMPTIED INTO COLLECTION VEHICLES BY SPECIALIZED EQUIPMENT BECAUSE USE OF THESE CARTS (A) HAS BEEN FOUND TO IMPROVE RECYCLING PARTICIPATION AND MUNICIPAL RECYCLING RATES AND (B) RESULTS IN FINANCIAL SAVINGS AND OTHER BENEFITS TO THE COUNTY AND MUNICIPALITIES; AND

WHEREAS, THE COUNTY HAS DETERMINED TO SOLICIT OR ARRANGE FOR THE SOLICITATION OF BIDS FOR ITS PURCHASE OF AUTO CARTS FOR PAPER RECYCLABLES IN 2008 FOR AND ON BEHALF OF BURLINGTON COUNTY MUNICIPALITIES THAT ARE INTERESTED IN IMPLEMENTING USE OF AUTO CARTS; AND

WHEREAS, THE COUNTY WILL BASE THE NUMBER OF AUTO CARTS IT PURCHASES ON COMMITMENTS FOR CART PURCHASES MADE TO IT BY PEMBERTON TOWNSHIP AND OTHER MUNICIPALITIES THAT ARE SERVED BY THE COUNTY'S RECYCLING PROGRAM; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED TO MAKE A COMMITMENT TO THE COUNTY TO PURCHASE UP TO 1,000 CARTS THROUGH THE COUNTY'S 2008 SOLICITATION IN THE TOTAL AMOUNT OF \$30,000, NOT TO EXCEED \$5,000 PER YEAR, WITH SIX ANNUAL PAYMENTS COMMENCING ON APRIL 1, 2009.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY EXPRESSES IT SUPPORT FOR THE COUNTY'S AUTO CART CONTAINERS PROGRAM AND RECOGNIZES THE BENEFITS IT OFFERS TO PEMBERTON TOWNSHIP RESIDENTS.

BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE GRANT AGREEMENT.

RESOLUTION NO. 147-2008

WHEREAS, THE TOWNSHIP OF PEMBERTON WAS GRANTED SUBSTANTIVE CERTIFICATION OF ITS HOUSING ELEMENT AND FAIR SHARE PLAN UNDER THE SECOND ROUND CERTIFICATION PROCESS BY THE COUNCIL ON AFFORDABLE HOUSING (COAH) ON DECEMBER 4, 2002; AND

WHEREAS, THE TOWNSHIP'S FAIR SHARE PLAN AND PROJECT PLAN PROMOTE AN AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT (N.J.S.A. 52:27D-301, ET SEQ.) AND COAH'S SECOND ROUND SUBSTANTIVE RULES (N.J.A.C. 5:94-1, ET SEQ.); AND

WHEREAS, THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP ADOPTED RESOLUTIONS APPROVING REGIONAL CONTRIBUTION AGREEMENTS ("RCA") WITH FLORENCE TOWNSHIP FOR THE TRANSFER OF 103 UNITS; CINNAMINSON TOWNSHIP FOR THE TRANSFER OF 72 UNITS; AND EVESHAM TOWNSHIP FOR THE TRANSFER OF 10 UNITS PURSUANT TO THE FAIR HOUSING ACT, (N.J.S.A. 52:27D-301 ET SEQ.), N.J.A.C. 5:94-1 ET SEQ., N.J.A.C. 5:95-1 ET SEQ. AND N.J.A.C. 5:80-26.1 ET SEQ.; AND

WHEREAS, PURSUANT TO N.J.A.C. 5:94-7 AND N.J.A.C. 5:80-26.1 ET SEQ. PEMBERTON TOWNSHIP IS REQUIRED TO APPOINT A MUNICIPAL HOUSING LIAISON FOR THE ADMINISTRATION OF THE TOWNSHIP'S AFFORDABLE HOUSING PROGRAM TO ENFORCE THE REQUIREMENTS OF N.J.A.C. 5:94-7 AND N.J.A.C. 5:80-26.1 ET SEQ.; AND

WHEREAS, PURSUANT TO N.J.A.C. 5:80-26.1 ET SEQ. THE TOWNSHIP IS ALSO REQUIRED TO APPOINT AN ADMINISTRATOR FOR THE ADMINISTRATION OF THE TOWNSHIP'S RCA HOUSING PROGRAM TO ENFORCE THE REQUIREMENTS OF N.J.A.C. 5:94-1 ET SEQ., N.J.A.C. 5:95-1 ET SEQ. AND N.J.A.C. 5:80-26.1 ET SEQ.; AND

WHEREAS, PEMBERTON TOWNSHIP HAS AMENDED CHAPTER 62 OF THE TOWNSHIP CODE TO PROVIDE FOR THE APPOINTMENT OF AN MHL TO ADMINISTER THE TOWNSHIP'S AFFORDABLE HOUSING PROGRAM AND TO PROVIDE FOR THE APPOINTMENT OF AN RCA ADMINISTRATOR TO ADMINISTER THE TOWNSHIP'S RCA AFFORDABLE HOUSING PROGRAM; AND

NOW THEREFORE BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, AND THE STATE OF NEW JERSEY THAT CHRISTOPHER J. VAZ IS HEREBY APPOINTED BY THE TOWNSHIP COUNCIL AS THE MUNICIPAL HOUSING LIAISON FOR THE ADMINISTRATION OF THE AFFORDABLE HOUSING PROGRAM AND AS THE RCA ADMINISTRATOR FOR THE ADMINISTRATION OF THE RCA AFFORDABLE HOUSING PROGRAM, PURSUANT TO AND IN ACCORDANCE WITH SECTION 62-21 OF THE TOWNSHIP CODE.

NOW THEREFORE BE IT FURTHER RESOLVED, THAT THE MHL/RCA ADMINISTRATOR SHALL RECEIVE NO ADDITIONAL COMPENSATION FOR THE SERVICES TO BE PROVIDED UNDER THE ORDINANCE.

RESOLUTION NO. 148-2008

WHEREAS, THE TOWNSHIP OF PEMBERTON IS COMMITTED TO THE SAFETY OF STUDENTS ATTENDING PEMBERTON TOWNSHIP SCHOOLS; AND

WHEREAS, THE PEMBERTON TOWNSHIP SCHOOL DISTRICT (THE "SCHOOL DISTRICT") SEEKS THE SERVICES OF TWO (2) POLICE OFFICERS TO BE ASSIGNED TO THE SCHOOL DISTRICT TO BE STATIONED AT VARIOUS SCHOOLS THROUGHOUT THE DISTRICT ("SCHOOL RESOURCE OFFICERS"); AND

WHEREAS, RECENT EVENTS THROUGHOUT THE NATION HAVE SUGGESTED THAT THE PRESENCE OF SCHOOL RESOURCE OFFICERS WITHIN SCHOOLS CAN SERVE AS A STABILIZING FORCE FOR SCHOOL CHILDREN AND CAN FURTHER THE DEVELOPMENT OF STUDENT CONFIDENCE IN LAW ENFORCEMENT ACTIVITIES; AND

WHEREAS, BOTH THE TOWNSHIP AND THE SCHOOL DISTRICT RECOGNIZE THE POTENTIAL BENEFITS OF THIS PROGRAM TO THE CITIZENS OF THE TOWNSHIP OF PEMBERTON AND TO THE STUDENTS AND STAFF OF THE SCHOOL DISTRICT; AND

WHEREAS, THE TOWNSHIP DESIRES TO ENTER INTO AN INTER-LOCAL SERVICES AGREEMENT WITH THE SCHOOL DISTRICT FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE AN INTER-LOCAL SERVICES AGREEMENT FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS WITH THE PEMBERTON TOWNSHIP SCHOOL DISTRICT IN A FORM SUBSTANTIALLY SIMILAR TO THE INTER-LOCAL AGREEMENT ATTACHED HERETO AS EXHIBIT A.

BE IT FURTHER RESOLVED, THAT THE TERM OF SAID INTER-LOCAL SERVICE AGREEMENT SHALL BE A PERIOD OF ONE (1) YEAR COMMENCING UPON THE DATE OF EXECUTION.

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

RESOLUTION NO. 149-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY FOR THE LIVE WHERE YOU WORK PROGRAM

WHEREAS, THE NEW JERSEY AND HOUSING MORTGAGE AGENCY (HMFA) CREATED THE NEW JERSEY LIVE WHERE YOU WORK (LWYW) PROGRAM IN ORDER TO INCREASE HOMEOWNERSHIP AND ENHANCE HOUSING AFFORDABILITY OPPORTUNITIES WITHIN PARTNER MUNICIPALITIES. THE LWYW PROGRAM OFFERS HOME BUYING INCENTIVES TO PERSONS EMPLOYED WITHIN PARTICIPATING MUNICIPALITIES. ADDITIONALLY, LWYW ENCOURAGES THE USE OF PUBLIC TRANSIT AND OTHER FORMS OF NON-AUTO TRANSPORTATION FOR COMMUTING TO WORK, IN FURTHERANCE OF SMART GROWTH PLANNING PRINCIPLES; AND

WHEREAS, THE HOME BUYING INCENTIVES OFFERED BY HMFA INCLUDE: (1) DOWN PAYMENT AND CLOSING COST ASSISTANCE WITHIN SMART GROWTH AREAS UNDER THE AGENCY'S SMART START PROGRAM TO ELIGIBLE BORROWERS AS DEFINED IN THE LWYW PROGRAM GUIDELINES; AND (2) EXPANDED HOUSING AND DEBT RATIOS FOR HOMEBUYERS IN UNDERWRITING THE MORTGAGE LOAN TO FACTOR IN THE REDUCTION IN TRAVEL EXPENSES REALIZED AS A RESULT OF THE HOMEBUYER LIVING CLOSE TO THEIR PLACE OF EMPLOYMENT; AND

WHEREAS, LWYW IS A PARTNERSHIP BETWEEN HMFA AND ELIGIBLE PARTICIPATING MUNICIPALITIES. HMFA IS RESPONSIBLE FOR PROVIDING ENHANCED FINANCING BENEFITS TO ELIGIBLE HOMEBUYERS. THE ELIGIBLE PARTICIPATING MUNICIPALITY IS RESPONSIBLE FOR MARKETING LWYW TO PERSONS EMPLOYED WITHIN OUR MUNICIPAL BOUNDARIES AND THIS DOCUMENT REPRESENTS OUR PLAN TO ACHIEVE THIS GOAL; AND

WHEREAS, THE ELIGIBLE PARTICIPATING MUNICIPALITY WILL PROMOTE THE LWYW PROGRAM THROUGH A VARIETY OF METHODS INCLUDING THE MUNICIPAL WEBSITE, PRINT LITERATURE, OUTREACH TO MAJOR EMPLOYERS, A HOMEBUYER FAIR, AND THROUGH THE LOCAL MEDIA. THESE METHODS ARE DESCRIBED IN MORE DETAIL IN THE ATTACHED AGREEMENT.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY EXPRESSES IT SUPPORT FOR THE LIVE WHERE YOU WORK PROGRAM AND THE BENEFITS IT OFFERS TO PEMBERTON TOWNSHIP RESIDENTS.

BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE ATTACHED AGREEMENT.

RESOLUTION NO. 150-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, APPROVING A MEMORANDUM OF AGREEMENT WITH PBA LOCAL 260 AND AUTHORIZING THE MAYOR TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH PBA LOCAL 260 FOR THE TERM COMMENCING JANUARY 1, 2007 AND ENDING DECEMBER 31, 2009

WHEREAS, A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND PBA LOCAL 260 TERMINATED ON DECEMBER 31, 2006; AND

WHEREAS, REPRESENTATIVES OF THE TOWNSHIP AND PBA LOCAL 260 HAVE MET ON NUMEROUS OCCASIONS IN ORDER TO NEGOTIATE A SUCCESSOR AGREEMENT; AND

WHEREAS, UNDER THE GUIDANCE OF AN INTEREST ARBITRATOR APPOINTED BY THE NEW JERSEY PUBLIC EMPLOYMENT COMMISSION, THE NEGOTIATION REPRESENTATIVES OF THE TOWNSHIP AND PBA LOCAL 260 ENTERED INTO A MEMORANDUM OF AGREEMENT ON DECEMBER 28, 2007; AND

WHEREAS, BOTH PARTIES PRESENTED THE MOA TO THEIR RESPECTIVE APPROVING BODIES FOR RATIFICATION; AND

WHEREAS, IN THE COURSE OF THE RATIFICATION PROCESS QUESTIONS WERE RAISED CONCERNING SOME OF THE LANGUAGE SET FORTH IN THE MOA AND IT WAS NECESSARY FOR THE PARTIES TO MEET AGAIN IN ORDER TO CLARIFY SOME OF THE ISSUES AND HOLD FURTHER NEGOTIATIONS; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS BEEN ADVISED BY THE BUSINESS ADMINISTRATOR THAT ALL OUTSTANDING ISSUES HAVE BEEN CLARIFIED AND RESOLVED AND THE COLLECTIVE BARGAINING AGREEMENT IS READY TO BE RATIFIED.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY EXPRESSES IT SUPPORT FOR THE MOA, AS AMENDED, AND THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH THE PBA LOCAL 260 FOR THE TERM COMMENCING JANUARY 1, 2007 AND ENDING ON DECEMBER 31, 2009.

RESOLUTION NO. 152 -2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION, ENTITLED "COPS SECURE OUR SCHOOLS GRANT"

WHEREAS, THE COPS OFFICE OF THE UNITED STATES DEPARTMENT OF JUSTICE ANNOUNCED THE AVAILABILITY OF FUNDING UNDER THE COPS SECURE OUR SCHOOLS (SOS) 2008 GRANT PROGRAM. APPROXIMATELY \$13 MILLION IS AVAILABLE IN FY2008 TO PROVIDE FUNDING TO LAW ENFORCEMENT AGENCIES TO ASSIST WITH THE DEVELOPMENT OF SCHOOL SAFETY RESOURCES AND PROVIDE IMPROVED SECURITY AT SCHOOLS AND ON SCHOOL GROUNDS.

WHEREAS, THIS PROGRAM WILL FUND UP TO 50% OF THE TOTAL COST TO IMPLEMENT ONE OR MORE OF THE FOLLOWING OPTIONS: PLACEMENT AND USE OF METAL DETECTORS, LOCKS, LIGHTING, AND OTHER DETERRENT MEASURES; SECURITY ASSESSMENTS; SECURITY TRAINING OF PERSONNEL AND STUDENTS; COORDINATION WITH LOCAL LAW ENFORCEMENT; AND/OR ANY OTHER MEASURE THAT MAY PROVIDE A SIGNIFICANT IMPROVEMENT IN SECURITY. THIS YEAR THE PROGRAM IS OPEN TO ALL LAW ENFORCEMENT AGENCIES NATIONWIDE.

WHEREAS, THE PEMBERTON TOWNSHIP POLICE DEPARTMENT AND PEMBERTON SCHOOL DISTRICT HAVE EXPRESSED AN INTEREST TO THE MAYOR TO APPLY FOR THIS GRANT.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY EXPRESSES IT SUPPORT FOR THE COPS SECURE OUR SCHOOLS GRANT AND THE BENEFITS IT OFFERS TO PEMBERTON TOWNSHIP AND THE PEMBERTON TOWNSHIP SCHOOL DISTRICT.

BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE GRANT AGREEMENT.

RESOLUTION NO. 153-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY,

EXPRESSING SUPPORT FOR AN AMENDMENT TO THE TOTAL REAL PROPERTY TAX EXEMPTION FOR PERMANENTLY AND TOTALLY DISABLED WAR VETERANS LAW

WHEREAS, CURRENT LAW RECOGNIZES THAT ONE HUNDRED PERCENT (100%) PERMANENTLY AND TOTALLY DISABLED WAR VETERANS OR THE UNMARRIED SURVIVING SPOUSES OR DOMESTIC PARTNERS OF SUCH DISABLED WAR VETERANS WHEN SUCH VETERANS ARE HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES FROM ACTIVE SERVICE IN TIME OF WAR ARE GRANTED A FULL PROPERTY TAX EXEMPTION ON THEIR DWELLING HOUSE AND THE LOT ON WHICH IT IS SITUATED; AND

WHEREAS, PEMBERTON TOWNSHIP HAS GRANTED APPROXIMATELY 170 FULL PROPERTY TAX EXEMPTIONS TO THOSE 100% TOTALLY DISABLED VETERANS OR THEIR SURVIVING SPOUSES IN RECOGNITION OF THE SERVICE OF OUR DISABLED VETERANS.

WHEREAS, CURRENT LAW STATES THAT, PROVIDED ALL OTHER LEGAL CRITERIA ARE MET, THE EXEMPTION MUST BE GRANTED AS OF THE DATE OF THE LETTER FROM THE DEPARTMENT OF VETERANS AFFAIRS GRANTING THE 100% DISABILITY RATING, AND PROVIDED A WRITTEN CLAIM IS FILED WITH THE MUNICIPAL TAX ASSESSOR. THE GOVERNING BODY OF A MUNICIPALITY, HOWEVER, HAS THE DISCRETION TO MAKE THE EXEMPTION RETROACTIVE TO THE DATE OF 100% DISABILITY STATED ON THE DEPARTMENT OF VETERAN'S AFFAIRS LETTER, PROVIDED ALL OTHER LEGAL CRITERIA ARE MET; AND

WHEREAS, OFTEN THE 100% DISABILITY RATING MAY NOT BE ISSUED UNTIL MANY MONTHS OR SEVERAL YEARS AFTER THE VETERAN MAKES APPLICATION; AND

WHEREAS, MANY MUNICIPALITIES ARE RELUCTANT TO GRANT THE PROPERTY TAX EXEMPTION RETROACTIVELY TO THE DATE OF 100% DISABILITY BECAUSE, IN THE MEANTIME, THE MUNICIPALITY'S TAX LEVY FOR ONE OR MORE YEARS HAS BEEN CERTIFIED AND COUNTY AND SCHOOL TAXES HAVE BEEN PAID BY THE MUNICIPALITY TO THOSE ENTITIES BASED ON THE THEN CURRENT YEAR'S LEVY; AND

WHEREAS, THERE IS NO STATUTORY MECHANISM TO ADJUST TAXES DUE TO THE COUNTIES AND SCHOOL DISTRICTS BASED ON A VETERAN'S RETROACTIVE 100% DISABILITY RATING AND THE ISSUANCE OF A FULL PROPERTY TAX EXEMPTION, AND THEREFORE, MUNICIPAL GOVERNMENT BEARS THE FULL COST OF GRANTING ANY RETROACTIVE FULL PROPERTY TAX EXEMPTION; AND

WHEREAS, THE LAW AS CURRENTLY WRITTEN ACTS AS A DISINCENTIVE FOR MUNICIPAL GOVERNMENT TO GRANT RETROACTIVE FULL PROPERTY TAX EXEMPTIONS.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY EXPRESSES ITS SUPPORT FOR AN AMENDMENT TO THE LAW THAT WILL PROVIDE AN INCENTIVE FOR MUNICIPAL GOVERNMENT TO GRANT RETROACTIVE FULL PROPERTY TAX EXEMPTIONS. AN AMENDMENT COULD INCLUDE MANY THINGS, NOT THE LEAST OF WHICH COULD BE A MEANS FOR THE STATE OF NEW JERSEY TO REIMBURSE MUNICIPALITIES FOR ANY PROPERTY TAXES THAT ARE REFUNDED TO 100% TOTALLY DISABLED VETERANS. ANOTHER MEANS MIGHT BE A MECHANISM TO PROVIDE THE MUNICIPALITY ISSUING THE EXEMPTION WITH A CREDIT AGAINST TAXES DUE IN THE FUTURE TO COUNTY GOVERNMENT AND SCHOOL DISTRICTS.

BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL THAT THE TOWNSHIP CLERK IS HEREBY DIRECTED TO SEND A COPY OF THIS RESOLUTION TO STATE AND FEDERAL ELECTED OFFICIALS WHO REPRESENT THIS DISTRICT, GOVERNOR JON CORZINE, AND TO THE COMMISSIONER OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.

14. NEW BUSINESS

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

***1. Loud Speaker Permit applications: 1. Brenda Weaver –** Word of Life Christian Center: Outreach w/speakers & microphones, 6/21/08, 8AM-6PM, at Dominique Johnson Park. **2. Michele Brown:** Graduation party w/ DJ, 6/28/08, 5PM-10PM, at BMIA Building.

***2. Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Browns Mills Fire Co.:** Contributing member Charisse Bradshaw.

***3. Special Use Permit:** The Korean Baptist Church of New Jersey: Church parking lot sale, 7AM-3PM, 6/28/08.

***15.** Approval by Council required for payment of vouchers on bill list dated **5/30/08.**

Mr. Prickett requested Resolution Nos. 151-2008 and 154-2008 be pulled from the Consent Agenda.

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

RESOLUTION NO. 151-2008:

Mr. Prickett explained that he pulled Resolution No. 151-2008 because he understands what the resolution is stating but doesn't know what exactly it is for as it is written. Mr. Prickett commented that it doesn't go to anybody; it needs to be sent to the same people that were sent the letter that they approved at the last meeting, the Governor, the Commissioner of Education, State Senator Adler, Representative Andrews and others need to see this resolution. Mr. Prickett proposed that the following be added to the end of the resolution to read: Now, Therefore, Be It Resolved, that it is now under consideration by the Commissioner of the Department of Education that this resolution be sent to the following:

Dr. Michael R. Gorman, Pemberton Township Superintendent of Schools
Lester Richen, Burlington County Superintendent of Schools
Senator Philip E. Haines, Assemblywoman Dawn Marie Addiego
Assemblyman Scott Rudder
Office of the Governor
Congressman Robert Andrews
Congressman Jim Saxton
Senator Frank Launtenberg
Colonel Ronald R. Thaxton
Commander Colonel Balan Ayyar

RESOLUTION NO. 151-2008

RESOLUTION OPPOSING THE REQUEST OF MCGUIRE AIR FORCE BASE AND FORT DIX TO AMEND THE SENDING AGREEMENTS

WHEREAS, ON BEHALF OF THE APPROXIMATELY 28,000 PEMBERTON TOWNSHIP RESIDENTS THAT ARE REPRESENTED BY THE MAYOR AND TOWNSHIP COUNCIL, WE STRONGLY OPPOSE THE REQUEST OF MCGUIRE AIR FORCE BASE AND FORT DIX TO AMEND THE SENDING AGREEMENTS THAT HAVE BEEN IN PLACE – BY OPERATION OF NEW JERSEY LAW – SINCE 1988; AND

WHEREAS, PEMBERTON TOWNSHIP SCHOOLS HAVE PROUDLY SERVED THE MILITARY COMMUNITY FOR 93 YEARS AND LOOK FORWARD TO CELEBRATING THE CENTENNIAL OF THAT RELATIONSHIP IN 2015; AND

WHEREAS, IN 1998 A SIMILAR CONCERN WAS BROUGHT BEFORE THE COMMISSIONER OF EDUCATION WHEN THE AREA KNOWN AS GARDEN TERRACE WAS CEDED TO THE MCGUIRE AIR FORCE BASE FOR RESIDENTIAL BASE HOUSING BY THE BASE CLOSURE AND REALIGNMENT COMMISSION; AND

WHEREAS, CHILDREN OF OUR SERVICEMEN AND SERVICEWOMEN COMPRISE NEARLY 20% OF THE PEMBERTON TOWNSHIP SCHOOL STUDENT BODY, WITH 5% - ABOUT 250 STUDENTS - LIVING ON BASE.

WHEREAS, IN AN EFFORT TO REACH OUT TO THE MILITARY FAMILY, UNDER THE DIRECTION OF A NEW SCHOOL SUPERINTENDENT, THE SCHOOL BOARD HAS CREATED THE POSITION OF LIAISON FOR MILITARY AFFAIRS. THIS POSITION PROVIDES INFORMATION TO FAMILIES RELOCATING TO THE MCGUIRE/DIX/LAKEHURST JOINT INSTALLATION AND WORKS COOPERATIVELY WITH THE PRIVATE ENTITY PROVIDING HOMES FOR THE MILITARY, UNITED COMMUNITIES; AND

WHEREAS, REPRESENTATIVES OF THE SCHOOL DISTRICT THAT IN LIGHT OF THE MOBILITY OF THE MILITARY STUDENTS, OUR SCHOOLS HAVE FORMALLY ACTED TO ALLOW STUDENTS TO COMPLETE THEIR EDUCATION IN THE PEMBERTON TOWNSHIP SCHOOLS REGARDLESS OF BASE HOUSING LOCATION; AND

WHEREAS, WE ARE PROUD OF OUR SCHOOLS AND THE ACHIEVEMENTS OF OUR STUDENTS WHO HAVE GRADUATED. PEMBERTON TOWNSHIP SCHOOLS HAVE SMALL CLASSES IN OUR ELEMENTARY SCHOOLS AND SMALL LEARNING COMMUNITIES AT THE HIGH SCHOOL AND MIDDLE SCHOOL LEVELS. OUR TECHNOLOGY IS EXCELLENT AND STUDENT ACCESS IS UNPARALLELED. AS AN ABBOTT DISTRICT, WE HAVE SIGNIFICANT FISCAL AND CURRICULAR RESOURCES. OUR STUDENTS ATTEND THE FINEST COLLEGES AND UNIVERSITIES IN THE COUNTRY, INCLUDING PRINCETON, HARVARD, YALE, WEST POINT, ANNAPOLIS, AND THE AIR FORCE ACADEMY. WE OFFER FULL TIME LEARNING PROGRAMS FOR 3 AND 4 YEAR OLD STUDENTS. WHEREAS, PEMBERTON TOWNSHIP IS A COMPREHENSIVE PRE-K THROUGH 12, DISTRICT OF 5,000 STUDENTS, FITTING THE MODEL OF THE DEPARTMENT OF EDUCATION. WE ARE DIVERSE ETHNICALLY AND ECONOMICALLY.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE TOWNSHIP COUNCIL FORMALLY EXPRESSES ITS DISAGREEMENT WITH THE PROPOSAL THAT IS NOW UNDER CONSIDERATION BY THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. NOW, THEREFORE, BE IT RESOLVED, THAT IT IS NOW UNDER CONSIDERATION BY THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION THAT THIS RESOLUTION BE SENT TO THE FOLLOWING: DR. MICHAEL R. GORMAN, PEMBERTON TOWNSHIP SUPERINTENDENT OF SCHOOLS; LESTER RICHEN, BURLINGTON COUNTY SUPERINTENDENT OF SCHOOLS; SENATOR PHILIP E. HAINES, ASSEMBLYWOMAN DAWN MARIE ADDIEGO; ASSEMBLYMAN SCOTT RUDDER; OFFICE OF THE GOVERNOR; CONGRESSMAN ROBERT ANDREWS; CONGRESSMAN JIM SAXTON; SENATOR FRANK LAUNTENBERG; COLONEL RONALD R. THAXTON; COMMANDER COLONEL BALAN AYYAR.

Motion by Prickett and Scull to approve Resolution No. 151-2008 as amended. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes.
Motion carried.

RESOLUTION NO. 154-2008:

RESOLUTION NO. 154 -2008

A RESOLUTION DECLARING THE EXISTENCE OF CERTAIN PROPERTY CONDITIONS WITHIN THE TOWNSHIP OF PEMBERTON TO BE OLD, DILAPIDATED, OR IN DISREPAIR AS TO BE DANGEROUS, UNSAFE, UNSANITARY OR OTHERWISE UNFIT FOR HUMAN HABITATION, OR OCCUPANCY, OR USE, WHICH ARE INIMICAL TO THE WELFARE AND DANGEROUS AND INJURIOUS TO THE HEALTH AND SAFETY OF THE PEOPLE OF THE TOWNSHIP OF PEMBERTON.

WHEREAS, THE TOWNSHIP COUNCIL HAS DETERMINED AND DECLARES THE EXISTENCE OF CERTAIN PROPERTY CONDITIONS WITHIN THE TOWNSHIP OF PEMBERTON TO BE OLD, DILAPIDATED, OR IN DISREPAIR; AND WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT SUCH PROPERTIES ARE DANGEROUS, UNSAFE, UNSANITARY OR OTHERWISE UNFIT FOR HUMAN HABITATION, OR OCCUPANCY, OR USE; AND

WHEREAS, THE TOWNSHIP COUNCIL FURTHER FINDS THAT SUCH PROPERTIES ARE INIMICAL TO THE WELFARE AND DANGEROUS AND INJURIOUS TO THE HEALTH AND SAFETY OF THE PEOPLE OF THE TOWNSHIP OF PEMBERTON; AND WHEREAS, THE TOWNSHIP COUNCIL DETERMINED THAT A PUBLIC NECESSITY EXISTS FOR THE REPAIR, CLOSING OR DEMOLITION OF SUCH PROPERTIES.

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 TOWNSHIP COUNCIL HEREBY FINDS THAT THERE EXISTS IN PEMBERTON TOWNSHIP BUILDING OR BUILDINGS WHICH ARE UNFIT FOR HUMAN HABITATION OR OCCUPANCY, OR USE, DUE TO DILAPIDATION, DEFECTS, INCREASING THE HAZARDS OF FIRE, ACCIDENTS OR OTHER CALAMITIES, LACK OF VENTILATION LIGHT OR SANITATION FACILITIES, OR DUE TO OTHER CONDITIONS RENDERING SUCH BUILDING OR BUILDINGS, OR PART THEREOF UNSAFE OR INSANITARY, OR DANGEROUS OR DETRIMENTAL TO THE HEALTH OR SAFETY OR OTHERWISE INIMICAL TO THE WELFARE OF THE RESIDENTS OF PEMBERTON TOWNSHIP.

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. CONSTRUCTION OFFICIAL
- D. CODE ENFORCEMENT OFFICER

Mr. Prickett informed that Resolution No. 154-2008 was placed on the agenda recently and he would like some explanation for that document from the Solicitor or the Business Administrator. Mr. Bayer explained it is a resolution declaring the existence of certain property conditions within the Township of Pemberton to be old, dilapidated or in disrepair. Mr. Bayer advised this was added to the agenda at his suggestion to the Council President. Mr. Bayer noted that tonight Council is considering adoption of Ordinance No. 12-2008 after a public hearing. He relayed that the enabling statute by which that ordinance is based upon indicates that before such an ordinance is adopted, the governing body of that particular municipality needs to make a finding by resolution that there are buildings and properties which meet the conditions set forth in that resolution. Mr. Prickett noted it is a pre-cursor to the ordinance. Mr. Bayer agreed.

Motion by Prickett and Cartier to approve Resolution No. 154-2008. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

8. PRESENTATIONS

a. Police Department awards presentation.

Mrs. Stinney advised there will now be a presentation by the Chief of Police for Police Department awards. 1. Chief Lewandowski conveyed he is very proud and honored to address the Council and public to award the 2007 Police Department Service Awards. The Chief explained the tradition has been to give these awards out at a PBA banquet or function, but he really wanted to try to recognize the officers in public and not just with their peers but with the public and the governing body. The Chief added that normally we ream out the Police Officers and it's always them doing something wrong or there is always a problem with the Police and they need to let the public and the Township residents know their Police Officers do very good things for very good reasons. He expressed they are good Police Officers and they are not here for the money or benefits, they can make money some place else. They are here and work in this Township because they want to work here. The Chief expressed that he would like to recognize a few of the Officers tonight for some of their accomplishments during the year 2007. He reflected that their Police Department is very young; noting they have 57 Police

Officers and 33 of those Officers have less than 10 years of police service here. The Chief conveyed that 56% of their Police Department has less than 10 years. They have 23 Officers that have 5 years or less which is 39% of their total; they have to learn not just from the Police Academy but from some of their more veteran Officers. He noted that some of those Officers are present tonight and will be receiving their award pins for 5 and 20 years of service. **2.** The first Officers to be recognized are Patrolman Perry Doyle and Patrolman Dan Matthews; both have completed 5 years of service in the year 2007. **3.** The Chief then recognized Patrolman Arthur Shinn who has been here 20 years and Lieutenant Ron Kreig who has also been here 20 years. **4.** The next awards were presented to Patrolman Arthur Shinn and Patrolman Lester Hahn. On February 8, 2007, Patrolmen Shinn and Hahn were detailed to check on the well being of a woman that hadn't been heard from in quite a while. Normally it's a routine call and they go out all the time on these types of calls. The Officers checked the residents and make sure the doors are secure and couldn't find anything out of the ordinary there. Patrolmen Shinn and Hahn did their job; they did what was expected of them but they decided to take it a step further and wanted to be sure; an elderly woman hadn't been heard from in a while. They checked the windows and kept looking inside of the house. They heard a faint cry, a faint noise and forced their way in to the house and found the elderly woman had been trapped between her bedroom door and the wall for 36 hours without food, drink or restroom. She was in a very dehydrated state and had she stayed there for any length of time, she might have been lost. The Officers performed medical EMS to the patient, took care of her, provided medical attention, the EMS came and took her to the hospital and she made a full and complete recovery. The Chief conveyed the Officers didn't have to go that far but with their dedication and with what they have learned here in the Police Department, is what they are going to honor tonight. The Chief presented commendations for Officer Hahn and Officer Shin. **5.** The Chief then announced that on February 23rd, Patrolman Lucas received a call from a concerned citizen that they had seen a suspicious looking vehicle in the area by Scammel and Coville Drive in Browns Mills. He advised that when Patrolman Lucas arrived at the scene, he noticed a vehicle pulling away and he stopped the vehicle. Patrolman Lucas' intuition told him something didn't seem right; the vehicle just didn't belong there at that time in the morning. In the meantime, a radio broadcast came over the air that a shooting had just occurred on Coville Drive where someone had shot up a house. Based upon the description of the vehicle, Officer Lucas realized this was the same vehicle that was involved in the shooting. In searching the vehicle, he found not only marijuana but also a 45 caliber handgun; the same gun used to shoot up the house. The two individuals that were arrested, had been arrested previously for another shooting several months before. The Chief informed this is the kind of action they expect from all of our Police Officers, and Officer Lucas put himself in harms way and made sure the two suspects were well covered until back up officers arrived. Because of Officer Lucas' dedication getting out there and not pushing off this call with a suspicious car and nothing really happening but by going out there and saying "let's look and see what this is", they were able to solve this crime, take the gun off the street and put two perpetrators in jail. **6.** The Chief conveyed that Patrolman Michael Bennett was on patrol in the Garden Avenue neighborhood in Pemberton Township. Patrolman Bennett is part of their new Safe Neighborhoods Unit and their objective is to remain in the neighborhoods, patrol and stop crime and protect the public. Patrolman Bennett observed a vehicle approaching Garden Avenue and when he looked at the driver he noticed the driver appeared very young and didn't look like the person should be driving. Patrolman Bennett saw another person in the car,

made a u-turn and stopped the vehicle. As he approached the vehicle, he saw there were not two people in the vehicle, but there were four people inside. Patrolman Bennett spoke to the driver and it turned out he was under age and was being taught to drive by another young gentleman who happened to borrow his parent's car. At the same time, it turned out someone was sitting on the floor and also in the hatchback so now there are six people in the car. There were a couple of bottles of liquor in the car as well. When Patrolman Bennett took i.d.'s from the people, he found out that two of the individuals he heard broadcast earlier were missing persons from one of the River towns. Both were juveniles that shouldn't have been out that time. What was remarkable too was he found inside the vehicle a loaded 45 caliber, fully automatic, European handgun, which they hadn't seen around here before. The Chief informed they don't know what would have happened had they been just joy riding with it, were they going to do something with it or more than anything, that weapon could have gone off and injured either themselves or anyone in the public. The officer's intuition, his ability and training said there was something wrong there and that is what happened. The Chief presented Officer Bennett with a commendation award for his actions that night. **7.** The Chief then informed a local business was burglarized on July 1, 2007. There were a number of items stolen and the business was trashed. The Officers arrived on the scene, handled the investigation and did what was normally required. The Officers also took it a step further and went out and started canvassing the area for anyone that might have seen something. The Officers checked the woods, the open areas, and parking lots for any type of evidence. As time progressed, the Officers were able to uncover a lot of evidence which led them to a local residence where the suspects were hiding out. The Officers managed to make the arrest and solve this burglary and crime. Not only that but the case was turned over to our Detective Bureau and we learned that these individuals were involved in a series of business break ins in both Burlington and Ocean counties. He relayed they were able to not only solve their burglary plus a couple of other ones but also about a dozen other crimes that occurred in the surrounding jurisdictions, all because these Officers took the extra step. The Chief informed that the department has a protocol that specifies what the Officer is to do and nobody can fault them for it. The Chief expressed that the Officers went above and beyond that, did more than was necessary, solved a crime, and was able to return a lot of the stolen items. The Chief thanked them and presented their commendations. **8.** The Chief reported that Patrolmen Vincent Cestare and Michael Brewer on November 2, 2007, answered a medical emergency call regarding an unconscious woman. When the Officers arrived at the scene before EMS, they found an unresponsive woman at the scene. The Officers immediately began to perform CPR in an effort to revive the patient. They continued this act until being relieved by EMS personnel who transported the patient to the hospital. The Officers quick response and knowledge of their job as well as disregard for their own safety, exemplifies their mission, which is to do whatever it takes to protect the residents and people of Pemberton Township. The Chief wanted to recognize both Officers for using their training and reviving this woman who without their help would have passed away right then and there. **9.** The Chief commented that most people think that when they make a call to the Police regarding a drug house or drug dealing, that right away the Police can make the arrest but it doesn't happen that way. He explained that the evidence and probable cause must be obtained and sometimes it's impossible; it just can't get done. He advised there was a residence in Browns Mills where this was the case. The Police Department knew what was going on, they knew what was going on and even boasted that the Police can't touch them. He noted that Detective Brian Smith decided he would do everything he could do be able to get

in to that house to make the probable cause to make the warrant stick so we could get in there. Detective Smith was able to get the informants, get the information, get the probable cause and get the warrants. The Police Department hit the house. Patrolman Ettinger with K-9 Urgo went in, searched the home and found a number of places where narcotics were hidden. The only way the Police Department would have found them was because of the dog. With their help, they were able to get a kilo of cocaine, two pounds of marijuana, shot guns, police scanners, \$8,000.00 in cash and about 6 cars. He advised that they now have the cars that will be sold eventually and the money will be going in to the Township coffers to help fund things for the Township and it is because of the dedication of Detective Smith and the ability that Patrolman Ettinger and his dog had that they were able to solve this crime. **10.** The Chief conveyed that in 2007 one of the first things the Mayor and Council decided to do when they took office was resurrect the K-9 Unit. They had a K-9 Unit for a number of years and approximately 30 years ago, the Chief was a K-9 Officer. The K-9 Unit went by the wayside but the Mayor and Council felt it was important to bring the K-9 Unit back. There were a number of Officers that applied for the K-9 positions and Officers Kreig and Ettinger were selected as their two candidates. They threw themselves into the K-9 Unit from the beginning. They worked at equipping vehicles, finding money besides what the Council had appropriated to help fund the K-9 Unit, worked on training, worked on policies, worked on procedures and did all of this on their own, uncompensated because they wanted to be sure the K-9 Unit got off the ground and start working very well. There have been a number of articles in the newspaper over the past few months where the K-9's have been instrumental in helping them solve crimes, track down missing people, and make drug arrests. This is all because of these two officers who put in the extra amount of time and energy in to doing this job. This is something they are doing because they love it. The Chief informed that the department wanted to recognize Officers Ettinger and Kreig with the Meritorious Duty Award for their help and everything they have done so far and for their continued help for the next number of years. **11.** The Chief thanked Sheila Clear and Michelle Murphy of Country Roads Pet Sitting for raising funds to purchase K-9 bullet proof vests. These vests cost more than bullet proof vests for Police Officers. It is something that was not budgeted for and they took it upon themselves to be able to purchase them. On behalf of Mayor David Patriarca, Council President Stinney and the Police Department he thanked them for their service and for helping out the Police Department. Mayor Patriarca commented that when this first came about it was Mrs. Stinney that came to him and stated when he did his first budget, she wanted to see K-9 in there. He noted that Mrs. Stinney was very demanding on that point. The Mayor relayed that Mrs. Stinney didn't have to twist his arm; being a former K-9 Officer himself, it was a "no brainer". He informed that it was put in the first budget and he will have it in every budget that he prepares as K-9 is an important part of the Police Department. Mayor Patriarca stated he is aware of the work the K-9 Officers do and this is definitely going to help. The Mayor expressed appreciation to Shiela Clear and Michelle Murphy. **12.** Chief Lewandowski informed that the final award this evening is for Officer of the Year. This award is presented to an Officer that best exemplified what they want in a Police Officer for the previous year. There are a number of Officers present tonight that have been recipients of Officer of the Year a number of years ago. The Chief conveyed that Lieutenant Ron Kreig received the award in 1993, Patrolman Art Shinn received the award in 1998, Detective Brian Smith received the award in 2006 and he expects that over the next number of years that a number of the other Officers present will be getting Officer of the Year. The Chief expressed that just because an Officer doesn't receive Officer of

the Year award, it doesn't mean they are not doing a good job. The Chief conveyed that they have some fantastic Officers that have never received the award, himself and the Mayor included but that doesn't mean they didn't deserve it noting there is only one award per year. He explained that Sergeants, Supervisors and Patrolmen are asked to recommend someone for the award. He advised that there were two people that recommended the same Officer that should get the award; a Sergeant and a Lieutenant. The Chief announced that this year, the award is being presented to Patrolman Michael Brewer. He advised that Patrolman Brewer has been with the department for about two years now. During that two year period, Patrolman Brewer has shown an exceptional work ethic; has extremely professional aspects of his work, never questions an order, comes to work ready to work, on time, 24 hours a day, 7 days a week; he is ready. The Chief noted he had to be told to take vacation time or he would lose the time. His officer initiated complaints are above average. More people have called the Police Department to compliment this Officer than any other Officer. He expressed that when the public calls the Police Department to say someone is doing a good job or is a good Officer, it makes the Chief feel good because most of the time it's a complaint. He indicated that very few people take the time out to say an Officer is doing a good job. When it comes time to hire new Officers, the Chief hopes that they hire Officers like Patrolman Brewer. The Chief congratulated Patrolman Brewer. Chief Lewandowski thanked the Mayor and Council for allowing him to present the awards to the Police Officers tonight. These Officers are just part of the 57 good men and women that the department has that do a job every single day, 24 hours a day and took the job knowing it would be done in rain, snow and sleet, working nights and weekends away from their families and they want to do it. They are all good Police Officers. Occasionally someone may do something wrong; when they do, let him know and he will handle it and take care of it. He expressed that no one goes out to do anything wrong and these guys do a good job every single day. The Chief thanked the Officers, the Mayor and Council. Mrs. Stinney conveyed that the Council would like to thank the families and other fellow Officers for a fine job that they have done for their Township. She expressed that if it were not for the families and their love and patience and their many prayers when their Officers go out, it is with them that Council owes their appreciation to the families. Mrs. Stinney stated she is humbly grateful for all that they do; the many nights they have sat up and wondered where their loved ones are or hear the sirens and hear what is going on and don't know what is going to happen. Mrs. Stinney advised she had an opportunity approximately one month ago to go to the Academy in Westampton to attend a memorial for fellow officers that had passed away. Mrs. Stinney conveyed she had never been so touched in all of her life to attend such an honorable memorial service. Mrs. Stinney again humbly thanked the families for all that they do. At approximately 7:30 pm, Council took a short break to thank the families and Police Officers. The meeting reconvened at approximately 7:38 pm.

9. MINUTES FILED BY MUNICIPAL CLERK

- a. Regular Meeting, May 7, 2008.

Motion by Cartier and Scull to approve the minutes from the Regular Meeting of May 7, 2008. Cartier, yes; Scull, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

11. OTHER RESOLUTIONS

91-2008A Authorizes final adoption of 2008 municipal budget.

Mrs. Stinney advised that public comments as advertised was held at the last meeting, and Council agreed to the amendment. Mrs. Stinney thanked Mr. Prickett and Mr. Inge. She reported that the amendment was adopted and the State has approved the amendment, noting that Council is now ready to take action on this resolution.

Motion by Scull and Cartier to adopt the 2008 Municipal Budget, Resolution No. 91-2008A.

Mr. Cartier asked if it was confirmed that DCA has approved the amendment. Mrs. Eden confirmed that she spoke with the DCA this morning and the Budget was approved.

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

Mrs. Stinney again thanked Council for their hard work on the Budget. Mrs. Stinney also thanked Administration, the Mayor, Mrs. Eden and everyone for their hard work. Mrs. Stinney then thanked Council for extending it for another week so that Council was able to incorporate the amendment that was suggested by Mr. Prickett and Mr. Inge.

12. ORDINANCES FOR INTRODUCTION

- a. **ORDINANCE NO. 13-2008 (TITLE READ BY MRS. STINNEY)**
AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

Motion by Scull and Cartier to introduce Ordinance No. 13-2008 with a public hearing on June 18, 2008. Scull, yes; Cartier, yes; Inge, no; Prickett, yes; Stinney, yes. Motion carried.

- b. **ORDINANCE NO. 14-2008 (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"

Motion by Prickett and Cartier to introduce Ordinance No. 14-2008 with a public hearing on June 18, 2008. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

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

- a. **ORDINANCE NO. 9-2008 (PUBLIC HEARING HELD 5/7/08—(DETERMINATION OF FINAL ADOPTION NEEDED BY COUNCIL) (TITLE READ BY MRS. STINNEY)**

AN ORDINANCE AUTHORIZING THE VACATION OF REEVES AVENUE BETWEEN FALCON WAY AND LARK STREET IN THE TOWNSHIP OF PEMBERTON

Mr. Bayer explained this ordinance to vacate Reeves Avenue between Falcon Way and Lark Street arises out of the Danitom Agreement as everyone may recall. He relayed that prior to Mayor Patriarca, the Township had agreed to sell at auction certain properties and Danitom was the successful bidder for the auction. Last year when trying to move towards completion of the transaction, it was discovered that there were certain blocks and lots that were included for sale at the auction which the Township did not own. He noted that the Township agreed at that time to modify the agreement with Danitom and the purchase price was reduced slightly. Mr. Bayer conveyed that the street vacation also arises out of that agreement and a question arose regarding compensation. He explained that in vacating the street, the property is either going to the Township or to Danitom depending on which side of the unimproved, paper street one is looking at. The compensation the Township is receiving is really a part and parcel of Danitom's agreement to pay the Township the \$1.5 million. Mr. Bayer added that this was in furtherance of the Danitom transaction which the Township had started a couple of years ago. Mr. Prickett commented that this should have been in the ordinance describing that. Mr. Prickett asked Mr. Bayer if it was possible to amend the ordinance at this point or clarify the ordinance. Mr. Bayer answered that Council can add that concept in the WHEREAS clauses and it would not be put in the NOW, THEREFORE, BE IT RESOLVED, that they are selling the property, it would be set up as a description to why the street vacation would be approved. Mr. Prickett suggested the WHEREAS information be added before Council votes on this. Mr. Bayer advised he could write a paragraph if given a few minutes. Mr. Prickett commented that the record needs to show that to clarify that they didn't give away land without being compensated for it. Mr. Bayer stated that is not the case. Mr. Prickett agreed. Mr. Bayer informed that Council can approve the ordinance subject to adding that concept to the WHEREAS clause and that way Council doesn't have to wait for him to write a paragraph or two. Mr. Bayer noted he can circulate to MaryAnn the WHEREAS information which will be adopted and will be fine. Mrs. Stinney asked Council if they were comfortable with that. Mr. Prickett expressed preference to have the ordinance in tact prior to voting on it. Mrs. Stinney stated that these questions need to come before Administration. Council receives packets and Mrs. Young works very hard to get things in order and ready to Council by Friday and Council has the latitude to come in and call and ask Administration. Mrs. Stinney added that Council will heed to that. Mrs. Stinney noted it is Council's pleasure that Council will move on to agenda item B and come back to this ordinance later. Mr. Cartier commented that he would feel more comfortable knowing exactly what is being added to the ordinance before voting.

- b. ORDINANCE NO. 10-2008 (PUBLIC HEARING REQUIRED) (TITLE READ BY MRS. STINNEY)
AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 34 (OFFICERS AND EMPLOYEES) AND ESTABLISHING A NEW ARTICLE ENTITLED "DEFENSE AND INDEMNIFICATION OF OFFICERS AND EMPLOYEES"

Mrs. Stinney opened the meeting to public comments. Those wishing to comment were: **George Petronis: 1.** Understands concerns of Officers and employees regarding frivolous lawsuits but does not understand why this ordinance also

includes criminal defense. He noted that lawsuits can be entered into trivially. When a lawsuit is initiated, one throws it around and tries to plaster it on everybody one can possibly involve just for its nuisance value and it's very easy to do. Mr. Petronis expressed that he can frivolously sue everyone on Council and put them to a lot of trouble even if he loses but he cannot bring a criminal charge against anyone on Council without having it investigated by the County Prosecutor's Office or possibly the State Attorney General or US Attorney's Office. There has to be solid grounds for a criminal prosecution and he is hard put to understand why if criminal charges are brought against a public employee, why public funds have to be expended to defend that person. There is a very high hurdle point before those charges can be prosecuted. Mr. Cartier explained the paragraph says that the Township shall not pay; they'll only pay if the employee was found not guilty. Mr. Petronis acknowledged that he misread the ordinance and apologized. Mr. Petronis stated that if they are only being compensated for being found not guilty, then he withdraws his complaint. Mr. Petronis again apologized for misunderstanding. Mrs. Stinney thanked Mr. Petronis for reading the ordinance. Mrs. Scull commented he had her re-reading the ordinance because she wasn't agreeing to that and added that it is better to make sure. There being no other members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

Motion by Scull and Cartier to adopt Ordinance No. 10-2008. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

- c. **ORDINANCE NO. 11-2008 (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. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments. Mr. Prickett noted that this ordinance establishes a range in which the individuals will be paid which enables having this in place for a number of years without having to update it on a yearly basis. Mrs. Stinney stated to Mr. Prickett that he is correct and thanked him for his comment. Mr. Inge commented that he sees Fire Sub-code but does not see ...Mr. Vaz interjected that he might not see the services that they contract out for such as Elevator Sub-code, Electrical and the ones that they contract out for would not be on the salary ordinance. Mr. Vaz clarified that this ordinance has Fire Sub-code and Building Sub-code. Mr. Inge asked about mechanical because he has seen this on page 28, \$3,000 was paid to an employee and stated Fire Sub-code is shown in the ordinance but not Mechanical Sub-code. Mr. Vaz informed there will be other salary ordinances coming down when CWA and AFSCME are resolved and suggested they resolve that matter then.

Motion by Scull and Prickett to adopt Resolution No. 11-2008. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

- d. **ORDINANCE NO. 12-2008 (PUBLIC HEARING REQUIRED) (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

Mrs. Stinney thanked Mr. Prickett for handing out information to Council that she has passed on to Mr. Bayer. Mrs. Stinney opened the meeting to public comments. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments. Council discussed opening the meeting to public comments later so the public can comment on changes they plan to make. Mrs. Stinney informed Council that a member of the public would like to speak now on Ordinance No. 12-2008. Mr. Cartier commented he would be okay with that. Mrs. Stinney reopened the meeting to public comments on Ordinance No. 12-2008. Those wishing to comment are: **Alphonso Rivas:** Noted he lives in Sunbury Village and some of the homes there are in bad shape. He pointed out that some of these homes are not owned by individuals that live there but rather have different owners. Mr. Rivas asked how the Township will handle this condition and whether the owner will be held liable or if the renter will be held liable. Mr. Rivas also asked if the Township can do anything to take care of the maintenance of the homes. Mr. Vaz advised that in talking about this ordinance and the capability of putting a lien on the property, it will only affect the owner of the property because the Township can't lien the tenant of the property. Mr. Bayer added that Mr. Rivas is also asking who is potentially responsible and generally under the Township's code both the landlord and the tenant are responsible for the abatement of conditions if they are in violation. Mr. Bayer advised that is not dealt with in this ordinance but that is generally what the code provides for. Mr. Vaz relayed that in general under the general property maintenance code, both tenants and owners are liable for the conditions of the property and responsible for abating them or making those problems go away. Mr. Vaz noted that this ordinance that is being considered tonight has to do with putting a lien on the property if the Township has to go in with their resources to fix a problem and then assess that cost against the property as a lien which only affects the owner obviously because it is a lien against the property and the title of the property so the tenant doesn't have anything to do with this aspect of it. Mr. Vaz explained that generally speaking, a tenant is responsible for the condition of the property while they are renting it and has to fix those things; they can be summoned to go to court. Mr. Rivas commented that he understands that and thinks that is proper. Mr. Rivas noted that sometimes when land lords receive fines for maintenance, they pass it on to the renter. Mr. Rivas stated his main concern is whether the Township is going to do anything to try to address this because the Mayor said he was going to make sure code enforcement was going to be addressing some of the homes in Sunbury that are eyesores. Mayor Patriarca explained that generally code enforcement assesses the violation of a structural problem with the residence to the landlord and also charges the tenant with vehicles on the property and clean up of the property. He further noted that the ordinance allows the Township to charge either one and sometimes that occurs; the tenant may get charged for something occurring on the house such as a screen door hanging off or something to that effect. He noted however, that generally it is the landlord that is charged with issues regarding the house that is falling apart and the property such as grass cutting and cars in the driveway are basically charged to the tenant because they created that problem. The Mayor indicated that the Township is out there quite often enforcing that which is a never ending process. Mr. Rivas thanked Council for allowing his question and thanked Mr. Vaz and the Mayor for their answers. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments. Mr. Prickett expressed concern regarding the

ordinance as it is very vague and needs to be clarified in a number of areas. He advised that this ordinance would allow the Township to come on anybody's property to repair, paint, and windows or anything on the property if someone determines that it needs to be corrected, the Township can do that. Mr. Prickett commented that if they are going to go on someone's property to repair someone's home or business, then Council needs to see criteria as to why they would do that. Mr. Prickett expressed their need to be sure of who makes the recommendation of the corrective action to be taken. He noted that in this ordinance as it is written it just says the "Township" which he feels is too ambiguous and he is not sure whether it's a Code Enforcement official or whether it's someone else. Mr. Prickett expressed that it needs to be the Mayor or Business Administrator that recommends to the Council that this corrective action takes place and the corrective action or repair of the business or house should be based on a criteria of health and safety. Mr. Prickett informed he has written criteria that could be used for the Township to make determinations. Mr. Prickett reminded that they have violation notices, fines and court and pondered whether they would go to court, issue fines or fix the property. Mr. Prickett noted it would also depend on how much money the Township has available to do this. He expressed that before the Township corrects a problem somewhere in the community, there has to be a building that is unsafe which could entrap a person, collapse on a person and/or expose a person to a hazardous substance such as asbestos or if a member of the public is at risk of a traffic accident, electrocution, drowning, falling, tripping, laceration, hazardous chemicals and hazardous obstacles as a result of inadequate lighting, poorly maintained building, sidewalk, parking lot, roadway and/or other poorly maintained structure; unsanitary conditions that result in the public being exposed to human waste and organisms such as rats, pathogenic bacteria and pathogenic fungus that may adversely affect human health. Mr. Prickett noted the Township should not be in a situation where if they live in a house where the grass is 10 feet tall they know that is an exception in this ordinance but if their house needs to be painted, the Township should not have the ability to come on one's property and paint someone's house as it is not a safety, health situation. He expressed that for a corrective measure to take place, it has to meet a certain standard that is hazardous to the community. Mr. Prickett noted that right now there are exclusions to this and he has provided the Council with the current sections of the Property Maintenance Code, and sub sections that he thinks should be excluded from corrective actions and corrective measures. Mr. Prickett conveyed other examples dealing with natural growth, brush, weeds, ragweed and the exterior of the premises; the exterior of structures and the condition of accessory structures shall be maintained, and the property with landscaping, painting and more about landscaping; basically are what the exclusion should entail. He noted that presently one of the exclusions in the ordinance is a reserve clause, 145-15 isn't a sub section, and the reserve there doesn't have any substance to that subsection so he is not sure why that is there. Mr. Prickett recommended to Council that an amendment to this ordinance as follows: that corrective measures, a. the Township may correct or cause the violation(s) to be corrected provided the violation(s) meet the health and safety criteria established in this ordinance and b. in the event that the Mayor or his designee determine to act in accordance with 145-37 Subsection G. , and Examination by the Township Council to examine the certification and if found correct and reasonable and meeting the health and safety criteria then they could vote to go ahead with the corrective measure. Mr. Prickett informed that currently the Council has to approve this as long as the costs are reasonable. Mr. Prickett reiterated that it needs to be the Mayor or his designee that makes the recommendation that they take the corrective measure and asked

Mr. Bayer why the Council needs to approve this other than from the reason that it has to do with money. He expressed that Council is not appropriating money but they are spending somebody else's money by voting to take a corrective action. Mr. Bayer explained that it is in the enabling statute. It refers to the term governing body which typically in the law means Council when there is a Mayor/Council form. Mr. Bayer stated that 40:40A-2.5 which is the state law says, "Upon the adoption of a resolution finding that building conditions of the character described in section 1, exists within the municipality, the governing body of such municipality is hereby authorized to adopt an ordinance." That was the resolution that he asked Council to do earlier. Mr. Bayer noted the idea is because the legal concept would be because it's a fairly draconian action that is authorized the idea that they could do that, authorize corrective action, spend the money and then place a lien on the property as taxes, it would have to be done through a public process which if the Mayor had that power under this provision he could do it without doing it in public. Mr. Prickett noted that explains that aspect. Mr. Bayer relayed that the underlying statute that governs how this would be enforced, the Council could certainly if they choose, add some of the criteria Mr. Prickett is talking about but the underlying statute indicates, "any building or buildings or parts thereof which have come in to a state of disrepair through neglect, lack of maintenance or use, fire, acts or other calamities or through any other act rendering the building or buildings in a state of disrepair to the extent the building is unfit for human habitation nor occupancy or use shall be deemed inimical to the welfare of the residents of the municipality and a public officer appointed may exercise his powers to repair, demolish or cause the repairing or demolition of building or buildings". Mr. Bayer further noted there is a generalized standard in the underlying state law. Mr. Prickett questioned that "the whereas" is not going to be part of the ordinance, noting that is not what one would find the code book. Mr. Bayer agreed. Mr. Prickett expressed that is why the criteria is needed in the ordinance. Mr. Prickett noted for the subsection that he is suggesting that does not apply to the noncompliance, those subsections that he read has to do with paint and landscaping and they should not apply to a home that is occupied. He explained however, that a home that is not occupied, that is abandoned or boarded up; in this case they need to be occupied for it not to apply. Mr. Prickett relayed that if a house is boarded up or not and is in disrepair and needs to be reckoned with by the Township that should take place and they should have a law in place that addresses it. He reflected that it is also very important for the public to know that this isn't going to be taken lightly and not just anybody is going to be able to take this corrective action. Mr. Prickett reiterated that the Mayor and Business Administrator should make that recommendation to Council and Council looks at it and evaluates it as fair and appropriate, then there is the process. He suggested that because the public is being subjected to this process, they may also want to take it to Superior Court. He expressed there is another avenue to take to deal with this and again "draconian" measure, they can't take this lightly. Mr. Cartier commented that for the most part he agrees with Mr. Prickett except for in his exclusions when it comes to the maintenance of the exterior and the premises natural growth, he begs to differ that it does pose a health and safety hazard to certain members of the Township. He expressed that safety would apply wherein its overgrown properties and they have a dry season; it becomes a fire hazard and is a safety hazard to their fire fighters and surrounding neighbors. He indicated that for safety it would tend to lead towards rodents and such living within the property which becomes a health hazard to the surrounding neighborhoods. Mr. Cartier expressed in that respect, he would have to respectfully disagree with Mr. Prickett. He noted that as far as painting, he doesn't see where the Township has

to get involved in that. Mr. Cartier then questioned what the time frame is; code enforcement would issue their violations and when does it start the process to get into this. Mr. Bayer explained the underlying statutes provide a time period. Mr. Prickett commented that they need to follow the process; notice of violation and notices. Mr. Bayer stated that this can be initiated in one of two ways; a complaint against a property can be initiated through the Township with code enforcement or it could be instituted wherein a certain number of members of the public complain and submit a petition and the statute then states that if there is such a complaint, there needs to be a hearing. Mr. Cartier pointed out that already within their current code, a court appearance can be required in the event and he assumes that they wouldn't kick in until after there was a court appearance, but a court appearance can be required in the event the owner/operator or occupant has been charged with a second violation with the same provision in this chapter within 12 months. He noted they are already looking at possibly a year pass the first violation. Mr. Bayer agreed, noting that ultimately if a complaint is filed such that the Township wants to take this corrective action, there needs to be a hearing between seven and thirty days after the filing of such a complaint. The first thing the Township is not going to do is file a complaint and say they are going to demolish the building or fix the building because they haven't done so; it will go through the normal code enforcement process first. Mr. Cartier expressed concern that he needs to see that spelled out in the ordinance better than it is. Mrs. Stinney noted there is not a rush for this but stated to Council noting this is Mr. Prickett's handout; she would have appreciated it if he could get this type of information to Council prior to the meeting so that Council can thoroughly digest and have their questions ready. She pointed out that when she received it this evening, she had not had an opportunity to read any of it. Mrs. Stinney commented that Council has an agenda they need to follow and in between she wants to make sure that the public has her undivided attention during the meeting so she can make sure that she thoroughly digests and understands everything she is hearing. Mrs. Stinney reiterated they are not in a hurry and wants to make sure that the Mayor and his designee have the opportunity to read this material as well so that in their defense what has come to the Council they can be ready for any questions that are posed for them. Mrs. Stinney commented to the Mayor that since he is indicated in the recommendations that perhaps he or his designee would like to comment. Mayor Patriarca disagreed with Mr. Prickett on the issue of the grass, painting and exterior items not being health hazards as he does believe they become a health hazard. He expressed they are unhealthy to a community. He noted that if a community begins to get run down whether it's one house or two houses, it's generally a sign of a failed community and it continues throughout the rest of the community. He expressed that's why laws like this become effective; they give the municipalities and governing bodies the ability to correct and preserve their towns. He suggested that if they were given this in advance and were able to digest it, they might have been able to pass on the information that they currently have in that their ordinance or chapter 75 gives them the authority now to go in and cut someone's grass and assess a lien on the house. He relayed that would have been something they would have been able to. Mrs. Stinney asked Mr. Vaz since he will be the Mayor's designee if he would like to comment briefly on it. Mr. Bayer noted if the consensus is such that they are going to try to describe in more detail the process by which they get to the issuance of taking the action he needs guidance on Mr. Prickett's comments where he could either specifically put them in or not, whatever the Council chooses. He indicated that he would generally recommend that they could at least incorporate them into the ordinance; the specific language which would trigger an authorizing event that was the language he read where a

building would be unfit, or uninhabitable and described those kinds of conditions. Mr. Bayer referenced that Mr. Prickett spoke about traffic, electrocution and those sorts of things, noting that is not specifically in the underlying enabling statute. He explained that the legal argument is how much flexibility do they want to give Code Enforcement and the Mayor's designee in enforcing what the state statute allows the Township to do. He questioned if they want to specifically delineate it in the ordinance or to site to the specific language in the state statute and then allow Administration to enforce it. Mr. Bayer suggested keeping in mind that at the end of the day, Council will have a say in it because if Administration proceeds to enforce under this ordinance it is all coming back to Council anyway. Mr. Prickett relayed that it is not just the cost; and questioned if it was appropriate for this to move forward and Council has a say in that. Mr. Bayer replied yes; if this provides for a hearing and Council would in essence be the hearing officer. Mr. Bayer suggested that before an action against a property owner is taken, first the Mayor and his designees are going to have a say as to what should happen and then if the property owner appeals it, it will come to Council. He informed that all elements of municipal government will be looking at this in an open and public way. Mayor Patriarca stated this will also become a budgeting issue where they will have to budget a line for this particular ordinance to have appropriations and revenue available to allow this to be implemented. The Mayor explained this will be done similarly as they now do for demolitions; they have a line for demolition and would have to start looking at a line item to fund this ordinance; the ability to activate the process. Mrs. Scull commented that they do need some teeth in their ordinances as Mr. Rivas stated and she thought that was the intent and what was proposed so that the property owners know that they are not just going to sit back and allow their property to deteriorate and have a negative impact on the community because there are several places that have done that; commercial as well as private homes. Mrs. Scull agreed with Mr. Prickett in regards to being concerned at the final authority resting with a code enforcement officer even though in reality they should not have that worry, she is worried about that. Mrs. Scull noted that she can understand Mr. Prickett's suggestion regarding including the Mayor or his designee to be included in this. Mrs. Scull asked if before any work is done, they are going to see approval on what is done such as will it be on an agenda and Council says "to do it". Mrs. Scull expressed worry regarding that because she doesn't want politics involved in it and everybody should be held to the same standards. Mr. Bayer commented that it will not work that way conceptually; whether it's the Mayor, Mr. Vaz or code enforcement; they would issue an order or complaint that says the Township is going to fix the building and now that property owner, before that occurs can file or request a hearing and it would come before Council. Mr. Bayer further explained that if it were truly a matter of public health, safety or a truly imminent hazard, clearly Administration at that point could take corrective action and come before Council after the fact for approval of the expenditure. Mr. Prickett noted that is in the ordinance now. Mr. Bayer reiterated that the expenditure would not be on the bill list; if it is authorized and budgeted.....Mrs. Scull interjected that she really doesn't want that. Mr. Vaz commented that if it's a cost of more than \$2,000, Council's policy is that aspect of it has to be approved by the Council as far as the purchasing expenditure policy. He relayed that the way he reads it and he wanted to point this out to Mr. Prickett and Mr. Bayer, if they go out and do the work, they don't go to Council for permission to do the work, he reads this, it's G4A, it states "that the Township may correct or cause the violation to be corrected" then it talks about Code Enforcement certifying those costs to the Council and advised a certification of funds in his mind, applies after those costs are certified. He relayed that something was said

and he wanted to make it clear that he as a person may be reading it differently than someone else. Mr. Prickett agreed that it was a good point which needs to be clarified. Mr. Bayer acknowledged that the ordinance needs to be cleaned up a little bit. Mr. Cartier stated that it needed to include a time frame. Mr. Bayer reminded that this Ordinance came from the Collingswood ordinance which was even more simplistic than what the Township did. He advised that between the time the Collingswood ordinance was adopted and Mr. Regan brought the Township the ordinance to look at, the state law changed. He pointed out that the enabling statute is far more detailed now than when he had originally received the Collingswood ordinance, noting the statute was substantially amended. Mayor Patriarca commented that if the Township is going to step in and fix the problem, the ordinance should include the property owner having a certain amount of days to file a notice to the clerk for an appeal. Mr. Bayer stated that if the ordinance is tabled it would have to be re-introduced because of significant changes.

Motion by Cartier and Prickett to table final adoption of Ord.9-2008 till the next meeting, when the Solicitor will bring a new ordinance for consideration. Cartier, yes; Prickett, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

ORDINANCE NO. 9-2008 (REVISITED)

Mr. Bayer reflected that he was asked to re-draft the “Whereas” clauses to the ordinance. He noted that when the Township authorized a revised developer agreement it reads “Whereas the Township of Pemberton issued requests for proposals/requests for qualifications soliciting bids for the purchase of certain Township owned properties; Whereas the issuance of the RFP/RFQ the Township discovered that the properties listed for sale within the RFP/RFQ included certain properties Block 10, Lots 1-4, which were not owned by the Township, the Township therefore, issued an addendum deleting Block 10, Lots 1-4 from the list of properties to be sold. Whereas, the Township received multiple proposals in response to the RFP/RFQ, and after review of these proposals, the Township determined that the proposal submitted by Danitom Development, Inc. was the most favorable for the Township. Whereas, the Township adopted Resolution 181-2006, authorizing the sale of the property to Danitom and simultaneously entering into a Developers Agreement. Whereas, the Township subsequently discovered that the lots it had previously deleted from the RFP/RFQ by addendum had been inadvertently listed within the authorizing resolution and developer agreement being included as the properties being sold by the Township also Block 28, Lots 11 & 12 had also been included in the list of properties to be sold within the authorizing resolution. Whereas, by Resolution, the Council had previously authorized the amendment to the Developers Agreement to delete Block 28, Lots 11 & 12 which had been included in the Developers Agreement and to adjust the total purchase price to reflect the deletion of those lots by reducing the total purchase price by \$11,000 to reflect the reduction in the number of lots. Whereas, Danitom had appeared before the Planning Board and had requested a street vacation, and the parties had an understanding that entire property located within the boundaries of Blocks 9 and 10 identified in the local tax map, including Reeves Avenue, a paper street, would be included in the entire purchase price of the Developers Agreement thereby provided just compensation to the Township.” Mr. Cartier asked if this was all that needed to be added into this ordinance. The Solicitor confirmed it incorporated the historical background as to the reason for the Ordinance.

Motion by Prickett and Scull to add the amendments as read by the Solicitor, to Ordinance 9-2008. Prickett, yes; Scull, yes; Cartier, no; Inge, yes; Stinney, yes. Motion carried.

Motion by Prickett and Scull to adopt Ordinance 9-2008, as amended. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

14. NEW BUSINESS

a. Review and discussion of proposed cat licensing ordinance.

Deputy Township Clerk Amy Cosnoski reported that the Township Clerk's staff did research on a Cat Licensing Ordinance as addressed in the memo handed out to Council. It was determined that 92% of costs from the dog fund paid to the Animal Shelter are for cats. Out of \$11,800 in a 12 month period paid to the County, \$10,618 was specifically for cats. The Township has a large feral cat issue and speaking with Animal Control Officers, they spend a lot of time dealing with cats either feral or domestic cats that run loose. She advised that they already have a nuisance ordinance that prohibits animals from running at large which includes cats. There is no funding source to help with cats. She explained this is why this ordinance was proposed. Mrs. Stinney asked if Council had any questions. Mr. Cartier stated that he had none. Mr. Inge asked how much of these funds were for feral cats. Mrs. Cosnoski stated that there was no way of determining this information. Mr. Inge asked if there was some sort of program where they neuter cats and release them. Mrs. Cosnoski stated that Pemberton Township does not have a spaying/neutering program sponsored by the Township. She noted this is one of the programs that would be considered for funds received through a cat licensing ordinance. She also reminded that Dr. Scull had presented Council with a seminar on a trap, neuter and release program for feral cats last year. Mrs. Scull stated that going through the proposal it makes sense to her and expressed that it is not fair to license dogs and not cats. She also commented that there is problem with cats and no funding to take care of them and this ordinance might help to benefit the animals. She acknowledged that some people will be upset. Mrs. Cosnoski stated that the Animal Control Officers are doing a wonderful job picking up the cats but 411 cats were picked up last year and brought to the shelter and euthanized. Mr. Prickett asked permission to meet with Animal Control and discuss information regarding canvassing and what type of burden this would add to that process. He would also like to know how they feel the money from licensing should be used. He feels that licensing funds could benefit a trap, neuter, release program and that Mrs. Cosnoski stated that this is part of the program that they would be looking into not in the 2009 licensing year because they would have to determine how much revenue they would take in first. Mr. Prickett also stated that he would like to look at the definition of "owner" as well as the proposed imposition of a limit. Mrs. Cosnoski mentioned that the State suggests not imposing a limit as this at times discourages people from registering their cats but they currently have a limit of four (4) dogs. Mrs. Stinney asked Mr. Prickett to work with the Township Clerk's staff to come back with an Ordinance to present to Council. Mr. Cartier suggested that Council recommend an ordinance with limits, Mrs. Scull agreed. Mayor Patriarca commented that the Township also pays for an animal that is sick and goes to the clinic before it is taken to the shelter and then it is euthanized. He stated that they currently pay a lot of money for cats and

the entire burden is put on the dog owners. He expressed that by charging a fee for cats, they can offset some of these costs.

GENERAL PUBLIC COMMENTS

At this time Mrs. Stinney opened the meeting to public comments, those wishing to comment were: **George Petronis: 1.** Advised that he lives on Palm Avenue just off of Press Avenue and the Township just put in some speed humps for which he expressed thanks for. He relayed these speed humps were needed, noting that people were driving up and down Press Avenue not realizing it is a residential street. He also stated that he rides a bicycle around town and has noticed that he keeps running into police cars cruising down obscure little side streets which he infers means the police department is making an effort to keep an eye on the odd little corners of town rather than just the main streets. He relayed that the police should be complimented for this. **2.** Commented on the licensing of cats and stated that it sounds to him like the problem is the money is being spent on abandoned and feral cats and the proposal is that the responsible cat owners should be essentially fined for having to pay a licensing fee to cover that cost. He expressed that doesn't sound fair. He wanted to know if he was correct in understanding that the majority of the cats that have been picked up have been abandoned or feral cats. Mrs. Cosnoski stated that currently the cost of feral cats is being funded by dog owners, but there was not a way to determine if the cats were feral or abandoned. Mr. Vaz stated that the reports from animal control do not distinguish between a feral cat and abandoned cat. The presumption is that if the cat is put to sleep by the shelter ultimately it was an unclaimed cat. Mr. Vaz commented that if he lost a pet, one of the places he would look would be the animal shelter. He relayed that the cats that are being euthanized are presumably being unclaimed. He indicated that can mean a lot of things; it can mean un-owned and unclaimed or it can mean owned and unclaimed, noting the reports do not distinguish between feral cats and owned cats. Mr. Vaz advised that it is going to be difficult to figure that out. He suggested there might be some subjective information the Animal Control Officers might be able to derive just on the appearance of a cat. He expressed that someone that owns a cat probably takes care of it a little better than a stray cat on the street. Mrs. Scull commented that the report that Council has specifies the costs that Pemberton Township is paying for the time period November 2006 through March 2008 reflects the cost of the cats has been anywhere from 80% to 99% of the total costs each month. Mrs. Scull expressed this is not fair to the dog owners that are paying for licenses. Mr. Petronis advised he has three cats that are spayed and well looked after. He emphasized that if one of them disappeared, he would definitely check at the Animal Shelter and if it was there he would want it back. Mr. Petronis stated that the problem doesn't sound like it's a problem caused by responsible pet owners but rather irresponsible pet owners. He expressed that licensing responsible pet owners is not going to solve it; it is going to be unfair to them. Mr. Petronis agreed with the wording he hears today, that this is unfair to the responsible dog owners because they are bearing the cost for a problem that they didn't create. He expressed that if they license responsible cat owners; they are simply expanding the unfairness and not addressing the problem. Mr. Prickett commented that when the Township started to license dogs years ago, it was also because Pemberton Township not too many years ago had packs of dogs, noting Animal Control was not as strong as it could have been thirty years ago. He expressed there would be more of a concern over a pack of wild dogs than cats. Mr. Prickett relayed that he has cats and all of them are strays (feral cats) from outside that he cares for. He suggested that if they do limit the number of cats a person can have, they might

actually increase the population of cats. Mrs. Stinney offered a copy of the research report for Mr. Petronis to review and asked that he return the copy to her. Mrs. Stinney suggested that he may have some additional questions for Mr. Prickett that he can email while Mr. Prickett works with the staff. Mr. Petronis asked where to return the information. Mrs. Stinney advised Mr. Petronis to return the information to the Clerk's office. Mr. Prickett asked if this could be placed on the web. Mrs. Stinney replied that once things are put together they can. Mr. Prickett suggested if it was on the web, people could provide feedback. Mr. Petronis **3.** Asked what, if any, decisions have been made about the use of the playground equipment from Fort Dix. Mr. Vaz informed that the Township has part of it. It is being assessed to ensure it is safety compliant. He advised that the Engineer is reviewing what requirements they have from the Pinelands Commission to put up this equipment at different sites because he understands there is other equipment that may also be donated in the future. Mr. Vaz noted he had a discussion with the Engineer today regarding the Pinelands regulations. It appears that they at least have to file an application with the Pinelands although it is not going to be a problem. Mr. Vaz relayed he has had discussions with the Mayor regarding the site for the first set of equipment. He noted that one possible area is Presidential Lakes where a smaller piece of equipment was removed recently because it was falling apart. **America Phillips: 1.** Expressed admiration for Pemberton Township's Police Officers. She expressed pride to be the mother of one of Pemberton's Police Officers. Mrs. Phillips prays everyday for the Police Officers and their families when the Officers go on duty. She congratulated the Police Officers and their families for the recognition and awards received at tonight's meeting. **2.** Spoke against cell phone usage while driving. **3.** Mrs. Phillips commented that she had previously asked questions and is awaiting answers. She advised that she recently worked for the Board of Elections and was asked a lot of questions in reference to Presidential Lakes. One of the questions is Code Enforcement has been in Presidential Lakes giving out summons left and right regarding the leaves they have in their front yards. Mrs. Phillips asked why the Township issued summons for these residents when they were cleaning their yards. Mr. Cartier asked if the residents that received the summons called the Township. Mrs. Phillips answered no, because this was yesterday and she told them she would come and take care of the business. Mayor Patriarca asked Mrs. Phillips if she was referring to the residents that have bagged leaves that are still on their property that have received violations. Mrs. Phillips replied yes. The Mayor noted that he recently met with the Presidential Lakes Civic Association and that same question arose as to the violations that are occurring in Presidential Lakes. He explained they are receiving notices of violations; they are not actually getting summons, to remove the bags within 10 days and bring them to the Township. He explained they have already completed the leaf pick up in that area. He emphasized that all of the residents were properly notified and they e still maintain a list and try to go out and pick up additional leaves but it is difficult to continue to run that program. He informed they are now beginning brush pick up and there are other things that they can do that leaf pick up takes away from. He reiterated the residents are given that grace period with a notice of violation and are not given a summons, noting that if Code Enforcement is working that area, they are doing their jobs. The Mayor informed this is not as Mrs. Phillips commented to let leaves lay in the yard for fertilizer or a mulch pile; but this is bagged leaves set out by the road and left there figuring they will just get picked up. The Mayor reiterated that the Township's leaf pick up has already been completed. Storm water management regulations require them to do that; removal of the bags must be done and they can't be left out there forever. Mrs. Phillips asked if the residents

don't have trucks to transport the bagged leaves, how they can bring their leaves. Mayor Patriarca acknowledged that this certainly becomes a problem and there are options involved; one can hire someone to remove the leaves; ask a friend or neighbor.....Mrs. Phillips interjected that she used to lend her truck to her neighbors. The Mayor stated ultimately the residents can have their leaves out for pick up at the proper time which is the ultimate solution. Mrs. Phillips asked when Public Works will next be out for pick up of leaves. The Mayor advised it will be in the fall after the leaves have fallen. Mrs. Phillips then asked if the residents that have bagged leaves will continue to receive summons. Mayor Patriarca confirmed that after 10 days, if the residents have not removed the bagged leaves, they will receive a summons. Mrs. Phillips spoke of Oak Pines leaf pick up where there are companies hired to use machines to pick up leaves and there is nothing like that in Presidential Lakes. The Mayor informed that this is not done by Pemberton Township in Oak Pines as the Township does not use a machine to pick up leaves. Mrs. Phillips disagreed with the Mayor. Mr. Cartier commented that Mrs. Phillips is referring to the front end loaders that are used to fill the dump trucks with. Mayor Patriarca asked Mrs. Phillips if she was referring to the tractor that picks up the leaves. Mrs. Phillips explained it is the machine that sucks the leaves up. Mayor Patriarca replied he has no knowledge of the Township using such a machine, noting that the machine that they had is not working. He assured that if they are using it in Oak Pines, he will find out why they are using it there and not in other areas and will find out the answer for Mrs. Phillips. **4.** Asked how much will it cost to put a portable potty in Presidential Lakes. Mayor Patriarca explained that the Township is not in a position to put portal potties in parks at this time. The only park that had one to his knowledge was Imagination Kingdom that is not currently being used. **5.** Asked when the gate was removed from the basketball court, noting there was a fence in the park and now the gate is gone; only the pipes are left. Mrs. Phillips commented that she will be back in two weeks for more information. Mrs. Stinney thanked Mrs. Phillips as a parent for the many nights she probably sat up and wondered and was afraid to answer the phone and she could not imagine what was going on in her mind at some point. **Donna Jenkins:** **1.** Complimented and commended whoever organized the recent Memorial Day Parade because it was outstanding. He relayed there were a lot of participants and it was wonderful seeing all of the Scouts, high school students, emergency personnel, fire trucks, and Council and Administration walking down the street. She expressed that everybody that participated in putting it together did an outstanding job and it was nice to see something positive for Pemberton Township. Mrs. Stinney thanked Mrs. Jenkins for coming out to give those kind comments. There being no other members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Mr. Bayer advised he had nothing to report in public session.

ENGINEER'S REPORT:

Chris Rehmann: **1.** The 2006 Road Program has been completed with the exception of Ridge Road where there is some high water in that area. They had to put a pipe across the roadway and are waiting for that to drop before they go forward. **2.** Awaiting prices from contractor to complete the problem that exists on Clematis. They hope to be back soon to address that issue. **3.** Ready to go out to bid in the next two weeks on the Woodbine project where there is also another home that has some flood damage that they are taking care of. **4.** Mr. Rehmann noted that the Mayor has brought to his attention that there is an issue at the

intersection of Evergreen Boulevard and West Lakeshore Drive. Those entering West Lakeshore Drive from Evergreen Boulevard have poor site distance. He advised he will be meeting with the Police Department and already has some proposed suggestions to correct the problem. Mr. Rehmann commented that he needs to ensure he understands the implications of what he suggests prior to finalizing his report. Mrs. Stinney thanked the Mayor and Business Administrator and shared with the public that Mr. Rehmann is speaking of an email that Council received from Mrs. Sandy Armstrong. She relayed that it was of great concern as it has been for quite a few years. Mrs. Stinney thanked Administration for getting on this promptly and thanked Mr. Rehmann for looking into that. Mrs. Stinney asked Mrs. Young if she could respond to Mrs. Armstrong's email with Mr. Rehmann's comments. 5. Noted compliments received from residents regarding the installation of speed humps. Mr. Rehmann expressed issues with some of the locations that were included in the design of the 2006 Road Program. They are just doing the construction management and it was designed by another engineering company. According to the Police Chief, he is concerned that the spacing on Split Rock Road is too far. Mr. Rehmann noted he may want to come back to Council with a change order to maybe add one or two speed humps in between the existing ones to make them more effective. Mr. Rehmann informed that he would like to meet with the Chief of Police and/or the Officer in charge of traffic to ensure they are doing something that they feel is proper. They may also change the design. He explained that the design of the speed hump that is on the plans is in accordance with the Institute of Traffic Engineer's recommendation and he does not have a problem with that. Mr. Rehmann conveyed he has a different approach and will be looking at that with the Police Chief to ensure when they are done, they have people that are satisfied. He informed there is a request to put one near a bridge and on a curb in Country Lakes that is part of the process. Mr. Rehmann explained it cannot be located at that location as they have to make sure that anytime one comes to a speed hump, there is sufficient recognition time. They want people to slow down and not be injured. He advised that speed humps can't be put everywhere, they are costly and are not the ideal way of reducing speed; enforcement and writing traffic tickets is; however, the police can't be everywhere. He noted the Township should be proud of all of the comments made by the Police Chief tonight. The Mayor asked for an update on the Country Lakes Dam. Mr. Rehmann informed he is deep in the hydraulic analysis. There is a convergence of two stream channels that come through the three dams in Country Lakes. They have to write a mathematical equation as to how rapidly when it rains the water arrives at the various dam locations. They are in the process of field work now locating elevations so they can get the slope of the drainage basin. They have met with the State and have eliminated some of the smaller tributaries. He explained that all of this has to be mathematically modeled so that they can arrive at the height of the water that a particular flood would happen. He noted it is a fairly complex thing and they are probably sixty days out before they can complete the hydraulic study. They have gotten Mr. Brett Ingram who is their chief hydrologist and a woman who has her doctorate degree in environmental engineering who is now working with them four days a week trying to give Brett as much assistance as possible to get this done. They understand that this has been a long awaited process, and they don't want to swamp any longer than necessary as this is a top priority in their office. The Mayor commented so that Council is aware that a timeline has been submitted for this project with the DEP. Mayor Patriarca asked when this is projected to get done to keep them off of their back. Mr. Rehmann stated that keeps him under the fire and he doesn't want to say something that is not possible and then not get it done because all it does is produce disappointment.

He reflected that they cannot control the amount of time it takes the state of New Jersey to do a review and in this particular case, the Pinelands Commission, but these are the kinds of things they are working on and pushing. There will come a time when they move from the hydraulic and hydrologic study to where they have to go into design. He noted that is when they will have to come back before Council for additional funding to complete that and then the construction. He noted that in the interim, they are trying to find sources of funding. It may be that they need to get some kind of help out of the Federal Government as this is a difficult time for any agency to fund something. They are all out of money in a lot of ways. This is something that they need help with. Mayor Patriarca asked if the issue with the earthen dam in the center of the lake at Presidential Lakes has a drop dead date when a decision has to be made so that it doesn't affect that project or does it only affect the filling of the lake and will the project still proceed on course. The Mayor commented that he is of the understanding that the project is.....Mr. Rehmann interjected that it will not affect the main dam at Presidential Lakes. That project will go forward as Mr. Alaimo's team has projected. There is nothing that secondary dam would do to cause that to slow down. That would have to also be studied under the design of a main dam in the event that the dam breached, what would happen down stream. That would be part of the analysis. Mr. Rehmann advised that they have to make sure that if they remove that secondary dam, how they impact the property owners. He relayed that if they reduce the amount of water back in that location, people better know that before they do it because that is going to be a decision making process that he would recommend they go through. He is not as familiar with that project as he is with the Country Lakes side of it but he will find out and make sure ARH provides some recommendations. Mr. Prickett stated that in the Engineer's report on page 5, the maintenance schedule for all Township dams was mentioned and asked if the Township is doing everything they should. He commissioned a report a few years ago from R&V to put together a proposal for a schedule to maintain the dams. Mr. Rehmann answered that he does not know if he can answer that and doesn't know whether the Public Works Department will pick up in Presidential Lakes, road work that has to be done whether this is probably a low priority in that structure. He expressed they need to look at every dam at least twice a year to make sure there is nothing obvious; to remove all the brush and trees that are on those dams at this point probably may be beyond their capability and may have to contract some of that out and may have to look at some of that in 2009. Mr. Prickett asked Mr. Rehmann if he were suggesting it be maintained two times a year as opposed to what the schedule stated as to be a monthly basis that would satisfactorily keep their dams in pretty good shape. Mr. Rehmann replied it is better than what they have been doing. Mr. Prickett responded that as far as a priority, he suggests it be one of the top priorities as they are a big investment and certainly important to the community. Mr. Rehmann noted that of those that he has reconstructed, they should be looked at four times a year and they are the ones they have invested in and hopefully can catch any issue before it becomes large. It should not be that difficult. He advised that when they are designing Country Lakes, one of the things ARH does is look at what is required and how they can maintain that. If it is made easy to do, the more inclined they are to get people to get the job done; but if they make it more difficult and dangerous, people have a tendency to stay away from those kinds of things. He noted ARH does that in their designs by putting in additional railings, additional access ladders and additional platforms where people can get to things that need to be maintained. He noted those are the ones that they need to get to and right now they also have to figure out how to handle all of the cranberry bogs up stream and how that issue is going to be resolved.

MAYOR'S REPORT:

Mayor David Patriarca: 1. The Memorial Day Parade was the best one that he has seen. Several people came up to him and informed they have been here for thirty years and have yet to see the Memorial Day Parade of this magnitude. Mayor Patriarca gave credit to the committee that worked on this, the VFW, the Legion, Disabled Vets, Recreation Department, Police Department, Public Works Department and himself. He noted that committee met several times and had a post-meeting scheduled to learn where their deficiencies were. They had a few technicalities that occurred and they are hopefully going to adjust. He expressed it is good for their town to recognize their fallen soldiers on this day and that next year it will be better. 2. Attended another service at the high school which was a very touching event. It was well put together. They did a good job. Mrs. Stinney commented that the Mayor did a wonderful speech and it was very touching. 3. The Joint Land Use Committee was in Lakehurst on the 29th and discussed a lot of issues and made some headway on some issues. It is going to get public very soon. They are looking to prepare a public statement in the lines of a commercial and he has offered their studio at their school. Mike Pinto has agreed to film the commercial if needed and then they can advertise it on their local station and also advertise it on their station. He explained this will entail what the Joint Land Use Study is about, how it will affect the community, and what the residents should know about the future of the base in general. The Mayor noted they are hoping to have this out by August, as well as looking into the web page that is currently accessible by study members to have public access. 4. Their office has received several compliments on the speed humps. They have received several calls that have come in and everyone wants a speed hump now. They are wanted everywhere in town. He noted receiving one complaint that they bottomed out and possibly damaged their car; expressing that obviously they were going to fast. He relayed there was another complaint that the speed hump was put in front of a potential building lot on Split Rock and after explaining to the land owner that these things are designed to be able to remove them, they can take it out if need be and if they decide to build, that is something they can look at. The land owner did agree that was the best location to place it at the time because it did not affect other driveways. He noted that the land owner also praised the speed humps in that area. He advised that the residents on Split Rock indicated that it is making an affect there. Mr. Rehmann commented that the fire departments and ambulance should be notified that those speed humps have been installed. Mr. Vaz informed they are aware and he has already received their feedback. Mr. Rehmann advised that is a problem and one has to obviously very careful where they are located because people could end up falling off of the back of a fire truck or people could be falling out of the back of an ambulance. This is just another problem and one has to resist putting speed humps in until there is no other solution. Mr. Prickett stated to Mr. Vaz that at the last Council Meeting he talked about a consolidation that took place on May 17, 2006 which was an ordinance that consolidated old bonds, old debt and reduced their overall debt. Mr. Prickett further noted that Mr. Vaz had indicated that the T21 grant, which was \$339,000, to rebuild phase II of the Pemberton Train Station and questioned if that money was eliminated. Mr. Prickett noted he went back and checked the minutes and there was a lengthy discussion regarding this and specifically this money was excluded from this debt consolidation. Mr. Prickett had the motion and read it for Council. Mr. Prickett also added that he is forwarding copies of the minutes to Council for them to read. Mr. Prickett informed that the motion was by Emmons and Prickett and was to add to the Agenda and adopt Resolution 164-2006 with the exception of ordinance no. 13-

2000#04-2000 and #20013-9650 and the motion carried unanimously. He reflected that according to the minutes, that money should be there and he hoped it could be found because they know that Council wants to keep that money in place to finish this project.

COUNCIL MEMBER COMMENTS:

Richard Prickett: **1.** Expressed the Memorial Day festivities were very nice, noting Administration, Public Works and the Recreation Department were involved. He pointed out that Mr. Tournquist was also involved in putting this together as well. He advised that bag pipers were supposed to be in the parade but unfortunately they were not there and he understands that money will be in the budget next year to help defray some of the costs. Mr. Prickett commented that donations, especially to Memorial Day ceremonies, would be appreciated. **2.** Regarding the Property Maintenance Ordinance, he expressed that Council needs to as a routine policy, make sure before an ordinance is put on for introduction, that that they have it on for discussion first under new business. Mr. Prickett stated he is guilty of it as is everyone else for putting it on for introduction very quickly without having time to talk about it. He relayed that something as important as this ordinance, needs to have public input, noting the public comes up with terrific ideas and terrific perspective on these things. He expressed that it affects them so they need to be a part of the ordinance.

Sherry Scull: **1.** Agreed with Mr. Prickett's comments regarding the Memorial Day Parade. Mrs. Scull added that some of the veteran's cannot drive and had hoped the wagons from the Historic Trust were available but hopefully will be next year. She expressed that it was a phenomenal occasion and has received nothing but compliments and good words from the public, noting it was certainly worth the effort. She reflected that was one of the things mentioned after last year's parade, that they were committed to making it better which certainly happened. She noted credit in great part to the Mayor and Mr. Vaz and thanked them. **2.** Expressed gladness that people came out on this horribly rainy evening. She relayed that it was very nice to see some of their Police Department receive awards publicly which was a good thing and nice for the families to celebrate with them the hard work they do. **3.** Had people call her the first night after the speed humps were installed that they didn't know they were down; it was dark outside. One of the complaints was that people are going really quick and not realizing they have another one. The residents in that vicinity however, have told her that they are making a difference. **4.** Has seen the trucks out by the dams, noting it's always good to see the work going on in the neighborhood.

Tom Inge: **1.** Thanked Administration and Public Works for fencing off the property at Imagination Kingdom, noting they did a good job on it. **2.** Apologized to Chairwoman Stinney and the residents for maybe speaking out of turn at the last Council meeting. **3.** Thanked the residents for coming out this evening.

Ken Cartier: **1.** Thanked everyone for coming out. Wished everyone a safe trip home.

Diane Stinney: **1.** Announced that Country Lakes Fire Company is going to have a Safety Awareness Day on Sunday, June 8, from 11:00 – 2:00. There will be a magic show, child care, demo, and water safety. They are asking that parents bring their bikes and helmets for the safety course. Mrs. Stinney commented that she sees children riding through the town without helmets on their head and expressed

that an injury to the head can be a traumatic thing. She is asking and pleading if they can pass this on to ask parents to come out and hear about keeping their children safe in their society, she would be truly grateful. Mrs. Stinney commented that she will be attending. Mrs. Stinney asked Mrs. Young to distribute copies of the announcement to Council. **2.** Noted Council has authorized a few good resolutions and hopes that Administration and Council will look at these and really follow through this. **3.** She expressed that Resolution No. 142-2008 is a wonderful program and for the public and it deals with funding that provides assistance to non-profits and for profit developers for housing develop and direct assistance for first time home buyers to help with closing costs and down payments. This affords housing developers to apply for funding for units to be sold, not rented. She explained it will also allow first time home buyers to purchase through this municipality to have assistance, which is a good thing particularly with the high cost of homes now. **4.** Mrs. Stinney commented that she wished Mr. Tamn were present this evening because he is constantly coming to the podium talking about recycling and Resolution No. 146-2008 definitely deals with improving their recycling. She thanked those responsible for that. Mrs. Stinney thanked Mr. Vaz for his on-going hard work and expressed that he is a very hard working Administrator. Mrs. Stinney commented that she comes to work at 6:00 am and sometimes she leaves at 6:00 pm and she sees Mr. Vaz still here. Mrs. Stinney thanked Mr. Vaz for all that he contributes to their Township, for the residents of Pemberton Township, for the good work that he does. She acknowledged he may not be able to please everybody as that is an impossible task. Mrs. Stinney wanted to humbly say she thanks him very much. She knows he had a big part to do with Res. 149 Live Where You Work Program and it's a good program and it will increase the power and empower their people to be homeowners and to get those jobs. **5.** Thanked the public for coming out this evening in this weather and wished everyone a good evening and a safe journey home.

The meeting was adjourned at 9:59 pm.

Respectfully submitted,

Mary Ann Young, CMC
Township Clerk