

TOWNSHIP OF PEMBERTON

REGULAR MEETING

JANUARY 21, 2009

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

Richard Prickett
Sherry Scull
Ken Cartier
Tom Inge
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andrew Bayer, Township Engineer Chris Rehmann, Deputy Township Clerk Amy Cosnoski

2. Chairwoman Stinney called the meeting to order at 6:30 pm.
3. Closed Session Res. No. 46-2009

RESOLUTION NO. 46-2009

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

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
LITIGATION, ESTATE OF BUSH VS. PEMBERTON TOWNSHIP
LITIGATION, W.C. CASE SETTLEMENT FOR OFFICER WALTER STEWART
POTENTIAL LITIGATION REGARDING THE AWARD OF THE SOLID WASTE COLLECTION CONTRACT
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Mrs. Stinney asked Mr. Bayer if there were any other topics to be discussed in closed session. Mr. Bayer informed there was a possible litigation discussion regarding the award of the solid waste collection contract.

Motion by Cartier and Prickett to approve Resolution No. 46-2009. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION

Chairwoman Stinney convened the meeting at approximately 6:34 pm to go into Closed Session.

5. Formal action as necessary pursuant to closed session.

Chairwoman Stinney reconvened the meeting at approximately 7:04 pm and advised that Council will be returning to Closed Session at the end of tonight's meeting.

6. Public comments on consent agenda items only.

Chairwoman Stinney opened the meeting to public comments on consent agenda items. Those wishing to comment were: **Anthony Colissaro: 1.** Mr. Colissaro advised he is from the South Jersey Sanitation Company in Hammonton, NJ and is interested in Resolution 42-2009 that awards the contract for solid waste collection. Mr. Colissaro asked who the contract would be awarded to. Mrs. Stinney deferred to Mr. Bayer. Mr. Bayer replied that generally this is a public comments portion of the meeting and is not a question and answer session. Mr. Bayer informed that Mr. Colissaro can make any comments he wants. Mr. Bayer further noted that the Council as well as he is not required to respond; noting that until the resolution is voted on, he doesn't know if Council can say who it will be awarded to. Mr. Bayer suggested that for the record, the Township has received a letter from South Jersey Sanitation's attorney and if Mr. Colissaro has any comments beyond that to please do so. Mr. Colissaro stated that who the contract would be awarded to would make a difference as to what comments he may or may not have. He explained that not knowing that, he will make comments in regards that it was not.....Mr. Prickett interjected that before Mr. Colissaro makes his comments, Resolution 42-2009 does have a name on it. Mr. Prickett requested to give the public the name on Resolution 42-2009. Mrs. Stinney commented that it takes five votes and the name on the resolution.....Mr. Bayer interjected that it is a draft resolution.....Mrs. Stinney continued that the name is Republic Service of New Jersey on draft resolution no. 42-2009 for the record. Mr. Prickett stated that it is not a draft but rather the resolution that is to be voted on; it's not a draft, it's a revised resolution. Mrs. Stinney stated to Mr. Colissaro that she has answered his question. Mr. Colissaro noted that in reviewing the bid from Republic Services and he has sent letters to the Township on behalf of the Township Solicitor, it comes to light that the Republic bid in his opinion is defective. He expressed that they did not supply some documents that makes their bid non-responsive and according to section 3.1c of the bid document, the bid must be rejected. In short, they have to have the bid and submission documents signed by an executive officer of the company and the person who signed those documents is not an executive officer of Republic Services; he is a general manager but he does not hold a position of an executive officer. He stated that secondly, if someone other than an executive officer was going to sign the document they needed to submit with their bid an authorization signed by an executive officer saying that person "xyz" has the authority to afford the bid on behalf of the company. Mr. Colissaro continued that if that isn't done, the bid must be rejected as non-responsive as stated in section 3.1c. He relayed that it is not an argument, they can't fix it later and provide the proof that they have the authorization to do so; it simply states that if they have not complied their bid must be rejected. Mr. Colissaro expressed that is the bulk of South Jersey Sanitation's argument even though there are several others that they have made. He reflected that in the light of day, that is the one a judge will hang his hat on and that is why he is here tonight to say the Township should in his opinion not award the contract to Republic Services because their bid was non-responsive and therefore should be rejected and that the lowest responsible bid is a company that he is very proud of, South Jersey Sanitation Company of Hammonton, New Jersey. **Michael Tamn: 1.** Mr. Tamn asked what the appropriations are for Resolution No. 48-2009, what the amounts are and what they are being transferred from and to. Mrs. Stinney deferred to the Mayor. Mayor Patriarca informed the request is to transfer funds from the Planning Department, Salaries and Wages and transferring into Administration, Solid Waste, Tax Assessor, UEZ and Animal Control. The Mayor continued there has been a position available in the Planning Department that was not filled and it resulted in a surplus in that department and they are transferring it into other departments. Mr. Tamn asked why it is not spelled out in the resolution. Resolutions are put on the agenda, the agendas are handed out to the public but there are not any amounts. Mr. Tamn referenced resolution no. 58-2009 and asked how much. Mr. Tamn reiterated he would like to have seen the amounts in resolution 48-2009 when it

was handed out. Mrs. Stinney asked Mr. Tamn if his question was answered. Mr. Tamn replied yes, but added that he has asked this question before. Mrs. Stinney asked Mr. Tamn about resolution 58-2009. Mr. Tamn responded that resolution 58-2009 does not tell how much and resolutions when it comes to tax payers' money should spell it out so the residents know where it's going. Mr. Tamn noted it may be read off but it should be put in the resolution that is printed on the agenda. Mrs. Stinney asked Mr. Tamn if he would like to see hers. Mr. Tamn answered no that he believes her but added that it should have been there where people could see it. Mrs. Stinney thanked Mr. Tamn for his comments. The Mayor commented there is no cost involved to the tax payers. That particular resolution is self funded by the users, the credit card machines and is paid by the user and not the tax payer and that is why there is no fund listed there. Mr. Tamn then questioned what about paying for the program and system. Mayor Patriarca replied no. Mr. Tamn then asked if the system is free and if there is no cost to the tax payer. The Mayor answered there is no cost involved in that and they make their money on the users that use the program. Mr. Tamn commented it should be put in there then; it's simple and should be explained a little more than it is. Mr. Tamn commented on Resolution No. 50-2009 and stated that WaWa has put up a new facility and has done a fantastic job. Mrs. Stinney agreed with Mr. Tamn. Mr. Tamn continued the architect should be commended as it blends in and is done in both design and color and the landscaping is very good. Mr. Tamn noted there is a possible problem though with storm water management and adjacent properties. He advised that right now on the days when there have been downpours of rain, the trail has much more water than it ever had before from the runoff on it. Also, with the adjacent property there is also a problem due to the way it is graded on the back of the property. Mr. Tamn asked if it met the criteria of the DEP, the new Storm Water Management ordinance that was passed a year ago, and the plans initially submitted. Mrs. Stinney asked Mr. Tamn if those were his questions. Mr. Tamn replied yes. Mrs. Stinney advised that she does not have his answers right now, but she will.....Mr. Tamn interjected that Council has something on the agenda that they will be voting on. Mrs. Stinney deferred to Mr. Bayer. Mr. Bayer explained that anytime a bond reduction is being considered, there is a report from the municipal engineer, which is required under the municipal land use law. The municipal engineer recommends a reduction in the performance bond based upon the work that was performed, they do inspections, look at the total bonded amount and when issuing the original bond it is done by individual items and then as the construction progresses, at some point the owner or developer asks for a reduction saying some of these items have been accomplished and to please reduce the bond. The municipal engineer by statute has to perform an inspection, and then by statute he must issue a report that goes to the Mayor and Council recommending the bond reduction. He clarified that the Mayor and Council are not considering the reduction based on nothing; rather it is based upon the report in their hands. Mr. Tamn expressed he would like to know specifically if an inspection has been done, a physical field inspection and not a site inspection. Mr. Cartier asked what the difference is between a site inspection and a field inspection so that Council is clear. Mr. Tamn explained walk out and look at and say alright or go out with instruments and match it up with everything else it may not be alright. Mr. Tamn stated that is his interpretation and maybe Mr. Cartier has a different one. Mrs. Stinney asked the Mayor if she can refer to Mr. Rehmann, the engineer, for comment. Mayor Patriarca commented that Administration did receive a notice from the engineer managing that site and they state the site was up to par. Mr. Rehmann advised that it is normally his practice as municipal engineers that they go out to ensure the plan was built according to the Planning Board approval. They do not normally do as built plans on a site. Mr. Rehmann conveyed since Mr. Tamn raised his point, he will have his staff go out and check the site to determine whether there is an issue and if there is an issue they will see if they can get it resolved. Mr. Rehmann further noted that he will

report back to Council and contact him to let him know what is going on. **Steve Raymond: 1.** Informed he is a lawyer with the firm Raymond and Coleman and he represents South Jersey Sanitation on this issue. Mr. Raymond noted Mr. Colissaro laid out very well their issues and there are other arguments that can be made and Administration has received a letter that he sent from the Solicitor but wanted to touch on the reasoning why a Chief Executive Officer has to sign off on the bid or have someone who is authorized by the corporation to submit the bid. He explained this isn't a small item; this is a material defect. The reason it is a material defect is if there is not a person that is authorized to submit the bid, they could merely walk away from the contract. They could decide one year into the contract that gas prices are too high and they don't like this. Mr. Raymond stated he doesn't think this is going to happen and he is not suggesting this is going to happen. Mr. Raymond conveyed that he knows of Mr. Murphy's reputation as well as Republic Services reputation and he doesn't think they would walk away from a contract and he is not arguing that. Mr. Raymond is arguing that by not submitting the bid properly, it is a material defect and it is not a small thing. Mr. Bayer probably indicated that there might be litigation either way whether the contract is awarded to Republic or South Jersey Sanitation. Mr. Raymond remarked that South Jersey does not want to be in a contentious situation as they have served the Township for many years and has had a good relationship with the Township. He expressed that in the bidding process the Township really needs to do the right thing. Mr. Raymond asked in awarding the bid if there is going to be litigation, whether the Township wants to be on the right side. The right side of the litigation is to either award this contract to South Jersey Sanitation or reject all bids and do the bid over again. Mr. Raymond stated as it stands, the bid is flawed and it is going to be a problem down the line for the Township. If the Township is going to make a decision tonight, they should get on the right side of litigation and either award the contract to South Jersey or reject all bids and bid it over again. Mr. Bayer asked Mr. Raymond what would be the legal basis to reject all bids as opposed to just Republic's Bid. Mr. Raymond replied that South Jersey Sanitation's first position is that the bid should be awarded to the second lowest bidder which would be South Jersey Sanitation. He does not know if at this point there is a basis for rejecting the other bids. Mr. Raymond would agree with that. Mr. Bayer conveyed that the only reason he pointed that out is that if the Council takes that action, they would also be subject to litigation by either South Jersey Sanitation or Republic as well for rejecting all bids because there is only a limited basis to do so. Mr. Raymond understood this and obviously there was an agreement that South Jersey would not bring that litigation; it would be satisfied with the rebid. Mr. Bayer thanked Mr. Raymond. Mrs. Stinney thanked Mr. Raymond for his comments. There being no other members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments on consent agenda items.

***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.**

***8. MINUTES FILED BY MUNICIPAL CLERK**

***a.** Reorganization Meeting, January 7, 2009; Regular Meeting, January 7, 2009.

***9. CONSENT AGENDA RESOLUTIONS**

WHEREAS, THERE EXISTS A NEED BY THE TOWNSHIP OF PEMBERTON FOR THE SERVICES OF AN ALTERNATE PUBLIC DEFENDER FOR THE YEAR 2009; AND
 WHEREAS, IT HAS BEEN CERTIFIED BY THE CHIEF FINANCIAL OFFICER OF PEMBERTON TOWNSHIP THAT FUNDS ARE AVAILABLE FOR THESE SERVICES; AND
 WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11 ET SEQ.) REQUIRES THAT THE RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS FOR SUCH SERVICES WITHOUT COMPETITIVE BIDS AND THE CONTRACT ITSELF BE AVAILABLE FOR PUBLIC INSPECTION; AND
 WHEREAS, THE MAYOR HAS RECOMMENDED TO THE GOVERNING BODY THE APPOINTMENT OF MATTHEW R. MCCRINK OF MCCRINK, KEHLER & MCCRINK AS ALTERNATE PUBLIC DEFENDER FOR THE TOWNSHIP OF PEMBERTON FOR THE YEAR 2009 COMMENCING ON JANUARY 1, 2009 AND TERMINATING ON DECEMBER 31, 2009 OR UNTIL SUCH TIME AS THE APPOINTEE'S SUCCESSOR IS APPOINTED AND QUALIFIED, WHICHEVER LATER OCCURS;
 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, AS FOLLOWS:

1. THAT THE MAYOR AND CLERK ARE HEREIN AUTHORIZED TO EXECUTE AN AGREEMENT WITH MATTHEW R. MCCRINK OF MCCRINK, KEHLER & MCCRINK.
2. THIS CONTRACT IS AWARDED IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5 ET SEQ., THROUGH THE FAIR AND OPEN PROCESS AND IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW.

RESOLUTION NO. 42-2009

WHEREAS, THE TOWNSHIP COUNCIL HAS DETERMINED TO PROVIDE FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE DISPOSAL IN THE TOWNSHIP OF PEMBERTON, AS MORE PARTICULARLY DESCRIBED IN SPECIFICATIONS ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK AND AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS, AND

WHEREAS, IT APPEARS THAT THE AFOREMENTIONED ITEMS WILL BE PAID WITH MUNICIPAL FUNDS AND WILL EXCEED \$17,500.00 IN THE FISCAL YEAR; AND

WHEREAS, N.J.S.A. 40A:11-4 PROVIDES THAT A CONTRACT, THE COST OF WHICH WILL EXCEED \$17,500.00 IN A FISCAL YEAR, SHALL BE AWARDED ONLY AFTER PUBLIC ADVERTISING FOR BIDS AND BIDDING THEREOF; AND

WHEREAS, THERE HAS BEEN PUBLIC ADVERTISEMENT FOR BIDS AND THE TOWNSHIP CLERK AND BUSINESS ADMINISTRATOR HAVE RECEIVED AND OPENED BIDS ON DECEMBER 16, 2008 FOR THE PURPOSE OF AWARDED A CONTRACT FOR THE AFOREMENTIONED PURPOSE AND HAVE ADVISED THAT REPUBLIC SERVICES OF NEW JERSEY, LLC IS THE LOWEST, QUALIFIED RESPONSIVE BIDDER FOR SAID CONTRACT AND HAVE RECOMMENDED THAT THE MUNICIPALITY AWARD SAID CONTRACT TO REPUBLIC SERVICES OF NEW JERSEY, LLC AS REQUIRED BY N.J.S.A. 40:11-4; AND

WHEREAS, THE TOWNSHIP'S CHIEF FINANCIAL OFFICER, AS REQUIRED BY N.J.A.C. 5:30-1, HAS CERTIFIED THAT THERE ARE SUFFICIENT FUNDS AVAILABLE FOR THE PURPOSE OF AWARDED A CONTRACT TO REPUBLIC SERVICES OF NEW JERSEY LLC, SAID CERTIFICATION BEING ATTACHED HERETO AND MADE A PART HEREOF.

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

1. THAT THE TOWNSHIP COUNCIL, BASED UPON THE AFOREMENTIONED CERTIFICATE, HEREBY DECLARES THAT THERE ARE SUFFICIENT FUNDS AVAILABLE FOR THE AFORESAID PURPOSE, AND THE TOWNSHIP COUNCIL HEREBY DIRECTS THAT THE HEREINAFTER EXPENDITURE BE CHARGED AGAINST;
2. THAT THE TOWNSHIP COUNCIL, FOR THE AFOREMENTIONED REASONS, HEREBY DECLARES THAT REPUBLIC SERVICES OF NEW JERSEY, LLC IS THE LOWEST RESPONSIVE BIDDER FOR THE AFOREMENTIONED CONTRACT AND HEREBY AWARDS A CONTRACT TO REPUBLIC SERVICES OF NEW JERSEY, LLC FOR THE AFORESAID PURPOSE IN ACCORDANCE WITH BID PROPOSAL ALTERNATE C, FOR A THREE YEAR CONTRACT WITH TWO ONE YEAR RENEWAL OPTIONS, AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE BID PROPOSAL, THE NOTICE TO BIDDERS AND SPECIFICATIONS, COPIES OF WHICH ARE ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK AND AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS.
3. THAT THE TOWNSHIP COUNCIL HEREBY DIRECTS THE TOWNSHIP CLERK TO RETURN THE BID SECURITIES OF ANY UNSUCCESSFUL BIDDERS IN ACCORDANCE WITH N.J.S.A. 40A:11-4.
4. THAT THE TOWNSHIP COUNCIL HEREBY DIRECTS THE TOWNSHIP MAYOR AND CLERK EXECUTE ANY CONTRACT DOCUMENTS WHICH ARE NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION AND WHICH SHALL BE PREPARED BY OR REVIEWED BY THE OFFICE OF THE TOWNSHIP ATTORNEY.

RESOLUTION NO. 47-2009

WHEREAS, BY RESOLUTION NO. 282-2007, ADOPTED NOVEMBER 11, 2007, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO EARLE ASPHALT, PO DRAWER 556, FARMINGDALE, NJ 07727, FOR THE 2006 ROAD AND DRAINAGE PROGRAM IN THE AMOUNT OF \$266,813.13; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS RECEIVED CHANGE ORDER NO. 1 SUBMITTED BY ARH, DATED JANUARY 9, 2009; AND

WHEREAS, A COPY OF CHANGE ORDER NO. 1 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A DECREASE IN THE CONTRACT PRICE BY (\$32,245.56), WHICH CHANGE ORDER IS RELATED TO MISCELLANEOUS MATERIALS AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND

WHEREAS, THE NEW CONTRACT SUM INCLUDING THE CHANGE ORDER WILL BE \$234,567.57; AND

WHEREAS, THE PROJECT ENGINEER AND THE ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 1, AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 ET SEQ., AND THE REGULATIONS PROMULGATED PURSUANT THERETO, N.J.A.C. 5:34-1.1 ET SEQ. PERMIT THE AUTHORIZATION OF SUCH CHANGE ORDERS IN ACCORDANCE WITH CERTAIN GUIDELINES CONTAINED THEREIN; AND

WHEREAS, THE GOVERNING BODY HAS DETERMINED, UPON THE ADVICE OF THE CONSULTING ENGINEER AND RECOMMENDATION OF THE ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND THAT THIS RESOLUTION CAN BE ADOPTED GIVEN THE ENGINEER'S REPRESENTATIONS THAT THE REQUESTED CHANGES ARE IN ORDER AND THAT THE REASONS FOR SAME ARE ACCEPTABLE, JUSTIFIABLE, AND VALID; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE TO APPROVE THE CHANGE ORDER FOR A NEW CONTRACT IN THE AMOUNT OF \$234,567.57; AND

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT CHANGE ORDER NO. 1, AS SUBMITTED BY ARH, FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED;

RESOLUTION NO. 48-2009

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE TRANSFER OF APPROPRIATIONS WITHIN THE 2008 RESERVE BUDGET.

WHEREAS, N.J.S.A. 40A: 4-59 AUTHORIZES APPROPRIATION TRANSFERS DURING THE FIRST THREE MONTHS OF THE SUCCEEDING FISCAL YEAR; AND,

WHEREAS, IT IS NECESSARY TO TRANSFER FUNDS BETWEEN APPROPRIATIONS IN THE 2008 RESERVE BUDGET;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE FOLLOWING BUDGET APPROPRIATION TRANSFERS BE MADE:

<u>FROM:</u>	<u>TO:</u>
PLANNING	ADMINISTRATION
S & W 7,360.00	S & W 2,500.00
	SOLID WASTE S & W 605.00
	TAX ASSESSOR S & W 2,182.00
	UEZ S & W 623.00

		ANIMAL CONTROL	S & W	1,450.00
		TOTAL TRANSFER		7,360.00
TOTAL TRANSFER	7,360.00	TOTAL TRANSFER		7,360.00

RESOLUTION NO. 49 -2009

WHEREAS, THE PEMBERTON TOWNSHIP URBAN ENTERPRISE ZONE COORDINATOR HAS PREPARED A PROPOSAL FOR SUBMISSION TO THE NEW JERSEY URBAN ENTERPRISE AUTHORITY FOR THE FOLLOWING PROJECT: MARKETING INITIATIVE- SHOPPERS GUIDE; AND

WHEREAS, SAID PROJECT IS CONSIDERED A PUBLIC IMPROVEMENT TO THE ENTERPRISE ZONE; AND

NOW, THEREFORE, BE IT RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, DOES HEREBY AUTHORIZE THE SUBMISSION OF THIS PROPOSAL OF \$7,000 TO THE STATE OF NEW JERSEY UEZA FOR APPROVAL.

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK SHALL FORWARD CERTIFIED COPIES OF THIS RESOLUTION TO THE URBAN ENTERPRISE ZONE COORDINATOR AND THE NEW JERSEY URBAN ENTERPRISE AUTHORITY.

RESOLUTION NO. 51-2009

WHEREAS, PRESIDENTIAL LAKES FIRE COMPANY 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.

KEVIN MILLER
ANN MACRAE

RESOLUTION NO. 52-2009

WHEREAS, N. J. S. A. 40:48-1.1 PERMITS A MUNICIPALITY TO UNDERTAKE THE REMOVAL OR DEMOLITION OF ANY BUILDING OR STRUCTURE WHICH IS DANGEROUS TO HUMAN LIFE OR PUBLIC SAFETY, AND IN DOING SO, MAY ASSESS THE COST OF SUCH REMOVAL OR DEMOLITION AS A MUNICIPAL LIEN AGAINST THE PREMISES; AND WHEREAS, THE TOWNSHIP ORDINANCES ESTABLISHES A PROCEDURE TO FACILITATE THE DEMOLITION AND REMOVAL OF SUCH BUILDINGS OR STRUCTURES AND TO ASSESS THE COST OF SAME AS LIENS AGAINST THE PROPERTY; AND

WHEREAS, THE TOWNSHIP PUBLIC WORKS DEPARTMENT, IN CONJUNCTION WITH THE CONSTRUCTION DEPARTMENT AND OFFICE OF THE MAYOR, CAUSED TO BE DEMOLISHED AN UNSAFE STRUCTURE LOCATED AT 16 NEWCOMB DRIVE, BLOCK 776.01 LOT 9 ON THE TOWNSHIP MAPS; AND

WHEREAS, THE TOWNSHIP'S PUBLIC WORKS SUPERINTENDENT HAS CERTIFIED TO THE TOWNSHIP'S BUSINESS ADMINISTRATOR THE VALUE OF THE TIME, LABOR, EQUIPMENT AND OTHER SERVICES EXPENDED IN THE COURSE OF SAID DEMOLITION EQUALS \$ 9,513.08.

NOW THEREFORE BE IT HEREBY RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TAX COLLECTOR BE AND IS HEREBY AUTHORIZED AND DIRECTED TO IMPOSE A LIEN UPON THE PROPERTY KNOWN AS BLOCK 776.01 LOT 9 LOCATED AT 16 NEWCOMB DRIVE IN THE TOWNSHIP OF PEMBERTON IN THE AMOUNT OF \$9,513.08 SAID MONEY IS TO BE COLLECTED IN ACCORDANCE WITH LAW.

RESOLUTION NO. 53-2009

WHEREAS, N. J. S. A. 40:48-1.1 PERMITS A MUNICIPALITY TO UNDERTAKE THE REMOVAL OR DEMOLITION OF ANY BUILDING OR STRUCTURE WHICH IS DANGEROUS TO HUMAN LIFE OR PUBLIC SAFETY, AND IN DOING SO, MAY ASSESS THE COST OF SUCH REMOVAL OR DEMOLITION AS A MUNICIPAL LIEN AGAINST THE PREMISES; AND WHEREAS, THE TOWNSHIP ORDINANCES ESTABLISHES A PROCEDURE TO FACILITATE THE DEMOLITION AND REMOVAL OF SUCH BUILDINGS OR STRUCTURES AND TO ASSESS THE COST OF SAME AS LIENS AGAINST THE PROPERTY; AND

WHEREAS, THE TOWNSHIP PUBLIC WORKS DEPARTMENT, IN CONJUNCTION WITH THE CONSTRUCTION DEPARTMENT AND OFFICE OF THE MAYOR, CAUSED TO BE DEMOLISHED AN UNSAFE STRUCTURE LOCATED AT 608 MARIE DRIVE, BLOCK 1128 LOT 19, ON THE TOWNSHIP MAPS; AND

WHEREAS, THE TOWNSHIP'S PUBLIC WORKS SUPERINTENDENT HAS CERTIFIED TO THE TOWNSHIP'S BUSINESS ADMINISTRATOR THE VALUE OF THE TIME, LABOR, EQUIPMENT AND OTHER SERVICES EXPENDED IN THE COURSE OF SAID DEMOLITION EQUALS \$ 9,237.71.

NOW THEREFORE BE IT HEREBY RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TAX COLLECTOR BE AND IS HEREBY AUTHORIZED AND DIRECTED TO IMPOSE A LIEN UPON THE PROPERTY KNOWN AS BLOCK 1128 LOT 9 LOCATED AT 608 MARIE DRIVE IN THE TOWNSHIP OF PEMBERTON IN THE AMOUNT OF \$9,237.71 SAID MONEY IS TO BE COLLECTED IN ACCORDANCE WITH LAW.

RESOLUTION NO. 54-2009

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

ELMER D'IMPERIO REGULAR MEMBER TERM
2/1/09-2/1/14

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

RESOLUTION NO. 55-2009

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TELEPHONE LOCAL EXCHANGE SERVICES WITH MAGELLAN HILL TECHNOLOGIES, LLC

WHEREAS, THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") REQUIRES TELEPHONE SERVICES TO COMPLETE NECESSARY AND VITAL TOWNSHIP BUSINESS; AND

WHEREAS, THE TOWNSHIP HAS EXAMINED COSTS RELATED TO ITS LOCAL EXCHANGE TELEPHONE SERVICES; AND WHEREAS, THE TOWNSHIP HAS DETERMINED THAT IT CAN REDUCE MONTHLY COSTS AND INCREASE THE EFFICIENCY OF ITS TELECOMMUNICATIONS NEEDS; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS RECEIVED A PROPOSAL FROM MAGELLAN HILL TECHNOLOGIES, LLC, 30 WASHINGTON AVENUE, SUITE D-11, HADDONFIELD, NJ 08033 ("MAGELLAN HILL"), FOR SAID SERVICES WHICH IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION; AND

WHEREAS, N.J.S.A. 40A:11-5(1)(F) OF THE LOCAL PUBLIC CONTRACTS LAW PROVIDES: ANY CONTRACT THE AMOUNT OF WHICH EXCEEDS THE BID THRESHOLD, MAY BE NEGOTIATED AND AWARDED BY THE GOVERNING BODY WITHOUT PUBLIC ADVERTISING FOR BIDS AND BIDDING THEREFORE AND SHALL BE AWARDED BY RESOLUTION OF THE GOVERNING BODY IF:

(1) THE SUBJECT MATTER THEREOF CONSISTS OF:

(F) THE SUPPLYING OF ANY PRODUCT OR THE RENDERING OF ANY SERVICE BY A PUBLIC UTILITY, WHICH IS SUBJECT TO THE JURISDICTION OF THE BOARD OF PUBLIC UTILITIES OR THE FEDERAL ENERGY REGULATORY COMMISSION OR ITS SUCCESSOR, IN ACCORDANCE WITH TARIFFS AND SCHEDULES OF CHARGES MADE, CHARGED OR EXACTED, FILED WITH THE BOARD OR COMMISSION; AND

WHEREAS, THE TOWNSHIP BUSINESS ADMINISTRATOR HAS MET WITH A REPRESENTATIVE OF MAGELLAN HILL AND NEGOTIATED AN AGREEMENT WHEREBY MAGELLAN HILL WOULD BE DESIGNATED AS THE TOWNSHIP'S LOCAL

EXCHANGE PROVIDER AND WOULD ACT AS THE TOWNSHIP'S AGENT IN DEALINGS WITH OUR CURRENT LOCAL EXCHANGE TELEPHONE COMPANY; AND
WHEREAS, THE AGREEMENT WITH MAGELLAN HILL IS EXPECTED TO RESULT IN A MONTHLY SAVINGS OF APPROXIMATELY \$900 AND AN ANNUAL SAVINGS OF APPROXIMATELY \$10,000; AND
WHEREAS, THE TOWNSHIP BUSINESS ADMINISTRATOR RECOMMENDS THAT THE GOVERNING BODY AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A CONTRACT WITH MAGELLAN HILL.
NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO EXECUTE A CONTRACT, NOT TO EXCEED 24 MONTHS, FOR TELEPHONE LOCAL EXCHANGE SERVICES WITH MAGELLAN HILL IN A FORM SUBSTANTIALLY ATTACHED HERETO AS EXHIBIT A.

RESOLUTION NO. 57-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF FIRE HOSE AND RELATED EQUIPEMENT

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR FIRE HOSE AND RELATED EQUIPMENT (COLLECTIVELY "FIRE HOSE") FOR USE BY THE TOWNSHIP IN PROVIDING FIRE SUPPRESSION SERVICES BY AND THROUGH THE APPROPRIATE FIRE COMPANY AND PERSONNEL IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACT LAW; AND

WHEREAS, THE TOWNSHIP RECEIVED THREE (3) BIDS FROM THE FOLLOWING VENDORS IN THE FOLLOWING AMOUNTS:

- (1) CONTINENTAL FIRE & SAFETY, INC.
180 VOLUSIA AVE.
TRENTON, NJ 08610
BID: \$36,288.00
- (2) W.S. DARLEY & CO.
325 SPRING LAKE DRIVE
ITASCA, IL 60143
BID: \$36,777.00
- (3) ABSOLUTE FIRE PROTECTION CO.
2800 HAMILTON BLVD.
SOUTH PLAINFIELD, NJ 07080
BID: \$37,428.00; AND

WHEREAS, THE ADMINISTRATION AND THE TOWNSHIP SOLICITOR HAVE REVIEWED SAID BIDS AND FIND THE BIDS SUBMITTED BY CONTINENTAL FIRE & SAFETY, INC. AND W.S. DARLEY & CO. TO BE NON-RESPONSIVE TO THE BID SPECIFICATIONS WHETHER IN WHOLE OR IN PART; AND

WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO ABSOLUTE FIRE PROTECTION CO. ("ABSOLUTE") AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND
WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED ABSOLUTE'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT; AND

WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD THE CONTRACT TO THE LOWEST QUALIFIED BIDDER, ABSOLUTE, FOR THE PROVISION OF FIRE HOSE AND RELATED EQUIPMENT;

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 CONTRACT FOR THE PROVISION OF FIRE HOSE AND RELATED EQUIPMENT FOR USE BY THE TOWNSHIP IN PROVIDING FIRE SUPPRESSION SERVICES BY AND THROUGH THE APPROPRIATE FIRE COMPANY AND PERSONNEL

BE AND HEREBY IS AWARDED TO ABSOLUTE, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND ABSOLUTE FOR THE PROVISION OF FIRE HOSE AND RELATED EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$37,428.00 AND IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY ABSOLUTE; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 04-2007-2007074017-4-91 100; AND

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

- A. ABSOLUTE FIRE PROTECTION CO.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 58-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR GOVERNMENT ELECTRONIC RECEIPT ACCEPTANCE TO POINT & PAY LLC FOR THE TOWNSHIP OF PEMBERTON

WHEREAS, THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") DESIRES TO INCREASE EFFICIENCY OF LOCAL GOVERNMENT SERVICES THROUGH THE IMPLEMENTATION OF AN ELECTRONIC PAYMENT SERVICE REFERRED TO AS GOVERNMENT ELECTRONIC RECEIPT ACCEPTANCE; AND

WHEREAS, THE TOWNSHIP HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR GOVERNMENT ELECTRONIC RECEIPT ACCEPTANCE IN ACCORDANCE WITH THE GOVERNMENT ELECTRONIC PAYMENT ACCEPTANCE ACT, N.J.S.A. 40A:5-43 ET SEQ.; AND

WHEREAS, THE TOWNSHIP RECEIVED TWO (2) BIDS FROM THE FOLLOWING VENDORS IN THE FOLLOWING AMOUNTS:

- (4) POINT & PAY LLC
280 PATTERSON ROAD
HAINES TOWNSHIP, FL 33844
BID: REFER TO PAGE 28 OF BID PROPOSAL AS ATTACHED HERETO AS EXHIBIT A
- (5) OFFICIAL PAYMENTS, INC.
10780 PARKRIDGE BLVD.
SUITE 400
RESTON, VA 20191
BID: REFER TO PAGE 19 OF BID PROPOSAL AS ATTACHED HERETO AS EXHIBIT B

WHEREAS, THE ADMINISTRATION AND THE TOWNSHIP SOLICITOR HAVE REVIEWED SAID BIDS AND FIND THE BID SUBMITTED BY OFFICIAL PAYMENTS, INC. TO BE NON-RESPONSIVE TO THE BID SPECIFICATIONS PURSUANT TO N.J.S.A. 40A:11-23.2 FOR FAILURE TO SUBMIT A BUSINESS REGISTRATION CERTIFICATE; AND

WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO POINT & PAY LLC AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID;

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 CONTRACT FOR THE PROVISION OF GOVERNMENT ELECTRONIC RECEIPT ACCEPTANCE BE AND HEREBY IS AWARDED TO POINT & PAY LLC, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND POINT & PAY LLC IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY POINT & PAY LLC; AND

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

- A. POINT & PAY LLC
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 59-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF A NEW LOADER BACKHOE FOR USE BY THE TOWNSHIP WATER DEPARTMENT

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR A NEW LOADER BACKHOE (COLLECTIVELY "BACKHOE") FOR USE BY THE TOWNSHIP WATER DEPARTMENT IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACTS LAW; AND
WHEREAS, THE TOWNSHIP RECEIVED THREE (3) BIDS WITH THE LOWEST RESPONSIBLE BIDDER BEING CHERRY VALLEY TRACTOR SALES OF 35 ROUTE 70 WEST IN MARLTON, NEW JERSEY 08053 ("CHERRY VALLEY") WITH A BID OF \$60,313.56 AFTER OPTIONS; AND
WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO CHERRY VALLEY AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND
WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED CHERRY VALLEY'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT;
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 CONTRACT FOR THE PROVISION OF A NEW LOADER BACKHOE FOR USE BY THE TOWNSHIP WATER DEPARTMENT BE AND HEREBY IS AWARDED TO CHERRY VALLEY, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND CHERRY VALLEY FOR THE PROVISION OF A NEW LOADER BACKHOE IN AN AMOUNT NOT TO EXCEED \$60,313.56 AND IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY CHERRY VALLEY; AND
BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 05-2008-0001-0500-2-05100; AND
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. CHERRY VALLEY TRACTOR SALES
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

12. NEW BUSINESS

- *b.** Applications submitted for memberships, licenses, permits:
 - *1.** Ocean County Competition Riders M.C.: Annual Scrub Pine Enduro to be held 3/22/09. Route within bounds of Brendan T. Byrne State Forest.
 - *13.** Approval by Council required for payment of vouchers on bill list dated 1/16/09.

Mr. Prickett requested to pull Resolution No. 50-2009 and add a request from Public Works for heating work at the Nesbit Center for Dazell Altemp in the amount of \$2,900. Mr. Inge requested to pull resolution 56-2009. Mr. Cartier asked if the addition needed a second and he would second Mr. Prickett's addition.

Motion by Prickett and Cartier to add a request from Public Works for heating work at the Nesbit Center from Dazell Altemp in the amount of \$2,900. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Motion by Prickett and Cartier to adopt the Consent Agenda as amended. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes except she is abstaining on bill #9351 on page 14 of the bill list; Stinney, yes. Motion carried.

Mrs. Stinney had a question for the Mayor on the emergency at the Nesbit Center and asked how long that will take. The Mayor advised a couple of days but if the parts are not available, it could lead into a couple of weeks, noting they are trying to expedite it. Mrs. Stinney then asked where the kids will go in case the two days are not sufficient to get it done and asked if there is a plan to put the babies some place. Mayor Patriarca responded they will make sure there are facilities available for them. Mrs. Stinney asked that the Mayor either coordinate with the Superintendent, Dr. Gorman and perhaps the children could be shuttled to one of the nearby facilities. Mrs. Stinney commented on shared services during an emergency and she is sure it will work and that Dr. Gorman will be glad to hear from the Mayor. The Mayor replied that he will look in to it.

RESOLUTION NO. 50-2009 (PULLED FROM THE CONSENT AGENDA):

RESOLUTION NO. 50-2009

WHEREAS, THE WAWA STORE NO. 982 HAD PREVIOUSLY POSTED A PERFORMANCE BOND FOR THE FAITHFUL COMPLETION OF CONSTRUCTION OF WAWA STORE NO. 982 IN PEMBERTON TOWNSHIP; AND WHEREAS, THE ENGINEER HAS RECENTLY REPORTED THAT A SUBSTANTIAL AMOUNT OF THE WORK HAS BEEN COMPLETED TO HIS SATISFACTION AND THE PERFORMANCE BOND IS ELIGIBLE FOR REDUCTION; NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE PERFORMANCE BOND IN THE AMOUNT OF \$1,506,492.00 PREVIOUSLY POSTED BY WAWA STORE NO. 982 BE AND THE SAME IS HEREBY AUTHORIZED TO BE REDUCED TO THE AMOUNT OF \$397,746.00 IN A FORM SATISFACTORY TO THE TOWNSHIP SOLICITOR. THIS REDUCTION IS CONDITION OF PAYMENT OF ALL OUTSTANDING CHARGES AGAINST THE ESCROW ACCOUNT.

Mr. Prickett explained that what he heard from the engineer is that this could be tabled until the next meeting. Mr. Prickett wanted to add his concerns in that he has been out to the train station and he volunteers his time on Fridays and while there he met a jogger who uses the trail on a regular basis that came up to him and out of concern she described what happened during several rain storms. As she approaches Fort Dix Road, she described a wave of water coming down the trail. She had experienced using the trail before and this is during the period of time the development had taken place at the WaWa. Mr. Prickett expressed concern that as a result of that development perhaps the elevations are off or there is something that can be rectified to fix that or at least address it to make sure. Mrs. Stinney referred to the Mayor and asked if this resolution can be pulled and asked if there is an emergency. Mr. Bayer stated he doesn't have the back up documents to know the answer, but under the land use law once an owner developer makes a request for a bond reduction, the town has 45 days to act. Mr. Rehmann is speaking from the audience but is not near a microphone and is inaudible. Mr. Bayer noted he does not know the timing of the documents but he has been in the position where other towns have been sued for failing to act during the timeframe and it was a long time after but nevertheless. Mr. Rehmann is speaking again but is not near a microphone and is inaudible. Mr. Rehmann advised to table it tonight and they will look at it. He will try to get the backup documents. Mr. Cartier stated 400. Mr. Prickett replied 397,700. Mrs. Stinney advised Mr. Prickett that they are trying to obtain the backup documents. Mr. Prickett asked if Council would be coming back to it. Mrs. Stinney answered they would come back to it.

RESOLUTION NO. 56-2009 (PULLED FROM CONSENT AGENDA):

RESOLUTION NO. 56-2009

RESOLUTION APPOINTING MUNICIPAL COURT JUDGE

WHEREAS, N.J.S.A. 2A:8A-1, ET SEQ. PROVIDES THAT A MUNICIPALITY WHICH HAS A MUNICIPAL COURT SHALL APPOINT A MUNICIPAL COURT JUDGE TO ADMINISTER SAID COURT; AND

WHEREAS, THE STATUTE PROVIDES THAT THE APPOINTMENT OF THE MUNICIPAL COURT JUDGE SHALL BE FOR A TERM OF 3 YEARS FROM THE DATE OF APPOINTMENT AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED; AND

WHEREAS, PEMBERTON TOWNSHIP IS GOVERNED BY A MAYOR-COUNCIL FORM OF GOVERNMENT; AND

WHEREAS, IN ACCORDANCE WITH THAT FORM OF GOVERNMENT, THE MUNICIPAL COURT JUDGE IS APPOINTED BY THE MAYOR WITH THE ADVICE AND CONSENT OF THE TOWNSHIP COUNCIL; AND

WHEREAS, MAYOR DAVID A. PATRIARCA RECOMMENDS THAT CHARLES SHIMBERG, ESQ. BE APPOINTED AS JUDGE OF THE MUNICIPAL COURT OF PEMBERTON TOWNSHIP.

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 DOES HEREBY CONSENT TO THE MAYOR'S APPOINTMENT OF CHARLES SHIMBERG, ESQ., WHOSE OFFICE IS LOCATED AT 20 BRACE ROAD, SUITE 350, CHERRY HILL, NEW JERSEY, 08034, TO SERVE AS JUDGE OF THE MUNICIPAL COURT OF PEMBERTON TOWNSHIP FOR A 3 YEAR TERM TO COMMENCE ON FEBRUARY 18, 2009, AND EXPIRE ON FEBRUARY 17, 2012.

Mr. Inge asked Administration what happened to the former Judge, Andronici and if he was considered. The Mayor replied he was certainly considered. Mr. Inge then asked why there was a change made. Mayor Patriarca advised there were a couple of reasons why he made this change and one of those reasons was he was looking for a little more efficiency in that area. The Mayor continued that Judge Andronici has served the Township well in their courts for many years but they have come up with

some questions over the past year that raised some concerns and quite frankly Judge Andronici's salary was a little higher than the recommended appointee. Mr. Inge then asked if salary was the reason more than.....Mayor Patriarca interjected that salary was not the only reason but was a factor in the decision along with health insurance and the appointee did not include health insurance in his proposal, whereas the current judge does receive health insurance. He reiterated that the current judge is also a higher rate of pay. The Mayor reiterated that there were some other areas within that department which they felt needed to be addressed and are looking to make some changes. Mr. Inge asked if anyone spoke with the Chief of Police and received his opinion on this. Mayor Patriarca explained this is a Mayor's appointment and not the Chief of Police's appointment. Mr. Inge responded that he knows it's the Mayor's appointment, but.....Mayor Patriarca interjected that the Chief of Police is a Department Head and he did not refer to a Department Head on this decision. Mr. Inge stated that in previous years, residents spoke highly of Judge Andronici....The Mayor commented that he speaks highly of him; he is a friend of his and he has known him for many years but knows some things that have turned him towards a change and he believes they need a change and is looking forward to a change. Mr. Inge stated that a lot of what he understood in previous cases that they wondered why they were downgraded and sent back to the Township and it wasn't this municipal court judge, it was the county. Mayor Patriarca agreed with Mr. Inge and commented that it was the County Prosecutor's office and Mr. Raymond left, the former County Prosecutor. The Mayor remarked that downgraded cases are not the municipal judge's responsibility, and he does not hold the municipal judge for downgraded cases. Mrs. Stinney asked Mr. Inge if he had any other questions. Mr. Inge stated that for the record he thinks the residents really appreciated the work that the former judge has done for this Township and the efforts that he gave to this Township to make sure residents felt safe in their homes and businesses. Mrs. Stinney thanked Mr. Inge. Mrs. Scull indicated she had a question for the Mayor regarding this issue. She reflected that it came up in discussions before that there is a lot of money that has not been collected by the courts and asked if perhaps she should ask Mr. Bayer if that is the responsibility of the judge. Mr. Bayer replied that the Mayor can answer that question. Mayor Patriarca explained that the judge has certain options afforded to him to implement to collect funds from his clients. Mr. Bayer clarified not clients, defense. The Mayor stated the defendants, him or her, and Administration feels there could be different methods used to collect those funds. He stated there is a lot of money out on the streets in this town and Administration is concerned about that and that is one of the areas that are a concern. Mayor Patriarca indicated this decision did not come easy and as he stated earlier he has known Judge Andronici for a lot of years and he has been in his courts for a lot of years. He did not take this lightly and actually did a little homework on this to make sure Pemberton was going to be well represented and is comfortable with his decision. The Mayor remarked that he even went to the point where he visited the new judge's court in another town and watched the judge perform unbeknownst to the judge of who he was until he was the last person in his court. Mayor Patriarca stated he has been in enough courts and is very comfortable that Pemberton Township will be well represented with his selection for the judge in the Township. Mrs. Scull commented that she has sat in the court quite often and has seen a lot of residents in jail or on the TV because they owe money to their court system. Mrs. Scull stated she doesn't necessarily think that saves our tax payers' money to use that route when they haven't paid. She doesn't hold

the judge responsible necessarily for them not receiving the funds that they should be receiving from the court clientele. Mrs. Scull noted that Judge Andronici has done a fine job over the years. Mrs. Stinney asked if Council had any other comments. Mr. Prickett asked Mrs. Scull if she was saying that the defendant should be in court and not in county jail and he didn't understand what Mrs. Scull was just describing as far as funds and video cameras and he thought that would be a savings. Mrs. Scull answered no, she is saying that she doesn't think it's a savings when somebody owes \$100 and they are in jail because they owe that \$100. Mrs. Scull advised that she has sat in court quite often and has seen some poor "smuck" sitting in a jail cell because they don't have the \$100 to pay their fine and then they have somebody rich who might have run off with \$20,000 out walking the street as if nothing ever happened to them. Mrs. Scull further noted that she does have a problem with that and doesn't think putting people in jail necessarily gets the Township their tax dollars or their court fines and monies. Mr. Prickett thanked Mrs. Scull for clarifying that for him. Mrs. Stinney asked for any other comments from Council. Mrs. Stinney commented that this is the Mayor's appointment and added that her heart was broken many years ago. She hears what Mr. Inge is saying, noting that Buddy Bozarth was let go after 14 years. Mrs. Stinney came to watch his court once and she was a nervous wreck when she left and that was just to witness and see what was going on. Sometimes change is good and she thanked the Mayor for stepping out on faith and doing what he thinks is right.

Motion by Cartier and Prickett to approve Resolution No. 56-2009. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

Mr. Bayer commented that Judge Shimberg is present this evening. Mayor Patriarca confirmed to Council that the Judge is here. Mrs. Stinney asked the Mayor to introduce the Judge. The Mayor did so and Judge Shimberg thanked the Council for giving him the opportunity to help fight crimes and move things in a different direction. Mr. Prickett wished Judge Shimberg good luck.

10. ORDINANCES FOR INTRODUCTION

a. ORDINANCE NO. 4-2009 (title read by Mrs. Stinney)

ORDINANCE AUTHORIZING A CROSS EASEMENT FOR PARKING ON REAL PROPERTY SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PEMBERTON AS LOT 11.03, BLOCK 554 AND LOT 17, BLOCK 553

Motion by Scull and Cartier to introduce Ordinance No. 4-2009, with a public hearing on February 4th. Scull, yes; Cartier, yes; Inge, abstain; Prickett, yes; Stinney, yes. Motion carried.

b. ORDINANCE NO. 5-2009 (title read by Mrs. Stinney)

AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

Motion by Cartier and Scull to introduce Ordinance No. 5-2009 with a public hearing to be held on February 4th. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

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

a. **ORDINANCE NO. 1-2009 (title read by Mrs. Stinney)**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING SECTION 152-2 (SOLID WASTE RATES) OF THE COST OF THE TOWNSHIP OF PEMBERTON.

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

Michael Tamn: 1. Mr. Tamn noted that he has been coming to Council meetings for a number of years and even while the new Council and Administration have been in office. Since they have been in office, he has pushed for the enforcement of recycling and it has not been done as of today. Mr. Tamn stated Council and Administration have been here for two years and they have not done it. They say it's a good idea but have not done it. Mr. Tamn noted it is the simplest thing to bring down the costs and let the County pick it up instead of paying for the tipping fees. Mr. Tamn expressed a minimum of 25% could be cut within 60 days and that adds up to dollars at the end of the year. Mr. Tamn asked why this has not been done; rates are being raised but nothing is being done to save money and it doesn't make any sense. Mrs. Stinney explained that there is a program starting in Presidential Lakes regarding recycling. Mrs. Stinney noted it's scary too because she recently read an article in the newspaper regarding recycling. Mr. Tamn noted that he read the article but it is no excuse for the last two years and even with the program it will not solve the problem because if people don't participate and don't want to bother with it unless there is some type of enforcement like some towns have done, the problem will not be cured. Mr. Tamn again asked why it can't be done. Mrs. Stinney commented that she just answered that in that there is a program starting in Pemberton Township. Mr. Tamn conveyed the program is not enforcement. Mrs. Scull wholeheartedly agreed with Mr. Tamn, noting she spends a lot of time explaining to residents that by not recycling it costs the Township money such as even picking up items along the road that people have thrown out for trash that might be good for somebody. Mrs. Scull asked if Council could pass an ordinance where residents are not allowed to put household items out at the curb and they have to be donated or taken somewhere for people to purchase. Mrs. Scull added it infuriates her when she sees dressers and things in the trash and knows that the Township will pay tonnage for those items when they are picked up. Mrs. Scull stated she wished there was some other way besides education and she can't go around and be the trash police. Mr. Tamn commented on household items, if it isn't picked up by the Township it will be in the woods again like it was twenty years ago. Mr. Tamn expressed he is talking about newspapers, cans and bottles; if they are recycled it will save the Township a lot of tonnage per year and it just takes some enforcement. Mrs. Scull added that so will re-using items. Mrs. Stinney noted that recycling is the law. Mr. Tamn continued that it is in the ordinance but it is not enforced and added that a red sticker on a can works miracles. If it is done a second time, they pay a fine. Mrs. Scull asked Mr. Tamn what happens if the resident doesn't have a can out and then asked if it's their garbage can if they have something in there they shouldn't. Mr. Tamn explained usually one can see if someone has a lot of recyclables in their trash without too much effort. Mrs. Scull agreed that would require a recycle police person. Mr. Tamn acknowledged that some towns have done spot checks where they have gone out in four or five places in a town and put stickers on and the following week they'll do another four or five homes and put stickers on. Mr. Tamn announced that it is working and the incentive is there. Mrs. Stinney asked Mr. Tamn who is performing the spot checks. Mr. Tamn reported that originally the Code Enforcement Officer in this Township did it at one time when they first started recycling in the 1980's. Mrs. Scull stated "good luck". Mrs. Scull suggested having Mr. Vaz check in to see if something like this can get started. Mrs. Stinney suggested continuing to perhaps put a flash on the webpage that recycling is the

law. Mr. Prickett agreed it saves the Township money. Mrs. Stinney suggested an alert blink or pop up. Mrs. Stinney then suggested the associations getting letters out in their neighborhoods. Mr. Bayer stated to Mr. Vaz that he has seen in other counties the county authority responsible for solid waste management depending on if it's a utility authority or the county itself that does solid waste or recycling enforcement and suggested exploring what the county does here in that regard. Mr. Bayer indicated that he has done it on behalf of other counties when he represented the county. **Ed Tournquist: 1.** Remarked that the new recycling system will require an assigned receptacle for every home in Presidential Lakes and asked if that were true. Council confirmed. Mr. Tournquist offered that they can be the police as they are picking up the recyclables on a regular basis and if people are not responding, they can respond to the Township and let us know who is not participating. Mrs. Scull questioned if that is possible. Mr. Inge offered that they don't have the data for that; only what it weighs. Mrs. Scull added only what route it is. Mr. Tournquist then remarked that it's not good enough. Mrs. Stinney posed that once trash goes in, it barcodes off of there and then it goes down and continues to collect. Mr. Tournquist relayed that the individual home will not be identified. Mrs. Stinney replied no then stated it will be. Mr. Cartier informed it will identify those that are participating in the program and that's all it will identify. Mr. Prickett added that it weighs the mass from theMr. Cartier interjected the mass from the whole town, the whole pick up. Mrs. Scull added from that route. Mr. Tournquist asked if everyone will be assigned a receptacle. Mrs. Scull replied yes. Mr. Tournquist advocated that if they are not using the receptacle, there should be a way for the Township to know that. Mrs. Scull surmised to ride around and write down their house numbers. Mr. Tournquist maintained it sounds like a job for Mrs. Scull. Mrs. Scull suggested Mr. Prickett since he is retired. Mr. Prickett claimed that Mrs. Scull would be better at it. **Tom Maahs: 1.** Thinks the new recycling program in Presidential Lakes is an asset. Speaking for his household, he recycles more now than he ever did because it's a lot easier. He fills the blue barrel up, rolls it out to the street and he's done. Mr. Maahs sensed the Township will have success with it. As Fire Chief and riding around the community, he sees a lot more recyclables out at the curb. Mr. Prickett conveyed that is all paper and fiber and the heavy stuff. Mrs. Scull commented that is good. **George Petronis: 1.** Noted that approximately two years ago at the county waste management site, the landfill, they were doing an innovative program of converting trash to energy and he was able to tour that. If his memory serves him correctly, the county told him that every time they dump a truck into the landfill, they check the load for excess recyclables and if the load exceeds a certain percentage of recyclables, there is an extra charge to the Township. Mr. Petronis asked if this is correct would it be possible to put something on the trash bill showing every resident that this is the extra bill you paid last year for your neighbors who didn't recycle properly. Mr. Petronis suggested this could be in big red numbers to make the point so instead of having trash police, they could each perhaps comment to their neighbors that they are not recycling. This could be a do it yourself incentive and a reminder to the residents themselves that this is what it's costing them if they don't recycle. Mrs. Stinney remarked that Council will keep that in mind to get through the solid waste rates and thanked Mr. Petronis for the great idea. **America Phillips: 1.** In reference to recycling, Mrs. Phillips asked Council how many developments have received the blue cans. Mrs. Stinney conveyed to Mrs. Phillips that this is in discussion to the rate and the area selected for the cans is the Presidential Lakes development at this time. Mrs. Phillips responded that she will ask more questions next time.

There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

Motion by Scull and Cartier to adopt Ordinance No. 1-2009 amending the section of 152-2 Solid Waste Rates. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

b. ORDINANCE NO. 2-2009 (title read by Mrs. Stinney)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 62-11 and 62-12 OF THE TOWNSHIP CODE RE-ESTABLISHING AN AFFORDABLE HOUSING DEVELOPMENT FEE ORDINANCE IN CONFORMANCE WITH THE COUNCIL ON AFFORDABLE HOUSING'S THIRD ROUND REGULATIONS

Mrs. Stinney opened the meeting to the public for public comments. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

Motion by Prickett and Cartier to adopt Ordinance No. 2-2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Mr. Cartier asked the Mayor if this is what the Governor is proposing to do away with for this year. Mrs. Stinney remarked there is a year moratorium on this. Mr. Bayer replied partially yes and partially no. He advised that the Governor has proposed putting a moratorium on the non-residential component of the fee, not the residential component. Mr. Bayer added that in order to keep the affordable housing trust fund viable and going, under COAH's regulation whether they will end up collecting the fee or not, they need the ordinance. Mr. Inge asked Mr. Bayer if the Governor is doing away with the 2.5 for new businesses. Mr. Bayer explained that the Governor has proposed it and in July 2008 the Governor and Legislature adopted the 2.5% fee so in six months it's changing. That is what has been proposed but it is not law yet. Mr. Inge commented that a lot of towns put in suit against them the day. Mr. Bayer offered there are approximately 20 lawsuits challenging COAH's regulations and that legislation but the challenge on the legislation is more regarding the elimination of RCA's, Regional Contribution Agreements, rather than the 2.5% fee. Under COAH's regulations before this, there was a 2% fee so it went up a half of one percent. Mayor Patriarca added that in the proposal by the Governor, he is only referring to those that fall in the area of the two year exempt status. Mr. Bayer replied that he doesn't know and non-residential development is commercial development so the fee was imposed on any commercial development and there were certain exemptions under the statute like churches and those types of things. Mr. Bayer stated the moratorium is against the commercial developers. Mayor Patriarca stated he was trying to run it only for the time period that certain exemptions were approved like the storm water management regulations. Mr. Bayer indicated it was for a period of time but it's a law so the legislature would have to adopt it. The Mayor asked if there is any talk on relieving the municipalities of their obligations in that commercial. Mr. Bayer answered that the interesting thing is that each town including this one has an affordable housing obligation right now which arises from commercial development. Its one unit for every 16 jobs created. What Senator Lesniak has proposed is if they are going to eliminate the fee on commercial development that they would stay the affordable housing obligation arising out of the commercial development. Mr. Bayer continued that the affordable housing advocates are dead set against this and they will be lobbying the legislature strongly. It will be interesting to see how it turns out. Mrs. Stinney agreed with Mr. Bayer and conveyed that she was at a workshop on Monday.

c. ORDINANCE NO. 3-2009 (title read by Mrs. Stinney)

AN ORDINANCE AUTHORIZING THE EXCHANGE OF TOWNSHIP PROPERTY LOCATED AT BLOCK 787, LOTS 3 AND 4 FOR A PORTION OF BURLINGTON COUNTY OWNED PROPERTY LOCATED IN PEMBERTON TOWNSHIP AT BLOCK 812, LOT 9.01 AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PEMBERTON

Mrs. Scull corrected Mrs. Stinney that it is Block 787. Mr. Bayer informed Mrs. Stinney she had stated Block 287. Mrs. Stinney conveyed that she transposed the sevens to twos. Mrs. Stinney apologized and asked that the correction be noted. Mrs. Scull commented that she didn't want to give away the wrong piece of property. Mrs. Stinney thanked Mrs. Scull.

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 informed he had a question for the Solicitor. Mr. Prickett expressed that first of all, he supported the exchange with the two resolutions that Council has already done so his questions tonight are not in disagreement with this but they have to do with the role of the Council. Since Council has already done two resolutions supporting this, his question is why they are doing this ordinance tonight when due diligence hasn't been done yet. Mr. Prickett further asked if they are going to have another ordinance once due diligence has been completed by the Township to put the final word in. Mr. Prickett noted as this ordinance states, it's the Solicitor that has the final word. Mr. Prickett conveyed that under the land use law and it's the Council that needs to be sure of what they're getting or what the Township is getting or rather, the residents and Township. Mr. Bayer reported that when this came up at the end of last year, the County had submitted to the Mayor which was then submitted to the Council a document they called an inter-local agreement but when you looked at it, it really wasn't an inter-local agreement it was really a contract to exchange property. An inter-local like agreement is usually a services agreement. This was actually a contract where they would be subject to due diligence buying and selling or not selling but exchanging the property so what he had said to Mr. Vaz at the time was if the Mayor is going to be authorized to sign this, Council would need an ordinance because it's a land transaction. Hence, that's why they had suggested this ordinance because he didn't think the Mayor would have been authorized to sign that agreement just by adoption of a resolution by the Council. Mr. Bayer indicated that he didn't have that in front of him right now, and conveyed to Mr. Vaz that it's about the inter-local agreement with the County for the rail property which was really a real estate document. Mr. Vaz indicated that it is called a shared services agreement. Mr. Bayer continued that's what they were authorizing in essence, the Mayor to sign at this point. It's not the final sale and that was in essence like an agreement to subject to.... Mr. Vaz interjected it's probably a 6 to 9 month process that the County has to follow before they can actually get to a closing, but they have their own due diligence to do in the meantime, and he would anticipate an actual contract subject to Mr. Bayer's opinion otherwise spelling out that they're going to do those things, title work and survey work. Mr. Bayer conveyed that was in the proposed agreement that the County has provided. Mr. Vaz stated in the actual shared services agreement. Mr. Vaz continued they're calling it a shared services agreement but from his perspective it should say real estate contract. Mr. Prickett conveyed that from a Councilman's perspective, being responsible citizens of the Township in respect to land that the Township is negotiating to receive, he would like to know exactly what it is that the Township is getting. Mr. Prickett informed he had contacted the Business Administrator about a survey and when he voted to introduce this at the last Council meeting he assumed that there was a survey to

spell out exactly what property the Township would be receiving. Mr. Prickett continued that he went through the ordinance and there's a description, its 11.12 acres adjacent to the municipal building. It's a portion of the whole. The whole is 327 acres or something. Mr. Bayer advised it is 374 acres. Mr. Prickett stated he is not quite sure he knows it's adjacent to the municipal property but he's not sure exactly what it is that they're agreeing to exchange here. Mr. Prickett expressed he would feel comfortable if there was a final resolution to do this exchange. Right now they're exchanging a portion of the whole for a distinct quantity which is the rails for trails and the train station. Mrs. Stinney asked the Mayor if he would like to comment. Mayor Patriarca informed that the property being discussed is next to the municipal building that is used for township events including the circus, football events, community days and so forth. The Mayor explained that basically it's the field that the Township has used for years that quite frankly the county was even unaware they owned. The county thought the Township owned it and they brought it to the county's attention. The Township maintains it, cuts it and basically if it wasn't a government entity the Township would own it by possession. The Township has possessed it for enough years now. The county has surveyed the property. Mayor Patriarca noted that the Township does not have the county's survey, and they certainly would have to do some more work on this. Mr. Prickett asked if the county did the survey for the entire 327 acres. Mayor Patriarca reflected that the county just surveyed the 11 acres. The Mayor continued that it wasn't his original thoughts on the matter of getting something out of it as in the contents of tangible property. Mayor Patriarca expressed that from the beginning of this project of putting the rails to trails and the train station in the possession and ownership of the county is where the town and residents would benefit. That is where the Township would get an exchange in the most part because they would now have the opportunity to invest in something that the Township would like to invest in an area that is important to their community as well as the nation since it's on the National Historic Registry. The Township doesn't have the funds to maintain this and the county, obviously, has deeper pockets. Mr. Prickett stated that is not the question. The Mayor surmised that what Mr. Prickett is alluding to is what the Township's benefit out of this is and what the Township is getting out of this. Mr. Prickett asked what is the Township getting in exchange for the rails to trails and the train station property. Mr. Prickett also asked if the survey has been done by the county that Council tables this until they get that survey and then move forward once they see the survey. Mrs. Stinney asked Mr. Bayer if he had any comments. Mr. Bayer stated they are a long way away from closing and asked the Mayor and Mr. Vaz to provide the surveys and related information to Council. Mr. Vaz explained that the county is not going to take the next step without formal action of the governing body. Mr. Rehmann's office used the GIS System and put it together. They actually show on the tax maps that they're working off of all the delineations and that was provided to Council on January 11 of 2008. Mr. Vaz continued that is also what they've been working on with the county in their meetings and discussions with them. Mr. Vaz advised Council that he can re-circulate this and even though it is not a survey it does show the configuration of what the new lot lines would be especially in the part of block 812, lot 9.01 in particular. Mr. Vaz added that he has them for the lot with the rail road station as well. Mr. Prickett asked why that couldn't be a part of the ordinance. Mr. Vaz answered that it's not a legal description in the sense of the law. Mr. Bayer asked Mr. Vaz to show him the information and noted that what he could add is as a "Whereas" clause reference so that there is a record of this in writing which would address Mr. Prickett's concern and it would not be a substantial change even it's in a "Whereas" provision. Mayor Patriarca informed it's what they've been using to negotiate with the county on this deal so it's not like they're going to give them 11 acres back in the swamp in the woods back here that they'll never be able to use it. The intent is clear on both parties. Mrs. Scull inquired if this is the final document that Council is going to approve. Mr. Bayer

responded no, but added that to be fair, Mr. Prickett's point is that this ordinance basically authorizes the Mayor to go ahead with the closing of the transaction. So theoretically the Mayor wouldn't have to come back to Council for any further authorization. Mayor Patriarca commented that he can't fathom the county freeholders agreeing to something until they actually do the title work and survey. Mr. Bayer inferred that it is like any other real estate transaction they've done on behalf of the Township; there is always title work and a survey to make sure that they're buying or selling exactly what they think they are. The Mayor agreed and added that as Mr. Vaz mentioned this is what will get the ball rolling in the county's level to allow them to start their process which is apparently a much longer process than ours and we're trying to move that process along. Mrs. Scull asked Mr. Prickett if it was okay with him to put in a "Whereas" on where it is. Mr. Prickett answered that it's definitely important and it's important to not only have that map but there were also some GIS coordinates that Mr. Vaz spoke of. Mr. Vaz advised the GIS coordinates were provided by Civil Solutions which is a part of Mr. Rehmann's engineering company but it does not have latitude or longitude and basically shows the line drawn around the municipal property indicating that would be the part of that lot that the Township is acquiring. Mr. Prickett asked Mr. Vaz if he had the approximate frontage. Mr. Vaz responded that he has the approximate square footage. Mr. Prickett stated we do not have the approximate frontage. Mr. Vaz explained that only by looking at the line and the scale that's on that tax map and though it's certainly not a survey and not to scale that a survey would be prepared. The Mayor emphasized that from negotiations with the freeholders, it does extend all the way over and they would have like it to extend pass and include the building this way across the field which they declined to accept because of environmental reasons. They did indicate that they would like Township to allow them to continue to use the basketball court and that's all the way across the field. The Mayor relayed that the negotiations have included the entire field all the way across to the building on the other side of the field. Mr. Prickett inquired if it included the building. Mayor Patriarca responded no even though they would have loved to have had that building because it's a nice sized building but there is a possibility that there may be asbestos contamination and we would have to accept responsibility for it so they respectfully declined. Mrs. Stinney asked Mr. Prickett if his questions were answered. Mr. Prickett replied that his questions were answered and confirmed that Mr. Bayer is putting in the important information in the ordinance. Mr. Bayer reiterated his suggestion to add a "Whereas" clause to the ordinance. Mr. Bayer then asked Mr. Vaz if the material he had was the back up material to the resolution he provided. Mr. Vaz explained that it was part of the memo that went to Council in January but does not recall if Mrs. Young attached it to the resolution as it was a long time ago. Mr. Bayer read the following to be added to the ordinance:

Whereas the Council adopted Resolution No. 65-2008 which whereby the Township Council expressed its support for exchanging properties which are set forth in this resolution.

Whereas the Township Council was provided a memo by the Business Administrator dated January 11, 2008 and attached to that memorandum is a drawing prepared by the Township Engineer which depicts on the tax map the portion of block 812, lot 9.01 which the County is proposing to transfer to Pemberton Township.

Whereas this ordinance would be the first step towards effectuating the closing of that transaction subject to the Township obtaining the necessary surveys and title work confirming that the property is in fact the property described in the tax map attached to the memorandum.

Mr. Prickett thanked Mr. Bayer. Mr. Cartier then asked Mr. Bayer if what he just read was not considered substantial. Mr. Bayer replied it is not because even though it's a lot of words all they're doing is putting in a "Whereas" clause and we're further delineating something that's in the ordinance already which is we would be receiving a portion of block 812, lot 9.01. Mr. Bayer continued that they're just making reference to what that portion is more specifically so there's a description of it so that there's no confusion of it later on as to what we're receiving. In terms of the substance, it's not any different than what's been proposed in the ordinance itself. Mr. Prickett asked if Council needed to reopen due to that addition. Mr. Bayer explained no, because it's the same substance of the transaction, it's exactly the same. Mr. Prickett remarked that if the survey comes out and it's not to Council's liking, at that point Council can repeal the ordinance. Mr. Bayer noted that Council always has that option; Council can repeal any ordinance. Mr. Prickett relayed that he knows that and that is his point.

Motion by Cartier and Prickett to adopt Ordinance No. 3-2009. Cartier, yes; Prickett, yes; Scull, abstain; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney convened the meeting for a short break at approximately 8:19 pm. Council President Stinney reconvened the meeting at approximately 8:29 pm.

12. NEW BUSINESS

a. Review of proposed amendments to emergency No Parking Ordinance.

Mr. Cartier stated that he is assuming the roadways are going to have to be signed delineating this ordinance. Mr. Vaz asked if Mr. Cartier meant from an enforcement perspective. Mr. Cartier replied yes. Mr. Vaz answered he did not know and doesn't know if the Township does this now. Mr. Cartier read the following, "Upon declaration of an emergency, there shall be no parking upon streets or parts of streets where temporary emergency no parking signs are displayed". Mr. Cartier asked if the same format will be used in that having someone go out and put up no parking signs. Mr. Vaz asked if that is what has been done in the past. Mr. Cartier stated that is the way it is written in the existing ordinance. Mr. Rehmann explained that normally cardboard is used not a permanent sign and post it where there is a particular emergency. The public does have to be given notice that there are no parking regulations and that's the only way that he is aware it has been done from a traffic engineering standpoint. Mr. Vaz responded to Mr. Cartier that the DPW is not proposing a change in 182-23 and that will stand as presently written in the ordinance. Mr. Prickett asked Mr. Vaz if he could summarize what changes there are; he would like to make with the proposed and the existing. Mr. Vaz advised there are three major changes. One would be an addition to paragraph b where at some point somebody has to make the determination of how long the snow emergency exists and DPW is suggesting that it be spelled out in the ordinance that it's the Mayor or the Mayor's designee in which case it would probably be the supervisor who is running the show during the snow emergency. The other aspect of it is when there is a snow emergency presently they measure it by a number of inches and DPW would like it to read when snow has fallen and that snow covers a street that would be sufficient to constitute a snow emergency. Apparently the way they do it now is on even numbered days of the month when it snows, vehicles can only be parked on the even numbered side of the road and likewise on odd numbered days. DPW is looking to alleviate that and just have it be consistent where it's an even numbered side of the road and cars can't park on the odd numbered side of the road. Obviously the reason for this is there are problems with the snow plows going down the road and they want to correct that and make it better for the residents. Also, instead of having a list of roads that is in the present ordinance, they want it

to state that it applies to all of the roads in the Township. Mr. Prickett asked if it starts to snow which side of the road do you move your vehicle to. Mr. Vaz answered the even side and they would be prohibited from parking on the odd side. Mr. Vaz relayed that there have been problems with this in the past and in anticipation of a cold, snowy winter they see it coming and they would like to be prepared to the best that they can with a new ordinance. Mr. Prickett remarked it seems that it would make it a lot clearer and residents would know they park on the even side of the road or in their driveway. Mrs. Scull asked if this included all of the roads in the Township and not just the four areas from the past but it will be everybody. Mr. Vaz replied yes that is what they are proposing. Mr. Cartier commented that brings him back to his question of how is this going to be enforced and how will the residents know about his. Mr. Cartier added that his personal property falls within these four areas and he never knew there was such an ordinance. Mr. Vaz noted that is probably true of many ordinances that the Township has. Mr. Cartier remarked that there were never any signs posted to declare that one side of the street or the other was no parking. Mr. Vaz emphasized that in talking to the supervisors, they have indicated that signs have been used in the past. Mrs. Scull advised that she has never seen a sign. Mrs. Stinney asked if they indicated that they put signs up. Mr. Vaz replied yes and added that he will find out what the signs are made out of. Mr. Vaz indicated that this is on the agenda for discussion so the idea is that if there are questions he goes back to them and hopefully gets answers to all of Council's questions. Mrs. Scull agreed and asked why the entire Township needs to be involved. Mr. Cartier asked why not the entire Township rather than just these four areas. Mrs. Scull remarked there are places that there really isn't anyone. Mayor Patriarca noted that Mrs. Scull is probably referring to areas where residents park on their property like in driveways and this would probably involve those areas of the Township that have on the street parking. Mrs. Scull commented mostly around the lake areas. Mayor Patriarca continued that most people have more than one car now and some people are forced to park on the road and then asked when they get to park on the other side of the road. If there is snow on the road and it gets plowed, can they then park on that side of the road so the side they were parked on can get plowed. Mr. Vaz stated no, not according to the ordinance. Mr. Cartier interjected no. Mayor Patriarca interjected that is the point he was getting to and now they have to stay on the other side of the road and its all clear on the other side. Mrs. Scull added that all of those driveways are now backed up. Mayor Patriarca remarked that a little more work needs to be done on this. Mr. Prickett asked what would happen if they changed it and once it's plowed, they can move to the odd side of the road. The Mayor stated switch the emergency to the odd side; even today and odd tomorrow. Mr. Cartier noted that was probably the thinking of odd and even days; once the day is over and changes, they come back and clean up the road on the other side. Mr. Prickett commented that is pretty ingenious. Mrs. Scull added that has been a long time since they've had a snowstorm where they couldn't get their car out for a couple of days but that could be a problem too. Mrs. Stinney thanked the Mayor for moving forward and getting those questions for Council. Mr. Prickett relayed that when they do have snow, Public Works makes every effort to do a good job and plow their roads. Mrs. Stinney and Mrs. Scull agreed. Mr. Prickett continued that Council needs to look at this and make sure that they have considered all of the angles and make sure that they can do the best job. Mrs. Stinney agreed. Mayor Patriarca added that they have to give them the tools to be able to do it and not just the option of enforcement. They need that especially in the Lake Valley area which is probably their worse area as the roads are narrowed to such that the large plows can't get down there. They have to send their small pickups down there with plows on them but it works them to death. Mrs. Scull commented that is on the list already and it's not working so what difference does it make if they change the ordinance if it's not working. Mr. Cartier remarked that is his point. He has lived in this town going on twelve years now and he has never

once seen a sign during a snowstorm knowing that he couldn't park on one side of his road or the other. Mrs. Stinney reiterated that Council appreciates the Mayor getting back with answers. Mr. Prickett would like to see it come back for further consideration.

GENERAL PUBLIC COMMENTS

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

Mark Glanty: 1. Recently learned from someone who lives in the Township that the Township was interested in buying the Sybron property in Birmingham and constructing a sewage treatment plant there. Mr. Glanty doesn't understand why because there is one within a mile and it is well located because it's right on the rails to trails path. It must be three quarters of a mile from the nearest house. Mr. Glanty asked why the Township suddenly wants to build a new one. Mrs. Scull asked if Council knows about any of that because it's news to Council. Mr. Vaz responded that to Administration's knowledge, that is not accurate. Administration has been looking to purchasing the water allocation rights. He explained that they started the process by meeting with representatives of Sybron to look at the possibility of their sewage treatment plant but based on the recommendation of the engineer from Mr. Rehmann's office, they have abandoned that and are focused solely on the water allocation. Mr. Rehman's office was authorized to research that and they have experience in doing that process from another town one of the engineers worked at. They are in the process of doing that but it is not to purchase property or maintain a sewage treatment plant. Mr. Vaz reiterated that it is focused solely on the water allocation. Mr. Glanty asked what water allocation is. Mr. Vaz explained it is a precious right that we may regret if we don't do it now. We may down the road kick ourselves for not buying it. Mr. Rehmann explained that in New Jersey the state of New Jersey owns the right to water; even the water that is in the underground aquifers. There is a process called an allocation permit which is extremely difficult to get because the state is very concerned about the environmental impacts with the withdrawal of water from aquifers. Where someone has an allocation and they could purchase that allocation so that there is no additional cost to the Township, it gives them the ability to increase the capacity of their water system at a very inexpensive cost. Mr. Rehmann continued that his firm is looking into the possibilities and the other issue was the waste treatment plant if they had an allocation to discharge and that is also a permit that is extremely difficult to get. However, what they were doing, where they were doing it and the cost to maintain that particular permit in his opinion was of no advantage to the Township and it wasn't that the Township was going to build a plant but that they may be able to use that additional sewer discharge allocation at their present treatment plant. His preliminary recommendation is that the Township not deal with a waste treatment plant but rather looks at the water allocation. Mr. Prickett stated that Mr. Glanty might have read the draft Master Plan where the Planner recommends to the Township to purchase the Sybron waste water treatment plant. Mr. Glanty replied that he did not read this. Mr. Prickett continued that he knows the word is out there, it is in the plan and also on the website in Pemberton Township. There are workshops scheduled for the 29th of January with the Planning Board and he doesn't know if there will be public comments. Mr. Prickett added that if the engineer is suggesting that they should not be looking to purchase the Sybron waste water treatment plant, the Planning Board needs to know that and it needs to be changed in the draft master plan. Mrs. Stinney asked Mr. Glanty if his questions were answered. Mr. Glanty replied they were. Mrs. Stinney announced that the doors are always open to the Mayor and the Business Administrator's office through the Mayor and asked the Mayor to provide Mr. Glanty with his extend so he can call and ask any future questions. Mayor Patriarca reported his office number is 894-3301 and his home number is 893-9382. Mr. Glanty thanked the Mayor. **America Phillips: 1.** Asked why

Presidential Lakes is the only development participating in the new recycling program. Mrs. Stinney explained that when the program was introduced it was for 1,000 containers through the grant program through the county and the Mayor recommended that area would fit the mold for the new program to start. There was another area, Lake Valley acres that wanted to know why it couldn't start in their area. Mrs. Phillips asked how residents can recycle if they don't have containers. Mrs. Stinney informed there are containers available at the Township. Mrs. Phillips remarked that's another reason for the Township after they have collected taxes to deliver a container to each home. Mrs. Stinney advised that the containers are not delivered; residents can come to Public Works and added that maybe she does not understand what Mrs. Phillips is saying. Mrs. Phillips announced that not everyone has a vehicle and it's easier for the Township to deliver containers to each household. Mrs. Phillips is not speaking for herself but rather for those that are not able to come to the Township. Mrs. Stinney commented that she doesn't know if they can go out and deliver containers. Mrs. Scull reported that everyone should have the other containers but the containers that Mrs. Phillips is talking about are coming in a little at a time. Mrs. Phillips stated she is not talking about the blue one but rather the regular ones for the time being. She knows there are a lot of houses that do not have containers. Mrs. Stinney indicated she was informed by Mrs. Cosnoski that they were given to the residents years ago. Mr. Prickett mentioned that residents can also go to public works and pick up extras. Mrs. Phillips acknowledged that she has done that and found out that she could have stolen a lot of things because there was not a sole in there. She was the only one there and she could have filled her truck up with containers. **2.** Mrs. Phillips has observed in all the years she has been here what the Mayor did to deprive the Police Chief to come and give a report to the residents. That is the reason people are not in the audience; they want answers. The people have problems in their developments. Mrs. Phillips stated she has several questions but will keep it to herself and sooner or later she will find it out. She is not going to discuss it because if she discusses it, she will not get anywhere. **3.** Noted there was a recent meeting in Southampton regarding the gypsy moths. Mrs. Phillips asked how many of Council or the Township attended the meeting. Mr. Prickett replied that he did not attend the Southampton meeting but did attend the Trenton meeting; not on behalf of the Township because someone had to be appointed to do that. Mr. Prickett continued that on his own he went to Trenton to hear what the Department of Agriculture had to say about preparing the packet that needs to be prepared by the Township by February 6th. Mr. Prickett wanted to share information with Council that he received and noted that he emailed this to Council and sent a message to the Clerk's office explaining that there are two things that need to be done by the next meeting. One is to decide whether or not the Township is going to move forward with the gypsy moth spraying and the other is there is a resolution that requires the Council to state that there is a nuisance with the gypsy moths. A nuisance is that they cause some kind of problem in the Township, invade ones house, mess up ones vehicle, chew the leaves of your trees and he would suspect that residents living in Presidential Lakes would consider the gypsy moth a nuisance. Mrs. Phillips stated that she cannot believe that this Township has not seen it with their own eyes when the moths are around. Mrs. Phillips commented that the tax payers better start getting together because she guarantees that she can fill this room or the high school when she brings everyone here and the Township will spray. She is a tax payer and everyone is a tax payer and they deserve to have their forests green, not brown. Mrs. Phillips mulches her leaves in July because of gypsy moths. She paid a lot of money to cut down trees and didn't have a choice. The Township didn't give her \$1,500 or \$2,000 and she paid it with her own pocket. Mrs. Phillips will appreciate the Township to look for the residents. She does not blame anyone here but they were elected and they promised to stand by for the residents and it's about time. Mrs. Phillips knows there were remarks made in reference to her and she wanted to tell the Mayor that she doesn't use profanity

and may not have the same education as everyone in the country but she speaks in her own words and knows her rights. She wants an answer at the next meeting why the Mayor has been depriving their Police force to come and give a report. Mrs. Phillips works during the night and came home one evening and saw a vehicle parked in front of her mailbox at 1:00 in the morning. She is a single parent and asked what the car was doing there. As she got out of her vehicle, looked up and down, got her keys and opened her door, the car remained in front of her house and a man got out talking on the phone and she asked him if he had a problem. The man stated he was waiting for the police. Mrs. Phillips waited for twenty five minutes and called the Pemberton Police and was told that no one had called from Presidential Lakes for the Police. Mrs. Phillips wants a report from the Police Chief and that's why she wanted a man in here to give a report. She wants to know what is going on in her development because she knows a lot of things are going on. Until this day, she has not found out who that man was. Mrs. Phillips advised that she stated to the operator that she wanted a police officer to come to her door and tell her what the problem was with that man. She could not sleep that night and had to be at work at 7:30 in the morning but was waiting for the person to come in. If nobody wants to take care of her business, she will take care of her own. She hopes that the next time she sees a police officer on the corner when the residents ask what the problem is, they answer. The residents pay their salaries and are entitled to know what is going on. Mrs. Phillips reiterated that she wants an answer next time. Mrs. Stinney stated it is so dangerous and urged her to not open her door for anyone. If she sees someone standing in front of her home that does not belong there to please immediately call 911 and not wait around for twenty minutes to see if they are moving. Mrs. Phillips reiterated that he stated he was waiting for the police and she only cracked her door a little, locked it and looked out her window. Mrs. Stinney reiterated to just call the police. Mrs. Scull asked Mrs. Phillips if the police came out when she called. Mrs. Phillips stated the police were there in a few minutes because when she came through the entrance to Presidential Lakes there was a police officer's car behind her. If she called the police at 12:35, the police got there about 12 minutes later. If that police officer wasn't in the development, it took all this long. The officer came and talked to the man and let him go. She was told by another resident that the man had been driving his car up and down the street all night. Mrs. Phillips reiterated that she hopes to have an answer next time and she will ask her question again. Mr. Inge asked Mr. Prickett if during the meeting in Trenton they mentioned how many Townships were in the gypsy moth program for spraying. Mr. Prickett replied it was stated that last year there were three Townships in the state that didn't spray and all of the rest of the municipalities did spray. Mr. Prickett informed that he concluded from that that the majority of the Townships in New Jersey will be spraying this year and he does not have any evidence to the contrary of that. He was also told that the program was very, very successful last year in controlling gypsy moth and as a result of the use of BT, the egg mass size is getting smaller, the gypsy moths are getting weaker and deformed and they were getting this thing under control. Mr. Inge asked if that was with the Townships doing one spraying. Mr. Prickett replied that is correct, that is with the Townships doing one spraying. Mrs. Stinney indicated that Mr. Prickett sent out a 39 page document and commented to Mr. Prickett that she is not stealing his thunder to which Mr. Prickett replied he does not have any thunder to steal. Mrs. Stinney commented that she heard Mr. Prickett say he was going to talk about it and added that Mr. Prickett sent an email to Council and it will be for discussion at the next meeting. Mrs. Stinney called Mr. Prickett as he is her expert on the gypsy moth and she has learned a lot. Mr. Prickett requested that the resolution also be on the agenda for consideration as well as a resolution is needed deciding whether the gypsy moth is a nuisance. The resolution is in the packet of information he provided on page 8 and read the sample resolution for the public. Mr. Prickett expressed that certainly the health welfare and safety of the residents is something that should and could be

in the resolution as well. Mrs. Stinney thanked Mr. Prickett and added that it will be on the agenda for February 4th. **Michelle Forman: 1.** Mrs. Forman provided Mrs. Stinney with various articles regarding gypsy moths to be distributed to Administration. Mrs. Stinney advised Mrs. Cosnoski will distribute them to Council and Administration. She stated Mrs. Phillips asked why Pemberton Township did not send a representative to the South Jersey Regional Meeting on Monday, January 12. Mrs. Forman acknowledged that Mr. Prickett informed he attended a meeting in Trenton but was not asked by Administration to represent Pemberton Township. Mrs. Forman informed that the meeting in Southampton was a mandatory meeting for Townships participating in the gypsy moth spraying. Since no one answered Mrs. Phillips question, Mrs. Forman asked again why a representative from Pemberton Township wasn't sent to the mandatory meeting or if she was just going to get the silent treatment again. Mrs. Stinney replied no and she was not aware of a mandatory meeting. Mrs. Forman indicated Mr. Vaz provided the letter to her that there was going to be a mandatory meeting in January and asked Mr. Vaz if he was aware of that. Mr. Vaz answered that there were multiple meetings and he understood that his assistant, Mrs. Brown, registered to go to one of them. Mrs. Forman asked why she didn't go. Mr. Vaz replied that he does not know that she didn't attend. Mrs. Forman informed that she did. Mr. Vaz replied that he will ask her but does know that she was registered. Mrs. Forman indicated that Mrs. Brown did not attend because she was at the mandatory meeting. Mr. Vaz reiterated that he will ask Mrs. Brown. Mrs. Scull suggested that perhaps Mrs. Brown went to one of the other meetings. Mrs. Forman replied that "Joe" said she did not. Mrs. Forman asked Mr. Vaz if he was not aware that his representative did not show up at the mandatory meeting on Monday, January 12. Mr. Vaz responded that he was not aware that that meeting was mandatory as there were multiple meetings scheduled including the one at the state and he does know that Mrs. Brown was registered to attend one of those meetings. Mrs. Forman asked Mr. Vaz if he was stating that he didn't believe her that it was a mandatory meeting because if he doesn't believe her he can call Joe at the Department of Agriculture and Joe will inform him that it was a mandatory meeting. Mrs. Forman continued that it was only ten minutes down the road in Southampton and Mrs. Brown knew about the meeting because Mrs. Brown told her about the meeting because she knew there was a meeting. Mr. Vaz indicated she did know because she registered for a meeting. Mrs. Forman again asked why nobody went and represented the Township. Mr. Vaz again replied that he does not know if the Southampton meeting was the meeting that Mrs. Brown attended. Mr. Inge asked Mr. Vaz if he would be able to find out. Mrs. Forman again stated that Mrs. Brown did not attend any of them. Mr. Vaz repeated that he will look in to that and get back to her. Mr. Vaz apologized to Mrs. Forman and added that he can't provide an answer that he doesn't know the answer to but will do it tomorrow when he sees Mrs. Brown. Mrs. Forman asked Mr. Vaz if he promised to provide an answer at the next meeting. Mr. Vaz added or she can call. Mrs. Forman remarked that it doesn't look real promising if a representative doesn't show up at a mandatory meeting and it gives her the impression that they are not real serious about spraying for gypsy moths. Mr. Prickett stated to Mrs. Forman that a number of things she has spoken about over a number of meetings.....Mrs. Stinney interjected and asked Mr. Prickett to wait until Mrs. Forman finishes her comments. Mrs. Forman relayed that she has so many comments. Mrs. Stinney advised that is okay as it is public portion comment time and that's what the agenda states. Mrs. Forman asked Mrs. Stinney if she will give Mr. Prickett the chance to share after she is done sharing. Mrs. Stinney replied yes; it is public portion time. Mr. Prickett commented that he only wanted to say that he has met a number of people that have had similar experiences and wanted to say that Mrs. Forman has been right on target with how she felt about the gypsy moths with the egg masses and defecation getting into her house and he has heard that experience over and over again. Mrs. Forman thanked Mr. Prickett because she was

beginning to believe that people did not believe her. Mrs. Forman thanked Mr. Prickett for taking the time to attend the meeting in Trenton about the gypsy moths. Mrs. Forman remarked that in the paperwork mailed to residents that the Township was not spraying for gypsy moths but did mail paperwork providing advice as to what to do about the gypsy moths. Mrs. Forman pointed out an alternative to spraying stating from the material, "however, where epidemic numbers of gypsy moths exist, the natural enemies cannot prevent heavy defoliation in these areas. Aerial sprayings are recommended on a selective basis. Various mechanical control measures such as egg mass removal or adult mass moth trappings have some value at low population levels; less than 10 egg masses per acre but have little affect when populations are high such as 520 egg masses per acre or more". Mrs. Forman advised the criteria are 500 egg masses or more per acre to qualify for being in the program for spraying. Mr. Prickett confirmed that is what was stated at the meeting he attended. The reason she is pointing that out is that when it's this bad and as much as the residents are trying to get rid of the egg masses by scraping the egg masses and wrapping the trees and using the gypsy moth catcher, it's very difficult. Mrs. Forman expressed it is important for the residents to know and when she goes she wishes she could tell all of the residents to get the spray that goes up 90 feet but no one ever shows up at the meetings. Mrs. Forman advised that her guy only went up 35 feet and she suffered terribly because most of the gypsy moths are on the top one third of the trees and the chemicals never reached that point. 2. Mrs. Forman asked who wants to buy something about the water from the Sybron Chemical Company and asked for the word used. Mr. Vaz informed the water allocation permit. Mrs. Forman stated she doesn't understand what that means and asked if that meant there is water by the chemical company that the Township can use because who wants to use water close to the Sybron Chemical Company. Mr. Rehmann informed that presently the Sybron Chemical Company is extracting water 200-300 feet down in the aquifer. Mrs. Forman asked if this is by the chemical company and where they have chemicals. Mr. Rehmann answered yes, they are pulling the water out to use in their process but they are no longer doing that. That water has been protected for eons by clay layers that exist between the ground surface and where this water is being extracted. Mrs. Forman stated she's not sure if she believes that because her father had an oil spill at his house.....Mr. Rehmann interjected that Mrs. Forman asked him a question and he is providing the answer and it is what he believes to be the truth and would hope that Mrs. Forman would at least trust his response. Mr. Rehmann continued that the water is tested, they have to file with the Department of Environmental Protection and the Bureau of Safe Drinking Water and their results of their chemical testing of the water because that water is also in their potable water supply in the plant so that when people drink water, that is the water they are drinking. Mr. Rehmann advised that he would not recommend to the residents or the Township to purchase something that he felt was in jeopardy. Mrs. Forman stated she just wanted to clarify that. Mr. Rehmann commented that is a good question to ask and he wouldn't expect her to understand all of the geological formations in that type of thing but it is a good question to ask. Mrs. Forman asked if the water is taken out of there if it will be for public drinking. Mr. Rehmann answered that would be the purpose. Mrs. Forman replied she is not an engineer but on a personal level, she does not want to drink the water that came close to the chemical company. Mrs. Forman appreciated Mr. Rehmann answering her question. Mr. Rehmann commented that residents in the Township have a septic system in their back yard and a well in their front yard and they are drinking that water and in most cases, those wells are not tested at all. Mrs. Forman noted she will look in to that. 3. Mrs. Forman asked if the Township is going to spray the Senior Center, the baseball fields, the Township buildings and grounds this year. If this is done, how much will this cost because when she asked Mr. Vaz for the cost in an earlier meeting, she forgot what he said and when she asked Mr. Vaz the second time, he said it was \$700. Mrs. Forman then checked the minutes and

found that to spray those three areas was actually \$1,300 to \$1,700 and wanted to know if the Township is going to spray those areas sprayed last year regardless if spraying for gypsy moths. Mrs. Forman asked if it is in the budget, if anyone talked about it or if it has to be approved by Council before spending that kind of money. Mrs. Stinney asked the Mayor to comment. Mayor Patriarca replied it is currently not in the budget and the budget is not complete and asked Mrs. Forman if it is her opinion that those trees do not warrant spraying. Mrs. Forman replied she is just asking a question now. Mayor Patriarca stated he is returning the favor and added that the Township likes to protect their trees also but currently it is not in the budget but there is not a budget to provide at this point. Mrs. Forman didn't give it a lot of thought and added that certainly the Senior Center should be sprayed. Mrs. Forman is just asking because the Mayor stated he has a lot of difficult decisions to make and wanted to know if that will be a difficult decision and if he decides not to spray whether the residents have to suffer with the terrible problem but "you guys" will make sure they are taken care of. 4. No disrespect to Mayor Patriarca and noted that she appreciated him having a meeting with her regarding the gypsy moth problem and although she thinks a lot of things should be on record. If Administration decides to spray Township properties, to keep in mind to check with the Library because they were left out and have a lot of dead trees. If the Township decides to spray, they should leave certain buildings out. Mrs. Stinney thanked Mrs. Forman for her comments. Mrs. Forman remarked when Council was voting on whether or not to spray for gypsy moths and she referred to a comment made by Mayor Patriarca, "he noted that 243000 for a program that is probably at its best scenario 15% effective, 60% effective if a double application is done under the best condition and they are only doing a single application so that would be 30% if everything fell perfectly such as the wind, feeding habits, etc.,". Mrs. Forman commented the Mayor made that statement during a budget hearing and no disrespect to him but the truth of the matter is a single application if a representative had been sent to the mandatory meeting would have known that a single application has a 65% kill rate and it is not only 15% so Mrs. Scull and Mr. Cartier stated it would be better to just throw money out of an airplane than to spray for gypsy moths. Mr. Cartier replied that he did say that. Mrs. Forman advised that she has everything documented and added that she probably would say the same exact thing if she thought only 15% of the gypsy moths would be killed and she believes Council wants to do the right thing by the residents and hopes that Administration does too but asked where the Mayor got his numbers from. That is not what "Joe" stated at the mandatory meeting and if a representative would have gone to the meeting they would have received that information and it is very important that everyone knows it is a 65% kill rate and that it has been successful in the towns that have used this program. Mrs. Stinney advised she will ask the Mayor tomorrow where he got his numbers from. 5. Wanted it on record, she went to the Mayor and he is great with meetings and is generous with his time, this is not the first meeting he had with her and she appreciates his time that she can share her concerns with him, during their meeting she stated the residents have a right to know if the Township sprays for gypsy moths how much of an increase in taxes the tax payers would have to pay and the Mayor stated 16% because of the amount they are going to be spraying. Mrs. Forman commented Mr. Cartier stated at a meeting a few months ago \$30.00 and \$16.00 average per household. Mrs. Forman asked if this could be asked now how much of an increase the average tax payer would have to pay if spraying for gypsy moths this year because the residents need to know that and so does Council before making a decision. Mrs. Forman asked if this could be on record. Mrs. Stinney replied that she does not have any numbers as to what it would cost. Mrs. Forman stated Mayor Patriarca informed her during their meeting it would be \$16.00 a line. Mayor Patriarca conveyed to Mrs. Forman to be clear since she wants everything on the record that what they discussed was based on last year's application and last year's figures and we do not have the numbers from the state to determine what the

cost would be plus the numbers have increased since we've sent the state out and done another check of another area that she may know quite well as it is her area and the numbers have increased so that number was not a solid number. The Mayor asked Mrs. Forman to please do not mislead the Council to think that he told her that is how much it would cost each resident for gypsy moth spraying because that is not the discussion they had. The Mayor reiterated those numbers were based on last year's applications costs and what the acreage was estimated to be this year so to provide a number he would have to know this year's cost per acre and would have to know the exact amount of acres that are being sprayed which Administration does not have at this time. Mrs. Forman asked the Mayor if he remembered stating it was an average amount of \$16.00 per line. Mayor Patriarca again stated to Mrs. Forman that he took that number based on the cost of last year's application, what is cost per acre and the amount of acres that was listed at that time for this year's application and taking those two numbers and multiplying them and dividing that in to the amount of lines there are in the tax office would give an approximate cost per homeowner in the town. The Mayor again reiterated that is all just approximate numbers based on old figures and are not numbers Mrs. Forman can take to the bank and tell Council that he told her it would cost \$16.00 per household; to be clear, that is not the discussion they were having. Mrs. Forman stated the Mayor stated it was an estimate and is not cut in stone. Mrs. Forman continued that if taxes have to be raised in order to spray for gypsy moths, they will raise the cap. Taxes can only be raised a certain amount and asked someone to look in to it and she thinks the cap will be raised as an exception for spraying for gypsy moth. Mrs. Forman noted Council gave her a lot of time and she has additional questions but will wait for the next meeting. Mrs. Forman is sorry that when other townships did not spray, the Council meetings were packed with people complaining about it and it is very sad for her and she doesn't blame Council or Administration because it is a combination of problems because people aren't attending meetings backing her up and she thanked God for Mrs. Phillips and Mr. Petronis. The other towns that did not spray got a lot of heat from the residents and therefore they definitely sprayed the following year. Southampton is not even worried about what the budget says because they are putting it in their budget to spray for gypsy moths and then they are going to work around that. This was a terrible thing that we have to live through. She is sorry that Pemberton Township residents are settling for this because they should not have to settle for this. Mrs. Forman thanked the Council for their time. Mrs. Stinney thanked Mrs. Forman. **George Petronis: 1.** Mr. Petronis is not pretending to be an expert on gypsy moths and they do have their resident expert. Normally he is no friend of either government spending or government programs for taxes but this is a problem. Until last year, he also never had the experience of living in a forest that is infested with gypsy moths. Mr. Petronis has heard about them and has had an intellectual understanding of what a problem they could be. If one has lived in a forest, and his property is a forest surround his house, with these things pelting the property all night so that it sounds like you are living in a hail storm all night. When walking out in the morning, you see the discoloration of everything on the ground, there are dead leaves on the ground that look like its fall and the trees and one gets a different appreciation for the problem. Mr. Petronis commented that this is one of those situations where the government can be the solution and does not see how individuals especially with the amount of open ground, and Township owned ground he does not see how individual people can address this problem effectively. This is something that has to be done as a team effort and Council is the team and in this case a few tax dollars are justified. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Andrew Bayer: 1. Nothing to report in public session.

ENGINEER'S REPORT:

Chris Rehmann: 1. Advised the Presidential Lakes Dam project is under way and they are dealing with some issues with the county. He is surprised that having the some twenty plus years experience as a county engineer, that this county can define a bridge as being the deck only and all the rest belongs to the Township. Informed the Mayor and he are working on a 1979 agreement that still has him puzzled. He is meeting with the county to get some help, and while there trying to fix the issues that remain unaddressed in the plans without costing the Township anything. This is still being negotiated. Needless to say, that long awaited project is underway and hopefully will be successfully completed. 2. Burlington County is in the process of completing a new waste water management plan. That waste water management plan has been mandated by a new set of rules and regulations by the NJ Department of Environmental Protection. That means that they will describe the areas within the Township that can extend sanitary sewer facilities to properties. It will have some impact on that development or non-development of the Township depending on where those sewer lines will or will not be allowed. More importantly for this Township, they will also require a septic system management program. Mr. Rehmann explained that every septic system within Pemberton Township, according to a model ordinance that the Business Administrator and he are meeting with the county about, will require a license. That license will also require certification that the system has been pumped out within the last three years by a licensed operator. The Pinelands version also requires that a technician inspect the system. Mr. Rehmann is not sure of all of the Pinelands part but in meeting with Miss Berg, the Township will have to set up a management system, a notification system, and a permit issuing system, a renewal permit system and manage a system with 12,000 housing units in Pemberton Township. Mr. Rehmann does know how many of those have septic systems but he would think more than half. Mrs. Scull added an awful lot. Mr. Cartier asked who is going to be the enforcement authority. Mr. Rehmann replied according to the model ordinance, Pemberton Township will be. Mr. Cartier asked how that is saving taxpayers money. Mr. Rehmann advised this is not about saving taxpayers money; it is about water quality and is another goal of the DEP. Mr. Rehmann commented he wanted to ensure that Council is aware that there are people making decisions on how the Township is going to spend their money and unfortunately these kinds of things compete with the money that is available to use for gypsy moth spraying, police salaries, ambulances, jobs, patching roads and collecting trash, etc.,. Mr. Rehmann explained his goal is to try to put the program management in the county because that would be better shared services and there are 42 separate systems when in fact there should be something less than that. Mr. Rehmann proposed that some of the towns will say if they close their eyes it will go away and if we cannot convince the county to do this, we should be talking to our surround communities to be able to set up a system where this could be done. Pemberton Township has a GIS system for Pemberton and the tax assessors data base is already tied in and we can take the data base for the MUA and all the homes that have connection to the sewer system and know from the tax assessor's data base how many homes are in the Township and come up with those numbers here. This can be used as the core for a system to do this. The difficulties that he is concerned about are not that. Mr. Rehmann expressed concern about a person who has lived in a home for a long period of time that does not have a qualified septic system. Mr. Rehmann asked if we evict those individuals. If we relocate people, that is a cost that the Township would end up paying and asked how that would be handled, and how do we get on private property. Mr. Rehmann will be forwarding Council a copy of the model ordinance along with a copy of the PowerPoint program that the Pinelands put together. It is not an ordinance but it provides some of their ideas and thoughts. It's not something we have to deal with tomorrow, but if we are prepared today, dealing with it when it does comes down

the line, will be a lot easier and especially if that has to be implemented in 2009 because it has to be part of the budget process. Mr. Rehmann conveyed it's not only this town and even the affluent towns are having extremely difficult times with budgets. Evesham Township's added assessments were \$175,000 and two years ago they were \$2,000,000 and that was money that could be added to the budget and the next year there would be tax control. Mr. Rehmann suggested attacking the implementation of this and the entire purpose is to not let people build in rural areas of the state of New Jersey. They haven't said that anywhere but two years ago they put out a map that is called the big red map of New Jersey that states you can't build here but only in these locations and these are the regulations to make that happen. The Pinelands is unique but since Pemberton is bridged between Pinelands and non-Pinelands, he is not sure if an ordinance can be adopted if there is an advantage to the residents in a non-Pinelands area different than one that can be adopted in a Pinelands area. Mr. Rehmann wanted the Council to be aware that the Mayor has asked him to take a look at this and Mr. Vaz and he have been meeting with sister municipalities on this. Mrs. Stinney thanked Mr. Rehmann for his professionalism and she has not seen an engineer in this Township with the type of professionalism that he gives and how he represents our township in many years. Mrs. Stinney thanked Mr. Rehmann how with his professionalism he addresses Council and she listened with a tentative ear on how he addressed Mr. Prickett and she listened with a tentative ear on how he addressed Mrs. Forman and she wanted to say thank you very much for all that he is offering Pemberton Township and to hear what he is saying that he is going to the Township level and represent Pemberton Township in the form that he just explained and many of things that she can't even comprehend that many of the things he is saying would be a possibility and such an expense for the residents of Pemberton Township and wanted to make sure for the record that she truly appreciates what he is offering and giving the residents and Council in this Township. Mrs. Stinney thanked him so much and with blessings tomorrow when he goes and with his knowledge that he brings forward she is hoping that he comes back and tells us where we need to go from here. It would be a disaster for the Township to have to deal with the expense of all that he is saying tonight. Mr. Cartier asked Mr. Rehmann if this regulation has already been enacted by the DEP. Mr. Rehmann answered yes and continued that the problem that he has as a tax payer is somebody in a department level can adopt rules and regulations that are going to tax residents; it's not the legislature saying thou shall adopt rules and regulations to implement a clean water policy but they never sit there and look at what the regulations are. Mr. Rehmann says to the residents that he will tell us what he can do and what he can't do. Mr. Rehmann doesn't want the residents to necessarily like what he says but he wants to be credible with them so they are not led around the path. Unfortunately in our legislature and our good Governor has already said he is giving no waivers to the 4% tax. Mr. Rehmann asked the Mayor if he is going to talk about the economic stimulus package. Mayor Patriarca replied that Mr. Rehmann is on a roll and to continue. Mr. Rehmann conveyed that he has sent to Congressman Adler a series of potential projects that could be funded under an economic stimulus package. Whether one agrees or not with what the federal government is doing, if that money is available to our residents, we wanted to be in line. No one knows what that package is. Mr. Rehmann has been in Congressman Andrews office as well as Congressman Mubiando's office to talk to them about other towns that he represents and both of them only know that they wanted to have a list of projects that in the event that they are going to do something, that we can have a chance to get some of that money in to our municipalities in their districts. Mr. Rehmann spoke with the Commissioner of the DOT, Mr. Dilts, who believes the money is coming to the states and would be distributed by the Department of Environmental Protection and the Department of Transportation. Congressman Mubiando who he spoke with directly stated that they don't know that to be a fact because Congress wants to be able to put the

money out. Mr. Rehmann is not quite sure exactly how that is going to work. All he wants Council to know is it's not necessarily important that the projects and numbers on the projects but that Pemberton Township has said we want to be included. There are towns that have told him don't bother, we don't have the money and we're not going to spend the money. We're not going to take the opportunity. The DEP has stated that the monies that are coming down are loans. They don't know whether they can be turned in to grants or not but they said make an application any way. If you get in by a certain time, you get a no interest loan. Mr. Rehmann conveyed that on a project that we have been trying to get above a half a million dollars because the paper work eats up the cost and over a twenty year life span, it will be a couple of hundred thousand dollars in interest money that you could be saving if the project is necessary. We are not going to go out and build something that is not necessary. Those of the things that he is doing to keep Pemberton Township in the hunt. Mr. Prickett stated to Mr. Rehmann that hopefully those projects are dams and roads, the expensive road project that was recently talked about. Mr. Rehmann answered roads predominantly and the Lake Valley Sidewalk Program was also included. That could be \$1 million worth of work. Mr. Prickett continued that Council has talked about the 2008 Road Program, \$800,000 and how that was distributed and it's just not enough. We have also talked about it being a band aid and we need to look for a project that would resurface and repair; Presidential Lakes, Country Lakes, Browns Mills all have roads that need more attention than just band aids. Mr. Prickett relayed that he doesn't know how to afford that other than through this effort. Mr. Rehmann put a cost in to put water in to Presidential Lakes along with resurfacing the roads once the water mains have been installed. That gives us a shot on the environmental protection side and also on the transportation side. Mr. Prickett had another question in regard to the Sybron well. He had the question before when this was discussed and asked if the pipe that withdraws the water from the well is a double walled pipe or a single walled pipe. Mr. Rehmann replied that he cannot tell him that detail but will find out and make sure a description is in the report. Mr. Prickett thanked Mr. Rehmann.

MAYOR'S REPORT:

Mayor David Patriarca: 1. He inadvertently forgot to mention at the last meeting the opening of the new WaWa. Their attendance there and representing the Township and understanding a little more about their project and Mr. Tamn said it best in that they did a great job in putting that together architecturally. There may still be an issue and as Mr. Rehmann mentioned, they will check the drainage issue to ensure everything is correct. All in all, they did a great job. There are approximately 50 employees operating that system and it is a great thing for the town. It's a good project and a successful project. 2. As Mr. Rehmann explained, he immediately when the talks were coming out on the projects, put together a list of projects for the Township and got that to him with a letter stating the intent and request for assistance in the projects. They are all good projects; roads, Country Lakes dams, sidewalks and all projects that they want to do but can't afford to do because of costs but they have to do them. One of the conditions is projects that are ready to go so that will be a key element in the awards to these projects. They do have some projects that are ready to go. They may get lucky in this and get something. The Mayor likes staying in the hunt for this money. If the money is out there for municipalities, they need to be involved in that. Mayor Patriarca reiterated that Mr. Rehmann was right on top of that and it shows the professionalism they have on board with their professionals and they are looking out for the interest of the Township. 3. On the Sybron water issue, their interest is not in the well at Sybron as much as the water allocation. They want the amount of water that they are able to pull out of the aquifer to be our allocation. The intent would be if they needed a well somewhere, they could put a well in and tap that aquifer somewhere else. The Mayor stated he does not believe it is a double

walled system but will look in to it to confirm it. They have met with them on this issue and have had the Water Department out there looking at the system. It is a project we are concerned about. If they don't obtain the water allocations, somebody else will, like American Water, because that is a very limited commodity out there. Mr. Prickett stated he had a question for the Mayor. Mrs. Stinney interjected that she wanted the Council to be aware that at the grand opening, she received a history of the WaWa and she liked the history. Mrs. Stinney stated she often talks about what she can learn about history. Mrs. Stinney noted she has a book for him and also has one in the Council library. Mrs. Stinney thought about the history that they have in the Township and when going through the Fire Companies, she asked where the history to each fire company is. They would like to have a history on how Country Lakes and Presidential Lakes started. During the swearing in of officers, she learned a great deal of history regarding Presidential Lakes. She learned a lot of information from talking to Mr. Tamn. Mrs. Stinney asked the Mayor if they could have some history of each fire company and keep it as an archive here in the Township and asked if this could be done. Mayor Patriarca answered that all of the fire companies list the history of their fire company on their web pages. They describe how they came about and it would certainly be a good project that the Township could pursue. The Mayor suggested it might be something the Historic Trust might be interested in putting together. Maybe some day there will be a Township museum somewhere in the Township and he knows the perfect spot. Mrs. Stinney commented the Little Red School House. Mayor Patriarca added that he does support that motion if it is being made. Mr. Prickett informed he had some questions for the Mayor last week about our revenues being down and that has created a difficult situation in putting the budget together. Mr. Prickett wanted some information because the Mayor had indicated that it was investments that the Township had made was the major reasons for their revenues to be lower this year. Mr. Prickett asked what investments he was talking about. Mayor Patriarca clarified that is not their major revenue source; interest, of course, is something that they do make revenue on but by no means is that their major revenue source. They have multiple revenue sources and it's basically people paying bills and catching up on the bills. They are constantly coming in and their revenue in the water department was down a lot more than it was today and he was just speaking to Mr. Williams regarding that today. The Mayor conveyed that in some areas they will have to send out late notices and it is truly a sign of the times and a sign of the residents being unable to make the payments necessary to keep their households and they feel that because they are the recipients of that. They receive those checks and they are just not coming in. Mr. Prickett stated he is glad the Mayor clarified that because the minutes state that, "The Mayor added that revenues are down primarily because of investments". Mayor Patriarca remarked that primarily would be inaccurate; it is not primarily but investments are certainly down and their payments are continuing to grow. Mr. Prickett commented that hopefully it rectifies itself. Mr. Prickett thanked the Mayor. Mr. Inge asked Mr. Vaz if Ordinance 5-2009 could be posted on the Township website and would also like the chart for the percentages for each department posted on the website and a breakdown of the four years for the percentages as well. Mr. Inge also asked that the retroactive pay be posted on the website for each department as well. Mrs. Scull asked Mr. Inge if he is talking about all of the employees in the entire Township. Mr. Inge replied no, the Ordinance No. 5-2009. Mr. Vaz answered that the ordinance will be posted by the Clerk's office and they do this routinely now that the ordinance is introduced. At least part of what Mr. Inge is asking for is already in the ordinance; the five year is in there. Mr. Vaz confirmed that Mr. Inge asked for items in addition to that but at least the ordinance part gets posted almost immediately after tonight's meeting. Mr. Cartier expressed concerns with that and asked what right they have posting someone's retroactive pay on a public access website. Mr. Cartier clarified that his question is for Council. Mr. Cartier then stated this is a question for the Solicitor.

Mr. Bayer stated the amount that the Township pays to a particular position is public record but he would have to check on the retroactive pay and there are certain personnel records that can't be made public. Mr. Cartier stated specifics as to what the employees actually received in a specific paycheck doesn't sound right to him and he wants to make sure that Council is clear that it can be allowed before that action is taken. Mr. Bayer informed he will look into that. Mrs. Scull expressed she would have a problem posting one group and not all of the groups. Mr. Inge commented she can make that suggestion. Mrs. Scull disagreed and added she doesn't necessarily think it's necessary and doesn't think it should be just for a few. Mr. Inge stated that is his request. Mayor Patriarca informed that Administration will not post one single group and if Council wants all of the salaries on there, what can be legally put on there Administration will put on there and it will only reflect all of the employees of the Township and not singling out any one particular group. Mrs. Scull stated she can understand the ordinance but she would be concerned that Council would be opening themselves up for grievances if they arbitrarily and capriciously post one group and not everybody. That would be upsetting to the unions. Mayor Patriarca expressed that the contracts of each group are posted on the webpage so all of the information is there. It may take someone to have to do some calculations to determine what the numbers are that one is looking for but all of this information is on the webpage once a contract is signed. Mrs. Stinney summarized that there is a mixed consensus; Mrs. Scull has expressed concerns, Mr. Inge has made a request, our Solicitor is looking into the legalities and they are listening to the Mayor inform that once a contract is signed everything is there and one would have to do the calculations. Mrs. Stinney asked Council for a consensus. Mr. Cartier replied that it is his opinion that they do not post anybody's retro-pay on the internet. Mrs. Scull agreed and added that putting the ordinance on the website is all that needs to go on. Mr. Prickett conveyed that he supports transparency in government and if it legally is okay to do that then it's public knowledge and he doesn't see why they shouldn't do that. Mrs. Scull added that she is not not supporting transparency in government or trying to hide anything but has a problem with all groups not being treated the same way because they all received retroactive pay. Mr. Prickett asked Mrs. Scull if her position is if one group then all groups. Mrs. Scull replied that's it. Mr. Prickett stated he would support that. Mrs. Stinney informed that is her position; if one group it is all groups. Mrs. Scull continued it is not necessary; the contracts are on the webpage and if someone wants to figure it out, go ahead. Mr. Inge commented Council was given the scales so why shouldn't the residents have it. Mrs. Scull replied that the residents can have the scale and that's not the question and the scale is part of the ordinance. Mayor Patriarca informed the scale is also part of the contract. Mrs. Scull added that part of the contract is going to be on there. The Mayor noted that everything Mr. Inge had asked for will be on the internet because it is posted with all of the unions. Mrs. Stinney informed Mr. Inge that is his answer, it will go on there.

COUNCIL MEMBER COMMENTS:

Rick Prickett: **1.** Sees a lot of leaders of the community in the audience and it is important to get the word out that this Sunday the BMIA is having a meeting and the speaker is involved with the Angel Food Network in Pemberton Township. Mr. Prickett informed the Angel Food Network distributes frozen food to any of us that need to have food. It is in a package and is designed to last for a month. The cost is \$30 or might be \$40 and is distributed at the church across from the Nesbitt Center or at the Nesbitt Center. Anybody can apply and from what he hears it is good food. If anyone has questions or any interest and there are certainly people in the community that could use this food and he urges them to come to the BMIA meeting at 2:00 this Sunday. **2.** Attended a meeting with the Superintendent and another group of people along with Mr. Cartier at a Key Communicators Meeting

and they talked about a number of things. One thing was some possibilities of harm being done to kids, bullets being found, slogans on bathroom walls resulting in the police coming in and searching the building and making sure everything was safe. Mr. Prickett was impressed with the Superintendent and the policy of the school in going through the school with the dogs and checking to see if there was anything there that might be a hazard to the kids. Mr. Prickett concluded that schools are really the safest place to have their kids and that's the way it should be. Mr. Prickett knows that from being a teacher for 27 years and through the procedures of the Superintendent in the school system it is demonstrated that if there is any whisper of possible harm to our kids, they address it. That was one of the things he wanted to communicate and he did it effectively and asked Mr. Cartier if he agreed. Mr. Cartier agreed. 3. Mr. Prickett advised he was at a meeting with an owner of a cranberry bog whose building had caught on fire and there was a big loss there. The person he spoke with had a lot of commendations for the fire department. Mr. Prickett isn't sure if it was Presidential Lakes, Country Lakes or all of them all together but the owner was so impressed on how they responded to the fire. Unfortunately he didn't know the fire was taking place because it's in the middle of a cranberry bog but once it was known the fire company got out there and professionally did what they could to save his building. 4. Had an experience this week at the train station where the alarm went off and he went out to open up the building for the police and Fire Company to come in who thoroughly looked at the building to make sure there wasn't any fire. They acted very professionally and he was so proud of their emergency services as demonstrated that night and what they did. They really weigh things very carefully for the benefit of their residents and their property. Mr. Prickett wanted to thank the emergency services since Chief Maahs is in attendance from Presidential Lakes who is he sure will take it back to the men and women. 5. Mr. Prickett reminded the public regarding the BMIA meeting this Sunday at 2:00 as it would be very beneficial. 6. Thanked Mrs. Stinney and informed that she has been very busy and went to Wilmington, Delaware on Saturday and marched in a procession in Mount Holly Gardens on Monday and Mr. Prickett provided the picture of Mrs. Stinney marching. Mr. Prickett saved the picture for Mrs. Stinney and added that it looks like they are on a mission and is sure they are going to a community center somewhere to do some painting or cleaning. Mrs. Stinney relayed learning about affordable housing. Mr. Prickett presented Mrs. Stinney with the picture to add to her collection. Mrs. Stinney responded that she will reciprocate and give Mr. Prickett his WaWa book and it is so interesting and to let her know what he thinks of it. Mr. Prickett thanked Mrs. Stinney. Mrs. Scull stated she is a little jealous that Mr. Prickett gets a WaWa book and she is the history person in the room. Mr. Prickett advised he will share. Mr. Cartier noted she is not the only one. Mrs. Scull conveyed she will look at the one in the Council library and she is only teasing.

Sherry Scull: 1. Mrs. Scull commented to the Mayor and Business Administrator that she has been at a few meetings with the Veterans Advisory Committee who is a great group that works hard for the veterans in our Township. They have asked her to ask the Mayor and Business Administrator to check on a few cracked or broken bricks on the star at the memorial site. She knows that there will soon be discussions regarding the Memorial Day Parade and the Memorial that we are hoping will get placed there in honor of the service men and women that have given their lives in service over the past several hundred years. 2. Wanted to say that the decision not to spray for gypsy moths was not taken lightly by any of Council. They were looking at a budget of \$286,000 and in hind sight especially with the problems being faced this year, she would have voted to raise taxes as much as they possibly could have last year with the 4% cap because it would have helped offset a huge problem for them this year. A lot of residents wouldn't have been happy with that but she understands the gypsy moth problem. Mrs. Scull

commented to Mrs. Forman that it was not taken lightly. Mrs. Scull confirmed that she did make the statement throw money out of the plane because when two sprays were done the year before there were a lot of complaints from many residents that it didn't work. Mrs. Scull remembers one day when they were spraying when all of a sudden a cloud came and the wind started blowing and she wondered if that spray was going to work. It is a toss up. Mrs. Scull conveyed that she has never heard any percentage as high as what Mrs. Forman was talking about and she finds it interesting and she has read several articles on that and even with two sprays it wasn't 65% effective. Council was concerned regarding the effectiveness and also with the tax payers with \$286,000 and it was not an easy decision. It was a tough decision and we were looking at wanting to bring our ambulance service back in and we had to forfeit that and that would provide jobs and possible income for the Township but we didn't have enough money to put that in the budget. Those meetings were extensive and long and there is a lot of thought that goes in to the budget process here. This year we are going to be facing quite a task. Mrs. Scull asked if the gypsy moth has been approved to up taxes the 4% and whatever it cost for gypsy moths as Mrs. Forman stated. Mr. Vaz replied that the gypsy moth is outside of the tax levy cap. Mrs. Stinney confirmed it is outside of the cap. Mrs. Scull asked if that means 4% and whatever the gypsy moth costs. Mr. Vaz answered yes. Mrs. Scull stated there are some costs are outside of the cap and if that is going to be one of them and not that anyone wants to raise the taxes 4% but it looks like it's going to be necessary and as talked about before, Council wants every possible position that we possibly can save because these Township employees are the residents who live here. It is tough to put them out of work but there is a limited amount of money when we are only allowed to raise taxes so much. Mrs. Scull advised she is sure Council will take everything in to consideration when doing the budget. Unfortunately a few years ago the gypsy moth destroyed almost all of the trees behind her mothers which are forest behind the Hungry Piney. That was with spraying. Mrs. Scull asked Mrs. Forman if she is now on the list to be sprayed because she wasn't on the map. *Mrs. Forman is inaudible from the audience.* Mrs. Scull conveyed that it bothers her that some people are not going to get sprayed and it is a tough decision. **3.** Thanked everyone for coming out this evening and will see everyone on February 4th. Mrs. Stinney thanked Mrs. Scull for her comments.

Tom Inge: **1.** Thanked everyone for coming out tonight.

Ken Cartier: **1.** Dittoed everything Mrs. Scull just stated because it is basically what he was going to say. **2.** Asked if there are back up flags for the Veterans Memorial because some of them need to be checked out and replaced. Mr. Cartier commented that he does not know exactly what branch of the service flag goes with but he did notice the white one is frayed horribly. **3.** Wished everyone a good night.

Diane Stinney: **1.** Commented to Mr. Prickett that she has been involved for over six months with the Angel Food Ministries and they do a wonderful, wonderful job. Tara puts a lot of energy in that. Many churches participate with that. Mrs. Stinney asked if they could put the menu on the webpage once a month. Mr. Cartier noted that they have their own webpage to go to for ordering food so they could link to their webpage. Mrs. Stinney asked if they could link to that. Mr. Vaz answered there is already a link to the Angel Food Ministries on the Community Group section on the home page. **2.** Thanked everyone for coming out tonight and have a safe and warm night. Thanked everyone for their comments and looks forward to seeing everyone on the 4th. If there is anything they would like to discuss or get her to add on or get an answer before meeting on the 4th, Mrs. Stinney provided her phone number of 893-7202. Mrs. Stinney noted that Mrs. Forman has that.

Mrs. Stinney convened the meeting at 10:11 p.m. to return to Closed Session and advised that action may be taken when returning.

Mrs. Stinney reconvened the meeting at 10:34 p.m. and advised that there will be no formal action.

Mrs. Stinney advised that Mr. Cartier wanted to make a comment. Mr. Cartier apologized that he missed this during his comments and is a very superstitious person and wanted to say, "Go Steelers".

The meeting was adjourned approximately 10:35 pm.

Respectfully submitted:

By Amy P. Cosnoski, Deputy Township Clerk for

Mary Ann Young, MMC
Township Clerk