

**TOWNSHIP OF PEMBERTON**

**REGULAR MEETING**

**OCTOBER 7, 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**

Tom Inge  
Richard Prickett  
Sherry Scull  
Diane Stinney  
Ken Cartier (Arrived at 6:36 pm)

**ABSENT**

Also Present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andy Bayer, Township Engineer Chris Rehmann, Township Clerk Mary Ann Finlay

2. Chairwoman Stinney called the meeting to order at 6:30 P.M.

Mrs. Stinney confirmed with Mr. Bayer that he did not have anything for Closed Session this evening. Mr. Vaz inquired if there is a need to discuss the financial advisor proposals received. Mrs. Stinney asked Council for a consensus. Mr. Inge stated he did not know if it should be discussed in Closed Session. Mr. Bayer conveyed the selection would be discussed in Closed Session. Mr. Vaz stated all that is required at this point is for the sub-committee of Council to review the information unless there are questions as to the process. Mrs. Scull did not have any problems. Mr. Prickett conveyed it should be discussed but he is not convinced that it should be done in Closed Session. Mr. Prickett informed he would prefer to discuss this in open session. Mr. Cartier arrived and asked what is being discussed. Mrs. Stinney informed Mr. Cartier that there are no closed session topics and Mr. Vaz noted there could be discussion on the Financial Advisor RFP in Closed Session. Mr. Cartier stated he did not see a need to have the discussion in Closed Session. Mrs. Stinney informed the public that Council will not be in Closed Session this evening. Council will have an opportunity to welcome everyone and mix and mingle until 7:00 pm. Mrs. Stinney recessed the meeting at approximately 6:37 pm and reconvened the meeting at approximately 7:00 pm.

Council President welcomed the public to the meeting and announced that as there was no Closed Session, Council would not be returning to Closed Session and there was no action necessary. Mrs. Stinney asked Council to support her on moving the agenda around tonight. She explained there are special circumstances due to medical reasons that Council needs to hear from a resident who would like to come forward and address Council. The resident has gone through protocol of the Chief and the Mayor and would like to come to Council for a solution or suggestion to resolve the situation. Mr. Cartier asked if Mrs. Stinney is moving

public comment up where she replied yes just for one person. Mr. Cartier replied if it is being given to one then it should be given to everybody. Mrs. Scull interjected that she would normally agree but in this situation it is for health reasons. Mr. Cartier informed that he understands and is okay with that. Mrs. Stinney remarked that she wanted to stay in order of the agenda because of the presentation. Mr. Inge and Mrs. Scull did not have a problem. Mr. Prickett relayed he does not have a problem and he would also like to see the presentation right afterwards and then the consent agenda following that and then public comments for the consent agenda. Mrs. Stinney received a consensus from Council and asked Mr. Mee to come forward.

**William Mee: 1.** Mr. Mee introduced his nephew, and explained that Cory, is 18 years old with the mind of an 18 month old. Mr. Mee advised the problem he is having is there are multiple speeders driving up and down his street in excess of 90 mph. Even though his family keeps a careful eye on Cory who plays in the back yard, there are times that they don't have eyes in the back of their heads and Cory will climb the fence and run out in to the road. Mr. Mee stated that unfortunately, Cory is going to get hit by one of these cars and be killed. He has spoken to the Mayor and the Police regarding getting a handicap sign and possibly some speed bumps on the road. Cory goes to the Burlington County Special Services School in Westampton and there are several handicap children that the school picks up so Cory is not the only child in danger in the neighborhood. Mr. Mee had documentation from Cory's doctors and school regarding Cory's needs. Mr. Mee informed that he has spoken with Lieutenant Bogdanowicz and was informed the handicap signs have been ordered. Mr. Mee expressed the signs will not be enough. Speed bumps were installed in Country Lakes, and he was informed the speed bumps curbed the problem tremendously. Mr. Mee asked Council to consider or inform him what he needs to do to get this accomplished because it is a problem. It does not occur at a certain time of the day. Mr. Mee indicated that Lieutenant Bogdanowicz has increased the patrols in the neighborhood and thanked the Lieutenant for that. Mr. Mee advised there were a few nights from midnight to 5:00 am that he was awoken and kept awake because of the cars speeding. Cory was also awoken and had to stay home from school the next day because he couldn't stay awake the next day. It is for Cory's safety that this needs to get done. Mr. Mee read a letter from Cory's doctor dated October 5, 2009, Cory Martin, date of birth December 21, 1991, "To Whom It May Concern, Cory Martin has severe global developmental delay and seizure disorder. When he gets upset or afraid, he goes right in to a seizure and stops and freezes right where he is. He is unable to perform ordinary activities of daily living. It would be advisable that cars in the area have speed restriction". Mr. Mee advised there are signs for speed restrictions but the individuals are not adhering to the signs. Mr. Mee also informed that there are four cars involved, and he has their license plate numbers. He has had the Police out to his house seven times. The ambulance was also called because Cory had a bad seizure one night because of the loudness of the cars. Mr. Mee suggested the signs might work to curb the speeders but the speed bumps will definitely work. Mr. Mee appreciated Council's time and expressed hope that action will be taken quickly because he is afraid Cory will get hurt or possibly killed. Mrs. Stinney confirmed that the handicap signs have been ordered. Council President Stinney asked the Mayor if he had any suggestions in regards to Mr. Mee's request for speed bumps. Mayor Patriarca informed he had two separate conversations with Mr. Mee and both complaints were conveyed to the Police Department. The second item was a request for a report on the type of traffic enforcement and the results of the traffic enforcement that had occurred.

Mayor Patriarca relayed that the Chief advised him tonight that the Officer informed the Chief today that the report is being completed and will be turned in immediately. The Mayor informed they are working on it and it obviously is not stopping the problem and hopes it is at least starting to curb it but they will have to continue to do heavy enforcement in that area. Mr. Mee added they have been doing this. Mr. Mee expressed that he was told the request for speed bumps in Country Lakes took 15 years to get and he does not have 15 years. Mayor Patriarca replied that is another issue in itself and added that a survey was done on the speed humps to determine what residents are interested in having them. The survey is still open until Friday and Spruce Boulevard will certainly be looked at in that request whether Mr. Mee has put in a request or not as he has publicly come forward and also spoken with the Mayor. The Mayor stated Administration will look at those areas and there are certain criteria that will determine where a speed hump can go in and Spruce Boulevard will be looked at as one of those streets in that program. Mrs. Stinney asked the Mayor how long it will take for the signs to come in. Mayor Patriarca replied he does not know. The request was made to the Police Department to look at what type of signs are needed for that area and obviously they have found the appropriate signs for this condition and have ordered them. Mr. Mee stated the end result is if action is not taken with signs or something, he is going to have to move and he doesn't want to do that. Mayor Patriarca informed Administration does not want him to do that either and that is certainly not Administration's intent and they will continue to work on the problem and hopefully resolve it. Mr. Mee expressed his number one priority is Cory's safety and he would hope that would be everyone else's priority at this point. Mr. Mee brought Cory with him to the meeting so everyone could meet him. Mr. Mee reiterated that Cory plays in the back yard and likes to climb their fence and his favorite place is the middle of the street. Mr. Mee asked to be kept informed of what is going on and he doesn't want to have to make a trip to the Township to find out what is happening. Mayor Patriarca informed that he has spoken to the Chief who assured him that he will be receiving his requested report. The Mayor continued that as soon as he receives the report, Mr. Mee will be notified and hopefully he will continue to see Officers in his area enforcing the traffic. Mr. Mee advised there has been an increase in Officers since Lieutenant Bogdanowicz has increased patrols and there have also been two citations issued by Officer Doyle but it's not enough. Mr. Mee reiterated the noises from midnight until 5:00 am when he sat in his front yard and watched them. He did not say anything to them because they would have given him obscene gestures if he did. The Mayor encouraged Mr. Mee to call the Police Department on the non-emergency number and ask for an Officer to come out because of the traffic problems. Mayor Patriarca offered that every shift should be informed of his situation and when they are free they can go to his area and perhaps catch one of the vehicles. The Mayor added that Mr. Mee can call the emergency number anonymously. Mr. Mee informed Lieutenant Bogdanowicz is going to email him information and he will email the Lieutenant the license numbers that he has. Mr. Mee offered that he will sign complaints and something has to be done and it is a priority to him. Mayor Patriarca reiterated Administration will be looking at the speed hump program after Friday and will also consider Mr. Mee's road. Mr. Mee advised he would be willing to provide some funds for the speed humps as well. The Mayor replied that will not be necessary. Mr. Mee informed he will be more than happy to answer any questions Council may have. Mrs. Stinney thanked Mr. Mee for coming to Council and presenting his situation, noting that a dialogue and continued networking with the Mayor and herself will take place. The Mayor will let her know about the signs and she hopes Mr. Mee does not have to come back before

Council because she understands what he is saying and his priorities. Mrs. Stinney informed Mr. Mee that she appreciates him coming to Council. Mr. Mee thanked Council for listening and letting him go first because he has to get Cory home to receive his seizure medication on time.

## **9. PRESENTATIONS**

Administration of Oath of Office to new police officers.

Mayor Patriarca administered the Oath of Office to Jason Luis, Jonathan Glass and Shannon LaGraff. Chief Lewandowski presented each Officer with their badge. Council congratulated each Officer. Mrs. Stinney commented on the wonderful presentation and added that Council is always honored and excited about the new officers. The officers were out and about in the community this weekend during international day and she was shocked to know that she knew one of the young ladies before she was even born. Mrs. Stinney noted that her grandmother is here and her grandfather played an integral part of our Township and her parents are here as well. She is honored that she had the opportunity to meet such fine Officers that will be representing Pemberton Township and is excited to know that she knew one of them before she was even born. Mrs. Stinney asked Council to take a few moments to congratulate the Officers and their families. Council President Stinney recessed the meeting at approximately 7:26 pm and reconvened at approximately 7:29 pm.

## **6. Public comments on consent agenda items only.**

Mrs. Stinney opened the meeting to public comments on consent agenda items only. There being no members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments.

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

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

**\*a.** Regular Meeting, September 16, 2009.

## **\*10. CONSENT AGENDA RESOLUTIONS**

### **RESOLUTION NO. 221-2009**

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, HEREIN AFFIRMS THEIR CONSENT TO THE MAYORAL APPOINTMENT MADE OF MEMBER TO THE SENIOR CITIZENS COUNCIL AS SET FORTH BELOW:

#### **MAYOR'S APPOINTMENT:**

DOT CERRA

FILLS VACANT UNEXPIRED THREE YEAR TERM TO EXPIRE 12-31-09

### **RESOLUTION NO. 222-2009**

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

WILLIAM KASPER, \$10.00, REFUND FOR COMMUNITY DIVERSITY DAY YARD SALE – RESIDENT UNABLE TO ATTEND.

RANDY & STACY IMBROGNO, \$232.36, DUPLICATE PAYMENT TO WATER BILL, BLOCK 505, LOT 11.02

CANDACE KENNEDY, \$156.00, OVERPAYMENT OF WATER BILL, BLOCK 220, LOT 51

### **RESOLUTION NO. 223-2009**

TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS OUTSTANDING CHECKS PRIOR TO 2009 AND ARE NO LONGER REQUIRED:

WHEREAS, THE TOWNSHIP OF PEMBERTON'S CERTIFIED MUNICIPAL FINANCE OFFICER RECOMMENDS CANCELLATION OF THE OUTSTANDING CHECKS FOR THE FOLLOWING FUNDS:

GENERAL FUND	\$24,452.92
WATER OPERATING	\$ 50.32
EMPLOYEE BENEFIT	\$ 110.95
EMPLOYEE HEALTH	\$ 1,540.02
ANIMAL CONTROL\$	6.30
TREASURER'S ESCROW	\$ 3,434.44

WHEREAS, THE TOWNSHIP MUNICIPAL FINANCE OFFICER HAS CERTIFIED THAT THE FUNDS ARE AVAILABLE FOR THIS CANCELLATION:

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY HEREBY AUTHORIZES CANCELLATION OF THE ABOVE SCHEDULE OF OUTSTANDING CHECKS.

**RESOLUTION NO. 224-2009**

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

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 48 LOT 1, 1102 HUNTERS BLVD. OWNED BY LAWRENCE JR & CHRISTINE WEBRE QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF SEPTEMBER 1, 2009; AND

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

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 48 LOT 1 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO AUGUST 31, 2009 ARE \$2,439.30; AND WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 48 LOT 1 IN THE AMOUNT OF \$2,802.62 FOR THE FIRST THREE QUARTERS OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$363.32 TO LAWRENCE JR & CHRISTINE WEBRE ; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF SEPTEMBER 1, 2009 AND AUTHORIZE THE REFUND OF OVERPAID 2009 TAXES.

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

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 48 LOT 1 AS OF SEPTEMBER 1, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$363.32 TO LAWRENCE JR & CHRISTINE WEBRE, 1102 HUNTERS BLVD., BROWNS MILLS, NJ 08015
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

**RESOLUTION NO. 225-2009**

RESOLUTION FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM

A RESOLUTION AUTHORIZING THE TOWNSHIP OF PEMBERTON TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WHEREAS, N.J.S.A. 40A:11-11(5) AUTHORIZES CONTRACTING UNITS TO ESTABLISH A COOPERATIVE PRICING SYSTEM AND TO ENTER INTO COOPERATIVE PRICING AGREEMENTS FOR ITS ADMINISTRATION; AND

WHEREAS, THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM (ID # 47-CPCPS), HERINAFTER REFERRED TO AS THE "LEAD AGENCY," HAS OFFERED VOLUNTARY PARTICIPATION IN A COOPERATIVE PRICING SYSTEM FOR THE PURCHASE OF GOODS AND SERVICES; AND

WHEREAS, ON OCTOBER 7, 2009, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, DULY CONSIDERED PARTICIPATION IN A COOPERATIVE PRICING SYSTEM FOR THE PROVISION AND PERFORMANCE OF GOODS AND SERVICES.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: TITLE THIS RESOLUTION SHALL BE KNOWN AND MAY BE CITED AS THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM RESOLUTION. AUTHORITY PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-11(5), THE MAYOR IS HEREBY AUTHORIZED TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE LEAD AGENCY. A COPY OF THE AGREEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN. CONTRACTING UNIT THE LEAD AGENCY SHALL BE RESPONSIBLE FOR COMPLYING WITH THE PROVISIONS OF THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1 ET SEQ.) AND ALL OTHER PROVISIONS OF THE REVISED STATUTES OF THE STATE OF NEW JERSEY. EFFECTIVE DATE THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

**RESOLUTION NO. 227-2009**

AWARDING CONTRACT UNDER THE RCA PROGRAM TO SCAMPORINO CONSTRUCTION RE: 302 SPRINGLAKE BOULEVARD

WHEREAS, THE TOWNSHIP COUNCIL PREVIOUSLY AUTHORIZED RECEIPT OF BIDS FOR REHABILITATION CONSTRUCTION AND REPAIRS AT 302 SPRINGLAKE BOULEVARD UNDER THE EVESHAM-PEMBERTON TOWNSHIP RCA PROGRAM; AND

WHEREAS, RECEIPT OF BIDS WAS ADVERTISED FOR DECEMBER 5, 2008 BUT NO BIDS WERE RECEIVED; AND WHEREAS, RECEIPT OF BIDS WAS RE-ADVERTISED FOR JANUARY 8, 2009 BUT NO BIDS WERE RECEIVED; AND

WHEREAS, THE RCA PROGRAM ADMINISTRATOR RECEIVED A PROPOSAL DATED SEPTEMBER 23, 2009 FROM THE HOMEOWNER ON BEHALF OF SCAMPORINO CONSTRUCTION TO COMPLETE THE WORK FOR \$32,960.00.

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. THAT RECEIPT OF BIDS WAS ADVERTISED PURSUANT TO THE NEW JERSEY LOCAL PUBLIC CONTRACTS LAW ON TWO OCCASIONS AND NO BIDS WERE RECEIVED ON BOTH OCCASIONS IN RESPONSE TO THE ADVERTISEMENT.
2. THAT PURSUANT TO N.J.S.A. 40A:11-5 A CONTRACT 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 WHEN BIDS HAVE BEEN ADVERTISED ON TWO OCCASIONS AND NO BIDS HAVE BEEN RECEIVED.
3. THAT THE MAYOR AND CLERK ARE AUTHORIZED TO EXECUTE A CONTRACT IN THE AMOUNT OF \$32,960.00 WITH SCAMPORINO CONSTRUCTION FOR REHABILITATION CONSTRUCTION AND REPAIRS AT 302 SPRINGLAKE BOULEVARD UNDER THE EVESHAM-PEMBERTON TOWNSHIP RCA PROGRAM SUBJECT TO REVIEW AND APPROVAL OF THE CONTRACT FORM BY THE TOWNSHIP SOLICITOR AND CERTIFICATION OF AVAILABILITY OF FUNDS BY THE CHIEF FINANCIAL OFFICER.
4. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE BUSINESS ADMINISTRATOR AND CHIEF FINANCIAL OFFICER.

**RESOLUTION NO. 228-2009**

A RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) THERMAL IMAGING CAMERAS UNDER STATE CONTRACT #A71101 PURSUANT TO N.J.S.A. 40A:11-12(A)

WHEREAS, THE TOWNSHIP OF PEMBERTON, PURSUANT TO N.J.S.A. 40A:11-12(A) AND N.J.A.C. 5:34-7.29(C), MAY BY RESOLUTION AND WITHOUT ADVERTISING FOR BIDS, PURCHASE ANY GOODS OR SERVICES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM FOR ANY STATE CONTRACTS ENTERED INTO ON BEHALF OF THE STATE BY THE DIVISION OF PURCHASE AND PROPERTY IN THE DEPARTMENT OF TREASURY; AND WHEREAS, THE TOWNSHIP OF PEMBERTON HAS THE NEED TO PURCHASE THERMAL IMAGING CAMERAS (TICS) FOR THE THREE NEW PIECES OF FIRE APPARATUS THAT WERE DELIVERED IN 2008 AND 2009; AND WHEREAS, THE PURCHASE OF EQUIPMENT FOR THE NEW FIRE APPARATUS, TWO ENGINES AND ONE LADDER TRUCK, WAS AUTHORIZED BY ORDINANCE NO. 2007-07; AND WHEREAS, THERE ARE FUNDS AVAILABLE THROUGH SAID BOND ORDINANCE TO APPLY TOWARD THE PURCHASE OF THE TICS.

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

1. THAT THE MAYOR IS AUTHORIZED TO PURCHASE THREE (3) TICS FROM FIRST DUE EMERGENCY SUPPLY COMPANY IN THE AMOUNT OF \$35,303.78 AND THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE ANY DOCUMENTS, IF ANY, NECESSARY TO COMPLETE THAT PURCHASE INCLUDING ANY CONTRACT; AND
  2. THAT THE PURCHASE IS AUTHORIZED TO BE MADE UNDER STATE CONTRACT NO. 71101; AND
  3. THAT WE FIND THAT THIS CONTRACT BEST MEETS THE REQUIREMENTS OF THE TOWNSHIP OF PEMBERTON AND FULFILLS OUR GOAL OF HAVING THE TOWNSHIP'S NEW FIRE TRUCKS EQUIPPED WITH THERMAL IMAGING CAMERAS.
- BE IT FURTHER RESOLVED, THAT THIS CONTRACT IS SUBJECT TO A CERTIFICATION OF AVAILABILITY OF FUNDS BEING EXECUTED BY THE CHIEF FINANCE OFFICER.

## **12. NEW BUSINESS**

### **\*d. Requests from various departments to expend funds in excess of \$2,000.00:**

1. Public Works Dept.: Purchase of galvanized chain link fence and accessories for Nesbit football field from Herdt Fencing, Inc., in the amount of \$8,692.00.
3. Public Works Dept.: Purchase of clutch assembly for the Beast (Twp.'s wood recycling/grinder machine, from Kraft Corp., in the amount of \$5,813.00.
4. UEZ Dept.: Purchase of 16 "Welcome to Pemberton" signs, from CNC Artworks, LLC, in the amount of \$16,238.00.

### **\*e. Applications submitted for memberships, licenses, permits:**

- \*1. Loud Speaker Permit Applications: 1. Monique Davis: Birthday Party w/DJ at BMIA Building, 6PM-10PM, 10/17/09. 2. Christian Casteel: Halloween Party/Music Show w/amplifiers and p.a. system, at BMIA Building, 5PM-10PM, 11/7/09. 3. Amanda Rivera: Baby shower w/DJ at Country Lakes Rec. Center, 2PM-7PM, 11/7/09.**

- \*13. Approval by Council required for payment of vouchers on bill list dated 10/2/09.**

Mr. Cartier requested to pull Resolution No. 226-2009 and New Business Items 12.D2, Recreation purchase over \$2,000 and item 12.E1, Loud Speaker Permit Applications. Mr. Prickett requested to pull Resolution No. 229-2009.

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

## **ITEMS PULLED FROM THE CONSENT AGENDA**

### **RESOLUTION NO. 226-2009**

Mr. Cartier informed he would like Resolution No. 226-2009 voted on separately as one of the properties listed is a neighbor of his. Mr. Prickett asked since the resolution was pulled, if the list was reviewed by the Solicitor and if the Township is on firm ground in putting liens on these properties. Mr. Bayer answered that he did not see the list until receiving his packet tonight. Mr. Bayer added that typically under law if a code enforcement officer issues notices advising property owners that repairs need to be made and they are not made, municipalities have the power under the right circumstances to perform the repairs and put a lien on the property. Mr. Bayer advised he has seen it done many times but he does not have the underlying backup to the list and would assume it is being done in good faith. Mr. Vaz advised that they followed the procedure which was to look at the ordinance and follow the steps accordingly. The Public Works software that was purchased last year makes it easier to track the expenses. Mr. Prickett commented this is the first time Council has placed liens in similar circumstances and he wanted to make sure if it's the first time that it's right. Mr. Bayer informed it's all for cutting grass and the ordinance allows that. Mr. Vaz added that it also follows the statute.

**RESOLUTION NO. 226-2009**

WHEREAS, THE PROPERTY OWNERS ON THE ATTACHED SCHEDULES A THROUGH S WERE IN VIOLATION OF CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR PROPERTY MAINTENANCE; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON, AFTER SERVING THE REQUIRED NOTICES, AND HAVING RECEIVED NO RESPONSE, PROCEEDED WITH THE NECESSARY ACTION THROUGH THE CODE ENFORCEMENT OFFICE TO ABATE THE VIOLATIONS; AND

WHEREAS, THE CODE ENFORCEMENT OFFICIAL HAS CERTIFIED THE COSTS OF THE AFOREMENTIONED ACTION AS SET FORTH IN THE ATTACHED SCHEDULES A THROUGH S;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO IMPOSE A LIEN UPON THE PROPERTY(S) SET FORTH IN THE ATTACHED SCHEDULES A THROUGH S.

Motion by Prickett and Scull to approve Resolution No. 226-2009. Prickett, yes; Scull, yes; Cartier, abstain; Inge, yes; Stinney, yes. Motion carried.

**RESOLUTION NO. 229-2009**

Mr. Prickett reported that he pulled Resolution No. 229-2009 which authorizes a public auction of municipally owned lands no longer needed for public use because he did not receive this resolution until tonight. Mr. Prickett noted that it was supposed to be mailed to him and he did not receive it. There are also some revisions and he would like the opportunity to review it until the next Council meeting. Mr. Prickett expressed it is very important to do that and as an oversight board Council needs to do that very carefully because there is a history in the Township of some odd things happening in the Township with properties that have been sold. Roads have been changed to different names and Council members have voted to sell properties and have purchased properties themselves and this is a very serious situation and expressed they all need to be on board and that everything is as copasetic as possible. Mrs. Stinney thanked Mr. Prickett for his comments and asked Mr. Cartier if he would like time to review this ordinance and have it placed on another agenda. Mr. Cartier asked if this fits the time frame considering the bids are proposed to be received on October 29<sup>th</sup>. Mr. Vaz answered it will be cutting it close and he understands Mr. Prickett's concerns. Mr. Vaz continued that he and Mrs. Brown did not get it completed until 5:30 this evening as a lot of work on their end had to go in to it. Some of the language was changed so it is not the resolution from 2006. Mr. Vaz remarked that Mr. Bayer had provided a memo that was incorporated into the resolution. Mr. Vaz verified the advertising timeline with Mrs. Finlay. Mrs. Finlay advised the date will have to be changed. Mr. Vaz explained there is only one meeting in November and if the auction was held in November, the sales would be approved at the first meeting

in December and closings would need to be held before December 31<sup>st</sup> to be able to anticipate the money in next year's budget. Mr. Vaz suggested an alternative would be for Council to do this tonight and still be able to pull individual lots as the resolution states. Mr. Vaz preferred to do it this way but if Council wanted to wait until the next meeting as long as the next meeting is not missed for the resolution and the first December meeting is not missed to approve by resolution the individual sales. Mrs. Stinney asked Council who all agreed to table the resolution until the next meeting of October 21<sup>st</sup>.

**RESOLUTION NO. 229-2009**

RESOLUTION AUTHORIZING PUBLIC AUCTION OF MUNICIPALLY OWNED LANDS NO LONGER NEEDED FOR PUBLIC USE WHEREAS, THE TOWNSHIP OF PEMBERTON IS THE OWNER OF SUBSTANTIAL NUMBER OF PARCELS OF LAND LOCATED WITHIN THE MUNICIPALITY WHICH ARE NO LONGER NEEDED FOR PUBLIC USE, IN WHICH THE MAYOR AND COUNCIL ARE DESIROUS OF SELLING AT PUBLIC AUCTION; AND

WHEREAS, N.J.S.A. 40A:12-12(A) AUTHORIZES A MUNICIPALITY TO SELL ANY REAL PROPERTY, CAPITAL IMPROVEMENTS OR INTERESTS THEREIN NOT NEEDED FOR PUBLIC USE BY OPEN PUBLIC SALE AT AUCTION TO THE HIGHEST BIDDER AFTER ADVERTISEMENT THEREOF; AND

WHEREAS, THE TOWNSHIP COUNCIL IS DESIROUS OF CONVEYING SAID PARCELS, ADDING SAME TO THE TAX ROLLS, AND DERIVING REVENUES FROM SAME;

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

ARTICLE I. SALE OF LAND AUTHORIZED. THE TOWNSHIP COUNCIL HEREBY AUTHORIZES THE SALE OF ALL THOSE LANDS SET FORTH ON SCHEDULE A AND SCHEDULE B WHICH, IS ATTACHED HERETO AND MADE A PART HEREOF, AT THE MINIMUM BID ESTABLISHED IN SAID SCHEDULES. THE TOWNSHIP RESERVES THE RIGHT TO ACCEPT OR REJECT ANY AND ALL SUCH BIDS FOR THE PROPERTIES, AND, TO REMOVE ANY PROPERTY FROM THE SCHEDULE PRIOR TO THE AUCTION. BIDS SHALL BE RECEIVED AT PUBLIC AUCTION ON, \_\_\_\_\_ AT \_\_\_\_\_ AM, IN ROOM #10, AT THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING. THE TOWNSHIP COUNCIL SHALL THEN HAVE FORTY-FIVE (45) DAYS WITHIN WHICH TO REJECT OR ACCEPT SAID BIDS.

ARTICLE II. SPECIAL CONDITIONS OF SALE.

A. THE PROPERTIES ON SCHEDULE A ARE TO BE SOLD AS RESTRICTED LOTS, INTENDED, TO ALLOW ADJOINING PROPERTY OWNERS TO EXPAND THEIR EXISTING LOTS. NO DEVELOPMENT SHALL BE PERMITTED ON THESE LOTS, AND THE DEED CONVEYING SAID PROPERTY SHALL CONTAIN A RESTRICTION AGAINST FUTURE DEVELOPMENT. NOTWITHSTANDING SAME, THE FOLLOWING EXCEPTIONS ARE HERBY PERMITTED: THE SUCCESSFUL BIDDER WILL BE ALLOWED TO UTILIZE SAID PROPERTY TO EXPAND HIS OR HER EXISTING HOME (SUBJECT TO SETBACK REQUIREMENTS); SHALL BE PERMITTED TO BUILD A GARAGE, POOL, STORAGE SHED, OR SUCH OTHER ACCESSORY USE PERMITTED UNDER LOCAL ZONING ORDINANCES.

B. THE SUCCESSFUL BIDDER FOR PROPERTIES IN SCHEDULE A UNDERSTANDS THAT THE LOTS TO BE ACQUIRED UNDER THIS RESOLUTION, WHERE THE SUCCESSFUL BIDDER OWNS PROPERTY WHICH IS CONTIGUOUS TO THE PARCEL(S) AUTHORIZED FOR SALE HEREIN, SHALL BECOME CONTIGUOUS WITH SAID PARCELS AND SHALL BE MERGED INTO A SINGULAR DEED. THE PARCEL SHALL NOT BE PERMITTED TO BE SUBDIVIDED.

C. IN THE EVENT THAT THE SUCCESSFUL BIDDER ON ANY OF THE LOTS DESCRIBED IN SCHEDULE A HEREIN IS NOT THE OWNER OF CONTIGUOUS PROPERTY, THEN, PURSUANT TO N.J.S.A. 40A:12-13.2, THE OWNER OR OWNERS OF ANY PROPERTY WHICH IS CONTIGUOUS TO THE PROPERTY UPON WHICH THE BID IS SUBMITTED, SHALL BE GIVEN THE RIGHT OF FIRST REFUSAL TO PURCHASE THE LAND AT THE PRICE SET FORTH IN THE BID. THE TOWNSHIP WILL NOTIFY SAID OWNER(S) WITHIN TEN (10) DAYS OF RECEIPT OF THE BID; AND THE CONTIGUOUS OWNERS SHALL THEN HAVE FIFTEEN (15) DAYS TO SUBMIT THE NECESSARY PAYMENT TO THE TOWNSHIP REQUIRED UNDER THIS RESOLUTION IN ORDER TO PERFECT THEIR RIGHT OF FIRST REFUSAL AND ACQUIRE TITLE TO THE PROPERTY.

D. IN THE EVENT THAT THE SUCCESSFUL BIDDER ON ANY OF THE LOTS DESCRIBED IN SCHEDULE A HEREIN IS NOT THE OWNER OF CONTIGUOUS PROPERTY OR DOES NOT HAVE A PRINCIPAL BUILDING, THEN, THE SUCCESSFUL BIDDER SHALL NOT BE PERMITTED TO BUILD A GARAGE, POOL, STORAGE SHED, OR SUCH OTHER ACCESSORY USE PERMITTED UNDER LOCAL ZONING ORDINANCES.

E. THE PROPERTIES ON SCHEDULE B ARE TO BE SOLD SUBJECT TO LIMITATIONS AND CONDITIONS SET FORTH IN SCHEDULE B AND THIS RESOLUTION. BIDDER(S) ARE RESPONSIBLE TO SECURE ALL APPROVALS. THE TOWNSHIP DOES NOT REPRESENT THE QUALITY OF THE LOTS BEING SOLD WILL MEET THE BIDDER(S) INTENDED USE.

F. THE PROPERTIES ON SCHEDULES A AND B ARE TO BE SOLD AS IS.

ARTICLE III. CONDITIONS TO SALE. THE TOWNSHIP COUNCIL HEREBY ESTABLISHES THE FOLLOWING CONDITIONS TO THE SALE OF THESE PROPERTIES, WHICH CONDITIONS SHALL BE IMPOSED UPON ALL BIDS SUBMITTED HEREIN:

A. THE PROPERTIES DESCRIBED IN SCHEDULE A AND SCHEDULE B ATTACHED HERETO SHALL BE ADVERTISED FOR PUBLIC SALE PURSUANT TO REQUIREMENTS AND PROCEDURES SET FORTH IN THE LOCAL LANDS AND BUILDINGS LAW (N.J.S.A. 40A:12-1 ET SEQ.).

B. EACH SUCCESSFUL BIDDER FOR THE PROPERTY IN SCHEDULE A MUST SUBMIT THE FULL AMOUNT OF THE BID BY CASH OR BY CHECK, AT THE TIME OF THE BID SUBMISSION. HOWEVER, IF PAYING BY CHECK, THE TOWNSHIP WILL REQUIRE A SEVEN (7) DAY WAITING PERIOD TO ENSURE THAT THE CHECK IS NEGOTIABLE AND "CLEARS".

C. EACH SUCCESSFUL BIDDER FOR THE PROPERTY IN SCHEDULE A MAY CHOOSE TO MAKE INSTALLMENT PAYMENTS AS OUTLINED ON THE ATTACHED LAND AUCTION PAYMENT AGREEMENT ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION.

D. FOR SCHEDULE B, 50% OF THE BID PRICE SHALL BE SUBMITTED BY THE SUCCESSFUL BIDDER AT THE TIME OF THE SALE. SAID PAYMENT CAN BE MADE BY EITHER CASH OR CHECK. HOWEVER, IF PAYING BY CHECK, THE TOWNSHIP WILL REQUIRE A SEVEN (7) DAY WAITING PERIOD TO ENSURE THAT THE CHECK IS NEGOTIABLE AND "CLEARS: FURTHERMORE, THE BALANCE SHALL BE PAID AT THE CLOSING BY CERTIFIED CHECK.

E. IN ADDITION TO PAYING FOR THE PROPERTY BY WAY OF BID, EACH SUCCESSFUL BIDDER SHALL BE REQUIRED TO PAY AN ADDITIONAL \$125.00 FOR EACH PROPERTY TOWARDS THE TOWNSHIP'S EXPENSES IN THE PREPARATION AND ADVERTISEMENT OF THIS RESOLUTION, AND THE PREPARATION AND RECORDING OF ALL DEEDS. THE \$125.00 WILL BE SUBMITTED TO THE TOWNSHIP AT THE TIME OF THE AUCTION.

F. PROPERTIES TO BE CONVEYED UNDER THIS RESOLUTION SHALL BE CONVEYED BY THE TOWNSHIP BY WAY OF QUITCLAIM DEED, WITHOUT ANY REPRESENTATIONS AS TO THE QUALITY OF THE TITLE, EXCEPT THAT THE TOWNSHIP REPRESENTS THAT TO THE BEST OF ITS KNOWLEDGE THERE ARE NO JUDGMENTS OR LIENS AGAINST THE MUNICIPALITY, WHICH WOULD AFFECT THE QUALITY OF TITLE.

G. ALL LOTS ARE CONVEYED SUBJECT TO EXISTING ENCUMBRANCES, LIENS, ZONING REGULATIONS, EASEMENTS, OTHER RESTRICTIONS AND SUCH FACTS AS AN ACCURATE SURVEY WOULD REVEAL AND ANY PRESENT OR FUTURE ASSESSMENTS FOR THE CONSTRUCTION OF IMPROVEMENTS BENEFITING SAID PROPERTY.

H. CLOSINGS SHALL OCCUR WITHIN FORTY-FIVE (45) DAYS OF THE ADOPTION OF THE RESOLUTION BY THE TOWNSHIP COUNCIL AWARDED THE SALE OF THE PROPERTIES TO THE HIGHEST BIDDER.

I. FAILURE OF THE PURCHASERS TO COMPLY WITH ANY OF THE REQUIREMENTS SET FORTH ABOVE, OR TO CLOSE WITHIN THE TIME FRAME SET FORTH BY THE TOWNSHIP IN ITS RESOLUTION AWARDED THE BIDS, SHALL ENTITLE THE TOWNSHIP OF PEMBERTON TO RESCIND PRIOR BID APPROVAL, TERMINATE ANY AND ALL RIGHTS OF THE DESIGNATED BIDDER IN SAID PROPERTY, AND RETAIN ALL MONIES THEREFORE DEPOSITED. NOTHING HEREIN



IS INTENDED, HOWEVER, TO SUGGEST THAT THE TOWNSHIP WILL RETAIN ANY MONIES OF SUCCESSFUL BIDDERS. FOLLOWING THE ADOPTION OF THE RESOLUTION AWARDING THE BIDS, THE TOWNSHIP SHALL REFUND MONIES SUBMITTED BY ANY UNSUCCESSFUL BIDDERS.

ARTICLE IV. MISCELLANEOUS AUTHORIZATIONS. THE MAYOR, CLERK AND SUCH OTHER MUNICIPAL OFFICIALS AS ARE DEEMED NECESSARY ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE WHATEVER DOCUMENTS ARE NECESSARY TO EFFECTUATE THE INTENT AND PURPOSES OF THIS ORDINANCE.

ARTICLE V. EFFECTIVE DATE; NOTICE OF BID. THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY, AND THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THIS SALE IN THE COMMUNITY NEWS BY TWO INSERTIONS AT LEAST ONCE A WEEK DURING TWO CONSECUTIVE WEEKS, THE LAST PUBLICATION TO BE NOT EARLIER THAN SEVEN (7) DAYS PRIOR TO THE DATE OF SALE SET FORTH ABOVE.

BE IT FURTHER RESOLVED THAT THE AUCTIONEER APPOINTED BY THE TOWNSHIP COUNCIL TO CONDUCT THIS AUCTION SHALL BE FREE TO ACT IN ALL RESPECTS IN WHAT IS DEEMED TO BE IN THE BEST INTERESTS OF THE MUNICIPALITY BY REVISING THE PARTICULAR LOTS BEING SOLD FOR A SPECIFIC DOLLAR FIGURE (E.G., IF TWO LOTS ARE BEING SOLD TOGETHER FOR \$2,400.00 AND TWO ADJOINING LOTS ARE OFFERED TOGETHER FOR \$2,400; BUT TWO PROSPECTIVE BIDDERS AGREE THAT THE FIRST WANT ONLY ONE LOT, AND OTHER WANTS THREE, THE AUCTIONEER SHALL BE PERMITTED TO AUCTION SAME IN THAT FASHION; OR IN ANY OTHER FASHION THAT WILL BEST ADVANCE THE GOALS OF THIS RESOLUTION); ALL SUBJECT NEVERTHELESS TO FINAL ACCEPTANCE AND APPROVAL BY THE TOWNSHIP COUNCIL. IT IS FURTHER EXPRESSLY PROVIDED THAT THE TERMINATION OF THE BIDDING PROCESS WILL NOT CONSTITUTE AN "ACCEPTANCE" OF THE BID; BUT WILL SIMPLY CONSTITUTE A RECOGNITION THAT THE BID IS THE HIGHEST BID RECEIVED AT THE TIME OF THE AUCTION, AND THE TOWNSHIP COUNCIL WILL HAVE ABSOLUTE DISCRETION TO DETERMINE WHETHER TO AWARD THAT BID AT ITS NEXT REGULAR MEETING AND/OR WITHIN 45 DAYS FOLLOWING THE DATE OF OFFER

Motion by Prickett and Cartier to table Resolution No. 229-2009 until the October 21, 2009 meeting. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

### **NEW BUSINESS ITEM 12.d.2.**

**\*d.** Requests from various departments to expend funds in excess of \$2,000.00:

2. Recreation Dept.: Purchase of inflatable amusements for Community Diversity Day from Inflatable Entertainment, in the amount of \$2,400.00.

Mr. Cartier advised he requested to pull the New Business item 12D2 at the request of Administration. Mr. Vaz informed because Community Day was moved indoors, there were no inflatables; therefore, it would not be necessary to approve.

### **NEW BUSINESS ITEM 12.e.1.**

**\*e.** Applications submitted for memberships, licenses, permits:

- \*1. Loud Speaker Permit Applications:** **1. Monique Davis:** Birthday Party w/DJ at BMIA Building, 6PM-10PM, 10/17/09. **2. Christian Casteel:** Halloween Party/Music Show w/amplifiers and p.a. system, at BMIA Building, 5PM-10PM, 11/7/09. **3. Amanda Rivera:** Baby shower w/DJ at Country Lakes Rec. Center, 2PM-7PM, 11/7/09.

Mr. Cartier noted that with the adoption of our new noise ordinance, loud speaker permits are no longer allowed so he does not see the need for Council to approve any loud speaker permits. Mr. Vaz informed that he did speak with Mr. Cartier regarding this and suggested not approving these permits and on the next agenda these will be added to the refund resolution. Mr. Vaz noted he will speak to Mr. Bayer regarding cleaning this process up. Mrs. Stinney thanked Mr. Cartier for their dialogue regarding the noise ordinance and for noting the loud speaker permits would not be required.

## **11. ORDINANCES FOR INTRODUCTION**

**a. ORDINANCE NO. 21-2009 (Title Read By Mrs. Stinney)**

**AUTHORIZING THE EXCHANGE OF TOWNSHIP PROPERTY LOCATED AT BLOCK 22, LOTS 61-64 FOR PROPERTY LOCATED AT**

BLOCK 669, LOT 13 OWNED BY DANITOM DEVELOPMENT, INC. IN ORDER TO EFFECTUATE A SETTLEMENT AND RELEASE OF CLAIMS

Mrs. Stinney opened the meeting to public comments. There being no members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments. Mr. Prickett asked if Administration and the Solicitor have double checked this ordinance to make sure the lots are accurate and there are no mistakes in the document. Mr. Prickett expressed that he is prepared to move forward with this but would like a second check of the block and lot numbers to ensure they are correct because there have been problems in the past and it's important with this kind of an ordinance to make sure these properties are the ones that we're talking about. Mrs. Scull, Mr. Inge and Mr. Cartier are ready to move forward.

Motion by Cartier and Scull to adopt Ordinance No. 21-2009.

Mr. Prickett asked Administration if this ordinance has been double checked. Mr. Vaz informed he is asking Ms. Colella now. Mr. Bayer advised his firm drafted this ordinance based upon the information and documents given to him when this was initially discussed with Danitom. Mr. Bayer noted that he can't state it has been checked in between the first and second readings. Mr. Vaz commented that before the Mayor signs, Administration will physically pull the Developer's Agreement.....Mayor Patriarca gave his word and Mr. Prickett replied that is good enough.

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

**b. ORDINANCE NO. 22-2009 (Title Read By Mrs. Stinney)**

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

Mrs. Stinney opened the meeting to the public. There being no members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to the public. Mr. Cartier and Mr. Inge did not have any comments. Mrs. Scull stated she is glad to see this happen because she felt there should have been extra compensation and she is very happy with this. Mr. Prickett agreed with Mrs. Scull and is ready to move forward.

Motion by Scull and Prickett to adopt Ordinance No. 22-2009. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

**12. NEW BUSINESS**

- a. Designation of two Council members for sub-committee to meet along with Administration for review of RFP's received for Financial Consultant and Marketing and Branding Consultant and to make recommendation for award of contracts for same.

Mr. Vaz informed that the note that the Township took out was due this week. A few months back, Bond Counsel had suggested, because it is a substantial amount

of money, over \$6 million, and because they are a town of size in terms of geography, their budget and debt service, that they do what many other towns do and that is get some advice from a consultant who specializes in municipal debt service and consulting. Mr. Vaz conveyed that he does not know if Pemberton has historically done this. Mr. Vaz continued that he received the name of the consultant from the Bridge Commission. After meeting with them, it was determined that the Township could benefit from the advice the consultant can provide. Their proposal was received and Administration decided the proposal was on the high side and it would be better to receive other competitive numbers. Mr. Vaz relayed that Mrs. Eden along with the bond counsel extended the note through the beginning of January to provide time to go through the process of getting a Financial Consultant on board. Mr. Vaz suggested the Financial Consultant might be added on when receiving proposals for the annual appointments. The services would be charged the same way as the Bond Counsel; as a soft cost against the ordinance. The financing would be there through that mechanism and it would not be charged to a line item in the current budget. The Marketing and Branding Consultant is something that is done through the UEZ through the revitalization meetings once a month. Mr. Jones, the UEZ Coordinator, submitted a request to the State UEZ fund to pay for this type of a consultant. The State couldn't approve it until they actually had numbers. Mr. Vaz added that Administration did an RFP and received two proposals. The Marketing and Branding Consultant would look at Browns Mills specifically and then Pemberton in the bigger picture and help us figure out where to go in terms of what types of businesses are best for Pemberton Township and what type of marketing Pemberton would need to be done and tying it in with the revitalization plan for Browns Mills. The services that they can anticipate getting for the Township are exciting. Pemberton needs this at this point in the revitalization process. Guidance is needed on what they should be attracting. Mr. Vaz reported it does not make sense to try to attract a big box business if it's not suitable for Pemberton Township. Mr. Vaz conveyed if a marketing analysis says don't bother, why would they. Mr. Vaz did not know if the approval was received from the state but stated there is no harm in getting the subcommittee together and the selection process moving so that they are in place when the funding is approved by the State. The funding will be paid for from the UEZ and not the general budget. Mrs. Stinney asked Council if any members would like to serve. Mr. Cartier and Mr. Prickett volunteered to participate. Mr. Prickett expressed there are two issues with the RFP's as far as the issue Mr. Vaz talked about in giving Council an opportunity to talk about and asked if that is different from this. Mr. Vaz responded no, he answered it and Mr. Cartier had questions last week regarding financial consultant services and why and he explained and answered that. Mr. Prickett asked if that had to do with when bids came in and if that was another situation. Mr. Vaz explained as a first step, the subcommittee can have a discussion about that and in the end it will wind up being an Andy Bayer question. Mr. Prickett expressed concern that the policy that has been used over the years is not changed just because it was convenient at the time. Mr. Inge stated it is his understanding that one of the bids came in late for the financial consultant. Mr. Vaz responded that Mrs. Finlay had already technically closed the bids and went to the court room and the bidder was walking through the door. Mr. Bayer stated it was a proposer as they are technically not bids. Mr. Vaz corrected himself and stated the proposer was walking through the door; Mrs. Finlay's watch is the official watch and the argument was that the proposer watch stated differently. Mr. Inge stated that they have to go by Mrs. Finlay's watch. Mr. Vaz agreed. Mr. Inge advised he would like to be on the sub-committee but since he owns commercial

property in the Township, he does not think it would be fair that he would sit on a committee like that. Mrs. Stinney thanked Mr. Cartier and Mr. Prickett.

- b. Discussion requested by Councilmen Inge and Prickett regarding Police Chief's salary and associated salary ordinance.

Mr. Prickett relayed that this pursuit started when a resident brought up to the Council a number of months ago that there seemed to be an inadequacy in the salary of the Chief of Police. Mr. Prickett expressed it was important to look into that and do some research which he has done. Mr. Prickett added that as a Council, Council wants to be fair and make sure the employees that work for the municipality are paid in a fair way and not just comparable with the surrounding municipalities although that is something that has been said but there should be other reasons as well that a person in office receives pay. Mr. Prickett noted that one of the reasons the Police Department and in particular the Chief is paid fairly is because this is the second year that crime has been down in Pemberton Township. It was down 20% in violent crimes this year and aggravated assaults and robberies. It was also down 20% last year. Mr. Prickett reported that was a 40% decrease in crime in Pemberton Township and that is a terrific thing and he is pleased with the Police Department and their efforts. It requires an entire Police Department to make such a change in the Township and the Chief is attributing a lot of it to the safe neighborhood unit. Mr. Prickett expressed faith in units such as those because Police have to be in the neighborhoods whether it's bicycling or walking, the Police have to know the people in the community and know what their problems are so that the Police can address them. As far as salary, from what Mr. Prickett could see and looking at the budgets over the years from 2006, the Chief's salary has been the same over that period of time until this year when it was increased 4%. Mr. Prickett informed in 2006, 2007 and 2008 from the information he has been able to ascertain, the Chief's salary has been \$99,283. There was an increase in 2009 to \$103,000. Mr. Prickett conveyed that he had compared salaries and the number of sworn officers throughout the county and received the data from the Chief's Association as well as the Asbury Park Press statistics. Mr. Prickett passed out the information to Council and noted that the key component to the information he provided is the graph. Mr. Prickett explained the red line represented salaries of Police Chiefs in Burlington County and the blue line represented the number of sworn officers within those departments. Mr. Prickett did not delve into if they take a car home or the number of lieutenants or any other potential benefits. The number of sworn officers throughout the county range from four up to seventy-four. The top number of officers are 74, 72, 70 and 57 which are found in Pemberton Township. After the 57, there are 42 and 44. Mr. Prickett explained that salaries range from the \$80's to small and part time municipalities all the way up to \$149,000. Mr. Prickett added that as far as salaries are concerned, there is a steady increase when starting from Pemberton Boro which is approximately \$80,000 with four to five sworn officers and increases up to \$120,000 and increases constantly until Pemberton Township. Mr. Prickett continued that when arriving at Pemberton Township on the salary graph, there is a dip. After Pemberton Township, the ranking starts to increase. Willingboro is approximately \$119,000; Evesham is \$140,000 and Mount Laurel is \$133,000. Mr. Prickett noted there are correlations and one is Pemberton Township has a large number of people within the department, sworn officers, but yet the salary dips, whereas as going up, the salary goes up. Mr. Prickett suggested looking at not only the salary lower which is not in line with the progression of salaries in his charts but also it is not in line with a number of sworn officers that the Chief has to supervise and be

responsible for. Mr. Prickett conveyed there are two points; the number of officers and also the salary within the Township. Mr. Prickett asked Council to also consider the crime rate whereas Pemberton Township has had a 40% decrease in the crime rate over the last two years and that is commendable. Mr. Prickett asked Council to look in to this and see if the appropriation needs to be increased and perhaps the Mayor can do that before the budget hearing. Mr. Prickett remarked that Mrs. Scull commented at a previous meeting that it is too early to be talking about this but he thinks Council needs to talk about this before the budget and having only a short period of time to talk about it. Mr. Prickett stated this could just be the beginning of a discussion because there might be some other aspects that Council needs to look at and he will certainly be glad to be able to talk about this again at the next Council meeting. Mrs. Stinney thanked Mr. Prickett for his comments. Mr. Inge agreed with Mr. Prickett and noted with the data recently received, the Township decreased 20% again in crime and it shows what a great job not only the Chief of Police has done but the Officers also. Mr. Inge noted that it shows how much they care about the Township and how they are trying to make a difference compared to other Townships that have an increase in gang activity. Mr. Inge commented that Pemberton Township seems to be putting a hold on that now. Mr. Inge agreed with Mrs. Scull's comments from a previous Council meeting that this should be discussed during the budget but added that our Chief can't bring a Township vehicle home and something can be done about that now and do not have to wait until the first of the year to do something about that. Mr. Inge remarked if the Mayor does not want to allow the Chief to bring a vehicle home, Council can draft an ordinance stating the Chief of Police would have a right to have a vehicle at his service because as Mr. Prickett stated earlier, the Chief does have to attend community meetings and does come to the Township on his off time. The Chief is never really off and if there is a crisis in the Township, the Chief has to be notified and he will respond. Mr. Inge conveyed that it might be too early to look at the Chief's pay at this time but Council should provide the Chief with the means that he needs to conduct his job so his job can be not such a burden on his family using a family vehicle to return to the Township at all hours of the night or to an association meeting. Mr. Inge stated the Chief's wife might need their car at the same time and then it would become a problem. The Chief is doing a service for the Township and the Township should recognize that and not wait until the budgets and at least now provide the Chief with a vehicle. During the budget, Mr. Inge noted he will not particularly look at the increases that other Townships pay their Chiefs. Mr. Inge will consider the job the Chief is doing for the Township and the decrease in crime in the Township. Mr. Inge expressed they not compare what other Townships are paying their employees as Pemberton Township is unique and they should consider what the residents can afford to pay for public officials. Mr. Cartier stated to Mr. Inge that he is glad to hear him state that because in looking at the graph provided by Mr. Prickett, the municipalities listed are probably the highest per capita income in the county and they can afford to pay outrageous salaries when it comes to a Police Chief. Mr. Cartier commented that he is glad to hear Mr. Inge is going to look at the job the Chief is doing and not so much what other Townships are paying. Mrs. Stinney confirmed with Mr. Inge that he wanted to look at an ordinance for a vehicle. Mr. Inge added Administration can allow the Chief to take his vehicle home. Mr. Inge commented that if Administration doesn't decide to do that, Council should decide to do that. Mrs. Scull asked if Council has the authority to do that. Mr. Bayer replied that his gut feeling is no, but Council could appropriate money for it, but typically it is an administrative issue which in the current form of government it is controlled by the Mayor. Mr. Bayer read from the statute, "Part of the Mayor's power is to

supervise, direct and control all departments of municipal government and is in charge of all employees". Mr. Bayer added that Council would have the power to appropriate or make money available for a vehicle and unless it's in a contract, it will be the power of the Mayor to authorize the use of the vehicle. Mr. Bayer offered to do additional research on this topic. Mr. Prickett asked Mr. Bayer if that is also true with the salary ordinance in that Council can appropriate so much in a salary ordinance but it's up to Administration to decide exactly how much the employee makes or receives from that. Mr. Bayer answered yes and explained that is why there is typically a range in the salary ordinances based on title so depending on the employees' experience it is usually fixed when the Administration hires someone and then goes through steps. Mr. Prickett added this is an on-going process and he would like to go home and do more research on the police cars and how many Chiefs are able to take cars home. Mr. Prickett noted Mr. Cartier brought up another point of per capita income in municipalities and he would like to graph that and bring it back to the next Council meeting for Council to review. Mr. Cartier suggested adding property values and tax rates as well. Mrs. Stinney asked Mr. Prickett to have it ready for Friday's packet. Mr. Prickett answered that he would try.

c. Discussion of proposed ordinance for fire services billing.

Mrs. Stinney asked if this would raise insurance. Mr. Vaz answered he can't guarantee that it won't in the long run. Mr. Vaz spoke of an accident in Browns Mills the previous night that Monoc, Virtua, a medical helicopter and our fire department responded to and one of our Fire Chiefs commented that everyone was getting paid except for his department. Mr. Inge asked Mr. Vaz if it stated Pemberton Township Fire Department, a volunteer fire department. Mr. Cartier interjected no, it stated Monoc, Virtua, Life South probably and Pemberton Township on the fire apparatus. Mr. Cartier continued with that's the difference; the other three that were getting paid were commercial organizations and the fire department is a volunteer.....Mr. Inge asked if it was a resident's child that was hit. Mr. Vaz answered he did not know but to raise a counter point, there are volunteer EMS organizations through New Jersey and Burlington and Ocean Counties that are charging for services and it has become a way of doing business as an entity. Mr. Inge replied if he was at the scene and it was his child involved in the accident and a volunteer fireman made that comment, he would have been offended. Mr. Vaz responded to Mr. Inge that he made a good point. Mrs. Stinney stated she saw exactly what Mr. Vaz is talking about and when she went to Magnolia, there was a \$21,000 thermal imaging camera. Mrs. Stinney mentioned a K12 saw at the Country Lakes Fire House which cost \$1,600. Mr. Vaz explained he took an ordinance from another Township in Burlington County and made it a Pemberton Township ordinance. Mrs. Stinney informed the public that Council is having a continuous dialogue regarding billing. Mr. Vaz continued that there is a growing trend in fire services, to recapture the cost of material, equipment and supplies that are used in rescue services in automobile accidents or when a pedestrian is struck by an automobile. Mr. Vaz explained there are certain things used that are perishable. Mr. Vaz continued that the title of the ordinance would involve cost recapture and the ordinance is built around that concept of recapturing those costs. Mr. Vaz further explained that it is not an ordinance that charges for the services provided by the fire fighters, and they would continue to be volunteers. Mr. Vaz informed that he did put a specific provision in the ordinance that he has not seen in other ordinances and read, "costs shall be recouped from the insurance company from the party or parties receiving emergency rescue services. In the event that

any party is uninsured, that shouldn't be the normal case because NJ requires drivers to have a minimum amount of auto insurance, but in the event a party is not insured and fails to pay any amounts due after three collection attempts, the fire department shall write off the charges. In no case shall the fire department, meaning the Township, institute any formal debt collection or litigation against a non-paying individual. The fire chief shall submit a quarterly report to the fire director identifying the revenue generated from the program". Mr. Vaz explained he built in a clause very carefully to say they are not going after anybody through litigation or debt collection. Mr. Vaz informed that if the insurance company does not pay, it will eventually get written off. The costs in the ordinance are relatively the same costs that were in the model ordinance; some are a little lower. Mr. Vaz relayed that Council can use its discretion to eliminate, reduce or increase the dollar amounts. It was suggested at the last meeting that there should be something that carves out residents but Mr. Vaz did not include that in the ordinance as it is a draft ordinance but it can be added if that is the direction Council wants to go. Mrs. Scull asked if Council can do that. Mr. Cartier reminded that he had asked that question of both Mr. Vaz and Mr. Bayer. Mr. Vaz expressed that Mr. Bayer should provide his legal opinion on the matter. Mr. Bayer informed that he has seen ordinances that charge different rates or charges for out of town and out of state residents. Mr. Inge reminded that there may be possible problems because of the military. Mrs. Stinney asked how one would know what to charge. Mrs. Scull replied it would be based on the address collected from the Police report. Mrs. Stinney agreed with Mr. Inge in that there are military personnel. Mr. Vaz noted if Council is going to carve out residents or military, it might be better to not move forward on the ordinance because this is not going to generate a large sum of money. Mr. Vaz the Administrative end is going to be more than the benefit received, and suggested it would be better for Council to use their legislative authority to not move forward. Mrs. Scull asked if Pemberton Township's fire companies have worked on this. Mr. Vaz informed they had. Mrs. Scull commented the fire companies are aware of this and are in support of doing this. Mr. Vaz informed it is something new and not something that every fire company is doing but it is a trend that is growing. Mr. Cartier asked what the cost incurred are for the air medical landing zones. Mr. Cartier added it wouldn't be more than laying our flares in a circle. Mr. Vaz did not have an answer because he didn't know but added that if there is a per engine cost or a bill for the fire truck to go to the landing zone anyway, the air medical landing zone should be consumed in the cost of that. Mr. Cartier commented there are some things that need to be looked at and added that he is not in support of this. He sees this as another tax on the residents. Mr. Cartier continued that the ones that came to the accident that was mentioned earlier are there because they are contracted services where our local fire department is supported by municipal tax levies. Mrs. Scull remarked the one benefit she sees is it is bringing some money in and it was a difficult budget year this year and not sure it's going to be any better next year and this would be a way to help keep our fire companies running until the insurance lobby gets to Trenton. Mr. Cartier indicated it is a way of taxing without raising the taxes. Mrs. Scull liked getting more money out of insurance companies but it always turns around in the end and we end up paying anyhow. Mrs. Scull informed she is open to it and is not totally opposed. Mr. Inge stated residents support the fire departments as volunteers and he does not see the need to go forward with this. If the large costs can be determined at budget time and show why this is needed, he would reconsider it at that time. Mr. Cartier asked where the funds when they are collected would go. Mr. Vaz explained under the ordinance, they would come in as miscellaneous revenue and it would be tracked through the third party billing

service. The only way to get it back to the fire department would be through the budget process. Mr. Vaz informed the town next door did it where the fire companies formed a new non-profit corporation and the money goes from the third party billing service to the non-profit and then gets distributed through the non-profit so it stays totally outside of the municipal budget. Mr. Cartier clarified that the funds are coming to the Township and not the fire department. Mr. Vaz replied that the check will be made payable to Pemberton Township and not the fire department. Mr. Prickett commented it seems to him like that has been taken out of this version of the ordinance. Mr. Prickett recalled seeing that in the last ordinance and remembered there was no, "may include the use of third party billing", it was, "will use third party billing". Mr. Prickett asked why those items are not in this ordinance or why there is a change with the potential of not using third party billing. Mr. Vaz stated using may or shall was not intentional and the items that Mr. Cartier were speaking of were removed from the ordinance. Mr. Prickett stated it is cleared up for him as long as it has not been excluded from the discussion and the ordinance is just a draft. Mrs. Scull remarked abandoning the EMT idea because of the financial situation and if we had the EMT and was billing from inside already, we would have someone to do the billing. Mrs. Scull suggested looking in to it if we could ever do that. Mr. Inge noted the Township was trying to do inspections for smoke detectors about six years ago and that did generate funds. Mr. Inge asked if that could be done and those funds could be designated to go to the fire companies. Mr. Inge continued that it goes to the state and the state doesn't come out to the property. Mr. Vaz noted it is revenue that we lose by not doing it and there has been some surface discussions with Chief Augustoni. Mr. Inge commented that Chief Augustoni took the courses for that at one time. Mrs. Stinney remarked that she is not totally opposed to the ordinance and the draft ordinance appears to be a user's fee. Mr. Vaz agreed and added that it is passing costs for those using the service. Mayor Patriarca commented that it is hard to say that the particular fee is going to be what ultimately affects the cost of the insurance to the resident because there are also other costs assessed to that. The accident itself, the repair of the vehicle, and the paramedics and they are all billing already. The Mayor stated Council is worried that if the residents are billed they could lose their insurance and reminded that the others are already billing. Mrs. Scull reminded that not all of the insurance companies reimburse. If it's not part of the policy, the insurance company does not pay and if they don't pay, the Township is not going after them. Mr. Vaz reminded that language was put in to the draft ordinance. Mrs. Scull advised it is probably already part of the policy premium or the insurance would not pay that cost. Mr. Vaz commented they are paying other costs unless the policy specifically states it will not pay for volunteer fire company services. Mr. Vaz reported that NJ regulates what goes in to the policy and it is controlled in some ways by the insurance lobby. Mr. Prickett commented that he certainly has more questions that need to be answered. Mrs. Scull stated that she will go along with the ordinance. Mrs. Stinney stated she will also go along with it. Mr. Inge and Mr. Cartier both responded no. Mr. Prickett stated he is still seeking additional information and asked if the ordinance will be on the agenda for introduction at the next meeting. Mrs. Scull asked what information Mr. Prickett is still seeking. Mrs. Stinney clarified that she is asking Mr. Vaz to put the ordinance in another draft. Mr. Prickett agreed. Mr. Vaz relayed it is unclear to him as to what changes Council would like to see. Mr. Vaz conveyed that he will call an underwriter for their take. Mr. Inge agreed to that. Mr. Prickett reiterated the questions he spoke of earlier, general fund and third party billing. Mr. Vaz clarified that it should be third party billing. Mr. Prickett conveyed that if it's not third party billing, he needs to understand why it isn't.



Mr. Inge asked Mr. Vaz to look at the Township doing inspections for smoke detectors.

**GENERAL PUBLIC COMMENTS:**

Mrs. Stinney opened the meeting to general public comments. Those indicating a desire to be heard were: **Louis DiGirolamo:** **1.** Spoke of the upcoming Model Train Toy and Collectible Show to be held at the Pemberton Township High School and is sponsored by the Pemberton Township Historic Trust. Mr. DiGirolamo extended an invitation to Council. There will be approximately 70 tables and a strong support of dealers from within the community. Mr. DiGirolamo spoke of the attendance at last year's show of several hundred adults and over 200 youngsters. Last year the show had door prizes every twenty minutes for six hours. One of last year's highlights was an artist who specializes in railroad scenes. Mr. DiGirolamo expressed appreciation for the communities and volunteers support. Mr. DiGirolamo also thanked Councilwoman Scull for her support last year as well as Councilman Prickett who helped with his vehicle in bringing 70 tables in to the gym at the high school. Signs will be posted approximately three weeks prior to the show. Mr. DiGirolamo presented flyers to Mrs. Stinney for Council. Mrs. Stinney commented on the Burlington County Times in the audience who have been doing wonderful articles on the community. Mr. DiGirolamo provided a flyer to the reporter. Mr. DiGirolamo expressed hope for positive attendance and welcomed the entire community, Council and the Mayor. Mrs. Scull asked if the miniature trains will be present. Mr. DiGirolamo informed they will be there and added that it's not unusual to have impromptu workshops on how to maintain, repair and service trains, toys and collectibles.

**America Phillips:** **1.** Thanked Administration and Council for visiting the Presidential Lakes firehouse during fire prevention week. **2.** Thanked Administration and Council for the bridge that she crosses when going to work. Commented that it will be nicer when there is water in the lake but she will be patient. **3.** Noticed there are two gates that do not have locks on them. **4.** Noticed a blue blazer near the beach and assumed the driver was a worker. Also noticed there was a green mini van parking in front of the gate and did not know if it was security. Mrs. Phillips asked if there was anyone monitoring the tractors. Mayor Patriarca questioned Mrs. Phillips regarding the blue blazer near the beach. Mrs. Phillips informed that when she went to confront the driver, the blazer left. The Mayor replied that he will check to see if any of the Township workers were there. Mrs. Phillips informed the mini van's license plate was "EGGPLANT". Mayor Patriarca advised there have not been any acts of theft at either site and Administration will look in to who might have been parking there. Mrs. Phillips asked if a temporary fence could be installed. The Mayor replied that it will be addressed and added that there is a considerable amount of work to be done by Township Employees. Mayor Patriarca advised Administration will look to secure the area. **5.** Informed there is an empty red rancher on Tennessee Trail. Mrs. Phillips informed she will call the Mayor tomorrow with the address. **6.** Spoke of a blind intersection in Presidential Lakes at New York Road. Commented there is an accident waiting to happen. The homeowners need to trim the trees so that drivers can see clearly when coming to the intersection. Mrs. Stinney asked the Mayor to have Public Works look in to it. Mrs. Phillips advised that she will provide the Mayor with the address tomorrow. **7.** Noted that it only takes two people to run a field with a helicopter. Asked how the residents can be charged twice when the taxpayers pay the EMS. Spoke of the accident on Pemberton Browns Mills Road. The responders do not consider the time or money; they want to save a human life, a human being. They worry about it later if insurance will

pay or not. Volunteers do not get paid and they don't worry about it because there is no price for a volunteer. Volunteers want to help the community. Mrs. Phillips confirmed that MONOC is paid. **8.** Congratulated the new Officers in their future. **9.** Feels safe when arriving home at night due to the Officers in Presidential Lakes. **Bill Doherty: 1.** Spoke of the severe accident on Route 70 where the helicopters were brought in and did an excellent job. The helicopters landed at the Country Lakes Fire House. Mr. Doherty did not know if Council was aware of the job that the first responders did and the job they did. Mrs. Stinney thanked Mr. Doherty for sharing that information with Council. There being no other members of the public indicating a desire to comment, Mrs. Stinney closed the meeting to public comments.

### **SOLICITOR'S REPORT:**

**Andy Bayer:** Nothing for public session.

### **ENGINEER'S REPORT:**

**Chris Rehmann: 1.** The Country Lakes dam has been an on-going issue. The first step is the production of the hydraulic and hydrologic analysis to establish the size and criteria for the dam design. ARH has met the criteria for that, the revised calculation analysis has been submitted back to the bureau. Based on their comments, it is time for us to look forward to the design improvements to get the dam improvements underway. This is not going to be a quick project as ARH must go back before the Bureau of Dam Safety for their review and they are somewhat constrained in the amount of people to do the review process. ARH has accomplished during the revisions and analysis to the H&H study is a reduction of the overall size of the project to reduce the overall cost. It has taken a longer time in analysis because ARH found that most design calculations are done under a steady state situation where the streams are actively moving in a predictable fashion. That leads to an over estimate of the size of the structures. Mr. Rehmann added there are two lakes draining into a single lake and that has created some concern on the part of the Bureau of Dam Safety. Mr. Rehmann's staff has been able to with the assistance of the Army Corp of Engineers who convinced the Bureau of Dam Safety that what they are proposing would be sufficient and safe for the area. The idea is to make sure it is safe. Someone is going to have to pay for it so they are looking at it for some cost savings in the construction part of the project. ARH is starting to get some costs for geotechnical consultants to gather this information and return to Council with a proposal to move forward with those designs. The State of New Jersey Bureau of Dam Safety has been out on the middle embankment improvements being done by the Township. When they came out on the Presidential Lakes section, concern was raised between the design and construction plans. Mr. Rehmann stated the Bureau of Dam Safety found the work on site that was being done by the Township to be acceptable. Acceptable in their terminology means the Township is doing a good job and things are going smoothly. Mr. Rehmann commented that the Public Works department has stepped forward and helped the tax payers save money on a project which is scrutinized heavily by the Bureau of Dam Safety. **2.** The Norcross Lane, Phase II project is complete and ARH will be seeking reimbursement from the funds through a grant by the Department of Transportation and the one project that probably has been in the process as long as he has been serving the residents of Pemberton Township is the historic train station. Everything is finally in order and by the time a submission is made the federal government changes their rules so a resubmission is needed but it takes them too long to review the resubmission and they change the laws again. Mr. Rehmann stated this should be under bid shortly

as soon as authorization is received from the DOT. 3. Lemmon Avenue's design is complete and will be before the DOT for authorization to receive bids and hope to be able to bid by the end of the month. Hope to get that constructed before the end of the construction year. 4. Mr. Rehmann advised there is an employee in the Green Acres Department that is only working three days a week but managed to get all of our submissions reviewed so that they could go to bid on the Green Acres project for the Imagination Kingdom where the special rubberized surface is being installed for safety for kids under all of the equipment. ARH just completed one in Atlantic County for a handicap school where wheelchair bound children can get on the site as well as a baseball field in Gloucester County that is handicap accessible. Imagination Kingdom will also be a facility that once it is up and operating, we all can be proud of. There will be a surveyor on site for the full day the volunteers are there to make sure there are not any issues. Mr. Rehmann replied as Mr. Inge had previously asked, ARH is donating their services as well as all of the land surveying services associated with the project. That data has been submitted to the Mayor and ARH is more than happy to participate in the project. 5. The fire suppression system is going to be underway which is in the basement of the municipal building. The shop drawings are approved and there has been cooperation through the plumbing sub code official. 6. The contractor for the 2008 road program has mobilized and is working on drainage on Washington Blvd. and Virginia Drive. This work is anticipated to be done quickly. 7. ARH is still working on North Whitesbog Road. There is a challenge of designing a roadway in the NJ Pinelands as well as a financial cap and in order to meet the Pineland's ground water recharge facility for the ground water recharge requirements and the proximity to \_\_\_\_\_ on the high ground water and hopes to have a submission to the NJ Pinelands by the end of the month. Mrs. Stinney commented on West Lakeshore Drive and Evergreen Boulevard and when Mrs. Phillips came forward about the brush and shrubbery and not being able to see. Throughout her travels throughout the Township, she has heard comments of appreciation and thanks for clearing that corner and working with the County to have that corner cleaned so it seems a lot safer. Mrs. Stinney thanked Mr. Rehmann for networking and also for taking Mr. Inge's suggestion and volunteering his services for Imagination Kingdom. Mrs. Stinney humbly and gratefully thanked Mr. Rehmann. Mayor Patriarca informed the Imagination Kingdom projects starts October 23, 24 and 25 and will carry over in to the next weekend. Work will also be done throughout the week by DPW. Mr. Cartier expressed the 23<sup>rd</sup> is for site excavation. Mayor Patriarca answered no, there will be equipment delivery, setting posts and it will be a very heavy day. Mr. Cartier stated it will be difficult getting volunteers on a Friday. The Mayor commented he is aware of that and is anticipating there will be volunteers out and more on Saturday and Sunday. Mayor Patriarca stated bringing children is discouraged as there really is no place for them and they are really looking for people that are able to handle tools, work and be productive in the process of putting it up. The Mayor commented that there isn't time to entertain the kids or sit around and talk about what is going on. It's a working day and it's a working project and it is anticipated to be held rain or shine. Mr. Cartier informed the Lion's Club will be supplying breakfast and lunch. Mayor Patriarca advised there will be refreshments throughout the day supplied by the Lion's Club and the Township will also be contributing to that. Mrs. Stinney reported there will be more advertisements regarding this. Mrs. Stinney thanked Mr. Rehmann for all that he has done and offered with the project. Mr. Inge stated certain pieces of equipment will be needed on Friday as discussed at the Jenkins but it was limited as to what type of equipment. Mr. Inge asked if the playground was being delivered on Friday. Mayor Patriarca replied Friday is when the equipment will be

delivered. The DPW forklift is scheduled to remove the inventory off the trucks and will be set around the site strategically. Mr. Inge remarked some local contractors have equipment they can provide. The Mayor added that DPW is across the street and it is trying to be limited to what they need so extra stress is not placed on the contractors having to bring in their equipment. Mr. Inge noted he thought certain pieces of equipment were needed on Friday and to make sure they knew not to bring it in. The Mayor advised Administration is coordinating what is needed and what was discussed at the Jenkins meeting was not anything that locked down anyone to any type of commitment. It was a general overview of what we were doing and what we may expect. They are working to get everything lined up so those type of issues don't happen. Mrs. Stinney noted that everyone is working very hard. Mrs. Scull noted there are two properties on Ridge Road that are on the list to be auctioned off and asked Mr. Rehmann if he has looked at them to make sure they were not the properties talked about to be able to save money when doing the road. Mr. Rehmann is inaudible. Mrs. Scull asked the Mayor if he looked at them. Mayor Patriarca replied there is not anything on there that would affect it, but he would double check that. Mrs. Scull wanted to make sure Mr. Rehmann's hard work at trying to save the Township money wasn't being messed up. Mr. Rehmann introduced Joe Pantalone from ARH who runs their municipal engineering department. Mr. Pantalone will be filling in for Mrs. Willis during her maternity leave and was quickly immersed in to the time schedule for bidding Imagination Kingdom and having the materials ready to be installed in a timely manner. Mr. Rehmann continued that Mr. Pantalone went to Green Acres to get permission so that we could bid this on October 21<sup>st</sup> so when the volunteers are done the material can be put down. Mrs. Stinney welcomed Mr. Pantalone and humbly thanked him.

### **MAYOR'S REPORT:**

**David Patriarca:** 1. Reported that Community Day overall was a good day. The Mayor commented that he originally questioned why it was held inside vs. being outside where everyone could spread out and enjoy themselves a little more but the rain shower changed his thoughts. It was a good day to be together, and a lot of residents came out. It seemed like more people attended this year than in previous years. A historic tour was given by Mrs. Scull on the school bus, and she did a great job. 2. The Country Lakes Recreation building is nearing completion. There is some work remaining on the floor, the railing for the handicap ramp, buttoning up the siding and some final lighting. The Mayor suggested everyone take a ride by the building because it has been transformed in to something totally different. By the time it's finished, it will be a proud building to represent our community. 3. There have been preconstruction meetings on the Courtroom and the Dominique Johnson Building. Demolition has begun on the Courtroom. There have been some selections done for the Dominique Johnson Building as far as colors for siding, doors and so on. The Courtroom is tentatively scheduled to be completed by the third week of January. In the meantime, court will be held in Room 10. The first staggered session was held during the last court and it seemed like no one was there and you couldn't even tell there was court. Before it was discouraging to come to the municipal building on court day because of the large crowds. This has been done because court is moving to Room 10 and it's a smaller facility and the capacity is less. Court had to be staggered to keep the flow and so it's not all crammed in the halls. Dominique Johnson is scheduled to be complete by the third week of November. Both projects are going to come and go quick. 4. The painter is nearing completion on the municipal building exterior. He is just about done with the trim and will start spraying the facade within the next few days. 5.

The road program is under way. The property that probably prompted Mr. Prickett to move forward with the lot grading ordinance is Washington and is down in to what used to be a natural swale that drained that section of the development out and was built on. It created a serious problem to the point where there was pavement that came to a certain point and then there was none and then pavement again just so there was some type of recharge there. There have since been two culverts and some pipe and stone installed and will soon be paved along with the rest of the project. 6. Springfield Road has staging to start getting back on that project which was delayed. Public Works installed a series of draining pipe which saved the Township a considerable amount of money now that the contractor is back and putting the boxes in and tying it together and getting ready to pave. 7. The DPW has been working on the Presidential Lakes dam and doing a fantastic job. The Mayor encouraged everyone to go to the Township webpage and watch the link for the video showing the progress. Mayor Patriarca advised an employee from Pemberton Boro complimented the Township that the DPW went this far with a project. DPW witnessed a bald eagle come in to the area and photographed the bald eagle lining up behind a seagull. 8. Proud to see the new officers come on board and that brings us up to two shy of our authorized compliment and the Police Department is currently doing additional backgrounds to try and get two new hires on so we can be at full compliment. If the officers come in before the academy is open, they will try to go to another academy so we can expedite this process and get the officers trained and on the road.

Mrs. Stinney congratulated Mrs. Finlay on her recent marriage. Mrs. Stinney welcomed the young ones to the meeting. She had an opportunity to go to Fort Dix for the memorialization ceremony for Major John Pryor who was the MD out of Cherry Hill that passed away. Building 231 was dedicated to him in his honor. Colonel Grasso was pleased to see that we had representation during the ceremony. Mrs. Stinney attended the fire company open house tours with her grandson. She is wearing red and black because she was so impressed with the Goodwill Fire Company and has never had an opportunity to take a tour. Mrs. Stinney stated she loves the Goodwill Fire Company. They were organized with the children, they had the girl scouts and daisies and she was impressed. Goodwill spoke of money that was left by Mr. Gazell and how they utilized some of that money. She was astounded by the classroom. The Goodwill Fire Company is only ten years old and suggested to the Burlington County Times if they wanted to do a story on a fire company for fire prevention week, Goodwill would be a great fire company. Mrs. Stinney stated she was very impressed, the children were impressed and the Chief explained to the children why there was a red and black lounge for the firemen and it was beautiful. Mrs. Stinney also went to Magnolia Road where she saw the imaging cameras. Chief Frake had his son Zachary hid in the dark and they took the imaging camera and everyone was able to see how the camera picked them up. The price of the camera was \$21,000. Mrs. Stinney then proceeded to Presidential Lakes where they were restoring a 1934 Dodge to be used as a show piece. It was nice to see a piece of Pemberton Township history restored. Mrs. Stinney went to Fort Dix which is a popular site for the children and her grandson. Her grandson wanted to go in to the smoke house so he could stop, drop and roll. Mrs. Stinney then proceeded to Browns Mills and thanked the firemen and volunteers. Mrs. Stinney had an opportunity to go to the football field by the Nesbitt Center. She encouraged the residents to take a trip to the football field as she is excited to hear the talk about the field. Mrs. Stinney did not know who is responsible for the football field and she sees Public Works doing an outstanding job. Mrs. Stinney informed the parents asked her if they could do a giant card to the Mayor to thank

him and she advised them to do so and to sign off with the Council as well. Mrs. Stinney asked the Mayor to give a brief update as that's a project that is worthwhile to talk about; it's history. The Mayor advised one field is up and running and there is still some work to get the other field up and running. The second field was one that ARH was successful in getting the buffer reduction for the wetlands. The developer is putting up the concession stand bathrooms. The roof is being installed now and the stone work for the building is complete. The fence has been ordered for the first field so we can close that in and meet the standards of the league and it was authorized on tonight's bill list. There is still some work that has to be done with the parking lot area. The Mayor expressed concern with potential parking on the field from Pemberton Browns Mills Road and it will be addressed with fencing as well. Mrs. Stinney thanked the Mayor and thanked the public for coming out. She also thanked the young ones for coming to the meeting.

### **COUNCIL MEMBERS' COMMENTS:**

**Ken Cartier:** 1. Thanked everyone for coming out. Wished everyone a good night.

**Richard Prickett:** 1. Expressed it has been an eventful time in Pemberton Township over the last few days. Entertainment at the Harker Wyllie School for Diversity Day ranged from Russian Folk Dance to Rap and there were young and old in the gym. The younger ones liked the rap and the older ones liked the Russian Folk Dance but everyone like the Latin Dancing. He was impressed. 2. Discovery day was this past Sunday and cranberries were harvested at Whitesbog. Cedar Run Wildlife Refuge brought their hawk out for the public to see and a wolf group brought a stuffed wolf out. 3. Visited the fire houses. The Girl Scout group was interesting and how enthusiastic they were in listening to the fire volunteers describing the fire house. The only individuals that were more enthusiastic were the volunteers. Every fire house he stopped at, the enthusiasm and dedication were outstanding. They also had to go to work the next day and they worked all day to be there that night and it's amazing what they do and we need to appreciate them even more than we already do. 4. Wished everyone a good night and looking forward to seeing everyone on October 23, 24 and 25<sup>th</sup>.

**Tom Inge:** 1. Thanked everyone for coming out. 2. Noted having had the pleasure of taking two of his neighbor's kids to the fire houses last night and that was the first time they were able to get into the fire trucks. The kids had a great time. Mr. Inge was supposed to have them back by 8:30 but he didn't bring them back till 9:30. After their parents saw everything the kids received from the fire companies and all of the kids wore their fire hats to school today and they all had a good time. Mr. Inge expressed appreciation to the fire companies for what they do for the Township. Mr. Inge also thanked the engineer and his employees for volunteering their time and helping the Township with Imagination Kingdom. Imagination Kingdom will be mostly done by volunteers and it's very important that the residents know that elected officials and professionals think enough of the Township to volunteer their time to help with a project like Imagination Kingdom. Once the project is done, other municipalities will clearly look at Pemberton Township and see what a great place this is. 3. Wished everyone a safe trip home tonight.

**Sherry Scull:** **1.** Agreed with Mrs. Stinney's comments on how nice it was and all of the good conversations that were held this evening regarding different issues. It was an extremely positive meeting and she appreciated that. **2.** It was a wonderful day on Saturday for Diversity Day. The students do a lot of work and had states this year instead of countries and that's why it's called Diversity Day instead of International Festival Community Day. The students and staff did a terrific job. There were lots of volunteers from the school district and Township employees. It was a shame to have to cancel the yard sale and that was the one complaint she received. Mrs. Scull suggested next year the yard sale may be able to go near Haines. It was a wonderful day. Mrs. Scull agreed with Mr. Prickett regarding the Latin Dancing. **3.** Received a grant for the Senior Prom which will be on April 14<sup>th</sup>. **4.** Tomorrow is the International Dinner at the Senior Center. The Mayor, Mrs. Scull, her secretary, Dr. Gorham and Pat Austin will be serving at the luncheon. There are so many great programs for the seniors. **5.** Mrs. Scull was advised by Andre McClain that if any seniors need smoke detectors or someone to install the smoke detectors, to let him know and they will be more than happy to make sure the seniors have working fire and smoke detectors in their homes. **6.** Thanked everyone for coming out and wished everyone a safe trip home.

The meeting was adjourned at approximately 9:42 P.M.

Respectfully submitted by:

Mary Ann Finlay, MMC  
Township Clerk