

TOWNSHIP OF PEMBERTON

REGULAR MEETING

MAY 20, 2009

6:30 P.M.

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

PRESENT

Richard Prickett
Sherry Scull
Ken Cartier
Tom Inge
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andrew Bayer, Township Solicitor's Office Antonella Colella, Township Engineer Chris Rehmann, Township Engineer's Office Kelly Willis; Deputy Township Clerk Amy Cosnoski

2. Chairwoman Stinney called the meeting to order at 6:30 PM
3. Closed Session Res. No. 120-2009

RESOLUTION NO. 120-2009

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

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
DISCUSSION OF CHEEKS' MATTER FROM SOLICITOR
PBA CONTRACT DISCUSSION
GOODWILL FIRE COMPANY CONTRACT NEGOTIATIONS
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Cartier and Prickett to approve Resolution No. 120-2009. Cartier; yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION

Mrs. Stinney recessed the meeting at approximately 6:33 pm to go in to Closed Session. Mrs. Stinney reconvened the meeting at approximately 7:01 pm.

5. Formal action as necessary pursuant to closed session.

Mrs. Stinney advised there will be action pursuant to closed session.

Motion by Cartier and Scull to add to the agenda Resolution No. 136-2009, a resolution authorizing settlement in a matter entitled Fingal Corporation T/A Cheeks vs. Pemberton Township and authorizing the Mayor to execute any documents necessary to effectual the terms of the settlement. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

Council President Stinney informed Mr. Bayer will explain how Resolution No. 136-2009 came about, how everyone worked together from the county to our fine

Police Department in Pemberton Township and what is detailed in the resolution. Mr. Bayer advised the Township had a civil litigation pending against Fingal Corporation which is trading as Cheeks. The owner of the establishment was charged after a raid done by our Police Department and the County some years ago. The owner of the property of the bar was charged with drug distribution crimes as well as prostitution. Mr. Bayer continued that in January 2009, he was contacted by the Burlington County Prosecutor's Office and summoned to a meeting. Following the meeting, the owner of Cheeks plead guilty to certain criminal violations, this was also reported in the newspaper. As part of the criminal plea, the County Prosecutor's office had requested that the Township help put this establishment permanently out of business which is in essence part of their plea agreement. What has been put together is a settlement agreement and a deed restriction that runs with the property which will prevent the individual charged who had plead guilty, Linda DiLullo, as well as two corporations that she used to operate that business, Fingal Corporation and Our Property, from operating a sexually oriented business or go-go bar at that location as of August 31, 2009, this establishment will be closing. The agreement in the deed restriction further requires that there will never be that kind of business at this location ever again. Ms. DiLullo was scheduled for sentencing on June 5th, but the criminal judge put the sentencing off pending the Township being able to reach an agreement which put the sexually oriented business out of business. Mr. Bayer informed the establishment can open as something else such as a restaurant but not a sexually oriented business. If they ever operate a business there again, they are contractually prohibited from operating under the name of Cheeks (the audience applauds). Mrs. Stinney commended all of those that were involved with making this happen. Mrs. Stinney noted that this shows we do listen to the residents. Mrs. Stinney thanked our officers in blue for going under cover and doing everything that they needed to do to make this happen.

RESOLUTION NO. 136-2009

A RESOLUTION AUTHORIZING SETTLEMENT IN THE MATTER ENTITLED FINGAL CORP. T/A CHEEKS V. PEMBERTON TOWNSHIP, DOCKET NO. BUR-L-2142-06 AND AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT

WHEREAS, ON JULY 21, 2006, FINGAL CORP. ("FINGAL") FILED LITIGATION AGAINST THE TOWNSHIP ENTITLED FINGAL CORP. T/A CHEEKS V. TOWNSHIP OF PEMBERTON, DOCKET NO. BUR-L-2142-06 (THE "LITIGATION") RELATING TO FINGAL'S USE OF THE PROPERTY; AND

WHEREAS, SHORTLY THEREAFTER, THE TOWNSHIP FILED AN ANSWER DENYING THE ALLEGATIONS RAISED BY FINGAL IN THE LITIGATION AND FILED A COUNTERCLAIM SEEKING CERTAIN RELIEF REGARDING FINGAL'S USE OF THE PROPERTY LOCATED AT 159 SOUTH PEMBERTON ROAD, PEMBERTON TOWNSHIP, NEW JERSEY AND IDENTIFIED ON THE TAX MAP OF PEMBERTON TOWNSHIP AS BLOCK 794, LOT 2.02 (THE "PROPERTY"); AND

WHEREAS, ON NOVEMBER 17, 2006 THE HONORABLE JOHN A. SWEENEY A.J.S.C. ENTERED AN ORDER GRANTING CERTAIN INJUNCTIVE RELIEF, BUT RESERVING DECISION ON THE OTHER CLAIMS ASSERTED BY THE PARTIES IN THE LITIGATION; AND

WHEREAS, ON OR ABOUT MARCH 22, 2007, AN INDICTMENT WAS RETURNED AGAINST DILULLO ON CRIMINAL CHARGES OF (I) POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE WITH INTENT TO DISTRIBUTE IN VIOLATION OF N.J.S.A. 2C:35-5A(1) AND N.J.S.A. 2C:35-5B(9)(B)(THIRD DEGREE) AND (II) POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF N.J.S.A. 2C:35-10A(1), SCHEDULE I, II, III, IV (THIRD DEGREE); AND

WHEREAS, ON OR ABOUT MARCH 22, 2007, AN INDICTMENT WAS RETURNED AGAINST DILULLO AND OURPROPERTY ON A CRIMINAL CHARGE OF PROMOTING PROSTITUTION IN VIOLATION OF N.J.S.A. 2C:34-1B(2)(THIRD DEGREE); AND

WHEREAS, ON APRIL 29, 2008 THE HONORABLE JOHN A. SWEENEY A.J.S.C. ENTERED AN ORDER DISMISSING THE LITIGATION, WITHOUT PREJUDICE, FOR FAILURE TO PROSECUTE; AND

WHEREAS, IN EARLY 2009, DILULLO AND OURPROPERTY ENTERED INTO NEGOTIATIONS WITH THE BURLINGTON COUNTY PROSECUTOR'S OFFICE TO ATTEMPT TO AMICABLY RESOLVE THE CRIMINAL CHARGES PENDING AGAINST THEM; AND

WHEREAS, AS PART OF THE NEGOTIATIONS RELATING TO THESE CRIMINAL CHARGES, DILULLO AND OURPROPERTY MET WITH THE TOWNSHIP ATTORNEY AND AGREED TO CERTAIN RESTRICTIONS IN THE FUTURE USE OF THE PROPERTY; AND

WHEREAS, ON FEBRUARY 9, 2009, DILULLO AND OURPROPERTY PLED GUILTY TO VIOLATIONS OF N.J.S.A. 2C:35-10(C) AND N.J.S.A. 2C: 33-121(B); AND

WHEREAS, RATHER THAN FILING A MOTION TO REINSTATE THE LITIGATION, THE PARTIES HAVING AGREED TO THE TERMS OF A SETTLEMENT OF THE LITIGATION AND OF OTHER MATTERS RELATING TO THE OPERATION AND USE OF THE PROPERTY; AND

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

1. THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE AND DELIVER A SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE SAME FORM AS THAT ATTACHED HERETO AS EXHIBIT A, AND TO EXECUTE AND DELIVER ANY ADDITIONAL DOCUMENTS NECESSARY TO CARRY OUT THE TERMS OF SUCH SETTLEMENT AGREEMENT.

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

- A. PATRICIA RONAYNE, COUNSEL FOR FINGAL
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Motion by Cartier and Prickett to approve Resolution No. 136-2009. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Cartier and Scull to add under New Business, Consent Agenda, a request for purchase over \$2,000 from Public Works for the purchase of 15” class RCP with O Rings, 650 linear feet at \$13.60 per foot at a total cost of \$8,840. Mrs. Stinney informed that will be B. Mr. Prickett confirmed with Mr. Cartier that he is adding it to the Consent Agenda. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

6. Public comments on consent agenda items only.

Council President 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 Meetings March 18, 2009, April 1, 2009; Special Budget Meeting, March 21, 2009; Special Meeting May 4, 2009.

***10. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 121-2009

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:

AFFILIATED TITLE OF SOUTH JERSEY, \$483.72, OVERPAYMENT OF 4TH QUARTER 2008 PROPERTY TAXES, BLOCK 547, LOT 9.

ARTHUR & RITA PUGLIA, \$372.36, PAID TAXES ON PROPERTY NO LONGER OWNED, BLOCK 815, LOT 11.

SAXON MORTGAGE, \$874.17, OVERPAYMENT OF SECOND QUARTER 2009 PROPERTY TAXES, BLOCK 407, LOT 1.04.

PROVOST & COLRICK, P.A., \$784.60, OVERPAYMENT OF SECOND QUARTER 2009 PROPERTY TAXES, BLOCK 719, LOT 3.

RESOLUTION NO. 122-2009

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 407 LOT 14, 13 OAK AVE. OWNED BY BERNARD & GINGER RAJANIEMI QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF APRIL 16, 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 407 LOT 14 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO APRIL 16, 2009 ARE \$981.75; AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 407 LOT 14 IN THE AMOUNT OF \$1,681.91 FOR THE FIRST HALF OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$700.16 TO BERNARD & GINGER RAJANIEMI ; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF APRIL 16, 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 407 LOT 14 AS OF APRIL 16, 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 \$700.16 TO BERNARD & GINGER RAJANIEMI, 13 OAK AVE., 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. 123-2009

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 239 LOT 29, 203 HARGROVE AVE OWNED BY CESAR COLON QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JULY 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 239 LOT 29 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO JULY 1, 2009 ARE \$1,114.46; AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 239 LOT 29 IN THE AMOUNT OF \$1,364.46 FOR THE FIRST HALF OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$250.00 TO CESAR COLON ; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JULY 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:

3. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 239 LOT 29 AS OF JULY 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.
4. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$250.00 TO CESAR COLON 203 HARGROVE AVE., BROWNS MILLS, NJ 08015.
4. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 124-2009

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 274 LOT 1, 167 HARWICH ST OWNED BY CHARLES & THERESA SANDERS QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF APRIL 20, 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 274 LOT 1 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO APRIL 20, 2009 ARE \$1,081.28; AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 274 LOT 1 IN THE AMOUNT OF \$1,785.26 FOR THE FIRST HALF OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$703.98 TO CHARLES & THERESA SANDERS ; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF APRIL 20, 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:

5. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 274 LOT 1 AS OF APRIL 20, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
6. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$703.98 TO CHARLES & THERESA SANDERS, 167 HARWICH ST., BROWNS MILLS, NJ 08015.
5. 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.

6.

RESOLUTION NO. 125-2009

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 1104 LOT 4, 306 UNIVERSITY DRIVE OWNED BY JOHN DOWNER QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF APRIL 28, 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 1104 LOT 4 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO APRIL 28, 2009 ARE \$1,140.38; AND

WHEREAS, TAXES HAVE BEEN PAID IN THE AMOUNT OF \$877.13 WITH A BALANCE DUE OF \$263.25 FROM MARCH 31, 2009 THROUGH APRIL 27, 2009 IN WHICH A BILL WAS SENT OUT TO MR. DOWNER; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF APRIL 28, 2009.

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

7. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 1104 LOT 4 AS OF APRIL 28, 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 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. 126-2009

RESOLUTION GRANTING REQUEST FROM ST. ANN'S CHURCH FOR PERMISSION TO USE ADJOINING PROPERTY FOR THE CHURCH ANNUAL CARNIVAL AND REQUEST FOR BURLINGTON COUNTY FOR DETERMINATION TO COSPONSOR ST. ANN'S ANNUAL CARNIVAL AND TO AUTHORIZE THE MAYOR AND CLERK TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT FOR THE GRANTING OF PERMISSION BY BURLINGTON COUNTY FOR THE CHURCH'S USE OF THE SAID PROPERTY

WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM PEMBERTON TOWNSHIP TO USE THE PROPERTY LOCATED NEXT TO THE MUNICIPAL BUILDING FOR ITS ANNUAL CARNIVAL IN 2009; AND

WHEREAS, THE PROPERTY WHICH THE CHURCH REQUESTED FOR THAT USE IS PARTIALLY OWNED BY BURLINGTON COUNTY ALONG WITH PEMBERTON TOWNSHIP; AND

WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM BURLINGTON COUNTY TO USE THE AREA OF LAND BETWEEN BUTTONWOOD HOSPITAL AND THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR ITS ANNUAL PARISH CARNIVAL IN THE 2009 CALENDAR; AND

WHEREAS, BURLINGTON COUNTY AGREED TO ALLOW THE CHURCH TO HOLD THE CARNIVAL ON THAT PROPERTY SUBJECT TO PEMBERTON TOWNSHIP AGREEING TO CO-SPONSOR THE EVENT AND TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT AMONG BURLINGTON COUNTY, PEMBERTON TOWNSHIP AND ST. ANN'S CHURCH; AND

WHEREAS, ST. ANN'S CHURCH HAD AGREED TO FOLLOW ANY REQUIREMENTS THAT PEMBERTON TOWNSHIP MAY HAVE FOR THE APPROVAL OF THIS REQUEST; AND

WHEREAS, IT APPEARS THAT THE CHURCH HAS AGREED TO MAINTAIN CERTAIN INSURANCE COVERAGE AS OUTLINED IN THE STANDARD BURLINGTON COUNTY USE AGREEMENT; AND

WHEREAS, IT IS NECESSARY THAT THE CHURCH ALSO PROVIDE THAT INSURANCE COVERAGE FOR PEMBERTON TOWNSHIP BE NAMED AS AN ADDITIONAL INSURED ON THAT POLICY OF COVERAGE; AND

WHEREAS, IT IS NECESSARY FOR AUTHORIZATION TO BE PROVIDED TO THE MAYOR AND CLERK TO SIGN THE INTERLOCAL SERVICES AGREEMENT/BURLINGTON COUNTY USE AGREEMENT IN A FINAL FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WITH THE ADDITIONAL PROVISION SET FORTH ABOVE NAMING PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED ON THE INSURANCE COVERAGE TO BE PROVIDED BY ST. ANN'S CHURCH.

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

1. THE PEMBERTON TOWNSHIP COUNCIL HEREBY GRANTS THE REQUEST OF ST. ANN'S CHURCH FOR PERMISSION TO USE THE AREA OF LAND BETWEEN BUTTONWOOD HOSPITAL AND PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR THEIR ANNUAL CARNIVAL AND THE REQUEST OF PERMISSION IS SUBJECT TO THE REVIEW AND APPROVAL OF AN INTERLOCAL SERVICES AGREEMENT/BURLINGTON COUNTY USE AGREEMENT AMONG BURLINGTON COUNTY, PEMBERTON TOWNSHIP AND ST. ANN'S CHURCH IN A FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WHICH SHALL CONTAIN A PROVISION WHEREIN ST. ANN'S WILL MAINTAIN INSURANCE COVERAGE TO BE OUTLINED IN SAID AGREEMENT WITH PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED.

RESOLUTION NO. 127-2009

RESOLUTION AUTHORIZING EXECUTION OF USE AGREEMENT WITH THE COUNTY OF BURLINGTON PERMITTING USE OF COUNTY PROPERTY FOR CIRCUS EVENT
WHEREAS, THE TOWNSHIP COUNCIL OF THE PEMBERTON TOWNSHIP RECREATION DEPARTMENT DESIRES TO HOLD A CIRCUS EVENT ON PROPERTY LOCATED ON PEMBERTON-BROWNS MILLS ROAD OWNED BY THE COUNTY OF BURLINGTON; AND
WHEREAS, THE COUNTY OF BURLINGTON REQUIRES MUNICIPALITIES AND OTHER ENTITIES TO ENTER INTO "USE AGREEMENTS: IN SUCH CIRCUMSTANCES; AND
WHEREAS, THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP FINDS IT IN THE BEST INTEREST OF ITS RESIDENTS TO EXECUTE A USE AGREEMENT WITH THE COUNTY OF BURLINGTON.
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE A USE AGREEMENT WITH THE COUNTY OF BURLINGTON TO PERMIT USE OF THE COUNTY-OWNED PROPERTY ON PEMBERTON-BROWNS MILLS ROAD FOR THE CIRCUS EVENT SCHEDULED TO BE HELD ON JUNE 11, 2009 AND JUNE 12, 2009.
BE IT FURTHER RESOLVED THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED TO GATHER ANY AND ALL INFORMATION TO BE PROVIDED WITH THE USE AGREEMENT, INCLUDING THE REQUIRED CERTIFICATE OF INSURANCE, AND TO FURTHER SUBMIT SAME TO THE COUNTY.

RESOLUTION NO. 128-2009

WHEREAS, THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003 (FACTA), AN AMENDMENT TO THE FAIR CREDIT REPORTING ACT, REQUIRES RULES REGARDING IDENTITY THEFT PROTECTION TO BE PROMULGATED; AND
WHEREAS, THOSE RULES BECAME EFFECTIVE MAY 1, 2009 AND REQUIRE MUNICIPAL GOVERNMENTS TO IMPLEMENT AN IDENTITY THEFT PROGRAM AND POLICY; AND
WHEREAS, THE BUSINESS ADMINISTRATOR HAS ADOPTED THE ATTACHED POLICY.
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE GOVERNING BODY ENDORSES THE ATTACHED IDENTITY THEFT POLICY AND FINDS THAT THE POLICY IS IN THE BEST INTEREST OF PEMBERTON TOWNSHIP, ITS EMPLOYEES, ITS CONTRACTORS, AND ITS CITIZENS.

RESOLUTION NO. 130-2009

WHEREAS, THE TOWNSHIP OF PEMBERTON WILL CELEBRATE ITS ANNUAL WATER CARNIVAL ON SATURDAY, JULY 18, 2009 (RAIN DATE JULY 25, 2009); AND
WHEREAS, THE MAYOR AND TOWNSHIP COUNCIL ARE DESIROUS TO CLOSE THE CARNIVAL CEREMONY WITH A FIREWORKS DISPLAY; AND
WHEREAS, A RESOLUTION IS REQUIRED BY THE NEW JERSEY DEPARTMENT OF LABOR, DIVISION OF WORKPLACE STANDARDS, TO GRANT PERMISSION FOR THE TOWNSHIP OF PEMBERTON TO CONDUCT A PUBLIC DISPLAY OF FIREWORKS; AND
WHEREAS, FIREWORKS BY SCHAEFER PYROTECHNICS INC., WAS CONTACTED AND PROVIDED THE LOWEST RESPONSIBLE QUOTE TO PROVIDE THE FIREWORKS AND SAID COMPANY HAS SUPPLIED THE CERTIFICATES OF INSURANCES AS ATTACHED HERETO AND MADE A PART HEREOF THIS RESOLUTION; AND
WHEREAS, THE PEMBERTON TOWNSHIP ANNUAL WATER CARNIVAL COMMITTEE, ON BEHALF OF THE MAYOR AND TOWNSHIP COUNCIL, WILL PRESENT THE FIREWORKS DISPLAY TO THE RESIDENTS OF PEMBERTON TOWNSHIP.
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, THAT SCHAEFER PYROTECHNICS INC., IS HEREBY GRANTED PERMISSION TO HOLD A FIREWORKS DISPLAY ON SATURDAY, JULY 18, 2009, WITH A RAIN DATE OF SATURDAY JULY 25, 2009 IF NECESSARY.
BE IT FURTHER RESOLVED THAT THE CHIEF FINANCIAL OFFICER IS HEREIN AUTHORIZED AND DIRECTED TO PROCESS THE PURCHASE ORDER TO SCHAEFER PYROTECHNICS INC., IN THE AMOUNT OF \$7,000.00.

RESOLUTION NO. 131-2009

RECOMMENDATION OF AWARD FIRE SUPPRESSION SYSTEM
WHEREAS, THE TOWNSHIP OF PEMBERTON HAS ADVERTISED AND RECEIVED BIDS IN ACCORDANCE WITH THE NEW JERSEY LOCAL PUBLIC CONTRACTS LAW FOR THE PURCHASE AND INSTALLATION OF A FIRE SUPPRESSION SYSTEM IN THE BASEMENT OF THE MUNICIPAL BUILDING; AND
WHEREAS, THE LOWEST RESPONSIBLE BID RECEIVED FOR THE PROJECT WAS SUBMITTED BY THE FIRM OF K&D CONTRACTORS OF KENILWORTH, NJ WHOSE BID TOTAL WAS \$27,600.00; AND
WHEREAS, THE TOWNSHIP OF PEMBERTON HAS ALLOCATED FUNDS FOR THE COMPLETION OF THE PROJECT IN THE 2007 CAPITAL BUDGET AND THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE FOR THIS CONTRACT IN THE ACCOUNT INDICATED ON THE CERTIFICATION OF FUNDS.
NOW, THEREFORE, BE IT RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON HEREBY AWARDS A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A FIRE SUPPRESSION SYSTEM MORE FULLY DESCRIBED IN THE BID SPECIFICATIONS TO K&D CONTRACTORS OF KENILWORTH, NJ IN THE AMOUNT OF \$27,600.00, SUBJECT TO REVIEW AND APPROVAL OF THE BID DOCUMENTS BY THE TOWNSHIP SOLICITOR.
BE IT FURTHER RESOLVED, THAT THE MAYOR AND CLERK BE AND ARE HEREBY AUTHORIZED TO SIGN FOR AND ON BEHALF OF PEMBERTON TOWNSHIP THE CONTRACT IN THE PRESCRIBED FORM FOR SAID PROJECT AND THAT THE CLERK OF THIS BODY BE AND IS HEREBY DIRECTED TO SEAL SAID CONTRACT WITH THE CORPORATE SEAL OF THIS BODY.

RESOLUTION NO. 132-2009

WHEREAS, BY RESOLUTION NO. 64-2008 PEMBERTON TOWNSHIP ENTERED INTO AN AGREEMENT WITH THE BOARD OF CHOSEN FREEHOLDERS OF BURLINGTON COUNTY PROVIDING THAT BUTTONWOOD HOSPITAL, A COUNTY OWNED FACILITY, WOULD PREPARE MEALS FOR THE PEMBERTON TOWNSHIP SENIOR CITIZENS CENTER LUNCH PROGRAM; AND
WHEREAS, SAID AGREEMENT PROVIDED THAT THE COST FOR THE MEALS WOULD BE \$3.50 PER MEAL PER PROGRAM PARTICIPANT AND \$3.75 FOR BAG LUNCHESES; AND
WHEREAS, THE BURLINGTON COUNTY OFFICE ON AGING RECENTLY HAS RECEIVED FUNDS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA), WHICH FUNDS ARE DESIGNATED TO BE USED TO PROVIDE MEALS TO SENIOR CITIZENS; AND
WHEREAS, THE BURLINGTON COUNTY OFFICE ON AGING AND BUTTONWOOD HOSPITAL HAVE PROPOSED AN AMENDMENT TO THE EXISTING AGREEMENT WHEREIN THE BURLINGTON COUNTY OFFICE ON AGING WOULD PROVIDE FUNDING FOR THE COST OF THE MEALS PREPARED BY BUTTONWOOD HOSPITAL FOR THE PEMBERTON TOWNSHIP SENIOR CITIZENS CENTER LUNCH PROGRAM (LOCATED AT BROOK STREET IN BROWNS MILLS) AT NO COST TO PEMBERTON TOWNSHIP; AND
WHEREAS, THE TERMS OF THIS AMENDMENT SHALL BE EFFECTIVE JUNE 1, 2009 TO SEPTEMBER 30, 2010, CONTINGENT UPON THE AVAILABILITY OF ARRA FUNDS; AND
WHEREAS, THE BUSINESS ADMINISTRATOR HAS RECOMMENDED THAT THE AGREEMENT BE AMENDED IN THE BEST INTEREST OF THE RESIDENTS OF PEMBERTON TOWNSHIP;
NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE ATTACHED AMENDMENT TO AGREEMENT WITH THE BOARD OF CHOSEN FREEHOLDERS OF BURLINGTON COUNTY.

RESOLUTION NO. 133-2009

AUTHORIZING CONTRACT WITH BRITISH SOCCER, A DIVISION OF CHALLENGER SPORT'S CORP.

WHEREAS, THE DIRECTOR OF RECREATION & SENIOR SERVICES DESIRES TO ADD A SOCCER CAMP PROGRAM TO PEMBERTON TOWNSHIP'S SUMMER RECREATION PROGRAM; AND
 WHEREAS, THE DIRECTOR HAS RESEARCHED AVAILABLE SOCCER CAMP PROGRAMS AND DETERMINED THAT THE CHALLENGER SPORTS BRITISH SOCCER CAMP OFFERS CHILDREN THE BEST OVERALL PROGRAM ON THE MARKET; AND
 WHEREAS, THE BUSINESS ADMINISTRATOR HAS REVIEWED THE PROGRAM AND REQUESTS THAT TOWNSHIP COUNCIL AUTHORIZE THE MAYOR AND CLERK TO EXECUTE THE AGREEMENT.
 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 THE MAYOR AND CLERK ARE AUTHORIZED TO EXECUTE A CONTRACT WITH CHALLENGER SPORTS CORP. ("BRITISH SOCCER") TO CONDUCT AND MAINTAIN AN INSTRUCTIONAL SOCCER CAMP DURING THE WEEKS AUGUST 17, 2009 TO AUGUST 21, 2009 AND AUGUST 24, 2009 TO AUGUST 28, 2009 (AND SUCH OTHER CAMP WEEKS AS MAY BE APPROVED BY THE BUSINESS ADMINISTRATOR).
2. THAT THE COST OF THE PROGRAM SHALL BE BORNE BY THE PLAYERS WHO ATTEND THE SOCCER CAMP IN ACCORDANCE WITH BRITISH SOCCER'S FEE SCHEDULE AND AN ADDITIONAL \$5.00 PER CHILD ADMINISTRATIVE FEE THAT WILL BE RETAINED BY THE DEPARTMENT OF RECREATION AND SENIOR SERVICES.
3. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE BUSINESS ADMINISTRATOR AND DIRECTOR OF RECREATION AND SENIOR SERVICES.

RESOLUTION NO. 134-2009

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY CONCERNING THE BURLINGTON COUNTY RECYCLING PROGRAM AND THE ACQUISITION OF AUTO CART CONTAINERS
 WHEREAS, THE TOWNSHIP OF PEMBERTON HAS ENTERED INTO YEARLY AGREEMENTS, CALLED SOLID WASTE SERVICE CONTRACTS, WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS PURSUANT TO WHICH THE BOARD HAS AGREED TO PROVIDE FOR THE COLLECTION AND DISPOSITION OF RECYCLABLE MATERIALS GENERATED BY THE TOWNSHIP'S RESIDENTS; AND
 WHEREAS, THE COUNTY HAS DETERMINED TO IMPLEMENT A "CART PROGRAM" BY WHICH RESIDENTS WOULD USE CARTS FOR THE RECYCLING OF PAPER AND CARDBOARD THAT CAN BE EMPTIED INTO COLLECTION VEHICLES BY SPECIALIZED EQUIPMENT BECAUSE USE OF THESE CARTS (A) HAS BEEN FOUND TO IMPROVE RECYCLING PARTICIPATION AND MUNICIPAL RECYCLING RATES AND (B) RESULTS IN FINANCIAL SAVINGS AND OTHER BENEFITS TO THE COUNTY AND MUNICIPALITIES; AND
 WHEREAS, THE COUNTY HAS DETERMINED TO SOLICIT OR ARRANGE FOR THE SOLICITATION OF BIDS FOR ITS PURCHASE OF AUTO CARTS FOR PAPER RECYCLABLES IN 2009 FOR AND ON BEHALF OF BURLINGTON COUNTY MUNICIPALITIES THAT ARE INTERESTED IN IMPLEMENTING USE OF AUTO CARTS; AND
 WHEREAS, THE COUNTY WILL BASE THE NUMBER OF AUTO CARTS IT PURCHASES ON COMMITMENTS FOR CART PURCHASES MADE TO IT BY PEMBERTON TOWNSHIP AND OTHER MUNICIPALITIES THAT ARE SERVED BY THE COUNTY'S RECYCLING PROGRAM; AND
 WHEREAS, THE TOWNSHIP HAS DETERMINED TO MAKE A COMMITMENT TO THE COUNTY TO PURCHASE UP TO 1,475 CARTS THROUGH THE COUNTY'S 2009 SOLICITATION IN THE TOTAL AMOUNT OF \$33,000, NOT TO EXCEED \$6,600 PER YEAR, WITH SIX ANNUAL PAYMENTS COMMENCING ON APRIL 1, 2010.
 NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY EXPRESSES IT SUPPORT FOR THE COUNTY'S AUTO CART CONTAINERS PROGRAM AND RECOGNIZES THE BENEFITS IT OFFERS TO PEMBERTON TOWNSHIP RESIDENTS.
 BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE GRANT AGREEMENT, SUBJECT TO THE AVAILABILITY OF FUNDS FOR THE NEXT SIX FISCAL YEARS.

RESOLUTION NO. 135-2009

AUTHORIZING 2009 EMERGENCY TEMPORARY APPROPRIATIONS
 WHEREAS, PURSUANT TO N.J.S.A. 40A: 4-19 THE TOWNSHIP COUNCIL ADOPTED A TEMPORARY MUNICIPAL BUDGET ON JANUARY 7, 2009; AND,
 WHEREAS, ADDITIONAL BUDGETARY AUTHORIZATIONS ARE NECESSARY TO CONTINUE GOVERNMENTAL OPERATIONS PRIOR TO THE 2009 PERMANENT BUDGET BEING ADOPTED; AND,
 WHEREAS, N.J.S.A. 40A: 4-20 PERMITS MUNICIPALITIES TO AUTHORIZE SUPPLEMENTAL TEMPORARY APPROPRIATIONS BY ADOPTING EMERGENCY TEMPORARY AUTHORIZATIONS BY RESOLUTION APPROVED BY 2/3 VOTE OF THE FULL COUNCIL MEMBERSHIP,
 NOW THEREFORE, BE IT RESOLVED THAT THE FOLLOWING EMERGENCY TEMPORARY APPROPRIATIONS ARE HEREBY MADE:

POLICE DEPARTMENT # 0240 OPERATING EXPENSE	\$ 90,000.00
RECREATION DEPARTMENT # 0370 OPERATING EXPENSE	\$ 10,000.00
WORKERS COMPENSATION # 0215 OPERATING EXPENSE	<u>\$ 100,000.00</u>
	TOTAL \$200,000.00

13. NEW BUSINESS

- *b. Requesting Council's authorization for receipt of bids for cellular communication antennas on water tower.
- *c. Requests from the Police Department to expend funds in excess of \$2,000.00 for the purchase of four (4) Ford Crown Victoria's Police Vehicles in the amount of \$86,992.00.
- *d. Applications submitted for memberships, licenses, permits:

Acknowledgement/Consent:

- *1. The Big Brothers Big Sisters of Burlington County, 25th Annual Cycle & Walk for Kids' Sake, throughout Burlington County with part of the route through Pemberton Township, 9/12/09.
- *2. New Jersey Ride Against Aids: 8th Annual Bicycle Ride, High Point to Cape May, to be held 9/26/09, route to come through Pemberton Township.

***14. Approval by Council required for payment of vouchers on bill list dated 5/15/09.**

Mr. Prickett requested to pull the request from Public Works for the purchase of O Rings under New Business. Mr. Inge requested to pull Resolution No. 129-2009.

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

8. PRESENTATIONS

- a. Presentation of Police Achievement and Recognition Awards by Police Department.

Chief Lewandowski expressed his appreciation to the Council and Mayor for allowing the Police Department to appear tonight to present their annual achievement and recognition awards. Tonight they will be honoring their Police Officers and civilian awards as well as Officers from outside of the department who have helped residents of Pemberton Township and the Pemberton Township Police during the last year. Chief Lewandowski explained that commendations are given out to Officers for doing highly credible service and going above and beyond the call of normal duty. Chief Lewandowski presented the following awards:

FIVE YEAR SERVICE AWARD

Patrolman Justin Kreig
Patrolman Shawn Meyers
Patrolman David Sawyer
Patrolman Steven Price

TEN YEAR SERVICE AWARD

Patrolman Robert Hood

FIFTEEN YEAR SERVICE AWARD

Sergeant David King
Detective Jay Saville
Detective Sergeant Brian Wechkus
Lieutenant David Jantas
Patrolman Wayne Davis
Sergeant James Wayman
Patrolman Peter Glendon

THIRTY YEAR SERVICE AWARD

Patrolman Tom Stewart

LIFE SAVING AWARD

Chief Lewandowski explained that Life Saving Awards are given to Officers who saved someone's life or were involved in an incident where the life of a person was at stake and because of their decisive actions, they were able to stem that tide.

Patrolman Tom Lucas of the Pemberton Township Police Department

Chief Edward Hunter from the Pemberton Boro Police Department

Sergeant David Woodward from the Pemberton Boro Police Department

Officer Ronald Salko from the Department of Defense Police Department

Chief Lewandowski noted that on February 20, 2009 at approximately 2230 hours, a motor vehicle collision occurred on Pointville Road at the intersection of Pointville and North Pemberton Road. The vehicle was on fire and there was an individual trapped. Sergeant David Woodward was working in Pemberton Boro and Officer Salko was working in Fort Dix very close to where the accident occurred and both arrived on the scene. The Chief informed he received this information from the Pemberton Boro's Goodwill Fire Company's Chief, who sent

a letter commending these officers. When the Fire Chief arrived at the scene, he noticed Sergeant Woodward and the other officers attempting to put out the fire and at the same time dragging the victim out of the car who was trapped. Fire was coming from underneath the car and Sergeant Woodward had a fire extinguisher and was keeping the flames down. His extinguisher emptied out and he got at least three additional extinguishers in order to keep the fire down so that the victim who was trapped inside wouldn't perish. The officers, knowing the car was on fire and could explode at any time, stood there and stayed there no matter what happened. It turned out the victim was trapped so bad inside, they had to use the jaws of life to get him out. There was no way the officers were going to get him out on their own but they didn't know that and they still stayed there. It was because of their actions that this gentleman was able to get out later by mechanical means and his life was saved.

Patrolman Andrew Byrd

Patrolman Stephen Price

Chief Lewandowski report that on March 30, 2008, both Officers were dispatched to a medical emergency at the Pemberton Township High School. When the Officers arrived, they found an adult who was unresponsive, not breathing and for all intents and purposes was dead. Officer Price began CPR and a few minutes later Officer Byrd, who is a certified EMT and had a defibulator in his patrolcar, arrived. The officers used the defibulator on the victim a couple of times to no avail. The Officers continued with CPR until the emergency squad and the paramedic showed up. The Officers continued working on the victim at the scene and eventually got a pulse and got him breathing. The paramedics took over and transported him to the hospital the gentleman was at the meeting that evening. The Chief commented that after the first defibrulations, the Officers did what they were supposed to do, they could have just left at that time. However, the Officers continued at it putting themselves on the line, doing CPR and because of that, they brought the victim back to life.

CERTIFICATE OF APPRECIATION

Dean Nicholas

Chief Lewandowski reported that there was a motorcycle traveling on Four Mile Road just down the road from the Police Station by the curve near the New Lisbon Post Office. Dean was operating his vehicle, heading north and a motorcyclist came around the curve, lost control of his motorcycle and struck Dean's vehicle. The motorcyclist was thrown from his motorcycle and suffered severe, bad leg injuries. Dean being a former Marine, his training took over, and he applied first aid and tourniquets and did everything he could to save this motorcyclist's life. An ambulance finally arrived and informed the Police that had Dean not performed the acts and the medical attention that he gave, the motorcyclist very well would have lost his leg and probably would have lost his life and bled to death. The Police Department honored Mr. Nicholas for what he has done in helping the citizens of Pemberton Township and the Pemberton Township Police Department. Chief Lewandowski noted that Dean was also honored by the PBA at their recent banquet for this same incident.

COMMENDATIONS

Patrolman Sean Myers

Detective Christopher Bartleson

Detective Bruce Phillips

Detective Brian Smith

Chief Lewandowski reported that identity theft is one of the hottest crimes that is going around today. It comes in all sorts of ways and not just people using your name and getting credit cards but stealing your identity, stealing your credit cards and stealing your names. The Chief noted that they do not have the technology to put an end to it right now but we can put a dent in it when things go the right way. Chief Lewandowski explained that Officer Meyers is Pemberton Township's

Urban Enterprise Zone Officer. The Township has been very fortunate in obtaining a grant from the state to pay the salaries of our UEZ Officers to patrol our urban enterprise zone which is our down town area; hoping to bring in businesses and make people feel better. Officer Meyers is also the liaison between the Police Department and the business people. Officer Meyers holds meetings with the business community and talks about security. One of the things the Chief does when he does the Neighborhood Watch Programs is he talks about identify theft and always brings up that when the residents see something that is not right and is out of the ordinary, they should let the Police know. In July 2008, a local businessman saw something that looked a little strange with his credit card receipts. Officer Meyers spoke with him and started to conduct an investigation. He found out that these complex investigations stretch not just in Pemberton Township but out of the Township. Officer Meyers got together with Detectives Chris Bartleson, Brian Smith and Bruce Phillips and went around and tried to find out who these people were. They used videos and other types of analysis trying to find out who these people were that might be involved. They discovered that there were two residents who were going around to some of the businesses and when they would find credit card receipts that were crumpled up and thrown away, they would take them and somehow get information from there and go to other businesses and make small cash withdrawals or buy small things that they thought no body would notice; \$5, \$10, \$25 or \$40 on their credit card bills. If they charged \$2,000, you would notice it right away. It turned out that when the criminals were discovered, three or four of the victims didn't even know they had anything stolen from their accounts because the amounts were so small. It was not only Pemberton Township but three other towns in the County and through this inter-agency cooperation, these Officers solved not only the problems here in Pemberton Township but outside of town also. It was Officer Meyer's diligence and ability and knowledge of the system that helped us out.

Patrolman Thomas Lucas

Chief Lewandowski reported that on January 11, 2009, a robbery occurred on Crescent Drive in Browns Mills. A person was confronting another individual that was attempting to steal his motorcycle outside of his home. The individual tried to steal the bike, a fight ensued between the victim and the suspect and the victim managed to hit the suspect in the head and thought the suspect was bleeding when he ran away. The victim was able to give a clothing description whereas the suspect was wearing a hood over the top of his face and showed a little of his eyes and his face and mustache. Officer Lucas showed up at the scene, talked to the investigators and officers and thought he knew who the suspect was from the clothing and facial feature descriptions. Officer Lucas went to the suspect's house and the suspect opened the door, bleeding from the head, wearing the same clothes as the description with blood on it. Officer Lucas remembered who this suspect was from his contacts with the citizens and realized that this was the suspect. He was arrested and confessed to the theft and that was not the only motorcycle theft he had done.

Patrolman Robert Ettinger

Chief Lewandowski commented that in the two years the Township has had the K9 unit established, the officers and dogs have proved invaluable. For a number of years the Township had a K9 unit and it was disbanded a number of years ago. The Mayor and Council, when they first came in, wanted to bring the K9 unit back. The problem we had was to find not only the animals but also to get officers who are dedicated enough to put the time, energy and knowledge in to do the K9. Patrolman Justin Kreig and Patrolman Bob Ettinger are our two K9 Officers and have proven to be invaluable to us and to other departments in the County. On October 14, 2008, Patrolman Ettinger and his dog Urgo were sent to locate a subject who was suicidal. The information from the victim's wife was that he ran off in to the woods saying he was going to kill himself, and she had no idea exactly where he was when he went in to the woods. It was late at night, a difficult area

and the weather was not the best. Patrolman Ettinger and Urgo were sent in and in a matter of minutes, they found the individual hiding in the woods, faced down, and unresponsive. We were able to get medical attention to that person and bring them out safely. A couple of officers going out in to the woods in the middle of the night probably would not have found him and that person may have ended up dying that night. On December 30, 2008, Patrolman Ettinger and Urgo came to an incident in Country Lakes where a suspect had fled a home and gone in to the lake. He was in the lake up to his waste. He didn't want to come out of the water and was brandishing a big knife. The officers could have used lethal force but instead they brought Patrolman Ettinger and Urgo in. Urgo convinced him to come out of the water. That was another time Patrolman Ettinger and Urgo were able to affect an arrest but also save the lives of an officer, a person and to save us time and energy.

Patrolman Jason Watters

Patrolman Danielle Hann

Chief Lewandowski reported that on January 6th, Officer Hahn filled out a report for a stolen quad. The quad had been stolen the evening before and the victim provided a good description of the quad. The Officers were able to locate a resident that saw people with a quad about 11:00 or 11:30 the previous night. The resident didn't think anything of it and figured they just ran out of gas or something. The resident provided a very good, detailed report and unfortunately the victim did not have a vehicle identification number on the quad, but he gave a good description of it and Officer Hahn wrote a good report. The next day, Officer Hahn was contacted by Officer Waters. What had happened unbeknownst to her was that night Officer Waters had stopped a vehicle on Fort Dix Road for a motor vehicle violation and in the back of the pickup truck was a quad. The Officer had no knowledge that the quad was stolen and was told by the driver that he purchased the quad from a friend. Officer Waters ran the VIN and it didn't come back stolen because the victim did not have the vehicle identification number. The Officer took the effort and diligence to write down the quad VIN and all of the details. When he found out that there was a stolen quad in Officer Hahn's case, they put their heads together and got in touch with the Burlington City Police Department where the owner of the truck was. The Burlington City Police went to the residence and discovered the quad was still in the pick up truck. Because everything was so detailed in the report, the Officers were able to get the quad back and get it back to the owner. Chief Lewandowski commented that through the attention to detail and cooperation with other Police Departments, along with the dedication of the Officers taking the extra steps, this case was solved.

Patrolman Vincent Cestare

Patrolman Peter Glendon.

Chief Lewandowski reported of an incident that dated back to April 18, 2008 when a broadcast was sent out in regard to a vehicle. A call was received from central dispatch that there was a vehicle enroute to Browns Woods Apartments on Trenton Road in Browns Mills. Supposedly in the car were two known gang members that had a handgun and were going to the apartments to shoot somebody. It has happened in the Township before and has happened all around the county. The Officers set up a perimeter and kept an eye out. A block away from the location, the Officers spotted a car that fit the description. They stopped the vehicle, took the vehicle down and these were the two individuals that were going to shoot somebody. The Officers found a 40 caliber, loaded handgun in the car and it turned out that these individuals were no strangers to the Police Department. They were out on bail for another shooting in our Township and were awaiting trial. Because the Officers were diligent, set up their perimeters and looked and waited for this vehicle and preserved the life of someone in the Township and that person is alive and those people are back in jail for hopefully a long period of time and we have a stolen handgun off the street.

MERITORIOUS DUTY AWARDS

Chief Lewandoski explained the next awards are meritorious duty awards and are given to someone not just for going above and beyond the call of duty but for someone who excels in certain areas.

Patrolman Jason Watters

Chief Lewandoski reported that during the year of 2008, Patrolman Jason Waters demonstrated the will and the drive to do his job at a very high level of production. Patrolman Watters made over 92 arrests in 2008 which is better than double of the average Police Officer. He is a highly disciplined officer, extremely professional and demonstrates the skills of a highly trained and seasoned Police Officer. Patrolman Watters has not been here that long but he has learned a lot here and has learned the will and the drive.

Patrolman Thomas Lucas

Chief Lewandoski reported that during the course of 2008, Patrolman Tom Lucas has also excelled and made over 94 arrests which is more than double the average Police Officer. The Officers are not judged on arrests only or the amount of tickets they write and there is always some type of a standard no matter where one works. Patrolman Lucas' arrests were mostly criminal arrests with a lot of drug arrests. Officer Lucas was involved in a lot of the drug investigations that we had this year.

Patrolman Jason Kreig

Chief Lewandoski reported that Patrolman Kreig has been with the department for five years. During that time, he has excelled at everything he's done. During the course of 2008, he made 104 arrests. Patrolman Kreig is close to the Chief's heart as he is a big motor vehicle person and has done a lot of drunk driving arrests. Patrolman Kreig has taken a lot of drunk drivers off of the street. The Chief commented that back in the old days when he was a real cop before he became an Administrator, he did a lot of drunk driving arrests and knows what it is like and knows the detail it takes and the time it takes to get a good arrest and a good report to get the convictions.

Patrolman Michael Bennett

Patrolman Michael Brewer

Sergeant David Geibel

Patrolman Daniel Matthews

Chief Lewandoski reported that Patrolman Michael Brewer, Patrolman Daniel Matthews, Patrolman Michael Bennett and Sergeant David Geibel make up our Safe Neighborhood Unit. For the past year, this unit has served on several state and county investigations combating gangs and drug distribution in the Township. The Department has had a number of initiatives and have been part of a county wide overtime grant to have Officers come in and hit the areas in town that we have seen a high incidents of drugs and gangs and guns. Over 2008, there were more than a dozen different operations. These individual officers made a total of over 334 arrests, have had numerous guns taken off of the streets, and tens of thousands of dollars taken for forfeiture. The Department is allowed to take the money in the state forfeiture fund and purchase items that is not normally bought from the regular budgets. This fund is from forfeited items from arrested individuals. Chief Lewandoski commented that with the problems that we have with budgets and monies over the past couple of years and which we may have in the future, these Officers were able to bring in over \$60,000 in forfeiture funds which now can go to help the Township and the residents.

Detective Anthony Muscella

Chief Lewandoski read the following description on the proclamation, "Detective Anthony Muscella distinguishes himself in the performance of outstanding service to the Pemberton Township Police Department. Detective Muscella during his career has been assigned to various positions within the department where he has

continuously displayed professionalism, integrity and dedication during these assignments; the Patrol Division, the DARE Unit and the Detective Division as our juvenile detective". Detective Muscella is a cop who has accumulated a long and distinguished career in the Pemberton Township Police Department and in servicing the community and reflects great credit upon himself and the Township. Tony is one of our earlier DARE Officers and taught DARE here for a number of years. He seems to know pretty much everyone in town or they know him. The Chief informed that he was out with Detective Muscella recently and walked in to the WaWa and Detective Muscella knew everybody by name. Several adults who Detective Muscella taught as a DARE Officer, still know him from when they were kids. This kind of relationship between the community and the younger people in the community helps out the Police Department quite a bit. A lot of people especially the younger people fear cops or just don't want to talk to the Police. When we have Officers who are able to establish a rapport with not only the citizens but especially the young people, it helps out the department. Detective Muscella has done that over the past 25 years he has been here.

OFFICER OF THE YEAR AWARD

Patrolman Christal Bartholomew

Chief Lewandowski commented that as they sit down as a unit with the Command Staff, every year they discuss the criteria and the selection for the Officer of The Year. What normally comes to mind is as heard earlier, an Officer with 94 arrests, performing CPR and breaking drug and gang activities. That's what is always looked at right away is who has the most activity and most action this year. Sometimes the Officers are overlooked who do above average work, extraordinary work. This year our Officer Of The Year is just that type of an Officer. The Pemberton Township Police Department would like to award the 2008 Officer Of The Year Award to Patrolman Christal Bartholomew. Christal started here in 1992 and like all of them she began in the patrol division. During her earlier years, she did a brief stint as a community relations officer but then was put back in to the patrol division where she stayed for a few years. Two years ago with the assistance of the Council and Administration, the DARE Unit was re-established. The Chief knew of Patrolman Bartholomew's abilities from a previous time, knew how she did on the road, her rapport with the young people in town and thought she would be best at this important job. Officer Bartholomew at first was very reluctant to do it; the Chief thought she was the best person for the job and the type of Officer that she is, she accepted it. Christal accepted the job and embraced the program. It started out with just a few classes and was expanded to other grades in the school system. Over the past two years, she has proposed along with the school administration a GREAT Program which is a gang resistance program. It is mostly a high school program which is patterned on the DARE Program. Officer Bartholomew attended the classes on that and is pretty much involved in everything in community relations within the Police Department. She will spend her free time visiting the Senior Citizen Center down town during the day when she was off. Christal started registering bicycles at Rita's every fall and was involved in everything and anything. When the kids would come through the Police Station and the Court Room, she would volunteer, she would change her days off and times of work just so she could come in and be involved with those types of people. Christal keeps in contact with the community and whatever she is asked to do, she does without complaint. The SOP states the award is annually awarded to the Officer whose conduct and job performance best exemplifies the ideals and badge of the Police Department. Such Officer shall over the past 12 month period, have demonstrated a quality and quantity of work clearly and significantly exceeding requirements and has constantly performed his or her job at the highest degree of professionalism. That is Officer Bartholomew.

The Chief conveyed that concludes the awards presented tonight and reminded that today is the fallen officer day and is the reason the officers tonight have the black ribbon on. It is a police memorial day that is held every year. Last year it was held in Washington, DC and today it was held in Burlington County. Last week new

names were added to the memorial in Washington. There are 16,661 law enforcement officers that were killed in the line of duty. There were 14 Police Officers killed in Burlington County in the line of duty. The Chief recalled in 1982 when he was a younger officer, Sergeant Frank Fullerton from Moorestown was shot stopping a robbery suspect and was killed. He went out with a number of other officers to search for the suspect. When they were off duty, they still had not located the suspects so they all went to Moorestown to assist in the search. Last year, three New Jersey Officers gave their lives. Yesterday was the state memorial for the statewide officers in Ocean Grove, New Jersey where the names were added to the memorial. It was a very fitting and somber ceremony. There have been a number of Police Officers in the state of New Jersey killed over the history of policing. In the corner of the big Ocean Grover auditorium, there are seats covered in black with a picture and name of each of the fallen Police Officers. The families place a memento on the chair and this is something that stays with you when you see this. It is appropriate that with this being Police Memorial Week that we are able to have a Council meeting and able to give the awards out tonight. Last Sunday at mass, the gospel was very fitting for what today actually is. It was a passage from the gospel of St. John which most of us have heard about which is, The Greater Love has no man that one lay down his life for his friend. You are my friend. You did not choose me, but I chose you. None of these Police Officers with the Chief included were dragged in off the street. They took the job knowing what the job entails and knowing what could happen to them. They did it for a reason. Before the Chief received his first paycheck from Pemberton Township, he was sworn in and in essence signed his own paycheck to the Pemberton Township residents. It was made payable to the residents and it was unlimited including life and death. These officers would give their life as 16,661 have. The Mayor spent 25 years as a Police Officer and he was willing to do so. These officers are doing it today and will continue to do so. As stated earlier, you are our friends and will do so if need be. The Chief thanked the Mayor, Council, the public and the officers and their families for showing up to honor these officers. Remember the people that were killed in the line of duty because you can't remember them because we haven't forgotten them.

Mrs. Stinney thanked the Chief for a wonderful presentation. Mrs. Stinney also thanked the officers and added that she would be remiss if she didn't thank the families of the officers. Mrs. Stinney commented that she cannot imagine what it must be like to have a loved one leave to go to work not knowing what is going to happen while at work or even if they would return home. Mrs. Stinney stated the Chief is absolutely right in that how great it is for a man to be willing to lay down his life. Mrs. Stinney humbly thanked the families and expressed that she couldn't stop crying for the great things that the officers have done for not only the residents of the Township but for those that they don't even know. Mrs. Stinney asked how many people would go out to save one's life when we don't know who they are. Mrs. Stinney humbly thanked the officers and their families from the bottom of her heart.

Council President Stinney recessed the meeting for a short break at approximately 7:49 pm to thank the families. Chief Lewandowski informed that the Officer Of The Year also received a card and gift from Mr. and Mrs. Jenkins from Jenkins Well Drilling. Mrs. Stinney reconvened the meeting at approximately 7:59 pm.

ITEMS PULLED FROM THE CONSENT AGENDA

Resolution 129-2009, Mr. Inge noted that he did not see any information on the description of work or the contract. The Mayor advised this project started prior to this Administration and has been going on for a while. There has been some work that was done that has caused additional damage to the property. There have been at least three different contractors that have been working on this project and all of them have bailed out claiming they went out of business or they aren't going to work. This will be the fourth contractor. The owners have been putting up with a

mess; the roof has been leaking, there is additional damage inside of the house and the siding and windows that were started to be installed were not completed and it is causing different mold problems. The Mayor reminded that he stated from the beginning of his term that the RCA Program was a mess. Administration does not agree with the way it was run and is just cleaning it up. This is one of the last projects that they have been battling with for quite some time and are trying to get this resident some relief and fix their problem finally. Mr. Inge asked if there is a stipulation on how much money can be spent on an RCA Project. Mayor Patriarca replied he would have to check and does not know the answer off the top of his head. Mrs. Scull asked if there has been approval for this property before because usually when Council receives this there are attachments that specify the costs. Mr. Inge added that he would like to see the attachments. Mrs. Scull interjected that she would like to see where the money is being spent. Mayor Patriarca conveyed there would have been additional information attached to this but Mr. Vaz informed him that was supposed to have taken place and it didn't happen. This is a problem Administration has been chasing with this particular resident and each contractor dealt with has been taking us deeper and deeper in to the hole creating additional problems on the property that these folks have been living with and have been patient with Administration in trying to resolve this. It has gotten to the point where they have found a contractor to do the work and we are just going along with their contractor to finish this project. Mr. Inge asked how much money was already spent. The Mayor did not have a total amount but he can get that information. Mrs. Scull asked if there is enough money in the account. The Mayor informed there is still quite a bit of money in the account but it doesn't mean the money is earmarked towards the program. The Township has yet to take Administrative fees which is 20%, and have historically not done so. The Mayor explained this doesn't take the balance down to zero by any means. Mr. Inge expressed he thought the RCA Program was done because there is not any more funding. The Mayor advised the Township is not taking any new applications but are still chasing problems that were created from many years back. There are still some jobs that are not done and he doesn't know why the residents haven't come forward to get them done. The Mayor suspects that it could be that the residents really didn't qualify for the program and are afraid to approach this Administration. It was a very mis-managed program and Administration has recognized this from the beginning and continues to try and correct problems with the residents who are facing these problems created by a program that the Township sponsored. Mr. Inge asked if since the resident is picking their own contractor, are they signing off that if there is any additional work required or problems arise that the Township will not be held liable. The Mayor answered there is no waiver regarding any type of liability. Administration and the program are responsible for what the resident is entitled to. The program authorizes them to choose their own contractor. The contractor is ultimately liable and should be the one sued. It's chasing the contractor and there may be potential litigation on some of the prior cases with the prior contractors. Mr. Inge commented that this is an on-going project and the money is available. Mr. Inge stated if something does go wrong, instead of the Township putting more money in to the project, we should have the contractor be held responsible. The Mayor agreed with Mr. Inge. Mayor Patriarca advised part of the project included putting a new roof on the residence. The resident was never given a choice as to the color of the roof and the contractor just installed a roof and now the roof doesn't match their siding. It's been a mess and there have not been any controls and Administration has been trying to get the resident to a comfort zone.

RESOLUTION NO. 129-2009

AWARDING CONTRACT UNDER THE RCA PROGRAM TO P. SCARANNI BUILDERS 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 FEBRUARY 28, 2009 FROM THE HOMEOWNER ON BEHALF OF P. SCARANNI BUILDERS TO COMPLETE THE WORK FOR \$32,950.00.

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 \$32,950.00 WITH P. SCARANNI BUILDERS 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.

Motion by Inge and Scull to approve Resolution No. 129-2009. Inge, yes; Scull, yes; Prickett, yes; Cartier, yes; Stinney, yes. Motion carried.

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

a. ORDINANCE NO. 12-2009 (Title Read By Mrs. Stinney)

AN ORDINANCE AUTHORIZING THE TRANSFER OF PROPERTY SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PEMBERTON AS LOTS 7.01 AND 7.03, BLOCK 823.01 TO THE RANCOCAS CONSERVANCY.

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

Mr. Prickett stated if another organization can maintain our property and it's wetlands, it might relieve some of the burden off the Township if the Nature Conservancy receives this property. It adjoins the property the Conservancy has along the bypass and it might be beneficial to the Township as well as the Conservancy. Mrs. Scull commented it's a great idea. Mr. Inge had no comment. Mr. Cartier asked if this included the parcel with the canoe access and expressed concern if something will be written in the deed that there is access to that area. Ms. Willis from ARH informed they had suggested putting a deed restriction in the deed regarding a parcel that was mentioned at the last Council meeting. Mr. Cartier noted that is not included in this and he is talking about the other two parcels and one of them is where the canoe access is and also where the Eagle Scout is building a trail. Ms. Willis answered she is not sure. The Mayor informed he will have that information in a second and doesn't believe that is included as it might already be owned by them. Mr. Cartier apologized for not asking this sooner, but he just thought of it. Mrs. Scull commented that usually Council would have received a map and did not for this one. The Mayor advised this is about four lots away.

Motion by Scull and Prickett to adopt Ordinance No. 12-2009. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

b. ORDINANCE NO. 13-2009 (Title Read By Mrs. Stinney)

BOND ORDINANCE PROVIDING FOR ROAD AND DRAINAGE IMPROVEMENTS, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$705,450 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$670,178 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF.
(MUST HAVE FINAL APPROVAL FROM DLGS PRIOR TO ADOPTION)

Council President Stinney opened the meeting to the public for public comments. Those expressing a desire to be heard were: **Kathleen Cochran:** Lives on White Street which is off of Whitesbog Road. Whitesbog Road is their only exit to leave

their house. She has lived here since 1993 and prior to that lived at McGuire Air Force Base. Since that time, they have had ten vehicles because of the wear and tear on their vehicles from Whitesbog Road. They drive approximately 20 miles per hour on the road because the road is in such disrepair when it's graded and when it's not graded because of the holes that are in the road from the water that sits on the road when it rains. Mrs. Cochran advised there is a family on North Whitesbog Road that fosters special needs children and at times they sell things at the end of their house on the side of the road and cars go flying down that road, kicking up dust and you can't even see the kids. It's a horrible situation to live in and she has dealt with it for fifteen years and is sure there are others that have dealt with it for longer than that. She doesn't mind that her road is not getting paved but the amount of traffic that is on North Whitesbog Road is far too much to have that dirt and dust kicked up where you can't even see a child if they are riding their bike on the road. Mrs. Cochran would like to see this ordinance approved so that at least North Whitesbog Road can get paved for the safety of the children, for the residents that pay their taxes, to cut down on the wear and tear of the residents vehicles and for health reasons as the dust can't be good for anybody because it comes in to houses and is everywhere. **Pat Perrine:** Agrees with Mrs. Cochran. Apologized for the picture in the newspaper and stated that is her road with the big ditch. She will forgo that and hopes that someday something will be done about the grading of that road. Mrs. Perrine is here today not to plead but to ask Council to pass this ordinance to get North Whitesbog Road fixed. There's not a whole lot more that she can say that she hasn't already said and Mrs. Cochran has already stated. Mrs. Perrine asked Council to think about the liabilities and the taxes that the residents do pay. She did not see any other residents from Presidential Lakes, Country Lakes or the road off Magnolia Road and thinks their roads are in pretty good shape but her road is not. **Glen Cochran:** He is Kathleen Cochran's husband. He is a mechanic and it is atrocious what the road is doing to a car. The nine days of rain that we recently had caused potholes so large it could suck in a Chevy Metro; the potholes are so large a grader can not pass down the road. Mr. Cochran encouraged Council to come out when it rains and see the holes in the road. If there is one night of rain, the roads have potholes in the morning and by the time you return in the evening the holes are so large you can't drive more than 5 mph. When it snows, it is even worse because the road freezes and the dirt freezes and the grader will not come out because the road surface is frozen. Mr. Cochran advised he is a distinguished veteran of the United States Air Force and has given to this country and Township and is hoping that Council will give a little bit back to the residents and approve to get North Whitesbog Road paved and then talk about getting the adjacent roads like Margaret and White Street paved so that the residents can wash their car and go down the street and not have to wash it as soon as you return up the street to your house. Mr. Cochran informed that he doesn't bother washing his car in the winter because it's useless. Mrs. Stinney thanked Mr. Cochran for his service in the military. **Charles E. Marlin:** Would like to see this ordinance passed. He will give up his road for North Whitesbog Road because it seems to him that North Whitesbog Road is in a much more deplorable condition than his road. At the same time, he would like to know if Springfield Road is going to get finished, if the trees that are painted fluorescent orange going to be taken down, and if they will fix the test pit that was dug in front of his property where the water is now laying. Mr. Marlin remarked that he has one chopped tree, other trees painted fluorescent orange and a hole by his driveway. His neighbor has a crater that is washing out and he won't have a driveway soon. Mr. Marlin asked to be informed where we stand. Mrs. Stinney thanked Mr. Marlin that throughout her travels in the Township she has an opportunity to speak with many of the residents in the town including him. Mrs. Stinney thanked him for his comments and suggestions and wanted him to know that she does listen. Mr. Cartier asked if he can address Mr. Marlin's concerns. Mr. Cartier continued that Council did add something to the agenda concerning Mr. Marlin's road. Mr. Bayer advised Council is on the public portion of the meeting. Mrs. Scull stated when Council gets to that. **Howard Cathers:** Reminded that he gave Council a challenge at the last Council meeting and asked how many members had the guts to go to North Whitesbog Road. Mr. Cathers stated the road needs to be

paved. He has been there almost 50 years and he has put up with everything that has come down that road, especially the big trucks and school buses that come down the road and raise the dust, and the dust goes all over the neighborhood. **Cecelia Cathers:** Apologized for the newspaper article that was written because it was not North Whitesbog Road in the picture, it was Margaret Street. The person that took the picture was not McDonald; it was another person. They are leaving the road in Council's hands and suggested that as Council is thinking should we or shouldn't we to remember the little children that are out there that are handicapped. Some of the children are severely handicapped. When the Township trucks go down the road and kick up the dust that goes 50 feet high and 500 feet back on the road, let's hope one of those little children are not in that road because they will get hit by the truck or any car that comes down that road. Mrs. Cathers stated to Council to remember as they are voting that it's not just a road, it is safety. Her father in law has health issues with COPD which is caused by dirt, dust and smoking. Mrs. Cathers questioned if he did smoke, did he get COPD from that, who knows, but the dust is not helping the situation. Mrs. Cathers reiterated that it is left in Council's hands and she hopes and prays to God that Council will see it the resident's way who trusted Council and brought their stories and evidence to Council. Mrs. Cathers already did a lot of Council's homework for them because she knows their jobs are important. Mrs. Cathers stated that she has done her job and for Council to now please do theirs.

There being no additional members indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments. Mr. Cartier did not have any comments. Mr. Inge commented that Mr. Prickett at last week's meeting, asked for a meeting with the engineer. Mr. Inge advised that he called Mr. Prickett to ask if he can attend the meeting. The person that did the road project for 2009, it is his understanding that the person took a course at Rutgers to figure out what roads in the Township need to be paved. That person didn't have any of the information for that meeting as to how he came about picking the roads for the program. The engineer did show them road maps of the surrounding town and roads that were picked. Mr. Inge spoke with the engineer regarding possibly using a poured and sprayed blacktop and asked the engineer how he made out with that. Mr. Rehmann advised Mr. McNaughton, the Public Works Director, did the survey of the roads based on his public works certification course from Rutgers University. He used a method to establish the condition of the roads in the Township and rated them and at the time of the meeting, the work was not completed yet. There were 300 odd roads done and there are 619 roads in the Township. Mr. McNaughton has subsequently completed that project. Mr. Rehmann noted that Mr. Inge raised a point in that the development of roads in the Township in the past and Lakeshore was paved and all of the other roads in to it were gravel. Mr. Inge advised they were dirt roads. Mr. Rehmann conveyed the dirt roads were oiled and stoned. ARH has checked the price of oil and stone and we could reduce the cost of Whitesbog Road; however, going out to Whitesbog Road with the Mayor, he discovered there are heavy trucks that utilize that road and at this point, he wouldn't advise that road to be done that way. The oil and stone which gives you a depth of probably $\frac{3}{4}$ of an inch of penetration of the gravel that is out there and the road itself is fairly hard and that's why there is a lot of dust. Mr. Rehmann conveyed their survey crew has gone out and he has done a revised estimate of cost that he has presented to each member of Council when information was being put together for the road bond ordinance which was November 2008. We were using \$90 a ton for asphalt because that was the cost and today it is around \$60 a ton. Their estimate has been adjusted to below \$200,000 on the project. This is all subject to the Pinelands and Storm Water Management that they will require. Because the road is not paved, storm water management must be considered. If it was a road that was paved but is now falling apart, they could go back and repave it without having to do that. Mr. Rehmann noted that Mr. Prickett pointed out during the meeting, that this is probably going to take it to September before Pinelands approval and we won't know what oil or asphalt prices are between now and then. Mr. Rehmann agreed with Mr. Prickett and noted that probably asphalt will also be going up. There are a number of other roads in the bond ordinance that if we wait,

we may have some issues with additional costs. Of the 619 roads, almost 22% of them are unpaved and they are unpaved roads with homes or businesses. There are paper streets that are not open but there is a significant percentage of our town where there are people. Mr. Rehmann proposes what the Mayor is suggesting in the 2009 budget that we consider putting together an oil and stone project to reduce the price and to get some of these roads that doesn't have heavy truck traffic on them covered. Mr. Inge noted Mr. Vaz had commented there are a lot of towns that have houses on dirt roads and the Township goes in to an agreement with the homeowners to use shared services for the roads to pay a percentage of what the cost would be over a period of time. Mr. Rehmann answered that is an issue. The municipal land use law does define a provision that says that a building permit shall be issued on a road that is improved to Township standards. Council would define what Township standards are and one of the things that ARH is talking to the Mayor about on the road inventory is they need lengths of road now added to that so that he can say of the 29 roads that need reconstruction, the 58 that need overlaid, the 144 that need a seal coat and how long is it and how much does it cost. A number of towns say they need to provide emergency services, police, fire, rescue and trash collection and should not be doing that on unpaved roads. The question is do we now draw a line and establish a policy that you can build on an unpaved road but there has to be a dedicated fund that helps the Township pay for some of the paving out there. Mrs. Scull did not have any questions but stated that when you look at North Whitesbog Road there is no question about how desperately that road needs to be paved. Mrs. Scull appreciated Mr. Marlin coming forward and stating North Whitesbog Road is worse than his road. Even though the paper had the wrong picture, it probably would have been a worse picture if it was Whitesbog Road. Her secretary came to work and stated her road is in good shape compared to that road. A lot of our residents are fair minded and are willing to put others ahead of them. Whitesbog Road needs to be paved and Council needs to pass this ordinance. Mr. Rehmann noted the list of improved roads, those that require reconstruction like Birmingham Road and Burrs Mills Road are the two worst that the Public Works Director has rated and that's why they are on the list. Mrs. Scull conveyed she understands why the roads are on the list but personally when she looks at it, and she uses Burrs Mills Road to slip in the back way to New Lisbon, she feels sad for those residents on North Whitesbog Road. She does not particularly agree with paved roads and sidewalks. We are out here in the Pine Barrens but things have changed in thirty years. There is a lot of heavy equipment going down that road and it's not the dirt/sand road it used to be. Sometimes putting the rocks on those roads might have even made it worse than when it was just a sand road. Mrs. Scull commented that Council needs to look at the overall good for everybody. She understands that and didn't mean to make light of those two roads. She knows they are the worse ones in the Township but personally she wanted to make a point that it would not be her first choice of a road to pave either. Mrs. Scull acknowledged that she is not sitting on Council to make those everyday decisions in the Township. She is here to see that money gets authorized for what needs to be done. Mrs. Scull stated Council needs to approve the roads. Mr. Prickett commented that he has heard a bit about Burrs Mill Road and is sure that everyone knows his property adjoins Burrs Mill Road. That is not his major entrance; his major entrance is off Vincentown Pemberton Road. Mr. Prickett conveyed that he did not support the list of roads from the get go and he still has some reservations about it. As far as Burrs Mills Road, he wasn't asked whether it should go on the list and he hasn't been asked whether it should stay on the list. With that being said, he realizes there are many valid points of view in this discussion and it is healthy to address these at a public hearing. As a Council member, he feels that it is his responsibility to assure that the limited tax dollars taken from our residents are spent in the most effective and fair manner. Residents from Country Lakes, Lake Valley, Oak Pines, Rottau Village and Browns Mills should all be able to benefit from their tax dollars spent on Township roads. His concern is just who gets their road fixed in Pemberton Township. Mr. Prickett asked if it is based on a list of criteria that benefits the community as a whole or on politics. We need transparency and good judgment when compiling the roads program and we need to be cost

effective. Mr. Inge's questioning last time asking whether the resident's requests are being considered in the process in very relevant to this. To her credit, Mrs. Scull stated at the last meeting that it all comes down to what is good for the big picture. Mr. Prickett noted Mrs. Scull was referring to the roads in Pemberton Township. Mr. Prickett agreed that we need to address the big picture and make sure that the limited tax dollars our Township has are used in a cost effective manner that benefits the community as a whole. Mr. Prickett conveyed that Mrs. Scull also stated she is not an expert on roads and leaves that to the experts, the decision and to determine what needs to be addressed. Mr. Prickett commented that if Council members blindly follow the experts, they are doing a disservice to the residents. The experts should be advising the Council but it is the Council's responsibility to make sure the criteria used by the experts to place the road on the list truly fits the big picture and is cost effective to the community as a whole. After meeting with Mr. Vaz and Mr. Rehmann last week as well as Mr. Inge, Mr. Prickett does not believe the experts were looking at the big picture when they composed their list. The experts apparently did not consider how frequently the roads are traveled or if they are important links tying major roads together in the community. Mr. Prickett invited the public to visit North Whitesbog Road to evaluate this project for them just as the Burlington County Times did last week to determine whether the Township should spend so much money here. According to the Mayor and the engineer, the \$260,000 project is just the first phase in road improvement on North Whitesbog Road and Mr. Prickett would say that would be the roads that run into North Whitesbog Road. Mr. Prickett continued with that money, and he is only showing this for something to compare and is not suggesting that we do this, we could double the Senior Citizens Program with \$260,000 and double the number of Recreation Staff with this money which will take many years to pay off. How many people would benefit from using the money in that way? There are many people that choose to live on dirt roads in Pemberton Township. They all endure potholes and dust as a result of choosing to live in the woods. Is the Council willing to fund paving all of the other dirt roads in the Township? In the 2009 budget, the Council has allocated \$100,000 down payment to borrow \$2 million for some unknown purpose. Will the Council use this money to pave your dirt road? When developments are built, the homeowner and the developer pay for the roads and their development, not the tax payer. If you build a house on a dirt road and want it paved, why don't you have the same responsibility. It is unfair to expect everyone else is going to foot the bill to pave a dirt road and think that their municipal property taxes will cover the expenses. He said at the last meeting if we could get this down to \$160,000, he would support it. If we could stipulate within this ordinance that would be the maximum that we would expend on this project, he would vote yes. Mrs. Scull asked if homeowners that live on dirt roads get a decrease in their property taxes or if the Township gives discounts to people that live on dirt roads. Mayor Patriarca replied that he has no knowledge of discounts for living on a dirt road. Mrs. Scull asked why we didn't make sure that all of the roads that were chosen were in areas where we have a lot of voters. We want to make our residents happy; we should have picked the roads where the people live. Maybe we need to make sure we do that next year. Mr. Inge commented that he's not sure that wasn't done already. Mrs. Stinney thanked the Burlington County Times for the article they put in the paper because it generated so many comments throughout the Township. Mrs. Stinney stated that Mr. Prickett noted that at the last meeting he would like all 31,000 residents to come out; the development of Lake Valley, the development of Country Lakes, Presidential Lakes, Browns Mills and this evening Council has heard from the residents that are being affected. Throughout the Township as she travels and Mr. Marlin was a witness tonight as he made a comment; the residents are saddened that these roads are not paved. These residents are ecstatic that Council will have the opportunity tonight to make the decision. Mrs. Stinney has heard it out on the ball field with her grandchildren, she has heard it in church and heard it as soon as the article came out. We are talking about health, safety and wear and tear on vehicles. We've heard transparency and the road program can be revised on and on. All we need is a 15 day rain period and God knows it's somebody else's road and that can go on and on and on. We are here this

evening to make a decision and she is hoping that this sitting Council for the residents of Pemberton Township have heard and listened to those who have come up to this microphone, signed their names and has made their plea. Mr. Inge asked the engineer if the cost to get the approvals from Pinelands is included in his numbers. Mr. Rehmann replied yes. Mr. Inge confirmed the cost of \$200,000 with the engineer. Mr. Rehmann responded he has provided a revised estimate cost based on the fact that we have a topography of the entire roadway. The revised estimate of cost that was dated May 14, 2009, is \$158,250 plus a 10% contingency because he does not know what the Pinelands will charge. The storm water management system is a lump sum of \$75,000 that was included in the \$158,250 because he hasn't designed it yet. The design numbers are in the particular bond that he is talking about. Mr. Rehmann has done enough that he can satisfy himself that it can be built for less than \$200,000 and as stated earlier to Council in his memo, if a price limit is set on it that in this case is \$175,000 and it doesn't come in at that price, you do not have to award the contract. That is a policy decision that Council will have to make. Mr. Rehmann continued that he did include the cost of doing a Pinelands application and a \$75,000 lump sum for the storm water management was included in the design and with a \$15,000 contingency it can be done for \$175,000. Mr. Inge commented this is the first he has heard of the heavy duty commercial trucks that travel that road and asked if they are from a business. Mayor Patriarca replied there is an individual that runs a business out of that area that has large vehicles and the Township vehicles also frequently use that road; Township trucks, school buses and the Township has been dumping some of the leaves at a particular property there using Township vehicles. Mr. Inge stated a lot of residents have come forward tonight and stated they live on that property and some had houses built. When they had these houses built, they knew it was a dirt road and he does have a problem with that because if you are having a house built on a dirt road, you know it's a dirt road. Mr. Inge does understand the safety concerns and he is listening to the residents. The engineer brought the cost down from \$265,000 to \$175,000. Mr. Inge asked Mr. Prickett about the \$175,000. Mr. Prickett suggested putting in the ordinance North Whitesbog Road not to exceed that amount. Mrs. Scull asked if Council gets to vote on the bid when it comes back anyway. Mr. Prickett reiterated that he would like to see it in the ordinance. Mr. Inge replied if you know you're going to get that down and Council can look at the costs of the other projects if Council can lower the cost of the other projects and take that in to consideration. Mr. Inge asked if that is possible. Mayor Patriarca responded that should be referred to Mr. Bayer in regard to how that may affect the overall ordinance. The Mayor stated it may be a minor change because it's not affecting the end number of the road program but that would be something Mr. Bayer should clarify. Mr. Vaz commented in other words if the ordinance is amended to include an outer limit of \$175,000 for North Whitesbog Road, is that substantive amendment that would require readvertising. The Mayor was indicating Administration does not believe it is because the ordinance itself doesn't specify presently a specific dollar amount for each of the roads. It's the aggregate of the \$705,000 amount of the bond. Mr. Bayer noted that he is not a bond lawyer but would note in section 3 of the ordinance, it lists the roads and does not list an amount for the roads. Although it lists in section 3a, an estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$670,178. Mr. Bayer relayed that he doesn't necessarily understand the next section of the ordinance, the down payment. Mrs. Stinney asked Mr. Bayer if Council would have that option when the bid came to Council as Mrs. Scull stated to pick and choose. Mr. Bayer replied Council would and regard to any bid award if the engineer sets a budget before the bid is led and bids come in in excess of the budgeted amount, the Township is always able to reject the bids as in excess of the budgeted amount. To Mr. Bayer, that would be the easier way to go only because without bond counsel present, he doesn't necessarily like tinkering with a bond ordinance when there are not individual amounts and that would be his recommendation. All this is doing is allowing you to issue debt for this project and it's not actually spending the money and it's not actually borrowing the money. You do that after this ordinance, if it's adopted, would happen. At the end of the day, if a number comes in

in excess of that \$175,000 for this road, Council could reject the bid and not spend the money. Mrs. Scull commented that we also stated we don't know if we'll even have money left for North Whitesbog Road once we get through Lemmon, Virginia, Birmingham and Burrs Mills; we're hoping there is money but maybe there won't be money left for the roads at the bottom of this list. Mr. Rehmann conveyed so that everybody is on the same page including the residents of North Whitesbog Road and the vicinity, that because this is the only road that is going to require Pinelands approval, we would bid all of the other roads in the ordinance as we are trying to get Pinelands approval. This is as Mr. Prickett pointed out, it could be September before that approval is obtained and then we would bid North Whitesbog Road out and that would be the test to determine whether the \$175,000 is an accurate estimate of what the costs are going to be. Mr. Bayer asked Mr. Rehmann if each road will be bid separately or just North Whitesbog Road given the Pinelands issue. Mr. Rehmann replied he is trying to get all of the other ones out as quickly as possible to take advantage of the lower asphalt prices and North Whitesbog will be separate because of the Pinelands issue. Mr. Bayer stated the fact that it is being bid separately gives you absolute control on that issue and the dollar amount because you could not authorize the expenditure. Mr. Prickett expressed that he would prefer to see the ordinance amended and if this could be tabled tonight and consult with a bond attorney and take the vote at the next meeting unless Council could somehow amend this ordinance tonight. Mr. Bayer stated the amendment he would look to is in section 3a where it states the estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$670,178 and he would suggest adding, however, in no event shall the improvements to North Whitesbog Road exceed \$175,000. Mr. Bayer added that it's a little unusual to have this kind of language in a bond ordinance. He is not a bond lawyer but in all of his meetings where he sees when these are adopted, he has never seen something quite like this. Mrs. Scull stated they're not going to care about that, they care about the total dollar amount. It would be up to Council and she doesn't know if Council can agree amongst themselves that it won't cost more than \$175,000 without putting it in the ordinance. Mr. Bayer noted that Council could and the way to control that is through the bid process. Mrs. Scull does not want to see the road project held up and she agrees with Mr. Rehmann to get this out there and receive bids and get the asphalt while it's cheaper; we might get more done if we can get the asphalt when it's cheaper. Mrs. Scull reiterated that she doesn't want to see it held up and if Council has to present it again and then adopt it again, it could be until July. Mr. Prickett commented he would offer the amendment that Mr. Bayer just mentioned.

Motion by Prickett to add to Section 3a, at the end of the sentence, "However, in no event shall the cost to improve North Whitesbog Road exceed \$175,000".

Mr. Inge asked what other option does Council have if Council is stating to the engineer that we want this project for \$175,000 and not to come back higher than that. Mr. Inge stated that would be a fair thing to do because he doesn't want to say to the residents that they think they are going to get their road done if it comes back at \$200,000 or \$260,000 to the original cost. Mr. Inge wants the residents to understand that is not going to happen and Council needs to be perfectly clear that they are not sending a message out to the residents that Council is going to approve this tonight and that road is guaranteed. Mr. Cartier commented that would be up to the residents to stay on top of this Council when the time comes at bid time. Mrs. Stinney commented that Mr. Cartier is absolutely right in that it is up to the residents to stay on top of Council as they have been for years and years and nothing has happened. Mrs. Stinney is grateful and honored that she is sitting with this entire Council who has taken the fortitude to stand up and take a stand on something that has been pushed off and pushed off. Mrs. Stinney reiterated that Mr. Inge and Mr. Cartier are absolutely right that it is up to the residents to stay on top of the Council to do those the right thing. Mrs. Scull agreed and stated she will back up Mr. Inge and Mr. Prickett if the bid comes back at over \$175,000, she will vote no with them.

Mr. Cartier asked what if it comes back at \$176,000 or \$180,000 is Council going to hold up the construction of a road for \$5,000. Mr. Inge replied Council is hoping it's not going to come up to \$160,000. Mrs. Scull commented that right now Council is holding up paving all kinds of roads; all of them because unless Council has four votes tonight, nothing gets paved. Mr. Inge agreed. Mrs. Scull thanked Mr. Rehmann and stated that Mr. Vaz and the Mayor, when everyone took office we were three years behind in road projects and we have caught up and that's really a commendable thing. Mr. Rehmann is always looking to save the Township money and he is worth every dime because that man goes out and looks for things. Heaven knows the Mayor is tight. Mr. Rehmann expressed ARH is going to have alternate ways to bid North Whitesbog Road and he would like it to have a 22 foot wide width and he may accept a 20 foot width. He may have two ten foot lanes or two nine foot lanes and we will put some alternates in it so that we can give that option to pave it at \$175,000. That is his job and Council's job is to set the priorities. Mr. Rehmann noted that he promised Mr. Prickett and Mr. Inge that ARH is going to change some of the priorities on how roads are picked, give Council a list of things and try to get everybody on board before we reach this point next time. Mr. Rehmann expressed that is the way to do it and he will work hard to try to accomplish what Council wants done. Mr. Inge asked Mr. Prickett if he is satisfied with that. Mr. Prickett replied he believes what Mrs. Scull said.

Motion by Cartier and Scull to adopt Ordinance No. 13-2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney commented to the Burlington County Times that it is a proven fact that Council does work together. Mrs. Stinney reiterated that she is honored to serve with this sitting Council regardless of what some people may think; she is truly, truly honored.

12. UNFINISHED BUSINESS

- a. Continued discussion of possible amendments to Chapter 132, Noise.

Council President Stinney commented to Mayor Patriarca that she has not had an opportunity to review this. Mr. Cartier interjected in his attempt to read this, there is a lot more information that has been added to. Mrs. Stinney asked if it is the Council's desire for some of the information that she has been trying to look in to, the ordinances that are mandated by the state and if there are changes and noted that Mr. Prickett mentioned the noise-o-meter; the decibel detector. Mrs. Stinney commented there was some information that according to the NJAC 7212-:the kids and how it's to operate, who operates them and she had a lot of questions regarding this. She just received this information tonight and asked if it is Council's desire to take this information, digest it and come back with some recommendations. Council just received this information this evening and it is different from what they had. Mrs. Scull asked if Council has received anything from Mr. Vaz regarding the suggested changes to what we currently have or does Council need to sit down and go through it. Mrs. Scull suggested a couple of Council members sit down and try to come up with.....Mr. Cartier and Mrs. Scull were working on ordinances but when he got his new job, he kind of deserted Council a little bit. Mrs. Scull commented that Council needs to look at this.....Mr. Cartier interjected that no one has approached him as to a meeting.....Mrs. Scull replied she is ready. Mrs. Scull continued that Council needs to move on this and get it done. Mrs. Stinney agreed. Mr. Prickett noted that what he stated at the last meeting is that this is very technical stuff. Mrs. Stinney agreed. Mr. Prickett continued that he had asked that the Chief provide Council with the packet of information Council received tonight. Mr. Prickett noted after going over the information for a second time, he is still on step one. Council needs to make some basic findings such as where are the noise problems, what noise problems do we want to regulate and how are we going to measure that noise so that

we can take like a radar detector that you can go to court with that information before a judge and win a case. Whereas now, it's really word of mouth and it's very hard for the Police to make that case successful each and every time. Mr. Prickett conveyed that Council needs some technical advise and hopefully there are some good ordinances in the information that Council could mimic and use in putting an ordinance together for Pemberton Township. Mr. Prickett stated Council needs a specialist to assist in doing this and to make sure the ordinance that is put together works and is effective and is successful in court. Mrs. Stinney noted that also if there are any changes, we must get approval through the state. Referring to the school board which is a little different from the state regulations where we have to get their approval to mimic what we have down here. Mrs. Stinney agreed with Mr. Prickett in the need to identify where the noise is. Mr. Cartier stated the packet Council received tonight from Mr. Vaz after the meeting started, there is quite a lengthy discussion as to how to frame a model noise ordinance. Mr. Cartier continued that it would behoove Council to take the time to sit down and read the information and come back at the next meeting and give directions some way on how to set this.....Mrs. Scull interjected that there is a model off road vehicle ordinance here but.....Mr. Cartier continued it goes in to much deeper length than just off road vehicles. Mrs. Scull agreed and added there might be some way to model from the state on a regular noise ordinance. Mr. Cartier informed it is in the information on page 7. Mr. Prickett asked if Council is in agreement about the off road vehicle noise. He doesn't know if all of Council has had an off road vehicle drive between the yard and down the road and asked if that is something that Council can tolerate or is it something that needs to be regulated as far as sound. Mr. Prickett asked if Council thought all cars should have mufflers and if all off road vehicles should have mufflers. Mrs. Stinney asked Mr. Cartier and Mrs. Scull. Mr. Cartier reiterated that he gave his recommendation that Council take the information received from Mr. Vaz after the start of tonight's meeting, review it because there is a model noise ordinance in the information and come back with suggestions on what needs to be included in the ordinance, what needs to be left out and to go from there. Mr. Prickett agreed with Mr. Cartier and noted that he doesn't mean to keep Council from doing that but Council could take a look at some of the things before going up tonight and that is off road vehicles, loud music at one's neighbors house and asked what are some other things that are annoying as far as noise.....Mrs. Stinney interjected lawn mowers and she had a neighbor call her this week and there was someone that started a lawn mower up at about 6:45 am and she agrees that the Township needs something to measure it. Mrs. Stinney noted that she can hear her neighbor singing and her neighbor can hear here singing from her house. Mr. Cartier asked if the residents would be better served to have Council read over the information and come back with recommendations instead of listening to Council throw things around.

- b.** Discussion of proposed ordinance establishing regulations for fair and safe towing operations in the Township.

Mrs. Stinney advised there seems to have been some problems over the years as to who was going to serve on the towing services of the Township. A few people from the Township shared their concern as to why they were being left out and she asked the residents to sit down and give some ideas of the towing operations for the Township. Mrs. Stinney asked the Mayor to provide an overview of what Administration found from the residents and how we arrived at where we are now. Mayor Patriarca informed the issues that are coming up are from individuals that are trying to get on the towing list. The towing list historically was run by the private, local towing companies. The Mayor commented that is not a good way to go and somewhere down the line it might open up the Township with some issues. The Township is calling the tow trucks out for our jobs but we are allowing them to be specific and controlled in a way that precludes another business from getting involved if they are not liked or they don't want to share the business. Mayor Patriarca remarked that he is not saying that is happening but the potential is there and it is kind of being implied by the tow companies that are trying to get on the

list. A town should have an ordinance regulating this and it should be something that is managed through the Police Department and not one of the individuals on the tow list. Not to say that this individual has not done a good job or is it to say that the past individual had not done a good job but it implies that perhaps there is something going on there when the individual running the list is on the list and not allowing anyone else to come on the list. We've discussed through email correspondence with a few of the individuals that want to get on the list and have been denied for lack of openings. The Mayor noted that he was not aware that there was a quota as to how many were allowed to be on the list. Mayor Patriarca expressed Administration's concern is to create something that is fair and regulated by the appropriate authority which in this case would be the Police Department. Mrs. Stinney noted that it is suggested that towers be placed on a monthly rotation list which shall entitle the tower to exclusive towing rights during the monthly rotation period. In the event that the tower assigned to a particular rotation is unavailable, then the next Tower on the list shall be called during said rotation, but only for that particular incident. The rotation list should equally allow those that are on the list to have that service. Mrs. Stinney asked Council if they say anything else in the draft. Mr. Inge conveyed that if you are on the list, you should have a business in the Township. One item was if there is someone on the list that is out of the Township but they are called in for heavy duty removals that should be brought in to other Townships. Mr. Inge continued that it should be kept in the Township, businesses in the Township should do the towing for the Township. Mrs. Stinney confirmed with Mr. Inge that he is suggesting that should be added to be a part of the application process. Mrs. Stinney and Mrs. Scull both agreed with Mr. Inge. Mr. Bayer suggested if Council is going that route, to make sure the rationale is public safety because you need companies that are close because he doesn't know if by law you can require them to be in the Township but if it is a basis of public safety and proximity to Township roads and he will look in to it. Mayor Patriarca added that because the Township is such a large community and the fourth largest in Burlington County at 65 square miles and one could have an accident at North Pemberton Road and Route 206 which our Police Officers would be calling a tow truck for. The tow truck could be coming from Lakehurst Road, Route 530, on the other side of Country Lakes and there may be a tow company right on the other side of the highway in Eastampton that wanted to be on the list that could have responded quicker. The Mayor agreed with Mr. Bayer that response time is valid but that is not something that can be supported with being a resident of the town to be on the list. Mr. Inge stated most businesses if they are on call take the tow trucks home with them so as soon as a call comes in, they leave immediately. Mayor Patriarca agreed and added that person could be living on Lakehurst Road out near Route 70 and responding from there to a call that could be at the other end of the Township and the distance can't really play in to it but the response time is the important part to limit them to a certain number of minutes that they have to respond to. The Mayor noted response time is covered in the ordinance; 30 minute response time. Mrs. Scull conveyed that she has a problem with it being monthly and suggested that if it's a tower and a family person that to be on for an entire month might be more of a hardship. She likes the idea that it switches every week; there is a rotation weekly and at the most two weeks. If there are twelve towers, they would only be on the list once a year and would have to pay \$200. Mrs. Scull would like to see the rotation not be one month. Mr. Prickett asked where the ordinance came from and if it was written from scratch or modeled from another Township. Mr. Vaz answered he is not sure; Mr. Bayer's office prepared it. Administration had forwarded the packet distributed to Council to Mr. Bayer's office and there were model ordinances. Mr. Vaz noted that a lot of the components look familiar to him from those ordinances. Ms. Colella conveyed she has been in communication with Chief Lewandowski and based on ordinances from other towns and the Chief's ideas and proposals, she came up with this. Mr. Prickett confirmed it was based on the recommendations of Administration and the Chief of Police and what they liked in the other ordinances that were submitted to Ms. Colella. Ms. Colella responded it was based on the

packet from other towns and she doesn't know how they were chosen. Mr. Prickett noted this is a case in point where the Mayor is a retired Policeman and there are two Solicitors in the room and it has been submitted to the Chief of Police and they are the experts needed to review the ordinance as well as Council making suggestions as Mrs. Scull just did regarding a weekly basis vs. a monthly basis. Mr. Prickett expressed concern regarding a weekly rotation basis in that there might be some confusion as to whether or not one is on call. If that can be resolved, that is certainly something to consider. Mr. Prickett remarked that he liked what Mr. Inge stated, keeping it within the community if possible and what Mr. Bayer stated, it should be based on safety and it could be but we can't absolutely do that. It should be a priority that is written in to the ordinance. We would like to have close proximity as a priority in having someone on the list but it can't be an absolute. Mr. Prickett asked Council how far off they are until this ordinance is introduced and if there is still public comment on this. Mrs. Stinney replied there is still workable time. Mrs. Stinney confirmed Mr. Bayer will be checking in to.....Mr. Bayer interjected that he will report back on Mr. Inge's suggestion to see how we can accomplish that within the confines of the law and the rotation issue. Mrs. Stinney noted emails will be forwarded to Mr. Bayer for anything else that might come up.

13. NEW BUSINESS

a. Discussion of Proposed Changes to lot grading ordinance.

Mrs. Stinney thanked the residents for coming out and for their comments. As she travels throughout the Township, she hears their concerns. Mrs. Stinney noted to the Mayor that it was suggested a link be added to the website for concerns regarding the lot grading ordinance. The Mayor replied it is not on the website yet because Administration was going to wait until tonight's discussion of the ordinance. Mr. Vaz informed Administration had asked Mr. Ingram to provide a synopsis of his ideas about this and didn't know if he had a chance to do this. The Mayor advised he didn't ask Mr. Ingram to bring this to Mr. Rehmann's attention because he didn't expect Mr. Rehmann to provide report on this. Mr. Ingram is reviewing the ordinance and looking at some changes and he has suggested some changes that he feels could be made to make it a little easier along with some changes that some other towns are doing with similar types of ordinances that he is aware of. The Mayor doesn't have all of that information yet. Mrs. Stinney noted that she is hearing that it really is a financial burden with some of the things and it is causing a lot of hardship here in the Township. Mrs. Stinney commented there are members of the public that are going to comment on this during the public portion time. Mrs. Stinney would like to have the information so this can be addressed at the first meeting in June. Mayor Patriarca informed Administration will have some recommendations if any can be made and Administration will review it and see if there are some areas where they can offer suggestions and ultimately it is Council's decision as to what they want to do with an ordinance. Administration will look and see if they can make it a little more resident friendly but keeping in mind the original intent of the ordinance when Council passed it was a good intent and it was to protect the interest of the current resident, the neighboring resident and also the Township from incurring additional hardship from development that may occur on a neighboring property. There are areas of flexibility within the ordinance that Administration can suggest. Mrs. Stinney noted this is on for discussion and asked Council for comments. Mr. Prickett noted that the Mayor has said pretty much what he would say. The ordinance was meant to protect the residents that live around a home and changes that are being made as well as to protect the Township from incurring costs to drainage projects for the roads. We know how expensive road projects are and if we can keep the water on the site and not have to put in a seepage pit, it's going to benefit everybody. Mr. Prickett noted that was the intent of the original ordinance and if we can make some changes to make it work a little better, he would be for that and Council has

to keep all of that in mind. Mrs. Scull commented that she had some concerns about the ordinance to begin with because she didn't want to see additional costs burdened on a homeowner who just wants to put in a garage or maybe change their driveway. She was afraid it was going to end up costing them thousands of dollars for engineering reports and that type of thing. Mrs. Scull is hearing that there are situations occurring that are very similar to that because of this ordinance. She would hope that Council can find some way to have some kind of compromise so that it's not hitting our residents as hard financially and would be aggravation, time and effort. Mrs. Scull conveyed that she is not opposed to throwing it out and she doesn't like ordinances anyhow. Mr. Inge agreed with Mrs. Scull and added that he wouldn't mind seeing it thrown out himself. Mr. Cartier didn't have anything new to say that hasn't already been said. Council has to look out for the residents as well as the Township when it comes to water run off. There have been concerns throughout the Township but it has to be equally beneficial to the resident trying to get something done on their property. Mrs. Stinney noted this will be back on the agenda for the June meeting.

ITEMS PULLED FROM THE CONSENT AGENDA:

Mr. Prickett informed he pulled the authorization that Mr. Cartier added to the agenda because it's something that he has no idea what it is really for or what it is. He does know that it is \$8,840 and is for the Springfield Road project and hopes it will help Mr. Marlin. Mr. Prickett stated 15" class RCP with O Rings, 650 linear feet at \$13.60 per foot coming from Public Works and not the Water Department is confusing. Mr. Prickett asked to be told what this is and what it is for, he would be more than glad to approve it. Mayor Patriarca replied this in relation to the Springfield Road project and there has been some difficulties on that project regarding drainage and some collapsed pipes that were discovered. Administration received a quote from the contractor which was in excess of \$65,000. Administration held a meeting with the Public Works Supervisor along with the engineer. The project was discussed in length and it was decided that our personnel are fully qualified to put this drainage line in that the contractor on site wants \$65,000 to put in. Mayor Patriarca informed Administration's intention is to purchase the pipe ourselves and have our personnel put the pipe in so that they can get back on finishing the road that they were contracted on doing. This would be a job where we probably save \$50,000+ by doing the job ourselves. Mr. Prickett asked if this is corrugated piping, accordion piping. Mayor Patriarca replied it's the plastic pipe. Mr. Cartier stated it is reinforced concrete pipe. Ms. Willis informed RCP is reinforced concrete pipe. Mr. Prickett advised RCP stands for reinforced concrete pipe. Ms. Willis conveyed it will be stronger under the road. Mayor Patriarca noted we are upgrading on one particular driveway where it is suspected that maybe some larger vehicles may cross that driveway and precautions are taken to ensure that driveway is protected from collapse. Mr. Cartier asked if the Township has a machine to do this. The Mayor answered yes and the pipe that is currently in there is not that deep underground and we will be digging down to the existing pipe, pulling it out and replacing it in the same location which won't take us in to or near any of the utilities. The pipe starts at approximately 2' under and Public Works is very eager to do this project and save the tax payers money. Public Works feels it is something they should be doing. Mr. Rehmann advised the cost provided by the contractor originally was \$100 per foot which was far in excess of what ARH would ever recommend and the contractor came down to \$75 per foot very quickly and ARH still felt that was an extreme. This is why Mr. Marlin has not had his project underway because this could just not be accepted. In the original design, it didn't show that the pipe was to be replaced and that is the issue. The pipe was collapsed and there is a water main and a sanitary sewer force main on both sides of the pipe but they are 4' down and are below this and somewhere along the way when they were constructed because the pipe is shallow and corrugated aluminum or corrugated metal pipe which is not extremely strong at that depth. That's why the reinforced concrete pipe is recommended.

Motion by Prickett and Cartier to approve the request by the Public Works department to expend \$8,840 to purchase 15" class RCP with O Rings for Mr. Marlin's driveway. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

GENERAL PUBLIC COMMENTS:

Mrs. Stinney opened the meeting to general public comments. Those indicating a desire to be heard were: **Charles E. Marlin:** **1.** Wanted to clear up that he doesn't need an \$8,000 piece of pipe in his driveway. When he made his comments earlier this evening regarding the road, he had called the engineer's office looking for an answer. That is all he wanted as well as his neighbors. To this day, he has not received a return phone call. Mr. Marlin did receive a letter and he did have a discussion on Springfield Road. He probably had seven or eight illegals that were chopping down his trees. Mr. Marlin asked Mr. Cartier if he was making him go to sleep. Mr. Cartier replied no, he is reading something. Mr. Marlin expressed all they wanted was an answer. Mr. Marlin reiterated that he doesn't need an \$8,000 piece of pipe in his driveway and his stuff isn't that heavy. **2.** In regard to the grading plan, he and the other good contractors in the Township would like to be a part of this grading plan. They don't see everything wrong with it but they do see quite a few things wrong with it. The additions and garages and a lot of things that can't be done because it's 500 square feet. The Township has a Zoning Officer that is doing his job because of this ordinance and issuing residents citations for putting dirt in their driveways to fill holes because they haven't had engineering done. Mr. Marlin reiterated the Zoning Officer is doing his job going by the ordinance. This ordinance is wrong and if we have our engineer looking at another engineer's work, the homeowner has to pay that engineer, then we pay the Township's engineer and this engineer doesn't like what that engineer has done. Mr. Marlin noted the engineers hold pretty much the same degree. It is a burden on the Township residents and is costing the good contractors in this Township business. It's tough right now and when people find out that they have to have all of this extra engineering and extra money, everybody loses. Mr. Marlin is not saying we don't need something but this ordinance and the rules and regulations are too stringent and it's not working. There are people here that would like to have an addition done and they don't. They want a bigger house but don't get it. The builders lose again; the Township loses; we lose revenue; we lose permits; we lose a lot. Mr. Marlin expressed this ordinance needs to be relaxed. The specifications need to be relaxed. Mr. Marlin doesn't think there is anyone sitting here tonight that has ever been fined, sued or anything for running water on somebody else's property. Mr. Marlin has done a total of 86 homes; rehabs and new construction and he has never been in a court room or cited for running water or damaging someone else's property. It is the people that come in here and don't care. Mr. Marlin conveyed that he cares; he has to look at Council and the public and is asking for relief on the grading plan. Mr. Marlin suggested the contractors be involved in revising the ordinance. They have suggestions and perhaps they can all bring the ordinance to a happy median. Mr. Marlin asked Council to take this in to consideration and if they want the contractors, to call them. Mrs. Stinney noted to the Mayor that Mr. Marlin has asked for a seat at the table for discussion, comments, input and changes. Mayor Patriarca conveyed Administration will certainly have an ear open for Mr. Marlin and so the record is clear the \$8,000 worth of pipe that the Township is purchasing is not just for Mr. Marlin's driveway; it is for the entire length of the road. Mrs. Scull added it's saving the Township money. Mr. Cartier commented most of which is Mr. Marlin's driveway. Mayor Patriarca noted just the width of his driveway is his and the majority of it is not on his property. The Mayor added that Administration will certainly listen to Mr. Marlin's concerns. Mr. Prickett expressed that he wanted to make sure that it gets fixed for him because it's been five years. Mr. Marlin is speaking from the audience and is not audible. Mrs. Stinney commended Mr. Marlin for being the spokesperson and gathering his comments and thoughts for

his colleagues. Mrs. Stinney knows Mr. Marlin is like the Mayor in his area and she hears this throughout the Township. Mrs. Stinney thanked Mr. Marlin for organizing the contractors and being the spokesperson and coming forward to Council. Mr. Marlin is still speaking from the audience but is inaudible. Mr. Rehmann apologized to Mr. Marlin and informed that it is ARH's policy that his staff is to return a phone call the same day or in the next morning hours before noon. Mr. Rehmann added that a test pit should not be opened after the end of the work day and he understands that was done and it is now covered and he also apologized for that. Mr. Rehmann offered Mr. Marlin if he is the Mayor of the construction people, that he will schedule a time to go through the ordinance, line by line with Mr. Marlin and his colleagues for their input. The ordinance may be necessary but it can certainly be trimmed differently than other towns. There have been a lot of issues with people draining their water on adjacent properties. A good contractor like Mr. Marlin probably looks at the engineers plans and fixes issues on site. **Cecelia Cathers:** Thanked everyone for their input and concerns regarding North Whitesbog Road. She will stay in contact with the Council regarding this road and hopes it does not cost as much as we think it does. Mrs. Cathers suggested shaving as everyone does with the budget and in our homes. Mrs. Cathers advised Council that North Whitesbog Road does go to Route 530 which is Lakehurst Road and goes directly out to Route 70. Range Road and Ridge Road also come off of there. There are major roads that do come on North Whitesbog Road. She will start to get the tag numbers of the Township trucks that drive 45-50 mph down North Whitesbog Road. Mrs. Cathers asked the Mayor to look in to that. Mrs. Cathers is also going to contact the bus garage because they are going fast also. **Ardith Bowers:** Comes before Council one last time before voting on the business operating licenses; those businesses selling liquor and beer next month. She is here to put before the Council specifically the operating license for Skip's Bar and Grill, LLC. Council is aware of the on-going problem with the nuisance business. Mrs. Bowers believes the Mayor and Council has received from the Police Chief a breakout of the Police calls to all of the Police responses to all of the calls in the Township. Specifically to Skip's Bar, there were 108 Police responses in 2008 and since January 2009, the last four months, there have been 42 Police responses. Mrs. Bowers thanked the Police Department for their quick responses and she was very happy to see the awards given out tonight to them. There are many other problems at the business that need to be addressed. They are not ADA compliant. They do not have designated handicapped parking and they do not have a lined parking lot along with all of the other things she has already brought before Council. Mrs. Bowers asked Council to seriously consider not renewing their operating license in June. Mrs. Bowers asked Council if they do renew their license that they place more strict restrictions on their license than what they already have. Her hope is that Council will not renew their operating license in June. Mrs. Bowers asked the Council to protect the law abiding citizens from the goings on at this nuisance business. Mrs. Bowers thanked Council for their time. **Ray Yonski:** Mr. Yonski represents, is employed by and manages Mark Allens Towing. He is one of the individuals who have come forward to try and be on the towing list. They have hundreds of thousands of dollars of equipment and do light and heavy and have trained personnel. Their personnel do not go home at night. They are a 24 hour a day operation. There is no wait for them to get dressed, get ready after getting called to get out to the scene. They are fast and efficient and get the Police Officers back on the job. They also do underwater recovery and airplane rescue. Mark Allens Towing does just about everything. Mr. Yonski commented that if you think it should be within Pemberton, then you would say the same thing about Deborah Hospital's doctors, emts and the Police Department. They should all be here, in Pemberton. All of those people do not all live here. If one has a new car and they go to a dealership, they go to Mt. Laurel or perhaps Cherry Hill and they have a choice. He specializes in towing contracts and that's what he does. He would like to bring his specialty and expertise to the Township and he has been stopped and it is because he is not a business within Pemberton Township. Mr. Yonski stated this needs to change. He also has

contracts with Marlton, Lumberton, Mount Holly, Westampton, Eastampton, Pemberton Boro and Willingboro and he is not in any of those Township. Mark Allens Towing has responded within the time limit that most contracts are under. If Council is thinking about the safety, the time and the people that are involved in that accident, to clean that site, to get the continued traffic rolling and bring the Officers and Fire Departments back and to get it all done efficiently, Mr. Yonski suggested looking outside of the Township and bring professionals in. Mr. Yonski noted that the Mayor commented there might be someone that lives on the other side of town and they have shops in Lumberton, Eastampton and Berlin. They have those capabilities with all; 15 heavies, lights, and tow trucks. Mr. Yonski stated to make the Township's life easier, the Police Officers life easier and easier for the people on the scene. Mr. Yonski commented if your mother or child is out there waiting for somebody to get dressed, to get called, to come out there, you would hope that somebody would be able to come and pick you up in the middle of the winter, the rain, or the cold as fast as they can. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Andy Bayer: 1. He had sent a memo to the Mayor and Business Administrator that the NJ Supreme Courts within the last weeks declared local ordinances regulating where sex offenders live as a violative of state law. The Township has an ordinance and he recommends Council adopt an ordinance which in essence vacates that law completely because it is illegal. It has gone as far as it's going to go through the NJ court system. Mr. Prickett commented that he had asked Mr. Bayer about the file that was involved in the Inge Investigation through Carol Harding. Mr. Prickett asked if that is available for him to review at this time. Mr. Bayer asked which file that would be. Mr. Prickett replied it was a file regarding a past investigation that involved him and Ms. Caroline Radice and it said that it appeared that there wasMr. Bayer interjected that he did speak to.....Mr. Prickett continued that he wanted to find out where that information came from because he was much unaware of what he read in that report. Mr. Prickett asked if the file was in the building. Mr. Bayer replied he will check with Ms. Harding and he did speak to her regarding that matter and she can speak for herself. Mr. Prickett informed Ms. Harding did not respond to his email. Mr. Bayer was aware of that and advised Mr. Vaz has something.....Mr. Vaz interjected that he has an answer for Mr. Prickett and he can discuss it after the meeting with Mr. Prickett. Mr. Prickett commented that as he stated before when someone says it appears that everything was okay, it's either it is or it isn't and asked how do you come up with it appears. Mr. Vaz responded that may have been a quote of his that Ms. Harding used but she will not have an answer to the question about if there is a file or if there is not a file but he has an answer.

ENGINEER'S REPORT:

Chris Rehmann: 1. Mrs. Stinney noted the county came out for Evergreen and West Lakeshore and removed trees on the property. The site is a lot better and kudos to the county. Mr. Cartier commented that he had asked Mr. Rehmann at the last meeting and to be prepared to give a report on the Country Lakes dams. Mr. Rehmann informed Mr. Ingram who is the ground water and surface water hydraulic specialist call the state of New Jersey. ARH was suppose to receive a final decision on the hydrologic study for the dam that they have now had for seven months. The state is suppose to have a final decision by May 30th. That final decision will be to approve or to approve with questions the report that was submitted. As soon as ARH receives that, they will make that information available to Council. However, the state was suppose to have on May 15th, their final decision on the middle embankment on Presidential Lakes and they are now five days late. At this point, the only thing ARH can do is what they have been doing which is calling once a week and they will increase that to twice a week to try to get a response. Mrs. Scull suggested to not make them angry. Mr. Cartier

expressed that is the catch twenty two that we're in. If we pester them about it, they get mad and decline the entire thing and say redo it or whatever. If they want something done, God forbid we miss that deadline. Mr. Rehmann replied that Mr. Cartier is correct and ARH is on top of this because they promised the residents of Country Lakes that they would stay on top of this and they are trying to push this to its conclusion. ARH has also been trying to push the middle embankment of Presidential Lakes to a conclusion because the last thing he wants to do is finish a major dam and not be able to put the water back in. They are pushing those people for the final approval. The embankment is not difficult and should be a review and approval and take the state at the most thirty days. The state has had it since January and has had Country Lakes since the November/December timeframe. Mr. Rehmann informed he has a 10:00 conference call with the Executive Committee of the American Orchid Society of Bridgeton. He is a Vice President and they are trying to get their budget resolved and he would like to be excused if Council President Stinney has no objection or unless another member of Council has a question. Mrs. Scull commented that it took us two and one half years to get a complaint about Mr. Rehmann and that's pretty darn good. She knows it wasn't Mr. Rehmann and it was a mistake. Mrs. Scull commended Mr. Rehmann for making it for two and one half years. Mr. Rehmann replied that he enjoyed the opportunity to talk to both Mr. Inge and Mr. Prickett regarding the road bond ordinance because they have provided some good ideas about what they would accept on any further road project in the Township and with the work that is done by Mr. McNaughton. If we can get that finished, they can come back to Council with an overall plan to come up with a five year plan. Mrs. Stinney thanked Mr. Rehmann for the respect that he gives the public. She is humbly grateful.

MAYOR'S REPORT:

David Patriarca: 1. Our Memorial Day service will be held on Monday at our Memorial Park on Trenton Road. The Mayor invited everyone to come out and spend the morning with us for this very special event. The Base Commander, Colonel Grasso, from the megabase has accepted our invitation to speak along with Colonel Ronald R. Thaxton, the Installation Commander at Fort Dix who will be our guest speaker. Our event has been getting better every year and we should all be proud of the committee that put this together. The committee is most comprised of our veterans and it is well worth attending. The Lions Club will be in the area giving our free hotdogs during this event.

BUSINESS ADMINISTRATOR'S REPORT:

Chris Vaz: 1. We have received the State's budget examination letter. After the Council introduces the budget, it gets sent to the State, the Division of Local Government Services, to have one of their accountants review it. Mr. Vaz has placed a call to the examiner and has not spoken with him. The examiner has indicated that in his calculation, we are still \$235,000 over the tax levy cap. It is not clear from his review sheets how that was derived. Mrs. Eden, our CFO, informed that in speaking with Mr. Applegate, the auditor, the State this year is disallowing inclusion of capital surplus as a revenue for purposes of the tax levy cap calculation. Mr. Vaz conveyed that he will find out when he speaks to him directly as well as Mr. Applegate, what the history on this was. Mr. Vaz indicated that he was informed by Mrs. Eden and others that traditionally that was something that was permitted in budget. Because of the new tax levy cap law, that is something they are disallowing. The end result is going to be that the budget is going to have to be amended because the state will not approve a budget that is over the tax levy cap. Administration has been reviewing the budget and making cuts and should have something for Council by next week. Mr. Vaz informed they are looking at employees who have left or will be leaving since the budget has been introduced; cutting the next six months salary out of the budget and saving money that way. Mr. Vaz has also met with the unions and will meet again tomorrow or Friday. We are back to the drawing board in one respect and unfortunately it is going to require another hearing on the changes that have to be

made. Once he can talk to the examiner, he will be able to better prepare a memo for Council explaining the calculation. Mrs. Scull asked if the auditor didn't know that this is now disallowed. Mr. Vaz replied the auditor first learned about it when he was appearing before the local finance board with one of his other municipal clients about three weeks ago. Mr. Cartier asked if he could have a copy of the report. Mr. Prickett asked if the entire Council can receive a copy of the report. Mr. Vaz answered yes and he was hoping to attach it to his memo but will provide it now. Mr. Inge stated that Mr. Vaz sat in on the Planning Board meeting on May 7th regarding his application and asked Mr. Vaz how he voted on that. Mr. Vaz replied that he did not vote on that. Mr. Inge asked Mr. Vaz what he did and if he recused himself. Mr. Vaz responded the Mayor had already recused himself in the memo and he left the meeting before Mr. Inge's application was even heard. Mr. Vaz informed that he specifically stayed after the break to announce that he was leaving the meeting so that the record would be clear and no he did not participate in Mr. Inge's hearing. Mr. Inge stated Mr. Vaz sent his attorney a letter on May 12th with concerns. Mr. Inge passed out copies of this letter to the remainder of Council and informed that Mr. Bayer already has a copy of the letter because a copy was forwarded to his office. Mr. Inge expressed one big concern and he understands some of Mr. Vaz' questions about the professionals being paid and if they are under the bankruptcy act or not but he has a real hard time understanding Mr. Vaz questioning a state fire inspector concerning his application. Mr. Inge stated to Mr. Vaz that he didn't know he was a building inspector also. Mr. Vaz replied that he is not a building inspector. Mr. Inge asked Mr. Vaz what authority he used to question his application with a state fire inspector that was here for a different matter all together. Mr. Vaz responded that he was questioned by the fire chiefs and he informed them that he would look in to it and he let it go for three or four months since it was presented to him. Mr. Vaz continued that the inspector happened to be here on another matter, so he just asked him. Mr. Inge stated to Mr. Vaz that he was questioned by a fire chief and asked which fire chief. Mr. Vaz replied our fire chiefs, Pemberton Township fire chiefs. Mr. Inge asked Mr. Vaz if the Pemberton Township Fire Chiefs Association questioned his application. Mr. Vaz answered that he doesn't know if it was the association because he doesn't know if they met since prior to January. Mr. Inge asked if it was after his vote or was it prior to his vote. Mr. Vaz replied it was several months ago and the state inspector happened to be in the building on a Pemberton Township issue involving the basement and the sprinkler system and when he was here, Mr. Vaz just happened to ask him. Mr. Vaz advised the inspector replied he couldn't imagine why one would not be required so that's why he pointed it out to him so he wouldn't have the issue come up at a later time so at least now while going through the follow up items, he has time if it is necessary and he doesn't know that it is. He only pointed out for Mr. Inge's attorney so they can figure it out in the interim time that they have before they can open. Mr. Inge commented that he doesn't think anybody else's application in the Township and when the Hungry Piney was put in, he can guarantee that question was never asked by a state inspector or by the Business Administrator of the Township. Mr. Vaz stated to Mr. Inge that he gets requests every day of the week from people and he filters them out and writes notes and Mr. Inge is not different than any other application. Mr. Vaz apologized to Mr. Inge if it offended him but if his lawyer and he look in to it and they don't need one then that's fine; he'll get a certificate of occupancy. Mr. Vaz continued that his intent was knowing that he was being questioned about it was to avoid a situation where he found out when he came in for a C.O. down the road that he learned at a later time that he needed something and he wanted to avoid the whole drama that would have caused because he has time to do it if in fact it's necessary. Mr. Inge stated the C.O. would come from another Township. Mr. Vaz advised they are applying the same law; it's a state law. Either way if he has a C.O. inspection and someone questions where the sprinkler system is, he wouldn't get the C.O. and at least now there is time to do it if it's necessary. Mr. Vaz conveyed that he has no idea if it's necessary and reiterated that the inspector stated he can't imagine why one would not be required. Mr. Vaz added that he doesn't know that

Mr. Inge doesn't have one. Mr. Vaz reiterated that he just pointed it out to Mr. Inge's attorney. He has never been in Mr. Inge's place; he has never been on the property. He drives by it every morning and every night going home, but he doesn't know what Mr. Inge does or does not have. Mr. Vaz only knows that he was questioned about it and the fire inspector indicated that he thinks Mr. Inge might need one and that's all. Mr. Inge expressed that he finds it very hard to believe that the fire chiefs if they had a question they could have contacted his office or him if they had a question and he could have answered their question. Mr. Inge commented that at the last Council meeting how we had a couple of Council members that stated we should be working together and things like this make it very hard for him to understand that everybody is looking out for each other in this Township. Mayor Patriarca asked Mr. Inge if he would like Administration to ignore the fact when a complaint comes up that there may be violation that they should ignore that because it's him and if that's where we're going with this. Mr. Inge stated if there is a complaint and it should be in writing and if Administration is going to act on that complaint and that complaint should be a matter of public record and he should be able to get a copy of that complaint. The Mayor stated if that complaint was in writing, yes Mr. Inge would have that option but not all complaints come in writing. An individual has the right to whether give an anonymous complaint or a verbal complaint and Administration has an obligation to follow through on that complaint and most certainly if it involves the safety of a resident in this Township. Mayor Patriarca continued that if that is a valid issue and Administration does not know if that is a valid issue because quote frankly he gets the idea that Mr. Inge is implying that Administration made this up and called the fire official and told him to go check this out and maybe they could see something new at Mr. Inge's place. The Mayor stated that is not the case and he doesn't know anything about sprinkler systems and wouldn't know if Mr. Inge needed one or not so why would he even think that. Mayor Patriarca continued that is where he thinks Mr. Inge is going with this and he thinks Mr. Inge is wrong. Mr. Inge stated he does not think he's wrong. The Mayor continued that Mr. Inge needs to understand if there is a violation, you need to correct it. If there is no violation, you have nothing to worry about. Mr. Inge commented if there is a complaint made and if Administration acts on that complaint, he believes the complaint has to be in writing and a copy of that should be forwarded to the person that the complaint is about. Mayor Patriarca stated to Mr. Inge that he is sorry he is wrong; the complaint does not have to be in writing. The Mayor continued to state to Mr. Inge for him to tell the complainant when they come in and complain to him. The Mayor is sure a resident in this town at some point has come to Mr. Inge during his two and one half years on Council and complained to him about something in the Township verbally. He is sure that has happened because if it hasn't happened then he has to believe that Mr. Inge is not an approachable Council person and maybe he's not the best representative for the Township because Mr. Inge should get those type of complaints daily as he does. Mayor Patriarca informed that residents walk up to him every and say can you do something with this or this. The Mayor asked what is he suppose to do tell them to put that in writing and sign it. Mayor Patriarca conveyed they don't have to do that and they have a write to express themselves verbally which individuals do and if they did then we have an obligation to act on that. Mr. Vaz clarified that it was not presented to him as a complaint. It was presented to him as a concern and as a question whether there was a sprinkler system inside and quite frankly because of the controversy surrounding the application, he told them he would look in to it the next time he saw the fire inspector because we see him about once a month. Mr. Vaz told the fire chiefs he will handle it and then deal with it at the appropriate time. It wasn't really a complaint, it was a concern whether a restaurant that is going to have patrons had one and if it didn't, whether one was required. Mr. Vaz noted the question he still doesn't have an answer to; he kind of tossed the ball back to Mr. Inge's lawyer and they can figure it out and then they'll know and then they won't be surprised when he goes and gets his C.O. Mayor Patriarca conveyed that he can sit here in good conscious and say the Business Administrator did

approach him on this issue and did say he wanted to make this issue known to Mr. Inge so he would have the time and ability to take care of this before he came in for a Certificate of Occupancy so there would not be additional issues. The Mayor continued that Mr. Vaz did indicate that he wanted to head this off and give Mr. Inge the opportunity so he could be afforded the right to take care of this on his own without the official having to come in and stopping any Certificate of Occupancy. The Mayor stated so much for trying to be the good guy. Mr. Inge stated he would like to see that day.

COUNCIL MEMBER COMMENTS:

Diane Stinney: **1.** Congratulated Mr. Cartier for his recent degree from BCC. Mrs. Stinney asked Mr. Cartier for his GPA. Mr. Cartier informed it was 3.25. **2.** Thanked the Lions Club for their representation this evening and for sponsoring and allowing Jordan Glover to come before them with her presentation of wanting to get to the Forensic Camp in August. Miss Glover is in the fourth grade and her principal, Mr. Beebee, and teacher, Miss Parham, came out to support her. Mrs. Stinney found her very interesting and added that she was a three year old in her program and that is where she started from. Miss Glover spoke of how she wanted to go to camp. There are some great things that happen in this Township and unfortunately it doesn't get printed in the newspaper; all of the trash goes on the front page. **3.** The ribbon cutting will be on May 27th for our new Early Childhood Center. Many parents, staff members and Mr. Jerry Declemente supported this for years. Mrs. Stinney is honored to say that on May 27th, we will have the ribbon cutting ceremony of the Early Childhood School. It is something that we needed free from the state. There was also another school getting their building and she kept asking when our turn was coming when she sat on the school board. Mrs. Stinney thanked God that she will be here, Lord willing, to see the ribbon cutting after years of debate of this Early Childhood School. **4.** Noted the Mayor spoke of the Memorial Day Parade. Agreed with the Mayor that the residents do complain. She had a resident call her and ask if there will be a Blue Angel presentation at the Memorial Day Parade. Mrs. Stinney replied that the Mayor did put a request in for a flyover but did not know if it was going to occur. **5.** Would like to start from this Council meeting on to build up and support the Kelly Miller Circus that is coming on June 11th. We do have a lot of good things to come in this Township and almost every resident and child of this town that has the opportunity to come and show up for this circus. **6.** On Saturday at 10:00, some little children, T-ballers, are going to have their all star game across the street at the field. They are 4 and 5 year olds. Their names will be announced. Mrs. Stinney asked everyone to come out and support the little ones for their t-ball game. **7.** Many people say that Council doesn't work together and she doesn't believe it. Mrs. Stinney thanked the Council publicly for working together this evening. She thanked them for their resources, their comments, their recommendations and most of all for the respect that the Council has shown the public this evening. Mrs. Stinney thanks the Council because that is very important that they respect the residents. **8.** Thanked everyone for coming out tonight. Noted that Council will be returning to Closed Session.

Ken Cartier: **1.** No disrespect, but there will be numerous all star games this Saturday. Knows that Mrs. Stinney is biased for the t-ball program but there are other age groups out there that will be showing their skills in the all star games and there will be games all day long. **2.** Thanked Mr. Lewis and Mr. Dancy for the invite to the Lake Valley Civic Association meeting last night. It was very enjoyable and he had a nice time. They have some good entertainment programs coming up such as a bus trip to Atlantic City on June 20th, some game nights on Friday nights and a barbeque on June 25th. Mr. Cartier encouraged the residents to come out. **3.** Thanked everyone for coming out and wished everyone a nice night.

Tom Inge: **1.** Thanked the residents for coming out tonight. **2.** To the people on Whitesbog Road, he hopes everything works out and the cost of asphalt stays down

and Pinelands doesn't hold us up for one to two years. **3.** For two and one half years it took him to get approvals from the Planning Board to open a business in this Township. For Administration to tell him that they are trying to do him a favor, he finds that very hard to believe and thinks the residents in the Township will find that very hard to believe; that Administration was looking out for the best interests of him and his family when they do things. Council can say what they want to say. He asked the Council before to investigate Administration and certain departments in this building and nothing has been done. A complaint is made against him and an investigation happens right away. We still don't know how much that investigation cost. Residents wanted to come forth and give testimony that were here the evening that was in question and Council President would not allow them to give testimony before they made a ruling in his case. Mr. Inge thinks that it just shows they knew what they were going to do before they got in the building that evening. **4.** In regard to towing, if we are going to have towing companies, they should be in the Township. If it takes them five minutes to get dressed and come out, if there was an accident where his family was involved, he doesn't think they would be sitting in a tow truck; they would be in an ambulance or sitting in a police car until the street was cleared. He doesn't think the safety of a tow truck would be sufficient for his family. Mr. Inge does not have a problem with going out of town for heavy trucks but the businesses in this Township need the support of the Council and they need the support of the residents and we should keep the business in this Township if we can. They have to apply by state rules and regulations just like a 24 hour service would have to. Their buildings would have to be maintained according to state regulations to be able to have a towing company that could be registered with the Township. **5.** Hopes everyone has a safe trip home this evening.

Sherry Scull: **1.** Now that Mr. Cartier is freer with his time, she would like to set up a meeting where the businesses come in and tell them which ordinances are really causing a problem for them. Quite often Council hears how Pemberton is not business friendly. Mrs. Scull does not know what ordinances need to be changed or even if some of them can be changed. She has been told that some of the things are mandated by the state. Mrs. Scull reminded that she and Mr. Cartier had made a commitment a few months ago to meet with the local businesses where they can come and say this ordinance cost me this much money and if I were in a different municipality it wouldn't cost me anything. Those are the things we need to know so that we can make changes that benefit the businesses in the town. That's something she has wanted to do for quite a while. Mrs. Scull stated Mr. Cartier had agreed to work with her; she had asked another Council member who she thought would be knowledgeable in that area but of course couldn't be bothered. Mrs. Scull and Mr. Cartier made the commitment six months ago and now that he is finished with school she would like to see something set up and advertise it so the businesses will know and they can meet in the next four to five weeks. **2.** Does feel that our Township residents should be given priority in regards to towing. It's nothing against the people in businesses that aren't in the Township. There are times when as the Mayor pointed out there is an accident on Route 206 and North Pemberton Road, Eastampton might be the smartest call for the Police to make. The Police need to have that option. Mrs. Scull reiterated that our businesses should have priority. Mrs. Scull spoke of her Uncle George that was on the towing list. Suggested not doing the towing by the month as it might limit the ability of our residents to take advantage of that opportunity. **3.** Looking forward to the Memorial Day Parade. She has been working on a program and had planned to have it out Monday but she is still finding soldiers that gave their life in World War II and the Civil War and she doesn't want to miss anybody. The program may not be out until next year. Something is going to be out for Monday but it's not going to be what she had hoped. She is not giving up on it but rather than hurry up and possibly miss someone, it's the worth the time to do it correctly. **4.** Thanked everyone for coming out. It's a pleasure to have an audience.

Rick Prickett: 1. Had an opportunity this weekend at the BMIA Meeting to hear Tom Campbell of Deborah speak. Mr. Campbell is the public relations person for Deborah as well as many other things. We all know that we can go to Deborah for our heart problems but might not know that we can also go there for a sleep problem. Mr. Prickett didn't know that we could also go to Deborah for a balance problem. Some people have serious balance problems and can't stand up and feel sick all of the time. Apparently Deborah has a program there to address that. Someone had mentioned that to him at a Council meeting a while back so he is bringing it up tonight in the hopes that you know who that person is and you can relay the information to them. Just call Tom Campbell's office and make an appointment to be evaluated and get the treatment that you need. 2. Wanted to respond at something that occurred at the last Council meeting. Mr. Prickett agreed partially with what Mrs. Stinney stated at the last Council meeting which was there are always two sides to a situation; your side, their side and the truth. Mr. Prickett commented that we all perceive the world from our own experiences and most interactions between people are in degrees of understanding and communication and not between an absolute truth or lie. With that in mind, Mr. Prickett must respond to several of the criticisms that Mrs. Stinney leveled against him during her comments at the last Council meeting. He would have responded at that time, but Mrs. Stinney, as Council President, did not afford him the opportunity to do so. Mrs. Stinney stated at the last meeting that he could have been courteous enough to call her before the Inge censure hearing to inform her of his intent to recuse himself from that hearing. The first thing that came to his mind at that point was why didn't Mrs. Stinney reach out to him which is her duty as Council President to let him know she had prepared a resolution of censure against Mr. Tom Inge. It was Mrs. Stinney's responsibility as Council President to get that resolution to all Council members before the meeting and not spring it on them at the last minute. If Mrs. Stinney had done that, he would have told her that he probably would recuse himself because the information in the Inge investigation concerning him was not available for his review and he was still waiting for Mr. Bayer to get back to him after he said he would contact Carol Harding about his concerns. Mr. Prickett asked Mr. Bayer about that tonight. Mr. Prickett's other thought was why did the Council President keep the structure of the Inge censure hearing so secretive. Why did she not have the witnesses there for Mr. Inge and his attorney to question and where was Carol Harding, the attorney that investigated the matter? Why did Mr. Inge and his attorney not have the charges that were leveled against him in the censure resolution available so they could fairly respond to the accusations? Mr. Prickett noted that Mrs. Stinney spoke a bit about personal agendas when she was making these comments last week and he just hopes this wasn't a part of a personal agenda on her part. Mr. Prickett stated that Mrs. Stinney stated he was rude to her when he recused himself at the beginning of the Inge censure meeting; however, she failed to mention how rude she was to Mr. Baxter, Mr. Inge's attorney, when he attempted to defend Mr. Tom Inge. Mr. Prickett hopes the public has an opportunity to hear the recording of that hearing and judge for themselves who was rude and disrespectful at that hearing. Mr. Prickett stated to Mrs. Stinney that he welcomes her criticisms; interaction between people can always be a good learning experience where we can grow and make positive change in our lives; not a gotcha moment as he hears her often say. 3. Wished everyone a good night.

Mrs. Stinney thanked Council for their comments this evening. Council will be returning to Closed Session. When Council returns from Closed Session there will be no action and the topics will continue.

Council President Stinney recessed the meeting at approximately 10:39 pm and reconvened the meeting at approximately 11:12 pm.

The meeting as adjourned at 11:13 pm.

Respectfully submitted:

Amy P. Cosnoski, RMC
Deputy Township Clerk