

**TOWNSHIP OF PEMBERTON**

**REGULAR MEETING**

**MAY 6, 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  
Tom Inge  
Ken Cartier  
Diane Stinney

**ABSENT**

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Solicitor Representative Dave Clark, Township Engineer Chris Rehmann

2. Chairwoman Stinney called the meeting to order at 6:30 pm
3. Closed Session Res. No. 111-2009

**RESOLUTION NO. 111-2009**

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
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Mr. Clark did not have anything additional for Closed Session.

Motion by Prickett and Scull to adopt Resolution No. 111-2009. Prickett, yes; Scull, yes; Inge, yes; Cartier, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION

Council President Stinney recessed the meeting at approximately 6:34 pm to go in to Closed Session and reconvened the meeting at approximately 7:01 pm.

5. Formal action as necessary pursuant to closed session.

Mrs. Stinney informed there will be no formal action pursuant to Closed Session.

6. Public comments on consent agenda items only.

Council President Stinney advised the Business Administrator, Mr. Vaz, is Acting Mayor this evening. Mrs. Stinney noted Administration is asking Council to add two resolutions to the agenda this evening for grants that have due dates of May 13, 2009. Mrs. Stinney commented that the resolutions can be added to the Consent Agenda before it is adopted or it can be added to other resolutions. Mr. Prickett asked for the cost to do these applications for the grants. Mr. Vaz

informed with regard to the Wayfinding Signage Study, Administration is anticipating approximately \$40,000 for that and for the Sidewalks and Crosswalks, ARH has not had a chance to cost it up yet because we are still trying to find the locations. Mr. Prickett expressed that he is happy to hear that this is perhaps what we would receive from the grant if awarded, but his question was how much is it going to cost to prepare the application. Mr. Vaz apologized and informed that he is waiting to hear from Ragan and Design on the Wayfinding Signage Study and from ARH on the Sidewalks and Crosswalks. Mr. Rehmann informed it is approximately \$1,500 to \$1,800 for the transportation enhancement grant which will consist of using solar lighting to enhance the crosswalk areas especially in the school areas where we can obtain better pedestrian safety. Mr. Prickett asked if the other grant is similar in cost. Mr. Vaz answered yes.

Motion by Scull and Prickett to add Resolution No. 118-2009 to the Consent Agenda. Scull, yes; Prickett, yes; Inge, yes; Cartier, yes; Stinney, yes. Motion consent.

Motion by Scull and Prickett to add Resolution No. 119-2009 to the Consent Agenda. Scull, yes; Prickett, yes; Inge, yes; Cartier, yes; Stinney, yes. Motion carried.

Mrs. Stinney asked Council to pull Ordinance No. 11-2009. This ordinance has been given to the Planning Board for their review at their May 7<sup>th</sup> meeting and if approved, it will be advertised for a public hearing on June 3<sup>rd</sup>. Because of the advertisement requirements, we can't have the public hearing on the 20<sup>th</sup>.

Motion by Prickett and Scull to pull Ordinance No. 11-2009 from the agenda. Prickett, yes; Scull, yes; Inge, yes; Cartier, yes; Stinney, yes. Motion carried.

Mr. Cartier clarified that the Planning Board does not have the authority to approve or disapprove the ordinance. They can only send recommendations back to Council.

Mrs. Stinney opened the meeting to the public for 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 on Consent Agenda items only.

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

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

a. Regular Meeting April 15, 2009.

**\*9. CONSENT AGENDA RESOLUTIONS**

**RESOLUTION NO. 112-2009**

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON 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:  
CURRENT FUND  
# 265 FIRE HYDRANT RENTAL - 1,000.00

# 415 COMPENSATED ABSENCES - (1,000.00)  
# 940 STATE AND COUNTY LOANS - (1.75)  
WATER UTILITY FUND  
# 522 BOND INTEREST - (2,157.00)

**RESOLUTION NO. 113-2009**

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:  
NEW JERSEY HOME CONSTRUCTION INC., \$782.59, DUPLICATE PAYMENT OF 4<sup>TH</sup> QUARTER 2008 TAXES ON BLOCK 401, LOT 5.  
MELVIN J. & OLIVIAN CLEMMONS, \$2,857.97, DUPLICATE PAYMENT OF 3<sup>RD</sup> & 4<sup>TH</sup> QUARTER 2008 TAXES ON BLOCK 1092, LOT 11.  
BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS, \$3,152.05, PAYMENT OF 1<sup>ST</sup> & 2<sup>ND</sup> QUARTER 2007 TAXES ON EXEMPT PROPERTY ON BLOCK 778, LOT 4.

**RESOLUTION NO. 114-2009**

BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO CANCEL ALL OUTSTANDING TAX DEBIT BALANCES UNDER THE AMOUNT OF \$10.00 (TEN DOLLARS) FOR THE YEAR 2009, AND TO TRANSFER TO SURPLUS ALL CREDIT BALANCES UNDER THE AMOUNT OF \$10.00 (TEN DOLLARS) FOR 2009.

**RESOLUTION NO. 115-2009**

RESOLUTION AUTHORIZING PREPARATION OF ESTIMATED TAX BILLS  
WHEREAS, THE DIVISION OF LOCAL GOVERNMENT SERVICES, STATE OF NEW JERSEY HAS THE AUTHORITY BY STATE STATUTE TO EXAMINE, REVIEW AND THEN CERTIFY ALL LOCAL GOVERNMENT BUDGETS TO THE COUNTY BOARD OF TAXATION FOR THE PURPOSE OF REAL ESTATE TAXATION, AND  
WHEREAS, THE BURLINGTON COUNTY BOARD OF TAXATION HAS NOT YET RECEIVED CERTIFICATION OF THE TOWNSHIP OF PEMBERTON'S BUDGET AND CANNOT STRIKE A TAX RATE UNTIL SUCH CERTIFICATION IS RECEIVED FROM THE STATE OF NEW JERSEY AND WILL THEREFORE CAUSE DELAY IN RECEIVING STATE FUNDING, AND  
WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT THERE WILL BE INSUFFICIENT CASH FLOW TO SUPPORT OPERATIONS IN LATE AUGUST 2009 UNLESS THIRD QUARTER REVENUE IS RECEIVED ON TIME, AND  
WHEREAS, THE TAX COLLECTOR AND THE CHIEF FINANCIAL OFFICER HAVE REVIEWED AND COMPUTED AN ESTIMATED TAX LEVY IN ACCORDANCE WITH N.J.S.A. 54:4-66.3,  
NOW THEREFORE, BE IT HEREBY RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY AUTHORIZED THAT:

1. THE TAX COLLECTOR IS DIRECTED TO PREPARE AND ISSUE ESTIMATED TAX BILLS FOR THE MUNICIPALITY OF PEMBERTON TOWNSHIP FOR THE THIRD QUARTER 2009, IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 54:4-66.2 ET SEQ.
2. THE ENTIRE ESTIMATED TAX LEVY FOR 2009 IS HEREBY SET AT \$9,080,444.08
3. THE TAX COLLECTOR TAKES ANY ADDITIONAL STEPS NECESSARY TO IMMEDIATELY IMPLEMENT THIS RESOLUTION.

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

**RESOLUTION NO. 116-2009**

WHEREAS, THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY (UEZA) REQUIRES URBAN ENTERPRISE COMMUNITIES TO SUBMIT A BUDGET FOR THE UPCOMING FISCAL YEAR, JULY 1, 2009 THROUGH JUNE 30, 2010; AND  
WHEREAS, THE UEZ COORDINATOR FOR THE TOWNSHIP OF PEMBERTON HAS PREPARED A PROPOSED BUDGET TO BE FILED WITH THE STATE OF NEW JERSEY UEZA; AND  
WHEREAS, THE TOWNSHIP OF PEMBERTON PROPOSES THE USE OF URBAN ENTERPRISE ZONE FUNDS FOR THE ADMINISTRATION OF THE ZONE AND TO FURTHER ECONOMIC DEVELOPMENT OVERALL.  
NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, DOES HEREBY AUTHORIZE THE SUBMISSION OF THE FY 2010 UEZ ADMINISTRATION BUDGET FOR ANTICIPATED UEZ ASSISTANCE IN THE AMOUNT OF \$30,000 FOR THE PEMBERTON TOWNSHIP URBAN ENTERPRISE ZONE PROGRAM TO THE STATE OF NEW JERSEY, UEZA FOR APPROVAL.  
BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK SHALL FORWARD CERTIFIED COPIES OF THIS RESOLUTION TO THE NEW JERSEY URBAN ENTERPRISE AUTHORITY AND THE UEZ COORDINATOR.

**RESOLUTION NO. 118-2009**

APPROVES SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE "WAYFINDING SIGNAGE STUDY" PROJECT.  
WHEREAS, THE BROWNS MILLS DOWNTOWN STRATEGIC REVITALIZATION STUDY HAS BEEN AN ONGOING PROJECT OF THE TOWNSHIP OF PEMBERTON SINCE RECEIVING A TRANSPORTATION AND COMMUNITY DEVELOPMENT INITIATIVE GRANT FROM THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION; AND  
WHEREAS, WAYFINDING SIGNAGE WILL PLAY AN IMPORTANT ROLE IN FOSTERING A HIGH QUALITY APPEARANCE AND VIBRANCY FOR THE DOWNTOWN BROWNS MILLS AREA AND MAY ALSO PLAY AN IMPORTANT ROLE IN MEETING REQUIREMENTS OF THE PRIVATE SECTOR FOR COMMERCIAL VITALITY AND CORPORATE IDENTITY; AND  
WHEREAS, A WAYFINDING SIGNAGE STUDY WILL ENHANCE AND SUPPLEMENT THE BROWNS MILLS DOWNTOWN STRATEGIC REVITALIZATION STUDY BY REVIEWING PEMBERTON TOWNSHIP'S EXISTING SIGNAGE, SIGN STRUCTURE, SIGN LOCATIONS, AND ICONS/LOGOS USED ON THOSE SIGNS, AND WILL CONSIDER OPTIONS FOR NEW SIGN DESIGNS, SIGN STRUCTURES, SIGN LOCATIONS, AND APPROPRIATE TOURIST ATTRACTIONS AND COMMUNITY INTEREST/HISTORICAL ITEMS THAT SHOULD BE SIGNED; AND  
WHEREAS, THE MAYOR STRONGLY RECOMMENDS THAT PEMBERTON TOWNSHIP SEEK FUNDING FOR THIS STUDY UNDER THE TRANSPORTATION ENHANCEMENT ARRA (ECONOMIC RECOVERY) PROGRAM ADMINISTERED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.  
NOW, THEREFORE, BE IT RESOLVED THAT COUNCIL OF THE TOWNSHIP OF PEMBERTON FORMALLY APPROVES THE GRANT APPLICATION FOR THE ABOVE STATED PROJECT.  
BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SUBMIT AN ELECTRONIC GRANT APPLICATION IDENTIFIED AS (ENTER HERE THE APPLICATION ID FROM NJDOT SAGE) TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON BEHALF OF PEMBERTON TOWNSHIP.  
BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SIGN THE GRANT AGREEMENT ON BEHALF OF PEMBERTON TOWNSHIP AND THAT THEIR SIGNATURE CONSTITUTES ACCEPTANCE OF THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT AND APPROVES THE EXECUTION OF THE GRANT AGREEMENT.

**RESOLUTION NO. 119-2009**

APPROVES SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE "SIDEWALKS AND MID-BLOCK CROSSWALKS IMPROVEMENT" PROJECT  
WHEREAS, THERE ARE A NUMBER OF AREAS IN PEMBERTON TOWNSHIP THAT WOULD BENEFIT FROM NEW FACILITIES FOR PEDESTRIANS, SUCH AS IN THE VICINITY OF SCHOOLS INCLUDING, BUT NOT LIMITED TO, THE BUSANSKY AND EMMONS SCHOOLS, AND IN THE VICINITY OF THE SENIOR CENTER AND BROWNS MILLS POST OFFICE, AND OTHER AREAS THAT MAY BE DETERMINED BY THE TOWNSHIP ENGINEER AND MAYOR; AND  
WHEREAS, POTENTIAL PEDESTRIAN FACILITIES INCLUDE NEW SIDEWALKS AND MID-BLOCK CROSSWALKS; AND  
WHEREAS, THE MAYOR RECOMMENDS THAT PEMBERTON TOWNSHIP SEEK FUNDING FOR THIS PROJECT UNDER THE TRANSPORTATION ENHANCEMENT ARRA (ECONOMIC RECOVERY) PROGRAM ADMINISTERED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.  
NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF PEMBERTON FORMALLY APPROVES THE GRANT APPLICATION FOR THE ABOVE STATED PROJECT.  
BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SUBMIT AN ELECTRONIC GRANT APPLICATION IDENTIFIED AS (ENTER HERE THE APPLICATION ID FROM NJDOT SAGE) TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON BEHALF OF PEMBERTON TOWNSHIP.

BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SIGN THE GRANT AGREEMENT ON BEHALF OF PEMBERTON TOWNSHIP AND THAT THEIR SIGNATURE CONSTITUTES ACCEPTANCE OF THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT AND APPROVES THE EXECUTION OF THE GRANT AGREEMENT.

**\*14. NEW BUSINESS**

- a. Requests from the Public Works Department to expend funds in excess of \$2,000.00 for the purchase of 501 twenty five gallon recycling buckets in the amount of \$6,262.50.
- b. Request from Police Department to expend funds in excess of \$2,000 for the purchase of a maintenance agreement for fingerprint system in the amount of \$2,146.00.
- c. Requesting Council's authorization for receipt of bids for a fire suppression system in municipal building basement.
- d. Requesting Council's authorization for receipt of bids for renovations to Dominique Johnson Recreation Center.
- e. Applications submitted for memberships, licenses, permits:
  1. **Loud Speaker Permit Application:** a. Stephanie Spence for birthday party to be held from 4pm-10pm, on 5/30/09 at the Dominique Johnson Recreation Center; b. Harvey P. Crawford (Nuyaghi Keetoowah Society), for birthday party and honoring ceremony from Noon – 10pm, on 8/01/09 at the Dominique Johnson Recreation Center.
  2. **Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Country Lakes Vol. Fire Company:** Contributing Members Alma Medina and Estella J. Wilkie

**\*15. Approval by Council required for payment of vouchers on bill list dated 5/1/09.**

Motion by Prickett and Scull to approve the Consent Agenda. Prickett, yes; Scull, yes on everything with the exception of 200817, pg 12 of 16, Capital Improvements she would like to abstain on; Inge, yes; Cartier, yes; Stinney, yes. Motion carried.

**10. OTHER RESOLUTIONS**

117-2009 Authorizes the 2009 Municipal Budget to be read by title.

**RESOLUTION NO. 117-2009**

WHEREAS, THE 2009 SUMMARY MUNICIPAL BUDGET OF THE TOWNSHIP OF PEMBERTON WAS POSTED ON THE OFFICIAL BULLETIN BOARD IN THE MUNICIPAL BUILDING FOR A PERIOD OF AT LEAST ONE FULL WEEK PRIOR TO THE PUBLIC HEARING SCHEDULED FOR SAME; AND  
WHEREAS, FULL COPIES OF THE 2009 MUNICIPAL BUDGET WERE MADE AVAILABLE FOR EVERY PERSON REQUESTING THE SAME DURING SAID WEEK PRIOR TO THE PUBLIC HEARING AND ARE NOW AVAILABLE TO ALL PERSONS ATTENDING SAID HEARING; AND  
WHEREAS, IN ACCORDANCE WITH N.J.S.A. 40:4-8, AS AMENDED BY CH. 259 PL 1995, THE MUNICIPAL CLERK HAS CERTIFIED BY SCHEDULE A ATTACHED TO AND MADE A PART OF THIS RESOLUTION, THAT COPIES OF THE 2009 MUNICIPAL BUDGET WERE DELIVERED TO, AT MINIMUM, THE BURLINGTON COUNTY LIBRARY IN WESTAMPTON TWP., NEW JERSEY; TO THE BRANCH LOCATION OF THE BURLINGTON COUNTY LIBRARY; LOCATED IN PEMBERTON TOWNSHIP; THE BURLINGTON COUNTY COLLEGE LIBRARY LOCATED IN PEMBERTON TOWNSHIP; AS WELL AS POSTED ON THE TOWNSHIP'S OFFICIAL WEB SITE;  
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE CONDITIONS SET FORTH IN N.J.S.A. 40A:4-8; HAVE BEEN MET, AND IT IS HEREBY DETERMINED THAT THE 2009 MUNICIPAL BUDGET SHALL BE READ BY TITLE ONLY.

Mrs. Stinney informed the auditor, Kirk Applegate, will be providing a synopsis of the budget this evening.

Mrs. Scull asked Mrs. Stinney if we have received state approval on the budget.

Motion by Cartier and Scull to approve Resolution No. 117-2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney introduced Mr. Applegate. Mr. Applegate explained that this is a very unique budget season. Normally, tonight we would hold a hearing, Council would adopt the budget and it would be done. Because the state is so inundated with new regulations, the state is not able to review our budget document at this time and give us their approval of the budget. Tonight, a hearing will be held and questions will be answered and comments will be heard. At the end, the budget will be tabled because it has to wait until we receive state approval. Mr. Applegate could not say when the state would get to the Township's budget. At this point in time, Mr. Applegate will be providing a brief overview of where the budget is. It is a total spending budget of \$24,221,800. We are using \$3,217,879 of our fund balance, which is our own money that we have in our bank accounts that we are using to support this budget. That amount is \$537,000 higher than the amount used last year. State aid totals \$3,610,000 which is about \$21,000 higher than what we received last year. Other local revenues such as fees, permits, court fees, and grants totals \$4,299,000 and the balance is made up by taxes which is going to be paid by the taxpayers which is \$13,093,000. The budget has two constraints on it which are a spending cap and a levy cap. For the spending cap, the budget is allowed to be increased by 3.5 percent over the preceding year's budget with some exclusions such as debt service; loans have to be paid back. This year's budget is \$1,058,000 lower than the amount allowed to have on the spending cap. The 4% levy cap is a new regulation that came in to play last year. It limits the town's ability to raise taxes more than 4% of what last year's amount was. Again, with a few exceptions; we have to raise the money to pay debt service and if we lose state aid there is an adjustment for those items. There is a worksheet filled out to calculate this number. This year's budget is \$64,642 under that levy cap. The tax rate increase is 9.3 cents. If a home has an assessed value of \$100,000, you will be paying \$93.00 more to the Township and that doesn't include school or county taxes. That is just what comes locally. Every penny of the 9.3 cents is equal to \$87,889. Mr. Applegate asked if there are any specific comments from the audience or Council. Mrs. Stinney opened the meeting to public comments. Mrs. Stinney recognized and thanked Mrs. Eden for her hard work in the preparation of the budget. Mrs. Stinney opened the meeting to public comments. There being no members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments.

Motion by Cartier and Scull to table Resolution No. 103-2009 until such time as we have received approval from the state. Cartier, yes; Scull, yes; Prickett, asked if Council will be given an opportunity to talk about this at that time because as he stated he was opposed to the introduction of the 2009 budget and the reason being that this is an unusual time. People are having a hard time putting food on their table and we are increasing the taxes 9.3 cents and we have a surplus between \$780,000 to \$800,000 that is not being used which is probably a good thing. However, we also have some money in the budget of which one line is \$100,000 down payment for capital projects. The \$100,000 would enable us to borrow \$2 million but we don't have a written capital improvement plan to use that money. Mr. Prickett objects to that and that is over one penny that the budget can be reduced. Mr. Prickett conveyed that he will agree to vote to table but he would like the public and the record to show that he is in opposition to the 2009 budget; Inge, yes; Stinney, yes. Motion carried.

103-2009A Authorizes final adoption of 2009 municipal budget.

**(PUBLIC HEARING REQUIRED AS ADVERTISED. MUST HAVE RECEIVED STATE APPROVAL IN ORDER TO ADOPT TONIGHT)**

## 11. ORDINANCES FOR INTRODUCTION

Mrs. Stinney reminded that Council has removed Ordinance No. 11-2009 from the agenda.

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

Mrs. Stinney informed a public hearing will be held on May 20<sup>th</sup>.

Motion by Scull and Prickett to introduce Ordinance No. 12-2009.

Mr. Cartier asked if that removes the parcel that was discussed at the last Council meeting. Mr. Vaz informed it did.

Scull, yes; Prickett, yes; Inge, yes; Cartier, 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 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$670,178 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF.

Mrs. Stinney informed a public hearing will be held on May 20<sup>th</sup>. Mr. Prickett stated that he had some questions for Mr. Rehmann regarding the road projects. Mr. Prickett asked Mr. Rehmann if the design is complete for all of the road projects. Mr. Rehmann replied not at this time. Mr. Prickett asked then we don't know how much each of the projects will cost. Mr. Prickett conveyed that we do have an estimate. Mr. Rehmann informed that is all that we have, an estimate. Mr. Prickett asked if there may be a need for a permit from Pinelands for Whitesbog Road. Mr. Rehmann responded yes. Mr. Prickett commented that we might be going out to bond and might have money but we might not have any projects as we don't know how much they are going to cost. Mr. Rehmann explained it was their intention to segregate North Whitesbog Road out of the overall project because when you are repaving a road that is already in place a Pinelands permit is not required. Mr. Rehmann continued what they are attempting to do is take advantage of the fact that crude oil today was \$52 and going up another \$2 and they would like to get this road project completed as quickly as possible so that we can take advantage of the low prices. North Whitesbog Road will probably be a fall project. Mr. Prickett expressed that he is not prepared to support this introduction tonight until the road designs are in place and a more accurate costs of each of these roads is available. Mr. Rehmann responded that unfortunately ARH can't do the design because the money to do the design is in the ordinance. Mr. Prickett suggested having a discussion at some point about this and maybe meet because he would like to see what ideas ARH has in mind for this. Mr. Prickett added that he doesn't know how the rest of Council feels regarding this but he would need to meet with the engineer over this before he would support it. Mrs. Scull stated she is ready. Mr. Inge agreed with Mr. Prickett. Mr. Cartier expressed Council approved the list months ago. Mrs. Scull agreed. Mr. Prickett commented that he has had problems with the cost of Whitesbog Road and the cost was \$260,000. \$750,000 was budgeted and that is more than one quarter of a million dollars. It's an unpaved road and we do not have any roads under repair in Country Lakes and

there are perhaps \$25,000 worth of roads in Browns Mills and there are an assortment of other roads that are on the list to be addressed. Mr. Prickett expressed concerns and he cannot support putting \$260,000 in to 1800 feet of road that does not connect a road to a road and is not paved to begin with and it won't benefit a lot of the people in the town. Mr. Cartier commented that is not part of this ordinance. Mr. Rehmann remarked that it is part of the ordinance but it would be segregated out of the bidding process so that we don't have to wait for Whitesbog Road to receive a Pinelands permit to take advantage of the better asphalt prices now on all of the other roads. Mr. Prickett heard the Council stating this was decided upon a number of months ago. Mr. Prickett added that the list was decided on a couple of months ago but not the bond ordinance; there are two parts to this .....Mr. Cartier interrupted that we are here discussing the bond ordinance.....Mrs. Scull interjected that we do not disagree.....Mr. Prickett continued that there wasn't much discussion at that point on it and now is the time to have that discussion. He would certainly like to see the road project move forward and he would like to see Whitesbog Road addressed because he is fully aware of the problems that have occurred there and on going problems that continue to occur there. Mr. Prickett reiterated that \$260,000 is a lot of money and he wants to be sure that can be done. He heard what Mr. Rehmann stated regarding Pinelands and he's not sure he fully understands it at this point but he needs to be very clear on what is proposed to be done there. Mr. Vaz commented that this bond ordinance is a final draft. He met with Mr. Rehmann and his staff and are not optimistic that we will be able to do all of these roads for this amount anyway. Part of the issue as Mr. Rehmann mentioned, the asphalt prices are low now but we don't know what they will be like when the project is ready to go out to bid. The letter he sent to the Bond Attorney with the instructions to prepare the bond ordinance actually listed all but four of these roads as alternates. Alternate in the event that we have funds through this ordinance to move down the list. It's not expressed that way in the ordinance and he presumes because one would not draft a bond ordinance that way. That first draft actually went to the Bond Attorney without North Whitesbog Road in it not because they had no intention of doing it but because of the issues. However, what happened in the meantime is we realized that the estimate that ARH had prepared for the design included the design and permitting for North Whitesbog Road. The thought was to at least get the bond ordinance done so that we would have the soft costs so that ARH could start the design work and the permitting process. We are not sure we will even be able to get to North Whitesbog Road in the first phase and it might very well be that it is part of the 2009 capital program. It all depends on the cost of asphalt. The Pinelands permitting is certainly going to hold up North Whitesbog Road while the other roads are already in the process of being paved. Mr. Vaz expressed that he is not sure if it satisfies Council and in particular Mr. Prickett and Mr. Inge but Administration is willing to represent that they will not build the road.....Mr. Prickett interjected and stated he is not concerned with building; he is concerned with costs. Mr. Vaz added that if Council introduces this evening, in the meantime before the public hearing and final adoption of the ordinance, that would be a good opportunity to meet and iron some of this out and hopefully satisfy all of Council so that we can at least get working on it. Mr. Prickett replied that he would like to meet before voting to introduce. Mr. Rehmann pointed out that one of the roads that is included on the list is Lemmon Avenue where there is a \$200,000 grant from the Department of Transportation. Because of the way the DOT is now giving out grants, it is to those towns that spend their money as quickly as possible. Mr. Rehmann made the choice solely on his own to start the surveying on that without any authorization and he may be donating that if Council does not go through with this but it is so important that we get these projects going. This list is from the Public Works Director indicating that these were the worse roads in his opinion. This is part of a 2008 list and there is a 2009 list coming out as soon as Mr. McCloughlin finishes that list which will be shared with Council to propose as part of the capital program for 2009. Mr. Rehmann would like to catch up to be somewhere we are at the point where we have a 2009 road program in 2009. Mr.

Rehmann would implore Council at this point to vote to introduce and we can always postpone or table the final adoption of the ordinance until Council is satisfied but at least it would get in the process. Mr. Prickett expressed that he hears what Mr. Rehmann is stating and he would agree to introduce the ordinance if the amount is reduced to \$605,450 and that would give \$160,000 to address Whitesbog Road. Mrs. Scull asked what are the four roads that are the go roads as Mr. Vaz stated. Mr. Inge asked if the last would be completed. Mr. Cartier answered they will be the first to be completed. Mr. Vaz replied that when it was sent over to Bond Counsel, Lemmon Avenue was listed first because that is money that we have already received a grant for. Mr. Vaz noted that Mr. Rehmann will be mentioning later that we would like to go out for a new round of funding with the state. The second road was Virginia, third road was Birmingham Road and the fourth was Burrs Mills Road. Mrs. Scull asked if Burrs Mills was on the list before. Mr. Vaz expressed the other roads were all listed as alternates with the understands that they will have already been designed because the soft costs would give us the money to design all of them and then the hard cost would be dependent on the asphalt price at the time we go out to bid. Mrs. Scull expressed the whole point of trying to get some of this federal stimulus money for projects ready to go and we need this bond ordinance so we'll have projects ready to go so maybe we can get some of the money. Mr. Vaz conveyed that when he gives his report later, he is going to talk about a lot of the grants that we're going through and the stimulus. Unfortunately, none of that seems to be filtering down to the towns for these types of projects. Mrs. Stinney asked if the asphalt prices with what they are now if that would save us thousands of dollars. Mr. Rehmann replied it could and he can't predict where asphalt prices will be but we were paying \$75 a ton last year for asphalt for roadways and the bids in February had prices of \$53 a ton. So there is a substantial savings on what we have seen. That would related to probably a 10-15% savings on \$900,000 in roads and it starts to be a substantial amount of money. Council may not want to go forward with Whitesbog Road when the bids come in because we may not have the funds if we are doing that in September and asphalt prices are back up. There are options that we'll have and this authorization says you can spend up to a specified amount of money and it doesn't mean you have to spend all of the money. That will be Council's choice as they go through each contract. Mr. Inge commented that Mr. Rehmann stated previously that Public Works provided the list and he had asked back then what about all of the residents that constantly come in telling the problems on their streets and asked how were they addressed and we haven't.....Mr. Vaz interjected that Mr. Sager and Mr. McNaughton used the system that Mr. McNaughton learned at Rutgers as part of getting his Certified Public Works Manager's certificate and it's a rating system that is objective and it rates roads on various different criteria. We've had meetings with ARH about it and as they are preparing the five year road program, it is being built around that system that Rutger's teaches. We get more requests to pave roads than we will ever have money at this point to actually pave roads. That's why it is important to have a program like a five year program so that you can blend it in with the capital program as you're retiring debt and adding debt on. These were rated by Public Works based on a number of complaints and another factor is whether there is a drainage complaint tied in with it, the length of the road, the number of homes on the road and that type of thing. Mrs. Scull asked if the costs to us to maintain those roads is taken in to effect. Mr. Vaz answered yes and added that right now with their new software they can tell you how much it cost to go back repeatedly to the same pot holes on the same streets. Mrs. Scull stated those gentlemen and our engineer are the experts and they know what roads really need to be addressed first. Mrs. Scull could say she wants her road paved but it all comes down to what is good for the big picture and she is not an expert on roads so she has to leave to them the decision and determination of what needs to be addressed. Mrs. Scull conveyed that she does trust our experts in that area. Mr. Prickett commented that Mrs. Scull stated she leaves it to the experts and if you are familiar with Pemberton Township which he knows everyone in here is and realize there is \$750,000 to spend and you leave Country Lakes out, leave Lake Valley



out, leave Oak Pines out, you put \$25,000 in to Browns Mills and put an appropriate amount in Presidential Lakes which might have been \$225,000 and then you need to go to Whitesbog Road and see it. We are going to be \$260,000 to improve that road and take it from a dirt road to an asphalt road with drainage and curbs and whatever. He doesn't know what they need to do because he hasn't seen a design. Common sense tells you that we need to address Country Lakes, Lake Valley, Oak Pines and the other communities in some way and more so in Browns Mills. Mr. Prickett stated that's the common sense and he could give a hoot what the professionals say because if you're not looking at how much these roads cost to repair, then they are not doing their jobs. Mr. Prickett continued that the first thing that was talked about was the cost of asphalt and that was the same argument that took place months and months ago that we have to do this now so that we can get a good price and asphalt is going to go up. Mr. Prickett advised that asphalt did not go up and it dropped percipidously. Mr. Prickett expressed that Council needs to take the time to meet with the engineer and Administration. Council certainly has the three votes to introduce this tonight but it's going to take four at the next meeting to pass it and there is a possibility that they might not get the four votes and this money to advertise and write the ordinance and it might go by the wayside. Mr. Prickett remarked that is up to his esteemed colleagues here on the dyas. Mrs. Stinney asked Council if they are ready to introduce for a public hearing to be held on May 20<sup>th</sup>.

Motion by Scull and Cartier to introduce Ordinance No. 13-2009. Scull, yes; Cartier, yes; Inge, yes; Prickett, expressed hope that Council will see a lot of people from Country Lakes, Lake Valley, Oak Pines and all of the other areas in Pemberton Township and Browns Mills come out at the next meeting and ask why aren't there roads being address with this, no; Mrs. Scull commented that would be about 30,000 residents; Mr. Prickett stated he hopes Council sees them; Stinney, yes. Motion carried.

### **13. UNFINISHED BUSINESS**

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

Mrs. Stinney reported there have been several complaints regarding the noise ordinance. Council has been provided with several samples of ordinances from different towns. Chief Lewandowski has also supplied Council with a report on the current noise ordinance. Mr. Inge did not have any comments. Mrs. Scull noted she finds the Chief's points regarding the noise ordinance very disturbing; charges can just be filed against anybody for basically any kind of noise and it doesn't give the Township the teeth to go after the real problems. We definitely need to take his advice and bring this ordinance up to date. Mrs. Scull expressed concern regarding the number of calls at one establishment; it is very disturbing. There are different types of calls; assaults and disorderly persons. They are a lot more serious than what is happening at our other places of business in the Township and that concerns her. Council needs to take some kind of steps to ensure the safety and quality of life for our residents. Mrs. Scull expressed changes need to be made and she would like to know how many other establishments stay open until 4:00 am and if it would be detrimental to them if the ordinance is changed to 2:00 am. Mrs. Scull stated she is in favor of changing the ordinance to 2:00 am. Mr. Cartier commented to Mrs. Scull that she has crossed over to another discussion. Mrs. Scull expressed it is all connected and something needs to be done. Mrs. Scull noted the reports for the calls, the different types of calls, the parking violations and stated there is really a problem there and it bothers her that it took a resident coming here before Council was aware of how serious it is. Mr. Prickett expressed that he is disappointed that

Chief Lewandowski is not present tonight to discuss the potential noise ordinance. The comments the Chief made are very valid and Council needs to do some research on how we can change the ordinance to address each of these concerns. Mr. Prickett had hoped that Council could receive some data and he can see where Mrs. Scull was confused with the data sheet that Council has for the period of time that the establishments can serve alcohol, the complaints. Council needs something similar for the noise ordinance. Mr. Prickett noted that Council can expect that most of the calls are by people that are annoyed by music being played, dogs barking, parties and maybe that is what we need to stick to; how to address that. When Council spoke about this at a previous meeting, we talked about having a Police Officer or technician that is trained in measuring sound so that if we have a machine that does this then that information can go to the court and it's a definitive statement that this is how loud the noise was and how long it lasted. It would make it much easier and be similar to a traffic ticket whereas when you go to court, there is the radar that measures how fast the car goes. We need something similar for the Police Department to use to measure sound so that when they go to court, there is something irrefutable for the most part for the judge to deal with. Mr. Prickett knows the Chief won't be able to come out but he would like to hear from him. Mr. Vaz informed there was a request from the Chief to do an awards presentation on the May 20<sup>th</sup> Council meeting. This week or next week is National Law Enforcement Officer's Week and the Chief would like to have him and his staff present to do the awards. Mr. Vaz added that he can ask the Chief to stay to have a discussion regarding this ordinance. Mr. Prickett asked Mr. Vaz if Council can ask for some of the recommendations on ordinances from surrounding communities. Mr. Vaz replied yes and added that the Chief feels as Administration does that it is something objective with the decibel meter and a trained technician is along the lines of what he has in mind as well but the Chief can answer that at the next meeting. Mr. Prickett commented that he would like that. Mr. Cartier did not have any comments. Mrs. Stinney noted Mansfield Township's ordinance and their noise control administrator. Mrs. Stinney asked Mr. Vaz if he is familiar with the sound level meters. Mr. Vaz responded yes. Mrs. Stinney commented it is a problem and once the Police are called out, it's all gone and it really has to be proven. Mrs. Stinney expressed appreciation to Mr. Vaz to get this information back to the Chief and noted Council looks forward to the presentation on the 20<sup>th</sup>. Mr. Inge commented that when one of the businesses was brought up before, he abstained and that's one of the reasons and he wanted to comment on this. Mr. Inge stated he is not sure if he is allowed to make a comment because he is a bar owner and Council is discussing. Mr. Inge noted Mrs. Scull made the suggestion to change the bar hours to 2:00 am. Mr. Cartier, Mrs. Scull and Mrs. Stinney all stated that is a different discussion.

**b. Continued discussion of possible amendments to Chapter 64-2, Alcoholic Beverages, Hours of Sale.**

Mrs. Stinney conveyed that Mr. Inge needs a clarification. Mr. Clark commented that this is the issue that was talked about before where Mr. Inge stated he is a bar owner and is uncomfortable and thought there might be a conflict in discussing and/or voting. Mr. Clark continued that he stated that is true that if Mr. Inge is ultimately regulating a business that he operates that not only voting on it but also contributing towards the discussion which leads to the vote which would be the same conflict. If the conflict is in the vote, there would be conflict in the discussion leading to it as well. Mr. Inge expressed problems with some of the findings that were presented to Council. Mr. Clark stated if Mr. Inge is engaged as a Council person in a discussion which leads to a vote, if you can't vote on it, you

shouldn't be involved as a Councilman and on the other hand as a business owner, if you are going to get down and speak as a business owner, he is welcome to do that just as anybody else. Mr. Clark stated the issue would be sitting on the dyas and doing it given the fact that while Mr. Inge is up on the dyas and acting as a Councilman. Mrs. Stinney asked if Mr. Inge can recuse himself and go out in the audience and comment if he wants. Mr. Clark responded yes. Mrs. Scull conveyed the two issues are tied together and she is open to changing the hours if it will curtail the activity at one of the establishments. Mrs. Scull commented that Mr. Inge's numbers look pretty good and it looks like he ran a good establishment. Mrs. Scull noted that she has already talked about the number of problems that are occurring and some of the serious nature of them and if Council can do something to alleviate it, they should. Mr. Inge recused himself and stepped down from the dyas. Mrs. Stinney asked if Mr. Inge can speak now. Mr. Cartier asked Mrs. Stinney if she is going to open the meeting to the rest of the public. Mrs. Stinney replied no. Mr. Clark commented that he should have made himself clear. Mr. Inge commented that he has to wait until the meeting is open to the public. Mr. Clark clarified that now there is a discussion among Council and ultimately if the Council decides to introduce an ordinance and Mr. Inge as a member of the public will have a right to speak and he doesn't need to get up and do it now because now it is an internal Council discussion which Mr. Inge stated there is an issue with conflict. Mr. Cartier asked if Mrs. Roughgarden is present this evening. Mr. Cartier stated he won't have to ask the reporter to get his quotes accurate in the newspaper. Mr. Cartier remarked that he takes severe offense to the comments Mrs. Roughgarden made in the newspaper on April 23, 2009 stating and he paraphrased, "calling this Council racist". Mr. Cartier indicated that it is a far cry from racism on this Council. It is very apparent that Mrs. Roughgarden does not know the make up of Pemberton Township to consider this Council a racist Council. Mr. Cartier stated to Mrs. Roughgarden that she better do some studying of this Township. Mr. Prickett asked why Council is talking about this. Mr. Cartier quoted the article, "Police because most of the customers, Skip's owner, Betty Roughgarden, said the bar is being targeted by the Township and Police because most of the customers are black and friends with the hip hop disc jockey who plays there on weekends". Mr. Cartier commented the report received from the Police is why the bar is being targeted. The calls of service to Mrs. Roughgarden's establishment over the last year and a half far outnumbers the rest of the establishments combined in the Township. That's why there is an issue at her establishment. Mrs. Scull asked if Council can receive more information of what the hours of operation are at the other establishments in the Township if Council continues with more discussion on this because Council is not ready to do anything with the ordinance until Council has more information. Mrs. Stinney stated it is throughout all of the establishments, 4:00 am. Mr. Vaz conveyed that is the time but Mrs. Scull is asking what time they really close. Mrs. Scull agreed and reiterated that she doesn't want to penalize everybody if .....Mrs. Stinney interrupted and stated that is her.....Mrs. Scull continued that is what she would be interested in knowing.....Mr. Cartier interrupted if there is a time change in an ordinance it can't be targeted at one and it is across the board. Mrs. Scull remarked that she understands that and she is not interested in harming any of our businesses at all but she would still like to have that information before Council moves forward on anything. Mr. Vaz conveyed Administration can ask the Police Department to do an informal study by driving by at various times and track it that way. Mr. Vaz pointed out that he had a brief conversation with Mrs. Stinney a few weeks ago. Mr. Vaz had a chance to pull some other ordinances and reported another potential avenue to explore is regulating entertainment as opposed to regulating the liquor license. We can have an ordinance that states all entertainment shall stop at a certain hour and the bar can still stay open but the entertainment has to cease. Administration pulled ordinances from other towns that have tried that approach so that if the noise and the entertainment is causing the problem and it's not the alcohol and intoxicated persons so much, then think about addressing it from that perspective as well. Mrs. Stinney confirmed that is

an option Mr. Vaz is speaking of. Mr. Vaz reiterated that he had a chance to pull those ordinances but has not had an opportunity to distribute them to Council yet. Mrs. Stinney informed that she spoke with Mr. Vaz a few weeks ago and asked for some options but she also did some homework herself. Mrs. Stinney expressed that she is very offended and she is aware the newspaper is present tonight and she is a minority and no one called her and asked her what she thought about it. The rule is the rule and you follow the rules or there is a consequence; you break the law and there is a penalty. It doesn't have anything to do with black, red, green, orange, purple. Mrs. Stinney conveyed that Mr. Inge has not been able to open his establishment because there is a rule that he has to have x amount of parking spaces. Mr. Inge expressed that he disagrees with that and Mrs. Stinney should not bring that up. Mr. Prickett agreed and stated Mrs. Stinney should not.....Mrs. Stinney stated she is not on the Planning Board and to let her just finish.....Mr. Prickett interjected and stated that's right, the meeting is tomorrow so let's hold that until tomorrow. Mrs. Stinney asked Mr. Prickett to please be courteous and let her finish and she'll have a statement for him a little later on. Mrs. Stinney reiterated that the rule is the rule and if there is parking for an establishment that needs to be abided by, then it needs to be abided by. Mrs. Stinney came here and sat in the hallway and heard people going to the court and she sat here and did her research. She heard people state that they had to come all the way from Newark and pay for this blank, blank ticket because they parked across the street and this doesn't make sense whatsoever. The rule is the rule. Mr. Inge asked Mrs. Stinney what nationality that person was. Mrs. Stinney stated to Mr. Inge that he had his turn and he'll hear her statement too. Mrs. Stinney again stated the rule is the rule and it doesn't have anything to do with who has the hip hop or whatever you call it and she doesn't think if an establishment that closes at 4:00 am and doesn't have a problem that they should be penalized. Mrs. Stinney noted Mr. Vaz' comments regarding stopping the music at 3:00 and then closing the place at 4:00 and if they don't have a problem, why should they be penalized. Mrs. Stinney commented to Mr. Prickett that when he served on Council before, there was a problem with the hours once before and it became a real big issue once before. Mr. Prickett conveyed that he prefers to address anything he had to say when he has a chance to comment. Mrs. Stinney noted that's fine to Mr. Prickett. Mrs. Stinney remarked those are her thoughts and in takes on the amendment to the hours of sale for an establishment and doesn't think others should have to be penalized. Mrs. Stinney agreed with Mrs. Scull that Council should look in to the other establishments and see exactly what is going on and Chief Lewandowski has prepared a good document that she assumes all of Council had an opportunity to look at. It's disturbing to have an establishment that has so many calls and there have been people that have come forward and talk about the noise and the residents shouldn't have to be penalized. Residents should be able to peacefully and quietly rest in their bed at 4:00. She has had people call her and ask her if she would come out of her house and go to a certain establishment and see what is going on at 2:00 in the morning. Mrs. Stinney conveyed she wants her rest at 2:00 in the morning. Mrs. Stinney reiterated that residents have come and complained and that's what Council is here to talk about. Mrs. Stinney reiterated that she does take offense like Mr. Cartier. Mrs. Stinney indicated that she does see the newspaper in the room and they can get a comment from her later on. Mrs. Stinney conveyed the Police Officers in this Township do a dog-gone good job in enforcing the law and she doesn't think the Police Department is going out picking and nit-picking on anybody. The officers are doing what they need to do and get the job done regardless if you're green, orange, black, white or purple and whatever kind of music you have. Mr. Prickett stated he didn't have an opportunity to be heard on this topic and he would like to state that it is inappropriate to comment on a case that is being presented before the Planning Board tomorrow night in what he perceives to be a prejudicial way. Mr. Prickett noted that Mrs. Scull suggested that Council survey the closing of the bars throughout the town and he thinks that is a good idea to find out what is the consensus there. Maybe there is a time that is best to close. Mr. Prickett commented that he thinks he heard 2:00 is the time when

most bars close and that would certainly need to be confirmed. Mr. Prickett noted that you have to make decisions using good information and data. Mr. Prickett conveyed that Mr. Vaz' suggestion on limiting the noise and some of the activities at bars is an alternate approach that Council needs to explore. Mr. Prickett would be in support of getting the information of when bars close in the town and also looking at the other ordinances and asked if the other towns had any data that showed there are less complaints. Mr. Prickett noted that we couldn't ask the other towns to put together information that the Police Chief was asked to put together and perhaps maybe they do that in the course of their workings throughout the years. Mr. Prickett expressed they are both good ideas and closing a bar at 4:00 am in the morning is too early in the morning and it should be sooner than that. Mrs. Stinney advised Council will revisit this on May 20<sup>th</sup>.

Mrs. Stinney recessed the meeting at approximately 8:07 pm and reconvened the meeting at approximately 8:16 pm.

Mr. Cartier informed Council President Stinney that a resident suggested during the break that Council keep the microphones close to them when speaking as they are having a difficult time hearing Council.

#### **GENERAL PUBLIC COMMENTS:**

Council President Stinney opened the meeting to public comments. Mrs. Stinney asked the public to address Council and she will ensure their questions are answered. Those indicating a desire to be heard were: **Brenda Smith: 1.** Mrs. Smith is a Pemberton Township resident. As previously indicated, her comments are in response to what is going on with the Pemberton Township Council and the Zoning Board's actions in processing and handling businessman and Councilman Tom Inge's plans to expand his business interest within Pemberton Township. This is a process that has been going on for approximately two and one half years. Mrs. Smith's concern is at what cost to the tax payers. As a Pemberton Township registered voter and tax payer, she is concerned about what is the intent of Council in this process. Mrs. Smith asked if it is to allow business to come in to fruition that would provide tax ratables and employment in the Township. A Township that is within the top five within the county for foreclosures. If looking at the number of Pemberton Township/Browns Mills homes that are in foreclosure where people are experiencing problems and yet we are spending the type of money for two and one half years, there is something going on other than community interest. It seems like there is a personal agenda and behind all of this, we can see that our taxes are already going to be increased. Mrs. Smith noted that to date, Councilman Inge's application has been in court several times. Pemberton Township Council has had legal representation. Mrs. Smith asked at what cost to the tax payers. There have been numerous Planning Board meetings where professional engineers and attorneys have represented the Township and at what cost to the tax payers. Mrs. Smith remarked that she was at the last Planning Board meeting to observe. In that meeting, the Planning Board talked about the application process. When she and other members of the community left the meeting, there was no resolution as to whether that was a new application or whether the application as submitted could be handled, revised application. Also at that meeting, the Mayor sat there and would not recuse himself so no business could take place. Mrs. Smith asked if it is in the interest of the community or are there personal agendas at work here. Most recently, the Township Council became involved in a civil matter between Councilman Inge and a supervisor. Mrs. Smith asked why and at what cost. That should have been a civil matter that the Council should not have been a part of. Also, there was a lawyer obtained to investigate the case after a judge had dismissed the case. Mrs. Smith asked what the Township paid for Carol Harding to do that investigation. The whole time, this came about because of the salary increases to fifteen supervisors. Mrs. Smith is not stating that was right or wrong, but she is saying that all of this is costing the tax payers. Finally, Mrs. Smith stated as an African American in a year where an African American President has

been elected by the Democratic Party, she has problem as to whether the Democrats sitting on this Council represent the spirit of the Democratic Party and the best interest of this community and her concern is totally the community. As a tax payer, the tax payers are footing the bills and it was just indicated from property taxes that \$13 million dollars of the 2009 budget is coming from tax payers. Mrs. Smith asked if the tax payers are getting what they are paying for with that money. What is it costing the tax payers and what is it going to take for the Council and the Planning Board to either say yes or no. Council members need to stand up and do the right thing. As a registered voter, and if you look in to her voting record in Lumberton Township and she just moved to this community two years ago, she comes out and votes in every election. She will work diligently to see that a Council will be elected in 2010 that can take care of community business that is not self serving. Right now, we have a self serving Council sitting here and there is no way this process should have taken two and one half years. Mrs. Smith again asked the Council what is it costing the tax payer to have this building open for meetings, to pay for a solicitor, to pay for engineers and to pay the Planning Board and what is it costing for this process. That is her bottom line; what is it costing the tax payers and when will it end. When will Council say either yes or no. (The audience applauds) Mrs. Stinney asked the audience to hold their applause until later. **Cecelia Cathers:** She has lived in the Township since 1969 and has called the Council members at that time and present many things but she has never called them racist. Mrs. Cathers wanted to make that clear and added that Council is doing a good job. Mrs. Cathers is here for North Whitesbog Road and stated to Mr. Prickett that there are other roads that are.....Mrs. Stinney interrupted and asked Mrs. Cathers to direct all comments to her. Mrs. Cathers clarified that one of the Council members stated there are no major roads that are attached to North Whitesbog Road. Mrs. Cathers informed North Whitesbog Road comes off of Ridge Road which is a major road, Range Road which is a major road and goes out to Lakehurst Road which is a major road, and goes out to Route 70 which is a big, major road. A lot of people come down North Whitesbog Road to get to Lakehurst Road that goes to Route 70. There are major roads that go from North Whitesbog Road. Mrs. Cathers wanted to make that clear. In December 2008, Council stated that North Whitesbog Road would be on a list to be paved and it would be started in the Spring of 2009. Mrs. Cathers would like a permanent, acceptable, good quality road surface. Any other surface will last two or three years or until that nice grader comes down and tears it up the following month. That grade comes down the road while it's raining or a day before the Council meeting. It was there the other day and left big pot holes so bad that you now have to travel almost a little past zero miles per hour to get down the road. If you haven't been down there, she would advise Council to come down now so they will know exactly how the road feels. For the residents of North Whitesbog Road, they would like Council to put a quality life in to their life like they have. It is Council's responsibility as the elected officials to assure that they have an acceptable quality of life similar to what they have. For example, imagine this road being a working environment with 53 employees. OSHA would come in and mandate that the dust be controlled to acceptable face levels for the employees, for their health and the related environment values and issues. Mrs. Cathers expressed the residents pay taxes on North Whitesbog Road and want the road paved. No other solutions put down on it; no cinders, no rocks with big gadget things on them that will pop the tires. They go through springs, shocks and ball joints on their cars. Mrs. Cathers would like to know what Council is going to do about it. She understands there will be other roads which are Virginia, which is paved, Birmingham Road, which is paved, Burrs Mills Road, which is paved, Washington Blvd, which is paved, and Rhode Island Road, which is paved. Mrs. Cathers asked Council why they are going to re-pave a paved road. Mrs. Cathers stated that is a good question and asked Council to think about it. North Whitesbog Road, no matter how much it cost; it doesn't matter. They are tax payers and they are out in the boonies but pay their taxes and they want a paved road. They want to know why they have to wait. Mrs. Cathers expressed that is a good question. Now that

summer is coming along it's not only the pot holes they have to worry about. Their health is at stake now. The last time Mrs. Cathers was before Council which was December 3<sup>rd</sup>, she provided how much and how high the dust flies on North Whitesbog Road over their houses and the dirt is eating their houses. She has a small house and the dirt is literally eating the wood in her house. Mrs. Cathers again asked what Council is going to do about it. She stated to stop procrastinating on their road and just do it. Mrs. Cathers noted if Council waits, the oil prices are going to go up and maybe they will come down but asked who is Council to take that chance. Mrs. Cathers asked who is Council to take that chance on their health. Her father-in-law who is going to be 90 years old, lives on that road. He can't open his windows and he can't breathe. It's very unfair, since he has been living here since the 1950's, to keep that road unpaved. It is very unfair and he pays taxes just like everybody else. Mrs. Cathers notified she pays a lot of taxes and her neighbors pay a lot of taxes. Mrs. Cathers asked where is all of this money going. They want some of the money for their area. There are three street lights and a dirt road. They don't have sewer or gas and none of the luxuries the residents in Presidential Lakes or Country Lakes have. All they want is a paved road. Mrs. Cathers again asked Council what are they going to do about it. Mrs. Stinney stated to Mrs. Cathers that her comments are duly noted and that she heard the introduction of the ordinance and to please come back during public comments on May 20<sup>th</sup>. Mrs. Cathers added that Virginia Avenue, Birmingham Road, Burrs Mills Road, Washington Boulevard and Rhode Island Road are already paved and questioned why spend that money on a road that is already paved. Mrs. Cathers suggested paving a road for health reasons, the environment and if you don't live on the road or drive down the road, you have nothing to say until you witness what those that live there have to go through on a daily basis. **Betty Roughgarden: 1.** Informed that she is the owner of Skips Bar and Grill. She is sorry that Mr. Cartier took offense but she takes offense to what has been going on to her. Mrs. Roughgarden expressed that she took a drug ridden bar when she bought it; there were major fights inside and she cleaned it up. There are ladies coming in and telling her they could never go there when the old owner owned it but they can come in now and wait for their husband to get off work to have a couple of drinks together and it's a nice place now. Mrs. Roughgarden has gone to the fence that divides her property and the house behind her and she couldn't hear the band or the DJ on the Fridays and Saturdays that they say are so loud. She questioned if she can't hear it at the fence outside of his house, how does he hear it inside of his house. Mrs. Roughgarden expressed it has to be a prejudice thing because a Police liaison came in to her establishment and talked to her about the DJ that she has; he is a black DJ. The DJ has a mostly black following. When the Policeman came in and talked to her, he stated to her that she shouldn't have those kind of people in her bar. Mrs. Roughgarden continued that when she asked what he meant by those kind of people, the Policeman replied you know, the blacks. He stated there will be problems if you keep having those people in here because of their culture. Mrs. Stinney asked Mrs. Roughgarden if she called the Police or a Police Officer came in. Mrs. Roughgarden replied no; a Police Officer came in to her office and asked if he could talk to her. Mrs. Stinney confirmed with Mrs. Roughgarden that it was a Township Officer. Mrs. Roughgarden stated she would like to know the validity of the resident's complaints. Mrs. Stinney asked Mr. Vaz if they are public record. Mr. Vaz replied to the extent that somebody gives their information but they do receive anonymous complaints. Mrs. Roughgarden notified that she doesn't mean the people but rather what are their complaints. Mrs. Stinney explained that she doesn't have all of the complaints before her but over the past months some of the complaints have been people urinating outside, the music door being held open with bungy cords, and parking on their property. Tomorrow she can provide a list of some of the things of what the complaints are with her establishment. Mrs. Roughgarden went to O'Brien's Hardware and they did not have a problem with anyone parking there for overflow parking. Mrs. Roughgarden advised that she instructed her staff to tell the public to park there and the public received tickets. Mrs. Stinney asked Mrs. Roughgarden how she has overflow parking. Mrs.



Roughgarden answered O'Brien said it was okay to park there. When she asked O'Briens why they got tickets, they stated they forgot to tell her they changed their minds after they gave permission. Mrs. Stinney stated she doesn't understand but Mrs. Roughgarden doesn't have any lines designating any type of parking spots and when she went there she didn't even see any handicapped parking designated. Mrs. Roughgarden stated the next day when she asked O'Briens, they told her the Police came to them and told them they shouldn't let anyone park there. So they rescinded but forgot to tell her that they rescinded. Mrs. Roughgarden stated that O'Briens stated to her that she doesn't know how it is to live in this town. Mrs. Roughgarden expressed that she doesn't know what that means. Mrs. Stinney replied that she doesn't either. Mrs. Roughgarden notified that a lot of her customers are upset and she asked them not to come to tonight's meeting. A lot of her customers were going to come in tonight and complain. Mrs. Stinney asked what her customers were going to complain about. Mrs. Roughgarden stated that she keeps getting summons for noise and lights. Mrs. Roughgarden commented her building is so much better looking than the building across the street which is boarded up. She takes care of her building and she has people who sweep it and the parking lot is always clean and as far as when the DJ comes in, she has security, a metal detector.....Mrs. Stinney interjected and asked Mrs. Roughgarden why she has security. Mrs. Roughgarden answered that a lot of bars have security on Friday and Saturday nights and it's a normal thing for bars to have. Mr. Vaz asked if they are bouncers or off duty law enforcement. Mrs. Roughgarden replied she employs bouncers. She continued that she has a metal detector so that she keeps everyone safe. Her customers say they feel safe because they know that someone else has been wanded and they know the person next to them doesn't have a weapon. A lot of other bars do that too and she tries her best to make it a very safe place and does everything she can to make it safe. Mrs. Roughgarden expressed she keeps up with it and it's a nice building. Asked if the list of calls that Mr. Cartier has are valid or not because her manager informed her that four times in one night a Police Officer came in that there was a fight. She stated there was no fight and there are always people coming in saying they got a call when nothing was going on. The Police rush in and there are a couple sitting there talking and a couple of people playing pool. A lot of calls are not valid. That is another problem that should be addressed. A lot has been on her that is not really fair; some of it is not fair. Mrs. Roughgarden employs a lot of local people; they need their jobs; if you shut down at 2:00, that cuts hours off of their pay. Some of these people just make their bills and cutting their hours down are going to hurt them. She has some really, really nice people working for her. Mr. Prickett asked Mrs. Roughgarden if she has had any dialogue with the Township other than tonight's Council meeting. Mrs. Roughgarden replied no. Mr. Prickett asked if she had contacted the Chief of Police or the Business Administrator. Mrs. Roughgarden replied no. She expressed while on break, she was speaking to another member of the audience who informed she was in her bar the other night. Mrs. Stinney stated she doesn't know what Mrs. Roughgarden is talking about. Mrs. Stinney has in the report, 39 calls in 2009, a suspicious person, simple assault 3, disorderly persons 9 and asked Mr. Vaz if this reports indicates that the Police made a call. Mr. Vaz answered yes, they are calls for service. Mrs. Roughgarden informed she has never had a charge against her before. Mrs. Stinney will ask Mr. Vaz for a synopsis of some of the complaints that residents have had in regards to the establishment. Mr. Prickett asked Mrs. Stinney how Mrs. Roughgarden will receive that information if she will email it to her or if Mrs. Roughgarden should come to the building and meet with Mr. Vaz. Mr. Vaz relied that would be fine to come and see him. Mrs. Stinney asked Mrs. Roughgarden if she would like to come in tomorrow or Friday to meet with Mr. Vaz. Mrs. Roughgarden is too far from the microphone to be audible. Mr. Vaz stated he will be here until about 10:00 tomorrow night. Mrs. Scull asked how long Mrs. Roughgarden has owned Skips. Someone is speaking but they are inaudible. Mr. Vaz advised that he took note of a comment made by Mrs. Roughgarden and he wants to assure her that he is deeply disturbed and probably shares the sentiment of Council that if any of our



Police Officers made the comment “those people”, “the blacks”, he can promise her that is going to have the benefit of a full fledged investigation. When this meeting closes he is going to be on the phone with the Chief of Police and request that there be an internal affairs investigation and he promised that. **Susanne Cloyd: 1.** Is a 20 year resident in the Township. Came out this evening to listen to some other things and didn't know that Mrs. Roughgarden's issue was going to be on the table today. Wanted to go on the record to say that last weekend she did go to one of the other local establishments, Mercedes, and when she left there she remembered that Betty had Skips Bar and stopped in. Mrs. Roughgarden stated she wanted to go on record that what she experienced was kids that parked their cars and went to a greeter, security guy who checked their purses and everything was calm. You could hear the music and everything was what she expected from a regular nightclub and didn't seem disorderly. She is not hear to dispute any of the Chief's report but is pleased to see that Council is going to check in to it. **Howard Cathers: 1.** Mrs. Stinney expressed that it is truly an honor to see Mr. Howard Cathers walking up to the podium at the tender age of 90. Mr. Cathers replied he is almost 90. He has a challenge for all of Council that from now until the next meeting to ride one time every day up North Whitesbog Road. If they go tomorrow, they will run in to the grader. There have been a couple of days of rain and the pot holes are very bad. A couple of Council members don't want to do anything with that road but he's been there fifty years. When he first moved there his youngest child was a babe in arms. He could be left to play in the road as they didn't have to worry about traffic. Now he wouldn't think of even letting an animal out on that road. **Pat Perrine: 1.** Goes along with Mrs. Cathers. She was here in December when we were under some kind of different thinking that their road was not going to be thought of but having some type of paving going on. It's nice that Mr. Cathers can come forward at 90 and he definitely wouldn't be able to walk down their road. This time of year to walk on their road they have to get in their car and go to the pavement to be able to walk. You would either fall in a hole, twist your ankle or you would have to wear a mask to be able to walk because of the dust. Living in a home 25 years at that address, you shouldn't have to tackle that if you even want to walk. We do have roads just like Mrs. Cathers stated. She works for Pemberton Township Schools everyday for the past 33 years and she has to go out of her road, go down Ridge Road or Range Road to get to the highschool so she does meet a road that's paved. Money that the Township is receiving from the government is a wonderful thing and you never give away a gift horse. When it comes to the roads that are already getting resurfaced, how many times have we seen these roads resurfaced and she asks are they ever going to do something with their dirt. She can almost guarantee that the local grader will be out there tomorrow on North Whitesbog Road and hopes that Council could go there tonight after the meeting or first thing in the morning and go down their road. When you come off Ridge Road on to North WHitesbog, you will hit one section of pot holes and you can't go more than 1 mile per hour and then the second set of pot holes and then the third set before her cross road which is Margaret. Make a left hand turn and the way the grader has graded, you have to go all the way over to the other side of the road to be able to go in because there is a big hump in the middle of the road and along the passing before you reach it, there are swales. She was going to take photos but was hoping that everyone would have taken a ride down there if voting on whether we need road improvements. Hopefully she doesn't have to go that route. Mrs. Perrine asked Council to do themselves a favor and she is asking to have pavement like everyone else. She hopes the 30,000 people come out from the other areas of the Township. She knows some of their roads might be a little bad but other than what they refer to the old dump road, she doesn't think there is a word that can describe their road. **Thomas Cathers: 1.** There is one word that can describe North Whitesbog Road and that is hideous. It is a hideous road to ride on. If Council lived on a road like that, all of them would complain, stand up and state fix this road. There is no one in the building that deserves to live on a road so hideous as that. There have been promises made and promises broken from the Council of many Administrations and that road is still

hideous. He wants that road fixed and does not want promises or anybody from Council to say they'll see what they can do and they want that road fixed. They want a road that is equal to the taxes that they pay. They want a road that is equal to the respect that they expect from the Administration in this Township. They do not want to have promises because they will be broken; they want something done. Mr. Cathers reiterated the word that describes that road is hideous and think about what they live in when they lie in their bedrooms at 3:00 in the morning and breath dirt in their mouths and can feel the grinding in their teeth. Think of what it's like when they have visitors coming in from Washington, DC who look at that road and say hideous. They cannot even be in our front yard and enjoy the comforts of a nice, warm summer day without gagging on the garbage that comes off of that road. This is no longer can we forward it, this is we want it. We have lived there for twenty five years since that road was first plowed from a beautiful white road in to that stuff that's on it now. They are tired of living in that hideous environment. Mr. Cathers asked if they can get that road fixed and the answer is yes. **Ed Tournquist:** 1. Chief Lewandowski was at their meeting last night and he spoke about the noise ordinance. The Chief's position is the noise ordinance is unenforceable as it is. Mr. Tournquist expressed he is glad to hear the Chief will be at the next meeting to discuss his problems with it. 2. Didn't hear much noise about the continued discussion of possible amendments to Chapter 642 alcoholic beverages hours of sale. 2:00 am is reasonable. 2:00 to 4:00 am is unreasonable. Mr. Tournquist stated he can get bombed by 1:00 and it doesn't take until 4:00. 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:**

**Mr. Dave Clark:** Nothing to report.

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

**Mr. Chris Rehmann:** 1. Council passed a resolution for the transportation enhancement program. The Department of Transportation has a way of shifting gears every year it seems. This is a Safe Streets To Transit Program which ARH is attempting to utilize although they have no particular regulations or standards to evaluate whether we comply or not and with a green initiative in solar lighting with pedestrian safety and leading crosswalks to enhance those that we should have a great opportunity and we will be making that application very quickly. 2. As far as Lebanon Forest Dam or Presidential Lakes, they are approximately 50% complete. There is a deadline of July 30 and they are in the process of negotiating with a contractor over an issue where there is something that is installed that is on the bid documents but was not on the approved plans. The Department of Environmental Protector Bureau of Dam Safety is making the Township change back to the approved plans. ARH is negotiating how that can be done to save as much cost as possible. ARH will be bringing that back to Council at a subsequent meeting. 3. Council passed a resolution allowing for the installation of new equipment in to Well #11 which is under redevelopment. That equipment is being installed and they hope to have the well disinfected and back on line or operational by June 1<sup>st</sup> for the summer time and supply water to the residents. 4. ARH has also talked to the Department of Environmental Protection about the middle embankment at Presidential Lakes. ARH is trying to decommission that as a dam so the cost can be reduced. May 15<sup>th</sup> is supposedly the date when they will have word from the Bureau of Dam Safety. ARH's objective is to make sure all work on the middle embankment is done before the main dam is completed so they can finish the entire project and fill the lakes so maybe those people can finally have their lake back. 5. As reported in their engineer report, the amendment to the water allocation permit which has been finally approved by the Department of Bureau of Water Allocation. It is very important that they maintain the water demand so that they can provide growth to the Township and make sure there is fire protection. 6. ARH was asked to follow up on the Village Grande at Pemberton Pines. As Council is aware, this is a project that was approved by the

Planning Board and a D.R. Horton project. ARH has contacted their solicitor to determine whether they are going through with the project or not and received a very lukewarm yes they are interested but they have a Pinelands problem apparently. What Mr. Rehmann has alerted his staff and the Planning Board to do is if they come back for an extension of time, they should delineate exactly what their problems are with the Pinelands so we can have a better understanding of whether that project is still viable or not.

7. Norcross Lane which is a NJ DOT funded project, the contractor started the installation of the storm sewers however, due to all of the rain we have had, the contractor has been delayed. He is ready to go back in as soon as the weather clears so we can get that road completed.

8. Council should have received a letter on Evergreen and Lakeshore Drive. This is a result of the county review and evaluation of the intersection. The county has refused to approve a three way stop at that intersection. After talking to the traffic engineer on the phone, it is standard traffic engineering procedures to understand that you do not put a stop sign where people will not obey the stop sign. By that he means, if you come up to a stop sign and there is nobody there and you continue to do that as you would on Lakeshore because there are very few cars coming out on Evergreen that it is conducive to people to slide through the stop sign and create just as dangerous a situation as not. That is the traffic engineers explanation as to why a three way stop sign would not be approved by the county. They are going to cut trees down that are within the county right of way to improve site distance. ARH does have an issue because there are some fences that are not on the property line but out in the right of way of the county. There is an ordinance that indicates that especially on a corner lot in any district a site triangle shall be required in addition to the right of way. This is probably good for those instances where somebody is subdividing a piece of property. After the fact, he is not sure whether we have the right to go back and force that person to move their fence to a site triangle. Mr. Rehmann will not expect Mr. Clark to make this decision tonight, but we probably have the authority to say you have to put it on your property and not on the county's property and there are letters that have gone out to that extent. As Council is aware, this is going to be a fairly expensive proposition for them to move but one of the things that happens when put on notice by a county agency that now there is some liable if they continue to keep that fence. Between Mr. Bayer and Mr. Clark, we may want to look at that along with a county letter that we are in our rights to do this if it improves the safety at the intersection. With the county notifying the Township, we can't leave it alone and have to make some provisions to go forward because we are now on notice also. Mr. Cartier asked why is it the Township's responsibility to enforce it if it's the county's right of way. Mr. Rehmann answered because the county decided they didn't want to enforce it. It may well be that we would refer that back to the county but he didn't want us to be in a position where we did not take some action in order to protect any liability that we may have in the event of another accident. The county did survey the right of way lines and did locate the fence, etc.,. Mr. Rehmann did not see that survey and has asked for a copy of that also. Mr. Cartier noted in the letter it is referenced by whoever wrote the letter that it is the Township's responsibility to enforce their right of way line and to ensure that the fence gets moved. Mr. Rehmann advised it came from the traffic engineer and it stated it is the responsibility of the Township to ensure that a fence is relocated outside of the site triangle. If we don't have a site triangle, he doesn't know of any other than through condemnation which is a little extreme, that we can get a site triangle unless the property owner is willing to donate that at our request or we may pay for a site triangle. There are options but it would be more of a voluntary situation and he's not sure that in fact we can do something after the fact even though our ordinance says that you should not have a fence higher than four feet within the front yard. It's been his understanding that a corner lot, both property edges are considered front and allowed to have a six foot fence in the rear yard. He may just need to go out and talk to the residents in those areas and see whether we can do this in an amiable fashion. He is sure the residents would do what is right as long as they don't have a lot of expenses associated. Mr. Prickett expressed they must

be aware that Mr. Rehmann has been investigating this and asked if they are not aware the county has been looking at it. Mr. Rehmann answered they have copies of this letter sent to both corners indicating that something should be done. Now that the county has put it in the Township's lap, he would prefer if Council and Administration do not have an objection, that he would like to have Mr. Clark and Mr. Bayer's opinion as to whether it is our responsibility or whose responsibility it is. Mr. Cartier agreed that he would also like that opinion because if it is a county right away he doesn't see how it is the Township's responsibility. Mr. Rehmann noted except for Evergreen. Mr. Cartier agreed that Evergreen is the Township's responsibility. Mr. Rehmann will send a letter to Mr. Bayer with a copy of the April 15<sup>th</sup> letter from the traffic engineer, Mr. Livingston. Mrs. Stinney thanked Mr. Rehmann with the on going dialogue with the residents. She has been hearing from those long time residents of the Township and she has been talking with some of the residents that have come forward complaining about that same situation so that they are kept up to par as well. Mrs. Stinney noted that Council had asked Mr. Rehmann prior regarding the accident count in that area; a report from the Police Department. Mr. Rehmann advised there were five accidents in 2004 and 13 collisions in the last five years. There were two vehicles that were rear ended on Evergreen, one on Lakeshore and a couple of other minor things. They did indicate there was a bike that was sideswiped and some improper turns made. The county stated there were residents in the area walking and ARH will look in to that to see if there is an easy solution to providing them some safety also. 9. We do have a grant from the Department of Green Acres in regard to Imagination Kingdom. The Imagination Kingdom grant is a \$445,000 grant with a \$445,000 low interest loan. They have changed their rules and their rules now state that we have 90 days from the date of allocation to issue contracts. Mr. Rehmann suggested they have never worked in the Pinelands. Not that he objects to working in the Pinelands nor does he object to their review of any project ARH does because he thinks they are environmentally sensitive to their project work but 90 days is simply not enough time. Mr. Rehmann will be talking to the Mayor regarding that issue to see how we can rectify that. Mr. Rehmann will make himself available and has given Mr. Vaz some dates to meet with the Council in regard to the road program. All of Council's suggestions are important and there is capital money in the 2009 budget hopefully for another road program towards the end of the year. Mr. Rehmann appreciates Council listening and thanked them for their time. Mrs. Stinney thanked Mr. Rehmann for his updates.

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

**Chris Vaz: 1.** With all of the stimulus money that is allegedly flying around, the experience they are having that seems to be shared throughout the United States is that it is not trickling down to the local levels to towns like Pemberton Township. There is a lot of frustration in Administration that is shared throughout local government in New Jersey and it's a feeling that is shared throughout the country. We are chasing money that most of the time is not there for us. Mr. Vaz spent an entire day researching something based on a request from one of the congressional offices to realize by the end of the day after spending the entire day researching that we were not eligible for it. No local town was eligible for it except in very, very specific circumstances. It has been very difficult to try and pinpoint this because there is a lot of misinformation and a lot of people that just really don't understand the process. Not because they haven't tried, it's just because the federal government has it so messed up at this point. Basically, the end result is what they have done is they have pumped a lot of money in to the programs that already exist. They haven't created a lot of new problems but for instance Cops Hiring is one that we applied for two weeks ago. That was already an existing program and the government took billions of dollars of stimulus money and just added it to that program. With that said, we have requested through Congressman Adler's office and at his request, he is fighting very hard for south Jersey and getting stimulus money especially for his district. Some particular projects that we might be eligible for and we requested through his office, two new senior citizen

busses for the senior center for that program. Mr. Vaz did receive a call from a staffer asking for additional information because she did think it was a program that would be eligible under this particular stimulus. Congressman Adler's office has been phenomenal in helping us steer through this maze of federal stimulus money. Secondly in regard to Congressman Adler's office and support, he has selected amongst hundreds of projects that were submitted to his office for an earmark. The Congressman believes it is his duty as a Congressman to bring money back to his district because if he doesn't some other district is going to get it. He has agreed to put in for through the 2010 federal budget and through his part of the earmarks that happen; the Lake Valley Sidewalk Improvement project. The Township received notification via a letter last week. As Council knows, Administration and Council have been fighting very hard to get somebody to give us the money for that important project out in Lake Valley and Congressman Adler has stood by us and told us that is going to be one of his projects that he seeks an earmark for and they are doing that process right now. 2. The Firefighters Grant has a May 20<sup>th</sup> deadline. Mr. Vaz has asked all of the Chiefs in the Fire Companies and the EMS Organizations to meet him tomorrow to review that. This is not a stimulus grant and it's an annual grant but we are well qualified as a community to receive money. We are going to put in for two new ambulances because our EMS organizations are very much in need of some new ambulances and the fire companies have been asked to come up with a list of training needs or equipment needs that we can put in. Mr. Vaz has offered to the fire companies the assistance of our staff internally to apply for the grants because they have to be applied for electronically on line and he has offered the assistance of our office to do that knowing that the volunteers are stressed enough with having to work regular jobs and then putting all the time that they do in to the organizations. There is going to be stimulus for fire fighters and the Mayor has him researching that there is going to be an announcement in two weeks that there will be \$2.10 million available for new construction or renovations for fire houses. That's pure stimulus money and one thing that he is actively involved with Chief Maahs from Presidential Lakes is putting together the information needed to renovate the Presidential Lakes Fire Company. It's basically pouring through the roof and they desperately need a new roof and other renovations. What the Mayor has in mind as a concept is to refurbish the fire house with this money then there is \_\_\_\_\_ development money available through another agency, USDA, who have already told us point blank that they very much want to give us a half million dollars for either a community center that would be attached to the Presidential Lakes Fire Company or to take on the construction of the building but there is other money to do that. Administration is trying to leverage all of the available funds to do that. 3. Administration has asked ARH to research **Browns Fields money** and targeted two particular properties. This is free money and it is not a loan. This would give us money to take care of the environmental issues that we believe exist at the old gas station at the fork on Fort Dix Road and Odd Fellows Road. The owners have abandoned the property and the Police Department was able to remove the squatters. Now it's a matter of getting the funds to basically do what we have to do to do an environmental clean up and then eventually foreclose on it through the regular process, own it and then sell it. The other property is the old Manson Garage on Lakehurst Road where we have already removed the buildings but are told that there are still tanks on the property and it is still listed on the state's website as an active environmental hazard. ARH is going to be working on the Browns Fields aspect of that. 4. The County Office of Aging informed Administration that they received \$80,000 in stimulus money and they would like to give Pemberton Township a large part of it to pay for what we presently pay for the meal program. Pemberton Township pays up to \$3,000 a month for the meal program and the County Office of Again has \$80,000 that they have to spend over eighteen months. Mrs. Paula Redmond met with the Director today to discuss the requirements and we are looking at approximately \$2,000 a month for eighteen months which will free up that line item that already has the money in the budget to do that. Mr. Vaz conveyed that was very good news and Mrs. Redmond is very

excited about being able to free up that money and potentially be able to use it for some other senior programs. 5. There has also been a lot of interest in the solar fields, solar panels and solar energy. The Mayor has met on a couple of occasions with interested parties who want to put these solar fields up in Pemberton Township. It doesn't cost us anything because it's not our property although Administration is looking to see if the Township does have property that might interest somebody. It will provide clean energy to certain parts of the town and the benefit to the owner and this is stimulus is tax credits and they get a very significant depreciation benefit on the way it is structured. There is a lot of interest now and we haven't had a lack of people interested in approaching us. There have been at least a half a dozen companies looking at Pemberton very actively to put these solar fields up. There are issues involved such as Zoning that have to be worked out but it's another hot item involving grants and stimulus. 6. There are a couple of grants that will be requested like Council did tonight on the other resolutions. Administration will be asking that Council do resolutions on May 20<sup>th</sup> for the Municipal Aid Program through DOT for a Phase II of Lemmon Avenue. The Township has already received \$196,000 and through the meeting with Mr. Rehmann and his staff, they have decided to ask Council to approve additional funding. That will complete the entire road of Lemmon Avenue. The other aspect of it is called centers of place. Administration racked their brains trying to find a project for this because this is money we are eligible for. We are on the state's list of towns that are eligible for this. What they came up with is the parking lot in downtown Browns Mills that the Township owns behind the First Aid Squad. It's quite deplorable and Administration is looking at applying for a grant to fix that up really nice and make it a real parking lot along with sidewalk improvements, solar lighting and landscaping. Administration has asked Mr. Rehmann's office to get prepared to apply for that and they will have a resolution for Council next week. The problem with some of these is that the grants are so specific, it's very difficult to come up with projects. Administration tries to come up with projects that tie in with other things going on. Like the Wayfinding Signage one that is a downtown Browns Mills project, the parking lot is downtown Browns Mills so it ties in with that. 6. To update on an older project, Mr. Vaz informed he met with Mr. Tom Cretelli at Mr. Bayer's office today who is the Principal in Danitom. Danitom purchased the property from the Township a number of years ago to build 55 homes and the Township received a deposit but have not been paid the \$1 million that is outstanding because of the way the developer's agreement was structured. Nothing has been happening with the project and from Mr. Applegate's presentation earlier, our issue in Pemberton is not a spending problem, it's a revenue problem. Administration wanted to know from Mr. Cretelli what is holding his project up. It's basically the same problem that is holding most developers up. The credit market has frozen and it's very difficult for guys who a year ago could have walked in to a bank and gotten 90% of the money they needed for a project. These days they are lucky to get 60%. Mr. Cretelli has been working on alternative funding and he is prepared to start the process of coming to the Planning Board by August. Mr. Vaz informed that he stressed to Mr. Cretelli how important it is to Pemberton Township and our budget for 2010 that we close on his property by December 31<sup>st</sup> so we can anticipate that money in the 2010 budget. Mr. Cretelli is very intoned with that entire issue and how important it is for us and he is going to work very hard to try to get to the Planning Board. He already has his certificate of filing with Pinelands so for him it's a matter of getting the money lined up. He has been working very hard and has not abandoned the project. Mrs. Stinney thanked Mr. Vaz and noted that it seems like they have been out there trying to get their work done. She knows the grants are very competitive and very time consuming. When we think we have something and something else comes along and throws it off. Mrs. Stinney mentioned that at the Revitalization Meeting yesterday, they talked about the project of the wayfinding signage and how it would enhance the Township. Mrs. Stinney is grateful and is hoping that we can get something like that going on for Pemberton Township. Mr. Inge stated to the Solicitor that he attended the Senior (Citizen) Prom last week and there was a



Township employee bringing elected officials around and introducing them to the people that attended. Mr. Inge did not think that was appropriate and is not sure if that was legal for that person to do that. Mr. Vaz stated he doesn't know and he wasn't at the Senior Prom. Mr. Inge asked if he can mention a name. Mr. Vaz responded he doesn't care and he doesn't know. Mrs. Scull commented that they were on their own time and not working for the Township at that time. Mr. Inge stated if you look at the agenda that was laid out, they were listed on there and their title was also listed. Mr. Vaz asked Mr. Inge if he is talking about the elected people from Pemberton Township. Mr. Inge replied no. Mrs. Scull replied no. Mr. Vaz asked if they were from outside of the town. Mr. Inge responded yes. Mr. Vaz replied that he wasn't there so he doesn't know. Mr. Inge remarked that he is just asking if that is or is not appropriate. Mr. Clark responded that it would have to be looked in to to see what actually occurred and he doesn't really know anything about it so he can't really say one way or the other anything about it. Mr. Clark continued if Mr. Inge would like him to look in to it, he can certainly do that. Mr. Inge responded that he definitely would like that to be looked in to. Mrs. Scull asked Mr. Vaz where the Township is with Live Where You Work because she is very upset that other communities have it up and running and Pemberton Township does not. Mr. Vaz answered that Administration just finished about two weeks ago the photo collage for the brochure so that should be happening very soon. Mrs. Scull asked how long is it going to take because she has one person who keeps asking her because they need to get a mortgage now. The house is being built and they are afraid they are going to miss out on this opportunity. Mr. Vaz responded it's probably four to six weeks out. The contract is all done and Council approved this already. It's only the brochure that needs to be done and the state doesn't like rolling out the program until all of the pieces are in place because they had that experience once. Mrs. Scull then asked why did other districts get their pieces in place so quickly and we didn't and is there a reason for that or is it the state with the photos.....Mr. Vaz replied no, it's us. We have the obligation to give them a photo and unfortunately we don't really have a photo of a downtown that represents Pemberton in a sense of putting it on a brochure. Mr. Vaz gave an example of Trenton that has the Capitol Building on their brochure. The Capitol Building stands out as something that represents Trenton and Administration has been racking their brains trying to find what photo best represents Pemberton Township. Mr. Cartier suggested Mirror Lake. Mrs. Scull agreed and added Little Red School House, the Sun Bank and.....Mr. Vaz interjected that Administration did a collage. Mrs. Scull noted that she would hate for this person to miss out on that opportunity. Mrs. Scull stated she saw the letter to the Editor about the Boro and Goodwill Fire Company and asked if there have been any meetings or anything going on with that. Mr. Vaz informed the last meeting was approximately three weeks ago. The status is Goodwill has not been paid for 2008. They were paid for 2007. The only hold up at this point is that the Mayor has asked him to get the Goodwill Fire Company to agree that in so far as they use municipal equipment and apparatus and our fuel, they have to agree to subscribe to the same rules that our fire companies subscribe to. For instance, not taking the fire truck to Washington, DC for a parade or Philadelphia for a parade without consulting first because our own fire companies wouldn't be able to do that in accordance with our vehicle use policy. Things like that, different aspects such as our fire companies can't fill pools but Goodwill can fill pools. The Mayor wants Goodwill to subscribe to the same policies that our fire companies subscribe to. Mr. Vaz remarked he had a meeting with them about three weeks ago and Mr. Cartier had an opportunity to participate in the back end of it and it was a very positive meeting and they have indicated they are very interested in being a part of the fire department. They are very willing to accept the rules and regulations that our fire companies have to subscribe to and right now it's a matter of getting them to sign some piece of paper that will cement that. They have been paid from what he understands, because the Boro paid them. At this point, it's the Boro that is mad at us and not the fire company. Mrs. Scull commented that they have extra money and she read about that in the paper too. Mr. Inge asked why haven't we

paid them. Mr. Vaz replied there has been a dispute as to the status of the 2008 contract. The Mayor cancelled the contract and asked to renegotiate sometime in late 2007. Their lawyer is taking the position that since it wasn't in writing, it's not a valid cancellation. It's really a Boro/Township issue and it's not really a Township/Goodwill Fire Company issue. Mr. Vaz conveyed that we are certainly going to honor the 2008 contract and the Mayor has only asked that we get the Goodwill guys to sign off on the same rules and regulations that our fire companies.....Mr. Inge interjected and stated that's for 2009 but what about the 2008.....Mr. Vaz replied he is talking about 2008. Mr. Inge commented that we are in 2009 now and Goodwill has not been paid for 2008. Mr. Vaz replied that is correct and Goodwill wouldn't get paid for 2009 until probably the end of the year and they get paid in arrearage and it's really 2008 that is the issue right now. Mr. Inge commented that Goodwill does a great service for this Township and they should be paid.

### **COUNCIL COMMENTS:**

**Tom Inge: 1.** Thanked everyone for coming out and wished everyone a safe trip home.

**Sherry Scull: 1.** In reference to an issue that was brought up earlier, she knows Council has sat and not made comments but she would like to comment. When the Township became involved in an issue that Council discussed on Monday night, it wasn't because of any kind of criminal or civil matter. It was because charges were filed against the Township and an employee had filed charges against a Council member. It had nothing to do with a civil case and it had nothing to do with the judge dismissing that there weren't any criminal charges that should be filed. One thing has nothing to do with the other. Council was involved because Council was informed they had to as it was Council's employee. It is typical through any kind of grievance procedure if there is a grievance filed, it will go to the sitting board. That is the way a grievance situation is dealt with. Mrs. Scull stated that she can speak for all of Council in that not one of them has sat there and not wanted one of the businesses in town to be open. It has not been her desire and her desire from the beginning was hoping it would be open so she could patronize it and put some of the business from her day job in there to help support a new local business. Council has sat here for months and been assaulted unfairly over an issue that Council really has no control over. The issue has been at Pinelands and with the Planning Board. Mrs. Scull resents that she is constantly treated unfairly because of something that she certainly has no control or no part in. When she ran for office, she did it with the naïve attitude that anyone running would be doing so because they really cared about Pemberton Township and this community. Mrs. Scull has sat on Council and has been personally attacked for the way she breathes, and she has COPD and holds her head in a certain way because she had polio when she was younger and doesn't have the muscle control in her neck and is not going to apologize for that. Her family has been harassed and attacked by the same individuals who defend somebody else's right to have freedom of speech but is not willing to give her and other Council members that same privilege or courtesy. Mrs. Scull informed that she does not have a personal agenda. For thirty years she has taken time away from her family to work for this community. She volunteers and has fought for over thirty years for Pemberton Township and she has never regretted her service until now. Mrs. Scull has often stated she will be at any meeting that would benefit this community but don't waste her time. Unfortunately she feels that this Council spends a lot of time here that is wasted; it's a waste for the community for Council to be tied up in conversations continually about things that don't benefit us and she would rather be working on things that benefit the community. Mrs. Scull feels Council is doing that because they are caught up and held hostage by other individuals' agendas and she is no longer going to sit here and be attacked without saying something about it. **2.** Wanted to speak about our road program. Stated that Mr. Prickett is exactly correct in that it takes four votes to pass an ordinance for a bond issue. As Council



has been told several times in the last few months, it's always three to two. It shouldn't always be three to two. It could be four to one, it could be five to zero and it could be one to four. People need to put the community first and not get upset because a certain road that they don't want fixed or they don't feel fixed is on the list. Let's put the community first and let's not hold Council hostage by threatening to not vote for an adoption of an ordinance just because you don't like a road on the list. It's a disservice to our residents. **3.** Mrs. Scull is very frustrated sitting on Council month after month listening and taking abuse and being attacked for things that really have no place in a Council meeting. Council should be working on business for what's best for this community. There are good things happening. Mrs. Scull noted Mr. Vaz commented on a lot of good things going on. In spite of the fact that we could be doing more good things if we weren't wasting so much time. **4.** Mrs. Scull brought up an issue that she is very proud of which is last night at the MUA meeting, there were two form C's approved which mean projects that are going forward. One of them is for an early childhood center on Arney's Mount Road which would have been built a couple of years ago had we not been caught up in political haggling back then. Finally the plans for the Dunkin Donuts and Rite Aid at the old Acme Shopping Center. We are seeing progress and things are being done positively. As much as she gets frustrated, at least she can see things are moving in the right direction. **5.** Mrs. Scull is very proud of the prom that was sponsored through the Pemberton Township Education Association, the NJEA in conjunction with Pemberton Township that took place last Wednesday for over 150 of our senior citizens in this Township. It was a positive event and we should focus more on doing positive things for the community and our citizens. Mrs. Scull thanked Mr. Vaz for making her night in talking about the money coming forward for our seniors and also for the possible purchase of two new buses. She knows the seniors appreciate it. Many of them have given their years of service in this community and have lived here fifty to sixty years like Mr. Cathers and anything we can do for them, we should do it. **6.** Glad to see Betty Roughgarden come in tonight because she is glad to hear different sides to that story. Mrs. Scull is very concerned with the comments that Mrs. Roughgarden stated were made to her. This is Pemberton Township and we don't expect that. Mrs. Scull asked if she is naïve enough to think that there is nobody that would say that and replied no, she is not. Mrs. Scull noted it doesn't belong here, this is a multi-cultural community with a lot of people that have worked hard and don't care who their neighbors are as long as they are good neighbors and she is proud of that. She is proud of the service that has happened here. One of the things that she thinks and is hoping might have had something to do with getting the call from the county was at the prom there was an Assistant Commissioner of New Jersey from the Office of the Aging who came down and gushed about how wonderful the event was; the students from the high school that worked with the senior citizens served them. Mrs. Scull agreed that there were a couple of elected officials there and she has invited elected officials from the Council all the way through the Governor's office for the last two years. This year there were two Freeholders that came and she is darn glad they were there. It was a wonderful thing that they could come in and see that there are positive things happening in Pemberton instead of just the negative headlines that we seem to get. She was very impressed and Mrs. Scull hopes she went back and called Burlington County and told them that was a great group of seniors and let's give them some more money. If that works, great and that's what we should be doing. Out there getting the best we can for the community and moving forward with those issues. **6.** Thanked everyone for coming out and she is looking forward to Whitesbog Road being paved because she has been down that road many times. Mrs. Scull commented to Mr. Cathers that she has not been down that road since they told Council the dust bothers his health and she is not going down that road until it gets paved.

**Rick Prickett:** **1.** Commented in response to Brenda Smith's statement regarding Pemberton is one of the top five municipalities with foreclosures. That

really struck him and in this economy it is understandable why. People are having a hard time getting food on their tables, paying their bills, paying their mortgages and tonight Council tabled a 2009 budget with a 9.3 cent increase. Ninety some dollars might not be too much to most of us even though we are going to be paying it year in and year out and it doesn't go away next year; it's something that we're going to be paying for probably as long as we own the house. Mr. Prickett expressed that his concern is that by raising the taxes this year to this extent, 9.3 cents, is going to increase and escalate the home foreclosures. Hopefully we might not be the top foreclosure municipality in the county and he hopes not. Mr. Prickett pleaded with the Council to at the very least, take the \$100,000 out of the budget that is for capital improvements that have not been described that there is not plan, he has been on Council for seven years and he has had a written capital improvement project every and Council does not have one this year and it is unreasonable to leave \$100,000 which is more than one penny in the budget for some un-named project. **2.** The Joint Land Use Study that has been going on for the last year or so and Council has been talking about noise; mostly residential noise and music and such. There hasn't been a lot of talking about all of the noise we are going to experience when we have an increase in aircraft at the bases and as the megabase consolidates. Right now we have about 40,000 take offs and landings at McGuire and Lakehurst. Over the next couple of years, that is suppose to double and that does not mean that we are going to have a bunch more aircraft but means that they will be practicing with their take offs and landings. We are also going to have more helicopters come in to Pemberton and they will be based some place off of Fort Dix Road. The JLUS Study has prepared a map showing the areas that will be affected by this noise and one of their requests is that COAH housing not be built in the high intense noise areas. This needs to be talked about and we need to let the community know how our lives are going to change probably over the next five years with increased noise and much of that noise is going to be in Browns Mills and much of it is going to affect the Danitom Development that Mr. Vaz was talking about tonight because it is right in the key area as well as an area that we have designated as a COAH housing development. Mr. Prickett stated this map is on the web and just type in JLUS Megabase which will take you to the site and to look at this map. This is only the first study and these are based on numbers that don't truly reflect the number of aircraft that will be at that base over the next five years. The next study is 2010 and they are going to have maybe more realistic data to look at. We are now in the midst of a Master Plan and plans have been made and changes in this Township; we need to carefully look at how these changes and noise levels and the use of McGuire is going to affect our town and our Master Plan. That needs to be looked at. **3.** Noted that Mrs. Scull spoke of holding hostage the road projects and talking about it takes four votes and typically the vote here is three to two. Mr. Prickett commented that you don't really need to negotiate with the other two if you have the three but you do need to negotiate with the other one when you need the fourth. Mr. Prickett is not playing politics with this because he has clearly stated his concerns with paving Whitesbog Road and clearly has talked about the inequity in cost and how we need to spread those monies out so the whole town can benefit. Mr. Prickett thinks Whitesbog Road can be addressed at a lesser amount from \$260,000 and he has said that over and over again. He has talked about this at just about every Council meeting. Mr. Prickett noted that Mr. Rehmann informed that ARH is looking at finding ways to make this project cheaper but he is disturbed tonight to know that nothing has been done with that. There are no designs and it's only fundamental or preliminary at the moment. We need to do something; he would support the ordinance if Council removed \$100,000 from it and \$160,000 is too much for the construction of a road at Whitesbog in that area. Something needs to be done but we have to negotiate something that is more reasonable than that. Mr. Prickett recognizes the problem that the Cathers and their neighbors have experienced over the years. They have been up to the microphone and have talked about them and he truly would support a resolution for less than \$260,000. **4.**

Thanked everyone for coming out and looks forward to seeing them at the next meeting.

**Ken Cartier:** 1. Next Thursday, on May 14 at 7:00 pm, the school will be holding an informational meeting concerning the construction of the Early Childhood Center. Equipment is starting to move in to that parcel of land and construction is going to be coming soon. An informational meeting will be held for the residents of the Township and everyone is invited to come out. The meeting will be held at Pemberton Township's High School. Unfortunately, he won't be able to attend. Mr. Prickett commented he will be there. Mrs. Stinney informed Mr. Cartier that she can address that. When that was received and it's a baby of hers, the Early Childhood Center, and she is ecstatic. She had also made a commitment for that evening and called the Superintendent today who assured her that if any of the Council members are unable to attend the meeting, he would make sure he got the information to the Council members of what will be taking place and the information given out that night. 2. Mayor Patriarca left Mr. Vaz as acting Mayor and it was nice to see he left Mr. Vaz his gift of gab because Mr. Vaz totally out did the Mayor tonight. 3. Wished everyone a safe trip home and it was nice to see everyone, especially Tom.

**Diane Stinney:** 1. Nice to see everyone this evening. Always said there are three sides to a story; your side, their side and the truth. When Mrs. Roughgarden came forward tonight, it enlightened her on some other things. Mrs. Stinney shared that she felt compelled to write her thoughts down and noted that many people have come up to Council and asked when can Council get together and why are the votes two to three and noted Mrs. Smith comments. Mrs. Stinney advised Council is not a party sitting on the dais and would hope that none of the Council members would sit as a party and make decisions for the community as a party. She would hope that Council would have the best interests of the residents in Pemberton Township. Mrs. Stinney read from notes, "On Monday, May 4<sup>th</sup>, I was interrupted by Mr. Prickett while trying to read my open statement. Basically all I was trying to do was just get the pace; I felt tension here, I just tried to get the pace in some type of relaxed mode; that's all I was trying to do. Not even given the opportunity to say good evening to the public and to read the purpose of the meeting. I have always been open and I just feel so hurt that I could almost cry. I really do. This is from my heart. I have always been open to all of my colleagues here. I don't try to perceive to be unapproachable to anyone of you. About a month ago Tommy was doing some things across a resident of my son's and I went over and I went and knocked on the door and I said to Tommy, can I come in and he said sure. I said first, can I have a hug. A month ago. Many times I get on the telephone and I call Rick up and I even ask Rick, Rick would you come out, I'll talk with you. I don't have a personal agenda. I want to make it so that it's real and what I do and I'm sure that most of the other Council members feel the same thing because you heard Sherry tonight talk about the same thing. God as my witness, we did not talk about this. This came from my heart and I can't believe that she sang the same song that she is talking about on this paper. I felt that you Mr. Prickett could have been more courteous enough to have given me a call to inform me that you had intentions to recuse yourself. Not only that, you could have sent your comments or your remarks over to our illustrious Clerk or just said to me when I arrived that evening, I would like to read a statement, Council Stinney or Diane or whatever you want to call me before we start. That's what I talk about respect. That could have happened. It's not about the catch you, I gotch you or whatever, it's about respect. We as elected officials owe our residents more respect and we should be examples that they expect us to be when we accepted the Council seat to be elected officials, guess what. Some of the things we used to do, we don't do anymore. Mr. Tournquist can probably attest to what I'm saying. When you save some of the things you used to do, you don't do anymore. So when you get elected, the community expects you to act in a certain way. They don't expect you to get up and I gotcha, I'm playing with you and that sort of thing. Over the years Council

members have fought in this meeting room; they walked out of meetings and didn't even respect one another to get through a meeting that they needed to conduct themselves. As a resident who attended many of those meetings, often I ask myself looking from where you're sitting now, how disrespectful they are by treating the residents like this. Arguing and I gotch you and you're screaming and what did you say, you didn't say this word right, you said that word and I'm going to hold you accountable for that, send me an email so I can send it across the country, well that's not right. I've said all of this to say, we should be respectful to one another. We may not always agree and you've heard the residents come forward here, three to two, two to one, four to one and the budget, we went straight through the budget, every page, line item by line item and let me tell you and I'll say this to this Council again, we all agreed. We all agreed; we changed things around to accommodate different things, we all came to the same accord. We shouldn't be disagreeable towards one another. We really shouldn't be. We've all said we're here for the residents and we should act in a respectable manner and maybe just maybe perhaps we can get some of these things done that we here the residents talk about the roads and Lake Valley sidewalks and those sorts of things and maybe just maybe by working together, we could do this for the betterment of our Township. 2. Mrs. Stinney wished everyone a good night and asked for a motion to adjourn. Mr. Inge tried to interject. Mrs. Scull made the motion and Mr. Prickett seconded. Mrs. Stinney informed at approximately 10:00 pm that the meeting is adjourned.

Respectfully submitted:

Amy P. Cosnoski, RMC  
Deputy Township Clerk