

TOWNSHIP OF PEMBERTON

REGULAR MEETING

JUNE 17, 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

Ken Cartier
Tom Inge
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

Also Present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andrew Bayer, Township Engineer Representative Dave Clark, Township Clerk Mary Ann Young

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

Mr. Cartier asked for a moment of silence for two individuals, Anne Graff and Bob Morin. He expressed that both had a great deal of influence on the residents of Pemberton Township, noting that Anne Graff and her husband were very influential in the Browns Mills section of town. He reflected that Bob Morin was a retired post master who passed away yesterday and was very influential in helping the residents of this Township specifically through the rotary and the Lions Club.

3. Closed Session Res. No. 144-2009

RESOLUTION NO. 144-2009

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

Mr. Bayer did not have anything to add to Closed Session.

Motion by Prickett and Scull to approve Resolution No. 144-2009. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION

Mrs. Stinney recessed the meeting at approximately 6:33 pm to go in to Closed Session. Mrs. Stinney reconvened the meeting at approximately 7:00 pm.

5. Formal action as necessary pursuant to closed session.

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

6. Public comments on consent agenda items only.

Mrs. Stinney opened the meeting to public comments. Mrs. Scull asked Council President if the items Council would like to be added to the Consent Agenda could be added before public comments. Mrs. Stinney agreed.

Mrs. Stinney advised that Resolution No. 155-2009 is a resolution authorizing the Mayor and Town Council to sign a consulting agreement with the Delaware Valley Regional Planning Commission for preparation of an environmental resource inventory. Mrs. Stinney informed this was requested by the Business Administrator.

Motion by Prickett and Scull to add Resolution No. 155-2009 to the Consent Agenda. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 155-2009

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONSULTING AGREEMENT WITH THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION IN ORDER TO PREPARE AN ENVIRONMENTAL RESOURCE INVENTORY

WHEREAS, THE TOWNSHIP OF PEMBERTON PREVIOUSLY APPLIED FOR AND WAS RECENTLY AWARDED A SMART GROWTH PLANNING GRANT IN THE AMOUNT OF \$6,000 FROM THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS; AND

WHEREAS, THE PURPOSE OF THE GRANT IS TO HAVE PREPARED BY THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION ("THE DVRPC") AN ENVIRONMENTAL RESOURCE INVENTORY; AND

WHEREAS, THE DVRPC IS PROVIDING A \$2,000 SUBSIDY TOWARD THE TOTAL PROJECT COST OF \$12,000, AND PEMBERTON TOWNSHIP WILL BE RESPONSIBLE FOR THE BALANCE OF THE PROJECT COST IN THE AMOUNT OF \$4,000.

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

1. THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE A CONSULTING AGREEMENT WITH THE DVRPC IN THE AMOUNT OF \$10,000, A COPY OF WHICH CONSULTING AGREEMENT IS ATTACHED HERETO; AND
2. THAT THE MAYOR AND TOWNSHIP CLERK ARE ALSO AUTHORIZED TO EXECUTE ANY RELATED DOCUMENTS INCLUDING ANY AGREEMENTS WITH THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS.

Mrs. Stinney then asked to have the following items added to the bill list:

1. Payment over \$2,000 in the amount of \$24,000 to Goodwill Fire Company, 2008 payment requested by the Business Administrator
2. Payment of \$600 to the State of New Jersey in regards to the Presidential Lakes middle embankment application. This has been requested by the Township Engineer
3. \$121,213.30 payment to Earle Asphalt in regard to the Norcross Lane improvements requested by the Township Engineer

Motion by Prickett and Cartier to add to the bill list the \$600 payment to the State of New Jersey regarding the Presidential Lakes middle embankment application and the \$121,213.30 payment to Earle Asphalt regarding Norcross Lane improvements. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Motion by Prickett and Scull to add to New Business, the 2008 payment in the amount of \$24,000 to Goodwill Fire Company. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Prickett to add Resolution No. 156-2009 to the Consent Agenda which is a resolution that expresses the Pemberton Township Council's support for legislation that protects their children by establishing the 2000' buffer between where children gather and where sex offenders live without zoning such individuals from living within the Township of Pemberton.

RESOLUTION NO. 156-2009

A RESOLUTION THAT EXPRESSES THE PEMBERTON TOWNSHIP COUNCIL'S SUPPORT FOR LEGISLATION THAT PROTECTS OUR CHILDREN BY ESTABLISHING A 2,000 FOOT BUFFER BETWEEN WHERE CHILDREN GATHER AND

WHERE SEX OFFENDERS LIVE WITHOUT ZONING SUCH INDIVIDUALS FROM LIVING WITHIN THE TOWNSHIP OF PEMBERTON
WHEREAS, THE NEW JERSEY SUPREME COURT RULED THAT TOWNS CANNOT BAN SEX OFFENDERS FROM LIVING NEAR SCHOOLS, PARKS OR OTHER PLACES WHERE CHILDREN GATHER; AND
WHEREAS, THE PEMBERTON TOWNSHIP COUNCIL ON JUNE 3, 2009, INTRODUCED ORDINANCE NO. 14-2009 WHICH AUTHORIZES THE REPEAL OF CHAPTER 149 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING RESIDENCY RESTRICTIONS FOR THE REGISTERED SEX OFFENDERS LIVING WITHIN THE TOWNSHIP; AND
WHEREAS, THE NEW JERSEY SUPREME COURT CREATED A LEGAL VOID WITH ITS RULING ON MAY 7, 2009 WHICH THE LEGISLATURE IS ATTEMPTING TO REMEDY THROUGH CREATING A LAW THAT WOULD PERMIT MUNICIPALITIES TO BAR MEGAN'S LAW REGISTRANTS FROM LIVING UP TO 2,000 FEET FROM PLACES WHERE CHILDREN GATHER AND NOT RESTRICT THEM THROUGH ZONING FROM LIVING WITHIN THE TOWNSHIP;
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE TOWNSHIP CLERK BE AUTHORIZED TO WRITE A LETTER OF SUPPORT FOR BILL A-641/S-2138 ON BEHALF OF THE TOWNSHIP COUNCIL TO SENATOR PHILLIP E. HAINES, ASSEMBLYWOMAN DAWN ADDIEGO AND ASSEMBLYMAN SCOTT RUDDER OF THE 8TH DISTRICT.

Mrs. Scull asked if this has been approved by the Township Solicitor. Mr. Bayer informed that he has not seen the resolution. Mr. Prickett offered to pass copies out to Council. Mrs. Stinney commented that she doesn't have a chance to really.....Mr. Prickett interjected and stated he is adding this to the Consent Agenda and it can be pulled for discussion. Mr. Cartier stated this resolution is not establishing a law but rather it is expressing Council's support that the legislation established the law. Mr. Prickett confirmed.

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

Mr. Prickett passed out copies to Council explaining that one is a Senate version and one is the Assembly version and both are essentially the same documents.

PUBLIC COMMENT ON CONSENT AGENDA ITEMS

Mrs. Stinney opened the meeting to public comments on Consent Agenda items. Those indicating a desire to be heard were:

Vince Titano: 1. Advised that he is Regional Vice President with Bortek Industries, Inc. Mr. Titano noted that he was specifically addressing Resolution No. 152-2009 which awards a contract for purchase of specialized downtown sidewalk sweeper from HA Dehart and Son, Inc., in the amount of \$71,559. Mr. Titano expressed he was somewhat surprised to see this award listed on the agenda from the standpoint that Bortek did successfully bid that contract and followed through with every request as far trying to make sure there were no issues with the bid or product and that they did meet specifications including following through aggressively. Mr. Titano advised that Bortek demonstrated their product to Mr. McNaughton yesterday and it was very successful and it was clear that not only did their product meet specifications but in very many ways exceeded specifications. He explained they are a company that is based in Burlington County, and they have a facility in Cinnaminson. The products that they sell are specifically all that they do. They are very well equipped which they have proven in their demonstration to support the product. As an organization that is located in Cinnaminson, they felt they followed through properly and in consideration of their bid compared to what is on the agenda which is an 11% difference in their bid compared to what is going to be awarded, seems to be a little surprising. Mr. Titano stated if they have not proven that they met specifications or if there was something they were not made aware of, they are certainly prepared to address that. As a local company, they know what they can bring to the table for Pemberton Township in terms of not only the product but the way that they will be able to support the product. They are convinced that not only are they low bidder up front, but they are also the better value proposition long term considering their product and who they are as an organization and support. Mr. Titano expressed his willingness to take questions and if not that is his statement he wanted to make on the issue. Mrs. Stinney yielded to the Business Administrator, Mr. Vaz. Mr. Vaz stated the Bortek bid was for \$64,272 and the HA Dehart and Son bid was for \$71,559. He noted that Bortek's bid was in fact a lower bid; however, Mr. McNaughton, the Supervisor of Streets and Roads who is responsible for this particular bid solicitation for a

downtown sidewalk sweeper had determined when the bids were first received that the Bortek machine was larger than what the spec was for and the intent of the bid was for a sidewalk sweeper as a primary use with maybe occasional parking lot use. Mr. McNaughton's perception is that Bortek's machine would be great if the primary use was large parking lots with some sidewalks thrown in. The problem from Mr. McNaughton's point of view is that it is larger than what the spec was. In particular, the brushes make it larger. Mr. Vaz reported that prior to and after the bids were received, he arranged for a demonstration of the Bortek vehicle and the demonstration was at the Public Works yard yesterday. Mr. Vaz inquired how the demonstration went and if it affected Mr. McNaughton's recommendation that the Bortek's bid was not conforming. Mr. McNaughton conveyed that it did not change his opinion and Bortek did not bid on what was specifically spec'd out. Looking at it from the point of view of equivalency, it still would not serve the purpose for which the vehicle was intended. Mr. Vaz expressed that Mr. McNaughton loved the vehicle and thinks it is a great product but it's not what was spec'd for and doesn't meet the intent of the use of the vehicle. Mr. Vaz remarked that he asked Mr. McNaughton if he would stand by that and Mr. McNaughton replied yes. Mr. Vaz informed the low bid is being rejected because it is non-conforming with the bid specification. Mr. Vaz relayed that Mr. Bayer can better address certain aspects of the bid. Mr. Bayer stated the legal issue is under the bidding law even though the price is lower, under the local public contracts law the question is, it has to be the lowest responsive bid and relying upon our department heads to say the spec was for item a but we got item b. From a technical standpoint it is not responsive which is why it was recommended to be rejected. Our technical review of the bid specs also showed that Bortek did not include a copy of their dealer's license that they are a franchised truck dealer licensed in the state of New Jersey. There was some indication that the entire vehicle needed to be rust proofed in accordance with some New Jersey DOT specs with a five year warranty and that was not provided either and there was nothing in the bid about training. Mr. Bayer expressed there were a number of deficiencies some of which by the way of New Jersey law could have been curable if it was the right vehicle. Mr. Bayer suggested two choices, either award to the lowest responsive bid which is what Administration recommended or if Administration wanted to buy this other kind of vehicle, they would have to reject all bids and start over because it would be unfair to other prospective bidders who may want to bid on this vehicle. Mr. Titano explained his interpretation of the demonstration yesterday was slightly different. He expressed that every indication was that it was going to be well recommended. Mr. Titano commented that if the basis of the rejection for his bid was primarily on the maneuverability, he would ask that it be followed through as the bid being completely rejected and rebid. Mr. Titano explained he strongly feels that way because Bortek complied with the request to demonstrate the product and it's highly unlikely that there could be reasonable determination made that their machine is not maneuverable enough and the machine that is going to be awarded has not been demonstrated which is his understanding. Mr. Titano noted the issue of whether or not his machine is maneuverable enough or not, if it was not demonstrated in the area to prove that, he was prepared if that was the issue and what was at the heart of what was trying to be determined yesterday, then they were prepared to demonstrate that. In looking at the overall specifications of the machine, the sweep path which is ultimately what matters because maneuverability is going to be required by whatever the most extreme or widest area of the machine is, one will find that there is negligence and actually in fact when the competitive machine extends their sweep path as wide as they can, they are actually two inches wider than Bortek's machine. In fact, there are some discrepancies in whether or not those things are true especially considering the fact that there is an 11% difference in their bid. Mr. Inge confirmed with Mr. Titano that he demonstrated his machine yesterday. Mr. Inge asked Mr. Titano if he had asked Public Works to demonstrate his machine prior to yesterday. Mr. Inge stated that he doesn't

understand if this was going to be awarded today, why Mr. Titano just demonstrated his machine yesterday. Mr. Titano explained that after several calls and once the bid opening was complete and they were low bid, they very aggressively followed up with what they do with potential requests for them to prove the fact that they were a viable bidder considering the fact that they were not the speced product. They made numerous calls to try to arrange that and eventually they received a return phone call back and were told that yesterday at that time was the time that they were requested to demonstrate. Mr. Titano added that Bortek had been prepared to demonstrate the product as long ago as two weeks before the bid opening and made it clear through a series of emails that they had a machine available in Cinnaminson, New Jersey to demonstrate and yesterday was the day they were asked to come in and demonstrate the product. Mr. Inge stated the Solicitor had asked Bortek for the four items that were missing. Mr. Inge asked if Mr. Titano was ever given those questions before. Mr. Bayer commented that this would not normally be done. Under bidding laws, they have to be very careful. He noted that assuming that a bid met the technical requirements of the bid specifications, there are some deficiencies under New Jersey law which are "curable" and some which are not. Some of this could have been curable but because DPW had determined the truck didn't meet the requirements of the technical specs, they didn't even ask because they wouldn't do that if the DPW people are saying this is not what was asked for and he wouldn't want to waste their companies time to do that and be in the same position where they are today which is that they are still recommending rejection because it's not what they bid out. Mr. Bayer stated Mr. Titano is acknowledging that the truck they are providing is not the speced product. There was a certain truck in the specifications and that truck is not what Bortek has provided. Mr. Titano answered that is correct, it is not the exact model. Mr. Bayer conveyed the bidder that the DPW has recommended is the exact truck that was in the specs. Mr. Vaz noted they complied with the specs and he is told that it was represented that Bortek did not bid precisely to what was bid in the spec in terms of the size of the vehicle. Mr. Vaz recalled it has to do with the size of the brushes or something and it involved the size of the vehicle and Bortek's bid was for a vehicle larger than what was speced. Mr. Vaz commented that equivalency and whether it does the job is another story but just looking at the technical point of whether or not Bortek met the spec if what he is asking. Mr. Titano stated that is a very difficult question because it depends on how they are going to categorize size of machine because there are a lot of different things that make that up. Mr. Titano asked if they are referring to the machine's cleaning path or its height, width or length. Mr. Vaz responded it is referring to all of the above if they apply if it was specified. Mr. Titano asked if he is to understand that the spec would mean that they would have to exactly meet every specification. Mr. Vaz answered yes. Mr. Titano continued that they couldn't be less or greater and would have to meet every specification exactly as written. Mr. Vaz again answered yes noting unless they take an exception. Mr. Bayer stated otherwise, if they made exceptions for Bortek then there would be no uniformity and they would be treating bidders unfairly and under New Jersey law, they cannot do that. If Bortek had an objection to the specification, they would need to put that objection to the Township before the bids are submitted so that they can determine whether or not they would want to alter the bid specifications or not. Mr. Bayer continued that under the local public contracts law, they must treat all bidders fairly. Mr. Titano acknowledged that he understands that and thinks that Bortek did a very good job in their bid of clearly laying out each category of where they in fact met and in most cases exceeded specifications. Again, Mr. Titano is still not sure where they did not meet specifications in certain areas. Mr. Vaz replied the size of the vehicle; is it wider or higher or slimmer. Mr. Vaz continued he is not talking about equivalency but rather specifically with the bid spec because that is the recommendation of the supervisor that Bortek did not comply with the technical spec. Mr. Vaz reiterated

that it has been represented to Administration and if Mr. Titano has a different answer, then he needs to address that with the Public Works Supervisor. Mr. Vaz added that equivalency is an entirely different argument. Mr. Titano conveyed the only question he has is that the bid would have to be based on exactly as the specifications were written. Mr. Titano remarked that in every case that he has ever bid or been involved in, he is always looking not to exceed or not to be less than a certain amount in order to meet the specs which then leaves a spec like this fair and reasonable and less proprietary and that is his whole point. He expressed that if the Township is saying he is bidding this particular machine and it has to be exactly this by every standard that is a proprietary specification and does not make it an open bidding process. From that standpoint, Mr. Titano advised that he can't say Bortek specifically met every specification but if this is truly an open bid process, they have met and exceeded and have the better value proposition for Pemberton Township for this piece of equipment. Mrs. Stinney asked Mr. Vaz if he would be willing to look at this again to make sure that the specs are exactly what is written and what Mr. Titano has brought forward. Mr. Vaz replied yes, provided they are within the time constraints. Mr. Vaz noted that Mr. Titano indicated that he did not demonstrate the vehicle downtown rather it was demonstrated at the Public Works yard. Mr. Titano commented that is where they were requested to demonstrate. Mr. Vaz continued that in talking about equivalency it would seem the better place to test the equipment would be where it is actually going to be used and not the parking lot of the Public Works yard. Mrs. Stinney asked Mr. Titano if that is fair and he concurred. Mr. Prickett asked if all of the pieces of equipment were demonstrated before the specs were written. Mr. Vaz replied no. Mr. Prickett asked how the specs were accomplished. Mr. Vaz explained the specs were based on a particular model but they were accepting equivalent versions of the same thing and that is kind of what Mr. Titano is arguing. Mr. Vaz conveyed that Mr. Titano is arguing that Bortek supplied something that complies with that spec even if it is not right down to the inch. Mr. Prickett stated the Township is expending \$71,000 and he would hope that the Department of Public Works would have been out there testing the machines to see how they work. Mr. Vaz remarked Public Works has examined vehicles but in terms of a pre-bid demonstration specifically by companies that may bid, no. They have seen these vehicles in other downtowns and they did their research on what they thought would work here but the bid specifications provided for a post bid demonstration time period of 10 days. Mr. Vaz conveyed Public Works did not feel a need to demonstrate the DeHart vehicle because that is basically what they specified. He expressed that obviously other vehicles like Bortek, would need to be demonstrated if it is not meeting these specific specifications. Mr. Vaz informed there is no problem setting this up because it is within the 60 days and it can be set up downtown so it makes more sense and to be more fair to see the vehicle in action. Mrs. Scull expressed concern and asked if the specs were written for a specific vehicle where it was only available from one company because she has seen that happen in the past with school buses. Mr. Vaz answered that the specifications stated a DeHart sidewalk sweeper or equivalent and sometimes there is not an easy way to get around that, noting they usually start somewhere with some concept of liking a particular vehicle and it does the job they are looking for and that is what Mr. Titano's argument is as he is saying his vehicle is equivalent. Mrs. Scull asked if there aren't very many companies out there that provide these types of vehicles. Mr. Vaz replied there were only two bids received. Mrs. Scull wanted to ensure the bid specs were not written specifically for one company to automaticallyMr. Vaz interjected that the bid specs were not written for one company to get the contract but it was certainly in total transparency, the spec came from another company's vehicle. The statute requires that language is added if they are going to spec a brand name, they have to state or equivalent and that is what Mr. Titano is stating his company has complied with. Mr. Prickett commented that when it states equivalent, that gives some flexibility whereas what

was he said before, where there were no variations within the specs that is why DeHart had to be recommended. Mr. Prickett stated equivalency gives leeway in the different parts of the specs. Mr. Cartier disagreed and stated not in accordance with the way the specs are written. Mr. Prickett reiterated if they use the word equivalent. Mr. Cartier stated it doesn't. Mr. Bayer commented there are certain specific requirements for various portions of the vehicle. Mr. Vaz then asked where they draw the line at a certain point; if they state 50 inches and it turns out 70 inches works, what about the guy that bid the 50 inch truck; at a certain point it is a tough call. Mrs. Scull asked if non-responsive is a typical phrase used in a situation like this. Mr. Bayer confirmed it was and added under the local public contracts law, the term is "lowest responsible bidder" and responsible means meeting all of the other requirements, not just price. **Ardith Bowers: 1.** Asked if Resolution No. 147-2009 which is authorizing the renewal of liquor licenses for 2009-2010 has Skips Bar and Grill, LLC included and if it is included with the current stipulations and special requirements from the current license. Mrs. Stinney answered Skips Bar and Grill is not on this resolution. **Shem Miller: 1.** Has several questions on Resolution No. 152-2009. He asked where downtown is. Mrs. Stinney answered there is only one downtown that she knows of and it is called downtown Browns Mills. Mr. Miller asked why that is not put in the resolution. Mr. Miller noted that Lake Valley Acres has sidewalks also. Mr. Bayer advised it is being funded out of UEZ funds. Mr. Miller asked how many sidewalks there are in Browns Mills to warrant this. Mr. Miller then asked what the UEZ is. Mr. Bayer explained it is the Urban Enterprise Zone. Mr. Miller asked for more information so that everyone can understand. Mr. Vaz explained this was a 2008 UEZ project and 80% of it is funded through the UEZ funding from the state and 20% of this was put in last year's budget for this and the other one listed on tonight's agenda. The intent is sidewalks and the curb line in the street with the storm water drains. The intent is multi-purpose and the municipal parking lot which will hopefully be renovated through a grant application that was applied for about a month ago. Mr. Vaz noted Lake Valley is not in the UEZ so in theory they could not use the sidewalk sweeper there. He explained their UEZ Zone is very broad and is not just downtown Browns Mills and includes a part of Fort Dix Road and some other pockets in the Township. Mr. Miller asked if that is Township property on Fort Dix Road. Mr. Vaz answered it is Township property and there are UEZ businesses along that area. Mr. Miller noted only recalling two businesses in that area. Mr. Vaz conveyed there was a power boat business there until the market took a dive and it closed. Mr. Vaz reiterated that the UEZ is not just in downtown Browns Mills but rather is in other pockets of the town. Mr. Miller stated this is a lot of money to be spending for something to clean sidewalks and around the curbs. Mr. Miller asked if Public Works had one machine to go around the curbs already. Mr. Vaz stated they have a larger style parking lot style street sweeper. Mr. Vaz explained that one of the things the UEZ Coordinator does when planning projects is there are meetings amongst the group of UEZ Coordinators from the State and they meet with the State reps and they come up with the types of things that are authorized under the UEZ program. They just can't spend UEZ funds on anything; it has to meet certain criteria for the State to approve it. One of the things that other municipalities that have cities that have downtowns do is they have a sidewalk style sweeper so Mr. Jones, their UEZ Coordinator, brought that presentation back here in 2008, Council authorized it and then it was approved by the State UEZ and now they are actually getting to the point of spending the money. Mr. Vaz reiterated the UEZ pays 80% and the municipal budget covers the other 20%. Mayor Patriarca explained this is all part of a larger program that was established in Pemberton Township; their UEZ Clean Team. They are out in the white pick up, small truck and the trailer full of lawn equipment and it funds two employees. Their job is primarily to just to go out and work in all of their business districts; their UEZ zones and utilize the UEZ funding to purchase equipment to pay for the employees and to help keep their business

districts clean. He affirmed that's part of what the UEZ was established for to help promote their businesses and that's what they're doing by helping to keep it more presentable noting this is all part of a larger program. They have been mowing the grass out there along the right of ways and so on all summer and this was initially brought forward in the original programs; the sweepers, the mowers, the plows and all of that is part of a larger program and this is just a portion of it. Mr. Miller asked if the old Acme comes under the UEZ. Mayor Patriarca acknowledged. Mr. Miller asked if this new sweeper will be used to clean that parking lot. The Mayor answered no; this is not for internal use of the parking lots and this is for parking lots and that's one of the reasons why this became an issue because parking lots are a secondary use. This could be used for the municipal parking lot but they don't go inside of the businesses and do their landscaping and sweeping. They would primarily do sidewalks, curbing in front, right of ways and basically the street scapes of the businesses. Mr. Miller suggested when it comes out to Presidential Lakes, it could be used in the municipal parking lot as well as the curbs. Mayor Patriarca replied that if it is a UEZ zone, it can be used there. Mr. Miller asked if that money has to be spent. The Mayor answered the money sits at the State for a period of time and it's just a matter of time before the State takes that money and enters into that account like they have many others. Mr. Miller then asked where that money comes from. Mayor Patriarca replied it comes from the 3.5% sales tax that is paid in the UEZ zone and that's where it is collected from. Mr. Miller stated if it doesn't have to be spent, why spend it because Corzine is trying to raise property taxes and everything else. The Mayor answered it has already been appropriated and it can't be used for anything like that. It has primary uses and that is all it can be used for. They haven't been utilizing that program and they have a substantial amount of money in their UEZ fund and they are trying to draw that down with responsible programs to promote their businesses within their Township. Mr. Inge asked if this is for all UEZ properties or just downtown. Mr. Vaz replied it is for the entire UEZ. Mr. Inge stated he has been a member of the UEZ for many years and he has never had anybody come out and clean the front of his properties. Mayor Patriarca asked Mr. Inge when he approved the UEZ Clean Team. Mr. Inge replied they have been approved since last year's budget and there were trucks budgeted and two employees and lawnmowers and trailers and as of yet he has not seen anybody in the front of one of his properties cleaning. Mr. Inge added that he has to pay people to clean the front of his properties and he was a UEZ member and if this is what it is going to be used for then they should be doing all of the businesses. Mr. Vaz agreed and added all of the right of ways. Mr. Inge asked if the Acme shopping center has it contracted out for doing their sidewalks and their grass cuttings. Mayor Patriarca reminded that they only do the right of ways and the sidewalks in front of the business. He clarified that they do not come in to the business and do the property. Mr. Inge stated he would just like them to pick up the paper in front of Lakehurst Road and that would be a good thing. Mr. Vaz agreed and added that is what they are for. Mr. Inge commented that on the paperwork he has not seen anywhere on the paperwork that it is a UEZ project. The Mayor stated to Mr. Inge that he approved the project. Mrs. Scull interjected that it is part of the budget. Mr. Inge asked how long ago. Mayor Patriarca commented that Mr. Inge just got done stating how long ago; it was last year. Mr. Inge suggested it state on the paperwork that 80% of the \$71,000 is going to be paid through the UEZ. Mr. Vaz commented that Mr. Inge has a good point noting there is a second page that Mrs. Young has that is the certification of the availability of funds that spells out where it is being charged to in the budget. Mr. Inge remarked that it is not on the paper that Council received. Mr. Vaz acknowledged that.

***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 May 20, 2009.

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 145-2009

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:

FIRST AMERICAN, \$869.09, OVERPAYMENT OF FIRST QUARTER PROPERTY TAXES, BLOCK 1105, LOT 15
THIRD GARDEN PARK LIMITED, \$112.00, REFUND FOR SOLID WASTE SERVICE, HOUSE DEMOLISHED, BLOCK 774, LOT 6
JOE SMOLARSKI, \$133.00, OVERCHARGE ON ELECTRICAL SUB-CODE, BLOCK 634, LOT 4

RESOLUTION NO. 146-2009

WHEREAS, COUNTRY LAKES FIRE COMPANY DESIRES THAT, PURSUANT TO THE PROVISIONS OF N.J.S.A. 15:8-4, CERTAIN PERSONS BE APPOINTED TO PERFORM PERMITTED POLICE DUTIES AT FIRES AND FIRE DRILLS;

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE BELOW LISTED MEMBERS BE APPOINTED AND DESIGNATED AS FIRE POLICE OFFICERS FOR A TERM OF FIVE YEARS FROM THE DATE OF THIS APPOINTMENT TO PERFORM DUTIES AS PRESCRIBED IN N.J.S.A. 15:8-4 UPON TAKING APPROPRIATE OATH BEFORE THE TOWNSHIP CLERK, A COPY OF WHICH IS TO BE FILED WITH THE CLERK AND ALSO THE SECRETARY OF THE FIRE COMPANY.

AL COOK

RESOLUTION NO. 147-2009

WHEREAS, APPLICATIONS HAVE BEEN MADE TO THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES, CLUB LICENSES AND LIMITED RETAIL DISTRIBUTION LICENSES FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2010; AND

WHEREAS, THE SAME HAVE BEEN DULY ADVERTISED AND NO OBJECTIONS HAVE BEEN FILED WITH THE TOWNSHIP CLERK; AND

WHEREAS, THE RENEWAL APPLICATIONS HAVE BEEN COMPLETED IN ALL RESPECTS AND ALL OF THE BELOW-NAMED APPLICANTS ARE QUALIFIED TO BE A LICENSEE IN ACCORDANCE WITH ALL STATUTORY, REGULATORY, AND LOCAL GOVERNMENTAL ABC LAWS AND REGULATIONS;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE FOLLOWING LICENSES BE RENEWED FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2010, EFFECTIVE UPON ADOPTION OF THE RESOLUTION HEREIN:

CLUB LICENSES:

EDEN STANLEY AMERICAN LEGION POST 294 #0329-31-018-001
T/A AMERICAN LEGION

BROWNS MILLS MEMORIAL VFW POST 6805 #0329-31-020-001
LIMITED RETAIL DISTRIBUTION LICENSES:

ELIZABETH M. CARROLL, INC. #0329-43-005-002
T/A JC FOOD MARKET

PLENARY RETAIL CONSUMPTION LICENSES:
JORMAR, INC. #0329-33-015-008

T/A COUNTRY LAKES LIQUORS & PUB
LAXIMI KRUPA CORPORATION #0329-33-009-004

T/A PIG'N WHISTLE
MERKO, INC. #0329-33-016-005

T/A MERKO, INC.
SAI RNJ CORP. #0329-33-001-005

T/A BELLY BUSTERS GENERAL STORE
OTT'S PUB INC. #0329-33-012-003

T/A OTTERS PUB
TERRACE INN INC. #0329-33-006-003

T/A TERRACE INN
KUDAN CORP. #0329-33-021-005

T/A POCKET LICENSE
DRAEL, INC. #0329-33-017-003

T/A POCKET LICENSE

RESOLUTION NO. 148-2009

AMENDED 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. 54:4-66.2ET SEQ.
2. THE ENTIRE ESTIMATED TAX LEVY FOR THIRD QUARTER 2009 IS HEREBY SET AT \$8,394,048.94.
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. 149-2009

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

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 606 LOT 3, 3 CHIPPEWA TR. OWNED BY JAMES MOORE QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF MAY 15, 2009; AND
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 606 LOT 3 AS A RESULT OF THE GRANTED EXEMPTION; AND
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO MAY 15, 2009 ARE \$1,175.20; AND
WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 606 LOT 3 IN THE AMOUNT OF \$1,566.50 FOR THE FIRST HALF OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$391.30 TO JAMES MOORE ; AND
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MAY 15, 2009 AND AUTHORIZE THE REFUND OF OVERPAID 2009 TAXES.
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 606 LOT 3 AS OF MAY 15, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$391.30 TO JAMES MOORE, 3 CHIPPEWA TR., BROWNS MILLS, NJ 08015.
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 150-2009

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 649 LOT 28, 75 TENSAR DR. OWNED BY DONALD D & NAREE K BROWN QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF APRIL 24, 2009; AND
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 649 LOT 28 AS A RESULT OF THE GRANTED EXEMPTION; AND
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO APRIL 24, 2009 ARE \$946.27; AND
WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 649 LOT 28 IN THE AMOUNT OF \$1,494.15 FOR THE FIRST HALF OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$547.88 TO DONALD D & NAREE K BROWN ; AND
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF APRIL 24, 2009 AND AUTHORIZE THE REFUND OF OVERPAID 2009 TAXES.
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

3. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 649 LOT 28 AS OF APRIL 24, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
4. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$547.88 TO DONALD D & NAREE K BROWN, 75 TENSAR DR., BROWNS MILLS, NJ 08015.
4. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 151-2009

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1130 LOT 20, 17 RAILROAD ST. OWNED BY ARTIS & SHIRLEY ARRINGTON QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF APRIL 30, 2009; AND
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1130 LOT 20 AS A RESULT OF THE GRANTED EXEMPTION; AND
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO APRIL 30, 2009 ARE \$1,079.95; AND
WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 1130 LOT 20 IN THE AMOUNT OF \$1,619.90 FOR THE FIRST HALF OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$539.95 TO ARTIS & SHIRLEY ARRINGTON ; AND
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF APRIL 30, 2009 AND AUTHORIZE THE REFUND OF OVERPAID 2009 TAXES.
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

5. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 1130 LOT 20 AS OF APRIL 30, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
6. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$539.95 TO ARTIS & SHIRLEY ARRINGTON, 17 RAILROAD ST., BROWNS MILLS, NJ 08015.
5. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 154-2009

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A GRANT APPLICATION AND MEMORANDUM OF UNDERSTANDING UNDER THE ASSISTANCE TO FIREFIGHTERS STATION CONSTRUCTION GRANT PROGRAM
WHEREAS, THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009 (PUBLIC LAW 111-5) PROVIDED THE DEPARTMENT OF HOMELAND SECURITY WITH \$210,000,000 TO FUND THE CONSTRUCTION AND MODIFICATION OF FIRE STATIONS. THE PROGRAM WILL BE ADMINISTERED BY THE ASSISTANCE TO FIREFIGHTERS PROGRAM OFFICE UNDER FEMA'S GRANT PROGRAMS DIRECTORATE. THE GRANTS UNDER THIS NEW PROGRAM WILL BE AWARDED DIRECTLY TO THE FIRE DEPARTMENTS ON A COMPETITIVE BASIS; AND
WHEREAS, THE MAYOR INTENDS TO SUBMIT AN APPLICATION ON BEHALF OF THE PEMBERTON TOWNSHIP VOLUNTEER FIRE DEPARTMENT SEEKING TO USE ANY AWARDED GRANT FUNDS FOR MAJOR IMPROVEMENTS TO THE PRESIDENTIAL LAKES FIRE & RESCUE SQUAD.
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AS FOLLOWS:

1. THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE A GRANT APPLICATION UNDER THE AFORESAID GRANT PROGRAM; AND
2. THAT THE MAYOR AND TOWNSHIP CLERK ARE ALSO AUTHORIZED TO EXECUTE ANY RELATED DOCUMENTS INCLUDING, BUT NOT LIMITED TO, THE GRANT AGREEMENT.

d. Applications submitted for memberships, licenses, permits:

***2. Loud Speaker Permit Application:** Jamey Hos: BBQ at 27 Ivy Street, w/stereo equipment from 12 noon -11pm on 7/18-19/09.; Robert E. King: Graduation Party at Dominique Johnson, w/stereo speakers from 3pm-7pm on 6/27/09; Presidential Lakes Fire & Rescue Squad, Inc: 4th of July Parade w/loud speaker system from 10am-2pm on 7/4/09.

***3. Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Browns Mills Fire Company:** Firefighters Sandra Matt and Daniel Edwards. **Presidential Lakes Fire & Rescue Squad:** Contributing Members Stuart P. Williams, Carol A. Williams and Brian Lee Smith

***15.** Approval by Council required for payment of vouchers on bill list dated **6/12/09**.

Mr. Prickett requested that Resolution No. 152-2009 and Resolution No. 153-2009 be pulled from the Consent Agenda. Mr. Prickett asked if the consensus of the Council is to table Resolution No. 152-2009. Mrs. Stinney confirmed that is correct. Mr. Prickett commented that he would still like to talk about it.

Motion by Prickett and Cartier to approve the Consent Agenda as modified. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes (on everything except she is abstaining on the addition to the bill list for Earle Asphalt; Stinney, yes. Motion carried.

RESOLUTIONS PULLED FROM THE CONSENT AGENDA:

Mr. Prickett asked what happened to their other street sweeper as he thought they had two. Mr. Prickett stated that the first one was the oldest and the second was purchased approximately seven years ago. Mr. Prickett also asked if this machine is for sweeping streets or sidewalks. Mr. Vaz answered that the one that was speeded out and mentioned in the resolution is intended to be a sidewalk purpose sweeper and the intent is to also use it along the curb lines and occasional parking lot. He noted that downtown there are only a couple of parking lots so it's not going to heavily used for parking lots but will primarily be used for sidewalks and curb lines. Mr. Vaz did not have an answer to Mr. Prickett's other question noting that they do have one and it is a larger sweeper for larger parking lots and doesn't know if the other sweeper was auctioned off. Mr. Prickett conveyed that since Mr. Vaz clarified what the use is for, he doesn't need the answer to his other question at this time. Mr. Prickett clarified that the UEZ funds can be used for other things and not just a street sweeper and this is just one of the options that the Township had to purchase the sidewalk sweeper. Mr. Prickett noted a good point was made that this doesn't show that this was going to be paid for with UEZ funds. Mr. Prickett recommended that when this comes back, it should say not to exceed whatever the amount is using 80% UEZ funds and 20% public funds and that should be made clear. As far as downtown sidewalk sweeper, there are other areas in the UEZ that probably don't have too many sidewalks but perhaps that could be altered to indicate any sidewalks found within the UEZ.

RESOLUTION NO. 152-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF ONE NEW SPECIALIZED DOWNTOWN SIDEWALK SWEEPER
WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR A NEW SPECIALIZED DOWNTOWN SIDEWALK SWEEPER FOR USE BY THE TOWNSHIP PUBLIC WORKS DEPARTMENT IN ACCORDANCE WITH

NEW JERSEY'S LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, ET SEQ.; AND WHEREAS, THE TOWNSHIP RECEIVED TWO (2) BIDS FROM THE FOLLOWING VENDORS IN THE FOLLOWING AMOUNTS:

- (1) BORTEK INDUSTRIES, INC.
2702 CINDEL DRIVE, UNIT 1
CINNAMINSON, NJ 08077
BID: \$64,272.00
- (2) H.A. DEHART & SON, INC.
311 CROWN POINT ROAD
THOROFARE, NJ 08086
BID: \$71,559.00

WHEREAS, THE ADMINISTRATION AND THE TOWNSHIP SOLICITOR HAVE REVIEWED SAID BIDS AND FIND THE BID SUBMITTED BY BORTEK INDUSTRIES, INC. TO BE NON-RESPONSIVE TO THE BID SPECIFICATIONS WHETHER IN WHOLE OR IN PART; AND

WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO H.A. DEHART & SON, INC. AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED H.A. DEHART & SON, INC'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE PROVISION OF A NEW SPECIALIZED DOWNTOWN SIDEWALK SWEEPER IS HEREBY AWARDED TO H.A. DEHART & SON, INC., AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR IN AN AMOUNT NOT TO EXCEED \$71,559.00 AND IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY H.A. DEHART & SON, INC.; AND

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

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

- A. H.A. DEHART & SON, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Motion by Prickett and Cartier to table Resolution No. 152-2009 until July 15, 2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes.
Motion carried.

Mr. Prickett asked if the mobile leaf and trash vacuum vehicle is also being purchased with UEZ funds. Mr. Vaz responded yes. Mr. Prickett commented that Council used to receive with resolutions the verification of funding from the CFO attached to the document so that Council could be sure since they are involved with appropriating funds in the Township. Mr. Prickett asked if he would be able to see the CFO's approval or verification that the money is available. Mr. Vaz concurred and added that Mrs. Young has them. Mr. Prickett asked if the vehicle will be used for cleaning out the seepage pits and storm water drains. Mr. Vaz replied yes. Mr. Prickett requested that Council have the verification from the CFO for any items that Council is spending money on. Mrs. Stinney informed she asked Mrs. Young yesterday to provide that from now on. Mr. Prickett asked if he will be able to see the verification today. Mrs. Young relayed that Mrs. Eden just brought the verification today and he is welcome to look at it now. Mr. Bayer stated on the resolutions moving forward a WHEREAS clause could be added which references it is for a UEZ project so Council won't even have to look at the certification of funds. Mrs. Scull commented that most things Council has approved have had on there that it was for UEZ and that's what threw Council off tonight because it didn't have it listed. Mr. Prickett commented that if Council had received the certification of funds, it shows the UEZ Budget 20% matching funds, line item UEZ Clean Team Grant 80% of cost so if Council had received the certification along with the resolution; it would have made it a lot clearer. Mr. Prickett thanked Mrs. Young. Mr. Inge asked the Solicitor if this means that anything that is purchased through the UEZ is to be used strictly in UEZ areas. Mr. Bayer replied yes. Mr. Inge stated when he sees the white pick up trucks with UEZ posted on it, as the Mayor had stated, in the housing development of Country Lakes picking up leaves, that is not a UEZ area. Mr. Inge asked if these vehicles are being used for other things rather than strictly UEZ projects. Mr. Bayer responded it depends how they were also purchased. The truck in question he doesn't know if it was purchased the same way these trucks were. It may have been dedicated after the fact, as UEZ. Mr. Inge commented that it states on the truck, paid for by the UEZ. Mr. Inge again asked if the trucks are being used for other things besides UEZ projects. Mr. Vaz answered that he can't say whether they are but he can say their primary use is supposed to be in the UEZ. The UEZ program will allow other uses as long as those uses are generally just incidental to

the primary use. Mr. Vaz advised that the State does make spot checks. He advised that he had a meeting with Mr. Jones, their UEZ Coordinator and Trenton and they do come down and check so if they see a vehicle, they'll ask what the vehicle is doing there and they'll have to have an answer for them. Public Works with their computer software keeps track of what every manpower and every vehicle is being used for in a day. Everything gets logged in as a work order. They would know if a particular UEZ vehicle is in Country Lakes for eight hours a day when it should be in the UEZ zone for eight hours a day. Mr. Inge confirmed that Public Works is aware that these vehicles are supposed to be used primarily for UEZ areas. Mr. Vaz replied yes. Mrs. Scull noted that since the Township does pay part of the cost, that it would be their out if they happen to be somewhere else as long as they are not somewhere else 90% of the time. Mrs. Scull remarked that they had the Police cars that were purchased with UEZ funds and they better show up at her house if she has an emergency if they are the only one available. Mr. Vaz agreed that is a perfect example.

RESOLUTION NO. 153-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF ONE MOBILE LEAF AND TRASH VACUUM VEHICLE

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR ONE (1) NEW MOBILE LEAF AND TRASH COLLECTING VEHICLE FOR USE BY THE TOWNSHIP IN MAINTAINING SAFE AND CLEAN ROADWAYS IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACT LAW, N.J.S.A. 40A:11-1, ET SEQ.; AND

WHEREAS, THE TOWNSHIP RECEIVED ONE (1) RESPONSIVE BID FROM LINCOLN SERVICE & EQUIPMENT CO. ("LINCOLN"), WITH OFFICES AT 51 PROGRESS STREET, UNION, NJ 07083, FOR \$39,460; AND

WHEREAS, THE ADMINISTRATION AND THE TOWNSHIP SOLICITOR HAVE REVIEWED LINCOLN'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT; AND

WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO LINCOLN AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND

WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD THE CONTRACT TO THE LOWEST QUALIFIED BIDDER, LINCOLN, FOR THE PROVISION OF A MOBILE LEAF AND TRASH COLLECTING VEHICLE.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE PROVISION OF A NEW MOBILE LEAF AND TRASH COLLECTING VEHICLE FOR USE BY THE TOWNSHIP IN MAINTAINING SAFE AND CLEAN ROADWAYS BE AND HEREBY IS AWARDED TO LINCOLN SERVICE AND EQUIPMENT CO., AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR IN AN AMOUNT NOT TO EXCEED \$39,460 AND IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY LINCOLN; AND

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

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

- A. LINCOLN SERVICE AND EQUIPMENT CO,
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Motion by Prickett and Scull to authorize Resolution No. 153-2009 which is a resolution authorizing the award of a contract for the provision of one mobile leaf and trash vacuum vehicle for use within the UEZ zone. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

10. OTHER RESOLUTIONS

Public Hearing on Budget Amendments as adopted by Res. 142-2009 on June 3, 2009

103A-2009 Adopts 2009 Municipal Budget as Amended

Council President Stinney opened the meeting to public comments on the budget amendments as adopted by Resolution No. 142-2009. There being no members of the public indicating a desire to be heard, Ms. Stinney closed the meeting to public comments.

Motion by Scull and Cartier to adopt Resolution No. 103A-2009.

Mr. Prickett expressed it has certainly been an interesting history for this budget. In the papers it started out with massive layoffs and an 11% increase. They started their budget hearings and the amount came down to 9 or 9.5 cents. The talk of

layoffs was by Council who was in total agreement not to do that. After the hearings were done, Mr. Prickett recalled discussing and making some compromises and was able to get another police car in the budget. Mr. Prickett commented that he had a concern at that time and still has a concern regarding the capital improvement plan which that is all that the plan consists of at this point; the title, capital improvement plan. Mr. Prickett talked about it at the hearing, when the budget was introduced and when the budget was amended last week. The capital improvement plan has \$100,000 in the budget for a 5% down payment for \$2,000,000. Mr. Prickett pondered that if they had a line of credit of \$2,000,000 and didn't think about what they wanted to do with it, would they be tempted to use that money in a way that probably they didn't need to. Mr. Prickett continued that is why he has a lot of problems with putting \$100,000 in the budget for the down payment of \$2,000,000. Mr. Prickett conveyed that they could take the \$100,000 out and reduce the budget further and reduce the temptation of this Council and Administration from spending \$2,000,000 that will cost the residents, those on fixed incomes, those that are barely getting by, which will cost them probably thirty years into the future paying that \$2,000,000 off. Mr. Prickett commented that he has stated this before and it is not a surprise to anyone that has heard him speak about the 2009 budget and he says it probably for the last time now that they need to take that \$100,000 out and need not have the temptation to spend \$2,000,000 of or tax payers money in the form of borrowing in the form of a line of credit. Mrs. Scull stated she wants to make sure she understands correctly and unlike Mr. Prickett who has been here for seven years, she has only been here for three years. Mrs. Scull agreed that Council has seen the capital budget every year and this year Council was told there is no capital budget other than the road project but the \$100,000 is still there because they haven't finished the capital budget improvements from last year's budget and asked the Mayor if that is correct and if they still had to go out and do something about the court room and if the money could be used to help bond that because she is confused and thought that is what Council had talked about. Mayor Patriarca explained the \$100,000 in the budget for the capital program only affords the opportunity to borrow \$2,000,000. The Mayor continued that borrowing \$2,000,000 is not a given; it's an option and it's not an option that has to be exercised. Obviously, it is an option that Council would have to approve. The \$100,000 in the budget is there for the intention of utilizing \$50,000 towards an annual road program which they have customarily done. It's a little shy and usually its \$850,000 but they've come to find that doesn't get them very far. He explained that with 655 roads on their list and they are only doing six roads a year, they will wait a considerable amount of time to get their road done. He relayed that it only affords them to do \$2,000,000 worth of borrowing and doesn't mean that we will. It can used for a down payment and can also be used for cash payment on a project. The Mayor added that they are anticipating utilizing half of that fund towards the renovations of the court room; which the estimates are approximately \$240,000. He reflected that they are putting funds together to do projects, preferably cash projects as opposed to borrowing for projects. Mrs. Scull recalled that there are projects such as the senior citizen's second floor which hasn't happened yet. Mayor Patriarca acknowledged there are still outstanding projects and he just met with Mr. Vaz and they went over the list and are meeting with Public Works who has already started working on some of the outstanding projects. They are working forward on the outstanding projects but still have things to do. He noted one of the things is renovations of their court room. Mrs. Scull stated it's not there so that they can dream up a couple of million dollars in a couple of months. She expressed that it's there to help them take care of things that have to be taken cared of. Mayor Patriarca confirmed that is correct. Mr. Inge commented that \$90,000 or \$100,000 was appropriated three years ago for the senior citizens building. Mayor Patriarca clarified that it was approximately \$40,000 for the renovations in that particular building. Mr. Inge asked if it was the second floor. The Mayor responded there are numerous projects within that

particular capital project and the senior's project was one of them and it was approximately \$40,000. Mrs. Scull stated that hasn't happened, so that money has not been spent. The Mayor asked them to keep in mind that they don't have that money and it's not money that is cash in hand. It's just the authorization to borrow for that money and until they do a project, they are not utilizing those funds; they are not borrowing. Mrs. Scull commented that when that is done it comes before Council and Council has to vote to do so. Mayor Patriarca confirmed. Mr. Prickett asked if that is the purpose of a capital improvement plan; there is a well thought out plan and it's written down and they need to follow it instead of "willy-nilly" funding projects. Mrs. Stinney yielded to Mr. Cartier. Mr. Cartier asked if there are issues with three dams in Country Lakes that are going to be coming before Council soon and asked how much those dams are going to cost the Township. Mayor Patriarca advised that they don't know the cost of constructing the dams and have not received the costs yet which they will receive soon. The Mayor noted they are waiting for an estimate on the cost of designing the dam and that is something that they are moving aggressively forward on since they have already done the H&H study, and their plan is to do the design on the next phase which is part of where they will need some financing. Mr. Cartier inquired if the State has gotten back to them with the H&H results yet. Mr. Cartier expressed hope to move forward on these dams fairly quickly noting they will need the funds in place for those. Mr. Vaz conveyed that they expect a final answer from DEP for July. Mr. Cartier continued that they are looking for some substantial funds needed for those projects as well so removing \$100,000 is going to leave Country Lakes swimming without lakes. Mr. Prickett commented that he has been on Council for seven years and every other year he has had a written, well thought out capital improvement plan. He relayed that this is the first year where there is a plan in title only. Mayor Patriarca commented that when he came into office in January 2007, they were doing the 2004 road program which was a well thought out plan but it's just what it is, it's a plan and they don't always work out as one plans them. He reiterated that Administration is moving aggressively on their projects and putting projects together in the year that they are promoted. Mrs. Scull commented that she would find it irresponsible for them to develop a new plan just to have a new plan of things that are on a wish list until we take care of the things that we have already committed to taking care of.

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

Mrs. Scull asked if this means they are back to the budget the way it was before the state rejected it. Mrs. Scull asked what this means. Mr. Cartier explained it means the budget is adopted as amended. Mrs. Stinney asked the Mayor how much the decrease is for the record and for the benefit of the Burlington County Times that is present tonight. Mr. Vaz informed it went down from 9.3 to 6.6 cents. Mr. Inge noted it is still an increase.

11. ORDINANCES FOR INTRODUCTION

a. ORDINANCE NO. 16-2009 (Title Read By Mrs. Stinney)

AN ORDINANCE TO AMEND THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AND SPECIFICALLY CHAPTER 180, ENTITLED "SMOKING"

Mrs. Stinney informed Ordinance No. 16-2009 will be on the agenda for July 15th for public comment.

Motion by Cartier and Prickett to introduce Ordinance No. 16-2009. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

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

a. ORDINANCE NO. 14-2009 (Public Hearing Required) (Title Read By Mrs. Stinney)

AUTHORIZES THE REPEAL OF CHAPTER 149 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING RESIDENCY RESTRICTION FOR REGISTERED SEX OFFENDERS LIVING WITHIN THE TOWNSHIP.

Mrs. Stinney opened the meeting for public comments. Those indicating a desire to be heard were: **Jim Weisnewski: 1.** Asked what exactly is this ordinance. Mr. Cartier advised the ordinance repeals the designation as to where sex offenders can live in Pemberton Township due to a lawsuit that was filed and won by sex offenders in Galloway Township abolishing all of these laws. He advised that by law, they have to repeal this ordinance. Mr. Weisnewski confirmed that they are required to adopt whatever standard the State has imposed upon them. Mr. Prickett clarified that he had previously made a motion to add Resolution No. 156-2009 to the agenda and Council subsequently approved that in the Consent Agenda. He noted there is a law that is working its way through the legislature now to address the void that has resulted from the supreme court invalidating the ordinances, one of which they had in Pemberton Township. He explained that the problem was, sex offenders were not able to live with some of the ordinances within the Township instead of just within certain areas and that's what they found constitutionally wrong with that law. Mr. Prickett conveyed that there are three local legislatures, Senator Haines, Assemblywoman Dawn Addiego and Assemblyman Scott Rudder, of the eighth district to which we belong were either sponsors or co-sponsors of bill A641 and bill S2138. Mr. Prickett stated that he brings that to Mr. Weisnewski's attention and the public's attention in the hope that they can email the senator and the Assembly people in support of moving this through the legislature. He expressed that this would require that the Engineer delineate the areas that were off limits to sex offenders and it would protect their rights of being able to live within the Township and also protect the rights of the children that need to be safe. Mr. Weisnewski stated that the people that actually need to be protected are the children and not the sex offender. Mr. Prickett noted the sex offenders more specifically are the Megan's Law registrants. Mr. Weisnewski wanted to clarify that the Township is being forced to do this and this is not something that they are trying to have done themselves. Mr. Weisnewski added that many people think there is no room for sex offenders and he personally agrees with that. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments on Ord. 14-2009.

Motion by Scull and Cartier to adopt Ordinance No. 14-2009. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

b. ORDINANCE NO. 15-2009 (Public Hearing Required) (Title Read By Mrs. Stinney)

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO IMAGINATION KINGDOM PLAYGROUND, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY; APPROPRIATING \$890,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$890,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF. **Need Approval of Supplemental Debt Statement from State prior to adoption.**

Mrs. Young advised for the record that approval of the Supplemental Debt Statement from the State was received today. Mrs. Stinney opened the meeting to public comments. Those wishing to comment were: **Tony Meely: 1.** His question is more specific about Imagination Kingdom. He questioned that they're going to borrow \$900,000 and expect the Township to pay for this and the tax payers of the town will pay this back. He asked if this is something that is going to be prudent. Mrs. Stinney asked Mr. Vaz to give a synopsis of what they are borrowing as it may answer a few questions for some of the residents. Mr. Vaz explained that the bond ordinance authorizes the town to essentially borrow the money. They anticipate at least half of it being borrowed through temporary notes as opposed to permanent financing. The reason for that is the Township received a zero percent interest loan for up to \$445,000 through Green Acres through a grant application they applied for with a matching grant up to \$445,000. The reimbursement styled grant and loan is essentially that they have to have funding authorization to basically go out on a temporary note, pay for the project, submit all of the invoices and then get the money back from the State. In the end the town is not going to have permanently financed \$890,000. The project estimates for the plan that is posted on the board are between \$500,000 - \$600,000 with all of the bells and whistles and full safety surfacing. He noted they don't know what it is going to cost specifically until they get to the process of contracting with a vendor. This ordinance goes up to \$890,000 but it's only because they don't know a specific dollar amount that they may need to temporarily finance. He commented that going back in time, there was a prior bond ordinance in 2008 that authorized \$250,000 for Imagination Kingdom. He assured that is not going to be spent but at the time the thought was that the town would pay \$250,000. If the project hypothetically comes out to exactly \$600,000; they will receive \$300,000 at zero percent interest from the Green Acres program and they will get a grant for \$300,000. The \$300,000 at the zero percent interest is \$50,000 more than what was contemplated in the 2008 budget. He reflected that it's a little bit more on their end but in the meantime they've gotten the other funding through a grant. They can say no to the grant and walk away and not get anything or they can borrow less and take less in the amount of the grant. This particular project is one which has a lot of support from the people who have been coming to the meetings and supporting it. He reminded there were a few school groups supporting it over the course of the last two weeks. He reiterated that the town will not be borrowing \$890,000 from a permanent bonding perspective. Mr. Meely clarified that 50% of what they end up spending on Imagination Kingdom will be paid back in the form of a grant. Mr. Vaz replied yes. Mrs. Scull informed she has spent a lot of time with their students in the past year or two since they started discussing replacing Imagination Kingdom and it's a number one priority on the student's lists no matter what grade they are in. She relayed that Fifth graders were taken on a bus tour last week and they are excited and want Imagination Kingdom back. Mrs. Scull spends time on the ball field and that's all that is being talked about; they miss their playground. She expressed that their students deserve a quality playground. She was thrilled that they could get a grant that would pay for half of this and it won't be paid for by Township residents and they had already appropriated the \$250,000 in the past. Mrs. Scull appreciates the hard work that the committee did on going out and investigating and coming up with the best possible bang for buck they can get, noting it's a wonderful thing. Mr. Prickett stated that children are going to enjoy this and are looking forward to it but they are not going to have to pay for it. He reflected that it's going to be their grandparents and their parents. He relayed that typically when grandparents and parents take their kids to the park, a recreational facility like this, they get to enjoy their kids in that environment. He expressed hope that the children that enjoy the new Imagination Kingdom will remember that debt that they have so that when they become tax payers they can do the same for the children when they are adults

paying taxes. Mr. Inge confirmed with Mr. Vaz that the cost is going to be about \$600,000 for all of the bells and whistles for this particular playground. Mr. Vaz agreed. Mr. Inge asked if it is synthetic coverage on most of the area. Mr. Vaz agreed and explained it is the soft foamy substance. Mr. Inge conveyed that he just recently heard that the DEP is saying there is a problem with that now. Mr. Inge asked if there is a problem with that one year from now after they install that, who is going to be responsible for that. Mr. Vaz remarked that he has not heard that but Administration can look to see if there is any type of particular problem. He advised that there wasn't a problem up until the time that this was being designed. Mr. Vaz relayed that he has read in various newspapers the problems that some towns have had with it and one of the things they are going to do is put up a security camera and tie it in with the bigger projects with security cameras. He relayed that some of the towns have had some minor problems with these types of surfaces with vandalism and destruction. Mr. Inge commented that it will be next to the baseball field so there will be people running on there with cleats and that will be a big problem. Mr. Vaz agreed and stated the committee has discussed that. Mr. Inge asked if warranties were looked in to. Mr. Vaz explained there is a warranty program on it. The way we understand it is if a section of it is damaged, they can fix it by cutting out and then replacing that. Mr. Inge indicated that he voted for spending \$250,000 and won't have a problem going to \$300,000 but he will have a problem with more than that. Mr. Inge stated they have to look at this as just one area of the Township and there are different areas; Country Lakes and Presidential Lakes. If they are going to be liable for half and other parts of the Township when looking to do projects, they know they are already into one project for \$300,000 and if they are going to be in that project for \$400,000 he won't approve it. Mr. Inge informed that as far as he will go is \$300,000 and more than that he will have a serious problem with approving anything more because of the other areas in the Township that need playgrounds and tax payers will be paying this money back so when another project comes up, tax payers are going to have to pay for that project which will just add to it. Mr. Inge reiterated that he has no problem with \$300,000 but he will have a problem with more than that. He acknowledged it is a great looking playground would rather see the coverage here in the woodchips because every where he goes that has woodchips, if it rains the day before, everything is rutted, especially the slides, swings and benches. Mr. Inge continued that the playground really can't be used the next day. This is a great plan but suggested looking into it to make sure there are not any problems because he doesn't want to put all of this money into it then eight months from now Administration will say they now have to remove it all. Mrs. Stinney thanked the residents for their kindness in supporting the bond ordinance. It is a proven fact by when she says "kindness", that when this was opened and introduced to the public, Council did not hear "don't do it or it's not worth it" and those sorts of things. Mrs. Stinney again thanked the public first for their kindness and then thanked the committee for their untiring time that they spent on this project. Mrs. Stinney thanked the School Board liaison as well as the Pemberton Township school district through their Recreation Department that their Recreation Director made appropriations for those on the committee and those that wanted to go and visit and see the sites when this project first started. Mrs. Stinney humbly and gratefully thanked those people that played an integral part in getting them to the table where they are now.

Motion by Scull and Cartier to adopt Ordinance No. 15-2009.
Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes.
Motion carried.

13. UNFINISHED BUSINESS

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

Mrs. Stinney advised that Council was given the noise control draft. In doing some of the research, Mrs. Stinney noted wanting Council to know that if anything is changed from the draft that Council has, DEP must approve it because previously in the 1980's, they were never approved by the DEP. Mrs. Stinney read from the model noise control ordinance that has been modeled off of the DEP, "If a governing body of a municipality adopts this model ordinance without change, the ordinance shall be deemed to be approved by the department. Changes in formatting, numbering or any other changes of this type shall not be considered changes requiring review and approval by the department. Within 30 days after the municipality adopts this ordinance, the municipality shall submit to the department and the CEHA agency governing its region if one exists, a certification signed by the Township Clerk, Borough Manager or Administrator. The certification shall state: I certify that Pemberton Township has adopted the Model Noise Control Ordinance without change(s). I further certify that if this statement is willfully false, I am subject to a penalty". Mr. Cartier expressed liking how the ordinance spells out the decibels and distances and things like that. Mr. Cartier mentioned how Mr. Prickett suggested some type of meter to determine the sound level. Mr. Cartier suggested some type of distance measuring device to be able to determine because there are distances specified within this ordinance. There is also no permit ability for exceeding these decibel levels for events such as the band or DJ at the beaches during the water carnival. Mr. Cartier suggested something be spelled out in the ordinance as well. Mrs. Scull asked if this ordinance is enforceable because that was the problem before. Mr. Cartier replied that is what is stated on the front page and this ordinance is guaranteed to be enforceable per the statement on the front. Mrs. Scull asked if their Police can enforce it. Mr. Cartier responded that according to the State, their Police can. Mr. Vaz informed there is going to have to be a certification process through Rutgers. Mr. Bayer recommended to Council to move forward with something. He advised there are some matters pending in municipal court under the old ordinance and on a going forward basis, if there is a new ordinance in place it will be more effective from an enforcement standpoint and while there may be kinks as to how to enforce it, overall they would be far better off than where they are right now under the current ordinance. Mr. Bayer reminded that Council has a memo from the Chief of Police with some of the problems the Police have from an enforcement standpoint. There are some legal issues which have been raised in connection with enforcement of the noise ordinance which are pending in municipal court. Mr. Bayer commented that moving forward with the model ordinance or with something as varied as Councilman Cartier suggested would be helpful from an overall Township perspective. Mr. Prickett noted that one of the problems that the Chief brought before Council had to do with who was going to press the charges regarding the noise ordinance. It was really up to the person that was disturbed by the noise that frequently had to go to court and state their case. This addresses that and states, "Violation of any provision of this ordinance shall be cause for an enforcement document to be issued to the violator by the noise control officer according to procedure set forth at N.J.A.C.7:29-1.6". Mr. Prickett conveyed that it addresses part of the problem and the other part of the problem is having a more objective or accurate quantitative measurement of what is too much noise, what noise is harmful to people and also having an officer that can use a noise meter to determine whether noise is at that height. Mr. Prickett remarked that this is the cutting edge of the enforcement of noise problems within communities and their officers might have to take some classes here but noise within the community can be a real problem. Especially for people that work during the night and need to sleep during the day or vice versa. Mr. Prickett expressed liking how the ordinance is put together; noting it has definitions and applicability; what areas the ordinance effects and it includes within multi-family dwellings. He reflected it's not just noise from the outside; it could be noise from your neighbor upstairs that might be driving them nuts. He advised that the ordinance goes over the

qualifications and courses that the noise control officers need to have and it sets the standards for the maximum permissible sound levels as well as it delineates the enforcement for this law. Mr. Prickett expressed the model ordinance is a terrific tool at this point but he certainly thinks it can be tweaked. Mr. Prickett agrees with Mr. Cartier in response to the permit for exceeding and Council has the ability to enact this ordinance but is also able to put a provision in there to create some leeway under certain circumstances. Mr. Prickett suggested the ordinance go back to the Police Department for the Chief of Police to review it for a further tweak and move forward after that happens. He stated that Council would be able to do that in July without any problems from the Solicitor's point of view. Mr. Bayer clarified that not from a legal standpoint. Mrs. Scull reminded there is a comment in the ordinance that Council has to approve it the way it is or it has to go to the DEP for review. Mrs. Stinney and Mr. Cartier agreed. Mrs. Scull remarked that if Council adds anything to the ordinance, it has to go to the DEP and it will take a while. Mrs. Scull asked if an ordinance could be done separately. Mr. Prickett stated as an amendment. Mr. Bayer informed he was thinking of a suggestion that maybe the first step is adopt the model ordinance, get it in place because Council knows it is automatically approved and this way there is something that Council knows will work from an enforcement standpoint and then work on carving out exceptions and submit that as an amendment so that at least there is something on the books that is legal and enforceable. He noted that may be the way to approach this. Mr. Inge asked if this ordinance has anything to do with pending cases. Mr. Bayer replied no and added there would be similar complaints regarding noise offenses and it would affect future cases with the same bar owner, would be his guess. It is not going to cure a problem on an old case but it will cure a problem on a going forward basis if there are any. Mr. Bayer continued that it makes it legally cleaner because this model form has been approved by the DEP so this is enforceable from a legal standpoint. Mr. Prickett remarked he would normally have a problem with just moving forward like this but since it was the DEP that was involved in writing this and they approve of it, Mr. Bayer's suggestion on the way to move forward would be acceptable to him. Mr. Inge added as long as they are not moving forward to target one particular bar owner. Mr. Bayer stated this certainly wouldn't apply to any one property or bar; it would apply across the Township and it's not the purpose and all he is saying is that he has been apprised by the municipal prosecutor that there are some issues in some noise cases and this will clean up the legal issues because they know this is a clean, legal ordinance because the current noise ordinance is old and goes back in time. Mr. Cartier added it would include the Township per se as the municipality and if Council is going to rush this through, they need something because this is affecting events that are coming up in the Township. According to the ordinance, they will not be able to have a sound system for the water carnival. Mr. Vaz conveyed that his understanding is that it won't apply to the Township. Mr. Cartier asked why it would not apply to the Township but it would apply to every resident in the Township. Mr. Vaz explained that it sounds bizarre but that is the normal way that it ends up being. Mr. Bayer noted in the case of the municipal land use law.....Mr. Cartier interjected and stated that is a completely different subject and that's a monster on its own. Mr. Bayer stated the Township is not subject to their zoning ordinances. Mr. Cartier agreed and reiterated that is a monster all to itself. Mr. Bayer stated the ordinance won't be in effect in August when the water carnival takes place because if it's introduced in July, the next meeting is August and then it needs publication and it won't be effective until at least twenty days after that and then there is a time period here for the DEP. This wouldn't be effective under municipal law until towards the end of August. Mr. Cartier then stated they would then be looking at the winter parade which is a Lion's Club sponsored event. Mr. Bayer replied it could be cured by then. Mr. Cartier stated there is one month between now and the next meeting and asked Mr. Bayer to contact the DEP and find out if there is any remedy that is acceptable to them that

permits excess noise for events and things like that. Mr. Bayer replied absolutely. Mrs. Stinney noted if it is the desire of Council, they could have those things addressed at their next meeting of July 15th and be ready for the draft for intro. Mr. Prickett asked if it can also be sent to the Chief for his review. Mr. Bayer replied absolutely.

Mrs. Stinney recessed the meeting at approximately 8:41 pm and reconvened the meeting at approximately 8:50 pm.

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

Mrs. Stinney advised that Mr. Jones, their UEZ Coordinator, provided to Council a bar survey that he conducted. Mrs. Stinney read the survey for the record.

Skip's Bar – Owner Betty

This bar normally closes at 4 AM on Friday and Saturday nights. The rest of the week they close at midnight. When they are open from 2-4 AM, there is usually music; it is a busy time. Ownership does not want to see the bar or entertainment hours reduced as this would create lower sales. Additionally, the reduction in bar hours and entertainment could have an adverse effect on their ability to sell the business in the future.

Terrace Inn – Owner Mike Fenimore

This bar/liquor store usually closes by 12:30 AM every night. They have no entertainment. The owner does not support a reduction in bar hours or entertainment as he feels it would hurt his ability to sell the business. He feels that the Township should make the bar that is causing problems, “toe the line”, rather than punish all the bars/liquor stores that are following the rules.

Ott's Pub – Owner Jim Burns

This bar normally closes between 1-2 AM, very infrequently are they open after 2 AM. They have a DJ on Friday nights until 1 AM. The owner voiced the same concern as the other owners, regarding a reduction in bar/entertainment hours – he felt it would hurt his ability to sell the bar or reduce the asking price as the reductions would result in lower sales.

Belly Buster's Pub – Owner Rama Malladi

This bar/restaurant/liquor store closes by 11:30 PM every night. They have no entertainment other than a jukebox. He feels a reduction in entertainment and/or bar hours could hurt his future sale of the business since it would make the property less attractive to a buyer who might want to provide entertainment or have the bar open for longer hours.

The Hungry Piney – Owner Vicki Baker

This bar/liquor store/take-out restaurant closes at 10 PM every night. They do not want to be open longer hours and provide no entertainment. A reduction in bar hours/entertainment would not concern this owner.

Pig N Whistle Liquors – Owner Cal Patel

This bar/liquor store closes at 10PM every day, with the exception of Sunday, when it closes at 9 PM. No entertainment is provided. The owner is not adverse to reducing bar hours.

Anapa's Country House

This bar/restaurant normally closes between 11-12 PM, unless there is a special party. The only entertainment would be associated with a special party-DJ. They expressed concern with the ability to sell the business if bar hours were reduced.

Mercedes' Restaurant & Cocktail Lounge – Mr. Watson

This business closes at 4 AM, Thursday to Saturday. They are closed on Mondays and open from 6 PM till 2 AM on Tuesday and Wednesday. They provide old school music, no hip-hop, Friday and Saturday from 10 PM until closing. Other nights they may have the occasional DJ. The owner states the 2 AM – 4 AM period is his biggest sales/money producer. He does not support a reduction in bar/entertainment hours. He stated that the bar that's causing the problem should be punished. He has never had a problem with our police.

Country Lakes Pub – Owner Chris Stevens

This bar/restaurant/liquor store closes between 1:30 and 2:00 AM on Friday and Saturday. The rest of the week they are generally closed between 11:00 PM and 12:00 PM. They provide entertainment on Friday and Saturday. The entertainment ends at 1:00 AM. The owner supports the closing of bars at 2:00 AM. He feels that the people who frequent bars after 2:00 AM are not desirable customers. He feels bars should be required to meet certain criteria, e.g., trained doormen, bouncers, off-duty policemen, etc.,. He feels that a responsible business should employ these security-conscious personnel.

Mr. Inge noted he still needs to contact pocket licenses and should wait until all have responded. Mr. Inge commented that he doesn't know if they know it was going to be discussed at a public meeting. He suggested they get a copy. Mrs. Scull advised that she is not in favor of moving forward and agrees to go after the problem bars. Mrs. Stinney noted the requests of Mr. Inge and Mrs. Scull and tabled this discussion until pocket licensees and verification that owners received a copy.

14. NEW BUSINESS

- a. Requests from Public Works Department to expend funds in excess of \$2,000.00 for the emergency repair of the Diesel Pump in the amount of \$2,511.11.

Motion by Scull and Prickett to approve the request from Public Works to expend funds in excess of \$2,000.00 for the emergency repair of the Diesel Pump in the amount of \$2,511.11. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

- b. Request from Recreation Department to expend funds in excess of \$2,000.00 for the purchase of Great Adventure tickets for field trip participants in the amount of \$4,200.00.

Motion by Prickett and Scull to approve the request from the Recreation Department to expend funds in excess of \$2,000.00 for the purchase of Great Adventure tickets for field trip participants in the amount of \$4,200.00. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

- c. Request from Recreation Department to expend funds in excess of \$2,000.00 for additional Geese Harassment program services in the amount of \$1,345.00 (previously received approval for \$1,883.00), from Geese Chasers LLC.

Mr. Inge reminded that when this was discussed last year they tried to get information from the company on hours and asked if they received updates. Mrs. Scull would still like to look at other avenues.

Motion by Scull to approve the request from the Recreation Department to expend funds in excess of \$2,000.00 for additional Geese Harassment program services in the amount of \$1,345.00 (previously received approval for \$1,883.00), from Geese Chasers, LLC.

Mr. Inge asked if this needed to go out to bid. Mrs. Stinney noted that Mrs. Scull has made a motion and there is no second. Someone asked what the repercussions are.

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

- e. Payment over \$2,000 in the amount of \$24,000 to Goodwill Fire Company, 2008 payment requested by the Business Administrator

Someone asked what year is this compensating for, noting they need to insure that if there is no contract, and they understand there will be no payment for 2009 without a contract.

Motion by Prickett and Cartier to approve payment over \$2,000 in the amount of \$24,000 to the Goodwill Fire Company, 2008 payment requested by the Business Administrator. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

- d. Applications submitted for memberships, licenses, permits:

- 1. **Parade Permit:** Presidential Lakes Fire & Rescue Squad, July 4, 2009, Washington Blvd. to Rhode Island Road to New York Road to Tennessee Trail from 11am-12Noon.

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

Motion by Scull and Prickett to approve the parade permit request for the Presidential Lakes Fire & Rescue Squad, July 4, 2009, Washington Blvd. to Rhode Island Road to New York Road to Tennessee Trail from 11 am – 12 noon. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

GENERAL PUBLIC COMMENTS:

Mrs. Stinney opened the meeting to public comments. Those indicating a desire to be heard were: **Jonathan Bowers: 1.** Noted he is tired of problems at Skips Bar and Grill. He read a letter to Council for the record. “It is my civic displeasure to inform you that Skip’s Bar and Grill has been disturbing my sleep for the past few months. The incidents in question have been occurring every Friday night during the past few weeks. Each time my slumber has been disturbed by the loud, ear shattering music and the deafening drunk-induced shouting coming from that establishment. I am fed up with the noise and waking up to the sound of police sirens. As you are currently aware Skip’s Bar and Grill has had a record of street fights, traffic violations, a series of noise complaints, and other charges. As a matter of fact, I witnessed a group of ten to fourteen people on May 22, 2009 at 3:53 AM being very loud. The group was amassed on the O’Brien property line.

They were all clearly intoxicated and were disturbing the peace. I am tired of the ridiculous nonsense that is taking place in and around Skip's Bar and Grill. While I admit that the establishment has made some progress, I feel that more needs to be done. It is also my opinion that the Council is taking too long to do anything about the problem. I feel that immediate action must be taken by passing an ordinance that clearly states that all bars must be closed by 2:00 AM. I am very angry over the situation and I am not going to take it anymore. While I realize that I am not of voting age, I am still a citizen of this country. I have a right to voice my opinion as I see fit and right now I can't think of a better reason to do so!". Mr. Bowers noted that Council is taking too long to take action. **Donna Jenkins: 1.** Thanked Council for voting on Imagination Kingdom. **Ray Wells: 1.** In regard to helping retirees, he is happy for retirees but the bad news is the schools are losing experience. **2.** Spoke of Project Graduation. **3.** Read list of highest honor students for the record. **4.** Spoke of not receiving funding. Thankful for opportunity. **5.** Spoke of consequences at Denbo. **America Phillips: 1.** Thanked Council for money spent on gypsy moths. **2.** Agrees there is no reason for any bar to stay open after 2:00 AM. She spoke of her experiences driving around there at night. **3.** Thanked Administration, not for their efforts; spoke of Cheek's bar closing. **4.** Would like a weedwacker to be used at the Presidential Lakes entrance. **5.** Asked if the Township is going to notify the residents of sex offenders. **6.** Asked when Imagination Kingdom will be done. **7.** In regard to The Preserve, asked if the builder was asked to have something for the children. Mrs. Stinney informed the builder provided the football field that will soon be open and referred to Mayor Patriarca for an update. Mayor Patriarca informed that in the developer's agreement there is a plan for a football field and a concession stand at that location. They are working on this and just had the second field staked out and a buffer reduction done. The Mayor advised he has contacted the developer and is waiting on a call back as to when they will start on the concession stand. Mr. Prickett informed Mrs. Phillips that the property was the Township's property purchased through Green Acres. He advised that when they say football field, they mean that they contoured the land for a football field; they didn't give the Township that land. Mr. Cartier commented that the builder gave the Township the work to build the field. Mayor Patriarca added the builder developed the property, put a burm along the roadway, graded the property, and seeded the property for a field. The Mayor reiterated that they are waiting on the concession stand as well as a goal post. This was under a developer's agreement prior to some recent changes in the law which does not hold the developer to these same standards today. They are fortunate that this was agreed to by the developer at that time. Mrs. Phillips remarked that in this case they didn't get stuck like in Presidential Lakes and they got something from them. **8.** Would appreciate the Township taking care of the grass at the entrance to Presidential Lakes. She will be taking part in cleaning of the community this Saturday. Mr. Cartier stated Mrs. Phillips had previously noted a clean up in Presidential Lakes on June 23rd. Mrs. Phillips conveyed the clean up will be the 20th and to meet at the fire house at 7:30 a.m. and it is estimated to be done at 12:00 noon. Mr. Prickett commented that previously Administration talked about the playground equipment that was received from the base and that it was going to be reconstructed at Presidential Lakes. Mr. Prickett asked Mrs. Phillips if that has happened yet. Mrs. Phillips advised she has not had a chance to check that yet. Mayor Patriarca informed there has been a small piece of that equipment installed but they have not gotten the design and "know how" on how to put the rest of the pile of pipes together that they have received. She commented that Public Works has yet been able to figure out how it goes back together. Mr. Prickett asked if Administration received any of the pictures that were taken. Mayor Patriarca replied no; no pictures, no markings on the devices when it was taken down to indicate how to connect it back together and they have been utilizing some pieces but not much. Mr. Prickett remarked he is asking because he was there probably 12 hours taking equipment

apart as well as a lot of other people.....Mayor Patriarca commented it would have been nice if he had marked it.....Mr. Prickett continued that he did make marks on the equipment and there were also pictures taken. Someone is speaking and they are inaudible. Mrs. Scull asked if the two of them will put it together. Mr. Prickett agreed. **George Petronis: 1.** Was listening to the discussion regarding geese chasing and the problems and potential solutions. He stated that if talking to a lot of people in town, their comment would be why not just shoot them. Mr. Petronis stated that would violate various fire arms laws and state hunting laws. There are some international agreements protecting the geese. It is his understanding that the state is planning to permanently resolve the problem around airports by reducing the population. The real problem with the geese is that there are too many of them. Like anything that over populates, that is part of the problem. He commented that they can chase the geese all they want, but they are still going to be there, they will come back or they will go somewhere else. People comment that they are dirty and aggressive and he has been bitten by one in the past. Mr. Petronis noted it is legal for a goose to bite him but it's not legal for him to hit it back when it does. The geese engage in conduct that wouldn't be tolerated in a human being. Mr. Petronis asked if it is practical and if there has been any thought given to a permanent reduction of the goose population so that the ones that are here in the community fit in a little better. Mr. Cartier answered the only way that he knows of that is legal to reduce the goose population is by adding the eggs. If you are daring enough to approach the nest. Mr. Petronis remarked the state was going to guess about 3,000 geese reduce the risk at airports. Mr. Cartier commented that he has not personally heard of anything else. Mrs. Stinney stated they said sooner or later it will eliminate. Mr. Petronis asked if this is something the Council and Administration would consider looking in to because the bottom line is there are too many of them. We aggressively reduce other populations of stray animals in this town but the geese are aggressive and they are used to the idea that no one is going to hurt them. The base problem is there are too many of them. Mrs. Stinney commented she is sure Administration will look in to it. Mayor Patriarca commented that geese are federally protected and regulated and the hunting of geese is regulated by the feds. The Mayor noted it is ironic that Mr. Petronis is a dealer of ammunition and he wants to promote the shooting of geese. The Mayor continued that he is not opposed to reducing the geese population and thinks that is necessary as something has to be done. It is a residential area so shooting is out of the question. Mr. Petronis commented there are probably some international agreements as well. The Mayor added that he does not promote clubbing. There being no additional members of the public indicating a desire to speak, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Andrew Bayer: 1. Mr. Bayer did not have anything to report.

ENGINEER'S REPORT:

Dave Clark: 1. Mr. Clark did not have anything to report.

MAYOR'S REPORT:

David Patriarca: 1. Mayor Patriarca informed that tomorrow night the Planning Board will be presented with the Master Plan by the Planners and hopefully some residents will be in attendance. The Mayor advised that he has been going through the plan and it appears to be very responsible. He has found a lot of errors that will be addressed but it does seem to promote smart growth. Mayor Patriarca remarked that Mr. Wells brought up a good point in that we are going to be in financial troubles in the Township not only in this portion of the government but also their school districts and some of the issues in the Master Plan do address that while also keeping in mind what they would like to see in this town; the way of life that they enjoy today but it does have some very business friendly changes in it. The Mayor

encouraged the residents to come out for that. **2.** Noted that today is the 234th birthday celebration of the army that he and Mr. Prickett both attended. Their ROTC was there proudly representing their community as they always do. The Colonel presented their ROTC with Commander Coins which is a very sought after item by many in the military. It's an honor by the individual receiving that coin from a Commander, and the Commander recognizing all of the work that our ROTC has done throughout his command in the base in all of the events that they represent us. Mayor Patriarca noted the Township was well represented on the base today. **3.** It was the return of the 50th brigade, NJ's largest deployment in the war, and Trenton put on a large parade and celebration at the Sovereign Arena that he attended with Council President Stinney. It was a very nice event for the soldiers and their families.

Mrs. Stinney thanked the Mayor for mentioning that. Mrs. Scull asked Administration where the Live Where You Work Program is. The Mayor referred to Mr. Vaz. Mr. Vaz answered any day. Mrs. Scull informed that Evesham was after them and their program is up and running. Mrs. Scull commented that they need the program so they can sell their houses to individuals with children so they don't have to worry about losing so much state funding. Mr. Vaz stated they are gearing up for the unveiling. Mrs. Scull remarked that she has heard this for five months. Mrs. Scull asked Mr. Vaz to let her know if she needs to go to Trenton and visit anyone and stated that we need to get that going.

COUNCIL MEMBER COMMENTS:

Richard Prickett: 1. Mr. Prickett announced the Whitesbog Blueberry Festival is coming up on the 27th. Encouraged everyone to attend. It is the 26th festival and the Preservation Trust has been doing this for 26 years and it's been very good for the Township. So many of the people come from other states as well as other counties. **2.** Has had a lot of complaints about the software and noted that Mr. Inge will also be talking about this in his comments. There are a number of residents that are concerned about the charges for paying taxes or water bills. Mr. Prickett suggested bringing that back and looking at it on the next agenda to see if there is a way to cap how much one can be charged for using the service. The approximately 2.6% amounts to quite a lot of money when you are paying a \$3,000 tax bill. Mr. Vaz conveyed that we have a contract with the company and that was done through a formal bid solicitation and he doesn't know if we can change anything about it at this point; it's a two year contract. Mr. Vaz noted it is a convenience to people and the State of NJ uses it for court payments and all types of tax payments. Everyone in government charges a fee for the convenience. It's an option that is being provided and nobody is being forced to use a debit or credit card and people are encouraged to use e-check. E-check is a flat \$2.95 fee up to \$5,000 and the average tax payment is below that. Mr. Vaz reported Administration has gotten some feedback from people also. Mr. Vaz reiterated that it is a convenience and people are still free to pay by the traditional method that they paid prior and this is really to help a person that doesn't want to put a check in the mail. Mr. Vaz noted that he does not know if we can change it for the next two years because it's a binding contract. Mr. Prickett commented it is a three year contract and added that we do have control over what services are available. Paying taxes and water bills might be two services that we could take away from this software program and not offering that option. The charges are too great in both of those situations. Mr. Vaz commented the idea was to help our revenue situation and doesn't understand why taking the convenience away from people adds to anything. He sees the solution that the person just sends a check or comes in the way they have always done it. Mr. Prickett remarked that it should be capped and as Mr. Vaz stated, we have a contract. If this could be capped for so many thousand dollars at \$25.00 is what he would like to see. **3.** Spoke of the

234th birthday party held today at Fort Dix. Mr. Prickett agreed with the Mayor when he talked a bit of how proud he was of the Army and the Commander gave a wonderful speech. Mr. Prickett stated he is also very proud of the kids that participated in the birthday party. There was a parade that was led by our ROTC as well as the marching band. We had our preschoolers there to hear a story read by Mrs. Adler. We also had ROTC members as well as students that were receiving scholarships. Mr. Prickett was so proud as he usually is to see how well these students conducted themselves. They really put the best face forward for our Township. He has been saying this for a lot of years because every event he goes to, the Pemberton Township students' behavior is exemplary. **4.** Wished everyone a good night and hopes to see everyone at the Whitesbog Blueberry Festival on the 27th.

Sherry Scull: **1.** Glad that Mr. Wells took the opportunity to spotlight many of our students as did Mr. Prickett. Our fourth graders were also there from Fort Dix Elementary. Mrs. Scull noted Pemberton Township is a military community and has been for a good number of years. Right now we are in a situation where we have to ensure we put our best foot forward. We have homes to sell in the community and we now there are individuals on the other side of the base who make derogatory comments about our Township. Most of us know that they are certainly not true. Mrs. Scull stated there are problems and there are also problems no matter where you live. This is truly a phenomenal community and Township. Brian Settlemyer that Mr. Wells mentioned is the student who sang the National Anthem at our Memorial Day Parade. We have so many students with so many talents and she thinks often about the students that work the Senior Citizen Prom. Mrs. Scull noted that one doesn't hear about those students as much as one should and they are the majority of the students in Pemberton Township. There are hoodlums and there are hoodlums everywhere; there are not many in Pemberton Township as Pemberton Township is a hard working community and she is proud of our students in our district. **2.** Interested to hear in some of the reports and news that the Township has actually paid for some of the Project Graduation which made her very pleased that we have individuals in our community that care that much about our students that they go out and raise the money. One of the grants she put in for this year was NJA for \$1,500 to help pay for Project Graduation. That will go towards the games and activities for the students. Mrs. Scull conveyed she is very proud of that. The state is in problems financially; however, she doesn't see anybody in Trenton really doing anything to get us out of this mess. New Jersey has the most billionaires of any state and asked if we are going to fix the income tax and replied of course not; where everyone will pay 10%. Those of us out there working at paying 15 to 20% and those billionaires are paying 5%. Until somebody and it's not our Governor as he realizes it and would like to change it, but until we get individuals in the Senate and Assembly who will be willing to do what is best for the whole state and she doesn't see that happening. **3.** Glad to see Imagination Kingdom coming out of tonight's meeting. Looking forward to seeing that rebuilt. **4.** Thanked everyone for coming out to the meet and wished everyone a nice 4th of July.

Tom Inge: **1.** Informed Mr. Wells that he can add another person to the list. Mr. Inge advised that his daughter attends Stackhouse School and received a Student of the Month Award and is in kindergarten. Mrs. Stinney commented that Mr. Inge's daughter went to her school first. **2.** Mr. Inge informed he had the opportunity to talk to the owners of Skips Bar & Grill and they have a problem with understanding what is going on in this Township. Mr. Inge reported that the owners feel that the Township is against them. There have been previous owners of that establishment that have used the parking lot across the street, the old Acme parking lot, Obie's parking lot and they have also used parking on the side streets and were never ticketed or harassed. Skips Bar & Grill several months back had a

different crowd where they would have live bands where they would stay open until 4:00 AM and it was never a problem. Since they have changed and brought in a DJ and the DJ has a following and it is a minority following. All of a sudden now there are all of these problems with Skips Bar & Grill. Mr. Inge stated Administration, members of the Council, Mr. Cartier and Mrs. Stinney when the owners came in to speak on their property, were harassed, intimidated and the only thing one needs to do is pick up the audio from the Township of the meeting when they were here and one can hear the comments that were made by Mr. Cartier to the owner asking if she is in the audience and giving her what he thought was a tongue lashing and no one said anything. Mr. Inge continued that Mrs. Stinney when the owner came up to the microphone, gave her the third degree asking her that she was at her parking and where was her handicap parking. Mr. Inge stated the previous owners didn't have any handicap parking and the owners prior to that didn't have any handicap parking and Mrs. Stinney also said on more than one occasion that she was coming in to the Township building and heard a person saying, "oh, well I've had to come to this dive of a town to pay a bill, a ticket that I've received". Mr. Inge continued that he asked if that person was a minority and Mrs. Stinney did not answer that question. Mr. Inge stated he believes that person was a minority and Mrs. Stinney the way she stated it, she clearly showed that is what she was trying to portray. Now we have where the owners of the Acme Shopping Center were approached by Pemberton Township to tell them not to let people park on their property that go to Skips Bar & Grill; the owners of O'Brien and Sons were approached by the Township to not let the owners use their property for parking. Cars that were parked on side streets were ticketed. If you go in front of the Senior Citizen's building on any day, even when the Senior Citizen's building is closed, that entire street is filled with cars from the doctor's office and from the dentist's office but that's fine. Mr. Inge conveyed that a lot of this is because it is a minority crowd that goes there and like he stated before, things that were done now were not done before and if you look at it and go back and do some research on it, you'll see that he is right. If it wasn't primarily for that reason, that it's mostly a minority group that goes there, he doesn't think we would have these discussions because he gets emails just like everybody else. Mr. Inge noted that Mrs. Stinney says numerous complaints by residents. Mr. Inge stated he only received one email and only say one person. Another member of the same family come in and complain about that establishment. For numerous complaints and numerous emails, he hasn't seen them. Mr. Inge stated he really thinks there is a problem in this town and if talking to minority businesses in this town, they will agree to what he just said here tonight. 3. Hopes everyone has a nice, safe trip home tonight.

Ken Cartier: 1. Stated in the packets given to Council this evening, there was a request to expend funds over \$2,000 for the Great Adventure trip. Within that there was a form for purchasing tickets to different theme and amusement parks throughout the state and Pennsylvania. Mr. Cartier asked if that is something that can be put on their website where they can pre-sell tickets to the residents as groups and take orders from the residents and order these tickets at significantly discounted prices than if they walk up to the place. Mr. Cartier asked if that is something that they can do on behalf of the residents. Mr. Cartier asked Administration if it is something they can look into. (Mr. Vaz is speaking but he is not audible) Mr. Cartier suggested Recreation take the orders and then purchase the tickets on behalf of the residents. (Mr. Vaz is responding to Mr. Cartier but he is not audible). 2. In response to Mr. Inge's comments, he clarified that he did not sit here that evening and harass anybody. It was in response to comments that were made by Miss Roughgarden in the Burlington County Times calling the Council racist. Mr. Cartier stated that he takes offense to that, racist; and takes offense to Mr. Inge calling him a racist. He assured that in no way has he ever exhibited racist tendencies in this Township or on this Council at any given time in

his tenure here. When Miss Bower came forward, that is the first time he heard any complaints and had no idea who goes in to that bar and he does not patronize that bar himself. He doesn't know who goes in there and he doesn't know what kind of entertainment they have in there until she specifically told Council that first evening that there was a DJ and she filed her complaint for the noise that was coming out of that building. Mr. Cartier conveyed his opinion was formed on the noise coming out of the building and the complaint she made. He explained that it is not based on minorities going in there or biker gangs going in there or anybody else going in there, noted it could be anybody going in there. If there is excessive noise coming out of that building, it's a problem and it's a nuisance for that neighborhood. Mr. Cartier reiterated that he takes offense to Mr. Inge calling him a racist. Mr. Inge stated to Mr. Cartier that he can take offense to what he wants and asked him if he went to the Pub the same day he went there. Mr. Cartier answered no, he did not go to the Pub the same day and the Pub was not open when he went there and he was there at 3:30 in the morning. Mr. Inge commented that she did not say that Council was racist. Mr. Cartier disagreed that she did say that Council was racist and it was in the paper. Mrs. Stinney called for a point of order noting she does have the floor. Mr. Cartier stated to Mrs. Stinney that if she is going to let Mr. Inge respond to him, he is going to respond to Mr. Inge. Mrs. Stinney again called for a point of order.

Diane Stinney: 1. Conveyed that they can check whatever comments they want to check and whatever video and tape that they want to check and she would pray that they don't have that type of racism, condoning any establishing in this Township at all. Mrs. Stinney conveyed her family is so mixed, racism is not even in her vocabulary and it will never, ever, ever be in her household, ever; and that's a long time. 2. Announced that her grandson Quinton is moving on to the third grade and he is an honor student. Mrs. Stinney stated that to say kudos to all of the teachers that give their time, love and most of all their patience to all of their children here in Pemberton Township. She expressed that they get bad raps and she would like to encourage all of those that come out to the Council meetings and visit the school board meetings and give those kudos to the Superintendent and to the Board members for the fine job that they do. It is within the School Board that a lot of things are allowed to happen. She has often said that the school board and town Council should be married to one another. One of the former school board members who just recently came off agreed. Those two entities should be singing the same song. 3. Regarding the handicap parking lot, she does try to look out to make sure that they are in compliance. It is her job as a Council member so she doesn't know what happened or how long these people have had this bar but that she wondered because someone came to her with that issue so she asked the question. Mrs. Stinney commented that if they listen to the tape, she was dealt with very, very gently with concern and compassion. 4. Wished everyone a good night. 5. Announced that the County saved 52 jobs. She just received an email that the County Freeholder, Chris Brown, with his budget, saved and convinced the rest of the Freeholders, to save 52 jobs.

The meeting was adjourned at approximately 10:20 pm.

Respectfully submitted:

Mary Ann Young, MMC
Township Clerk