

TOWNSHIP OF PEMBERTON

REGULAR MEETING

JUNE 3, 2009

6:30 P.M.

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

PRESENT

Richard Prickett
Sherry Scull
Tom Inge
Ken Cartier
Diane Stinney

ABSENT

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

2. Chairwoman Stinney called the meeting to order at 6:30 pm
3. Closed Session Res. No. 137-2009

RESOLUTION NO. 137-2009

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
POTENTIAL LITIGATION
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 else to add to Closed Session. Mayor Patriarca advised Administration would like to discuss potential litigation during Closed Session.

Motion by Prickett and Cartier to approve Resolution No. 137-2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

4. CLOSED SESSION

Mrs. Stinney recessed the meeting at approximately 6:34 pm for Council to go in to Closed Session and reconvened the meeting at approximately 7:02 pm.

5. Formal action as necessary pursuant to closed session.

There was no formal action.

Mrs. Stinney asked Council to add to the agenda a purchase over \$2,000 for the firefighter training in the amount of \$2,080. This is in regards to operating training classes that have been scheduled as a part of the training plan for the new ladder truck. The second addition to the agenda would be for a purchase over \$2,000 for a five year lease on a new phone system. It was explained that several phones could not dial out and the existing telephone system is dying. The third addition to the agenda is for the Municipal Prosecutor who submitted his voucher for May after the deadline but has asked for Council to consider adding this to the agenda. Mrs. Scull asked if Council can make one motion for all three additions to the agenda. Mr. Bayer recommended three separate motions.

Motion by Scull and Prickett to add a purchase over \$2,000 for firefighter training in the amount of \$2,080 to the Consent Agenda. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Scull and Prickett to add a purchase to the Consent Agenda for over \$2,000 for a five year lease for a new phone system. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Scull and Prickett to add the voucher for the Municipal Prosecutor to the Consent Agenda. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Prickett and Cartier to add to the Consent Agenda Resolution No. 143-2009 which is a change order for the Presidential Lakes Dam. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 143-2009

WHEREAS, BY RESOLUTION NO. 191-2008, ADOPTED AUGUST 20, 2008, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO RICHARD E. PIERSON CONSTRUCTION COMPANY, PO BOX 430, WOODSTOWN, NJ 08098, FOR \$2,104,335.20, FOR THE LEBANON FOREST DAM NO. 1; AND
WHEREAS, BY RESOLUTION NO. 101-2009, ADOPTED APRIL 1, 2009, THE TOWNSHIP COUNCIL AWARDED A CHANGE ORDER TO THE CONTRACT FOR RICHARD E. PIERSON CONSTRUCTION COMPANY FOR \$101,800.00, FOR THE LEBANON FOREST DAM NO. 1; AND
WHEREAS, A COPY OF CHANGE ORDER NO. 2 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A TOTAL INCREASE IN THE CONTRACT PRICE IN AN AMOUNT NOT TO EXCEED \$87,825.00, WHICH CHANGE ORDER IS RELATED TO IMPROVEMENTS TO THE SECONDARY SPILLWAY STRUCTURES AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND
WHEREAS, THE NEW CONTRACT SUM INCLUDING THE CHANGE ORDER WILL BE \$2,293,960.20; AND
WHEREAS, THE ENGINEER AND THE BUSINESS ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 2, BUT WILL SEEK TO NEGOTIATE THE BEST PRICE FOR THE TOWNSHIP; AND
WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 ET SEQ., AND THE REGULATIONS PROMULGATED PURSUANT THERETO, N.J.A.C. 5:34-1.1 ET SEQ. PERMIT THE AUTHORIZATION OF SUCH A CHANGE ORDER IN ACCORDANCE WITH CERTAIN GUIDELINES CONTAINED THEREIN; AND
WHEREAS, THE GOVERNING BODY HAS DETERMINED, UPON THE ADVICE OF THE CONSULTING ENGINEER AND RECOMMENDATION OF THE BUSINESS ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND THAT THIS RESOLUTION CAN BE ADOPTED GIVEN THE ENGINEER'S REPRESENTATIONS THAT THE REQUESTED CHANGES ARE IN ORDER AND THAT THE REASONS FOR SAME ARE ACCEPTABLE, JUSTIFIABLE, AND VALID; AND
WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE TO APPROVE THIS CONTRACT IN THE AMOUNT NOT TO EXCEED \$87,825.00, IN LINE ITEM #04-2005-200521-96605-4-90206; AND
NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT CHANGE ORDER NO. 2, AS SUBMITTED BY ARH, FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED;

6. Public comments on consent agenda items only.

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

***7. Consent Agenda: All items listed with an asterisk (*) are considered to be routine by the Township Council and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item**

separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.

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

- a. Regular Meeting May 6, 2009.

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 138-2009

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:

ADAM MCGREER, \$180.00, REFUND FOR ELEMENTARY SUMMER RECREATION PROGRAM, NOT NEEDED

RESOLUTION NO. 139-2009

WHEREAS, MAGNOLIA ROAD 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.

MICHAEL ORTIZ

MICHAEL COLEMAN

THOMAS MULRANEY

JAMES CLARK

CHARLES PARROTT

RESOLUTION NO. 140-2009

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DOWNTOWN BROWNS MILLS PUBLIC PARKING IMPROVEMENT PROJECT.

WHEREAS, THE BROWNS MILLS DOWNTOWN STRATEGIC REVITALIZATION STUDY HAS BEEN AN ONGOING PROJECT OF THE TOWNSHIP OF PEMBERTON SINCE RECEIVING A TRANSPORTATION AND COMMUNITY DEVELOPMENT INITIATIVE GRANT FROM THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION; AND

WHEREAS, IMPROVEMENTS TO THE EXISTING MUNICIPAL PARKING AREA AND ADJACENT SIDEWALKS IN THE BROWNS MILLS SECTION OF PEMBERTON TOWNSHIP WILL PLAY AN IMPORTANT ROLE IN FOSTERING A HIGH QUALITY APPEARANCE FOR THE DOWNTOWN BROWNS MILLS AREA AND WILL PROVIDE MUCH NEEDED OFF-STREET PARKING IN THE TOWNSHIP'S PRINCIPAL BUSINESS ZONE; AND

WHEREAS, IMPROVING THE PUBLIC PARKING LOT FACILITY WILL ALSO ENHANCE AND SUPPLEMENT THE BROWNS MILLS DOWNTOWN STRATEGIC REVITALIZATION STUDY BY DEMONSTRATING TO POTENTIAL REDEVELOPERS AND LOCAL BUSINESSES THE TOWNSHIP'S COMMITMENT TO THE REDEVELOPMENT AREA; AND

WHEREAS, THE MAYOR STRONGLY RECOMMENDS THAT PEMBERTON TOWNSHIP SEEK FUNDING FOR THIS PROJECT UNDER THE CENTERS OF PLACE PROGRAM ADMINISTERED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION NOW, THEREFORE BE IT RESOLVED THAT COUNCIL OF THE TOWNSHIP OF PEMBERTON, FORMALLY APPROVES THE GRANT APPLICATION FOR THE ABOVE STATED PROJECT.

BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SUBMIT AN ELECTRONIC GRANT APPLICATION IDENTIFIED AS (COP-2010-PEMBERTONTOWNSHIP-00019) TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON BEHALF OF PEMBERTON TOWNSHIP.

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

RESOLUTION NO. 141-2009

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE LEMMON AVENUE IMPROVEMENTS PHASE 2 PROJECT.

WHEREAS, THE PEMBERTON TOWNSHIP DEPARTMENT OF PUBLIC WORKS, STREETS AND ROADS DIVISION, COMPLETED A ROAD IMPROVEMENT RATING PROJECT IN WHICH OVER 500 LOCAL ROADS WERE EVALUATED AND RATED; AND

WHEREAS, LEMMON AVENUE WAS RECOMMENDED FOR MAJOR RECONSTRUCTION; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON RECEIVED \$196,915 FOR IMPROVEMENTS TO LEMMON AVENUE AS THE RESULT OF OUR APPLICATION UNDER THE STATE'S FISCAL YEAR 2009 MUNICIPAL AID APPLICATION PROCESS; AND

WHEREAS, THE ADDITIONAL FUNDING REQUESTED BY THE TOWNSHIP UNDER THE STATE'S FISCAL YEAR 2010 MUNICIPAL AID APPLICATION PROCESS WILL OFFER THE TOWNSHIP AN OPPORTUNITY TO RECONSTRUCT LEMMON AVENUE FROM THE KINSLEY ROAD/EMMONS AVENUE INTERSECTION TO BUSH STREET TO, INCLUDING THE FULL REPLACEMENT OF CONCRETE CURB; SIDEWALK REPLACEMENT; ROADWAY RECONSTRUCTION; ADA COMPLIANT WALKWAYS; SIGNAGE AND ROADWAY MARKING REPLACEMENT AS NEEDED; INSTALLATION, REPAIR AND/OR REPLACEMENT OF STORM SEWER AS REQUIRED; AND MODIFICATIONS TO EXISTING INLET STRUCTURE TO COMPLY WITH EXISTING STATE OF NEW JERSEY STORMWATER MANAGEMENT REGULATIONS; AND

WHEREAS, THE MAYOR STRONGLY RECOMMENDS THAT PEMBERTON TOWNSHIP SEEK FUNDING FOR THIS PROJECT UNDER THE MUNICIPAL AID PROGRAM ADMINISTERED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.

NOW, THEREFORE BE IT RESOLVED THAT COUNCIL OF THE TOWNSHIP OF PEMBERTON, FORMALLY APPROVES THE GRANT APPLICATION FOR THE ABOVE STATED PROJECT

BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SUBMIT AN ELECTRONIC GRANT APPLICATION IDENTIFIED AS (MA-2010-PEMBERTONTOWNSHIP-00223) TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON BEHALF OF PEMBERTON TOWNSHIP.

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

14. NEW BUSINESS

- *a. Requests from various departments to expend funds in excess of \$2,000.00 for the following purchases:
 - *1. **Public Works Dept.:** For repair of #37 Road Grader by Larry Ditto, LLC, in the amount of \$2,871.
 - *2. **Water Dept.:** For purchase of a Pressure Sealer Mailer from Philadelphia Business Forms Co., in the amount of \$3,000.00.
 - *3. **Police Dept.:** For purchase of D.A.R.E. Program items from Tee's Plus, in the amount of \$2,498.44.
 - *b. Applications submitted for memberships, licenses, permits:
 - *2. **Loud Speaker Permit Application:** Lisa Eden: Graduation Party, at BMIA Building, w/DJ Equipment from 1pm-4pm on 6/21/09.
Mary V. Thomas-Pressley: Graduation Party at 113 Press Avenue, w/speakers and turntable from 2pm-10pm on 9/5/09.
- *15.** Approval by Council required for payment of vouchers on bill list dated **5/29/09.**

Motion by Prickett to adopt the Consent Agenda as amended.

Mr. Cartier informed that he would like to amend the Consent Agenda. He asked to pull the purchase over \$2,000 for the new phone system as he has questions.

Prickett amended his motion to include Mr. Cartier's request to pull the new telephone purchase and Mr. Cartier seconded. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Mr. Cartier asked what the intention is for the new phone system; will it be a purchase or lease. Mr. Cartier continued that the purchase price is \$17,659 for the equipment and asked why the Township can't just purchase the equipment outright. Mayor Patriarca stated the three hundred will be the savings but the six hundred will reflect the payment towards the program. Mr. Cartier asked where the three hundred dollar savings is. The Mayor informed originally we were saving \$900 when we originally switched to a new company a few meetings ago and saved more money on the phone system and that company is now going to put this new system in which will be a wash on our savings. The Mayor continued that instead of saving \$900, we will now only be saving approximately \$300 but will now also have a new phone system. Mr. Cartier commented that if we purchase the equipment outright, we would save \$3,000 over leasing it. The Mayor added over five years. Mr. Cartier stated over five years it would be approximately \$5,000. Mayor Patriarca commented that we don't have \$17,000 right now without going to a capital ordinance to purchase a phone system. Mrs. Scull asked if there is a difference in the cost if we own the system outright where it would cost us more to have a service contract. Mayor Patriarca replied at the end of the lease, we would have a maintenance agreement whereas during the lease, we would not have the maintenance agreement. Mrs. Scull commented that is one reason why she has done that when she leased copier equipment because even if she paid for it

outright and there is a problem, then it is going to cost more to have the problem addressed if you now own that equipment. Mrs. Scull continued that is one of the reasons why it would be a good idea to do it as a lease purchase. Mr. Cartier noted that Mrs. Scull's explanation makes more sense to him. Mayor Patriarca added that we will also receive free upgrades during the course of the five years if they are available. Mr. Cartier asked the Mayor if it is a three or five year lease. The Mayor replied a five year lease.

Motion by Cartier and Scull to approve the lease of the new phone system. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

10. OTHER RESOLUTIONS

142-2009 Amends 2009 Municipal Budget as introduced on April 2, 2009.

RESOLUTION NO. 142-2009

WHEREAS, THE LOCAL MUNICIPAL BUDGET FOR THE YEAR 2009 WAS APPROVED ON THE 1ST DAY OF APRIL, 2009, AND

WHEREAS, THE PUBLIC HEARING ON SAID BUDGET HAS BEEN HELD AS ADVERTISED, AND

WHEREAS, IT IS DESIRED TO AMEND SAID APPROVED BUDGET,

NOW, THEREFORE BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, THAT THE FOLLOWING AMENDMENTS TO THE APPROVED BUDGET OF 2009 BE MADE:

	<u>FROM</u>	<u>TO</u>
GENERAL REVENUES		
3. MISCELLANEOUS REVENUES – SECTION A: LOCAL REVENUES		
TRASH USER FEES	\$1,675,000.00	1,730,000.00
TOTAL SECTION A: LOCAL REVENUES	2,804,506.39	2,859,506.39
SUMMARY OF REVENUES		
3. MISCELLANEOUS REVENUES:		
TOTAL SECTION A: LOCAL REVENUES	2,804,506.39	2,859,506.39
TOTAL MISCELLANEOUS REVENUES	7,010,021.00	7,065,021.00
5. SUBTOTAL GENERAL REVENUES (ITEMS 1, 2, 3, AND 4)	11,127,900.00	11,182,900.00
6. AMOUNT TO BE RAISED BY TAXES FOR SUPPORT OF MUNICIPAL BUDGET:		
LOCAL TAX FOR MUNICIPAL PURPOSES INCLUDING		
RESERVE FOR UNCOLLECTED TAXES	13,093,900.00	12,850,600.00
7. TOTAL GENERAL REVENUES	\$ 24,221,800.00	\$ 24,033,500.00
8. GENERAL APPROPRIATIONS		
(A) OPERATIONS – WITHIN CAPS		
GENERAL GOVERNMENT FUNCTIONS		
FINANCIAL ADMINISTRATION		
SALARIES & WAGES	\$ 275,300.00	\$ 235,300.00
OTHER EXPENSES	61,515.00	71,515.00
LIQUIDATION OF TAX TITLE LIENS & FORECLOSED PROPERTY		
OTHER EXPENSES	51,075.00	43,575.00
LEGAL SERVICES		
OTHER EXPENSES	274,500.00	264,500.00
ZONING BOARD		
OTHER EXPENSES	7,900.00	10,900.00
POLICE		
SALARIES & WAGES	5,027,659.00	5,007,659.00
INSURANCE		
GROUP INSURANCE PLANS FOR EMPLOYEES	2,099,758.00	2,039,758.00
ENVIRONMENTAL PROTECTION		
OTHER EXPENSES	15,500.00	9,500.00
ROAD REPAIR AND MAINTENANCE		
FIRE HYDRANT SERVICES		
OTHER EXPENSES	\$ 3,000.00	\$ 14,500.00
MUNICIPAL COURT		
SALARIES & WAGES	334,200.00	331,700.00
OTHER EXPENSES	22,765.00	26,765.00
TOTAL OPERATIONS (ITEM 8(A)) WITHIN "CAPS"	17,659,154.00	17,541,654.00
TOTAL OPERATIONS INCLUDING CONTINGENT – WITHIN "CAPS"	17,659,254.00	17,541,754.00
DETAIL:		
SALARIES & WAGES	9,230,525.00	9,168,025.00
OTHER EXPENSES	8,428,729.00	8,373,729.00
(H-1) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES WITHIN "CAPS"	19,541,522.00	19,424,022.00
(A) OPERATIONS – EXCLUDED FROM "CAPS"		
PUBLIC AND PRIVATE PROGRAMS OFFSET BY REVENUES		
MUNICIPAL DRUG ALLIANCE		
LOCAL MATCH	-0-	4,000.00
TOTAL PUBLIC AND PRIVATE PROGRAMS OFFSET BY REVENUES	200,147.61	204,147.61
TOTAL OPERATIONS – EXCLUDED FROM "CAPS"	200,147.61	204,147.61
DETAIL:		
OTHER EXPENSES	45,252.61	49,252.61
(H-2) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES EXCLUDED FROM "CAPS"	3,200,828.00	3,204,828.00
(O) TOTAL GENERAL APPROPRIATIONS – EXCLUDED FROM "CAPS"	3,200,828.00	3,204,828.00
(L) SUBTOTAL GENERAL APPROPRIATIONS (ITEMS (H-1) AND (O))	22,742,350.00	22,628,850.00
(M) RESERVE FOR UNCOLLECTED TAXES	1,479,450.00	1,404,650.00

Mr. Bayer informed that by law, this resolution must be read aloud for the record. Mrs. Stinney confirmed with the Mayor that Mr. Vaz will explain the resolution after Mr. Bayer reads it. Mr. Bayer and Mrs. Stinney read Resolution No. 142-2009 for the record. Mr. Vaz explained that when the budget gets introduced, it gets sent to Trenton and the Division of Local Government Services reviews it. They have an option to either send the budget back stating they have signed off on it and we can adopt it or they want us to make changes. In this case, Trenton has sent it back with notes that we cannot use capital surplus as revenue. Mr. Vaz continued that it is something that has been allowed in the past but what has happened is the levy cap law came in to play and the state is enforcing this new calculations. Our Auditor learned about this when he was representing another client town appearing before the Local Finance Board trying to get waivers for his client and learned they were going to disallowing for purposes of the levy cap calculation capital surplus as a source of revenue, this occurred after the Township's budget was sent to Trenton. When you take that out, it changes our tax levy cap calculation sheet and puts us \$235,306 over the tax levy cap. The tax levy cap is the cap that was causing us the problem that resulted in having to prepare a lay off plan in the event we had to do that. When the budget was submitted, it was under the tax levy cap but the way they want this done and disallow capital surplus as a source of revenue, puts us over that cap. That puts the burden on us to find a way to get under the cap again. In the meantime, we were also keeping track of things that have happened since the budget was introduced. Since the Council had to amend the budget anyway, we were keeping a list of things that we would go ahead and add to the budget rather than wait until a later point in time to add to the budget through other mechanisms that the Council has available. Basically the proposed changes that are in the budget resolution reflect changes that Administration proposed to Council. Expenditures are being cut out of the budget and a few things that were added to the budget which were on Administration's list of things that have occurred since the budget was introduced by Council and sent to Trenton. The goal was to bring us under our tax levy cap because Council can not adopt a budget that's over the tax levy cap. The net effect of the changes is we are \$3,000 under the tax levy cap with the proposed changes. We are now in compliance, if Council adopts this, with the tax levy cap law. In the meantime, Mrs. Eden reviewed the budget and the amendments with the Division of Local Government Services with the budget reviewer and he has signed off on these changes. If they are approved, Council can adopt the budget. After there is a hearing at the next meeting on the amendments, Council can adopt the budget on the same night if those amendments are adopted. Everything is satisfactory to the state at this point. Mr. Vaz reiterated that we are \$3,000 under the cap at this point. The initial budget that was introduced by Council had a proposed tax increase of 9.3 cents. These changes, because we were over \$235,000; actually reduced that potential tax increase from 9.3 cents down to 6.6 cents. That is 2.7 cents less than the initial budget that was proposed. The changes on the side of the expenditures that were cut and most of it was from input from the department heads that were affected by the changes. Mr. Vaz provided an example of the \$4,000 reduction on the Finance Department salary and wage and that was due to retirement that had happened after the budget was prepared. That allows us the flexibility to cut that salary out because we simply won't replace that employee at this point. The Court agreed to cut \$2,500 out of their salary and wages and that was a sound record operator that was budgeted but not a filled position. There was also a resignation

in the Police Department of a Police Officer that allowed us to cut \$20,000. We do intend to fill that position but we can't fill it until the fall. They are in the process now of doing background checks and we have the civil service list. So, there is a period of time where we are not paying an employee and that gives us the flexibility to take \$20,000 out. The Tax Collector provided \$7,500 to take out of the tax title lien account. The Tax Assessor provided \$5,000 out of her legal line which is actually not in the Tax Assessor budget but in the general legal line and \$5,000 out of the appraiser line for a total of \$10,000 from the Tax Assessor. About one week ago the Mayor was advised that the grant application that was submitted for money to provide an environmental resource inventory which Council approved, was approved. We had budgeted the full amount of \$12,000 but now we can take \$6,000 out because we received initial approval of \$6,000. On the side of additions to expenditures; in the meantime we were advised that the TAG Grant was approved by the County that some people know as municipal alliance council or committee money. We received a \$16,000 grant and we've added the \$4,000 now because if we don't, we'll end up passing a Chapter 159 resolution in three or four weeks. One way or another it comes in to the budget. We were advised by pension that one of our new employees that has only been here for 18 months, our Zoning Officer, had not been having his pension deducted from his pay. He is in the process now of making the back payments and the town's contribution to the employee's pension accounts for the \$3,000. There is an \$11,500 addition to a charge for hydrants at the Preserve at Rancocas. When the budget was introduced, we had a known number of hydrants that the Township was obligated to pay the water company. In the meantime, new hydrants that are ready to go have been turned over to the Township and they are our responsibility. Administration has researched the issue. We now have an additional charge that was not known when the budget was introduced of \$11,500. There is a \$4,000 addition to Municipal Court and that is a line item that hasn't existed in the budget before. We are ready as of today to bring on line tax payments, water payments, payments for recreation and most fees that get paid in the town hall by use of a credit card or debit card, on line through the website. It is not up yet but we were trained on it today and we are ready to go on that. We were not anticipating being ready to go this fast. In terms of Municipal Court, they are one of the only operations that when a person pays at the window, we have to observe the service charge for the use of the credit card. All of the other aspects of a person using a credit card to pay a Township bill on line or at the cashier's window, the resident or consumer will pay a small service fee that is standard in municipal and state government so that the other tax payers aren't absorbing the cost. The Courts however have a rule that is a matter of State Court policy that the window transactions require that we absorb the fee. We are requesting to put \$4,000 in a line to get us started on that. We will not have Municipal Court up and running as soon as everyone else will be up and running. The reason is the Court has to approve what we are doing and we are in the process with Judge Shimberg with getting Court approval on that. The \$4,000 will pay the service charge that someone paying a court fine at the window would otherwise have to pay out of their own pocket. Mr. Vaz conveyed that we had this discussion a long time ago when we were talking about doing this whole project and reminded that Municipal Court is a very important source of revenue for the town and we do have a problem collecting. It's the kind of customer that is hard to collect from often times; they are defendants, they don't want to pay in the first place and we wind up chasing a lot of money. We have a lot of money that has not been collected historically. It's a lot of money and Judge Shimberg wants to do a jail amnesty program where people that have warrants out for them come in, pay their fines but he doesn't send

them to jail. The ability to take credit cards is going to be an important part of that process and he is waiting for this to be approved by the court. Judge Shimberg is hoping by August or September he can do an amnesty day or days. The last expenditure as an addition is as a second phase to the new computer servers that are in place as of about one month ago, we need a fire wall and web security system that will allow us to protect the servers from things happening on the outside coming in and will also give us web security where we will be able to prevent employees from inappropriately using the computers and the internet in ways that aren't related to work that we get paid to do. \$10,000 of that will be charged to Finance as Mrs. Eden was nice enough to say she would absorb that in her budget; \$5,000 would be charged to Water, \$5,000 would be charged to Inspections and \$1,000 would be charged to the Public Defender account. Mr. Vaz explained when he was doing this at a meeting with the Auditor last week, the Auditor has his laptop and spreadsheets and numbers were being thrown out and he's adding and telling Administration where we are at any given point in the day in regard to the \$235,000. With those changes, we still needed to do something to resolve the \$235,000 problem. What we proposed to do is leave surplus where it is at. We believe that next year is going to be tougher than this year has been for everybody. Mainly because we have been watching other towns and it seems that the third year is the tough year for a town under this tax levy and we anticipate problems. Rather than touch surplus, it was our recommendation that we take \$60,000 from medical and knock on wood as we are having a good year with our health insurance in terms of claims history; we think that there is a sufficient amount in there even in the worse case scenario, barring a tragedy, to cover us in to next year. We want to take \$60,000 from that instead of surplus. The Auditor recommended that we increase slightly the amount of revenue anticipated from tax collections. The budget as introduced was at 95.38% vs. 100% collection rate. The Auditor recommended bumping that number up to 95.58%. It is a small bump but that small bump is equal to \$11,000 which is the difference in the reserve. It had an impact for us. We also wanted to take a little more from anticipated revenue from solid waste collection. When doing the budget, we are allowed to anticipate what was brought in in the prior year and in the introduced budget we were a little less than that. What we are doing here is again instead of dipping in to the surplus, we're bringing up our anticipated revenue on the solid waste collection by \$55,000 based on the new numbers under the new program with the new collection company. The net effect of all of this is we are under the cap by \$3,000 and our total budget as introduced at this point if the amendments are approved is \$16,000 over last year's budget as adopted and we comply with the tax levy cap. The budget as introduced and as amended still does not propose to lay anybody off or furlough anybody and next year is going to be another tough year for everybody. Mrs. Stinney confirmed that prior to this the increase on an average home assessed at \$100,000 is \$93.00. Mr. Vaz informed that it will now be \$66.00 on average on a \$100,000 home. Mr. Prickett noted to Mr. Vaz that with the capital surplus the year before last that was not used as revenue and was kept separate and then yielded to Mrs. Eden's no. Mr. Prickett then asked Mr. Vaz what the capital surplus can be used for. Mayor Patriarca answered capital projects and capital purchases. Mr. Vaz explained that from a budgeting perspective in the past it was allowed to be considered a revenue for purposes of where it could be put in the budget and that is being disallowed now because of the tax levy cap formula. Mr. Prickett asked if the capital surplus is \$235,000. Mayor Patriarca answered that the \$235,000 has nothing to do with the capital surplus; a part of it was what was brought in for capital surplus and there was other.....Mr. Vaz interjected that the tax levy cap is actually a workbook on a spreadsheet with multiple pages and it

brings in all of this information that is input on it for example pages two through eight on to page one and it's a formula that the state came up with. By removing that capital surplus as revenue from one of those pages as the budget reviewer did, it impacted page one and showed us as \$235,000 over the tax levy cap. Mr. Prickett asked if we know how much the capital surplus was that was removed from that calculation. Mr. Vaz answered that he does know but doesn't have the information with him. Mr. Prickett also had a question regarding the trash user fees that Administration was able to get \$55,000 from. Mr. Prickett asked if that is a stable fund and if we can pretty accurately predict how much we will bring in through trash user fees. The Mayor replied that we can only anticipate based on what was collected last year. Mr. Vaz responded that we are not there yet and Mrs. Will, who handles solid waste collection, was very uneasy about us going up to where we did. Instead of going to the maximum allowed, we also took the medical. Mr. Prickett confirmed the fire hydrant fees are going from \$3,000 to \$14,500 and the \$11,500 increase is for the Preserve at Rancocas and questioned how many fire hydrants are in that development. Mr. Vaz informed it is more than one dozen but less than twenty. Mrs. Eden advised there are twelve. The Mayor advised we were back billed for 18 months per Mrs. Eden. Mr. Prickett stated this figure also includes the installation of the hydrants and if \$3,000 of the number is for Sunbury Village. Mayor Patriarca informed it is American Water and it is basically from the time we took ownership of these. Administration did not know we owned these fire hydrants at any time and thought the development agreement would have turned them over at the end of the development but that is not the way it was approved when the development was approved prior to this Administration. Mr. Prickett stated the \$11,500 is cumulative over a number of years and is not just the cost that we are going to incur every year. Mayor Patriarca responded it will be an annual fee now and confirmed with Mrs. Eden. Mrs. Eden explained the \$11,500 will cover twelve fire hydrants, back billed for 18 months. Each fire hydrant is \$600 per year and there are a total of 17 fire hydrants now all to American Water. Five in the Sunbury Village section and twelve in the new section of new homes.

Motion by Prickett and Scull to approve Resolution No. 142-2009. Mr. Cartier added with a public hearing to be held on the amendment on June 17th. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

11. ORDINANCES FOR INTRODUCTION

a. ORDINANCE NO. 14-2009 (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.

Motion by Cartier and Scull to introduce Ordinance No. 14-2009.

Mr. Prickett stated to Mr. Bayer that this type of ordinance is passed by numerous municipalities across the state of New Jersey and perhaps other states as well. The idea to establish a zone where pedophiles couldn't enter or live was an idea that was implemented at some point and he is just wondering if there is another strategy that municipalities are looking to try to control or address the potential problem of having pedophiles come in contact with our children. Mr. Bayer commented that

the essential part of the supreme court opinion was that the regulation of convicted sex offenders performed as being done through the state law through the state Megan's law and the way to allow these sorts of things in municipalities is to have the legislature amend state statute. We have to talk to our assembly and senator.

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

b. ORDINANCE NO. 15-2009 (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.

Motion by Cartier and Scull to introduce Ordinance No. 15-2009 with a public hearing to be on June 17th.

Mr. Cartier commented that throughout this ordinance, whenever it calls for repaying the notes, it only calls for the grant portion of repaying the note and holding on to the bond for the other half. Mr. Cartier asked if we have a low interest loan through this as well. Mr. Rehmann answered there is a low interest loan from the State of New Jersey as part of the Mr. Cartier interjected and asked if those funds will be used to repay these notes. Mr. Rehmann explained the grant portion will be used to pay and then tax revenue would be needed to pay off the loan portion of the period of time with the bond. The grant comes in to pay off the face value of the bond for the grant amount. We are borrowing for the entire amount of the project. Mr. Cartier agreed and added because we have to and they are not going to give us the money until the project is complete. Once the project is complete, there is a \$450,000 grant and a \$450,000 low interest loan. In this ordinance it only states that we are using the \$450,000 grant to repay the note. Mr. Cartier asked what about the loan portion and asked if we are going to carry the note for the remainder and a \$450,000 loan. Mr. Prickett asked if part of that will be paid back to Green Acres or we will get reimbursed from Green Acres for part of that because that note is 1% or less or maybe no interest so we should be getting that money back as well as the grant money. Mr. Cartier stated that is \$900,000 total and that should be used to repay this note so that we are not carrying a higher interest note. Mr. Vaz advised Mrs. Eden can answer this and he can call bond counsel because he is aware this is going to be introduced tonight and is available by phone. Mrs. Eden explained there is a half grant, half low interest loan. We have to pay for the entire project before we get reimbursed for either the loan or the grant. In all likelihood, we will have to go out and borrow a note to complete the project unless we have the cash. When the note comes due, we should have already received the grant from the state. That money is in our pockets. We will use the grant money and that turn the way the ordinance reads at that point in time to make the payments over the twenty year life of the loan to the Green Acres program. You put that money in reserve. Mr. Cartier acknowledged that he understands what Mrs. Eden is saying but added that is only \$450,000. Mrs. Eden reported a note is temporary financing. Mr. Cartier added for \$890,000 and we are receiving a grant from Green Acres for \$450,000 and when we receive that we are going to pay that back the note. Mrs. Eden answered we will pay back the note and.....Mr. Vaz asked Mr. Cartier what sections of the ordinance he is referring to. Mr. Cartier answered Section 1, 3, Paragraph B. Mayor Patriarca shared Mr.

Cartier's concerns to some degree because that will leave us with \$445,000 in the note and we have a no interest loan that we are going to be paying back with an interest note. Mr. Cartier agreed and stated that doesn't make sense to him. The Mayor added that we still end up with interest out of this deal. Mr. Cartier stated that he understands what Mrs. Eden is saying, but it is not spelled out in the ordinance and that is his concern. Mr. Prickett commented that he also has some questions. Mr. Vaz asked if they were bond counsel questions because he is going to leave and go call him. Mr. Cartier reiterated that is his only concern with this ordinance is getting that note repaid so we don't have to permanently finance that. Mayor Patriarca commented that even temporarily financing it with the note and his concern is that we are charged interest on something that we are getting a no interest loan for. Mr. Cartier stated that we have to have the money up front to do the project and then we will get reimbursed when the project is complete. Mr. Prickett asked Mr. Cartier and Mrs. Eden why we can't just do a note and why do we have to bond or is it the same thing. Mr. Cartier answered that is what this ordinance does. It allows the ability to go out and get the note in case something unforeseen happens, we anticipate to go out to bond. Mr. Cartier continued that his question is as spelled out that when we receive the grant, the note will be repaid with the grant. There is also the other half which is the \$450,000 no interest loan that Green Acres is giving us and that is not spelled out in the ordinance to repay the rest of the note with the no interest loan and it doesn't make.....Mr. Prickett interjected that since it's a note and not a bond, it has to be paid back. Mrs. Eden informed a bond is like a mortgage; there is a set payment for a set time. Mr. Prickett added a note is a short term instrument. The Mayor asked if with a note, we would only take what we needed at the time. Mrs. Eden affirmed. The Mayor continued that we take the \$445,000 that we would get back in the grant which would be a wash but with the other \$445,000 do we have to take that or does Green Acres just give that to us in a loan. Mrs. Eden answered that normally what happens with Green Acres is when you receive a grant from them, it is half and half; half loan and half grant. The Mayor asked if the loans we are paying back now through our debt service has bonds for those loans. Mrs. Eden answered no; we raise approximately \$44,000 a year in our budget, in our debt service to pay Green Acres for four Green Acre projects that we are now paying off. The Mayor agreed and stated they were loans. Mayor Patriarca continued that is the same thing here that we are getting with the \$445,000 and asked why we need a note or a bond for that portion of this project as we should only need the \$445,000 for the grant portion so that we can get the grant and pay back the note. Mr. Cartier interjected that we have to have the money in the bank to be able to start the project. Mr. Bayer noted to award the contract, Mrs. Eden needs to certify that funds are available. So if the bid comes in at \$890,000; we would need \$890,000 in our coffers to be eligible to pay the contract. Mr. Cartier added Green Acres won't reimburse anything either a grant or loan until the project is complete. Mrs. Eden agreed. Mayor Patriarca asked if once that is done, do we cancel the \$445,000 on the note and enter in to a loan with Green Acres and pay them back. Mrs. Eden confirmed and added it basically works the same way that we are financing the dam with the.....Mr. Cartier interjected and stated his concern is that is not in this ordinance. Mayor Patriarca informed this ordinance just reflects the ability to have \$890,000 at the Township's disposal for the project and then the Township will use a portion of it to match the grant to get the grant and other than that the loan should be paid off for the other half. Mr. Bayer explained that Mr. Cartier's point is that it speaks of using the grant money to repay the note and the ordinance doesn't state that when we get the Green Acres money we will repay the

loan and that language is not in the ordinance. Mr. Cartier confirmed and added that it speaks to the Green Acres grant but not the Green Acres loan.

Mrs. Scull asked if there was anything in the proposal that allows for in kind services to deduct from. Mayor Patriarca advised that was not allowable through Green Acres. Mrs. Scull asked if we have to spend \$890,000 and if we spend less do we still get the full amount. Mayor Patriarca advised we will only get what we spent, half in a grant and half in a loan. Mr. Prickett stated he would like to know what the plans are for this money. He has seen plans in the past and perhaps the committee has met since that time and he would like to know if the plans for Imagination Kingdom are the same as they were and if we can see the plans before the meeting so Council knows specifically what we are borrowing money for. Mrs. Willis advised plans can be forwarded to Council and they are similar to what Council has seen before. The plans have been submitted to Pinelands with what the proposed development is. The equipment has not been changed and ARH went with the full bells and whistles that came from the committee. It was not scaled back; the committee felt if Green Acres would fund any portion of the project, let's go in with everything that the Township wants and deserves and see how Green Acres feels about that. It appears Green Acres was in agreement with that. Mr. Inge asked if that is the cost of the full blown plan. Mrs. Willis answered yes and added that the cost included all of the equipment, the flooring surface, inspections, landscaping and engineering as that is something Green Acres does request to see what kind of money is going in to the project. Mr. Inge asked if we intend to spend \$890,000 on that project. Mrs. Willis replied that when we look at it down the line, the price may come down a little. Mr. Inge then asked if this will go out for bid. Mrs. Willis answered yes and added there is a lot of liability involved with a playground going in especially with this type of equipment and going out for bid is probably the best way to go because that puts liability on the contractor and not the Township in regard to the installation of this equipment. Mr. Inge asked if some of this money can be transferred to other Green Acres projects in the Township that we already have or does this money have to be.....Mayor Patriarca interjected that Administration looked in to that because there are some other sites that we would like to do some work to and Green Acres would not allow us to transfer to any other sites. The Mayor added that one contractor that is being looked at, currently where the design came from, is on state contract and we are looking at some options on bidding to see if we could possibly get some cheaper prices. The Mayor also suggested to keep in mind that we are also going to be putting in to cancel part of another ordinance which was the \$250,000 that we have already approved towards this project in another bond and the debt will be reduced on that project. The Mayor continued that we are also utilizing some Bridge Commission funds that are still available toward some of the engineering costs that we have been incurring. The \$890,000 was a number and if we just went out today to build a playground and with what we want that is what that number is based on. In the meantime, there are other things that come in to play that will reduce that and we don't anticipate the \$890,000 and that is the top number of the project but it will come in considerably under that. Mr. Inge asked if this will include parking and lighting. Mrs. Willis advised this does not include any additional lighting or parking on the site. Mr. Inge asked if there will be upgrades needed there with a playground of this magnitude. Mrs. Willis informed that the playground footprint is the same size as the existing playground that was there before. The size of the playground is not greatly increasing but the array of the equipment is a better quality and there will be more equipment there. Mr. Inge

stated we need to look at the use because the use will be much larger than what it has been in the past. With baseball in the summer, we will run in to problems if we don't look in to parking. The Mayor agreed that parking is an issue at that location but we are limited as we have no where to expand parking there and are maxed out now. The only types of additions that would come in to play would be paving the parking lot and lights. Mayor Patriarca noted Mr. Balas would love for us to pave and light the parking lot. It would be more involved in not only costs, but also Pineland issues, storm water management issues and getting in to all of that and delaying this project. This is certainly something we could look in to in the future if that is where we want to go but that's something that he feels would delay this project unnecessarily to the point that we may not see it with trying to get Pinelands to approve the parking lot. Mr. Inge asked about the changing of the property where we are going to be taking the property over from the County and asked if that would be a better location. Mayor Patriarca answered that property has not been transferred to us yet and we are waiting on another six months as it is in the process as the County has a lot of steps to go through as a County agency. That would require us to submit another plan to the Pinelands along with other issues such as drainage and so on and that really wasn't where we were looking to go with this. This is a plan that was submitted on the same footprint which made it easier because we had an existing project there and all we wanted to do was replace what was there. Mr. Prickett noted that in the past, Mr. Balas has not necessarily requested paving but has requested that there are some devices in the parking lot to control where people park. One of the things are telephone poles so that people consolidate their parking. That might be something to consider. There is shovel ready work on Springfield Road and perhaps we could do something for the parking lot in putting barricades up and some type of directional information for people to park. The Mayor conveyed that Administration can have the engineers look at the lot and the space available now and try and configure the most amount of parking and the best directional circulation within that spot for that facility. That is something they could have done. Mr. Prickett suggested having that done cheaply and possibly with material that we have on hand and he did not know if we have to go to Pinelands for approval. Mr. Rehmann advised not if we are not creating any additional impervious cover and he doesn't think we are and we should be able to do it with materials on hand. Mr. Prickett conveyed it is important to think about this now because with this sparkling new playground, there will be a lot more people coming to the site. The Mayor conveyed we would like to maximize the parking and with a little imagination, our engineers might be able to do that for us. Mrs. Scull remarked that the parking has been a problem there for at least twenty five years. When the old Imagination Kingdom was there, there were still many people; sometimes more playing ball and wanting to use the area. Mayor Patriarca reminded that the ball season is limited; there are three months of baseball. Mr. Cartier disagreed and noted that baseball runs from March through December. Mrs. Stinney suggested returning to this ordinance after Mr. Vaz completes his phone call to Bond Counsel. Mr. Cartier withdrew his motion and Mrs. Scull withdrew her second.

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

- a. **ORDINANCE NO. 11-2009 (Public Hearing Required) (title read by Mrs. Stinney)**

AN ORDINANCE TO AMEND CHAPTER 190 OF THE CODE OF THE TOWNSHIP OF PEMBERTON "AMENDING RECREATION STANDARDS AND REGULATIONS".

Recommendation for Approval received from Planning Board.

Mrs. Stinney opened the meeting to the public for public comments. There being no members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments. Mrs. Stinney yielded to Mr. Bayer. Mr. Bayer explained that Council had adopted a group of ordinances in 2006 and one of them was to amend recreation standards. As soon as he came on board in 2007, there was a threat of a legal challenge by the South Jersey Builders Association and as a result, his office as well as Mr. Ragan's office, the Township Planner, as well as the Mayor and Business Administrator, had a number of meetings with the Builders League representative. The other intervening factor was that there was an appellate division case which came down in the interim which also limited the ability of municipalities to charge for off track improvements. This ordinance attempted to accommodate some of the Builder's League concerns as well as bring it in to conformance with the appellate division case which was entitled Jackson Township and this sets standards based on the kind of development and community and how much recreation a developer would have to provide based upon acreage, number of residents and the type of recreation. The ordinance prior to this gave a much more flexibility to the Planning Board to impose these requirements which was really the genesis of the objection. This sets standards by which these recreational improvements will have to be made by developers as they make application for subdivision approval. Mrs. Stinney noted that our football field that is scheduled to open isMayor Patriarca informed that agreement is already in place and we will benefit from that and this change to this ordinance will not affect that developer's agreement. Mr. Prickett asked if the concession stand will be built. The Mayor replied yes and he will be calling them tomorrow about goal posts and other things.

Motion by Cartier and Prickett to adopt Ordinance No. 11-2009. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

CONTINUED DISCUSSION OF ORDINANCE NO. 15-2009

Mr. Vaz advised the Bond Attorney, Mr. Everett Johnson, is on speakerphone and available for Council's questions. Mr. Vaz asked Mr. Johnson to explain the portion that he pointed out the last sentence of Section II which is spread throughout the ordinance. Mr. Johnson informed that relating to the particular sentence, that sentence goes to the grant portion because the grant monies do not get paid back to the Garden State Pennsylvania Trust. What he wanted to do was to reduce the authorization of debt by the Township because any debt that is authorized goes against the 3.5% debt limitation of the bonds value on property. To the extent that the grant portion of the money that is received from the state by the Township, his idea was to reduce the amount of debt that is authorized under this ordinance so that as it is needed for other projects that are not financed by grants from the state. However, we still have to borrow the money up front because we might want to borrow the entire \$890,000 to make the vast improvements to Imagination Kingdom before receiving the money. This way we have the building and not debt up front, pay for all of the projects and once the loan and grant monies come in from the state, they can then bring down the principal of the note that was issued to finance this project from those grant and loan monies. Mr. Vaz asked how that affects the loan portion in terms of the note

authorization. Mr. Johnson answered the loan portion will not be reduced because it has to be paid back. That only goes to the grant portion. The amount of \$445,000 will be outstanding no matter what and it has to be paid back. What will happen will be one of two things, either we will issue the bonds and notes first; receive the monies from the program, pay down the full note of \$890,000 and then start to pay back the program \$445,000 and pay them back annually in the budgets going forward. Or, not do anything, wait until you receive the loans and grant monies and only issue notes for the \$445,000 portion that's a loan and pay that back annually with that service payment. It depends on whether debt is issued up front or wait to receive the money and issue debt and how much debt will be issued. Mr. Cartier confirmed that if we leave it the way the ordinance is written is that it is the option of the CFO, Mayor or Administrator if they want to keep the note at an interest bearing note or take the Green Acres note at zero percent. Mr. Johnson agreed. Mr. Cartier then asked why something could not be put in the ordinance stating that it has to be the Green Acres note. Mr. Cartier continued that it doesn't make any sense to him to keep an interest bearing note when we are receiving a zero interest note from Green Acres. Mr. Vaz commented that since we don't get the money from Green Acres until after we have already taken the note out, we are going to carry a note with interest at least for a period of time and then we get the Green Acres money, pay off the note right away and now we have the loan agreement with Green Acres. Mr. Cartier agreed but stated this ordinance does not spell out that the Green Acres loan has to be used to pay off this note. The ordinance is only stating that the Green Acres grant has to be used to pay the portion of the note; it doesn't state anything about the Green Acres loan. Mr. Johnson confirmed that Mr. Cartier is stating the ordinance doesn't spell out that the Green Acres loan has to be utilized to pay off this particular note. Mr. Vaz added that Mr. Cartier is also asking if we can have language in there to basically require that. Mr. Johnson answered that additional language could be added that states that amount. Mr. Johnson noted he is not sure if the note is going to be issued up front before receiving the monies or issued after receiving the monies. Mr. Johnson acknowledged that it is an interest free loan and why receive the money and issue an interest bearing note to pay back the money. Mr. Vaz answered because it is tied in with our current cash flow. Mr. Johnson concurred. Mr. Vaz stated either we have \$890,000 in the bank or not and we probably have to take a note in all likelihood. Mrs. Eden agreed. Mr. Vaz conveyed the likely scenario is that the note will come first, we get the grant and loan at the same time, we pay off the note with the money from Green Acres and now we owe Green Acres \$445,000 and that would be through the loan agreement at 0% interest. Mr. Vaz added if it doesn't mess up the universe of bond ordinances, Council would like to amend it so that it locks us in to using the loan to pay down the debt service. Mr. Johnson conveyed he has no problem adding that in and he can email it to Mr. Vaz. Mr. Bayer suggested that this is an introduction and the ordinance can be introduced at Council's pleasure with that concept and Mr. Johnson can email the language so that it is in all of the required places but he doesn't think all of that language is needed in all of the sections to introduce it so long as it is understood that it is going to be advertised that way as long as Mr. Johnson agrees from a bond law perspective. Mr. Johnson agreed with Mr. Bayer. Mr. Bayer reiterated that if Council is in agreement, the ordinance can be introduced with the concept being in the ordinance and when it is advertised in accordance with law, the language would actually be in the ordinance. Mr. Vaz thanked Mr. Johnson for his time this evening. Mr. Cartier stated he would like to suggest something is added that the Green Acres loan be required to pay off this note when and if the project gets completed. Mr. Inge asked if funds were budgeted last year for Imagination

Kingdom for approximately \$190,000. The Mayor replied no, it was \$250,000 in a capital ordinance that Administration will propose to cancel that ordinance. That will not be used because that would require us to go out to bonding for \$250,000 which would require interest and we're looking to take a no interest loan. Mr. Vaz advised that Administration had asked Mr. Johnson to prepare a separate ordinance to amend the multi purpose ordinance that Council introduced in 2008 that included that \$250,000. Because that has already been borrowed as part of the note sale from last year that is going to expire this September, it can't be done that way and what will happen is the note will become due October so between this ordinance becoming finally adopted and October, we will actually be carrying \$250,000 that we don't need on the books. When October comes, it will then be off the books. Mr. Inge commented that residents have to know that now we are going to be changing and we approved \$250,000 and now we are going to be increasing that by almost \$200,000. Mr. Vaz agreed. Mr. Cartier interjected that we are increasing it by \$200,000 at a zero interest loan as opposed to paying interest on \$250,000. The Mayor commented that is conditional if we use the entire amount. As explained earlier, we will more than likely not use the \$445,000 necessary to match the grant because we don't expect this to be an \$890,000 project. It won't be \$445,000; it may be considerably less and looking at the interest we would have had to borrow on the money that we did appropriate and add that and it will come out as a wash and we'll end up getting more for our buck basically. Mrs. Scull stated that we are now going to get \$400,000 additional playground that we would not have been able to possibly afford. The residents and children are making out pretty well with this. Mr. Prickett informed that he is not hearing well from his seat. He had a hard time hearing the Bond Attorney and Mr. Vaz. Mr. Prickett asked if he was saying we were going to cancel the \$250,000 from that previous bond ordinance. Mr. Vaz advised a second ordinance was asked for to have Council introduce tonight doing that; amending that 2008 ordinance to cancel it but because it is already part of the note sale.....Mr. Prickett asked if we would use that for.....Mr. Vaz and the Mayor both answered no. Mr. Vaz stated that money sitting in the bank. Mayor Patriarca remarked that we have the authority to use \$250,000 through the bond ordinance that we did but we are not going to utilize that. When the note comes due in October, we will pay the note off for what we have utilized and that \$250,000 won't be included in that and it will come off the books at that point. Mr. Prickett asked if the \$250,000 will become capital surplus. The Mayor replied no, because we never borrowed it. We are only borrowing what we utilized. Mrs. Eden informed that we borrowed money for the fire trucks, three road programs, \$250,000 for Imagination Kingdom and the dam. Mayor Patriarca explained the note acts like a line of credit and we have only taken out what we have needed so far. Mr. Prickett stated a line of credit as opposed to having the money in the bank. Mr. Vaz advised it is in the bank. Mr. Prickett remarked if it's in the bank, then we are paying interest on that money. Mr. Vaz agreed and added it was part of the note sale and if there was an Imagination Kingdom out there for \$250,000, we could go out there and do that today. In October, when the note comes due, we are getting rid of that \$250,000.....Mr. Prickett interjected and stated we will pay it off. Mr. Cartier stated we are going to pay it back. Mr. Vaz continued so that we won't have borrowed it in the first place. Mr. Prickett noted the Bond Attorney commented that with that money, it could be used for other projects when finished with this project and that's why he thinks Mr. Cartier's idea of having language within the bond ordinance that stipulates that it be used for this Green Acres project and not be used for any other project. In other words, once the project is complete, that

money is going to be taken off of the books with the money that we get from Green Acres from the S

State of New Jersey through their loan program and through the grant. Mr. Prickett asked Mr. Cartier if that was clear since he is now the graduate of Accounting. Mr. Vaz explained that Mr. Johnson did not state that we could then spend that money. What he was saying was that the authorization to spend it disappears once we get the grant and pay off that part of the note so that the 3.5% against the total equalized value of the property in town that the town is allowed to borrow, frees up available debt service. In other words, if you have a credit card with \$2,000 worth of debt and you are carrying \$250,000, that leaves you with that balance. Mr. Johnson is stating that once it is removed as authorized debt, it's not counting against the 3.5%. It frees up the concept of being able to borrow money but you won't be using that particular money.

Motion by Cartier and Prickett to introduce Ordinance 15-2009 with a public hearing to be held on June 17 with the stipulation that there will be amendments coming in the second reading as discussed. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney recessed the meeting at approximately 8:26 pm for a short break and reconvened the meeting at approximately 8:37 pm.

13. UNFINISHED BUSINESS

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

Mr. Cartier agreed with Mr. Prickett's idea that we need to have some sort of noise measuring device within the ordinance and have someone trained to use it. Mr. Cartier informed that he had the opportunity this past Saturday night at 2:30 am on his way home, to stop and sit across the street at the old Acme in his truck with the windows down and hear legibly the music that was coming out of the building across the street. That's a good 150 to 200' across and that is a bit excessive. Mr. Cartier feels for the residents and the neighborhood and something has to be done as far as noise control and limiting how far it can be heard. This proposed ordinance does that after certain times at night that the noise needs to be maintained within the building. Mr. Inge abstained. Mrs. Scull agreed with Mr. Cartier that the noise needs to be maintained within the building. She has given a lot of thought to the time changes as well but doesn't want to see some businesses hurt because of other businesses. She would much rather see something be put in like Mr. Cartier suggested, the measuring of the sound. Mrs. Scull suggested dealing with the people that are a problem instead of making more problems with other people who aren't a problem. Mr. Prickett remarked that within the packet that Chief Lewandowski provided, there is a section written through Rutgers University, the Local Noise Enforcement Option and Model Noise Ordinance. Mr. Prickett expressed that he would like to see this ordinance typed up so that we could look at the ordinance and since it is a model ordinance compare it to other ordinances and see what we might use and not use. Mrs. Stinney added to critique the two. Mr. Prickett stated it would be nice to have the ordinance on one page to focus on the model noise ordinance to see what we might like to use in Pemberton Township. It is only fair if the Police are going to enforce a noise ordinance that they have a tool like the speed radar they use to measure the speed of vehicles. They need to have a decibel device to measure the amount of noise coming from a

certain circumstance that we prescribe needing to be regulated. This is a very complex situation to deal with and if we had a copy of the ordinance to compare with some of the local ordinances as well it might be helpful. Mr. Prickett will attempt to go on line to see what noise ordinances surrounding Townships have. Mrs. Scull remarked that some of them are in the information. Mr. Prickett added that it would be nice to kind of plot those that are around us. Mrs. Stinney agrees with Mr. Prickett on the measuring device but noted that there was something written in there that there be a noise control officer that would be trained and in the case of a situation at 2:30 – 3:00 am, what if that officer is not on duty and who else would be trained and suitable to go out. Mrs. Stinney added that there is a lot that needs to be taken in to consideration and perhaps maybe even use what is available now to keep the control of noise from 2:30 – 3:30 am to its capacity where it should be. Mrs. Stinney agreed with Mr. Prickett that it's a good idea to look at surrounding towns and also agreed with Mrs. Scull as far as making sure that businesses will not be hurt with a 2:00 or 3:00 closing. Mrs. Stinney reminded the Mayor that Council had asked for a report regarding the other establishments. Mayor Patriarca remarked that was in regard to the closing hours and not the noise ordinance. Mrs. Stinney commented it would still have an impact with the noise. The Mayor replied not the noise ordinance and this actually came from a series of complaints to Administration not only from residents that have come forward at a Council meeting but also with calls that have come in for other areas of the town. There is an area off of Dover/Mockingbird, North Lakeshore Drive with Mr. Fontz who has sent several emails and calls with complaints of noise. Mrs. Stinney confirmed. Mayor Patriarca reiterated there are problems with other areas of the town and that one particular establishment is also a problem. Mrs. Stinney noted Mr. Fontz would fall under the measurement of the noise but as stated by the time the police get there, the noise is gone and if the Police Officer who is trained to do that and she doesn't know. Mr. Prickett referred to the workshop and mentioned that it would not be difficult for a number of employees to become trained noise.....Mrs. Stinney interjected that it would definitely have to be called Noise Control Officers. Mr. Cartier remarked there is an added expense with that because they are going to want stipends for being Noise Control Officers. Mrs. Scull agreed. The Mayor commented that you don't always get what you want. Mrs. Scull asked why they all can't be trained. The Mayor agreed and added that it's part of enforcing the laws and it's not a specialty. Mrs. Stinney suggested condensing this down and looking at surrounding towns. Mr. Cartier asked if there will be an ordinance in writing proposed. Mr. Bayer asked if Council would like his office to put the list together and compare it to what we have. Mr. Prickett suggested the Clerk's office locate the model ordinance and put it together.

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

Mrs. Stinney noted Council received a League alert regarding the proposed towing regulations where the state is stepping in now. Mrs. Stinney asked Council if they wished to table this matter until we can get the state regulations before this is put together. Mr. Cartier agreed. Mr. Prickett stated he would like to address the letter that came from Dudley Towing and Recovery and the questions they had. Mrs. Stinney added there was also a question from Mr. Inge at a prior meeting for the attorney to find out if it was legal for us to put in the ordinance for the towing services for residents only. Mr. Bayer advised his office found a case from the appellate division in 2005 which challenged a Boro of New Providence ordinance. The court held that in reference to towing companies that maintained a place of

business within the Boro was not rationally related to the ordinance's purpose of providing the earliest response to a towing call and was unlawfully discriminatory and exclusionary. There was an appellate case that found an ordinance that made the same kind of limitation that Council is talking about illegal. There was an idea of doing it through a time of response and that is certainly a public safety, rational reason to do it. To have limitation based upon time of response and it would be difficult to limit the ordinance to just businesses within town. You would have to navigate around the confines of what this case said. Mrs. Scull stated that we certainly don't want to be discriminatory. Mr. Prickett remarked that Dudley Towing and Recovery Services had one question that all trucks should have the amber light permit. Mr. Prickett did not remember seeing that in the ordinance and asked if anyone knew anything about the amber light permit. Mr. Cartier indicated that any truck that uses an amber light has to have a permit to use it. He had to have it as surveyors to have the ability to turn it on, on the trucks. Mr. Prickett confirmed that every tow truck is required to have that so they will need a permit. Mrs. Stinney asked if Council had any questions to propose to the state because the state is looking for suggestions before they make their rules and proposals. Mrs. Scull expressed concern over charging a fee for a company to be able to be on the tow list. They are doing a service for the Township but yet the Township is charging them. Mrs. Scull has a problem with things like that. The review of the application seems to her like the Police can just not like someone and say they won't be able to participate. There has to be some type of standards and appeal process. Mrs. Stinney remarked that Mr. Vaz will be providing the present rules to look at how to incorporate what needs to be done before adopting this ordinance. Mr. Vaz explained that he asked Antonella Colella of Mr. Bayer's office to review it to see if there is anything in the proposed regulations that assuming they are adopted if it affects anything that would be in the ordinance that Council adopts. Rather than adopt something now that could possibly have to be changed when the new rules are adopted, it would probably be better to take that into account now rather than later. Ms. Colella noted that she has already pulled the new proposed rules and she has given it an initial review and it doesn't look like it's going to substantially change the ordinance. Mr. Vaz suggested taking a little more time to actually draw a final conclusion on it. Mr. Prickett commented that what was remarked a while back, he was thinking this would take months and months but it sounds like we are going to be able to move forward in the next couple of weeks or the next couple of meetings. Mrs. Scull again asked why we are charging a fee. Mr. Cartier asked to be able to get on the list to do towing for the Township, why are we charging the towers fees. Mr. Vaz replied that the simple answer is that is the way other towns do it. The initial cost of the administrative aspect of getting the applications, processing and sending to the company that they meet the requirements and it's essentially to pass off the cost from the taxpayers to the tower that wants to be on the list. Mrs. Stinney asked Mr. Bayer to let a member of the public who forwarded a letter to Council regarding this situation know about the case. Mr. Inge stated that he wouldn't send him anything. Mr. Inge then asked that there is a standard fee set for towing and for storage and another company could not charge a higher fee. Mr. Cartier stated not if you want to tow for the Township. Mr. Inge remarked that it should stay in the Township. Mr. Cartier agreed with Mrs. Scull that a \$200 fee to review an application for a tow company to apply for a three year permit to tow within the Township is a bit much. Mr. Vaz added that it is more than reviewing the application, it's reviewing the contents of the application and to make sure that the proposed tower meets the requirements. If a requirement in the final ordinance is that you have to have a certain square footage of a yard with a fence so high and it has to be a certain distance and so on,

someone has to go out and make sure the place is in compliance. Mrs. Scull asked why all of that has to be in there. Mr. Vaz answered you probably don't and he is using that as an example. Mr. Cartier commented that vehicles have to be stored some place and it has to be secure. Mrs. Scull indicated that she likes the good old days when you put your name on a list and you get called every other week. Mrs. Scull conveyed that we have too many constraints and sometimes we over think things a little bit too much. Mr. Bayer noted that one section also provides that the Police have to do a background check. Mrs. Scull commented that will also cost them another \$75. Mr. Cartier commented that hopefully that is part of the application fee; background checks for employees of the tow company. Mr. Vaz replied yes, if it's in the final version of the ordinance. Mr. Inge remarked if they change employees. Mrs. Scull suggested simplifying it as much as possible. The Mayor conveyed that there have been applicants that have come to the Police Department in the past to be on the list that the Police Department flat out said no because of their criminal history. That is a concern when there are known criminals that are coming out and picking up cars and taking them to their lot. Mayor Patriarca stated the association charges a fee now to be a member. Mrs. Eden stated there is no fee. Mr. Cartier remarked that ultimately these tow associations are taking possession of these vehicles on behalf of the Township so the Township is liable for any damage or anything that happens to these vehicles. The Mayor disagreed and stated not once the car goes to their lot. Mr. Cartier asked if the car disappears. The car goes to their lot and that's why they are required to have insurance. Mayor Patriarca asked the Solicitor, Mr. Bayer, if he is correct. Mr. Cartier stated if there is an accident and the towing company takes the car away, who is giving them the approval to take that car. Mr. Inge replied the owner of the vehicle. Mr. Cartier stated it's not the owner of the vehicle but the Police Department. The owner of the vehicle isn't giving up his vehicle by his own free will. The Mayor commented that the Township will probably be named in it. Mr. Bayer conveyed that one of the benefits of this ordinance is that it clarifies that kind of issue because it requires the tower to indemnify and hold the Township harmless. Whereas now if it's not in affect, if someones car is damaged while it is being towed, we could be on the hook. Mr. Cartier commented that we should wait for the state. Mrs. Stinney agreed.

c. Continued discussion of possible amendments to Chapter 151, Smoking in Public Buildings and Places.

Mrs. Stinney noted that Council has received examples of Pemberton Township's Board of Education District Policy Manual on Smoking. Mrs. Stinney thanked Administration for looking in to the smoking policy at Burlington County College. Smoking is prohibited on the college premises. There is a resolution that was passed in 2001 where it designated smoking areas as outside of the employee break room, outside of the Police Department rear exit door, the rear entrance adjacent to the court room and the public works area. Mrs. Stinney conveyed that something has to be done because when walking up the entrance to the municipal building, it's just horrible. She turns the other way to get in to the front door because she just can't take it. Mr. Prickett reminded that there were two alternatives at the last meeting and one was to have a 200' buffer around the building and the other was to have designated areas within the buffer. We also have to consider that the fire companies have been discussed as being a part of this ordinance. Some of the problems that we might have to face because of bingo and other events that take place in fire houses. Mr. Prickett conveyed that he doesn't like smoke himself but it will really come down to how the Township can enforce whatever laws we

establish. Apparently, the law that we have isn't working very well. There are complaints about the smoke and there are problems on court night with smoke. Mrs. Stinney commented that our Police Officers should not have to go out to the doors and enforce those who are smoking to get away from the door. The Officers can better use their time. Mrs. Scull noted there have been times when there has been a lot of traffic, the smoke comes in room 10 and she is deathly allergic to cigarette smoke. Mrs. Scull agrees that people have a right to smoke but she doesn't think it should be in an area at the front door or the back door where it infringes on another individual's right to breathe. Mrs. Scull continued that she thought there would be a lot of problems when the school system implemented their no smoking policy and there really were very few problems. Mrs. Stinney agreed and noted that she was on the school board when that happened. Some of the comments were that accommodations needed to be made for those that do not smoke and others recommended classes to help stop smoking. Mr. Inge stated to make it smoke free but there will be problems with employees. Mr. Inge asked how the school handles employees. Mrs. Scull replied at the middle school, they walk over to Fort Dix property. Mr. Cartier interjected that it states no where on their property; no where, no time. Mrs. Stinney agreed and noted that she can recall when people went in to their cars to smoke. Mr. Inge commented on the fire houses. Mrs. Scull asked if the fire houses were suppose to be smoke free on the inside. Mr. Inge asked if the outside of the fire houses are Township property. Mayor Patriarca informed that his position is that we make the entire property smoke free. The Mayor replied that it is debatable whether the fire houses need to be in the ordinance or not and it could be excluded. Mr. Vaz noted the problem has been it's debatable whether the fire houses are covered under the existing ordinance the way the language is drafted and the fire companies wanted a definitive policy so that they can enforce a definitive policy. At least two of the fire companies have had internal problems trying to enforce it. People that are smoking look at the ordinance and state it doesn't apply to them. The fire companies were using the ordinance as the means of enforcement. Whether their premise is owned by the Township, Mr. Vaz doesn't think any of fire company properties are actually Township property; however, the Township of Pemberton ensures every square inch of those properties and provides workers compensation to all of the fire fighters. There is a level of control and at least three state agencies consider the Township the employers of those fire fighters. Mrs. Stinney asked how far outside of the fire companies would the parameter of no smoking apply. Mayor Patriarca answered if the fire company properties were included as Township properties, which he doesn't believe they are, it would be all of the property that they own as intended here as Township properties. The Mayor asked Mrs. Stinney if she is referring to what other properties the Township owns such as the Senior Center, the Dominique Johnson. Mrs. Stinney commented it would apply to all of those properties. The Mayor stated if the Township owns the property, it's smoke free and you can't smoke on it. Mayor Patriarca noted that he smokes cigars but does not believe it is right to impose that on someone else if they don't wish it. Mr. Prickett asked if there are any noise free communities. Mr. Prickett conveyed that we were talking about noise and we don't seem to want to have laws about noise and we're talking about smoke now and we want to have laws about smoking. Mrs. Scull relayed that no one has stated they don't want laws about noise. Mrs. Stinney remarked that the hospitals did this a little at a time but now no one can smoke outside. She feels sorry for the patients that are able to get outside and want to have a cigarette. Mayor Patriarca noted that we are home to Deborah Heart and Lung and we could set a nice example here and go smoke free. Mrs. Stinney agreed that we have to do something. In speaking with the head

of security at the college, the Mayor informed they found some difficulty initially for the first couple of weeks. When you go to the campus now, you will not find anyone smoking. There are a lot of young kids there and perhaps the young kids are smoking as much today but you don't see anybody smoking and it's a nice environment. It's clean and you won't find cigarette butts or marijuana butts as we found. Mr. Prickett acknowledged that the Mayor is stating that by having a smoke free institute, we might actually be helping people improve their health because they are going to smoke less. The Mayor remarked that he would certainly encourage those not to smoke as much by coming here to Township property and our insurance encourages programs to help stop smoking. Mrs. Stinney advised Deborah Heart and Lung also has programs that are offered and suggested they be offered to employees. Mayor Patriarca advised we are potentially putting in a three quarters of a million dollar children's park and asked if we are going to have people sitting on the benches smoking. Mrs. Scull informed she is not opposed to going smoke free. Mrs. Stinney remarked she is not opposed either. Mr. Cartier relayed that being the spouse of someone with asthma, he has seen what the results of just smelling smoke on someone's clothing can do to someone with lung disorders and he is entirely in favor of making all Township properties smoke free. Mr. Inge conveyed that going on field trips and he just went to one to Popcorn Zoo and one of the parents tried to light up in the break area outside of the park and they were told by teachers that there was absolutely no smoking, especially around the kids. That wasn't in the park it was outside where the vehicles are parked. The parent didn't have a problem when they were told. Mr. Inge informed he doesn't see a problem with going smoke free. Mr. Prickett stated that makes five Council members that agree on going smoke free. Mr. Prickett noted that his mother passed away from lung cancer, his mother in law passed away from lung cancer and there are numerous lung cancers that have developed in his family and if we can help people slow down their smoking and stop smoking, we should do everything that we can. Mrs. Stinney commented on offering programs when we get this put forward. There are various items such as the chewing gum to stop smoking that are readily available now. Mrs. Stinney used to be a smoker herself and she just got sick and tired of it. She is smoke free for 18 years now. Mrs. Stinney noted that the airplanes and airports are smoke free now. Mrs. Stinney asked the Mayor if he will be at the front door to stop the people from smoking because it's a mess. The Mayor replied that is his former career and that will be the job of the Police department.

GENERAL PUBLIC COMMENTS:

Council President Stinney opened the meeting to public comments. Those indicating a desire to be heard were:

Raymond Wells: **1.** Mr. Wells is here as a newly appointed liaison from the school board. Would like to schedule a meeting with Mrs. Stinney and the Mayor to set some goals and formats. Mrs. Stinney advised she and Mr. Inge are liaisons to the Council and they would be more than willing to have a sit down. Mr. Wells welcomed Mrs. Stinney leadership. **2.** Will soon be going in to the graduation of the class of 2009. Reminded Council that following the graduation, an individual in the Township organizes a function called Project Graduation. The students that have graduated come back to the school, hand their car keys over and can't leave until 5:00 am. There are all sorts of recreation for the kids. Mr. Wells asked for volunteers to assist with Project Graduation. We don't know how many lives Project Graduation has saved but it has been going on since 2005. It's attended by approximately 90% of the students. **3.** Recently celebrated the ground breaking of the Early Childhood Center which is on Arney's Mount Road before the high

school. Anticipated opening date is January 2012. 4. Celebrating the approval of the rebuilding of Denbo which will be a great addition to our school system. 5. The Senior Prom that is supported by the PTA and is very successful. 6. FBLA, Future Business Leaders of America, have competed at the local, regional, and state levels and are now competing at the national level. 7. Our Jr. ROTC had a very successful year. They competed nationally for the first time. 8. Asked Council to check out the WHY students on the internet. It's a great project. 9. Suggested to Council to be aware of unintended consequences when writing laws. His son was driving and stopped by the State Police in Pemberton Borough. Mr. Wells explained his son is an SSD recipient and won't talk when he gets nervous. He presented his license and registration to the officer. His son was stopped for having a tail light out which was a legitimate stop. Mr. Wells explained his son called him and asked him to come out. The Officer was angry with his son because he wouldn't speak and then impounded his car. Mr. Wells informed the Officer that he is a AAA member and asked if he could have the vehicle towed as he only lived less than a quarter of a mile from here and the Officer stated no and had his son's car towed. Mr. Wells had to go the next day and was unable to retrieve the vehicle because the owner wasn't there. He wasn't able to go the following day so the vehicle sat there for three days. Now he owes \$300 on a car that is worth \$200. Mr. Wells conveyed that unintended consequences can hurt. Our Township is susceptible to being hurt much more than others. People in Moorestown wouldn't bat an eye. We have people that it takes their livelihood away. Mr. Wells asked Council to be careful. It takes a lot of stuff away when you make it easy for somebody to make money and these rules do a lot of that. Mr. Wells had to make the decision to get the car or let it go. They have the right after 30 days and no payment, they can sell the car. It's a fund raising thing for them and a big deal. Mr. Wells suggested if nothing else to permit AAA, if the owner has it and the vehicle is not incapacitated in the road, to allow the owner to tow the vehicle to their own home. Mrs. Stinney remarked that she had the opportunity to attend and speak at the Early Childhood Center groundbreaking. Mrs. Stinney thanked the past Council for allowing us to go on with that project. Mrs. Stinney will send her appreciation and support to the Future Business Leaders of America as they do a fine job. At the Senior Prom there was a cup at the middle of each table for donations for the Project Graduation. Mrs. Stinney thanked Mr. Wells and welcomed him as the liaison and she looked forward to sitting down with him and discussing many things. The two entities, the school board and the Council, should always be married to one another. **Cecelia Cathers:** 1. She is a smoker but no one has ever seen her smoke. When she worked for the school system, she didn't smoke there. She doesn't smoke in her home and only smokes outside because she can not see subjecting anyone that comes in to her house, the odor. She is trying to quit and doesn't smoke on public property or around children or the elderly. 2. In the early 1970's she was one of the first FBLA graduates. 3. Asked what grade of macadam will be put on North Whitesbog Road. Mayor Patriarca conveyed we do not have the design on that at this time. Mr. Rehmann described what will be used per the State of New Jersey Department of Transportation specifications. Ms. Cathers asked if the Pinelands Commission application number can be available to her so she can keep abreast on how the application is going. Mayor Patriarca replied he would be more than happy to sic her on the Pinelands. Ms. Cathers advised she has already been to the Pinelands and was informed she needed the application number before she could do anything. Mr. Rehmann indicated it will be 30 to 45 days before the design is done and ready for submission to the Pinelands. Ms. Cathers asked if the survey has been done. Mr. Rehmann replied yes and informed they are in the process of doing the designs

and the calculations associated with the storm water requirements for the Pinelands. Ms. Cathers stated her questions she is asking is from the residents of District 1. Since she is a committee person, they brought it to her attention. 4. When the Township went to court for the railroad station, where did the funds come from and how much was it? Mrs. Scull informed it was not Township funding and Mr. Tamn had assured Council that he had a person who was funding that situation. Mrs. Scull does not know how much or where it ever went to. Ms. Cathers confirmed it did not come out of the Township budget. 5. Ms. Cathers asked if the Township is paying any attorney fees for the Inge situation and where is it coming from. Mr. Bayer answered Mr. Inge brought a lawsuit against the Planning Board and there has not been any litigation as between the Township. Mr. Hardt defended the Planning Board in that litigation and Mr. Bayer assumes Township funds were used to pay for that. Ms. Cathers asked if that is done. Mr. Bayer replied that litigation is not pending; it is over. Ms. Cathers asked if the tax payers paid for this lawyer. Mr. Bayer responded yes, the lawyer is hired by the Planning Board. Ms. Cathers remarked that the residents would like to know why weren't they informed that the Township was paying for a lawyer for Mr. Inge. Mr. Bayer noted the Township did not provide an attorney for Mr. Inge, he provided his own attorney. 6. There is an ATV situation on North Whitesbog Road. After calling the Police Department, a K9 unit came out and informed her there is nothing they can do on the ATV situation. The Officer advised her to call the State Police and to let them take care of it. Ms. Cathers asked if our Police Department has ATV's and questioned if they should be taking care of the situation. Mrs. Stinney asked Ms. Cathers if she is saying that the Police Department's ATV's should catch the ATV's riding up and down her road. Ms. Cathers asked if the main purpose of an ATV is when there is a chase and the Police cannot get them, the ATV's are suppose to come in and at least help. Mayor Patriarca strongly discourages any Officer from engaging in a chase with an ATV or dirt bike. It's usually a no win situation. The dirt bike usually gets away or gets in a serious accident or someone gets hurt. The Mayor our Police Department do not customarily get involved in those types of incidents. Our ATV's are used to go out in to the woods to look for things that are occurring in the ATV world but would not be used to go to Whitesbog Road and run off the ATV's in that area. The Mayor stated that is not the purpose of those ATV's. Ms. Cathers asked the Mayor what she should do with the ATV situation. Mayor Patriarca conveyed that there are other methods of investigation an Officer can use to determine who is operating that vehicle and there are numerous things the Officer can do to identify the operator of that vehicle. Chasing the operating is not that Administration condones and the Mayor is sure he can speak for the Chief in this instance that it is not condoned by the Police Department to chase ATV's throughout the town. Mr. Cartier commented that it shouldn't be condoned by Council to have a resident be told there is nothing we can do and to call the State Police either. Mayor Patriarca reiterated there are other things that can be done within the department. The Mayor continued that the Officer should not have told the resident if the Officer did tell the resident that there is nothing they can do. Mrs. Stinney conveyed there was a problem in Country Lakes and some of the residents got together and took pictures and turned them over. Ms. Cathers advised it is approximately 11:30 pm and then all weekend long. Mrs. Stinney knows the ATV's come from Browns Mills and head to Presidential Lakes. **Bob Pelletier:** 1. Did not quite understand when Council stated "on the property" regarding the smoke free environment and asked if Council is talking about the real property and also the land surrounding as being smoke free. Mr. Cartier answered it is any Township property that has a boundary line. Mr. Pelletier expressed that is a little

too harsh. He is not a smoker; however, he has been involved in negotiating agreements with employers on trying to reach an actual agreement. He would consider something like 50' out if there were a covered building at the front and the rear for people who do smoke. Mr. Pelletier suggested not just banishing the smokers and to enroll them in some smoking cessation programs. Mr. Pelletier stated it is not fair to just banish the smokers outright and it sounds like an act by people who don't smoke. You have to deal with smoking and it's really too harsh. Mr. Pelletier suggested finding some ordinances from some other towns and stated and federal government to see what they are doing for their employees. 2. Whether it's chapter 132 or the motor vehicle code, that is something that really peaks his interest. He has lived in the township for a number of years now and commented it's summer time and we start to hear a lot of those noises. We like to go outside. Mr. Pelletier conveyed that since 1983 all motorcycles sold in the United States are required to have an EPA noise compliance label attached to the chasis at the factory and a matching label stamped to the muffler. The installation of the muffler that lacks the EPA label or modification of the factory muffler to make more noise is a violation of federal law. Mr. Pelletier expressed the Township should be able to write something to tack on to that and find it very enforceable. Mr. Pelletier added the EPA label system eliminates the need to use expensive noise meters and is designed to enable states, cities and towns to enforce federal motorcycle noise laws. Mr. Pelletier spoke of boom cars which is a vehicle equipped with an audio system that produces excessive sound pressure levels. The pounding bass noise can be heard and felt over wide distances. It rattles windows and travels through walls. Millions of people are affected adversely with this noise. The after market sound systems were originally marketed as a means to enjoy and improve sound quality and convenience of the vehicle by replacing the factory stock sound system. Today, the car auto industry promotes booming. Mr. Pelletier conveyed that he lives on North Pemberton Road and gets the boom cars and motorcycles all the time. Putting out some signage would do a lot to control it. Mr. Pelletier spoke of after market exhaust mufflers or disabled catalytic converters and their effects on noise and pollution. Another area of concern is engine braking which produces a deafening noise that trucks produce when they slow down. Engines brakes are primarily used as a means to reduce the cost of maintaining standard wheel brakes. An ordinance to eliminate that and putting up signage can eliminate a lot of this. These are quality of life considerations. Mr. Pelletier spoke of the Township's noise permit for \$10.00. Suggested charging an appropriate sum for this particular permit. In all of the years he has been here, he has seen all of the other fees go up except for the ordinance on noise. Mr. Pelletier expressed a lot of people don't really comply with taking precautions to refrain from disturbing the peace; they turn it up and crank it as loud as they can. Mr. Pelletier advised that he lives across from the American Legion where he is a member and sometimes it gets out of control and he has to go over and tell them.

Pat Mulraney: 1. Just retired from the State Shore Protection Program and in reference to smoke free areas, there are now a lot of smoke free beaches that are enforced by the towns. Apparently there are already ordinances in place from a lot of the communities where this already exists. Seaside and Point Pleasant have a noise ordinance and the police have a portable meter to measure noise. Mr. Mulraney suggested Council find the right communities and ask them how they are doing. 2. Unless the laws have been changed, amber lights are for a stationary vehicle. The tow trucks can display the amber lights while they are hooking up their tow but when moving, they are not an emergency vehicle. **America Phillips:** 1. Has been reading the Community News and has received more information from the newspapers than from attending a Council meeting. Ms. Phillips cannot

afford to take a day off from work to come to the Township. Suggested that's the reason people do not come in. Ms. Phillips stated if residents cannot get the information they are seeking, what is the sense to come in. **2.** Asked how are the wells in Presidential Lakes. Ms. Phillips advised her second well which is five years old does not have pressure right now. She cannot continue digging holes in her front yard. Wants the Township to look in to this. **3.** Commented on a house, 326 North Carolina. Stated Mr. Prickett is aware of the house. Trash is being dumped in the empty lot across the street. Mr. Prickett noted that he is not sure if that is Township property or not but is sure Administration is interested in her concerns and will look in to it. Mrs. Phillips advised that she has seen a resident use a wheel barrel and dump their trash over the fence and what he cannot dump, he leaves there. Mr. Cartier asked if it is yard debris. Mrs. Phillips replied yes; it is leaves, branches, wood and everything and she does not think it's fair and she does not appreciate it. **4.** Inquired if the residents of Presidential Lakes will have their lake back by July 1st. Mayor Patriarca informed the Township does own the lot across from 326 North Carolina Trail and asked Mrs. Phillips if she would like to purchase it. Mrs. Phillips advised she would burn her money in a barrel before she purchased the property, because as long as the man lives there, he will throw his trash there. It is not her place to go and approach that man. Mayor Patriarca advised Administration will look in to it. **5.** Saw a man measuring something in the road in Presidential Lakes. When questioned, he informed that he is checking the drainage as people have been complaining. Mrs. Phillips informed him there is no drainage there. **6.** She is a volunteer fire fighter and is also fire police for Presidential Lakes. Presidential Lakes fire department is smoke free. If someone wants to smoke, they go outside and go far away. **7.** Asked where the people living around the bar regarding the noise ordinance have to be the ones to complain about the noise. Mr. Cartier advised they have complained and that is what started Council's discussion of it. Mrs. Stinney commented that is why Council is trying to get some things in order for the noise ordinance and the Police Department is doing a great job enforcing violations pertaining to the noise and anything else that violates the ordinances. Mrs. Phillips conveyed that the bars should be closed by 2:00. Mr. Cartier advised in Pemberton Township, the bars can stay open until 4:00. **8.** Asked if the lake in Presidential Lakes will be ready by July 1st. Mr. Rehmann advised presently the lake will not be ready by July 1st. Mrs. Phillips asked when it will be ready. Mr. Rehmann answered he is trying to have everything ready by August 1st. Mrs. Phillips then asked if the bridge will be a two way bridge or only one way like it was before. Mr. Cartier interjected it was a two way bridge but one at a time. Mayor Patriarca advised there is one lane going across the bridge and Pinelands would not allow us to expand the bridge any wider. Mrs. Phillips asked if the lake will be cleaned before the water is put in. Mayor Patriarca informed there will be a beach but we are not permitted to remove the lake bed as it stands. We can't take any soil out of there that would jeopardize the calculations that were done to get the approvals that we got. Mr. Rehmann agreed and added if a property owner is cleaning up the front of their property, he is not sure if anyone will stop them from doing that. **9.** Mrs. Phillips asked who is paying for the Early Childhood Center. Mrs. Scull informed the state is paying for the entire thing. Mrs. Phillips asked since Pemberton Township is no longer an Abbott District if the taxes will be raised. Mrs. Stinney replied she is not sure and suggested Mrs. Phillips address that with the Superintendent or the liaison who is here tonight. **10.** A clean up is scheduled for June 23rd in Presidential Lakes. Mayor Patriarca informed the schools are scheduled for June 20th and asked Mrs. Phillips to have someone reach out to him. The Mayor will communicate that with the Clean Communities to organize that as the next clean up. **Edna Inge: 1.**

Asked if there will be another public hearing for Resolution No. 142-2009. Mrs. Stinney responded yes, it will be on June 17th. Mr. Cartier remarked that will be on the amendment.

There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Mr. Andy Bayer: Mr. Bayer did not have anything for the public.

ENGINEER'S REPORT:

Mr. Chris Rehmann: **1.** A meeting was held with the contractors who had appeared at a previous Council meeting regarding the lot grading ordinance. The contractors raised a number of very interesting points and ARH is preparing a memo to the Mayor and Business Administrator for their consideration and to come back to Council with some suggestions as to how we can address some of the concerns that our local business people have. The contractors were very helpful and Mr. Inge took the time to stop by. Mr. Rehmann noted the meeting went well. The contractors were concerned about the lot grading for house expansions whether it was needed or not at certain intervals or thresholds. The contractors were very adamant in that they thought anyone who installs an in-ground pool or above ground pool should have a lot grading plan because the pool people don't know what they're doing. Mr. Rehmann conveyed there were six business people here and it was a nice cross section of the Township. **2.** Reported that ARH is applying for the balance of state aid for Lemmon Avenue which will be approximately \$200,000. Pemberton Township is one of the few municipalities in the State of New Jersey to apply for improvement of parking in downtown Browns Mills. **3.** Also applying for a \$75,000 grant for traffic enhancement around crosswalks for schools. We would like to put in solar power lighting so that people, as approaching a crosswalk, will have something that will make them stand out a little better and maybe improve traffic safety for the young in Pemberton Township. Mrs. Stinney thanked Mr. Rehmann for working diligently with the county on improving the site along West Lakeshore and Evergreen Boulevard. She has heard many comments of how that has really improved the site of traffic coming around that curve. Mr. Rehmann replied the county was very helpful in that regard. Mrs. Scull commented that it's important that the residents of Presidential Lakes understand that it's not through their fault or the fault of anyone in the Township that the project at Presidential Lakes has been delayed. It's not that Mr. Rehmann hasn't been on the ball in trying to get it finished by July 1st but rather there have been other things that have occurred that have prevented that from happening.

MAYOR'S REPORT:

Mayor David Patriarca: **1.** Leaf pick up is complete. If anyone's leaves have not been picked up and they did not have them out there during the designated pick up period, Public Works went back out and surveyed the areas after the crews were done to confirm that all areas were picked up. The Mayor noted he still sees bags out there and suspects that he will be getting calls for leaf pick up. Residents will be advised to bring their bags to the Public Works area. There are too many projects going on now to continue a program out of schedule. It will not fit in with some of the major projects that we currently have going on. **2.** Thanked everyone that participated and attended the Memorial Day ceremonies that were held at the park. Thanked the Lions Club for their participation. The Mayor informed that he

has received numerous compliments on the free hotdogs, sodas and chips that the Lions Club gave out. It was a nice event. The Veterans Association and our Recreation Department did a good job organizing the event and the Mayor thanked them for that. **3.** The Township donated \$2,000 to Project Graduation through our municipal alliance trust fund for this year's Project Graduation. It is a tremendous project that is held by some dedicated people that want to see that our students remain safe on a very volatile evening in a lot of communities. The Township supports that program and felt it necessary to contribute in any way we could. The Mayor noted that Mr. Wells may not be aware of the donation. **4.** The first meeting for the Water Carnival was held today. Preparations are being made for the event. The Water Carnival is scheduled for July 19th and there will also be additional meetings. The Mayor encouraged anyone to put their watercrafts together and to come out and join us for that event. It's a nice summer event in the Township. **5.** The Country Lakes Fire House is holding their safety day on the 7th. Mrs. Stinney confirmed the date. Mayor Patriarca relayed that is always a good event to come out and learn how to safeguard our homes and families.

COUNCIL MEMBER COMMENTS:

Diane Stinney: **1.** The 5th Annual Community Safety Awareness Day is scheduled for June 7th. It's a great event and many, many people attend. It will be held from 11:00 to 3:00. Mrs. Stinney will be attending. There will be bicycle safety and swimming safety that are important for our children during these summer months. There are tons of parents that attend. Mrs. Stinney thanked the fire company for putting on a wonderful program. **2.** Read a letter from Michael and Gloria Bell because she wanted the public to know that Council does work together and through the efforts of this Council working together and the reason and coming together and listening to the people, this is the outcome of it. "To the governing body of Pemberton Township, a heartfelt thank you is extended to Mayor Patriarca and the town Council, Council President Diane Stinney, Sherry Scull, Rick Prickett, Tom Inge and Kenneth Cartier for listening to and acting upon the concerns of the residents of Oak Pines Development in Pemberton Township. Regarding what appeared to be potentially be yet another year of living with the indescribably gypsy moth nuisance. As you know, the aerial spray of our development to check this problem was accomplished on Tuesday morning, May 19th. That you voted yes to expedite said spraying calculated a letter of confirmation to the affect and relocating funds within your limited budget towards the hiring of the private helicopter in order to address this issue broadcast nothing less than your commitment to the citizens of this Township. Your determination, timely actions and consistent communication with us throughout this process, attest to your sincere dedication and understanding of the heartfelt responsibilities of your elected positions. Thank you all, greatly appreciated and will not be forgotten, Michael and Gloria Bell, Oak Pines Development". **3.** Mrs. Stinney also read a letter from Millie Medina which was written to the Mayor and Council, "This letter is written on behalf of Millie Medina for her most sincere thanks to Perry Doyle, Jr., for the professional job that he did at Pemberton Township High School the morning of Thursday, February 5, 2009. Officer Doyle was the silver lining in a very dark day for Millie Medina. In her almost 25 years at the Pemberton Township High School, he brought a sense of calm to a very chaotic situation as well as a sincere sense of caring in a way that was far above anyone's expectations. Once again, Millie would like to express a heartfelt thank you and sincere gratitude for Officer Perry Doyle, Jr., who stands as a shining example of an excellent Pemberton Township Officer". **4.** Mrs. Stinney thanked Steve Abbott

and Tom McNaughton of the Public Works Department and Amy Cosnoski of the Clerk's Office for their efforts in obtaining grant money for the residents of Pemberton Township to upgrade and better serve our handicap residents. We were awarded a total of \$4,710.00 to upgrade Country Lakes Beach Club and the Dominique Johnson Center with the following upgrades: The Country Lakes Beach Club building was granted \$1,222.00 to install two concrete paved handicap parking spaces in the existing gravel parking lot with access aisles and signage. The Dominique Johnson Recreation Center was awarded \$3,488.00 for a double door to replace the existing narrow door, permanent concrete ramp, current signs for handicap spaces, paint for faded handicap spaces and handicap accessible door handles. Mrs. Stinney again thanked them for their efforts and bringing these things forward. It is true that we continue for the betterment of our residents. **5.** The Kelly Miller Circus will be on Thursday, June 11th with two shows at 4:30 pm and 7:30 pm. Ticket prices are posted on Pemberton Township's website. **6.** Mrs. Stinney expressed that it has been found that at the Dominique Johnson Recreation Center, there have been activities going on pertaining to karate and it is a cardiovascular exercise. Mrs. Stinney commented that she hears this on the ball field and noted that some residents have asked this be placed on the webpage.

Rick Prickett: **1.** Agreed with the Mayor that it was a wonderful ceremony and parade for Memorial Day. Mr. Prickett was proud to take part in another Memorial Day this year. **2.** Pleased to see the preschool program and looks forward to the opening of the preschool. Commented he thought the opening was 2011 but Mr. Wells stated 2012. Mrs. Stinney informed the opening is 2011. Mr. Prickett remarked the children sang something to the effect of Old McDonald but it had to do with the construction site and it was very cute to see the kids breaking the ground as well as the board members. **3.** After the last Council meeting, he did a presentation at the Senior Center on Whitesbog and certainly a lot of us have a connection to Whitesbog including Sherry Scull. One of the people he spoke about was Levi Scull which was Mrs. Scull's grandfather in law. Took the seniors through the Whitesbog Village, had lunch and went in to the bogs. The seniors will be coming back to Whitesbog in the fall. **4.** Reminded everyone to set their plans for the end of this month. The last Saturday, June 27th, is the 26th annual Blueberry Festival at Whitesbog and last year and each year before that was really quite a success. Mr. Prickett encouraged everyone to attend. **5.** Recognizes someone that works very hard to make project Prom a success and that is Sandy Morris. Mr. Prickett spoke with her on the phone today regarding the bill list to reassure her that some money was coming in for Project Graduation. Mr. Prickett noted the energy Ms. Morris has to make this a success for the 6th year. Mr. Prickett expressed he looks forward to participating in that again this year and encouraged everyone to volunteer. Graduation is June 23th and Ms. Morris would love to have everyone's help for. **6.** Thanked everyone for coming out.

Sherry Scull: **1.** June 11th is a blood drive our Police Department is sponsoring at the American Legion. Mrs. Scull encouraged people to give blood before going to the circus. **2.** The Senior Prom for the senior citizens raised over \$300 for Project Graduation. It was a thank you to the students from the high school who came and served our senior citizens. Mrs. Scull conveyed that there was an envelope on every table so that instead of giving tips to the children because they were volunteering, that money was set aside and will be donated to Project Graduation. It was another area where different generations and different people in the Township are coming together to support each other. Mrs. Scull remarked that she is very proud of our senior citizens prom. They are already planning the third

annual senior citizens prom and she will be putting in for that funding again. Received a \$1,500 grant from NJA towards Project Graduation. They are getting support from a lot of areas and our seniors definitely deserve to have the community come together and give them a proper send off in to the real world. **3.** Commented on Abbott funding and there will be flat funding for the next two years and after that we don't know what will happen. A lot of it will depend on the number of students we have in the Pemberton Township school system. As many are aware, our numbers have dwindled. We have lost approximately 1,000 kids in the past five or six years. **4.** Expressed disappointment that Evesham Township approved their Live Where You Work Program after we did and they are up and running and we are not. Mrs. Scull advised she has staff in the schools that are very interested in purchasing a home in the community but we don't have our program up yet. Mrs. Scull asked Administration to check on this and see what we can do. The program is if you are a first time purchaser and you work in Pemberton Township, you get a certain amount of the down payment paid for you and if you live in the home for a while, you don't have to pay that back. We need to promote selling our homes and hopefully it will be to individuals who have children which will help our situation with our Abbott funding. **5.** The Educational Law Center will be pushing to make sure that those of us that are Abbott districts aren't just cut off down the road without any support. Every time she sees the Governor, the Commissioner of Education or any of our legislatures, she is reminding them that Pemberton Township is a very unique Abbott district. We are in the middle of the Pinelands. We are not going to get the ratables. \$32,000,000 worth of ratables to keep and maintain our programs isn't going to come our way with the restrictions that we are under with Pinelands. Commented that Mrs. Stinney as a former school board member as well as the Mayor and herself are going to continue to be extremely active with our school board and our superintendent in protecting the residents of Pemberton Township. We are paying almost \$11,000,000 in school taxes for the last ten or twelve years. That's almost unheard of. Our school tax rate has only been raised once in ten or twelve years and that was a hit a couple of years ago when they raised us up \$400,000. The state thinks we should be paying over \$17,000,000 and that would be a horrible hit to our homeowners. We have to be constantly involved as residents; pay attention, contact your legislatures and make sure you tell them if you have an opportunity how wonderful our schools are. Mrs. Scull was very pleased to see a couple of positive articles recently about the things that our students are doing. Mr. Wells highlighted quite a few tonight. Mrs. Scull conveyed that we have a fantastic school system. There are problems but there are also problems in every district and in every school across this country. Mrs. Scull commented that Pemberton Township gets the front page for anything negative because we're not buying ads in the newspapers. We don't have the businesses like a Moorestown Mall. There have been many instances where a fight at our high school will make front page when a fight that was worse but in a richer district will be on page 26 in a little paragraph. Unfortunately, that's what the public sees; the headlines on the front page. Mrs. Scull appreciates the positive PR in reference to our students and our community. **6.** The WHY program that Mr. Wells spoke about, actually put together a mural for our senior citizens center. It is a fabulous piece of artwork and the Burlington County Times did a wonderful article and a nice photo. They covered the senior citizens prom. There are positive things going on in our community. We need to focus on them and deal with the problems. Mrs. Scull indicated as Mr. Wells knows she is always at the board meetings telling the board we need consistent discipline for your students. We need to raise the bar as far as what behavior is acceptable and we can't just have people in our school saying

that's good enough; they're Pemberton kids and what do you expect. 7. Thanked everyone for coming out.

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

Ken Cartier: 1. Thanked everyone for coming out and wished them a safe trip home.

Mrs. Stinney again thanked the public for coming out tonight. Mrs. Stinney advised Council will be returning to Closed Session to continue the earlier discussion regarding SOA Contract Negotiations and actions may be taken when Council returns.

Mrs. Stinney recessed the meeting at approximately 10:31 pm for Council to return to Closed Session. Mrs. Stinney reconvened the meeting at approximately 10:52 pm. There will be no action pursuant to Closed Session.

The meeting was adjourned at approximately 10:53 p.m.

Respectfully submitted:

Amy P. Cosnoski, RMC
Deputy Township Clerk