

**TOWNSHIP OF PEMBERTON**

**REGULAR MEETING**

**JULY 15, 2009**

**6:30 P.M.**

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

**PRESENT**

Ken Cartier  
Tom Inge  
Richard Prickett  
Sherry Scull  
Diane Stinney

**ABSENT**

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andy Bayer, Township Engineer Chris Rehmann, CFO Linda Eden, Township Clerk Mary Ann Young

2. Chairwoman Stinney called the meeting to order at 6:30 PM
3. Closed Session Res. No. 157-2009

**RESOLUTION NO. 157-2009**

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 ARE AS FOLLOWS:  
ATTORNEY/CLIENT PRIVILEGED DISCUSSIONS OF SETTLEMENT AGREEMENT INVOLVING WORKER'S COMPENSATION CASE FOR HAROLD NAULTY  
ATTORNEY/CLIENT PRIVILEGED DISCUSSIONS OF PLENARY RETAIL CONSUMPTION LICENSE FOR SKIP'S BAR & GRILL, LLC  
LITIGATION: BEM'S LANDFILL  
CONTRACT NEGOTIATIONS: S.O.A.
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Cartier to approve Resolution No. 157-2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

**4. CLOSED SESSION**

Mrs. Stinney recessed the meeting at approximately 6:30 p.m. for Council to go in to Closed Session and reconvened the meeting at approximately 7:03 pm.

5. Formal action as necessary pursuant to closed session.

Mrs. Stinney advised that Council will be returning to Closed Session to discuss matters of attorney client privilege as well as contract negotiations with S.O.A. at the end of tonight's meeting.

Motion by Prickett and Scull to add a request from the fire department for a fit test and travel charge of \$2,985.00 to the agenda. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney advised this will be added to new business.

6. Public comments on consent agenda items only.

Chairwoman Stinney opened the meeting to public comments on consent agenda items only. Those wishing to comment were:

**Christian Sabella:** 1. Mr. Sabella noted he is with Bortek Industries and is addressing Resolution No. 152-2009, the sweeper contract award. Mr. Sabella explained that Bortek Industries had bid on the sweeper and was the low bid. However, they performed a demonstration in the downtown Browns Mills area of the sweeper to make sure it would fit in the environment and do the job that the town is looking for it to do. The brush configuration that Bortek had set up on the unit was too wide. They were not aware of the exact location and he was all over the Browns Mills area with a tape measure trying to figure out where they could and could not bring the machine with that brush configuration and the consensus he had was that the bigger brushes would be a better fit. However, they were brought to an area where it actually required the smaller brushes and he did not bring them. Mr. Sabella noted that it seems like it is going to be awarded tonight and he would like the opportunity to demonstrate the machine that is a lower cost to the Township with the proper brush size on it so that the Township can evaluate the size and maneuverability of the units in our environment. Mr. Sabella advised he sent pictures to Mr. Vaz of the machine with the smaller brushes on it to show that they have the machine ready to go. Mr. Sabella repeated that Bortek would like to come back and show the machine with the right size brushes on it as they didn't have the opportunity to evaluate where they were going to have to demonstrate the machine and pre-arrange for the machine to be set up properly. Mrs. Stinney stated to Mr. Vaz that at the last meeting Council asked if he would go back. Mr. Vaz informed he set up a demo with Bortek, and they brought their vehicle down. He advised that two Public Work's Supervisors, Tom McNaughton, Supervisor of Streets and Roads and Steve Abbott, Supervisor of Buildings and Grounds, met with him and the Mayor at the Browns Mills Shopping Center. The vehicle that Bortek brought with them is a fine vehicle but the one problem that Mr. Sabella just mentioned is that they brought a vehicle that had brushes that were too big for the town's sidewalks. Mr. Vaz continued that they were able to see a demo of the vehicle and see how it operates, but the Public Works Supervisors are still recommending the DeHart vehicle. He noted that one important aspect from the Supervisors' perspectives is the DeHart vehicle through hydraulics controls the spread of the brushes; the angle that they are positioned on the sidewalk. The Bortek vehicle has to be manually changed out. There are pluses and minuses to both vehicles. Mr. Vaz conveyed the Bortek vehicle certainly is an exceptional vehicle but Public Works is recommending what they speced or an equivalent. Mr. Vaz restated that Public Works is still recommending the DeHart vehicle. Mr. Vaz suggested Council pull the applicable resolution when it comes up on the agenda. Mr. Vaz noted Council's choices are one of two; one is to reject all bids and start from scratch and two is to approve the resolution and award the contract to DeHart which is the recommendation of the Department of Public Works; however, he relayed that Administration does not recommend awarding a contract to Bortek. Administration believes that would create a problem for the Township with the other bidder. Mr. Vaz suggested a better route would be to reject the bids if that is what Council is inclined to and start over from scratch. Mr. Vaz reiterated the position of Public works which is to go with the DeHart vehicle. Mr. Sabella commented that the DeHart vehicle speced with the moveable side brooms is the only vehicle that has that availability so that would bring us back to the question of whether the spec a proprietary spec or is it an open spec. Mr. Bayer stated there isn't anything illegal with how the specification was granted, and he would recommend from a legal perspective that from a business perspective if the Township wants to buy the vehicle, he would award as Administration is

recommending. There being no additional members of the public indicating a desire to comment, 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, June 3, 2009.**

**\*10. CONSENT AGENDA RESOLUTIONS**

**RESOLUTION NO. 160-2009**

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:  
ARTEMIO MARTINEZ, \$39.00, OVERPAYMENT OF WATER BILL, BLOCK 233, LOT 21  
MARIE CANDIES, \$120.00, DID NOT ATTEND SUMMER RECREATION CAMP  
BEAR ELECTRIC, \$61.00, OVER CHARGE ON ELECTRIC PERMIT

**RESOLUTION NO. 161-2009**

WHEREAS, WAWA STORE NO. 982 HAD PREVIOUSLY POSTED A PERFORMANCE BOND, FOR CERTAIN IMPROVEMENTS FOR PROPERTY KNOWN AS BLOCK 786.01, LOTS 15 & 16 AND BLOCK 786.02, LOTS 1 & 16; WHICH GUARANTEE WAS POSTED IN THE AMOUNT OF \$1,506,492.00; AND  
WHEREAS, THOSE IMPROVEMENTS HAVE BEEN COMPLETED; AND  
WHEREAS, THE TOWNSHIP ENGINEER HAS RECOMMENDED THE RELEASE OF THE PERFORMANCE BOND IN THE AMOUNT OF \$1,506,492.00, CONTINGENT UPON THE PROPER POSTING OF THE REQUIRED TWO-YEAR MAINTENANCE BOND IN THE AMOUNT OF \$225,973.80; AND  
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE PERFORMANCE BOND IN THE AMOUNT OF \$1,506,492.00, BLOCK 786.01, LOTS 15 & 16 AND BLOCK 786.02, LOTS 1 & 16, IS HEREIN AUTHORIZED TO BE RELEASED UPON RECEIPT OF A TWO-YEAR MAINTENANCE BOND IN THE AMOUNT OF \$225,973.80.

**RESOLUTION NO. 162-2009**

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION  
WHEREAS, N.J.S.A. 54:4-3.30B PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A SURVIVING SPOUSE OF A TOTALLY DISABLED VETERAN; AND  
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 855 LOT 12.05, 5 WOODLAND AVE., BROWNS MILLS, NJ, OWNED BY WALTER TAYLOR QUALIFIES FOR A DISABLED VETERAN'S PROPERTY TAX EXEMPTION AS OF MAY 20, 2009; AND  
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND  
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 855 LOT 12.05 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO MAY 19, 2009 ARE \$1,195.18 PLUS INTEREST; AND ARE STILL DUE AND PAYABLE TO THE TOWNSHIP, AND  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MAY 20, 2009 AND AUTHORIZE THE CANCELLATION OF \$352.37 WHICH REPRESENTS TAXES DUE FROM MAY 20, 2009 THROUGH JUNE 30, 2009.  
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 855 LOT 12.05 AS OF MAY 20, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A TOTALLY DISABLED VETERAN'S PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30B.  
THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

**RESOLUTION NO. 163-2009**

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION  
WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND  
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1105 LOT 8, 243 LAFAYETTE AVE., OWNED BY HENRY & JULIA GILYARD QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF MAY 18, 2009; AND  
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND  
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1105 LOT 8 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO MAY 17, 2009 ARE \$1,373.37; AND  
WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 1105 LOT 8 IN THE AMOUNT OF \$1,735.30 FOR THE FIRST HALF OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$361.93 TO HENRY & JULIA GILYARD; AND  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MAY 18, 2009 AND AUTHORIZE THE REFUND OF OVERPAID 2009 TAXES.  
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:  
1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 1105 LOT 8 AS OF MAY 18, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.  
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$361.93 TO HENRY & JULIA GILYARD, 243 LAFAYETTE AVE., PEMBERTON, NJ 08068.

3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

**RESOLUTION NO. 164-2009**

RESOLUTION AUTHORIZING REDEMPTION IN INSTALLMENTS

WHEREAS, THE TOWNSHIP OF PEMBERTON HOLDS CERTIFICATE OF SALE #910105 AND THE AMOUNT REQUIRED TO REDEEM TOTALS SEVENTEEN THOUSAND NINETY FOUR DOLLARS AND NINETY-TWO CENTS (\$17,094.92) INCLUDING INTEREST TO JULY 1, 2012 ON PROPERTY OWNED BY JOANNE LAMSON LOCATED AT 68 BRIAR STREET, BROWNS MILLS, NJ (BLOCK 380 LOT 33) FOR UNPAID REAL ESTATE TAXES, SOLID WASTE, WATER AND SEWER CHARGES DUE UP TO JULY 31, 2009; AND,

WHEREAS, THE OWNER HAS REQUESTED INSTALLMENT PAYMENTS TO REDEEM SAID PROPERTY; AND

WHEREAS, N.J.S.A. 54:5-65, ET SEQ. AUTHORIZES SUCH INSTALLMENT PAYMENTS,

NOW, THEREFORE, BE IT RESOLVED, THAT THE TAX COLLECTOR, IS HEREBY AUTHORIZED AND DIRECTED TO ACCEPT INSTALLMENT PAYMENTS IN REDEMPTION OF SAID ARREARS AND ACCRUED INTEREST IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

1. THIRTY SIX (36) EQUAL MONTHLY INSTALLMENTS SUFFICIENT TO PAY THE BALANCE IN FULL WITHIN THREE (3) YEARS OF THE DATE OF THIS AGREEMENT, SAID AMOUNT BEING FOUR HUNDRED SEVENTY FOUR DOLLARS AND EIGHTY-SIX CENTS (\$474.86) MONTHLY COMMENCING ON AUGUST 1, 2009, WITH AN ADJUSTMENT ON THE LAST PAYMENT, IF NECESSARY, FOR INTEREST DUE TO DATE OF ACTUAL RECEIPT OF PAYMENTS;
2. DEFAULT IN ANY INSTALLMENT PAYMENT TERMINATES THIS AGREEMENT AND SUBJECTS THE PROPERTY TO FORECLOSURE ACTION;
3. ALL TAXES, SOLID WASTE, WATER AND SEWER CHARGES NOT YET DUE SHALL BE REGULARLY AND PROMPTLY MADE IN ADDITION TO THE PAYMENTS SET FORTH ABOVE.

**RESOLUTION NO. 165-2009**

WHEREAS, N. J. S. A. 40:48-1.1 PERMITS A MUNICIPALITY TO UNDERTAKE THE REMOVAL OR DEMOLITION OF ANY BUILDING OR STRUCTURE WHICH IS DANGEROUS TO HUMAN LIFE OR PUBLIC SAFETY, AND IN DOING SO, MAY ASSESS THE COST OF SUCH REMOVAL OR DEMOLITION AS A MUNICIPAL LIEN AGAINST THE PREMISES; AND WHEREAS, THE TOWNSHIP ORDINANCES ESTABLISHES A PROCEDURE TO FACILITATE THE DEMOLITION AND REMOVAL OF SUCH BUILDINGS OR STRUCTURES AND TO ASSESS THE COST OF SAME AS LIENS AGAINST THE PROPERTY; AND

WHEREAS, THE TOWNSHIP PUBLIC WORKS DEPARTMENT, IN CONJUNCTION WITH THE CONSTRUCTION DEPARTMENT AND OFFICE OF THE MAYOR, CAUSED TO BE DEMOLISHED AN UNSAFE STRUCTURE LOCATED AT 304 SEMINOLE DRIVE, BLOCK 626 LOT 5, ON THE TOWNSHIP MAPS; AND

WHEREAS, THE TOWNSHIP'S PUBLIC WORKS SUPERINTENDENT HAS CERTIFIED TO THE TOWNSHIP'S BUSINESS ADMINISTRATOR THE VALUE OF THE TIME, LABOR, EQUIPMENT AND OTHER SERVICES EXPENDED IN THE COURSE OF SAID DEMOLITION EQUALS \$ 8,900.90.

NOW THEREFORE BE IT HEREBY RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TAX COLLECTOR BE AND IS HEREBY AUTHORIZED AND DIRECTED TO IMPOSE A LIEN UPON THE PROPERTY KNOWN AS BLOCK 626 LOT 5 LOCATED AT 304 SEMINOLE DRIVE IN THE TOWNSHIP OF PEMBERTON IN THE AMOUNT OF \$8,900.90 SAID MONEY IS TO BE COLLECTED IN ACCORDANCE WITH LAW.

**RESOLUTION NO. 166-2009**

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

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

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

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

PLENARY RETAIL CONSUMPTION LICENSES:

HUNGRY PINEY, INC.

#0329-33-007-010

**RESOLUTION NO. 169-2009**

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF POLICE UNIFORMS FOR THE PEMBERTON TOWNSHIP POLICE DEPARTMENT

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE SUPPLY OF POLICE UNIFORMS FOR USE BY THE PEMBERTON TOWNSHIP POLICE DEPARTMENT IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1, ET SEQ.); AND

WHEREAS, THE TOWNSHIP RECEIVED ONE (1) BID, THE BIDDER BEING OAKWOOD UNIFORM & EQUIPMENT, INC. ("OAKWOOD") OF 148 WINDSOR AVENUE IN WESTMONT, NEW JERSEY 08108 WITH A BID OF \$27,623.75; AND

WHEREAS, THIS CONTRACT IS BEING AWARDED AS AN OPEN-END CONTRACT AND MUST BE AWARDED PURSUANT TO THE REGULATIONS GOVERNING SUCH CONTRACTS FOUND IN N.J.A.C. 5:30:11.10 AND N.J.A.C. 5:30-5.5; AND

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

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED OAKWOOD'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE PROVISION OF POLICE UNIFORMS FOR USE BY THE PEMBERTON TOWNSHIP POLICE DEPARTMENT BE AND HEREBY IS AWARDED TO OAKWOOD, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND OAKWOOD IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY OAKWOOD; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS IN THE AMOUNT OF \$27,623.75, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER \_\_\_\_\_, HOWEVER, SHOULD ADDITIONAL

QUANTITIES BE NEEDED, THE CHIEF FINANCIAL OFFICER SHALL EXECUTE A CERTIFICATION OF FUNDS FOR EACH ORDER SUBMITTED IN ACCORDANCE WITH N.J.A.C. 5:30-11.10; AND

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

- A. OAKWOOD UNIFORM & EQUIPMENT, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

**RESOLUTION NO. 170-2009**

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH GOOD WILL FIRE COMPANY NO. 1 FOR THE PROVISION OF FIRE PROTECTION SERVICES FOR THE CALENDAR YEAR 2009

WHEREAS, THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") HAS NO PAID OR PART-PAID FIRE DEPARTMENT OR FORCE; AND

WHEREAS, THE TOWNSHIP RECOGNIZES THE NEED TO PROVIDE FIRE PROTECTION FOR RESIDENTS AND TAXPAYERS; AND

WHEREAS, THE TOWNSHIP DESIRES TO RETAIN THE EMERGENCY SERVICES OF THE GOOD WILL FIRE COMPANY NO. 1 ("GOOD WILL") FOR THE SUM OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) AS A NECESSARY AND PROPER MEASURE FOR THE SECURITY OF THE PUBLIC HEALTH AND WELFARE; AND

WHEREAS, THE TOWNSHIP IS AUTHORIZED BY N.J.S.A. 40A:14-35 TO APPROPRIATE FUNDS TO BE GRANTED TO A VOLUNTEER FIRE COMPANY IN AN ADJOINING MUNICIPALITY.  
NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, REVIEWED BY THE TOWNSHIP SOLICITOR AND ATTACHED HERETO, BETWEEN THE TOWNSHIP OF PEMBERTON AND GOOD WILL FOR THE PROVISION OF FIRE PROTECTION SERVICES; AND  
BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER \_\_\_\_\_; AND  
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. GOOD WILL FIRE COMPANY NO. 1
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

#### **14. NEW BUSINESS**

**\*a.** Requests from various departments to expend funds in excess of \$2,000.00 for the following purchases:

- 1. Water Dept.:** For payment for inspection services for the township's (4) four water storage tanks by Pittsburgh Tank and Tower Maintenance Co. in the amount of \$3,250.00.
- 2. Police Dept.:** For purchase of prisoner holding cell security camera, from Quality Communications, in the amount of \$4,464.00.
- 3. Public Works Dept.:** For purchase of 150 tons of washed sand for Mirror Lake Beach, from state contract vendor Scorer Trucking, in the amount of \$2,700.00.

**c.** Applications submitted for memberships, licenses, permits:

**\*1. Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Country Lakes Fire Co.:** Contributing Members Margaret Johnson, Frederick Johnson.

**\*2. Loud Speaker Permit applications:** **1. Cynthia Pellegrino:** Birthday party w/sound system, at 5 Pine Ave., Browns Mills, NJ, 6PM-10PM, 9/26/09. **2. Randy Butters:** Block party w/home stereo equipment at 220 Sassafras, 2PM-10PM, 8/8/09. **3. Lake Valley Civic Association:** LVCA Family Day BBQ w/DJ, at Dominique Johnson Recreation Center, noon to dusk, 7/25/09. **4. St. Ann's Church:** Amplification system for carnival, 5PM-11PM, 7/28/09-8/1/09.

**\*15.** Approval by Council required for payment of vouchers on bill list dated **7/10/09.**

Mr. Inge requested to pull Resolution No. 152-2009. Mr. Prickett requested to pull Resolution No. 158-2009 and 159-2009. Mr. Prickett also requested to pull Resolution No. 167-2009 as Council has some things to discuss in Closed Session and would like to come back to this Resolution after coming back from Closed Session. Mr. Cartier requested to pull Resolution No. 168-2009. Mrs. Scull requested to pull New Business, item b.

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

#### **9. PRESENTATIONS**

**a.** Presentation of certificate of achievement to Joseph Gandy for attaining JROTC Drill Cadet of the year for 2008-2009.

Mrs. Stinney thanked the Burlington County Times for the beautiful article on Pemberton. Mrs. Stinney noted the Community News has also done a wonderful article. Mrs. Stinney asked Mrs. Scull and Mr. Cartier to join her in the presentation. Mrs. Stinney commented that their ROTC in Pemberton Township has done an outstanding job in the Township in representing the Township in such a fine way, noting the electoral colony votes and so many different things they have done in Pemberton Township. They have represented the school district as well as Pemberton Township whenever they are called upon. Mrs. Stinney noted Mr. Gandy's parents are also attending tonight. Mrs. Stinney read from the certificate, "Pemberton Township recognizes the outstanding achievement of Joseph Gandy as the Junior ROTC Drill Cadet of the year for 2008 through 2009 and for his services to the Pemberton Township Council in representing Pemberton Township presented by the Pemberton Township Council this July 15, 2009 signed off by Council President Diane Stinney and her fellow Council members". Mrs. Stinney congratulated Mr. Gandy for his fine achievement. Mrs. Stinney advised that Mr. Gandy is a fine young man, and she thanked him for representing Pemberton Township in the fine way that he has. Mrs. Stinney also applauded Mr. Gandy's parents and commented that this is a team effort. Mrs. Stinney conveyed with much love from Pemberton, she presented the certificate of achievement to Mr. Gandy.

- b. Presentation of certificate of achievement to 1<sup>st</sup> Sgt. Cedric Gaskin for receiving the President's Council on Physical Fitness and Sports 2009 Community Leadership award.

Mrs. Stinney commented that for many years when she served on the school board she called Sgt. Gaskin, Gaskill and he never corrected her. Mrs. Stinney read from the certificate, "Pemberton Township recognizes the outstanding achievement of 1<sup>st</sup> Sgt. Cedric Gaskin in being awarded the President's Council on Physical Fitness and Sports 2009 Community Leadership Award for his work with the JROTC of Pemberton Township". Mrs. Stinney conveyed that he has stood the test of time and that he and Major Cook has brought the JROTC to where they are now. Mrs. Stinney noted they have worked many, many years even when she served as a board member. She relayed that she is standing here today with heartfelt gratitude to where the JROTC is right now, along with many other people that have gone on and retired and to St. Gaskin and Major Cook. She indicated that this is presented by the Pemberton Township Council on July 15<sup>th</sup>, by Council President and her fellow Council members. Mrs. Stinney asked Mrs. Scull to present the award to Sgt. Gaskin. Mrs. Scull stated he knows how she feels about the ROTC. Mrs. Scull commented that those students under the leadership of Sgt. Gaskin and Major Cook represent Pemberton so well and it is such an honor to be able to present him with this certificate. Mrs. Scull thanked him for all that he does.

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

Mr. Inge asked Administration if Council does not approve Resolution No. 152-2009 tonight, would it benefit the Township or not to go out to bid again. Mayor Patriarca replied that would depend on what the Township wants. There is no harm in putting it back out to bid other than they don't have a sweeper until they put it out to bid and award another bid. They haven't had a sweeper since. Mr. Inge noted that 80% of it will be paid for by the UEZ. Mayor Patriarca responded that we have until 2010 on that particular grant to make this purchase. Mr. Inge confirmed that it is Public Works and Buildings and Grounds that are recommending that they go with DeHart. Mayor Patriarca responded that they are recommending the machine that they speced. They are looking for something that will reach out in areas where on the sidewalks there is a sign and the brush can go out and collect from that area and come back in and continue on. They haven't seen that demonstrated to say that is an option that would work on that machine.

They did see this particular machine and in the gentleman's defense, it is a very nice machine. It's very sturdy and a well put together machine and one of the things he liked about it was that it was American made and parts were easily accessible. The other machine, they don't know a lot about and it didn't meet the specs. They haven't been able to bring one to them for a demonstration and that leads him to suspect that not too many are available locally that they could have just went to another department that has one and borrow their machine and demo it in Pemberton. Mayor Patriarca questioned if they are unable to bring a machine around here, who is using them. The Mayor expressed concerns in that respect and he is not saying it's a bad machine but he hasn't seen it to say it's good or bad. Mayor Patriarca reiterated that the machine did not meet the specs. Mrs. Scull expressed concern that the specs are in for a specific item. If they need what is in the specs is a different subject but it is a cheaper machine but it doesn't meet the specs and she understands what Mr. Bayer is stating. Mrs. Scull asked if it would be a problem if it was rebid with different specs because they didn't accept the bid that met the spec. Mr. Bayer explained that legally under the local public contracts law if a public entity changes its mind as to what it wants to purchase, if it changes the specifications because you decided you wanted something else, that would be a basis to reject all bids and start over. Mrs. Scull asked if both sets of sweepers come with the machine that was the lower bid or do we just get the larger ones. Mayor Patriarca replied that we have not gotten to that point yet. They came out with the larger brushes when they demonstrated and it did not work on the sidewalks as it was well over the grass but it did work exceptionally well on the curb lines. If the smaller brushes work as well on the sidewalks, he would have to think it would be a really good machine but it just doesn't have that option to go in and out as the other one does. There are concerns with either one. If you have to change brushes frequently, then that becomes a problem. The other one could be a problem where if you're breaking down, if it's not a beefy enough machine for what we use it for and it breaks down can we get parts. There are other elements added to it with hydraulics for brushes going in and out and can they now break whereas the other one has a stationary brush. They both have pros and cons and he would have liked to have seen the other machine. If they did rebid it, as Mr. Vaz discussed with him, writing the specs up a little differently as opposed to what they were the last time. Mr. Prickett asked the Mayor why they need this machine. Mr. Prickett added this is an expensive machine, \$71,000 and it's got to do a lot of different things than just clean the sidewalks. Mayor Patriarca replied this was part of the clean team package that was presented and approved and is part of the purchases throughout that and it's designed to concentrate on the sidewalk areas of the UEZ zones and maintaining a clean atmosphere in that respect but it also has the ability to do curb lines in parking lots and so on. The Mayor added this was all part of that program in building that UEZ clean team. Mr. Prickett asked if there are any conflicts with the sidewalks as sidewalks aren't owned by the Township, and they are the responsibility of the business or homeowner. Mr. Prickett then asked if the Township actually owned any sidewalks. Mayor Patriarca replied in the business district, the Township maintains the sidewalk areas. The clean team does that. They also cut the grass along the edges in certain areas such as from Noteboom up to the Browns Mills Shopping Center. This is all part of that clean team effort to work the facades of keeping the buildings clean out front. They don't go in to the properties and sweep their parking lots; they do that. It's just the street scapes that our clean team concentrates on. Mr. Prickett asked if permission is needed from the property owners to sweep their sidewalks and if there is any special liability insurance to do that. Mayor Patriarca suggested Mr. Prickett ask the solicitor and added it is his understanding that they are right of ways, and he is not familiar with the liabilities of that nature. Mr. Bayer replied as the Mayor stated, the Township is maintaining those sidewalks and if the sidewalks are within the right of way, then it's the Township's responsibility because the right of way is public property. Mayor Patriarca conveyed that the Township doesn't maintain all of them and for instance they don't shovel the snow in front of the businesses but

they do the walkways from Browns Mills Avenue up to the Browns Mills Shopping Center and the developer maintains that. Mr. Prickett questioned how this compares to repairing sidewalks. Mayor Patriarca commented that they are not getting into repairing sidewalks. Mr. Prickett stated they would be willing to clean the sidewalks but not repair them. The Mayor responded no and added there is an option through the UEZ to apply for funds where the business owner could possibly have the sidewalk repaired and there are grants available for that. Mr. Prickett asked if that is a low interest loan or if it is a grant. The Mayor replied they are 50/50 grants. Mr. Prickett asked what do these machines do and if they actually vacuum up the material that the machine dislodges from the sidewalk or curb in the parking lots. The Mayor answered that the one that met the specs as he understands it, is just a vacuum. The one that was demonstrated actually had an attachment like a hose vacuum which could go in to a trash can which is another machine the Township is purchasing which is job specific and can go in and suck out the trash out of a trash can. The machine also had a hose type of attachment and not sure if it is a pressure washer. The other machine that met the specs did not have that. Mayor Patriarca clarified that the machine that was demonstrated had some other options and the bidder that came in higher but met the specs and is being recommended by Public Works is the one that is a street sweeper. Mr. Prickett asked if the machine just brushes the sidewalks or if it vacuums the debris. Mayor Patriarca explained that the process is a pair of brushes collects the debris in to the center of the machine where there is a bar type of vacuum that will suck up that debris. Mr. Prickett asked if it used any type of pressure washing or water to dislodge the material. The Mayor replied the sweepers have a tank of water to keep the dust down. Mr. Prickett asked if Administration has done any type of analysis to determine how much in the year or how often this machine would be used and if it will be stored in one of Public Works' buildings. Mayor Patriarca informed it will be stored in Public Works and possibly the clean team's trailer. The machine that was demonstrated might not fit in the trailer but the other machine which is a little smaller should fit. Mr. Prickett asked the Mayor if he had any idea how frequently this machine will be used. The Mayor replied it will be used as needed. Mrs. Stinney remarked that Mr. Sabella had commented earlier that he didn't know where to go to demonstrate the machine. Mayor Patriarca responded that all of our sidewalks are open in town and a standard sidewalk is four feet and that's the sidewalk that was demonstrated on. Some are actually smaller but our sidewalks are the standard size of 48 inches. The Mayor confirmed the size with Mr. Rehmann. Mr. Rehmann added that when the commercial districts as part of the storm water management plan, requires those areas to be swept on a periodic basis to improve water quality from material being swept down in to storm sewer systems. The Mayor noted the curb line demonstration that Bortek put on, the little machine cleaned better than the huge sweeper that we currently have that usually leaves a line of mud behind it. Mr. Prickett asked what the vacuum machine does that was approved at the last meeting and will it be overlapping with this machine. Mayor Patriarca explained that is a machine with a trunk on it that will suck up the large debris out of trash cans rather than collecting the bags. There will be a request coming through soon for Clean Communities where we are looking to purchase all new trash and recycle receptacles. This machine as opposed to emptying them would just go in and suck everything out in one shot. Mr. Prickett asked if that cleans out any storm sewers in the curbs and that is the impression that he had. Mr. Cartier agreed and added that it was presented at the last meeting that it was going to be used to clean the storm drains. The Mayor answered he didn't know and he thought that machine was smaller and he hasn't seen that demonstrated. Mrs. Stinney conveyed to Council that Mr. Vaz stated there were two options Council had. Mrs. Stinney asked Council would they would like to do.

Cartier, reject; Inge, reject; Scull, reject; Prickett, reject; Stinney, reject.



Council gave a consensus to reject and authorized to go out to bid.

Mr. Prickett conveyed Resolution No. 158-2009 has to do with the Auto Zone requesting Motor Vehicle statues as specified in NJSA39:5A-1 to be made to his property. Mayor Patriarca added that is standard with a business coming in to town giving the Police the authorization to enforce motor vehicle violations on the property. Mr. Prickett commented this is the first time he saw a resolution like this. Mrs. Stinney noted there was a resolution like this when the Acme parking lot had to be redone.

**RESOLUTION NO. 158-2009**

WHEREAS, PEMBERTON TOWNSHIP COUNCIL FINDS IT IN THE INTEREST OF THE PUBLIC SAFETY TO ACCEPT THE APPLICATION OF AUTO ZONE, INC., BERGMANN ASSOCIATES REQUESTING THAT MOTOR VEHICLE STATUTES AS SPECIFIED IN N.J.S.A.39:5A-1 BE MADE TO HIS PROPERTY.

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

1. THAT THE APPLICATION AS HEREIN ATTACHED OF AUTO ZONE, INC., BERGMANN ASSOCIATES BE ACCEPTED TO HAVE MOTOR VEHICLE LAWS MADE APPLICABLE TO HIS PROPERTY. THIS APPLICATION WILL TAKE EFFECT UPON APPROVAL BY THE COMMISSIONER OF TRANSPORTATION AS AUTHORIZED UNDER N.J.S.A.39:5A-1.
2. THAT AFTER APPROVAL HAS BEEN GRANTED BY THE COMMISSIONER OF TRANSPORTATION, TRAFFIC REGULATIONS THEN SHALL BE SET UP BY THE PEMBERTON TOWNSHIP POLICE DEPARTMENT AND ADOPTED BY THE MUNICIPAL GOVERNING BODY BY ORDINANCE. THIS ORDINANCE THEN MUST BE APPROVED BY THE COMMISSIONER OF TRANSPORTATION. SIGNS SHALL BE INSTALLED AND ENFORCEMENT SHALL BEGIN.
3. THAT ALL SIGNS, POSTS, BOLTS OR OTHER NECESSARY MATERIAL BE INSTALLED AND PAID FOR BY APPLICANT; WORK SHALL BE CHECKED BY THE LOCAL POLICE DEPARTMENT TO ENSURE THAT THE INSTALLATION MEETS STATE AND FEDERAL SPECIFICATIONS.
4. THAT ALL RESOLUTIONS OR PORTIONS THEREOF INCONSISTENT WITH THIS RESOLUTION ARE HEREBY REPEALED.

Motion by Prickett and Scull to approve Resolution No. 158-2009. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mr. Prickett conveyed Resolution No. 159-2009 looks like a good shared service idea which authorizes the execution of the renewal for equipment lease agreement with PAAL's baseball. Mr. Prickett asked if there were any liability clauses in the lease agreement or workmen's comp and are the individuals that use the equipment trained to use the equipment. Mr. Prickett noted it states the request has been made to use and it states a renewal on the agenda and it doesn't state a renewal on the resolution so he is assuming this is the first time this has happened that an agreement has been put in place. Mr. Vaz informed this is a carry over and Mrs. Cosnoski informed that the last agreement had expired in April or May. The organization has to indemnify and hold harmless Pemberton Township for any injuries that result from it. Mr. Vaz has only observed one particular person operating equipment and that particular person was trained. He doesn't believe that would be a worker's comp case as it is an independent organization and the person is not working for Pemberton Township. They are basically just leasing the equipment. Mr. Prickett asked if there is any monetary gain for this. Mr. Vaz replied it is the standard \$1.00. Mrs. Stinney commented that it has been for years and asked Mr. Vaz how many years it has been the standard \$1.00. Mr. Vaz answered at least the three years for the term of the last agreement.

**RESOLUTION NO. 159-2009**

RESOLUTION AUTHORIZING MAYOR AND CLERK TO SIGN EQUIPMENT LEASE AGREEMENT WITH PAAL BASEBALL WHEREAS, A REQUEST HAS BEEN MADE FROM PAAL BASEBALL FOR THE USE OF THE JOHN DEERE RIDING TRACTOR/MODEL #855; AND

WHEREAS, IT IS NECESSARY FOR AN EQUIPMENT LEASE AGREEMENT TO BE ENTERED INTO BETWEEN PAAL AN PEMBERTON TOWNSHIP; AND

WHEREAS, A FORM OF AGREEMENT HAS BEEN REVIEWED AND APPROVED BY THE LEGISLATIVE SOLICITOR; AND WHEREAS, IT IS NECESSARY THAT THIS DOCUMENT BE EXECUTED BY THE MAYOR AND CLERK OF PEMBERTON.

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

1. THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SIGN THE EQUIPMENT LEASE AGREEMENT WITH PAAL FOR THE USE OF THE JOHN DEERE TRACTOR/MODEL #855.

Motion by Prickett and Scull to approve Resolution No. 159-2009. Prickett, yes; Scull, yes; Cartier, abstain; Inge, yes; Stinney, yes. Motion carried.

Mr. Prickett noted Resolution No. 167-2009 is the collective bargaining agreement with the PBA, Local #260, Superior Officers and there is some final business to

conduct in closed session. Mr. Prickett asked that this resolution be brought back after going in to the second closed session.

**RESOLUTION NO. 167-2009**

RESOLUTION UTHORIZING MAYOR AND CLERK TO EXECUTE COLLECTIVE BARGAINING AGREEMENT WITH PBA, LOCAL #260, SUPERIOR OFFICERS

WHEREAS, THE TOWNSHIP ADMINISTRATION HAS ENGAGED IN COLLECTIVE BARGAINING NEGOTIATIONS WITH THE PBA, LOCAL #260, SUPERIOR OFFICERS (HEREINAFTER "SOA") REGARDING A COLLECTIVE BARGAINING AGREEMENT TO COVER THE TIME PERIOD OF JANUARY 1, 2007 THROUGH DECEMBER 31, 2010; AND WHEREAS, THE SOA MEMBERSHIP APPROVED THE TERMS OF THE AGREEMENT BY VOTE TAKEN ON JULY 15, 2009; AND

WHEREAS, SAID AGREEMENT IS TO BE ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION; AND WHEREAS, THE TOWNSHIP ADMINISTRATION HAS RECOMMENDED THAT TOWNSHIP COUNCIL RATIFY THIS AGREEMENT, AND THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS IN THE BEST INTEREST OF THE RESIDENTS AND CITIZENS OF THE TOWNSHIP TO RATIFY SAME.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR AND CLERK BE AND ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE PROPOSED AGREEMENT WITH SOA FOR THE TIME PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2010, A COPY OF WHICH SHALL BE ATTACHED TO THIS RESOLUTION.

BE IT FURTHER RESOLVED THAT RATIFICATION OF THE AGREEMENT IS CONDITIONED UPON ADOPTION BY THE TOWNSHIP COUNCIL OF A SALARY ORDINANCE AUTHORIZING THE WAGES, SALARIES AND BENEFITS CONTAINED IN THE AGREEMENT

Mr. Cartier informed he would like Resolution No. 168-2009 to be voted on separately.

**RESOLUTION NO. 168-2009**

AUTHORIZING AN ESCROW AGREEMENT BETWEEN THE COUNCIL ON AFFORDABLE HOUSING, PEMBERTON TOWNSHIP, AND BENEFICIAL BANK

WHEREAS, A MUNICIPALITY MAY IMPOSE, COLLECT AND SPEND DEVELOPMENT FEES AND ESTABLISH AN AFFORDABLE HOUSING TRUST FUND THAT INCLUDES, DEVELOPMENT FEES; PAYMENTS FROM DEVELOPERS IN LIEU OF CONSTRUCTING AFFORDABLE UNITS ON-SITE; DEVELOPER-CONTRIBUTED FUNDS TO MAKE TEN PERCENT (10%) OF THE ADAPTABLE ENTRANCES IN A TOWNHOUSE OR OTHER MULTISTORY ATTACHED DEVELOPMENT ACCESSIBLE; RENTAL INCOME FROM MUNICIPALLY OPERATED UNITS; REPAYMENTS FROM AFFORDABLE HOUSING PROGRAM LOANS; RECAPTURE FUNDS; PROCEEDS FROM THE SALE OF AFFORDABLE UNITS; AND/OR ANY OTHER FUNDS COLLECTED IN CONNECTION WITH PEMBERTON TOWNSHIP'S AFFORDABLE HOUSING PROGRAM IN ACCORDANCE WITH P.L.2008, C.46 (C. 52:27D-329.1 ET AL) AND THE REGULATIONS OF COAH AT N.J.A.C. 5:97-8.1 ET SEQ.; AND

WHEREAS, ON \_\_\_\_\_, 2009 COAH APPROVED THE TOWNSHIP OF PEMBERTON'S DEVELOPMENT FEE ORDINANCE ESTABLISHING STANDARDS FOR THE COLLECTION, MAINTENANCE AND EXPENDITURE OF DEVELOPMENT FEES CONSISTENT WITH COAH'S RULES AND P.L. 2008, C.46 (C. 52:27D-329.1 ET AL) AND REQUIRING THAT FUNDS SHALL ONLY BE APPLIED DIRECTLY TOWARD IMPLEMENTATION OF PEMBERTON TOWNSHIP'S COAH-CERTIFIED FAIR SHARE PLAN OR COURT JUDGMENT OF COMPLIANCE; AND

WHEREAS, ON JANUARY 21, 2009 THE GOVERNING BODY OF PEMBERTON TOWNSHIP ADOPTED ORDINANCE NO. 02-2009, THE DEVELOPMENT FEE ORDINANCE OF PEMBERTON TOWNSHIP, AMENDING THE MUNICIPAL CODE; AND

WHEREAS, COAH HAS NOT YET APPROVED A SPENDING PLAN FOR PEMBERTON TOWNSHIP. PEMBERTON TOWNSHIP ACKNOWLEDGES THAT NO EXPENDITURE OF DEVELOPMENT FEES; PAYMENTS FROM DEVELOPERS IN LIEU OF CONSTRUCTING AFFORDABLE UNITS ON-SITE; DEVELOPER-CONTRIBUTED FUNDS TO MAKE TEN PERCENT (10%) OF THE ADAPTABLE ENTRANCES IN A TOWNHOUSE OR OTHER MULTISTORY ATTACHED DEVELOPMENT ACCESSIBLE; RENTAL INCOME FROM MUNICIPALLY OPERATED UNITS; REPAYMENTS FROM AFFORDABLE HOUSING PROGRAM LOANS; RECAPTURE FUNDS; PROCEEDS FROM THE SALE OF AFFORDABLE UNITS; AND/OR ANY OTHER FUNDS COLLECTED IN CONNECTION WITH PEMBERTON TOWNSHIP'S AFFORDABLE HOUSING PROGRAM IN ACCORDANCE WITH P.L.2008, C.46 (C. 52:27D-329.1 ET AL) AND THE REGULATIONS OF COAH AT N.J.A.C. 5:97-8.1 ET SEQ. MAY OCCUR PRIOR TO COAH'S APPROVAL OF A SPENDING PLAN; AND

WHEREAS, THE DEVELOPMENT FEE ORDINANCE REQUIRES AN INTEREST-BEARING HOUSING TRUST FUND TO BE ESTABLISHED FOR THE PURPOSE OF RECEIVING COLLECTED DEVELOPMENT FEES; PAYMENTS FROM DEVELOPERS IN LIEU OF CONSTRUCTING AFFORDABLE UNITS ON-SITE; DEVELOPER-CONTRIBUTED FUNDS TO MAKE TEN PERCENT (10%) OF THE ADAPTABLE ENTRANCES IN A TOWNHOUSE OR OTHER MULTISTORY ATTACHED DEVELOPMENT ACCESSIBLE; RENTAL INCOME FROM MUNICIPALLY OPERATED UNITS; REPAYMENTS FROM AFFORDABLE HOUSING PROGRAM LOANS; RECAPTURE FUNDS; PROCEEDS FROM THE SALE OF AFFORDABLE UNITS; AND/OR ANY OTHER FUNDS COLLECTED IN CONNECTION WITH PEMBERTON TOWNSHIP'S AFFORDABLE HOUSING PROGRAM IN ACCORDANCE WITH P.L. 2008, C.46 (C. 52:27D-329.1 ET AL) AND THE REGULATIONS OF COAH AT N.J.A.C. 5:97-8.1 ET SEQ. AND PROVIDES THAT NO MONEY SHALL BE EXPENDED FROM THE HOUSING TRUST FUND UNLESS THE EXPENDITURE CONFORMS TO THE DEVELOPMENT FEE ORDINANCE, A SPENDING PLAN APPROVED BY COAH AND THE CONDITIONS SET OUT AT N.J.A.C. 5:97-8.7-8.9; AND

WHEREAS, COAH'S APPROVAL OF THE DEVELOPMENT FEE ORDINANCE FURTHER REQUIRES PEMBERTON TOWNSHIP, WITHIN SEVEN DAYS OF OPENING THE TRUST FUND ACCOUNT AUTHORIZED BY THE ORDINANCE, TO ENTER INTO AN ESCROW AGREEMENT WITH COAH PURSUANT TO N.J.A.C. 5:97-8.2(A) TO ENABLE COAH TO MONITOR DISBURSEMENT OF COLLECTED DEVELOPMENT FEES; PAYMENTS FROM DEVELOPERS IN LIEU OF CONSTRUCTING AFFORDABLE UNITS ON-SITE; DEVELOPER-CONTRIBUTED FUNDS TO MAKE TEN PERCENT (10%) OF THE ADAPTABLE ENTRANCES IN A TOWNHOUSE OR OTHER MULTISTORY ATTACHED DEVELOPMENT ACCESSIBLE; RENTAL INCOME FROM MUNICIPALLY OPERATED UNITS; REPAYMENTS FROM AFFORDABLE HOUSING PROGRAM LOANS; RECAPTURE FUNDS; PROCEEDS FROM THE SALE OF AFFORDABLE UNITS; AND/OR ANY OTHER FUNDS COLLECTED IN CONNECTION WITH PEMBERTON TOWNSHIP'S AFFORDABLE HOUSING PROGRAM IN ACCORDANCE WITH P.L. 2008, C.46 (C. 52:27D-329.1 ET AL) AND THE REGULATIONS OF COAH AT N.J.A.C. 5:97-8.1 ET SEQ. AND TO DIRECT THE FORFEITURE OF SUCH FUNDS AFTER PROPER NOTICE IF THEIR IMPOSITION, COLLECTION AND/OR EXPENDITURE ARE NOT IN CONFORMANCE WITH THE TERMS OF THE APPROVED DEVELOPMENT FEE ORDINANCE, THE CONDITIONS SET OUT AT N.J.A.C. 5:97-8.13(A), THE SPENDING PLAN APPROVED BY COAH, AND P.L. 2008, C.46 (C. 52:27D-329.1 ET AL); AND

WHEREAS, THE DEVELOPMENT FEE ORDINANCE FURTHER PROVIDES THAT IF COAH DETERMINES THAT THE IMPOSITION, COLLECTION, AND/OR EXPENDITURE OF DEVELOPMENT FEES ARE NOT IN CONFORMANCE WITH THE TERMS OF THE APPROVED DEVELOPMENT FEE ORDINANCE, APPROVED SPENDING PLAN, AND P.L. 2008, C.46 (C. 52:27D-329.1 ET AL), COAH MAY, AFTER A HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT, N.J.S.A. 52:14B-1 ET SEQ., REVOKE A DEVELOPMENT FEE ORDINANCE APPROVAL AND DIRECT THE TRANSFER OF FUNDS INCLUDING FUTURE COLLECTION OF NON-RESIDENTIAL DEVELOPMENT FEES TO THE NEW JERSEY AFFORDABLE HOUSING TRUST FUND.

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

1. THAT THE ATTACHED ESCROW AGREEMENT FOR HOUSING TRUST FUND IS HEREBY APPROVED;
2. THAT THE MAYOR IS AUTHORIZED TO EXECUTE THE AGREEMENT WITH; AND
3. THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE COUNCIL ON AFFORDABLE HOUSING TOGETHER WITH A CONFORMING COPY OF THE AGREEMENT.

Motion by Prickett and Scull to approve Resolution No. 168-2009, authorizing an escrow agreement between the Council on Affordable Housing, Pemberton Township and Beneficial Bank. Prickett, yes; Scull, yes; Cartier, abstain; Inge, yes; Stinney, yes. Motion carried.

**11. ORDINANCES FOR INTRODUCTION**

**a. ORDINANCE NO. 17-2009 (Title Read By Mrs. Stinney)**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 132 OF THE CODE OF THE TOWNSHIP OF PEMBERTON ENTITLED "NOISE"

Mr. Prickett noted that a resident brought to his attention that this ordinance does not contain barking dogs. Mr. Prickett suggested some type of policy on dogs that bark excessively .....Mr. Cartier interjected that it does exist in their current ordinance. Mr. Prickett asked if that covers what they need to do in the current ordinance. Mr. Vaz commented that as he understands it, the ordinance that is going to be introduced is going to supersede in its entirety the existing noise ordinance. So whatever provision that Mr. Cartier was referring to will be superseded until the Council gets back to amending this which was the plan all along. Mr. Prickett asked why Council couldn't make some adjustment in the language allowing at least that part to stay. Mr. Vaz noted that subject to Mr. Bayer it has to be approved by DEP. Mr. Bayer reminded Mr. Prickett that if Council doesn't adopt the form as stated in a previous Council meeting, then DEP approval is needed. Mr. Bayer explained the consensus that Mr. Vaz was speaking of was get the form adopted and then tweak it how you like and submit it to DEP but at least there is a better ordinance in place pending the changes. Mr. Prickett commented that Council should be thinking about that as barking dogs are common throughout New Jersey. Mr. Cartier noted his question last time of having the ability to permit to exceed the noise ordinance and our solicitor is working on that. Mr. Vaz remarked that Administration received a response from Mr. Bayer's office which was forwarded to Mrs. Young last week. Mr. Cartier did not recall seeing it. Mr. Vaz added that the conclusion drawn by Mr. Bayer's office is that just by virtue of Council issuing a loud speaker permit or some type of public affairs permit would not in and of itself authorize the applicant or licensee to violate the noise ordinance without there being a specific provision somewhere saying that was the case. Mr. Cartier clarified it would be a provision in the noise ordinance. Mr. Vaz answered that would be the best place for it but alternatively.....Mr. Cartier interjected that is what is needed in the other ordinance and it needs to get to the DEP to ensure it will be acceptable to them. Mr. Vaz agreed and added that from an enforcement prospective it means that they won't aggressively enforce the noise ordinance at the people who have the loud speaker permits until Council adopts the amendments and gets DEP approval. Mr. Cartier noted that basically they are in the same situation if they adopt this as they are now. Mr. Vaz agreed and added that it can only be made better by an amendment. Mr. Cartier reiterated that they should be moving forward with this now and get DEP's input on this so that they can have it formulated hopefully sometime in August.

Motion by Scull and Prickett to introduce Ordinance No. 17-2009. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney advised the date for the public hearing will be August 5, 2009.

**b. ORDINANCE NO. 18-2009 (Title Read By Mrs. Stinney)**

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

Motion by Scull and Cartier to table Ordinance No. 18-2009 until after closed session. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

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

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

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

Mr. Bayer indicated this is the change recommended by Mr. Vaz. Mr. Vaz explained after the ordinance was introduced the Mayor received a question asking whether it would apply to the roads and streets that are owned by Pemberton Township. When they looked at the ordinance, a very liberal interpretation would probably lead to that result. Administration is proposing an amendment that would exclude public roads and streets from the otherwise broad scope of the ordinance. Mr. Bayer added if that is something Council would want to consider adding, they would suggest from a legal perspective to let this ordinance die or have a hearing and vote it down but either way Council would have to start over. Mr. Prickett asked why just the roads. He understands the parks and that is included in this and Township property. Mayor Patriarca informed the roads came in as a result of him driving down the road, smoking a cigar in his truck thinking he is in violation of the new ordinance if this goes in to affect as it was a Township road that he was driving on. He doesn't think that would be enforceable. Mr. Prickett asked what if you were canoeing in the lake. The Mayor commented that was brought up, and he didn't know how far Council wanted to take it. There are probably other properties. Certain portions of the lake might want to be included as well as the bank areas and beach areas. Mayor Patriarca noted that during Movies on the Beach, there was a gentleman sitting next to him smoking and that needs to be included. Someone out on their boat fishing may not need to be added as much as the beach areas. The Mayor asked how they could possibly enforce the roads as the Police will be doing nothing but being smoke Police. Mr. Bayer commented it would also raise an interesting question whether you could pull somebody over for smoking a cigarette in their car if that's probable cause. That would lead to a host of other legal problems. The Mayor advised that would go in the same trash can as the cell phone statute where one can't talk on their cell phone but every time they ride down the road everybody and their brother is on their cell phone when they're driving and it's not enforced. It would be senseless to do that. Mrs. Scull asked if this can be reintroduced tonight including that or does Council want to reintroduce it on August 5<sup>th</sup>. Mr. Bayer conveyed that legally Council could certainly reintroduce it tonight. Mr. Prickett asked for the cost factor and is it going to be the same amount because it's been changed and they could have a partial public hearing tonight and the rest of the public hearing for the parts added on at the next meeting. Mr. Bayer informed it would have to be readvertised. Mr. Prickett commented they will have to readvertise anyway so the cost would be the same. Mr. Bayer agreed. Mr. Inge asked Mr. Vaz and the Mayor if any employees have complained about this. Mr. Vaz replied that he has personally not received any complaints but he has received some suggestions that it was just what they might need to quit smoking. Mayor Patriarca has not personally received any complaints and has had employees state they will have to comply. Mrs. Scull informed the schools have the same issues and a lot of them comply, some of them quit and some are sneaking out the back door on the side of the building. Mayor Patriarca commented that they are not putting the ordinance out because they don't want the employees smoking around the building, but they can't have the employees

smoking around the building and then not let everybody else smoke around the building. The Mayor added that we all know where this stems from and that's the court days to where you are running through the gauntlet coming down the sidewalk with all of the smokers. It also extends as his example stated earlier with Movies on the Beach where there are people along side of them and they are smoking. It's annoying and he tries not to annoy anyone if he elects to smoke a cigar and he does it outside of the company of others. That's unfortunately not always carried out by smokers. Mrs. Scull stated Council can just let this die if we don't do anything. Mayor Patriarca confirmed with Mr. Bayer that he stated this can be reintroduced tonight and then advertised for public hearing so we can keep the ball rolling on this. The Mayor indicated that Administration would highly recommend that we keep the ball rolling on this and not let this go until the next meeting, introduce at the next and then public comment at the meeting after that. Administration's recommendation would be to follow through with this ordinance. This is a good ordinance and on the surface they have certainly come across some stumbling issues. Mrs. Stinney confirmed that the Mayor is asking Council to amend as recommended by Administration and readvertise. Mayor Patriarca conveyed that Administration will concede to Mr. Prickett's idea to say if they are on the lake and in certain areas that are posted. Mr. Prickett suggested in areas that have a certain concentration of people on the outside and they could have a parade and that would violate that. If saying they couldn't smoke in an area where there are five or more people. The Mayor stated there may be someone out on a boat and maybe they are annoyed by someone smoking. Maybe zero tolerance is the way to go. The roadways are a concern because that is an enforcement nightmare and that we recommend to change. The Mayor stated he is game for zero tolerance. Mrs. Scull confirmed with Mrs. Young that it is ordinance 19-2009. Mr. Bayer advised Council would need to make a motion to add the new ordinance as amended to the agenda and then introduce it.

Motion by Prickett and Cartier to add to the agenda the new ordinance, No. 19-2009, which is an ordinance to amend the ordinances of the Township of Pemberton, County of Burlington, State of New Jersey and specifically entitled Chapter 180, entitled Smoking which has an addition of excluding the roadways which are the property of Pemberton Township from this ordinance. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Motion by Cartier and Prickett to introduce Ordinance No. 19-2009 with a public hearing to be held on August 5, 2009. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

### **13. UNFINISHED BUSINESS**

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

Mr. Prickett noted Council has received four additional comments from the survey of pocket liquor license owners, Magnolia Road Tavern, Tom Inge Enterprises, Drael Incorporated and Kudan Incorporated which was formerly Cheeks. Mr. Prickett remarked that three out of the four surveyed were opposed to changing the hours. Mr. Prickett reminded that he had previously requested that the owners of the liquor licenses that were involved in the initial survey receive a copy of the minutes and/or this report and wondered if that has happened and if there was any feedback. Mrs. Stinney noted it was just to make sure that their statement was correct and that was indicated when they were surveyed. Mr. Prickett asked Mrs. Young if she heard anything from any of them. Mrs. Young replied no. Mrs. Scull does not think it is a good idea to change the hours. She does not want to see them hurt their businesses. They are going to have to hope that their ordinances are

enforced and the businesses follow the ordinances. She does not want to see them hurt businesses so she is not voting to change anything. Mr. Inge abstained from making a comment. Mr. Cartier expressed that hopefully the noise ordinance introduced tonight will solve the problems that have been happening recently and they won't need to see this ordinance come to fruition with changing the hours. Mr. Cartier suggested to give the noise ordinance a chance to work. Mrs. Stinney is not inclined to change the hours at any point after reading most of the statements why it would not be a good idea for some and a good idea for others. Mrs. Stinney reiterated that she is not inclined to change the hours. In this time of economic struggles, that certainly an hour would probably have an impact on finances and she is not inclined to do so. Mrs. Stinney believes the noise ordinance will be in place and hopefully those will curtail some of the problems for the noise.

#### **14. NEW BUSINESS**

- \*b.** Permission requested from Browns Mills Vol. Fire Co. (pursuant to Fire Services Agreement Article V, b. relating to expenditures over \$10,000.00) to expend their funds in the amount of approximately \$24,000.00 for internal building projects.

Mrs. Scull stated she has never seen anything like this before and usually she gets her questions answered by Administration but when she was hearing scuttlebutt on the street and they are blaming the town Council and Mayor because there hasn't been bingo at the Browns Mills Fire Company and she wants an explanation of what this is and if this has an impact on the bingo or has the Mayor or Council created an issue where they were not allowed to have bingo. Mr. Vaz replied that it had absolutely nothing to do with their bingo. Bingo did resume about one week ago when the new acting president assumed being acting president. They immediately cleaned up the fire house to make it presentable to the public for bingo and approximately 50-75 people attended with very little advertising. Mr. Vaz informed his understanding as to why there has not been a bingo for a very long time is that they started an interior building project and they basically were not in a position because of the condition of the interior to do bingo. That building project in part is in what is in section b on the agenda that Mrs. Scull pulled this evening which is the fire company's request to expend a certain amount of money for the building project. Mr. Vaz reiterated that they had absolutely nothing to do with it. Administration questioned repeatedly the status of the bingo because it is a substantial source of that fire company's revenue and income, and he was consistently told that it had only to do with their building project and them not getting that done in a timely manner. Mrs. Scull asked if they have already started this because it stated prior to engaging in purchasing supplies or equipment and procuring services. Mr. Vaz responded yes. Mrs. Scull confirmed that they had already started this before they came to Administration and Council. Mr. Vaz agreed and added that in the course of every day business, somebody reported to Administration that the fire company had borrowed a large sum of money from the bank to do a building project. When he pulled the contract between the fire company and the Township, he saw this particular clause and questioned the then President of the fire company who explained some of this to him, and he pointed out and had a meeting with some of their members, trustees and himself and stated the horse is already out of the barn on this, and they have already borrowed money and are already in the midst of the project. Mr. Vaz stated he advised that it would be to their betterment to at least make the authorization now even if it is after the fact because that will be the right thing to do and for him as the Business Administrator and contract administration falling within his day to day job, that is something he needs to do. Mr. Vaz needs to administer the contract, and the fire company did not do something that was required. Mr. Vaz informed that he advised that if the fire company submitted the request to Council, he would highly recommend that Council approve it even if it is retroactive in time. Mrs. Scull

asked if they are just fixing it up or doing cosmetic work. Mr. Vaz informed they are doing essentially office space type of work and are also in the process of trying to build a bunk room and sleeping quarters. The State Fire Inspector shut that down and required that they remove everything because they weren't building everything in compliance with state code. It was basically interior improvements where they were dividing up the available room in to different office spaces. Mr. Prickett asked if it is known how much money is going to ultimately be spent and do we need to know that. Mr. Vaz reported that this clause only obligates them to make this particular request and it does not require them to request permission to borrow money to do it. His understanding is they borrowed approximately \$80,000 to do their project. Mr. Prickett noted it is a big building and \$80,000 is not too much to do repairs in a building of that size. Mr. Prickett asked what information do we need to have in order to make a decision on this. Is the intent of the clause in the contract to say a fire company is going to purchase a new chief's car and is that where we would come in and say that is not appropriate. Mr. Prickett commented it doesn't seem to be specific enough in getting us the information or criteria that they need to make a determination on this. Mr. Vaz expressed that part of the problem is that this is retroactive in a sense. If they are going to request information they will request information that they would have requested from the very beginning before they embarked upon the project. Mr. Vaz pointed out that there is another clause in the contract that requires when they spend this amount of money that they are obligated to follow the local public contracts law which they obviously did not do. Mr. Vaz does not believe that any of the fire companies follow the local public contracts law. They are not obligated to from a legal perspective but they've obligated themselves legally by virtue of the contract. Mr. Vaz had that discussion with the fire companies and then it was pointed out to him that none of the fire companies follow that procedure. The procedure they would have to follow if they were going to spend more than \$21,000 on something. Mr. Vaz expressed it is a Council clause and the way the contract reads they have to go to Council for permission to do this and not Administration. Administration administers the contract but the permission to do this comes from Council. Mr. Vaz informed that he or Mrs. Young can request their building project information, their budgeting and how they are funding it, the status, and who's doing the work. Mr. Vaz commented that the letter that Council received states that it is a self help type of project that will not require the services of a contractor. It is his understanding that there was a contractor that was performing the work so that is different from what was represented to him during his meeting. Mr. Vaz noted he would request that type of information from them. In the end, they have done this already without authorization and it's really a matter of making the paperwork match up to what is required in the contract. Mrs. Scull commented that since they have already borrowed \$80,000, she would think when they come to Council they would have to give the details as to why and what they are planning on doing and what the total will be. Mrs. Scull expressed concern that just to say okay, it's over \$10,000; \$200,000 is also over \$10,000. Mrs. Scull noted there is a fire house that desperately needs a roof, and they are trying to get some funds to get that done without having to go out and have the company borrow that kind of money. Mrs. Scull stated this entire thing is a little more disturbing now than what it was earlier. Mrs. Scull conveyed that they have done the work and she is not opposed to moving to approve it. Mr. Prickett added that this is not the first time they have made improvements to their building and he would imagine other fire companies have made improvements as well. Mr. Prickett noted the Browns Mills Fire Company has done other interior improvements over the years and.....Mr. Vaz interjected that when Administration researched this at least one other fire company did come before the Council and request permission. It was not in this Council's term and might have been the 2002-2006 Council that the fire company came and requested permission to expend funds over this amount. That was the only case that he was able to find where that had happened in recent history of the Council. The Mayor advised that

Goodwill also did that for their vehicle purchase. Mr. Prickett noted that certainly if the expenditure of these funds increases the value of the building, makes the building more hospitable to bingo and volunteers and improves the environment overall, that is what they are looking for; increases the ability of them to do their mission. Mrs. Scull indicated that she is not opposed to that but she can see where they have an outstanding loan and them coming to Council and stating the \$24,000 or whatever they received, they can't meet their bills and they need more money. Mrs. Scull commented it is something that Council should be concerned about how this type of thing happens.

Motion by Scull and Prickett to approve New Business, Item B.

Mr. Prickett suggested that Mrs. Scull might be interested in the fire companies ability to pay these loans back and asked what kind of funding do they have other than the money that comes in from the Township. Mrs. Scull replied bingo and when they don't do bingo for months, it hurt their funding. Mr. Prickett noted there may be some other sources of revenue. Mrs. Scull added collecting money with boots on the roads and mail. Mr. Prickett asked about the radio tower. Mr. Vaz informed they have a receivable with the rental on the tower.

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

- d. Add a request from the fire department for a fit test and travel charge of \$2,985.00 to the agenda.

Mr. Cartier indicated that Council had previously approved funding for the fit tests for the firemen for Virtua and asked if those funds have been expended. Mr. Vaz replied no and added that Virtua would only perform the service during regular business hours. Mr. Vaz explained that created a problem because most of the volunteers are employed. Chief Augustoni contacted Continental and they will actually come in to Pemberton after regular business hours and do the fit testing on site. Mr. Cartier stated that half will go to Virtua and the other half will be done through Continental. Mr. Vaz responded that new firemen have been referred to Virtua on a regular, routine basis. This will pick up all of the other fire fighters who have been fire fighters for a very long time and their fit tests have never happened or they are out of date. We have approximately 70 fire fighters that need to have this done according to POSH. Mr. Cartier asked if Virtua is being dropped. Mr. Vaz replied no. Mr. Cartier then stated that now there are two approvals out there to expend funds; some for Virtua and some for Continental but it looks like there is an excess of funds approved and now Administration is asking for an excess of funds. Mr. Vaz stated that new fire fighters will continue to be referred to Virtua because that is our employer for all of these types of things. Mr. Cartier interjected that what was presented to Council before was that all of the existing fire fighters had to be fit tested and they were going to go to Virtua and have that done. This was recent and was just a couple of meetings ago. Mrs. Eden advised there is approximately \$9,000 in the emergency management fund and nothing has been spent out of it.

Motion by Cartier and Prickett to approve as long as any prior approvals are rescinded.

Mr. Prickett asked if Continental is the one that comes in a bus and they have all of the physical fitness equipment here in the Township. Mr. Vaz replied he doesn't know what they show up in but it is something that is typical. Mr. Vaz asked if Mr. Cartier and Mr. Prickett can qualify that the way they made their motion to the extent that unless there have been encumbrances already made against a prior approval because that might create a problem if we have already sent people to



Virtua which he knows we have for new fire fighters as part of their pre-approval physical. Mr. Cartier advised for new fire fighters, it is not a concern and what was presented to Council was that the existing fire fighters needed to be fit tested and that's what he remembered approving.

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

c. Applications submitted for memberships, licenses, permits:

3. **Parade Permit Application (PUBLIC HEARING REQUIRED):**  
**Randy Butters:** Block Party, 220 Sassafras St., noon-dusk, 8/8/09, permission also requested to block off traffic between Rugby and Clan St.

Mrs. Stinney opened the meeting to public comments on the parade permit application from Randy Butters for a block party. Mrs. Stinney commented that she loves seeing this every year on the agenda and it is such a unity. Those wishing to comment were: **Randy Butters:** He lives on Sassafras Street and it is a wonderful block. This will be their third year for their annual block party. It is a family reunion type of atmosphere. The primary reason that started this was unity, fellowship, friends and family. The bottom line is it has been a tremendous success. Friends and neighbors look forward to it each year. It is a good time for them to get together as family, friends and neighbors and just relax. Their primary concern is for the kids as well as the adults and there are a lot of activities for the kids. They are having a parade this year for the kids and their bikes. Mr. Butters also performs an hour of magic. The grill area is off limits to the kids for safety reasons. The grills are centrally located away from all activities. All activities are centered in the front yards. They rented a moon bounce and water slide. The street is clear, and all of the adults work together in clearing the street. It would be difficult for the Police Department and the Fire Department to get down the street. They are lucky that their street is a dead end street, and it would be rare that this traffic would need to come through there. They would clear the streets so the necessary emergency vehicles could get through. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments. Mrs. Stinney thanked Mr. Butters and added that she loves when he comes forward and each year representing his neighbors and what unity is really truly all about. As she has stated each year she has been on Council, we have gotten away from that unity type of thing. Lake Valley used to have it and she is grateful to see it coming back with his neighbors. Sometimes neighbors don't know each other.

Motion by Scull and Prickett to approve the parade permit application. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney expressed hope that their newspapers will get some good pictures of the event.

Council President Stinney recessed the meeting at approximately 8:25 p.m. for a short break and reconvened the meeting at approximately 8:38 p.m.

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

Mrs. Stinney opened the meeting for general public comments. Those indicating a desire to be heard were: **Randy Butters:** 1. Thanked Council for approving his block party. 2. Commented on the recent young boy hit by a car in his neighborhood. The young boy is doing rehab and will be riding his bike again. Mr. Butters informed there are no stop signs where he lives and asked who has the

right of way when driving through his neighborhood. There have been a few accidents in his neighborhood over the last few years but luckily there have not been any fatalities. Spoke of people that come to his neighborhood that don't know about there being no stop signs in his neighborhood. He is not asking for four way signs but they need stop signs or at least yield signs. **3.** Would like everyone to go to Sassafras Street from Clan or Rugby and drive down Sassafras Street towards East Lakeshore Drive. He guarantees that everyone will be scared to death to turn on to East Lakeshore Drive because one cannot see to the left. He has to bring his car 15 feet in to the intersection to see past the hedges that are on the left. Mr. Cartier asked if Council took care of the stop sign problem last year. Mayor Patriarca responded that they are working on the stop sign problem. The Mayor explained that the employee that handled that work recently retired and the new sign employee is out preparing to target the neighborhood. He is doing a survey of where they are deficient in signs. The Mayor informed he had recently gone out with Mr. Vaz and Mr. Gore, our Zoning Officer, throughout that particular neighborhood and identified those areas where the brush is blocking the view and also where the stop signs are deficient and they are addressing that issue. There is a statute in the state of New Jersey that controls uncontrolled intersections and one does yield to the right obviously. Not that uncontrolled intersections are condoned, and they are working on that issue. The Mayor continued that they are purchasing the signs. Mr. Vaz added that the ordinance that Council adopted last year with the very long list of intersections was rejected by the Department of Transportation. The work that has been performed by the Police Department was not sufficient in the eyes of the Department of Transportation. The Police Department, through Chief Lewandowski, has completed one phase of the project. Trying to do it the way that the DOT wants it done and in the mean time the law changed giving us a sort of ability to self review these. It requires the Township Engineer to go through some type of a process and we need to sit down with ARH to take the work the Police Department is doing now in light of how DOT wants us to do it. It's just a matter of asking the Engineer's office to be satisfied that the Police Department is doing it in the way that satisfies them so that they can sign off on this pursuant to the new statute. Mr. Vaz confirmed the Mayor's comment that they wrote down the real problem site triangles in certain areas of town that it's obvious there is a problem with the over grown hedges and Public Works has started removing them or cutting them to the extent that they are in the public right of way. In other areas, there is a separate list where they need ARH's advice as to how to handle sort of what was done with Evergreen Boulevard. Mr. Cartier noted in that particular intersection again it's another county road. Mr. Vaz stated that they are working through this and unfortunately the state doesn't make it that easy. Mr. Cartier noted they just had this conversation that the state is changing laws and throwing the cost back on the Township. Mr. Vaz added that they have put the liability on the engineers, and the engineers have to make a determination if that's the business they ultimately want to get in. Mrs. Scull asked why they didn't have to vacate that ordinance. Council approved that. Mr. Vaz answered they rejected their ability to put the signs up because of the ordinance. The ordinance itself is in sufficient form and legal form. They didn't say the ordinance is not sufficient. What they said is the procedure to document the need for the control was insufficient. Council's authorization to do the stop signs still exists and is still valid, and they just have to follow the procedure they want. Mr. Rehmann added that ARH will work closely with the Police Department to minimize the cost on this. **America Phillips: 1.** Asked the engineer if the completion date for Presidential Lakes will be August 1<sup>st</sup>. Mrs. Stinney asked the Mayor to respond. Mayor Patriarca informed that they are anticipating this to be done by the end of August and deferred to Mr. Rehmann. Mr. Rehmann informed he has an August 4<sup>th</sup> completion date. There is a change order pending but it should not add to the time. They also have to complete work on the middle embankment which will be done by Township forces before they can start putting water back in the lake. Mrs. Phillips informed that after walking the lake this afternoon, there is no way it will

be completed by then. **2.** Remarked that she had spoken about the Fourth of July Parade in Presidential Lakes at a previous meeting. Mrs. Phillips commented that the lawn was not cut at the entrance to Presidential Lakes in time for the parade. She saw people working in the park yesterday and it is not her place to approach them. Mrs. Phillips informed that she left messages with Public Works regarding the grass. Mayor Patriarca answered that the information was given to Public Works and they are quite busy and staff is short. Public Works is currently on some other larger projects, and he will make sure they get this on the schedule. **3.** Asked why the nets are not up for the tennis courts in Presidential Lakes. Mayor Patriarca advised he will look in to it, and asked Mrs. Phillips to either leave her number so he can call her tomorrow or she can call his office tomorrow for an answer. **4.** Surprised an accident hasn't occurred on Tennessee Trail and New York Road across from the fire house because she has to pull in to the intersection to see. Asked who is responsible for telling homeowners to clean up their trees and branches so it doesn't produce a blind intersection. Mr. Cartier informed that Administration took the information down. **5.** Asked if Cheeks bar was closed on July 1<sup>st</sup> or will be closed on August 1<sup>st</sup>. Mr. Cartier and Mrs. Scull both replied August 31<sup>st</sup>. Mrs. Phillips asked what will happen with the building. Mrs. Stinney informed the building will stay there. Mr. Bayer commented that they might want to make it a restaurant. Mrs. Scull relayed that according to the report Council received tonight, they are going to reopen as a sports bar. Mrs. Phillips asked if they have a license. Mr. Bayer informed they have a pocket liquor license they were not using. Mr. Bayer added they do have a liquor license but it wasn't activated because they weren't using it. Mrs. Phillips asked if the license was part of the building sale. Mr. Bayer advised the transfer of the license would have to have been approved. **6.** Asked what is happening with Magnolia Road Tavern's license as they are closed. Mr. Cartier commented it is a pocket license. **7.** Asked what is happening with the Lakeview Inn license and commented there is a building being built there. Mr. Cartier informed it is still a pocket license. **8.** Asked what Council is considering for the hours of bars. Mr. Cartier advised the current ordinance still stands. Mrs. Phillips confirmed with Council that bars can still operate until 4:00 am. **9.** Has heard through the grapevine what is going to happen with Cheeks but did not want to disclose what she heard. Commented that Cheeks was a strip bar or club or whatever you want to call it. They might not have sold liquor at the time. She suggested to get ready for a lot of lawsuits because when the people are driving between one and two o'clock in the morning, they do not care. She noted that someone was killed in the bar in the past but no one has learned a lesson. She commented that she is curious what will happen with the place. She reported that a resident told her that she spoke with the Mayor and when residents attend the meetings the Mayor will only sing and dance for the residents.

**Ray Wells:** **1.** He is the liaison to the school board. Passed out statistics from the school board to Council. There are 95 different colleges that the students of the class of 2009 were accepted to and among them are six that are Ivy League; Notre Dame, Columbia, Dartmouth, University of Pennsylvania, Princeton and Northwestern. He suggested that anytime someone states there are problems with the school system, they think about this list. **2.** Scholarships given out to the class of 2009 are roughly 10% of the Township budget and were over \$2 million in known scholarships. **3.** By law, the Boro and the Township were joined and are now a common school board. That will put an additional school board member, who will be appointed by the Boro and next year there will be an open election. The Boro will have the opportunity to vote openly. In theory, every school board member could actually be elected from the Boro. It is probably unlikely but theories have a way of sometimes coming true and it's troubling to him that by law in a single day, they did away from Pemberton Boro's school as well as 13 others and they were given no choice and no option. The bottom line is it will cost the Township \$300,000 because the formulas give the Boro a reduction in their cost and our Township an increase. Mr. Wells stated that is unfair and not right but it is what the Governor and the House did, probably without knowing the affect it

would have on our Township. In addition to the other changes that are happening which don't go well for our tax payers. Starting next year, we will be supporting the Boro at our expense. 4. Commented he is an exempt volunteer fireman. Supposed that when doing a fitness test there must be firemen that are still active that are his age that don't pass. Asked what that does to that fire company. Not sure why volunteers who give of their time and put their life on the line are subjected to some of the things that when your house is on fire, you don't really care about them. He does not like those kinds of things. Since the volunteer firemen give their time voluntarily, if one were killed and a Police Officer at the same incident was killed, do they have the same insurance and coverage and ability to send their children to college. If not, Mr. Wells suggested it is something to be considered. For every Policeman shot or killed in the line of duty, there are seven firemen. Mr. Wells relayed that has been roughly the percentage for 45 years and he has checked them on occasion and it doesn't change very much. The most glaring example was the Twin Towers on 9/11. Exactly seven to one firemen died over Police that day. The major difference was the firemen died on the way up the steps. Mr. Prickett asked Mr. Wells regarding Mr. Well's comments on the school taxes as a result of being joined with the Boro, if the school board had any projections about the cost over the next five or ten years and will it continue to be a cost to the Township or if the Boro will add more funds to the pot or equalize at some point. Mr. Wells noted that he does not speak for the school board, and he is the liaison to bring things that are happening. Mr. Wells expressed it is his understanding in talking to his Business Administrator that this is forever. It is a formula that the legislatures have put forward and the net of it is that we pay. Mr. Wells stated it is blatantly unfair in his opinion. They had a perfectly good working operation where there was a send receive relationship. This ignores the students and it doesn't matter. This works in over a two or three year period before it reaches this amount but once it's there, it's done. Mrs. Scull stated it is five years. Mr. Wells conveyed as far as he is concerned, it is a little nail and a complication that we have to live with and are not given an option. Mr. Cartier stated he has spoken to numerous residents and military personnel, and he has been told by them that there are students that belong in the Pemberton Township Schools that are actually attending the North Hanover School District. Mr. Cartier asked if the school board has any inclination to investigate this. Mr. Wells responded if Mr. Cartier can supply them with one name, they will certainly do it. Mr. Cartier asked Mr. Wells if the school board reached out to North Hanover to ask them if there are any Pemberton Township students in their school district. Mr. Wells replied he asked the same question at a meeting and the answer is there is a gentlemen's agreement between superintendents. The question was asked and they were told it didn't happen. Mr. Cartier asked if he should take his question to the superintendent. Mr. Wells replied he would be happy to take it but if Mr. Cartier could put a name or an individual, or an incident or an address then they can follow it. Mrs. Scull asked Mr. Wells if he is stating that the superintendent said there was no gentlemen's agreement. Mr. Wells answered no, that when he asked the question did they have students that really belong in our district, he was told no. Mr. Wells conveyed that it has been alleged, and he has heard the same thing but we don't know. To go on base and check is impossible for us or highly improbable. There has been an increase in our students at the Fort Dix School which is served by Fort Dix but there are all kinds of allegations not only at North Hanover but at Northern Burlington High School as well. It's something that they need to work carefully with the military, and they are working diligently to try to keep their fingers on the pulse with the military. At their last meeting, they honored the outgoing Colonel Thaxton and the incoming new Colonel who will have a liaison at their meetings. Mr. Wells continued that the school board believes there is influence from a local community but knowing it, finding it and proving it are two different things. If anyone has a suggestion, name or address where that would be true, Mr. Wells relayed the school board would be interested in knowing that. Mr. Wells commented that years ago there are lines drawn

dividing Fort Dix that if they live in one area they go to this particular school and so on. That has been challenged and sort of dropped and Colonel I.R. who ran the putting together of the base and it isn't there yet legally and formally and it is almost there. He wanted to take all of the students and that hasn't flown and the school board informed that by law those students come to them, and they will sue if they find out that is not the case. They haven't been able to show that is the case. That doesn't mean it isn't, it just means that they don't have it there yet. There is some conjecture where it may be on purpose now but knowing it and without a name and he invited anyone that can help the school board would be worthwhile. Mrs. Stinney noted that Mr. Wells stated that there is an outside influence from a community and asked what community that is. Mr. Wells stated he cannot speak for the school board but personally he is stating that by law in the state of New Jersey, they are capped by how much money they can keep in different funds and what they can have for emergency funds is capped at a percentage. They follow that because that is the law. One of their neighboring communities does not follow that and has well over \$20 million in their pocket. They do it because they get almost 90% of their funding from the federal government in terms of military. They don't have to comply with the same rules so their taxes are very heavily influenced in a very positive way. They don't have that situation. They do get funding from every student in the military, and they get our fair share; but in terms of percentages of military in their total school population, it doesn't reach that level so they don't get that same amount of funding. It is totally unfair, and they have complained about it all the way up to the state and were told, well they get it and what do you want them to do, take it away from them. It puts them and others around here in an unfair position. They are taking advantage of the situation and he doesn't blame them but life isn't totally fair and that's an instance where it isn't. Mayor Patriarca conveyed that Mr. Wells asked for a suggestion on how they might help with his findings of suspicions that schools are taking our students away. The Mayor suggested that the board of education do a simple OPRA request to the schools in question asking the addresses of all students that live on Fort Dix and see if they come up with any. Mrs. Scull added and their date of enrollment because that is the key. Mr. Wells commented he will take that back to the board. Mrs. Scull stated if the board is not willing to do it, she will be more than happy to put in an OPRA request.

**America Phillips: 1.** Congratulated Mr. Wells and informed that she is one of the firefighters also and stepped down after fourteen years. She was one of the volunteers and is still one of the fire police. As a volunteer by the law are on their own if something were to happen. From her own experience, she had something happen to her and her face was destroyed for life. She has been on medications and only two are paid by her insurance and the other one she has to pay over the counter. It is true that they are taking their lives in their hands. She does search and rescue also. Mrs. Phillips recalled in 1990 or 1991, there was a child missing in Cape May and it was the day before Thanksgiving. Her husband told her she could not go because she had three kids and had to stay and cook for them. She told her husband that yes she has children but what about the mother and father of the missing child. Mrs. Phillips left for 24 hours and to this day, that child has never been found. There will never be a price and no one can put a price on a volunteer person for anything. Mrs. Phillips thanked the families of all of the volunteers. Between life and death if somebody is burning in a house, she will go in. She encouraged the Township for the young generation to do something for the community and some day they will appreciate that.

**Betty Roughgarden: 1.** Mrs. Roughgarden is the owner of Skips Bar and Grill. Some people say her bar is unsafe but it is not. Her son is an Eagle Scout and also graduated from the State Trooper's Youth Week and is working at her bar. She would not have her son working in her bar if it is unsafe for him. Mrs. Roughgarden informed that she has met with Mr. Vaz and the Chief of Police and they suggested she change her security which she has done. She is also looking in to getting an off duty Police Officer. She has been in touch with Sheriff Kevin Larkin and also Joseph Juniak

who is a Captain in the Trenton Police force. Mrs. Roughgarden advised there is a military person who is making up his own security team and that would be another place to get security from. Mrs. Roughgarden reiterated that she has hired new security since speaking with Mr. Vaz. The military security might also help to attract more military as customers which would be good because they are disciplined and do not want to get in to fights and would be a good thing for her bar. She also contacted a Chef and is trying to get different types of food to make lunch faster especially for the military. She does not have bikini top bartenders anymore. Mrs. Roughgarden has also been in contact with a military person who is also an EMT and works with the military police who approached her for a fundraiser. She is also working on a heroes night for Police, firefighters, military and EMTs. Mrs. Roughgarden conveyed she was informed by a Browns Mills EMT that works security that the Pub has more than her bar. Her license is up for renewal and she is waiting to see Council's decision on that. Mrs. Roughgarden stated the Pub was praised when she spoke to Mr. Vaz and the Chief of Police but she knows that things happen there too, but it doesn't seem to get out in the public as much as what happens at her bar. There are some fights and every bar has fights. Mrs. Roughgarden informed there were a lot more fights when she first took it over but now there aren't. Mrs. Roughgarden indicated that a young woman was over intoxicated at the Pub and killed in a car accident leaving the Pub. Mrs. Roughgarden stated her bartender did serve a minor; the bartender carded the minor who produced a fake I.D. and there were witnesses that saw her card that minor. Her bartender did not willingly serve a minor. What Mrs. Roughgarden is told is that the same minor went in to the Pub and was actually let in the back door by a bartender knowing that she was underage; they did not card her, they served her and she hit a Police car on the way out of the Pub. Mrs. Roughgarden noted she is always made to look worse than she is. If the Police can turn her paperwork in to the Alcohol and Beverage Control Board, she hopes that this incident of the underage girl being served at the Pub is turned in to the ABC as well. Since it was done to her that would only be the right thing to do. You don't pick one bar over another. There was also a problem with noise at her bar. Recently she was there at 4:20 am when she left after closing the bar down. When she drove away, there were three Police cars in her parking lot at the end, closest to her neighbor. They were outside of their vehicles talking. The Police are making noise in her parking lot after closing. Otherwise, she feels that Council should renew her license because she is the type of person who will help the community. She wants to do fundraising, help the military and she's all for the military, the Police and firemen. She personally knows Policemen and firemen. Mrs. Roughgarden stated she is not a bad person like she is made out to be. Mr. Bayer stated to Mrs. Roughgarden that Council was given a copy of a consent order as between the Division of Alcoholic Beverage Control and Skips Bar which appeared to be signed by Mrs. Roughgarden on June 26 of this year. Mr. Bayer asked Mrs. Roughgarden if she entered in to that agreement with the ABC and agreed to have her license suspended for a period of time. Mrs. Roughgarden replied yes. Mr. Bayer asked if that was related to the serving the minor. Mrs. Roughgarden answered yes. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments.

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

**Andy Bayer: 1.** Nothing to report in public session.

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

**Chris Rehmann: 1.** Mr. Rehmann noted each member of Council has been given the Engineer's report. Two items that are pressing and he is aware that the residents of Presidential Lakes would like to be swimming in their lakes, and ARH is pressing the contractor to meet his August 4<sup>th</sup> deadline for Presidential Lakes. Mr. Rehmann commented there is an issue with the middle embankment. The

State of New Jersey after waiting three months for a review, provided ARH with some comments regarding their design for the decommissioning of the embankment. The information was received by ARH at the end of June, and they have returned it back to the state of New Jersey. The state is working on the review of that so that they can get that portion of the work completed. That was over and above what the contract was that Pierson Construction Company is doing. In order to save money for the Township, the Mayor has recommended and the Public Works Director has agreed that the Township can do the decommissioning work through the Public Works office. There may be a couple of items that people are asking the Mayor and Public Works Department to do, but this is a very critical thing because it will probably save the Township upwards of \$40,000 to have the Public Works Department do it as opposed to either extending the contract of the current contractor or going out to bid again. Mr. Rehmann noted that the Public Works Department has been drafted to install a new 15" pipe on Springfield Road. They inherited the road plans from the previous engineer and during the construction found that the existing storm sewer pipe has been collapsed. When that happened, he can't say so he is not saying there is anything wrong with the plans that the previous engineer had and there is something ARH found. In order to save some dollars because the contractor did that fairly cheaply and was trying to get what ARH's staff considered to be an expensive change order to do that work. Mr. Rehmann reiterated that the Public Works Department has stepped forward to install the pipe that has been delivered. They will be doing that work shortly and that is also a great effort from the Township employees. 2. Mr. Rehmann informed that the 2008 Road Program with the exception of North Whitesbog Road is out to bid, and hopefully we can take advantage of the current low asphalt prices. 3. Mr. Rehmann reported that Well #11 is successfully back on line at 500 gallons per minute, and we are getting a good yield on the well. Mr. Cartier asked Mr. Rehmann if he has heard anything on the H&H. Mr. Rehmann replied he has not heard but the Mayor is calling the Department of Transportation on the train station which has been a long review process by DOT. The DOT informed they forgot to send it to the Federal Highway Administration for their final review. Mr. Rehmann hopes to petition the commission of the DEP to put this on top of the pile because it has been a long time in coming. Mr. Cartier commented there have been issues within the past two weeks, and he has received a large amount of questions from the Country Lakes residents. Mr. Rehmann suggested he draft a resolution petitioning a department commissioner to see what can be done in that review process. Mr. Rehmann added to pass it on to Mr. Bayer for his review. Mr. Cartier stated this would show that there is concern on their end that we want to get things done. Mr. Prickett noted in regards to Springfield Road and possibly that pipe that is crushed or collapsed and asked how deep is the piping along Springfield Road that is being replaced. Mr. Rehmann explained from the surface to the top of the pipe is about two feet. The problem is the storm sewer pipe is near a water main and a gas main. Whether something happened during the construction of either of those utilities he cannot say because ARH was not here. It is not a dangerous situation, and they have gone to Public Works which has the ability and equipment to do the job. Mr. Cartier commented that it has started.

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

**David Patriarca:** 1. There was an issue with the Country Lakes Dam #1. A resident reported that the lake was dropping rapidly. Administration and the Department of Public Works went out and surveyed the situation. What they found was one of the boards on the bottom of the dam in the section where the bridge is all held back by boards that we insert to raise and lower the level. One of the bottom boards had busted and it was later found that a piece of metal had somehow lodged itself in there. Public Works, Mr. Ingram from ARH, the Business Administrator and he were out there, and there wasn't anyone that wasn't working. The fire company came out for traffic control and there was also a boat

in the water in case something happened in the dam and someone ended up downstream. They were not successful with the sand bag attempt after filling hundreds of sand bags. However, they were successful in replacing the boards in that particular section and fixed that part of the breach and the lake is filling up again. Mr. Prickett asked if anyone got hurt in that process. Mayor Patriarca replied one of the DPW employees was slightly injured with a pulled muscle and it was nothing in regard to the safety of the operation. **2.** The Presidential Lakes Dam is coming along and is actually ahead of schedule. Contrary to what Mrs. Phillips feels, the dam will be completed on time. It's noted it's a shame they couldn't make it a two lane bridge but it was out of their control and was a Pinelands issue. For what they are getting, it is a serious project and will be a nice dam. There were not any promises to swim this year and they didn't budget for swimming this year as they knew swimming would not be an option. The middle embankment will be conducted by their employees. Once they get the green light to go ahead, they are ready to embark on that project. It is close to \$60,000 that they are saving by their employees doing that. **3.** Public Works has started Springfield Road and their goal is to lay eight pieces of pipe a day. Today they exceeded that goal and put ten pieces in. They have reported the old corrugated pipe that they are removing is rusted and in bad shape. They haven't run in to any problems. They are only digging down to the pipe itself and removing the pipe in the existing bed and replacing it in the existing bed so the threat of anything happening is at a minimal. So far they have been very lucky. That project is estimated at over \$40,000 they are saving them from the price that they were quoted from the contractor to do it. That's where their manpower is getting tied up on these larger projects but it is saving them a considerable amount of funds. Mr. Rehmann noted that they are replacing the corrugated metal pipe with reinforced concrete pipe so we will have a longer lasting, stronger pipe at that shallow grade. **4.** Dominique Johnson is ready to go out to bid, and they have met with the architects. They are waiting on some final approvals from the court administrator on the adjustments to the court room that they will be doing to get the okay from the state. They anticipate receiving an answer the beginning of next week, so they should be starting those projects. The Dominique Johnson is a complete contract. Their employees will be doing all of the demolition and some of the reinstalling in that particular project, and then a portion of it will be contracted out. Savings them again, a considerable amount of funds. **5.** They are receiving final quotes on some items to redo the Country Lakes Recreation Center. They'll be residing, new windows, new doors, and installing a second bathroom which is part of the 2007 capital project. They are starting to catch up on some of these projects out there. This is an in-house project and our employees will be doing that work and saving us a considerable amount of funds. **6.** The Water Carnival is scheduled for Saturday at 6:00 pm. The rain date is the following week. **7.** They recently had an employee retire with a medical injury after a long battle with trying to rehabilitate herself in coming back. Officer Jefferson will be retired from the department. That leaves them three officers down, and they will be going through a hiring process very soon and bringing new officers to the department. Mr. Prickett asked if when improvements are made to the court room, is the court room going to be closed during that process. Mayor Patriarca responded yes, Administration is coming up with a plan and in all likelihood, court will probably be held in Council chambers but approval is needed from the judge and court administrator to make sure that they are in compliance and can adjust the schedule because obviously this room does not hold nearly the amount of individuals that the other room does. The scheduling will have to change a little. Mr. Prickett commented that he heard there is a possibility of having court in the Boro. The Mayor replied that they have been considering a number of options and the Boro was one option. The Boro doesn't have any more room and the convenience for our clerks as opposed to going to the Boro or here and it would work better here. They have also they we will be able to pull that off logistically. It will probably be here where they will have to temporarily house their court.



## **BUSINESS ADMINISTRATOR'S REPORT:**

**Chris Vaz:** 1. In response to Mrs. Phillips and Mr. Wells comments, their volunteer fire fighters in Pemberton Township are all covered by the Township's worker's compensation insurance. Personal injuries or death in a worse case scenario are covered under their insurance on an equal basis as a Police Officer would be. From a worker's comp perspective, a volunteer fire fighter is treated no differently than an employee of Pemberton Township. Obviously the volunteer fire fighters don't get a state pension and the pension system provides Police Officers with different types of death benefits in a situation where an officer is killed. The Township also provides their volunteer fire fighters with a temporary disability policy. If they are injured in the course of fire fighting, they can apply through a plan that Council approves and budgets in the municipal budget for supplemental income benefits and other types of benefits as well. 2. Council approved a resolution at the June meeting to apply for the federal grant through FEMA for the Presidential Lakes Fire Station rehab. Rick Ragan's design group is also an architect and they helped prepare the grant application from an architectural design aspect, and Chief Maahs and he completed the rest of the application. In the end it was a \$787,000 grant request to basically totally overhaul the building at the Presidential Lakes Fire Station. It is a very difficult grant to ultimately obtain. There is only \$210 million dollars nationwide. All the work that went in to this grant is going to benefit us because there are two more grants that we are going to apply for Presidential Lakes for the fire station for a renovation project. 3. The Bridge Commission approved the Mayor's request for the commissions grant consultant to apply for a Green House Gas Reduction Grant that is being offered by the state at no cost to the Township. Basically by participating with the Bridge Commission as we do, we are going to get a grant written for us at no cost to the Township. The Mayor has been reviewing the package of the potential types of grant projects we can apply for. 4. While reading Mr. Bayer's attorney's report, it occurred to him that there is a request by one of Mr. Bayer's associates to get an approval on a potential settlement of the BEHM's case which is the solid waste litigation that has been going on since 2002. Mr. Vaz respectfully asked that Council amends the closed session resolution to discuss that. Council will be very pleased when hearing the information regarding the settlement that is being proposed. Mrs. Stinney informed Mr. Wells that through the Mayor, Mr. Vaz would be more than willing to answer his questions. Mrs. Stinney asked the Mayor to provide an update on Imagination Kingdom. The Mayor informed there was another meeting on Imagination Kingdom and Mr. Vaz has prepared a request for qualifications and it went out yesterday. We are already receiving requests from contractors to see what we are looking for and wanting to get involved in the project. It is moving along on schedule. Hopefully Administration will be coming back to Council shortly to request to award a contract. Mayor Patriarca elaborated more on the engineer's involvement in the Country Lakes dam issue. He called Mr. Ingram from ARH to tell him there appears to be a breach and he was on his way back to his office but turned around and came back to Country Lakes. Mr. Ingram not only came back to advise us but got in with us filling sand bags, loading trucks, and passing sand bags down. The Mayor advised this is a reflection on the type of service that we are getting from our engineering department. Mayor Patriarca wanted Mr. Rehmann to know how much we appreciate his staff in that operation and what they are doing for us. The Mayor noted that he has not seen that come from other firms. He can't imagine Mr. Snowden out there filling sand bags. Mrs. Scull asked Mr. Vaz where the Live Where You Work program is. Mr. Vaz responded that the package is done and he is meeting a week from this Friday at the Housing and Mortgage Finance Association office.

## **COUNCIL MEMBER'S COMMENTS:**

**Richard Prickett:** 1. Mr. Prickett stated at the last Council meeting project graduation was the next day and it was a big success. Mr. Prickett was manning the booth where students went in to the booth and collected money in a windy atmosphere to see how much money they could collect in thirty seconds. The kids were very respectful and they followed the rules and their behavior was terrific. Everytime he sees Pemberton Township students in the public, they conduct themselves in an admirable way. 2. The Blueberry Festival took place on June 27<sup>th</sup> and it was the 26<sup>th</sup> Annual Blueberry Festival. There were over 5,000 visitors to Whitesbog in Pemberton Township. These are just two examples of the many treasures that they have in Pemberton Township. Many of the visitors weren't from Pemberton. They had some people come from Washington as a result of a Washington Post article as well as from New York City as a result of a video cast. There were also some people that came from Maryland as a result of a blueberry tasting program that they have. 3. The Fourth of July Parade was an outstanding success this year. It seems to be getting bigger and better every year. 4. Mr. Prickett also mentioned the BMIA Spring Dinner and noted there are so many wonderful things that we have to take part in Pemberton Township. 5. The Water Carnival is coming up this Saturday and every year it is a wonderful event. The fireworks are always so beautiful over the lakes and the floats are always so very, very creative. 6. Pemberton Township is a terrific place to live and it's good to see all the residents come out tonight. Mr. Prickett looks forward to seeing everyone at the carnival and in August.

**Sherry Scull:** 1. Commented on Mr. Wells' news regarding the Boro and the Township schools becoming one. Their Business Administrator feels that they are going to be hit for more than \$300,000 in the Township. When she saw that number she felt a little relief because two or three years ago, they were hit for \$480,000 at once. When the County Superintendent said it's going to be \$300,000 over five years, that's a lot better. Mrs. Scull has serious concerns that the County Superintendent's figures are not going to be accurate and it's going to cost us a lot more in the long run. They are an Abbott District and have been told that for the next two years our funding would be flat but they would receive the same funding and it would be in the third year that things could change based on the number of students they have. At this point, they would be losing quite a bit of money. It's very important for them to get their student counts back up. It's important for them to sell the homes that are in the community and to promote our schools. Mrs. Stinney, Mr. Wells and she have promoted the schools in Pemberton Township for quite a while. A few years ago she has told them that she would not have put her own child in the Helen Forte Middle School. That is certainly not the case now. Her children and she went through these schools and she had serious concerns. That building has turned around. There are still problems and there are problems in every school in America. The types of problems they had several years ago are not there now. They have a tremendous staff and great programs. As noted by the list of colleges that Mr. Wells handed out, they have children that do so well when they finish school. The opportunity and the education are there because they have been an Abbott District they've had the advantage of extra programs that many of our so called richer districts in the County have not been able to provide. Mrs. Scull expressed concern that they are going to start losing some of those programs as funding goes in the other direction. The figures provided indicate that Pemberton's taxes will go up over \$300,000 in five years and the Boro's will go down over \$300,000 in five years and eventually they are looking for them to be one district and one tax rate. Mrs. Scull stated they have seen this coming for a while. Their board worked very hard with the County Superintendent to work on getting this done by our residents having a say in what happened. What concerned her is that all of a sudden on the 24<sup>th</sup> of June there is a bill passed in Trenton that no body even knew was coming other than the people in the "in crowd" that did away with two school systems because now they're one so it effectively did away with Pemberton Township's schools too. Mrs. Scull would be very careful if they

live in other areas that this is not going to continue to happen as the state talks about combined services and combining the Townships and school districts as well. They are always conscious because Pemberton Boro is in Pemberton Township and they realize the state would like them all to be one. What concerns her is how they did this is in a sneaky matter. Nobody knew it was coming and all of a sudden it's there. Mrs. Scull commented there were other districts the state wanted to see this happen with and there is a second wave coming down the pike where a district like Pemberton Boro might be sending students to one elementary school district and the secondary students to another district. The state wants to do away with that as well. She can see the state forcing in a year or so Lenape to be one main district and do away with the little districts of Tabernacle, Woodland and Shamong and forcing them to become one district. Mrs. Scull's problem with that is how it was forced down the throats of the residents. Mrs. Scull asked if it will save money in the long run for the state and it will but she has a problem with the way they went about it. They need to be careful because the next budget it may be the Police Department that is done away with. The state is hell bent on doing this to save money and the residents are complaining all the time that they want to save money. Mrs. Scull suggested they need to be proactive and try to save money and they do that well here with their shared services. There are definitely students who live on Fort Dix that are attending school in North Hanover. There was a gentlemen's agreement to allow students to finish out a school year in the school they were in and for students who were moved from McGuire to Fort Dix that were going to move back to McGuire to continue to going to North Hanover. Somebody over there is taking advantage of the situation and has been encouraging the military that move in even if they are living on Fort Dix and they came from somewhere else to place their children in North Hanover. That financially benefits North Hanover and it's financially going to devastate Pemberton Township and they need to be on top of that. Mrs. Scull thanked Mr. Wells and Mr. Cartier for bringing that up. **2.** Thanked everyone for coming out.

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

**Ken Cartier: 1.** Announced that after two and one half years, the Planning Board finally adopted its Master Plan. Council should be seeing it after the Planner has finished putting everything back together. After the Mayor's six pages of grammar corrections, Council should be seeing something soon. Preservation is included and most acreage and preservation that they have seen above and beyond what the County has done in Pemberton Township. There is also some acreage that is proposed for development, namely the Greenberg Farm along with some zoning changes to bring other neighborhoods more in line to what they actually are instead of six acre lots, there's a house on one acre to make it easier for them. **2.** Thanked everyone for coming out and wished everyone a safe trip home.

**Diane Stinney: 1.** Reflected that a couple of years ago when the newly elected assembly people, Dawn Addiego and Joe Ruddy, stated they were not in favor of the Abbott School Districts. She remembers when Assemblyman Joe Malone came to one of the school board meetings at their budget hearing when she served on the school board and simply stated to board to not get used to the funding because sooner or later it will be cut off. That was quite a few years back and here they are now faced with that situation. That has been going on for a while and is not a new thing that has just cropped up. There has been talk about merging for quite a while. It wasn't feasible for Pemberton Township to merge with the Boro and then the subject was dropped and then brought back up again. Here it is and it's done. **2.** Mrs. Stinney had the opportunity to attend a fire fighters graduation on June 29<sup>th</sup>. She applauds the Chiefs and all of those that had a part. There were three from Pemberton Township who graduated and she was proud to witness the graduation of these fine young men and women. At the high school graduation as

she sat side by side with the Mayor, she whispered to the Mayor that she is truly proud that one of her students and church members, Brian Spears, as he sang so eloquently at the graduation. She was so proud as they called off the amount of monies that the seniors were receiving. She was a little disappointed and recalled there were years back when there were more students and we received millions and millions of dollars. The kids did great and she is very proud of them as always. The Burlington County Times did a wonderful job in covering the fire fighters graduation and also the high school graduation. 3. Mrs. Stinney attended the teacher's retirement dinner and was saddened that we didn't have a lot of people. She was honored to have that opportunity to attend that retirement. Of all of the teachers that were honored that night and the years of service, and Perry Doyle spoke so eloquently on how many years and how many students that these teachers have touched their lives. It was a beautiful event. 4. Applauds Presidential Lakes for the July 4<sup>th</sup> Parade. All she heard was raves about what a beautiful, beautiful parade that was. It was one of the largest and best attended in history. Mrs. Stinney enjoyed walking in that parade. Her grandchildren and husband all had a good time. 5. Thanked everyone for coming out tonight. Thanked the Burlington County Times for their coverage this evening. Mr. Rehmann announced that his associate, Mrs. Kelly Willis has successfully passed the Professional Engineers Licensing Examination and there is now another professional woman here. Mr. Cartier stated that just means they get charged more for her meeting attendance. Mrs. Stinney informed that she stated to Freeholder Donnelly when she attended the fire fighters' graduation that she is so glad to see all of these women walk down and receive their diplomas. She was so proud and she is sure Mrs. Phillips will contest to that that it's growing. Mrs. Stinney congratulated Mrs. Willis. Mrs. Scull noted that the Pemberton Township Hall of Fame Gold Tournament will be August 3<sup>rd</sup>, the first Monday in August. This year, they gave over \$12,000 in scholarships to Pemberton Township High School graduating seniors and the second year of scholarships is included in that figure for last years' graduating seniors. For those that like to golf, Mrs. Scull encouraged them to come out on August 3<sup>rd</sup>. They have a great time and will be happy to see everyone there. Mr. Cartier asked where the applications can be obtained. Mrs. Scull replied she will have them and she will also make sure there are some brought to the Township building and through the high school media services with Mike Pinto.

Mrs. Stinney informed that Council will be returning to Closed Session and there will possibly be action when returning. Mr. Bayer announced that Council will be discussing BEHM's litigation and the SOA agreement.

Council President recessed the meeting at approximately 10:10 p.m. and reconvened the open session meeting at approximately 11:15 p.m.

**RESOLUTION NO. 167-2009**

RESOLUTION UTHORIZING MAYOR AND CLERK TO EXECUTE COLLECTIVE BARGAINING AGREEMENT WITH PBA, LOCAL #260, SUPERIOR OFFICERS

WHEREAS, THE TOWNSHIP ADMINISTRATION HAS ENGAGED IN COLLECTIVE BARGAINING NEGOTIATIONS WITH THE PBA, LOCAL #260, SUPERIOR OFFICERS (HEREINAFTER "SOA") REGARDING A COLLECTIVE BARGAINING AGREEMENT TO COVER THE TIME PERIOD OF JANUARY 1, 2007 THROUGH DECEMBER 31, 2010; AND

WHEREAS, THE SOA MEMBERSHIP APPROVED THE TERMS OF THE AGREEMENT BY VOTE TAKEN ON JULY 15, 2009; AND

WHEREAS, SAID AGREEMENT IS TO BE ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION; AND

WHEREAS, THE TOWNSHIP ADMINISTRATION HAS RECOMMENDED THAT TOWNSHIP COUNCIL RATIFY THIS AGREEMENT, AND THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS IN THE BEST INTEREST OF THE RESIDENTS AND CITIZENS OF THE TOWNSHIP TO RATIFY SAME.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR AND CLERK BE AND ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE PROPOSED AGREEMENT WITH SOA FOR THE TIME PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2010, A COPY OF WHICH SHALL BE ATTACHED TO THIS RESOLUTION.

BE IT FURTHER RESOLVED THAT RATIFICATION OF THE AGREEMENT IS CONDITIONED UPON ADOPTION BY THE TOWNSHIP COUNCIL OF A SALARY ORDINANCE AUTHORIZING THE WAGES, SALARIES AND BENEFITS CONTAINED IN THE AGREEMENT

Motion by Scull and Prickett to approve Resolution No. 167-2009 with a correction of July 15<sup>th</sup> in the line where as the SOA membership approves the terms of the agreement of a vote taken on July 15, 2009. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

**RESOLUTION NO. 171-2009**

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH PBA, LOCAL #260, SUPERIOR OFFICERS, IN REGARD TO PERC DOCKET NO.: CO-2007-274 (SUSPENSION OF TAKE HOME VEHICLES)  
WHEREAS, THE PBA LOCAL #260, SUPERIOR OFFICERS ASSOCIATION (HEREINAFTER "SOA"), FILED AN UNFAIR PRACTICE CHARGE AGAINST PEMBERTON TOWNSHIP WITH THE NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION ("PERC"), DOCKET NO.: CO-2007-274 (HEREINAFTER "THE CHARGE"); AND  
WHEREAS, THE TOWNSHIP DENIES ALL ALLEGATIONS MADE BY THE SOA IN THE AFOREMENTIONED CHARGE AND HAS VIGOROUSLY DEFENDED AGAINST THE CLAIMS ASSERTED THEREIN; AND  
WHEREAS, THE TOWNSHIP AND THE SOA HAVE, NONETHELESS, COME TO AN AGREEMENT TO AMICABLY RESOLVE THEIR DISPUTE, IN AN EFFORT TO AVOID THE EXPENSE, RISK AND BURDEN OF CONTINUING THE LITIGATION OF THE ABOVE-REFERENCED MATTER; AND  
WHEREAS, IN MUTUAL CONSIDERATION OF THE DISMISSAL OF THE ABOVE-REFERENCED CHARGE AND THE FURTHER PROMISES AND COVENANTS THAT ARE CONTAINED IN THE ATTACHED SETTLEMENT AGREEMENT, THE TOWNSHIP AND THE SOA HEREBY END THEIR DISPUTE; AND  
WHEREAS, THE TOWNSHIP ADMINISTRATION HAS RECOMMENDED THAT TOWNSHIP COUNCIL RATIFY THIS AGREEMENT, AND THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS IN THE BEST INTEREST OF THE RESIDENTS AND CITIZENS OF THE TOWNSHIP TO RATIFY SAME.  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR OR BUSINESS ADMINISTRATOR IS HEREBY AUTHORIZED TO ENTER INTO A SETTLEMENT AGREEMENT WITH PBA LOCAL #260, SUPERIOR OFFICERS ASSOCIATION, FOR A SETTLEMENT OF PERC DOCKET NO. CO-2007-274, A COPY OF WHICH SETTLEMENT AGREEMENT SHALL BE ATTACHED TO THIS RESOLUTION.

Motion by Prickett and Cartier to add Resolution No. 171-2009 with authorizes the Mayor to enter in to a settlement agreement with the PBA local #260 Superior Officers in regard to PERC document #CO-2007-274 Suspension of Take Home Vehicles. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Motion by Cartier and Scull to approve Resolution No. 171-2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

**ORDINANCE NO. 18-2009 (Title Read By Mrs. Stinney)**

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

Motion by Prickett and Cartier to introduce Ordinance No. 18-2009 which is an ordinance amending an ordinance establishing salaries, compensation and benefits within the Township of Pemberton. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Mrs. Young confirmed with Council that the public hearing will be on August 5<sup>th</sup>.

Mr. Bayer informed that on the ABC License renewal there will be no action taken. Mr. Bayer advised that pursuant to ABC regulations, Council has until 90 days from July 1<sup>st</sup>, which under the regulations is September 28<sup>th</sup>, to act on the renewal and Council will do so by that time as he understands it.

The meeting was adjourned at 11:22 pm.

Respectfully submitted:

Mary Ann Young, MMC  
Township Clerk