

# TOWNSHIP OF PEMBERTON

## REGULAR MEETING

SEPTEMBER 2, 2009

6:30 P.M.

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

### PRESENT

Ken Cartier  
Tom Inge  
Richard Prickett  
Sherry Scull  
Diane Stinney

### ABSENT

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

2. Chairwoman Stinney called the meeting to order at 6:30 P.M.
3. Closed Session Res. No. 203-2009

#### RESOLUTION NO. 203-2009

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

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:  
-MATTERS OF ATTORNEY/CLIENT PRIVILEGE  
-PAULA KOSKO-REDMOND GRIEVANCE  
-DISCUSSION OF DANITOM SETTLEMENT AGREEMENT
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Cartier and Prickett to approve Resolution No. 203-2009. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

4. **CLOSED SESSION (Reference Note: Closed Session minutes are transcribed and filed separately and considered part of these minutes)**

Council President Stinney recessed the meeting at approximately 6:32 P.M. for Council to go in to Closed Session and reconvened the meeting at approximately 7:01 P.M.

5. Formal action as necessary pursuant to closed session.  
There was no formal action necessary pursuant to this closed session.
6. Public comments on Consent Agenda items only.

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

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

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

**\*a.** Regular Meeting, August 19, 2009.

**\*9. CONSENT AGENDA RESOLUTIONS**

**RESOLUTION NO. 204-2009**

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE THROUGH AN ONLINE AUCTION WEBSITE

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS DETERMINED THAT THE PROPERTY DESCRIBED ON SCHEDULE A ATTACHED HERETO AND INCORPORATED HEREIN IS NO LONGER NEEDED FOR PUBLIC USE; AND

WHEREAS, THE LOCAL UNIT TECHNOLOGY PILOT PROGRAM AND STUDY ACT (P.L. 2001, C. 30) AUTHORIZES THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE THROUGH AN ONLINE AUCTION SERVICE; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON INTENDS TO UTILIZE THE ONLINE AUCTION SERVICES OF GOVDEALS.COM LOCATED AT [WWW.GOVDEALS.COM](http://WWW.GOVDEALS.COM) UNDER ITS STATE CONTRACT NO. A-70967/T2581 IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE STATE CONTRACT.; AND

WHEREAS, THE SALES ARE BEING CONDUCTED PURSUANT TO THE DIVISION OF LOCAL GOVERNMENT SERVICES' LOCAL FINANCE NOTICES 2008-9 AND 2008-21.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE PEMBERTON TOWNSHIP VOLUNTEER FIRE DEPARTMENT IS HEREBY AUTHORIZED TO SELL THE SURPLUS PERSONAL PROPERTY AS INDICATED ON SCHEDULE A THROUGH AN ONLINE AUCTION WEBSITE ENTITLED GOVDEALS.COM; AND

BE IT FURTHER RESOLVED, THAT THE TERMS AND CONDITIONS OF THE AGREEMENT ENTERED INTO BETWEEN GOVDEALS.COM AND THE TOWNSHIP OF PEMBERTON ARE AVAILABLE AT [WWW.GOVDEALS.COM](http://WWW.GOVDEALS.COM) AND IN THE TOWNSHIP CLERK'S OFFICE; AND

BE IT FURTHER RESOLVED, THAT THE SURPLUS PROPERTY SHALL BE SOLD "AS IS" WITHOUT EXPRESS OR IMPLIED WARRANTIES AND THE SUCCESSFUL BIDDER OR BIDDERS WILL BE REQUIRED TO EXECUTE A HOLD HARMLESS AND INDEMNIFICATION AGREEMENT CONCERNING USE OF SAID SURPLUS PROPERTY; AND

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP OF PEMBERTON RESERVES THE RIGHT TO ACCEPT OR REJECT ANY BID SUBMITTED; AND

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THE WITHIN RESOLUTION BE FORWARDED BY THE TOWNSHIP CLERK TO THE FOLLOWING:

1. BUSINESS ADMINISTRATOR
2. FIRE CHIEF
3. CHIEF FINANCIAL OFFICER
4. GOVDEALS.COM

**RESOLUTION NO. 205-2009**

RESOLUTION SUPPORTING THE OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN

WHEREAS, IMPAIRED DRIVERS ON OUR NATION'S ROADS KILL SOMEONE EVERY 30 MINUTES, 50 PEOPLE PER DAY, AND ALMOST 18,000 PEOPLE EACH YEAR; AND

WHEREAS, 26% OF MOTOR VEHICLE FATALITIES IN NEW JERSEY ARE ALCOHOL-RELATED; AND

WHEREAS, THE END OF SUMMER SEASON IS TRADITIONALLY A TIME OF SOCIAL GATHERINGS WHICH OFTEN INCLUDE ALCOHOL; AND

WHEREAS, THE STATE OF NEW JERSEY, DIVISION OF HIGHWAY TRAFFIC SAFETY, HAS ASKED LAW ENFORCEMENT AGENCIES THROUGHOUT THE STATE TO PARTICIPATE IN THE *OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN*; AND

WHEREAS, THE PROJECT INVOLVES INCREASED IMPAIRED DRIVING ENFORCEMENT WHICH BEGAN ON AUGUST 21, 2009 AND WILL CONTINUE THROUGH SEPTEMBER 7, 2009; AND

WHEREAS, AN INCREASE IN IMPAIRED DRIVING ENFORCEMENT AND A REDUCTION IN IMPAIRED DRIVING WILL SAVE LIVES ON OUR ROADWAYS;

NOW, THEREFORE, BE IT RESOLVED THAT PEMBERTON TOWNSHIP DECLARES IT'S SUPPORT FOR THE *OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN* FROM AUGUST 21<sup>ST</sup> THROUGH SEPTEMBER 7, 2009 AND PLEDGES TO INCREASE AWARENESS OF THE DANGERS OF DRINKING AND DRIVING.

**RESOLUTION NO. 206-2009**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO REFUND MONIES TO THE FOLLOWING PERSONS FOR THE AMOUNTS AND REASONS SET FORTH:

FIRST AMERICAN, \$951.99, OVERPAYMENT OF THIRD QUARTER PROPERTY TAXES, BLOCK 242, LOT 25  
JOHN & MARIE SAVILLE, \$1,277.23, OVERPAYMENT OF SECOND QUARTER PROPERTY TAXES, BLK 606, LOT 13  
STOKES HOLDING COMPANY, \$10.42, CANNOT ACCEPT PAYMENT DUE TO EXISTING LIEN, BLOCK 304, LOT 24  
FIRST AMERICAN, \$754.01, OVERPAYMENT OF THIRD QUARTER PROPERTY TAXES, BLOCK 578, LOT 17  
SURETY TITLE CORP., \$742.65, OVERPAYMENT OF THIRD QUARTER PROPERTY TAXES, BLOCK 219, LOT 68

**RESOLUTION NO. 208-2009**

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING RENEWAL OF THE TOWNSHIP'S MEMBERSHIP IN THE NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND

WHEREAS, THE TOWNSHIP OF PEMBERTON IS A MEMBER OF THE NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND (NJMSIJIF); AND

WHEREAS, SAID MEMBERSHIP TERMINATES AS OF JANUARY 1, 2010 (12:01 AM); AND

WHEREAS, THE TOWNSHIP OF PEMBERTON DESIRES TO RENEW ITS MEMBERSHIP EFFECTIVE ON JANUARY 1, 2010.

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

1. THAT PEMBERTON TOWNSHIP AGREES TO RENEW ITS MEMBERSHIP IN THE NJMSIJIF FOR A PERIOD OF THREE (3) YEARS COMMENCING JANUARY 1, 2010, AND ENDING JANUARY 1, 2013 (12:01 AM), AND TO BE SUBJECT TO THE BYLAWS, RULES AND REGULATIONS, COVERAGES, AND OPERATING PROCEDURES THEREOF AS PRESENTLY EXISTING OR AS MODIFIED FROM TIME TO TIME BY LAWFUL ACT OF THE FUND.
2. THAT THE MAYOR AND CLERK ARE AUTHORIZED TO EXECUTE THE AGREEMENT TO RENEW MEMBERSHIP, WHICH IS ANNEXED HERETO AND MADE A PART HEREOF, AND TO DELIVER SAME TO THE NJMSIJIF EVIDENCING PEMBERTON TOWNSHIP'S INTENTION TO RENEW ITS MEMBERSHIP.

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THE WITHIN RESOLUTION BE FORWARDED BY THE TOWNSHIP CLERK TO THE FOLLOWING:

1. BUSINESS ADMINISTRATOR
2. CHIEF FINANCIAL OFFICER
3. NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND

## 11. NEW BUSINESS

- \*a. Requests from various departments to expend funds in excess of \$2,000.00 for the following purchases:
1. Buildings & Grounds Dept.: Annual inspection of Township buildings fire alarms, by Dame & Co., Inc./Ross Alarm, in the amount of \$3,168.00.
- \*b. Applications submitted for memberships, licenses, permits:
- \*1. **Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Presidential Lakes Fire & Rescue Squad:** Firefighter Tyrone Oliver.
  - \*2. **Loud Speaker Permit applications: 1. Susan Meyer:** Birthday party w/stereo system, 10 Bella Coola Trail, Browns Mills, 1PM-7PM, 9/6/09.
- \*12. Approval by Council required for payment of vouchers on bill list dated **8/28/09**.

Mr. Prickett requested to pull Resolution No. 207-2009.

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

### **RESOLUTION NO. 207-2009 PULLED FROM THE CONSENT AGENDA:**

Mr. Prickett expressed concern with two of the findings. If reviewing the audit, it talks about some very serious things. Mr. Prickett noted concern regarding the Chief Financial Officer, who was on medical leave, is used as the reason why certain things weren't done; for example why the general ledger wasn't maintained. Mr. Prickett expressed that is not an excuse; when someone is out on medical leave it is up to the Mayor to identify the role of that person and make sure their responsibilities are met in some shape or form using temporary personnel, contacting the Department of Community Affairs, the Division of Local Government Services to have someone come in and take that persons place; whether it's in the CFO's office, the Tax Collector or Tax Assessor's office. Mr. Prickett noted that he is not happy to see that some of the problems in the audit were attributed to the CFO and he understands from reading the document that was not the Auditor's findings but it was Administration's findings that attributed the problem to that and the finding was the Auditor. Mr. Prickett stated this is very important to take a look at because of the seriousness of this. On page four of the audit it states, "We consider the deficiencies described in the accompanying schedule of findings and recommendations as findings 2008, 1, 2, 3 and 6 to be significant deficiencies internal control over financial reporting". On page five, it is talked about material weakness is a significant deficiency or a combination of significant deficiencies that result in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the Township's internal control. Mr. Prickett noted it also stated at the bottom of the paragraph, "However, we believe findings 2008-2 which is the fixed asset ledger and finding 2008-3 which is the general ledger of the significant deficiencies described above to be material weaknesses". Mr. Prickett conveyed Council is obligated to address at the very least, the general ledger. The general ledger, as

everyone that has been at the meetings when he has spoken, has been a problem to this municipality for seven out of the last eight years. Mr. Prickett passed out a resolution to Council, number 209-2009, which is a request by the Pemberton Township Council for the Department of Community Affairs, Division of Local Government Services, to monitor the Township's compliance with NJAC5:30-5.7. Mr. Prickett read the resolution, "Whereas, the Township of Pemberton is required by NJAC5:30-5.7 to maintain a general ledger accounting record and whereas all Township general ledger account balances must be reconciled monthly to subsidiary records as required by NJAC5:30-5.7 and whereas according to NJAC5:30-5.7 the general ledger shall be the official, permanent financial record of the local unit. It shall provide a summary of all financial transactions as they have been recorded in the books of original entry using a double entry self balancing accounting system with a general ledger facilitating the preparation of the financial statements and whereas in the Township annual audit conducted by Bowman and Company finding 2001-2, 2002-2, 2008-2, found the Township's general ledger accounting record was not maintained and reconciled monthly with other subsidiary records, whereas in the Township's annual audit conducted by Holman and Frenia, PC, finding number 2003-08, 2005-05, 2006-02, found that the general ledger was not maintained properly for any governmental funds and whereas in the Township annual audit conducted by Holman and Frenia, PC, finding 2004-05, recommended that all receipts be posted properly in to the general ledger, whereas seven out of the last eight years, Township auditors have identified the general ledger as not being maintained in the annual audit and whereas the Pemberton Township Council has a responsibility to assure that the local authorities fiscal control law, NJS40A:5A-1 and the rule is promulgated by the Local Finance Board are adhered to by the Township. Now, therefore, be it resolved by the Township Council of the Township of Pemberton, County of Burlington and State of New Jersey, request that the NJ Department of Community Affairs, a Division of Local Government Services, monitor the Township's compliance with NJAC5:30-5.7 and assure that the seven year pattern of non-compliance with NJAC5:30-5.7 is remedied in 2009. Mr. Prickett noted this is the resolution that he is presenting to Council for discussion.

Motion by Prickett and Inge to add Resolution No. 209-2009 to the agenda. Prickett, yes; Inge, yes; Scull, no; Cartier, no; Stinney, no. Motion not carried.

Mr. Prickett stated he has concerns as stated with the audit. He has special concerns with the general ledger and is hoping that the asset ledger will be revised this year since Council purchased the software to do that. Mr. Prickett asked the Solicitor what the purpose is of just reviewing the audit when there doesn't seem to be any remedy to the problems within the audit that the Council can take. Mr. Clark replied the statute requires an audit be done every year and he doesn't know that we have looked at the powers of the governing body vs the powers of Administration, and he doesn't know the answer to his question. Mr. Prickett conveyed he does not have any other comments and he has reviewed the municipal audit and the Council is responsible to address the concerns especially with the general ledger. Mr. Prickett started to make a motion and was interjected by Mr. Cartier who wanted to comment. Mr. Prickett then withdrew his partial motion. Mr. Cartier commented that he shared Mr. Prickett's concerns when it comes to the asset audit, however; he wanted to explain why he did not vote to add this to the agenda. He reminded that this is two or three out of the last three meetings that Mr. Prickett surprised Council with a resolution. Mr. Cartier noted that the deadline for agenda items is the Friday before the meeting and then asked why Council can't have the resolution with their meeting packet. Mr. Cartier remarked that he would like the same courtesy to research the resolution as to any outcome this might have against the Township before voting to add this to the agenda or vote to approve the resolution. Mr. Prickett asked Mr. Cartier if he would agree

with him to put this on the next agenda for review. Mr. Cartier confirmed and reiterated as long as he has time to research this and find out exactly what outcome this holds for the Township, he may or may not be for the resolution and he doesn't know. Mr. Cartier added that it is not fair that Mr. Prickett keeps surprising Council with resolutions like this but obviously he has made the comment that he mentioned the audit specifically at the last two meetings and he obviously knew something like this was coming and asked why Council didn't have this by Friday. Mr. Prickett remarked that it wasn't obvious to him that it was coming and in any case Mr. Cartier's point is well taken and he has some of the information from the previous audits that he passed to the Clerk for distribution to the Council. Mrs. Scull stated that she agrees with Mr. Cartier and noted to Mr. Prickett that his has been talked about last month that he has strongly objected in the past when he received things the day of the meeting and here he has done it to Council two meetings in a row. Mrs. Scull shared concerns about the audit and there have been problems for seven or eight years. Mrs. Scull knows that Administration is aware and that our Financial Officer has been aware but unfortunately she was ill and spent time out during the last two years. The software has been purchased to help solve the situation. Mrs. Scull asked Administration if they have heard Council loud and clear that they are not happy about the same thing showing up in the audit all of the time. Mrs. Scull agreed with Mr. Cartier that there is no way she can vote for something like this when she has no idea of the impact and questioned if they can even come down here and monitor us and if they have enough help to take care of themselves in Trenton let alone being down here in Pemberton with the cuts that have gone on at the state in the past several years. Mrs. Scull will be happy to look at it again but she doesn't know that she would be willing to vote to support it down the road. She would need some convincing. Mrs. Scull then asked as far as 2007, is Council going to leave that tabled until the next meeting. Mr. Prickett commented that Council shouldn't and it's an affidavit that states Council read the audit and it doesn't.....Mrs. Scull interjected that it doesn't have any.....Mr. Prickett continued.....the obligation. Mr. Prickett commented that was the purpose of his question to the Solicitor. Mrs. Scull remarked Resolution 209 had nothing to do with Resolution 207 and that could have been a different discussion. Mr. Inge asked the Solicitor if it is the Council's responsibility to make sure the ledger is up to date and current or is it Administration's responsibility. Mr. Clark responded that he can check and get back to Mr. Inge as he does not know the answer but he believes it is the Auditor's responsibility who does it at the direction of Administration and it is then submitted to Council. Mr. Clark conveyed that as Mr. Cartier indicated, advance notice would be good if there are issues about legal questions, the best thing to do is to raise them ahead of time so they can be looked at. Mr. Clark stated he would assume it is definitely a Township responsibility but as to the allocation of power as to the branches of the government as to what branches are suppose to do, he would have to look at the regulations and statutes. Mr. Prickett informed it is not the Auditor's responsibility that the general ledger be conducted. That is the Township's responsibility and the Auditor comes in to see if it has been done. Mr. Clark agreed and added that Mr. Inge's question was about the accuracy of what was in the audit and obviously the Auditor is giving representations as to the accuracy though ultimately it is the Township's audit and Mr. Prickett is correct that it is the Township's responsibility to conduct an audit. Mr. Prickett responded no, to keep a general ledger. Mr. Clark agreed. Mr. Prickett added and to do an audit. Mr. Clark agreed with both of Mr. Prickett's comments. Mrs. Stinney remarked to Mr. Prickett that his comments are duly noted and she appreciates all of his hard work. Mrs. Stinney continued that she would appreciate it if Council could in advance....Mr. Prickett interjected that he did get a request in to have the Chief's salary ordinance on the agenda this week but the .....Mrs. Stinney interjected that is another subject. Mrs. Stinney added that she would appreciate advance notice so that Council can do research to be able to intelligently discuss the resolution that is presented and while she appreciates and knows how diligent Mr. Prickett as well as all Council

members do make sure that all of their research is done there is ample time to look in to those things so that there can be an intelligent discussion. Mrs. Stinney stated that is where her support went to. Mr. Prickett commented he just wanted to have an opportunity to talk about that.

**RESOLUTION NO. 207-2009**

WHEREAS, N.J.S.A. 40A:5-4 REQUIRES THE GOVERNING BODY OF EVERY LOCAL UNIT TO HAVE MADE AN ANNUAL AUDIT OF ITS BOOKS, ACCOUNTS AND FINANCIAL TRANSACTIONS; AND  
WHEREAS, THE ANNUAL REPORT OF AUDIT FOR THE YEAR 2008 HAS BEEN FILED BY A REGISTERED MUNICIPAL ACCOUNTANT WITH THE TOWNSHIP CLERK PURSUANT TO N.J.S.A. 40A:5-6, AND A COPY HAS BEEN RECEIVED BY EACH MEMBER OF THE GOVERNING BODY; AND  
WHEREAS, R.S. 52:27BB-34 AUTHORIZES THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY TO PRESCRIBE REPORTS PERTAINING TO THE LOCAL FISCAL AFFAIRS; AND  
WHEREAS, THE LOCAL FINANCE BOARD HAS PROMULGATED N.J.A.C. 5:306-5, A REGULATION REQUIRING THAT THE GOVERNING BODY OF EACH MUNICIPALITY SHALL BY RESOLUTION, CERTIFY TO THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED, AS A MINIMUM, THE SECTIONS OF THE ANNUAL AUDIT ENTITLED "FINDINGS AND QUESTIONED COSTS" OR "FINDINGS AND RECOMMENDATIONS"; AND  
WHEREAS, THE MEMBERS OF THE GOVERNING BODY HAVE PERSONALLY REVIEWED AS A MINIMUM THE ANNUAL REPORT OF AUDIT, AND SPECIFICALLY THE SECTIONS OF THE ANNUAL AUDIT ENTITLED "FINDINGS AND QUESTIONED COSTS" OR "FINDINGS AND RECOMMENDATIONS," AS EVIDENCED BY THE GROUP AFFIDAVIT FORM OF THE GOVERNING BODY ATTACHED HERETO; AND  
WHEREAS, SUCH RESOLUTION OF CERTIFICATION SHALL BE ADOPTED BY THE GOVERNING BODY NO LATER THAN FORTY-FIVE DAYS AFTER THE RECEIPT OF THE ANNUAL AUDIT, PURSUANT TO N.J.A.C. 5:30-6.5; AND  
WHEREAS, ALL MEMBERS OF THE GOVERNING BODY HAVE RECEIVED AND HAVE FAMILIARIZED THEMSELVES WITH, AT LEAST, THE MINIMUM REQUIREMENTS OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY, AS STATED AFORESAID AND HAVE SUBSCRIBED TO THE AFFIDAVIT, AS PROVIDED BY THE LOCAL FINANCE BOARD; AND  
WHEREAS, FAILURE TO COMPLY WITH THE REGULATIONS OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY MAY SUBJECT THE MEMBERS OF THE GOVERNING BODY TO THE PENALTY PROVISIONS OF R.S. 52:27BB-52 – TO WIT:

R.S. 52:27BB-52 – A LOCAL OFFICER OR MEMBER OF A LOCAL GOVERNING BODY WHO, AFTER A DATE FIXED FOR COMPLIANCE, FAILS OR REFUSES TO OBEY AN ORDER OF THE DIRECTOR (DIRECTOR OF LOCAL GOVERNMENT SERVICES), UNDER THE PROVISIONS OF THIS ARTICLE, SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MAY BE FINED NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BOTH, IN ADDITION SHALL FORFEIT HIS/HER OFFICE.

NOW, THEREFORE, BE IT RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, HEREBY STATES THAT IT HAS COMPLIED WITH N.J.A.C. 5:30-6.5 AND DOES HEREBY SUBMIT A CERTIFIED COPY OF THIS RESOLUTION AND THE REQUIRED AFFIDAVIT TO SAID BOARD TO SHOW EVIDENCE OF SAID COMPLIANCE.

Motion by Prickett and Cartier to adopt Resolution No. 207-2009 which affirms Council's review of the required sections of the 2009 Municipal Audit entitled Findings and Recommendations. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

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

- a. ORDINANCE NO. 20-2009 (Title Read By Mrs. Stinney)  
CAPITAL ORDINANCE PROVIDING FOR COURTROOM AND COURT OFFICE RENOVATIONS AND IMPROVEMENTS BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY; APPROPRIATING \$240,000 THEREFOR TO PAY FOR THE COST THEREOF.

Mrs. Stinney asked Administration to provide an overall synopsis. Mayor Patriarca informed this project is one of the many projects that Administration is pursuing in the municipal building to improve not only the appearance but the quality of service provided in the Township. The Mayor noted he made it clear in his state of address that this was part of his focus, our buildings and how we present ourselves to our residents. Administration took on the project of Room 10 and did the majority of the work in house. Mayor Patriarca remarked we were able to save a considerable amount and ended up with a product that may have some flaws but overall it was a successful project. There were some concerns in that project that maybe a few members of Council had questioned why Administration did not use architects and not bid out the work. The Mayor commented a lot of that had to do with how long that last project took to get done and we were out of Room 10 for quite a while and it did pose a slight inconvenience but we got over that. Mayor Patriarca noted that Administration took that advice and brought an architect on board in the Township for several projects and one of the projects which they are focusing on is the renovations of the court room. The Mayor wanted to clear up what potentially is a misunderstanding but is really more in miscommunication which is this project is mandated by the courts that the

Township has to do this project; the Mayor stated that is not the case. The project is something that he felt was important for the Township, it was pursued through the budgeting process and put this money in the budget to do as a cash project as opposed to bonding with the clear intention to renovate the court room. The misunderstanding that may have come in to play and it could be part of the way Administration got caught up in it and was explaining it as the courts are making the Township do this. Administration was going through the process of getting approvals from the courts to do this. The plan to renovate the courts has to be approved by the courts in order for us to do a project and that is where he believes the misunderstanding came from. It is not a mandate; it is an approval; the courts had to approve the project. We couldn't just do the project. The Mayor added that there are some security issues that play in to this also which are in another portion of the capital project that are mandates. This particular project is the desire of Administration to update our facility which hasn't been updated since 1968 – 1969. We do have a considerable amount of problems there such as ventilation, heating, air conditioning and cinderblock walls in the court room. Administration is looking to change that, it was presented in the budget and we have the money for it. An architect was brought on board and this was put out to bid after the design by the architect to keep this at a minimum. Mayor Patriarca advised we are ready to move on this. We have a schedule and DPW is working within this project, demolition and some installations are being done in house. DPW will demo the room and strip it down and the intent is for DPW to stud and sheetrock the walls. Conduit will be run under the walls for wiring to prepare for the contractors when they come in and then we will turn this over to the contractors to finish the project. Sketches of parts of the plans are available in the Clerk's office and the plans basically show how the room is laid off; where the dais is and where the Judge sits. Mayor Patriarca explained the additions will be a new door and to the right side of the railing which separates the Judge and the attorneys and clients from the public and this is a requirement to have a separate access to the Judge to leave which leads in to an office for the Judge. There is a double door going in to the Police Department and our concern is the court personnel use that door daily and they have no other way to get in to the court or the Police Department. With the new renovations, it will put the court personnel in the previous UEZ office with access to the common hallway as opposed to having to go in to a secured area which should be secured which is not now and that is the Police Department. The double door will be a single door with access for the Police only. The dais will be made out of wood and behind the dais where the Judge sits will be all wood and the dais will also be handicap accessible which it is currently not and a witness stand will be added which we haven't had in years; new heating and air conditioning will be installed and the windows will be closed off as recommended by the architect who in other courts he has done do not include windows as it limits the access from outside potential snipers. New floor tile, ceiling and lighting will be installed. There have been so many leaks in the ceiling and it is a deplorable room for the size of one of our largest rooms in the community, it is in sad shape. The Mayor added the goal is to make the room presentable and something we can be proud of as residents, as employees, as elected officials and to bring a more judicial feel in to the court system as opposed to a "barn yard" or "backyard garage" look. Mayor Patriarca asked if this is being done for the clients or the people coming in front of the courts and stated that is not the case as it is not being fixed up for them and not being left the way it is for them neither. No one is guilty when they come in the court and this is a place that represents us when they come in the building and their image is us. The Mayor stated Administration's goal is Room 10 was done and now the court gets done and then start on the hallways and replace the tiles and lighting and work it out through the front door. A gentleman has been working on the façade outside and is in the process of being pressure washed and painted which is part of the capital project and we are pursuing this with the idea that this is going to better our community. The Mayor noted the condensed version of the drawings showing the columns and the raised panel wood doors with built in

columns and sconces trimmed out with wood. The columns are decorative and are made out of sheetrock which will look better than a cinderblock wall. Around the top edges there will be a bump down of the drop ceiling around the edges which will we sheet rocked and lighted. The Mayor continued that the last page of the drawings provide a view of the spindles for the rail that separates the public from the working portion of the court as well as a side view of the dais and views of a cut out of the columns and ceiling. The bids have come in and Administration is looking to get started on the project.

### **PUBLIC COMMENTS:**

Mrs. Stinney opened the meeting to general public comments. Those indicating a desire to be heard were: **George Petronis: 1.** Mr. Petronis advised he is disappointed in what he has heard this evening. He has sat in a number of public meetings and has heard the court room referred to a number of times. Mr. Petronis was very clear in his own mind that this was a project where the Township has very little input on the design and this is being driven by the state and the court system. Mr. Petronis remembered standing at the podium two meetings ago when there was a discussion about information about the project being made available to the public. Mr. Petronis remarked that he commented he understood this is something being controlled by the state and not by the Township. He does not remember any of Council or Administration standing up and stating he misunderstood the situation. If this is a project that represents the Township, the people, the citizens, the tax payers, all of us then all of us should have been invited to have input and should not have been allowed to misunderstand. Mr. Petronis noted that he is not stating that anyone deliberately misrepresented anything but there is a clear misunderstanding about the degree to which the Township had influence and input and an ability to drive this design. This is a lot of tax payer money that is being spent and it should have been made clear to us and the public should have been invited to have input in to how this design goes. **Steven Skulimosky: 1.** Noticed that on the first page of the diagram there is a lot of furniture depicted and asked if the furniture is included in the costs of the renovations. Mayor Patriarca advised the chairs are not included in the bid. Mr. Skulimosky asked if they will be replaced. The Mayor responded at some point they will be. Mr. Skulimosky asked about the area behind the dais, the Judges, the court reporters, the witness and if none of the furnishings were included in the price of the project. The Mayor replied no. Mr. Skulimosky remarked that the Mayor stated in his presentation that the Public Works department will do a lot of the demolition and will install the furring strips up and the new drywall. Mr. Skulimosky asked if the cost of that and those materials were included in the price of the bid. The Mayor answered no. Mr. Skulimosky asked if the man hours involved or the cost of the renovations were included in the bid. Mayor Patriarca responded no and the reason Public Works is being used is to minimize the prevailing wage that would need to be paid if the entire project was bid out. Mr. Skulimosky commented that is still a cost to the project. The Mayor stated that is not being charged to the ordinance. Mr. Prickett commented that this was introduced on August 5<sup>th</sup> and the public comments were going to be taken on the second meeting in August and it was not on the agenda. Mr. Prickett conveyed that he is curious as to whether it was okay to introduce it and state public comments would take place at the next meeting and then not have that take place and whether the advertisement reflected tonight's date. Mr. Prickett assumed it did but asked to have that clarified. Mr. Prickett asked how we can say there will be a public hearing at a public meeting when introducing it and then not having it at the time as stated at that point and if that is a legal problem. Mr. Clark replied he does not know what the notice stated and that is through the Clerk but in terms of legal issues, the law states that you must notice the meeting a certain number of days before; introduce it by title or full ordinance and then public in the newspaper stating the time and place where it will be heard at second reading and where it will be considered and where it is available for public review. That must be done a



minimum number of days prior to the second date. It doesn't have to be consecutive meeting dates and it could be two meeting dates as opposed to one. There is not a legal requirement as to a maximum time; it's just a minimum amount of time. Mr. Clark clarified that in terms of legalities as long as it was properly noticed for tonight, that would be fine. He does not know what the notice was though. Mr. Prickett commented if in the notice it was spoken and stated that the public hearing would take place on the second meeting in August and if that date was spoken when it was introduced does it have any bearing. Mr. Prickett is sure the public notice that was advertised in the paper and posted in the hall might have more importance but since it was said at the meeting that it would take place at the next meeting does it not matter what is said as far as.....Mr. Clark interjected that the statute talks about the notice that is given through publication and does not talk about what people may have said at the dais. The only thing practically speaking is if someone came to the last meeting and it was not there, they certainly could have checked at that point or could have said at that point when it is and they would have seen it was for this time. It wasn't as though anybody missed out on anything by coming at the last meeting. The law does not talk about whether anybody commented at the dais. The law talks about what is in the legal publication. Mr. Prickett stated to Mrs. Young that he is sure it was advertised for tonight. Mrs. Young advised that it was Mr. Prickett asked the Mayor as he mentioned court mandated security issues if all of the security issues have been addressed by the Township in a timely fashion. Mayor Patriarca replied one portion of it is but Administration is still working on the camera issue throughout the building and the property. Mr. Prickett asked if the cameras will be in the court room. The Mayor responded at some point yes. Mr. Prickett conveyed he came in and reviewed the architectural plans and did not see anything in there and also didn't realize the windows would be closed until the Mayor noted it this evening but also didn't see anything in the architectural design as far as security and expressed concern. Mr. Prickett asked if there are any security devices in the room. The Mayor replied this portion of the project does not include the cameras and that is in another capital project. Mr. Prickett asked about the metal detector. Mayor Patriarca responded the metal detector is outside of the court room and that is done by the Police Department. There is a wireless system in the court for the alarm for the judge. Mr. Prickett commented Council needs to know the overall cost as well as the cost of furniture, costs of the incidentals and the cost from Public Works in order to make a decision on such a large sum, Council needs to look at all of the different aspects to see what the true cost is. Mr. Prickett expressed disappointment in that this is going to be a beautiful room and he supports working on the air conditioning and heating in the room and upgrading it but as Mr. Petronis stated, the public needed to be involved in the process and he is very disappointed as stated earlier that they were not. Mrs. Scull advised she thought part of this money was going to be spent for the required security upgrades from the state and verified with Administration that it is not included at all. Mr. Vaz replied there is a prior year's bond ordinance that has that money appropriated there and not in this particular \$240,000 ordinance. Mrs. Scull stated that's where she probably got confused because she knew at one point, money had been set aside and that is what has thrown her off. When individuals walk in to the building, they get a perception of Pemberton. Mrs. Scull has had the opportunity to be in several Township municipalities over the last three years and first impressions when you walk in the building makes a difference. Mrs. Scull noted that Room 10 is so much better; when walking in the main door and seeing the stains and how poorly this building has been kept over the last thirty years. It sends out unfortunately a message to some of the visitors and reinforces some of the negative attitudes toward Pemberton. All of the individuals in the court room are not all criminals and are not all from Pemberton. The image we project and we've talked about this three or four years ago during the campaigns that this building needed to be renovated and better kept. Mrs. Scull commented it sends out a very negative message that we have the building and it's in bad shape. Mrs.

Scull has supported upgrading and monies and spending funds on our buildings. Council has supported the bond ordinance. Mrs. Scull apologized if she gave anybody the wrong idea about this ordinance because she had them confused and thought part of it was in here for the mandated upgrades and security from the state. Mrs. Scull expressed that she does support the ordinance and it's important that we take better care of our buildings because unfortunately individuals did not over the last thirty years and it cost more in the long run when making improvements. Mr. Inge commented Council was definitely misled by Administration. The renovations were going to be needed to meet the requirements of the state. At no time, did Council think the renovations were going to be strictly cosmetic. Not only is it going to cost \$240,000 that three Council members didn't have a problem approving on August 5<sup>th</sup> and having it open to the public on August 19<sup>th</sup>. Mr. Inge doesn't believe anything was on the website and the Council President stated you could come in to the Township. Mr. Inge informed he did come to the Township and review the records and drawings. The only drawings that were made available to him were the drawings of the court room. Mr. Inge added that he did not see any drawings of the hallway, the tile work, the entranceway of different offices in the court system and he assumed the \$240,000 was going to strictly be used for the court room. When he entered the court room, the walls looked good; they were freshly painted. Mr. Inge commented that residents coming in to pay fines are not going to worry about what kind of pictures are on the wall, what kind of trim we have, if the seats are comfortable and if someone gets stopped driving through town and they have to come back in to town to pay a ticket, their biggest worry is how much money they will have to pay out to the Court Clerk's office when the Judge gives them their fine. They will not be looking at the walls and commenting the walls are beautiful and they might buy a house in Pemberton Township because the court room looks so nice. Mr. Inge conveyed eight months ago there was talk about laying off employees. It's clear now that it's not going to cost \$240,000 to do that room as it doesn't include chairs, demolition work, studding, and one of the most important things which is the security system, cameras and other security items that will be mandated. Mr. Inge did not recall and noted that he had emailed the Business Administrator several times with questions regarding what was mandated by the state. Mr. Inge stated he will check to see if the Administrator replied that the majority of the project is cosmetic to make the room look better. Mr. Inge continued that this is only one room. Mr. Inge commented the Mayor mentioned on the August 5<sup>th</sup> meeting that there will be work done in the basement. He did not see anything on the plans that work was being done in the basement to give the Police Department more room. If this is the project, then the total, complete cost from start to finish should be provided along with the estimated cost of Public Works employees because we also pay their salaries. The materials that Public Works will be using as well as furniture, carpeting, the dais and anything that will be changed in the room. Mr. Inge noted that he looked at the room and understands having a new heating and air conditioning system in the room but he does not see anything wrong with the walls. He has no problem with changing the carpet but does not see changing the ceiling and if wires need to be run, they can be run through the ceiling. Mr. Inge stated that he does not have a problem with changing ceiling tiles, repainting, carpeting, heating and air conditioning. As far as fancy trim work and things like that, he does not think it is needed in the court room. The biggest worry of individuals that come in the court room is how much money they will have to pay when they leave there. They won't be looking at and stating this is one of the nicest court rooms they've seen in any Township. Mr. Inge remarked that it was stated from the very beginning that we have to make changes according to the state guidelines and these are not them. Mr. Cartier did not have any comments. Mrs. Stinney thanked Council for their comments and thanked Administration for making this information available for the presentation tonight. Mrs. Stinney commented to the Council members that is why Council can voice their opinions and state yeah or nay. When the actual adoption of the budget

was done, she gave her yes vote to the redesign and construction of the municipal court room at \$240,000. Mrs. Stinney remarked that she would be going back on her word if she sat here tonight and stated that she did not support that. She is very happy to see that those windows in the court room will be going. When she took office, her main concern was and there was another concern and the court room was packed and she stated then that what if God forbid there was some type of terrorist attack and someone would come up and decide and do whatever they needed to do with a court room full of totally innocent people. Mrs. Stinney continued that people just don't think rationally now and one can read about it all in the newspapers. Mrs. Stinney reiterated that she is glad those windows will be taken out.

Motion by Cartier and Scull to adopt Ordinance No. 20-2009. Cartier, yes; Scull, yes; Prickett, no; Inge, no; Stinney, yes. Motion carried.

Council President Stinney opened the meeting to public comments. Those wishing to comment were: **Steven Skulimosky: 1.** Stated to Mrs. Stinney when the budget hearings were being held and she was okay with \$240,000 for court room renovations if she had any idea at that time what the \$240,000 was going to entail. Mrs. Stinney answered that she tried to walk along with the court room as it was being told to her what was going to take place. She did not know that the furniture was not included and she asked Administration to shop very, very smart and wisely since that was not detailed. Mr. Skulimosky asked the rest of Council if they knew what the \$240,000 was going to entail. Mrs. Stinney interjected if Council decides to answer that is fine. Mr. Prickett responded his answer is no. Mr. Skulimosky asked Mrs. Stinney if during General Public Comments if she is the only one he can address. Mrs. Stinney advised he should address the Council and it's okay and if the other Council members decide to and she noted through Council's comments tonight they basically said they were not aware of certain things. Mr. Inge responded as far as he is concerned when this was going on through the budget it was spoken that these upgrades are necessary and the court room had to be upgraded and that's the direction Administration wanted Council to go. Mr. Inge commented that Mrs. Stinney noted earlier that blocking off the windows might deter terrorists and she stated at the last two budgets that she had concerns about the cameras and that was her biggest concern; she wanted cameras. Mr. Inge noted that he clearly stated earlier tonight that \$240,000 has nothing to do with the camera system and questioned how Mrs. Stinney can state that she is going to approve something because she doesn't want to go back on her word and her word was she wanted security. Mr. Inge remarked that security is cameras and blocking off where the Police cars are and those are the things Mrs. Stinney had concerns about so going back on her word had nothing to do with painting, putting fancy trim in a court room and spending \$240,000 on things that really have nothing to do with security and nothing to do with terrorists. Mr. Inge continued for someone to make a statement like that is beyond him and he is glad the newspaper reporter from the Burlington County Times is here tonight and hopes he is writing some of this down because this is totally ridiculous that we are spending this kind of money in a court room and it is clearly stated that this money is only a part of the amount of money that is going to be needed to renovate that room. Mr. Inge asked what was the problem with giving the total cost of the project. Mrs. Stinney noted to someone in the audience that Council will not dialogue back there. Mr. Inge commented as a resident that is a very good question and asked where is that money going. Mrs. Scull asked for a point of order. Mrs. Stinney thanked Mrs. Scull for calling for a point of order and added that she will not go back and forth in a dialogue about security and cameras and those sorts of things and her record speaks for itself. Mrs. Stinney commented that terrorists could be anyone coming through. Mr. Skulimosky commented on the resolution concerning the audit and Mr. Prickett tried to introduce a resolution stating it was generally the Council's responsibility to make sure the general ledger is being kept up to date. Three

Council members got very indignant that they didn't like getting the resolution the night of the meeting even though they generally agreed with him. As luck would have it, he was going through some of the Township meeting minutes and the May 4<sup>th</sup> special meeting minutes had a resolution sprung on the Council that night. It was a censure resolution for Mr. Inge and he did not recall any of the three members that were indignant stating that they didn't have time to review that resolution and they needed more time. Mr. Skulimosky asked if anyone could explain the difference between the two resolutions since it was sprung on Council. Mrs. Scull responded there is a big difference as there had been a Closed Session discussion with knowledge that Council would have to decide one way or the other what Council was going to do. So it wasn't as if it was just sprung on Council at the time. It was a little different. Mr. Skulimosky commented to Mrs. Scull that she basically had a half hour, fifteen minutes or ten minutes to review the resolution and stated yes, that resolution is fine. Mr. Skulimosky noted Mr. Prickett probably talked about that long about his resolution and Council had time to digest the resolution. Mrs. Scull responded no, there.....Mr. Skulimosky interjected that he didn't want.....Mrs. Scull interrupted and stated to Mr. Skulimosky that she knows and she knows exactly what he is doing.

**Ed Tournquist: 1.** Asked what the estimate is for completing the project. Mayor Patriarca replied the only funds appropriated for the court room were \$240,000 and that is the project. The Mayor added the other projects that Mr. Inge is referring to are projects that were approved in another ordinance, 17-2007, and those projects such as municipal upgrades, \$360,000, and \$95,000 for cameras for security issues and so forth and that was an approved ordinance already and that money is already available for these projects and the municipal upgrades and security. That is where the additional work that Mr. Inge didn't find in the plans is being charged to. The plans reflect the project that Administration is presenting which is the court room renovations and there was \$240,000 budgeted for that as cash raised by the budget and paid as you go along so we don't have to bond. Mr. Tournquist asked if that is pretty much on target the \$240,000 except for furniture. Mrs. Scull asked if furniture had to be purchased since there is furniture in the room. Mr. Inge asked if it include demolition or Public Works employees. Mayor Patriarca answered it only includes what was bid out for contractors work which is in the contract which is \$222,696. Mr. Vaz added what the architect bid was \$186,000 and change and with adding the architect services it is \$222,000 towards the \$240,000 in the capital ordinance. Mr. Vaz continued that the \$18,000 difference is available to spend down the road for the furniture and chairs that are necessary. Mayor Patriarca continued or the sheetrock and additional materials that may be needed from Public Works.

**America Phillips: 1.** Agrees with a Council member and asked what is wrong with the court room now. She can see the windows and was never aware that there are no cameras in the building. Mrs. Stinney replied no. Mrs. Phillips expressed disbelief. Mrs. Stinney continued that when she first became a Council member she was shocked as well and noted if someone is in the parking lot and walks through the building and by no means has she ever mentioned cameras in a court room but her theory has always been that the cameras when this room was packed that night with an issue that was going on that she commented if someone came up on the back side or through the woods where the Police cars are, they can enable our entire Township by God forbid if someone came up and took out every Police car here and did whatever they wanted to do to our Township, we would be in a mess. That was the first thing she said when she came on Council and she's saying it now that walking in the building, outside in the dark and she sat in the Mayor's office and they screamed at the top of their voices and the Mayor said that will not stop someone. Mrs. Stinney noted it may not but it's a deterrent if someone knows there are cameras when they walk through the building one would have a second thought. Mrs. Stinney conveyed that has always been her pet peeve. Mrs. Phillips commented she is shocked to hear this tonight. Mrs. Phillips asked Council if they realized that there is a physic unit next door and if Ancora can lose their individuals and she can lose hers also, they are coming after the

Police and whoever is here. Mrs. Phillips can see eliminating the windows but questioned what is wrong with the court room. She has been in the court room many, many times and asked what is wrong with it. The people that come to pay their fines don't need to be made comfortable. It is our tax payers money and they are ones that are going there. It's sad if they need a chair why are they made comfortable. If she is going to court, she does not expect the court to have the best things for her. She did something, maybe she's not guilty, but if she comes to see the Judge she has to have done something. She faced the Judge once or twice in Pemberton Township for her dog and that's it. Mrs. Phillips asked what is wrong with the chairs and suggested they be painted. We are already in the hole and people are moving from the Township and some are losing their homes. There are no jobs. Mrs. Phillips would appreciate it even if her taxes go up to put cameras in the building to protect everyone and not because her son is an officer. She can leave the meeting tonight and someone can blow her brains out and asked how it can be explained when there are no cameras. Every place she goes, there are cameras especially in the parking lot and the Police station. Mr. Prickett commented to Mrs. Phillips that \$95,000 that was appropriated by the Council several years ago and it should have been a priority to get those cameras in even before renovating the court room and asked if it would be good to have the cameras to address Mrs. Stinney concerns and Mrs. Phillips concerns and other peoples concerns. Mrs. Stinney asked Mr. Prickett to let Mrs. Phillips finish. Mr. Prickett continued that the money is in there. Mrs. Stinney apologized and asked Mrs. Phillips to continue. Mrs. Phillips noted that every single person in the room does not wish to see that coming back to the Township and they remember when a man killed officers in Mount Holly. She works for the state and travels to Ancora to pick up individuals and she knows families are fighting to bring this man to Pemberton. Mrs. Phillips hopes the courts keep him behind some place because someone here will be missed. She did not want to mention names and assumes the Township knows who it is. Mrs. Stinney thanked Mrs. Phillips for her comments and again apologized to her. **Ray Wells: 1.** Is here as the liaison from the Pemberton Township Board of Education. Mr. Wells handed some photos to Mrs. Stinney for Council. Mr. Wells conveyed that things happen in life and in town that are tragic. The photo that is honoring the people at the last board meeting had to do with a near tragedy but there was a lesson on teenagers who normally don't get complimented very often. Mr. Wells explained the young man who is in the front of the photo was hit by an automobile. The driver didn't know they had hit the young man and was dragging him. Mr. Wells explained the young lady in the photo to the right of Dr. Gorman started screaming and running to stop the car who was dragging the young boy on the street. When the vehicle stopped, she laid down under the car to see how the young man was doing. The other teens also tried helping the young man under the car while the third teen ran and called 911. As it turned out the young man was released from the hospital after surgeries and different things. The lesson is how proud we should be of our teens and often we don't recognize teens that do this kind of activity. The teens could have stood there and watched and screamed and cried and become remorseful but they took serious, quick thinking action rather than stand by. Mr. Wells read a portion of a letter from the mother of the young boy who was hit, "They acted heroically when my son, Mason, was hit by a car recently. The driver did not realize he hit a child. One teenage girl, Jalah Smith, began screaming and chasing the vehicle until it stopped. Not only did her quick thinking stop the vehicle, she laid in the street with Mason comforting him until help arrived. Jalah, we thank you dearly. The second teens quick thinking allowed Mason to get immediate help before even an ambulance could arrive Alicia Foulks ran home to call 911 and get her mother, Nicole Kreig, who is a nurse and EMT and her step father, Jason Kreig, who is a Pemberton Township Police officer. Alicia, we also thank you dearly. You acted as a hero and an angel. The third teens help was also appreciated. Latee Ivory ran to get a close friend, Tamara Davis. Mason's father and I were both driving home from work at that time. Tamara is like a second mother to our son. So if we

couldn't be there, we were grateful. Latee, thank you so much. Another hero and quick thinker". Mr. Wells continued that the letter goes on to state Mason was air lifted and is doing fine. Mason was at the school board's meeting and is a happy kid again and doing what kids do. Mr. Wells pointed out that this letter was on the back page of the Community News and the front page had to do with a drug action that happened in the town. The community paper had two choices to make; they could accent a hero and how few times with teens these incidents are reported and talked about and we lose touch with the real people. These teens that we are so proud of from our district and Township deserve a great deal of thanks and show us an example. The kind of kids, the kind of community and the people who care about people and people who do things for people. Mr. Prickett commented that is a wonderful story. Mrs. Stinney asked Mr. Wells to continue. 2. The Board of Education has just received a preliminary report from the NJ Department of Education that has to do with the test that each year our school goes through and gets rated and has a report card. Many of us are very familiar with how painful this is. Mr. Wells can remember it as a kid and now it's much worse. Mr. Wells reported on two schools specifically because there have been some problems with that. The Helen Forte Middle School made AYP through safe harbor in Math. This is the second consecutive time in eight years that this has been done. Safe harbor means the test scores have improved by ten percent from the previous year and we are very proud of that school. It has had a long history of not making AYP so the direction is clear and it has now been proven. Also troubled was the high school and this year they have made AYP in both Math and Language Arts literacy. The result is the Pemberton Township High School has no status which means no negative aspect from the state because we have earned safe harbor two consecutive years. Mr. Wells as a member of the school board want to thank the entire school team, that is every employee and every person who cares, every community member and every kid because it takes a whole bunch of people to make things happen like this. We are so proud of it and proud of the students and staff all of who worked extremely hard. The school board is proud of our school system and all employees working together to make changes and to continue to improve so it's fun to bring good news to our public. Mrs. Stinney commented that the Burlington County Times is present tonight and quite often and she often states to papers that they select the negatives and not highlight the great things that go on here in Pemberton Township. She certainly does applaud the Pemberton Township Board of Education Administration and complete staff in doing a wonderful job with the students in Pemberton Township. Mrs. Stinney remarked that she did read about this and she received a call from the mother when he was expected to come home and it's such a great community that they live in so it's no wonder that these students did what they did because she hears often about how bonded they are. Actually, one of the gentlemen who live there came in and asked for permission of the block party on Sassafra where this great community is and certainly it is a bonded community. Mrs. Stinney applauded them and stated to the mother that the community wanted to give a homecoming when her son came home from the hospital but they weren't sure if he was coming home that day and they wanted the Mayor to come and it didn't happen when he was suppose to come home and we were suppose to network and it didn't happen. Mrs. Stinney thanked Mr. Wells for bringing that wonderful story and sharing that story. Mrs. Stinney asked Mr. Wells if he had an extra photo to give to the newspaper. Mr. Wells informed he has extra photos and also the letter from the mother. Mr. Wells added that he doesn't believe it is isolated to one community but that it is isolated to Pemberton Township and especially Pemberton Township because we interact more than most communities. A lot of the larger more successful communities are so busy they don't have time to interact with each other. They don't have block parties and in many cases they don't know their neighbors. That's not true of our town and not true of our school or staff. Mr. Wells commented there is a tremendous amount of advantage to that type of thing from a community standpoint. Mr. Wells is pleased to be a part of it. **Michelle Forman: 1.** Asked if

the public is suppose to be talking now about the quarter of a million dollars for the court room. Mrs. Stinney replied it is public comments. Mr. Clark advised Mrs. Forman that she can speak on any topic during the public comment portion and it's not just that and it's anything she wants to say. Mrs. Forman is confused because she heard a few people talking and noted that Mrs. Stinney stated if there are any questions for the Council members that if they wanted to answer they could but they didn't have to. Mrs. Stinney confirmed. Mrs. Forman added that Mrs. Stinney stated if the Council members would like to respond. Mrs. Stinney explained it is for order. Mrs. Forman commented that Mrs. Stinney did state if someone had a question for a Council member that they were able if they wanted to answer them and asked if that was correct. Mrs. Stinney responded that she said to Council when Mr. Skulimosky came forward and she said to him when he informed he had a question for Council, if the Council members actually want to answer the question, they can but to direct it to her and we will go from there so that there can be order. Mrs. Stinney advised Mrs. Forman to just talk to her. Mrs. Forman clarified if she wanted to ask Mr. Inge a question, she can talk to Mrs. Stinney. Mrs. Stinney reiterated to talk to her. Mrs. Forman asked how is she going to get Mr. Inge's answers to her question. Mrs. Stinney replied she will get the answers and to talk to her. Mrs. Forman again asked how she is going to get Mr. Inge's answers to her questions. Mr. Clark clarified that during public comments, members of the public may address any issue they want to but it's not a question and answer session for the Council. As Mrs. Stinney stated, if there is an issue raised and a Council member wants to respond to it, Mrs. Stinney as Council President will allow that Council member to do so but no Council member has to answer any question. It's not a question and answer session, rather it's a time for the public to get up and make any comments or raise any questions or do anything in terms of public issues. Mr. Clark further explained if Mrs. Forman has a question that is directed to Mrs. Stinney and it happens to be something for Councilman Inge or any Council member for that matter, they do not have to answer the question and get in to an entire dialogue back and forth. It's just for the public to raise issues. Mrs. Forman replied that is throwing her off a little because she has been coming to these meetings for years and has been able to address the Mayor when Mayor McCullough was here and she was also able to address the Council members and they always answered her questions back and forth. Mrs. Forman expressed concern over why the rules are changing all of a sudden and asked if there is a reason for that and if it is in the bylaws. Mrs. Stinney asked Mrs. Forman if there is a question she would like to ask her or if that is her question why are the rules changing. Mrs. Forman replied yes, why the rules are changing all of a sudden. Mrs. Stinney answered the rules have not changed in any kind of way. She has always had the public during comment time as stated on the agenda to direct the comment to her and she has always asked or tried to ask the public if there was a question for the Mayor, she would ask the Mayor if it is his desire to answer the question or through the Mayor, through his Business Administrator and so on down the line. Mrs. Stinney stated she is not trying to be complicated but rather she is just trying to keep a little decency and order. Mrs. Forman commented that she has asked questions to a lot of people and every time she has come forward there has always been order. Mrs. Forman expressed that she heard that if a member would like to ask Mr. Inge for instance a question and she would like to know and expressed that she appreciates his outspokenness and honesty and thanked him for commenting but as assertive as he is, when he is answering some of these questions, she would not allow anybody to silence him. Mrs. Forman thanked Mr. Prickett, and notified that she is not asking Mr. Prickett to respond but rather she is commenting, for bringing it up and asked if someone can clarify for her that the Township is spending a quarter of a million dollars on a court room and there are no security cameras in the entire building or at the front door or at the Police Department. Mrs. Stinney replied she doesn't think there are any and she doesn't think they were installed. Mrs. Forman asked Mrs. Stinney to ask the Mayor if there are any security cameras in the building. Mrs. Stinney

responded she didn't think there are. Mrs. Forman responded that Mrs. Stinney is funny and she's just like her husband; he replies that he doesn't think and it's either yes or no. Mrs. Stinney answered the answer is no. Mrs. Forman noted that Mr. Prickett's comment is very important and she is shocked and made to feel insecure that when she walks out the front door especially when she is talking about something that no one wants to hear and there are all kinds of people here and there are elderly people coming to the building all day long, and questioned that we are going to spend one quarter of a million dollars renovating a court room. Mrs. Forman again thanked Mr. Prickett for bringing the comment up and she is totally against spending one quarter of a million dollars on the court room until we get security cameras by the Police station, by the front door and wherever else they are needed. Mrs. Forman expressed hope that the residents sitting here tonight, who hear everyone tonight as well as Mr. Prickett, also come up tonight and talk about that because that is not right. Mrs. Forman thanked Mr. Prickett and Mr. Inge for being as outspoken as they have been tonight because she comes forward and all of Council helped her when she came forward with different topics. She is saddened to hear that she can't ask a member of Council directly for a direct answer. **Jim Wasnewski: 1.** Commented on the great story about the kids and remarked that it's not very often we hear about teenagers not being heroes. **2.** Spoke of an incident in 1972 when four sailors were on their way to Mardi Gras and they were passing through Louisiana and they stopped in a little town outside of Baton Rouge. Mr. Wasnewski was one of the sailors and they were drinking and got stopped by the Police. No one was arrested for drunken driving but they were ordered to get out of the vehicle and it was obvious they had been drinking. The Police Officer took them to the court room and as they walked in to the court room the Judge sat down at the kitchen along with the American flag and the flag of Louisiana on an ashtray and fined them each \$50 for public drunkenness. The Judge asked them if they got out of the car to which they all replied yes. The Judge then stated they were then drinking in public. The four sailors knew when they walked in that type of a court room that they were going to come out a lot \_\_\_\_\_ (inaudible). It did make an impression on them and they didn't drink all the way back to Mardi Gras and Key West, Florida. Mr. Wasnewski stated a court room does make an impression on an individual and it makes an impression on whether one will be treated fairly or not. The court room is also utilized for purposes other than court. There are different organizations that also come in the court room. It's also an impression of the town; when you come in to the building, it gives the impression of the town. Mr. Wasnewski fully supports what Administration is trying to do with the building and it's a good thing. Mr. Wasnewski would like Administration to extend it to other portions of the town also and to extend the impression of Pemberton Township to individuals such as Rocco Berardi and what he is getting away with and to others in the Township that do not take care of their rental properties. The Township has a lot of work to do and it doesn't end at the court room or room 10 or end with having security cameras put in the municipal building which of course is needed as well as in other buildings in the Township. The Township has to come up to the 21<sup>st</sup> century and act like it's in the 21<sup>st</sup> century instead of like the little court room in Louisiana with Judge Ray. We have to have a decent, good running system here and everyone has to participate. Mr. Wasnewski does not like the non-participation of the public. There wasn't anything on the website; he checks it regularly. He's not saying it wasn't there but he couldn't find anything on it. Mr. Wasnewski isn't stating that \$240,000 is not the right price for it as he is not qualified to say whether it's right or not but he is qualified to say that he was not involved and no one else that he knows of was involved. Mr. Wasnewski commented to let the public know what is going on. The Mayor is doing a good job with letting the public know what is going on with the lakes and dams. The Mayor has meetings and it's a good thing and the Mayor appreciates that. The Country Lakes Homeowners Association appreciates that. Mr. Wasnewski reiterated to let the public participate in their town and to not deny them that opportunity. Mrs. Stinney commented to Mr.



Wasnewski that she liked his story. There being no other members of the public indicating a desire to comment, Mrs. Stinney closed the meeting to public comments.

Mrs. Stinney recessed the meeting at approximately 8:35 pm and reconvened the meeting at approximately 8:45 pm.

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

**Dave Clark: 1.** Nothing to report. Mrs. Stinney thanked Mr. Clark for filling in for Mr. Bayer and he is doing a good job.

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

**Chris Rehmann: 1.** Informed Mr. Brett Ingram, the Project Engineer in charge of the Country Lakes hydraulic and hydrologic study is meeting with the representatives of the Bureau of Dam Safety tomorrow morning finally after approximately two months worth of prodding to discussing the H&H report so that we can move to the next step. Mr. Ingram will also be meeting with the Mayor to go through the Presidential Lakes Dam Project because the contractor should be just cleaning up and completed within the next week. The Public Works department is doing a fine job on the middle embankment and the Mayor may have some additional comments regarding that. **2.** The 2008 Road Program has been bid and is in the solicitor's office for review. If we can get that out quickly, we can start working on that project. **3.** Moving forward with North Whitesbog Road and Lemmon Avenue and they should be ready for Pinelands shortly. **3.** Mr. Rehmann expressed that he has never been able to fathom how a federal agency who wants you to spend money and prods you to spend the money, keeps changing the rule. On the train station, we now have to prioritize a list of alternatives. ARH is working with Mr. Tamn and they desperately want to get that project out to bid. **4.** A resubmission was made on August 27<sup>th</sup>, and hand delivered to the Pinelands on the Imagination Kingdom project. Originally there was no Pinelands permit required because we are replacing the playground with the same type of apparatus; unfortunately, because we are upgrading the safety by putting in the rubberized base that is now becoming standard for recreational facilities to reduce injuries to children, that has thrown the Pinelands staff for a loop. They have not dealt with that yet and now they are getting a resubmission of materials and ARH has asked for a face to face meeting with Mr. Stokes and the Mayor to try to hustle this project through to a successful conclusion. ARH projects that they can meet the deadlines the Mayor set forth in his volunteer program. **5.** Another issue that is part of the permit for Imagination Kingdom is the completion of or the agreement on the encroachments that are associated with the Publics Work project. A submission has been made on that and that should be resolved shortly with the Pinelands. Mr. Prickett commented he has a question to follow up on a question he asked at the last meeting relating to the Presidential Lakes middle embankment improvements and he had previously expressed concern regarding the safety. Mr. Prickett assumes that is a turf like embankment with a lot of sand and asked what safety precautions were going to be taken. Mr. Rehmann replied that ARH has talked to the Public Works Director and have gone through safety issues with him. ARH found that Public Works is well versed in safety issues and is cautious in the work they are doing. Mr. Prickett stated this circumstance has to be different from anything else they have worked on. Although this is Pemberton Township and there are cranberry bogs and there are a lot of things similar to that. Mr. Rehmann answered they are working well and obviously when doing heavy construction like that, there is always the opportunity for an injury but they are well versed in the safety issues and ARH is satisfied that they are doing a good job. Mr. Inge noted he asked Mr. Rehmann at the last Council meeting to forward him the information regarding Whitesbog Road on the Township email. Mr. Rehmann apologized as he thought Mrs. Willis was taking care of that and he will check in to that. Mr. Rehmann confirmed what Mr. Inge had requested. Mr. Inge reminded it was the

information as to how ARH was moving forward with the project so he could relay the information. Mr. Rehmann replied that he will get that done for Mr. Inge tomorrow morning. Mr. Inge asked Mr. Rehmann that when he meets with the Pinelands and the Mayor if it will be possible if some Council members could also attend the meeting. Mr. Rehmann responded he will find out how Mr. Stokes would like to conduct the meeting and the Mayor has asked him to set that up and it's actually his meeting so Mr. Rehmann would refer Mr. Inge to the Mayor. Mr. Rehmann noted he has no objections to it and added that he does not want to overwhelm a regulator but sometimes when they see the concern that elected officials have, it helps.

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

**David Patriarca:** **1.** Construction has begun on the concession stand at the football field. Baker Residential is working on meeting their obligation to have the concession stand ready before the season started. The footings have been poured and in the next couple of days they will start the block work on getting this project completed. **2.** DPW is continuing to do a fabulous job on the middle embankment and have temporary lines diverting the water away from the new cross through lines in the embankment. They are waiting on the concrete abutments; the castings have been ordered and they have moved on to the 90' emergency spillway that they have to put in there. DPW is making good progress and Tom McNaughton is running that as the Project Manager and he is very safety conscious when it comes to any project he undertakes. There is also an inspector from ARH watching what we are doing and making sure we are not getting in to something that we shouldn't. **3.** Work on the Country Lakes Recreation building is part of the 2007 capital project, Ordinance No. 7-2007. We are siding windows, doors, a fence, shed, inside work and bathrooms. The project is on a holding pattern now. We have done all of the work on the outside that we can and are waiting on doors. The windows have been put in, the doors were ordered and came in but the company did not deliver the reinforcements that are needed to attach the hardware that is needed for these types of doors on a public building. We are expecting them within the next 10 days and then the small amount of siding to be done can be completed. The building will look totally different than what it looked like prior to the work. It is an in-house project being done by Public Works which is saving us a considerable amount of money. **4.** As a result of some of these projects, grass cuttings has fallen behind. Trying to keep up with the parks and especially the one across the street which is in the middle of a tournament and we want to make sure we are on top of that. The work we are normally putting in to that is getting cut back a little as a result of some of the other major priority projects that are going on. We are still maintaining a fairly decent status quo on our grass cutting. **5.** Public Works has been out picking up some brush when they reach a point where they don't need all of the employees on the middle embankment. They are trying to catch up on that and there have been some complaints that the brush has been sitting out too long. We're not in the brush schedule yet but they are trying to get ahead of that. **6.** Recently received a foul smell complaint for dam #3 in Country Lakes. It was brought to his attention that the odor has been there for quite some time; a couple of years now. At first he thought maybe someone up there has been releasing some septic in to the lake but it's all sewer in that area. The Mayor contacted the MUA and had Mr. Vestor check it out to make sure there wasn't an issue with what they have going on through there. The MUA found that there is a spot where vehicles can pull in and dump and it appears they are dumping grass clippings and the rotting of the grass clippings is attributing to the smell. Public Works is also checking in to this. We will clean that up and block off that entrance to stop that dumping that is going on. **7.** There have also been some concerns on the new septic ordinance that is going to come down eventually to all of the towns in New Jersey. A large part of our town is septic and it will be affected. Residents are quite concerned on this and he is meeting with them on Friday to go over some of the issues. **8.** We are dealing with some issues with Pinelands. Pinelands treats

government as equal as they do the public. They came down and have been holding the Township hostage and basically black mailing us on other projects that we have going on that they are not going to entertain our applications on other projects until we remediate the encroachment in the back DPW property. This encroachment has been going on for thirty years and that has been our DPW yard. The Pinelands brought it up on a satellite picture and stated it wasn't that way thirty years ago, so we have to go back to the way it was. The Mayor expressed that we accepted that and brought them in and took them back for a walk through and decided where the line is where we needed to start and what we had to remove. Our guys put up an orange snow/construction fence to designate the point and cleaned up everything. A remediation plan was developed and the Pinelands came out to inspect and received a letter that they find additional issues. The Mayor remarked that this is typical of letters received by our residents and this is no different and is equally played upon government. One of the issues that concerns the Mayor and it's not as a fault of this Administration or this Council but is a fault of the last Administration is the Police locker rooms. We are now being told that the Police locker rooms now have to be removed or we have to submit a plan. Apparently when they were put in during the last Administration, no one considered the Pinelands and now Pinelands is recognizing this new development and they want something done. Administration is looking at the issue and will deal with it accordingly and like always, do the right thing. The Mayor noted he does not know if he agrees with Pinelands as they came at us a little unfairly there with the first impression that we will remediate the back problem, agreed to it and then they come in and start finding all of these other things; we are too close to the woods line on the side of the property with our Police vehicles, the Police locker rooms and the next time they come by, they should tell us everything they have and that's it or stay over on Springfield Road and we may not let them on the property. The Mayor commented if you hear that Pemberton is in violation of Pinelands issues, we are and are dealing with it. **9.** In regards to projects that are done in the Township and through Administration and public involvement, there is public involvement in projects. Especially where Administration believes public involvement is necessary and that's such as the Master Plan, the Redevelopment Plan and the Imagination Kingdom project. Administration seeks out the involvement of the public. It is not feasible for Administration that every time a project is done to the buildings or in Country Lakes where siding and windows is being installed to go to the public and ask what color siding they want or what type of doors they want or color of paint. We are also painting the façade on the front of the building and we didn't ask the public what color paint they want on the building. Administration does not intend to ask the public on interior projects such as Room 10 or the court room because they have a hard enough time getting anything done between Administration and Council. The Mayor asked how hard do you think it will be to get anything done if the public is now involved. The public put Administration in the position to make decisions and to make hard decision also and Administration has to be willing to do that in those positions. There will always be a difference of opinions and will never get a consensus and will never get anything done. It's the old subcommittee it to death and that's what we'll end up with and never accomplish anything. Administration's goal is to get things done, to be productive, move forward and better the town when they leave and that's where they are at. **10.** Mayor Patriarca commented that at the last Council meeting, he took it as a cowardly attack on one of our Department Heads by a member of Council. Two meetings prior to that it was an attack on the professional staff implying that our professional staff was involved in corruption in Hoboken and that we have questions within our integrity and the ethics of the professional staff. The Mayor notified that he gets the same feeling that is what is being implied in our Finance Department that there are integrity issues as far as there is money being missing or stealing. Mayor Patriarca informed an employee walked out of the meeting bawling because of the attack of a Councilman and that's unacceptable. The Mayor accepts the responsibility for not standing up at

that time and addressing that issue. Administration feels very strongly about ethics and integrity. It is one of the things they started off with from the first year they were in office. The Mayor noted members of Council remember the first Christmas in office when a former engineer sent all of the elected officials a very expensive piece of Lenox which was very disturbing to him. He couldn't believe a former member of the professional staff would do that. The Mayor noted two members of Council fought hard to keep that former member of the professional staff. Mayor Patriarca stated he was informed the former member of the professional staff did that every year that he sends it to all of the elected officials that he works for. The Mayor would not have it. Administration put a memo together and sent it to Council asking that they return the item to Administration who will return it to the donor because we do not accept gifts here in the Township. The Mayor received three pieces from Mrs. Stinney, Mr. Cartier and Mrs. Scull but did not receive Mr. Prickett and Mr. Inge's who said in their defense they would return it on their own. Whether they did or not is not the question. The question is that same individual is here the four years prior and asked what he did to the pieces four years prior to that. Because if the former professional sends them every year, he has to believe Mr. Prickett received them then. The Mayor asked if that is good ethical standing. Mayor Patriarca continued that Mr. Prickett questioned the ethics of someone else but he should first look in the mirror. It's a shame because what we need to be doing when we find problems in the Township is work towards solution and part of that means communicating and coming in to Administration and talking to Administration and not waiting for a grandstand on a microphone and taking cheap shots. The Mayor stated to Mr. Prickett that when he wants to grow a set, to come down behind the dais and they will go at it one to one, and he can come in to his office any day. The Mayor continued that he is there and will defend the position of Administration but where Mr. Prickett is sitting is not the place to do it so that he can get on public record so that he can try and discredit Administration. The Mayor does not like that coming from Council to Administration. Mayor Patriarca noted that there are no department heads tonight and there will not be. When Council wants a department head present, they will follow the rules, put it in writing, ask for that department head to appear, state why they want them here and they will have the opportunity to question that department head on that issue. The Mayor will not have Mr. Prickett beating up department heads in the Township when he is responsible for them. The Mayor is responsible for them but no, he does not do the books in the Township and Mr. Prickett's implications are that someone else is failing and that is disturbing. The Mayor knows that person is working very hard to make that right.

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

**Chris Vaz: 1.** There were a couple of issues and a lot had to do with the capital ordinance on the court and since Council approved it there is only one item that he feels really absolutely needs to be addressed. Mr. Inge mentioned an email that he had sent and Mr. Vaz wanted to so the record is not left hanging as it is now. Mr. Vaz did receive an email from Mr. Inge when he was on vacation in Williamsburg a few weeks back. The Deputy Township Clerk sent him a text message informing there was an email that he should look at and would he mind turning his lap top on. Mr. Vaz informed he read the email and tried to respond as best as he could six to seven hours away. In response to the request for the documents, he advised the Deputy Clerk that the copy of the bid specs and the plans that the Clerk's office was maintaining was the only official copy that we had and Administration did not have a second official copy so that any decision that was going to be made in terms of Mr. Inge reviewing it, the Deputy Clerk needed to keep in mind that it was the only copy. Ultimately the Deputy Clerk asked that it be reviewed in the municipal hall complex and that is actually what happened. Part of the email was also asking for information about the mandatory security upgrades required by the court. At that time when he reviewed the question Mr. Inge had presented, he realized there was at least on Mr. Inge's part a misunderstanding as to whether the ordinance was

all required by the court system. Mr. Vaz did address it and did send an email back to Mr. Inge telling him that basically there are certain parts of it that are required such as part of the dais has to be bullet proof so the Judge can essentially duck if someone points a gun at him. Generally, Mr. Vaz did advise Mr. Inge that most of the project was not mandated but however, every single square inch of the improvements had to be approved by the court system. The court system has a structure that they use in every town. There is a team of people that come down and review the plans and have to ultimately have it approved at the local level at the Superior Court. The Assignment Judge has to approve it and then it goes to the state and the person at the state who is in charge of all of the municipal courts in New Jersey has to approve it. That was done on both parts of this project; the office space conversion and the court room renovations and most of it as he stated in his email on the part of the court system is subjective. They don't have a fixed set of plans that they go in to every court and say every town has to do it this way and that's because every town is different. Every municipal building is different and they know they can't do it that way. What they do know is they look at a town like Pemberton and they know very well from all of the complaints that they get that the public defender doesn't have a private place to meet his or her clients. Often times, the public defender has to park it at the collection window at the Collector's office while people are standing in line to pay taxes and water, the public defender has to give his client legal advice which is certainly not appropriate. The prosecutor hasn't had an office to deal with those issues. Court considers all of that a safety issue. There is no set standard in regards to some of those. Mr. Vaz did point that out in his email and the only thing that he does know that was left hanging quite honestly was he did represent to Mr. Inge that there was a meeting scheduled with the court. It was the annual meeting where the Municipal Court Division Manager from the county comes down and meets with the Court Administrator here and goes over the entire operation. Mr. Vaz had asked to meet that person in a prior letter before receiving Mr. Inge's email because he had some other issues to address with that. Mr. Vaz never heard back from that person but believing that he would have such a meeting, he told Mr. Inge that at that meeting this person told him that she will bring him whatever specific guidelines they have like for the bullet proof. Unfortunately, that person did show up for the meeting and they didn't come to his office to tell him they were here and had the meeting and left and never left him the specific security upgrades that the court requires and thus he wasn't able to specifically respond to that part of Mr. Inge's email. Up to that point he did provide a response. When he came back from Williamsburg, the second inkling he had that maybe there was a misunderstanding of discretionary renovations vs mandatory security upgrades was Mrs. Stinney came in and asked a lot of questions about specifically what was required and what wasn't. The Mayor and him then realized maybe this was a little more broad and at some point they even started looking at meeting minutes from the budget meetings and what that demonstrates and when one reviews those minutes there was never an attempt to mislead anybody. What comes out of those minutes is they were talking about two separate projects; the security project under a different bond ordinance, this project and the fact that there was a required authorization from the state, from the court system and in all of that process, Administration might have believed that everybody was on the same page and obviously it turns out that was not the case. 2. Mr. Vaz mentioned that Pemberton joined the Chamber of Commerce for Burlington County and Council may have gotten mail regarding the free membership the Chamber was offering. Mr. Vaz attended the first meeting yesterday. The hospitals have representatives that attend the meeting and there happened to be someone from Lourdes who introduced himself and they were talking about the emergency room. It was good to have that contact and exchange business cards. There are other aspects of these meetings where the Council members can have a seat at the table and the various subcommittee meetings and the general membership meetings as well. They were very, very happy to see representation on the part of municipal government

because it has been absent all of these years because quite frankly none of the towns wanted to pay for membership. By giving it away, municipal government is there. The Chambers goal for him was to come back and invite all of the Council members to go to the meetings now that they are, as a Township, members of the Chamber. Mrs. Scull asked Mr. Vaz about the Live Where You Work Program. Mr. Vaz responded that he sent Mrs. Scull an email regarding that. Mrs. Scull asked Mr. Vaz what his email meant. Mr. Vaz explained that they do not like towns to get ahead of them in the sense of doing anything. They have what they call a formal roll out where the DCA Commissioner or Acting Commissioner at this point will come down with delivery work people and the brochures will already be done and they are being printed as we speak. They won't allow us to do anything until they are ready to have this big announcement; this big formal party. Mrs. Scull asked why the Township is so far down their list. Mr. Vaz responded another little thing that developed over the last couple of months is staff got moved around. The person that was initially handling Pemberton Township, Mike, got moved to some other part of that agency. Mr. Vaz added that he was given somebody else's name and the package was sent to that person and that person wasn't involved anymore. It's been in the right person's hands for about a month at this point and the brochures will look very nice and they are being printed and now they are looking to get dates together where the entire group comes down to Pemberton. All of the realtors and banks will be invited to this event. It's a roll out and they have a way of doing it and they have asked us not to get ahead of them in the process. Mrs. Scull asked when are we looking at, 2012, 2015, 2020 and when they are coming. Mr. Vaz advised they indicated the end of September, beginning of October is the roll out subject to the schedule of the Acting DCA Commissioner to get here. Mrs. Stinney asked the Mayor about the communication through the County Clerk, Mr. Tyler. Mayor Patriarca informed they have not met with him yet and they are working it through their schedule. What that involves is the County Clerk wants to come to our town and set up a satellite station two days a month where the residents can go in and it will probably be set up at the library where residents can go to the library rather than Mount Holly to take care of those issues. Mr. Vaz spoke regarding the security camera issue that came up early that originally part of the past bond ordinance and authorization deals with the security that we've been talking about for the courts and the building in general. In the meantime, Council authorized approximately four or five months ago, the UEZ to put in for an application to do a separate but related project involving surveillance cameras in the downtown Browns Mills area. We have put in for a substantial amount of money and because both projects will ultimately be related in the sense of the infrastructure and the computer software that will log digitally what is observed by the cameras down town, in the building, outside of the building and Imagination Kingdom, unfortunately it requires attorney general approval. The reason for that we believe is because they want to make sure our system is going to be compatible with their system so that in the event there is some problem of a terrorist nature for example because we are so close to the base, that they have the ability to utilize that resource. There are also civil rights aspects to it. They need to approve it to make sure that we are not putting the cameras in inappropriate places because UEZ funds are state funds. We are on a little bit of a hold now. Lieutenant Jantas is trying to get the Deputy Attorney General that has been assigned to get us an approval on this. We are basically just following what another city has already done and received approval on. Lieutenant Jantas has to supply them with more information, and he has been working on getting it done. Mr. Vaz explained that is what the hold up has been; we decided to marry the two projects because the infrastructure should be the same. Mrs. Stinney thanked Mr. Vaz for the clarification.

#### **COUNCIL MEMBERS' COMMENTS:**

**Ken Cartier:** 1. Commented that it is nice to see everyone out this evening. He has enjoyed everyone's comments. Wished everyone a safe trip home and stated to enjoy the rest of the summer.

**Tom Inge:** 1. Thanked everyone for coming out. 2. Still thinks that spending that kind of money in a court room is unfair to the residents of the Township. Mr. Inge noted if one goes around the Township, they will see more houses for sale than not for sale and we are going to spend this kind of money. We're talking about every year the taxes go up. This is just another thing where the taxes will be going up. This doesn't have anything to do with safety. The biggest thing that is needed in the court room is a heating and air conditioning system, a new ceiling and new carpet. There is nothing else that we should spend the Township's tax payer's money on. Mr. Inge stated it is an unjust to the Township's residents that we are going to spend this type of money on that court room. When people come in to that court room, they are coming in most of the time to pay a fine. It's very rare that the Civic Association meetings are held in that room. If we fix the elegant room, there will not be different events in there and to spend a quarter of a million dollars and let that room be used for karate classes. Mr. Inge commented it is very poor on the Council to go ahead and approve that type of money and it's not \$240,000; it's evident that we will be spending a lot more money than that and there's really no need for it. Come in to the Township building and look at the ceilings coming down the hallway and the ceiling right outside of Room 10; that's where the money should be spent to replace that ceiling. Mr. Inge added the paperwork states court room and other offices, and he asked what other offices. It is not clear enough to him what that money is going to be used for. As a Council person it should be made very clear what that money is going to be used and exactly what it is going to be used for.

**Sherry Scull:** 1. Three years ago when Council was campaigning for office one of the main issues that was talked about in the community a lot by the residents was the poor condition of many of the Township buildings. Council made a commitment when they were running for office to put resources in to those buildings to upgrade them and make them safer. There has been extensive conversation about this at the budget hearings. She knew there was safety involved in that conversation and her memory was jogged regarding the door for the Judge so the Judge can go out and the offices for the prosecutor. Those issues have been hit on in the past and those offices have been talked about. Council talked pretty extensively about what they were looking at doing in the court room. No where does the Mayor or Administration have the thought that there are offices outside of that area that we talked about the UEZ office being turned over to the court room to be used as an office. All of this was at the budget meeting. We talked about the \$240,000 then. Mrs. Scull continued that one of the things that she doesn't hear individuals saying and they are so quick to jump all over the Mayor and some Council members, how about thank you for getting our Public Works Department to save money for our tax payers. How about isn't this great that we're doing this without a bond issue. There have been residents that she has heard for twenty years in this room complain about Council bonding all of the time. They should be trying to use their resources and not bonding and putting the Township further in to debt. This Mayor and Council have worked very hard at doing that. We have all sat here and asked if there is any way to pay for the extra Police car out of the surplus funds or whatever. Mrs. Scull thinks that somebody should be saying thank you Mr. Mayor for watching every dollar that is spent even though sometimes she has been known to call him skin flint or whatever and pay the bill. Council made that commitment three years ago and her concern about the building looking better in the court room wasn't so somebody can say isn't this lovely. It has more to do with the image problem that Pemberton Township has. We see it in the papers all of the time. Mrs. Scull hears it from her teachers in the

schools who live in other communities how their families say to them, “Oh my, you work in Pemberton. How can you work in Pemberton? That’s such a poor community. Browns Mills, it’s horrible.”. The teachers know because they are out there saying, “No, we’ve got a great school system. There are great people who live in Pemberton Township. Hard working people.”. Mrs. Scull commented the resident hit the nail on the head when they are talking about we do interact with each other more than some other communities do. We are hard working people. Most families are working a couple of jobs. Mrs. Scull stated her husband and she did and she worked three jobs at one time just to make sure there was enough for their children and for their household. Mrs. Scull is not one that always just wants to spend money. She wants our money spent economically and she is proud of the job that they have been doing and trying to renovate buildings, putting money in the Dominique Johnson Center instead of letting it fall apart and putting money in to Country Lakes Club House and in to our municipal building so that when people walk in here it’s a nice looking building. We need those tiles fixed in the hall way and that would have been her preference of the first thing that got fixed. However, we are trying to do it by not bonding and by using our tax payer dollar effectively and efficiently. Not everybody is going to agree and that is the one thing that she definitely agrees with. Mrs. Scull commented if you put ten people in a room, you will not get them to agree on what color the wall is going to be. There will be someone that wants yellow and another than wants green. There has to be people that make decisions and Council was elected to make the tough decisions and it’s okay with her that we don’t always agree. Mrs. Scull does not have one regret for how we have been spending the money. Mrs. Scull is very proud that the Mayor is as tight as he is, that he watches every bill that’s paid, that he is trying to save money by using Public Works. That benefits the tax payer and that’s what we should be doing. We’re not going out on bond issues for a lot of these projects and that’s what was done in the past. We have to take Pemberton forward. We need the security system. We need the UEZ system up town so that our residents are safe and so our Police have the cameras and video to back up what happened. She knows from working in the school system that when you have twelve and thirteen sites that you are trying to video and are watching and there is one room in a building on the other side of the Township that is the main room for watching what is going on in the thirteen sites, it needs to all happen at the same time. You don’t want to do it piece meal by piece meal because then you will end up with things that don’t go together and don’t work right. Mrs. Scull commented to Mr. Vaz that her concerns on the video have been answered and why it hasn’t happened. **2.** Thanked everyone for coming out.

**Richard Prickett: 1.** With a public room like the court room, people should have been tuned in to what was happening. That would have been important and is important. Like with Imagination Kingdom, people have been involved in that process and there was a turn out the other night of fifty some people that want to get involved in building Imagination Kingdom. The court room is a public room and it’s a room that represents all of us. Mr. Prickett mentioned what Mr. Wasnewski stated about Judge Ray, because he deliberated over a kitchen table, Mr. Wasnewski remembered that vividly. Mr. Prickett commented he doesn’t know if we go in to an immaculate room with everything polished up that will be as memorable as the kitchen table. There are things that need to be done that are being addressed with the court room. Mr. Prickett stated the windows in the court room being covered are a good idea and it was a revelation tonight that after going over the plans he didn’t see that. The public has to be involved in that process. Heard that we are not bonding, the Mayor being a skin flint with money.....The Mayor interrupted and asked what the terminology is. Mr. Prickett repeated a skin flint with money. The Mayor stated he doesn’t know if that’s the same meaning. Mr. Prickett stated in any case, frugal with a penny is not reflected in the general ledger. The general ledger is that permanent financial record which shows how carefully the Township uses its money. Mr. Prickett noted he also heard about



making the town safe and added that we are all for making the town safer. There has been \$90,000 sitting around for a number of years and that money could have been used and it was for cameras and security and it should have been used at this municipal complex to increase the safety for the staff as well as the residents. **2.** Would like to comment on any attacks that have been attributed to him against any department heads. Mr. Prickett stated he doesn't see it as an attack but sees it as criticism and as bringing issues to light and they are not directed towards department heads. They are directed toward the head of the Township which is the Mayor. The Mayor is the one that has to make the changes. The Mayor is the one that has to hear the different sides of view. He is the guy that is in charge here. Mr. Prickett asked to review the minutes and review the comments that he has made not only for the last week but for the last almost seven years and see if he has attacked a department head. Mr. Prickett informed he has respect for employees and he certainly has a great deal of respect for the Finance Officer of this town and he thinks she has gotten a raw deal from Administration in that when she went out on a medical leave, she should have been supported with some temporary help. You can't think about your job and your health at the same time so that's very unfair. **3.** The beaches are not going to have life guards soon after Labor Day and expressed hope that there would be signage informing residents to not let their kids go swimming when then the life guards are not there. That is very important. **4.** Mr. Prickett commented to remember Mayor Simpkins. He was a phenomenal person and did a great job with the Boro and was certainly someone that you could talk to and he had so much to say. Mr. Prickett knows that we will all miss him. **5.** Wished everyone a good night.

**Diane Stinney:** **1.** Wanted to say to Administration that she thanked them very much for coming forward and making it clear to the public some of the questions that have come before the Council and for being there every Council meeting to make sure the public is aware of what is going on in the community. Mrs. Stinney thanked the Mayor for the tour again. After leaving the former Mayor Simpkins' funeral on Monday, the Mayor and she did a tour and she was very happy to see the movement at the Irv and Eddie Smith field, the new football field. That's a great thing to see all of those things that are going on. Mrs. Stinney encouraged all of the Council members to ride up with the Mayor and take a tour throughout the town and see some of these things. Their eyes would really be enlightened. Mrs. Stinney thanked the residents for coming forward and being open minded. This Council has respected, respected the public to no uncertain terms. Mrs. Stinney has gone throughout the Township and every where she goes, residents in the community and she can't go to the Acme and come out on time because she is being stopped where the residents are just so happy of what is going on. Mrs. Stinney noted that we are all not pleased with some of the things that are happening but her theory is this and Mrs. Scull eluded on it, to stop all of the complaining and bring a solution to the problem. That's a good thing. The Mayor has stated the door is open and the way our Business Administrator articulated, she remembers sitting in the Council meetings and nothing could get answered, people were walking out and screaming and hollering. It's okay to throw a little dart once in a while and she heard someone say to her this evening, how do you sit there. She replied because she respects her residents. It's easy to listen to the negatives because she respects her residents and respects how they feel. It's all good. If she doesn't say a certain word in a certain particular way and you want to come back and say I gotcha because you said this, that or the other. Mrs. Stinney relayed that she knows how to say I'm sorry and maybe that's not exactly how she meant it. She knows how to say those things. We are not perfect. Our Council members have done a very good job in representing the public. An excellent job. She has not gone out in the community yet where she heard one resident say, "Oh, my God, all you do is sit there and scream". She has had residents say in the past, "Oh my gracious, to read some of those minutes is an awful thing". Mrs. Stinney applauded the Administration and she knows the Mayor does not have to be

present at every meeting but she thanked him very much. 2. Mrs. Stinney mentioned Mr. Bernard Corbin that passed away and his funeral is on Friday. 3. Mrs. Stinney thanked the public for coming out tonight, thanked them for listening to their comments, thanked them for respecting the way Council feels and asked that they continue to come back and be a part of the budgeting process where things do take place and the public does have a say and we don't always agree, but we do down the line make it right. Mrs. Stinney thanked Mr. Wasnewski for his story because he likes to see nice things and likes for people to come in to her Township and say this is my Township. Mrs. Stinney likes people to come to school board meetings and say the teachers are doing a great job; bringing up the test scores because for so many years it was just a downfall. Pemberton is nothing. Kids don't do this and the parents don't do that. Mrs. Stinney thanked the public again for coming out.

Mrs. Stinney informed Council will be returning to Closed Session again. Mrs. Stinney thanked Mr. Clark for his fine representation. She advised that formal action may be necessary pursuant to continued closed session.

Mrs. Stinney recessed the meeting at approximately 9:41 p.m. to go back in to Closed Session and reconvened the open session meeting at approximately 10:22 p.m.

Mr. Cartier stated the ordinance is going to be advertised and be done at the next meeting. Mr. Pricket commented Council should wait until the next meeting and introduce it. Mr. Prickett noted something especially that clear cut. Mrs. Young clarified with Mr. Cartier if the advertising he was referring to was with the posting of it on the agenda, to which he confirmed that was what he meant.

The meeting was adjourned at approximately 10:24 pm.

Respectfully submitted:

Mary Ann Young, MMC  
Township Clerk