

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
DECEMBER 5, 2012
6:30 P.M.**

FLAG SALUTE

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

ROLL CALL

PRESENT

Sherry Scull
Diane Stinney
Jason Allen
Ken Cartier
Richard Prickett

ABSENT

Also present: Mayor David Patriarca, Business Administrator Dennis Gonzalez, Township Solicitor Andrew Bayer, Township Engineer Kelly Willis, Township Planner Rick Ragan, and Township Clerk Mary Ann Finlay.

CALL TO ORDER

Council President Cartier called the meeting to order at 6:30 PM.

CLOSED SESSION

RESOLUTION NO. 230-2012

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. LITIGATION/WORKERS COMP SETTLEMENT DISCUSSION REGARDING ROBERT HOOD AND NEGOTIATIONS WITH BURLINGTON COUNTY JOINT INSURANCE FUND INSURANCE SERVICES
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
REDEVELOPMENT – BROWNS MILLS SHOPPING CENTER
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Allen to approve Resolution No. 230-2012. Prickett, yes; Allen, yes; Scull, yes; Stinney, yes; Cartier, yes. Motion carried.

Council President Cartier recessed the open meeting at approximately 6:30 PM to go into closed session and reconvened the open meeting at approximately 7:00 PM.

(Reference Note: Closed Session minutes are transcribed and filed separately and considered part of these minutes)

FORMAL ACTION REQUIRED PURSUANT TO CLOSED SESSION

President Cartier advised the public that there were two resolutions for consideration to be added to the agenda pursuant to closed session discussion. He announced that the first would be RES 234-2012 which would reaffirm the Township joining the Burlington County Joint Insurance Fund.

Motion to add Resolution No. 234-2012 to the regular agenda. Allen, yes; Scull, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

President Cartier noted the second resolution to consider adding to the agenda would be RES 235-2012 which authorizes workers comp settlement for Robert Hood.

Motion by Allen and Stinney to add Resolution No. 235-2012 to the regular agenda. Allen, yes; Stinney, yes; Prickett, yes; Scull, yes; Cartier, yes.

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.

President Cartier opened the meeting to the public for comments on the consent agenda. There being no members of the public indicating a desire to be heard, he closed the meeting to public comments on the consent agenda.

Mrs. Scull requested to pull Res. 231-2012 from the consent agenda and on page 3 of the bill list to pull #12-03228 Gluckwalrath (for services in connection with Historic Trust) in the amount of \$250.54 and on the page following page 18, to pull #12-02965 Ragan Design Group (for services in connection with the BMIA building) in the amount of \$3,633.75 and #12-03014 ABC Supply Company, (for services in connection with the BMIA building) in the amount of \$579.96.

CONSENT AGENDA ITEMS

MINUTES FILED BY CLERK

Regular Meeting, November 7, 2012.

CONSENT AGENDA RESOLUTIONS

RESOLUTION NO. 232-2012

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:

JACQUELIN JONES, \$165.00, REFUND OF BUILDING RENTAL USAGE FEE AS BUILDING WAS CLOSED DUE TO HURRICANE SANDY.

DEBORAH HEART & LUNG CENTER, \$193.42, REFUND OF PAYMENT FOR OUTSIDE EMPLOYMENT OF POLICE OFFICER. AN OFFICER WAS NOT AVAILABLE FOR THEIR EVENT DUE TO HURRICANE POWER OUTAGES

RESOLUTION NO. 233-2012

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS MADE AVAILABLE, AS A BENEFIT TO ITS VARIOUS OFFICIALS AND EMPLOYEES, CERTAIN MEDICAL AND HEALTH BENEFITS, WHICH ARE PROVIDED THROUGH ITS SELF-INSURED MEDICAL PLAN KNOWN AS THE "PEMBERTON TOWNSHIP MEDICAL BENEFITS PLAN," AND

WHEREAS, THE TOWNSHIP IS OBLIGATED TO CONTINUE PROVIDING SAID HEALTH BENEFITS TO ITS EMPLOYEES; AND WHEREAS, SAID PLAN INCLUDES A "STOP LOSS" COMPONENT THAT EXPIRES DECEMBER 31, 2012; AND

WHEREAS, THE TOWNSHIP COUNCIL DESIRES THAT THERE BE NO INTERRUPTION IN "STOP LOSS" COVERAGE; AND

WHEREAS, THE TOWNSHIP ADMINISTRATION HAS EVALUATED THE COST EFFECTIVENESS, THOROUGHNESS AND EFFICIENCY OF THE CURRENT SELF-INSURED MEDICAL BENEFITS PROGRAM AND DETERMINED THAT THE MOST COST EFFECTIVE AND EFFICIENT WAY OF PROVIDING MEDICAL BENEFITS TO ITS EMPLOYEES IS TO CONTINUE THE SELF-INSURED HEALTH BENEFITS PROGRAM, AND THAT THE SAID PLAN CONTINUE TO PROVIDE FOR "STOP LOSS" COVERAGE BY AETNA LIFE INSURANCE COMPANY WITH REGARD TO THE EXCESS LOSS COVERAGE WITH DEDUCTIBLE OF \$70,000 PER CLAIMANT; AND

WHEREAS, THE TOWNSHIP'S CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT THE FUNDS SUFFICIENT TO PAY FOR THE \$408,946.00 PREMIUM FOR THE STOP LOSS COVERAGE DURING CALENDAR YEAR 2013 ARE AVAILABLE FOR THE AWARD OF SAID CONTRACT.

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 TOWNSHIP WILL CONTINUE ITS SELF-INSURED MEDICAL BENEFITS PROGRAM KNOWN AS THE "PEMBERTON TOWNSHIP MEDICAL BENEFITS PLAN," WHICH PLAN SHALL INCLUDE COVERAGE FOR MAJOR MEDICAL, DENTAL, PRESCRIPTION, OPTICAL AND ALL OTHER FORMS OF HEALTH COVERAGE CURRENTLY MADE AVAILABLE TO EMPLOYEES AND OFFICIALS OF THE TOWNSHIP.
2. THAT A CONTRACT FOR "STOP LOSS" COVERAGE IS HEREBY AWARDED TO AETNA LIFE INSURANCE COMPANY FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2013.

BE IT FURTHER RESOLVED THAT THE TOWNSHIP COUNCIL IS SATISFIED THAT AETNA LIFE INSURANCE COMPANY IS QUALIFIED TO PROVIDE "STOP LOSS" INSURANCE COVERAGE AND THAT THIS APPOINTMENT IS EXEMPT FROM THE BIDDING REQUIREMENTS OF THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-5(M); AND
 BE IT FURTHER RESOLVED THAT THE MAYOR BE AND IS HEREBY AUTHORIZED TO EXECUTE CONTRACTS, IF ANY, IN CONNECTION WITH THE AFORESAID "STOP LOSS" COVERAGE; AND
 BE IT FURTHER RESOLVED THAT NOTICE OF THIS CONTRACT AWARD ACTION SHALL BE PUBLISHED IN THE TOWNSHIP'S LEGAL NEWSPAPER.

NEW BUSINESS

Purchases over \$2,000.00

1. Police Dept: **1.** for purchase of Liberty Interview Recording Software License from Gramco, in the amount of \$4,995.00. **2.** For purchase of 18 Panasonic 2.4 GHz wireless microphone kits w/chargers and 16 installation and removals, for a total price of \$10,105.82. **3.** For purchase of various uniforms/items from Samzie's Uniforms in the amount of \$2,720.36.

2. Public Works Dept.: For emergency tree removal services during Hurricane Sandy, by D.W. Extreme Tree Cutting, LLC, in the amount of \$4,750.00.

3. Finance Dept.: For performance of actuarial valuation on other post employment benefits, by Summit Actuarial Services, LLC, in the amount of \$7,800.00.

Authorization for Clerk to advertise annual Reorganization Meeting on 1/2/13 at 6:00 p.m. and the first regular meeting of 2013 to be held directly after at 6:30 p.m.

Approval by Council required for payment of vouchers on bill list dated 11/30/12.

Motion by Prickett and Scull to approve the consent agenda as amended. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 231-2012 (PULLED FROM CONSENT AGENDA)

RESOLUTION NO. 231-2012

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE TRANSFER OF FUNDS WHEREAS, N.J.S.A. 40A:4-59 PERMITS THE TRANSFERS OF FUNDS FROM APPROPRIATIONS WITH EXCESS BALANCES DEEMED NECESSARY TO FULFILL THE PURPOSE OF SUCH APPROPRIATIONS TO APPROPRIATIONS DEEMED INSUFFICIENT TO FULFILL THE PURPOSES SPECIFIED IN THE BUDGET.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE FOLLOWING TRANSFERS IN THE 2012 BUDGET APPROPRIATIONS BE MADE:

<u>CURRENT FUND</u>			
FROM:			
<u>DEPARTMENT</u>	<u>SALARIES & WAGES</u>	<u>TITLE</u>	<u>AMOUNT</u>
GENERAL ADMIN.	2-01-20-100-000-152	SICK TIME BUY BACK	\$3,800.00
MUNICIPAL CLERK	2-01-20-120-000-150	OTHER PAY	\$2,000.00
MUNICIPAL CLERK	2-01-20-120-000-152	SICK TIME BUY BACK	\$5,000.00
FINANCE ADMIN.	2-01-20-130-000-140	OVERTIME	\$500.00
FINANCE ADMIN.	2-01-20-130-000-152	SICK TIME BUY BACK	\$2,500.00
TAX COLLECTION	2-01-20-145-000-152	SICK TIME BUY BACK	\$800.00
TAX COLLECTION	2-01-20-145-000-140	OVERTIME	\$1,500.00
COLLECTION OF TRASH	2-01-20-146-000-140	OVERTIME	\$500.00
COLLECTION OF TRASH	2-01-20-146-000-152	SICK TIME BUY BACK	\$600.00
TAX ASSESSOR	2-01-20-150-000-152	SICK TIME BUY BACK	\$1,700.00

PLANNING BD.	2-01-21-180-000-152	SICK TIME BUY BACK	\$700.00
ZONING BD.	2-01-21-185-000-152	SICK TIME BUY BACK	\$700.00
POLICE DEPT.	2-01-25-240-000-152	SICK TIME BUY BACK	\$71,000.00
STREETS & ROADS	2-01-26-290-000-140	OVERTIME	\$6,000.00
STREETS & ROADS	2-01-26-290-000-152	SICK TIME BUY BACK	\$5,500.00
BUILDINGS & GROUNDS	2-01-26-310-000-140	OVERTIME	\$5,000.00
BUILDINGS & GROUNDS	2-01-26-310-000-152	SICK TIME BUY BACK	\$900.00
BUILDINGS & GROUNDS	2-01-26-310-000-160	CLOTHING ALLOWANCE	\$400.00
FLEET PUBLIC WORKS	2-01-26-315-000-140	OVERTIME	\$2,500.00
FLEET PUBLIC WORKS	2-01-26-315-000-152	SICK TIME BUY BACK	\$6,000.00
ANIMAL CONTROL	2-01-27-340-000-152	SICK TIME BUY BACK	\$1,400.00
RECREATION SERVICES	2-01-28-370-000-110	SALARIES AND WAGES	\$31,000.00
RECREATION SERVICES	2-01-28-370-000-152	SICK TIME BUY BACK	\$1,500.00
MUNICIPAL COURT	2-01-43-490-000-152	SICK TIME BUY BACK	\$3,000.00
<u>OTHER EXPENSES</u>			
UNEMPLOYMENT	2-01-23-225-000-990	UNEMPLOYMENT	\$98,000.00
POSTAGE	2-01-31-441-000-220	POSTAGE	\$5,000.00
GASOLINE	2-01-31-460-000-000	GASOLINE	<u>\$30,000.00</u>
		TOTAL	<u>\$287,500.00</u>

TO:

S&W-OTHER EXPENSES

LEGAL SERVICES	2-01-20-155-000-275	GENERAL LEGAL COSTS	\$20,000.00
ENGINEERING	2-01-20-165-000-284	GENERAL ENGINEERING	\$25,000.00
GROUP MEDICAL	2-01-23-220-000-992	EMPLOYEE BENEFIT-HEALTH	\$233,900.00
SENIOR CITIZENS	2-01-28-371-000-420	EDUCATION	\$2,100.00
SENIOR CITIZENS	2-01-28-371-000-590	COMPUTER SOFTWARE	\$1,500.00
NATURAL GAS PROPANE	2-01-31-446-000-000	PROPANE/NATURAL GAS	<u>\$5,000.00</u>
		TOTAL	<u>\$287,500.00</u>

WATER OPERATING FUND

FROM:

SALARIES & WAGES	2-05-55-500-000-152	SICK TIME BUY BACK	\$5,900.00
OTHER EXPENSES	2-05-55-500-000-590	COMPUTERSOFTWARE/HARDWARE	<u>\$15,100.00</u>
		TOTAL	<u>\$21,000.00</u>

TO:

OTHER EXPENSES	2-05-55-500-000-991	EMPLOYEE BENEFIT	<u>\$21,000.00</u>
		TOTAL	<u>\$21,000.00</u>

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE CHIEF FINANCIAL OFFICER.

Mrs. Scull asked if there has been some type of change for there to be so much sell back sick time. Mr. Gonzalez noted there were fewer requests this year and the police are under a contract which limits the requests.

Motion by Scull and Allen to approve Resolution No. 231-2012. Scull, yes; Allen, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 234-2012 (ADDED TO AGENDA)

RESOLUTION NO. 234-2012

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND RESOLUTION TO JOIN - REAFFIRMATION

WHEREAS, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON HAS PREVIOUSLY AGREED TO JOIN THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND SUBJECT ONLY TO THE RIGHT TO APPROVE ITS INITIAL ASSESSMENT FOLLOWING PROCESSING OF ITS APPLICATION; AND

WHEREAS, THE FUND HAS PROPOSED AN INITIAL ASSESSMENT IN THE AMOUNT OF \$937,622 FOR THE TERM JANUARY 1, 2013 TO JANUARY 1, 2014 FOR THE COVERAGES APPLIED FOR.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL DOES HEREBY APPROVE OF THE INITIAL ASSESSMENT AND RATIFIES ITS PRIOR AGREEMENT TO JOIN THE FUND WHICH MEMBERSHIP SHALL BECOME EFFECTIVE ON THE FIRST DAY OF JANUARY, 2013 AND TERMINATE ON THE FIRST DAY OF JANUARY, 2016.

Motion by Allen and Scull to approve Resolution No. 234-2012. Allen, yes; Scull, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 235-2012 (ADDED TO AGENDA)

RESOLUTION NO. 235-2012

A RESOLUTION AUTHORIZING SETTLEMENT IN THE MATTER ENTITLED ROBERT HOOD V. TOWNSHIP OF PEMBERTON AND AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT

WHEREAS, ROBERT HOOD, AN EMPLOYEE OF THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"), FILED TWO SEPARATE WORKER'S COMPENSATION CLAIMS AGAINST THE TOWNSHIP REPRESENTED BY CLAIM PETITION NUMBERS 2011-5012 AND 2011-5014; AND

WHEREAS, JUDGE FREIDMAN, THE PRESIDING JUDGE IN THESE MATTERS RECOMMENDED THAT THE MATTERS BE RESOLVED ON A CONSOLIDATED BASIS FOR 25% OF PARTIAL TOTAL AT THE 2010 RATES, WHICH EQUATES TO 150 WEEKS AT \$241.24 PER WEEK, FOR A TOTAL OF \$36,186.00; AND

WHEREAS, THE TOWNSHIP'S WORKER'S COMPENSATION ATTORNEY HAS RECOMMENDED THAT THE TOWNSHIP COUNCIL APPROVE THIS PROPOSED SETTLEMENT AS IT IS FAIR AND REASONABLE; AND WHEREAS, THE MAYOR HAS RECOMMENDED THAT THE TOWNSHIP COUNCIL APPROVE SETTLEMENT OF ROBERT HOOD'S WORKER'S COMPENSATION CLAIMS FOR \$36,186.00.

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

1. THE SETTLEMENT OF ROBERT HOOD'S WORKER'S COMPENSATION CLAIMS FOR \$36,186.00 IS HEREBY APPROVED.

2. THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP IS HEREBY AUTHORIZED TO ISSUE PAYMENT IN THE AMOUNT OF \$36,186.00 TO ROBERT HOOD PLUS ANY FEES AND COSTS AS REQUIRED UNDER LAW IN FULL SETTLEMENT OF THE CLAIMS UPON RECEIPT OF A RELEASE AND/OR OTHER DOCUMENTS DEEMED NECESSARY BY THE TOWNSHIP'S WORKER'S COMPENSATION COUNSEL.

3. THE MAYOR IS HEREBY AUTHORIZED TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT OF THE CLAIMS SO LONG AS SUCH DOCUMENTS ARE IN A FORM ACCEPTABLE TO THE TOWNSHIP WORKER'S COMPENSATION ATTORNEY.

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

- A. THOMAS E. KUNZ, ESQ.
- B. TOWNSHIP CHIEF FINANCIAL OFFICER
- C. GLUCKWALRATH LLP
- D. VERONICA GEORGE, INSERVCO CLAIMS REPRESENTATIVE

Motion by Stinney and Scull to approve Resolution No. 235-2012. Stinney, yes; Scull, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

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

ORDINANCE NO. 16-2012 (TITLE READ BY COUNCIL PRESIDENT)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 86 OF THE TOWNSHIP CODE, ENTITLED "UNIFORM CONSTRUCTION CODES", IN ORDER TO AMEND CERTAIN CONSTRUCTION PERMIT FEES

Motion by Allen and Scull to adopt Ordinance No. 16-2012.

President Cartier opened the meeting to public comments on Ordinance No. 16-2012, there being no members of the public wishing to comment on said ordinance, the meeting was closed to the public for comments on Ordinance No. 16-2012.

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

ORDINANCE NO. 18-2012 (TITLE READ BY COUNCIL PRESIDENT)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 145

OF THE TOWNSHIP CODE IN ORDER TO ESTABLISH PROVISIONS GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE TOWNSHIP AND ESTABLISHING REGISTRATION FEES FOR VACANT PROPERTIES

Motion by Prickett and Stinney to adopt ordinance no. 18-2012.

President Cartier opened the meeting to public comments on Ordinance No. 16-2012. Those commenting were:

Kevin Brown, Browns Mills – 1. Asked about vacant properties that are well maintained. He was advised that if they are rented prior to January 1st they will not be affected. He questioned the inspection fee prior to renting if the property is vacant. Mr. Prickett feels it would be included in the yearly registration fee. Mr. Brown asked if this is in addition to the landlord registration inspection fees. Mr. Gonzalez noted that if the property is in disrepair they will have. President Cartier expressed that this ordinance is aimed at the vacant foreclosures. The Mayor clarified that if rentals are vacant after 60 days they will need to register the property at \$500.00. Mr. Brown then brought up section 145-47 that requires posting a sign with the owner's personal contact information. He expressed that he should not have to post his personal information when it's on the Township records and that they already have information on the rentals. Mr. Gonzalez explained that the purpose is to provide information to the public so they can communicate with the Township and the owner. Mr. Prickett asked wouldn't the owner want to know when there was a problem. The Mayor disagreed with Mr. Brown, noting that its public information either way. Mrs. Scull commented that perhaps they should implement an ordinance requiring the posting of the information for all houses and feels it should not be on the side of houses. Mr. Brown then asked to give a document to Administration regarding leaf collection. President Cartier advised he could but noted that was not part of this public comments discussion.

Art Phillips – 1. Agreed with Mr. Brown's position regarding the signs and wondered if the Mayor would want a sign posted with his personal information on his house. He then asked what if the property was for sale. Mr. Gonzalez confirmed that if the house is vacant for more than 60 days it would be required to be registered. Mr. Phillips expressed that the police should spend more time in Sunbury Village in order to get better clientele.

Mr. Prickett relayed that he has visited many vacant houses in town and there is not information posted always and feels it's important to that information available to the public, noting that residents have had complaints about certain properties for years. Mr. Allen asked when and how owners of vacant properties will be notified of the new ordinance requirements. Mr. Gonzalez advised that first a notice is to be provided through the process outlined in the ordinance, and the web site and that they will send Code Enforcement out geographically to determine vacant homes as well as having the police take note during their travels. He doesn't feel that on January 1st they should go out there and notify people that their property has been vacant for example, three months and issue a summons but that they will just remind folks by sending a letter advising them of the registration requirements. Mr. Prickett asked how easy it will be to identify owners of vacant properties. Mr. Gonzalez noted there are files in the Tax Assessor's office. Mrs. Scull noted there are a lot of house owned by banks and was assured the banks would be treated as anyone else. If they don't pay the fines then liens can be put on the properties and the Township can foreclose on

the banks. Mrs. Scull expressed that she doesn't have problems with getting money from the banks but is concerned of those with houses for sale and the added costs on those trying to sell their home. She relayed they should be addressing the violations and does not agree with posting signs with the personal information. Mr. Prickett expressed hope that the ordinance will get the banks to sell the homes instead of waiting for the market to be better and feels the ordinance will help get them sold.

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

NEW BUSINESS

Council's consideration to have an ordinance prepared for 2013 introduction regarding amending the current code ch. 64-2A which stipulates that hours of operation for bars on Sundays are from 12PM-4AM, *only* for the exception of one-day liquor license social affair permit applications to be determined on a case by case basis. This is as a result of an application received from Eden Stanley Post American Legion to hold a fund raiser on August 18, 2013, from 9AM-2PM.

Mrs. Finlay explained they received an application requesting hours for which are not permitted by the ordinance and Mr. Bayer had noted that the only way Council would be able to make an exception is to amend the ordinance. Mrs. Scull asked why the organization can't just change their hours. Mr. Bayer noted they could determine to decide this on a case by case basis. Mr. Prickett agreed with Mrs. Scull's question. Mrs. Scull commented on wanting more information regarding what their plans are. Mr. Allen suggested contacting the organization asking them to change their hours. After further discussion there was Council consensus not to change the ordinance and they can present their application if they change their requested hours.

BILLS PULLED FROM CONSENT AGENDA

#12-03228 Gluckwalrath (for services in connection with Historic Trust) in the amount of \$250.54.

Mrs. Scull noted that she pulled the bill as she has to abstain on it.

Motion by Allen to approve bill #12-03228. Motion failed for lack of the required second.

#12-02965 Ragan Design Group (for services in connection with the BMIA building) in the amount of \$3,633.75 and #12-03014 ABC Supply Company, (for services in connection with the BMIA building) in the amount of \$579.96.

Mrs. Scull asked why they were paying that amount of money to get drawings for the BMIA building. President Cartier noted that was for obtaining the permits and final CO on the building. Mr. Prickett asked didn't the Council approve that. President Cartier reminded that the Mayor had previously explained that to Council. Mrs. Scull acknowledged the discussion but wanted to know if they obtained the CO and if the work is finished. Planner Rick Ragan relayed that they prepared the plans that have been completed and the work is finished and the permits have been submitted to the Construction Code Official and to his knowledge there have

been no major issues. He expects that it should be issued if it has not already. Mrs. Scull asked if all the issues have been taken care of that the Construction Official found when they found out they didn't have the permits that they should have had. Mr. Ragan noted that the drawings have indicated some additional things that have to be done such as the rail on the back steps, install a handrail on the steps that go up to the stage and put in a mop sink. Mrs. Scull asked that if the \$579.96 was for materials, mop sink, and rails. The Mayor added that from reviewing the bill list he suspects that ABC Supply is for the fencing. The Mayor and Mrs. Scull argued with each other in that the Mayor expressed needing to know her questions before the meeting so he can have her answers and she felt he should be more prepared. After they're debate Mrs. Scull expressed she wants to keep him on the ball with his spending their money on the BMIA.

Motion by Scull and Allen to approve bill #12-02965. Scull, yes; Allen, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

Motion by Scull and Stinney to approve bill #12-03014. Scull, yes; Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

General Public Comments.

President Cartier opened the meeting to the public for general comments. Those commenting were:

America Phillips, Presidential Lakes – 1. Agreed in regards to vacant homes not too many houses have information posted but can tell they are owned by the banks. She passed to the Administrator a list she had of vacant houses in her development that have been in bad shape for a long time. She commented on how a bank could possibly think that anyone would want to buy homes in Presidential Lakes that are in the dilapidated condition they are in. She asked the status of 520 New Jersey Road which has been vacated for a long time. She noted that 400 New Jersey Road has previously been discussed and reported that now the storm glass is hanging. She informed that at 302 Louisiana Road has been vacant for three years. She noted people took pipes and fencing from the property and expressed concern that if a child is missing how anyone will know what houses are empty to look for the child. She brought up 200 New Hampshire Road which is next to her home, and noted it has been past the 20 days and asked if she will get an answer now. President Cartier asked what her question is. She advised that she has been asking the status of this house for years and now after the storm a tree fell in the neighbor's fence and is hanging mostly in the street. She then complained that she always rakes her property of leaves but the neighbor across the street blows leaves in the empty house next door which also causes drainage problems. **2.** Noted that leaf pick up is scheduled for December 10th for Presidential Lakes. She commented on all the people that put out branches and asked if the Township has picked up all the branches and was told not yet. She complained neighbors put everything out on the side of the road. **3.** She complimented the clean up job of the trails after the storm noting a good job was done. She noted walking the trail daily and commented that the end of the trail project will end up in Pemberton Township and that the way it looks is because the Township doesn't allow them to do anything. **4.** She questioned about the status of the old Acme, and commented that the only thing the Township has is bars and questioned why they can't do

something for the children. **5.** She reiterated her question regarding the status of 200 New Hampshire Rd. President Cartier explained the misunderstanding in that the ordinance they just adopted tonight does not take affect till January 1st and the 20 days she notes begins tomorrow. He reminded her that Administration will be sending letters. She also noted her disagreement regarding posting signs with the owner's names on the vacant homes. Mr. Prickett asked how many homes were on the list she gave to Administration to which she advised there were seven or eight.

Art Phillips – 1. Expressed that it would be nice if the street sweeper would be used in Sunbury Village more than once every three years. **2.** Reported they have branches out there that need to be picked up.

John Hiros – 1. Complimented the Township having come so quickly to pick up the branches and the yard. **2.** Advised that last year he paid his solid waste bill in advance and recently received a delinquency notice. He learned that they didn't cash the check right away and questioned why it took them ten months to notify him of the problem. He also recalled the process he went through a couple years back where he paid for his sticker for his vehicle so that he could drop off debris but learned the process of the stickers were suspended. He again noted concern of the Township holding on to cash for more than 24 hours. Mr. Gonzalez explained that they did not receive his check until after March and therefore was not received until after March and therefore was not entitled to a discount. Mr. Prickett questioned why the money was not cancelled.

Solicitor's report

Mr. Bayer noted that he had nothing to report for open session tonight.

Engineer's report

Mrs. Willis reported: 1. Ashton and Dearborn are the last of the roads to be completed for the road program and once completed, they will address any remaining punch list items. Mr. Allen questioned about the status of Tennessee Trail and if it's on the list, to which Mrs. Willis noted she will look into it. Mr. Prickett suggested he give them an address since Tennessee is so long. Mrs. Stinney asked Mrs. Finlay to forward her email sent earlier in the week about the same road to Mrs. Willis.

Planner's report

Mr. Ragan reported: 1. Dollar General has received their certificate of filing from the Pinelands and will probably be heard by the Planning Board in January. **2.** Planning Board will hear Ordinance 17-2012 at their next meeting which deals with Pinelands issues. Mrs. Stinney asked the status of the dialysis center. He advised they are still working on revising their engineering plans and will be back in front of the Zoning Board, hopefully by January.

Mayor's report

The Mayor: 1. expressed that once again the Council has shamed the Town by not paying their bills as they are obligated to do. They are responsible for reviewing the bill list and approve the bill list and the Township has become known in the public as a community that does not pay their bills. He commented

that whether Council agrees with the bills or not they are authorized expenditures and are required to be paid. He feels when Council determines not to pay bills because they have an issue with the Mayor it is outrageous and shameful.

President Cartier asked that now that the Urgo issue is behind them what the plans for replacing the dog are. The Mayor advised that he is still working on the budget. President Cartier asked if he is still looking into that to which the Mayor advised they are still looking at their options.

Business Administrator's report

Mr. Gonzalez advised that he has nothing to report tonight

Council Members' Comments

Jason Allen: 1. Noted that Mrs. Phillips states that the Township does nothing for the children and he wanted to report that the Township Alliance Group will be in the High School on Tuesday, December 11th talking to the students about the TAG group and the type of activities that they offer. He noted that one of their volunteers Tre Simms will be giving a presentation for 7:30 to 9:30 discussing the realities of prison and will be bringing three inmates that will also tell their stories to the students to help them a little about decision making. He expressed that that is just one thing that the Township does for its youth. 2. Thanked everyone for coming out, noting he likes seeing so many people out and hearing their comments and looks forward to seeing them at the next meeting.

Richard Prickett: 1. Asked Mr. Gonzalez if he can check into whether Mr. Hiros' 51 cents should have been cancelled to which Mr. Gonzalez relayed that he would. 2. Wished everyone a good night and hopes everyone will enjoy the parade.

Diane Stinney: 1. Wished everyone a good night and thanked everyone for coming out.

Sherry Scull: 1. Expressed that the Mayor doesn't mind chastising Council if they don't come and ask him a question, however she does not feel it's fair for him to chastise Council because they disagree with his answers. He asked what she is referring to and she explained that if they disagree with him about anything there is always some kind of excuse. She noted that the public elected six people to work together to share information. She expressed that he does not want to give Council information about issues like Urgo but he expects them to come ask him questions. She questioned how many police officers they have in the district right now to which he advised 50. She noted they funded 57 in the budget, and asked if they have any officers in the academy, or have jobs postings or applications because they need more police out in Sunbury Village and out addressing the vacant homes. She pointed out that she had heard there was no money in the budget for 57 police officers which is why she was so interested in looking at the budget transfers. She questioned where the money went. She noted that she and Mrs. Stinney were explained that the budget is just an outline and suggestion and it doesn't matter what goes in the budget in that Administration does what they want to do with the money in the budget. The Mayor disagreed that they did not say anything to that effect. Mrs. Scull and the Mayor engaged in heated disagreement. President Cartier asked them to speak one at a time. Mrs. Scull reminded the Mayor that he was told by five members of Council to quit spending the legal

monies against the Historic Trust and he continues to do it so he should be the one that is embarrassed by his behavior in this Township, not Council. The Mayor reminded Council that they can cancel a project and there is a mechanism in place in which they can stop an action. That action has not happened to stop the action that Council approved and authorized. He advised that he is fulfilling his obligation that they authorized. Mrs. Scull interjected asking when Council approved this. He noted it was approved in the budget which contains legal fees for which he authorized the Solicitor to perform a task and Council decides not to pay it. Their escalating argument continued wherein the Mayor instructed them to research their authority as a Council member and Mrs. Scull expressed that the Mayor needs to communicate with Council. During their argument Mrs. Scull brought up about a mold problem in the Senior Center to which the Mayor advised that he will look into it although he does not believe there is one.

Kenneth Cartier: 1. Thanked everyone for coming and expressed hope to see everyone out at the parade and wished everyone a safe trip home.

The meeting was adjourned at approximately 8:30 p.m.

Respectfully submitted by,

MARY ANN FINLAY, MMC, TOWNSHIP CLERK