

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
FEBRUARY 20, 2013  
6:30 P.M.**

**FLAG SALUTE**

Council President Scull 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**

Kenneth Cartier  
Jason Allen  
Norma Trueblood,  
Diane Stinney  
Sherry Scull

**ABSENT**

Also present: Mayor David Patriarca, Township Solicitor Andrew Bayer, Township Engineer Chris Rehmann, Township Planner Rick Ragan, and Township Clerk Mary Ann Finlay

**CALL TO ORDER**

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

**PRESENTATION**

At this time President Scull announced that they would deviate from the agenda to allow the Mayor to present a proclamation to Veteran Thomas G. Calderone a veteran of World War II who was stationed in the Phillipines in 1941 when the Japanese invaded and overtook the occupied forces. After being captured he was, along with hundreds of American soldiers later shipped to Homshu Japan where they were forced to work in a steel mill until 1945 when the Emperor of Japan surrendered to the allied forces. He continued his career in the military service with many service awards and moved to Pemberton Township thirty-five years ago where he continues to live and call his home. The Mayor noted that he was asked by the Veterans Advisory Committee to recognize Mr. Calderone, one their long time residents. He advised having had the pleasure of being in Mr. Calderone's presence and heard his stories and is very proud of what the residents have achieved in life. He relayed that the Veterans asked that he present Mr. Calderone with a proclamation on behalf of the community and he could not find a better honor to do something of this nature. The Mayor presented Mr. Calderon with his proclamation of recognition and read it for the public. Veteran Paul Tuliano asked to say a few words noting that it was in September of 1988 that in this very room he and Mr. Calderone and a former group of 9 prisoners of war and the mother of a missing in action child were present that were recognized. He advised that a lawyer from the firm of Blanke, Rome, Commiski and McCaully that was present that night was so impressed with these veterans and the sacrifices they endured for their freedom that he went back to his firm to write a check to send to the then Mayor Charles Meyers of \$500.00 to honor those former prisoners of war and the mother of the missing in action child. He advised that a dinner was given in their honor, not only for the 9 from Pemberton Township but also 19 former prisoners of war from Burlington and Mercer Counties. He noted that the plaque that was

presented is in the hallway towards the Tax Assessor's Office of the Municipal Building. He expressed sorrow that according to his recollection that including Tom Calderone, there are 4 still living. He relayed that tonight is the first incident of recognition since then of the veterans former prisoners of war. He thanked the Council, Mayor, Veterans Advisory Committee and the community. He also acknowledged Chief Jantas who is also a 28 year veteran of the US Air Force. Mrs. Stinney asked to read a letter that was emailed to Mayor Patriarca and Council. She read the following: "In 2012 the Burlington County DAV Chapter #27 celebrated its 65<sup>th</sup> anniversary established with five charter members that year. The organization grew over the years to a membership of over 900 members. During these 65 years thousands of disabled veterans were given assistance in obtaining their benefits through the Veterans Administration and may other things. To commemorate this prestigious occasion the members of Chapter 27 will dedicate a new DAV Organizational Flag during the month of March. As a part of this dedication it is planned to recognize the surviving past commanders of the Chapter 27. It is with that I forward this correspondence to you inviting you to participate in the ceremony on Thursday, March 21<sup>st</sup>. The membership will assemble for its normal meeting with the purpose of gathering together for this dedication. We assemble at 7 p.m. at the VFW Post 6805 on Junction Road in Browns Mills. The ceremony will be conducted in the main assembly room, ground level. We understand that some of past commanders are unable to drive themselves anymore. Therefore if you need assistance in attending this gathering please contact me and I will schedule someone to pick you up and return you that evening. We want each of our past commanders to participate in this dedication. If you have any more questions, feel free to call me." Mrs. Stinney noted that the Mayor and all of the Council members received this letter and she is honored that she will be attending and felt it was so fitting to read this letter here tonight. Mrs. Scull extended congratulations to the veterans, noting that their Veterans Council works very hard for the veterans in their area. At this time Chief Jantas expressed that he was touched to hear that Mr. Calderone received this proclamation of recognition tonight. He expressed honor for Mr. Calderone's service. For 28 years he himself was fortunate enough to be one of the individuals not to have to experience the horrors of combat. He explained that there is a condition in the military called coining which are coins that are given to people that do something for the community or the organization and relayed that he would be honored if Mr. Calderone would carry his coin. He then presented his coin to Mr. Calderone.

## **CLOSED SESSION**

### RESOLUTION NO. 59-2013

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
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 Stinney to approve Resolution No. 59-2013. Cartier, yes; Stinney, yes; Trueblood, yes; Allen, yes; Scull, yes. Motion carried.

Council President Scull recessed the open meeting at approximately 6:30 PM to go into closed session and reconvened the open meeting at approximately 7:00 PM. She announced that there was no formal action necessary pursuant to closed

session but that they will be going back into closed session at the end of the meeting.

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

## **PRESENTATION**

Mrs. Scull announced that there would be a presentation by Commercial Utility Consultants regarding possible energy savings.

Michael Brown gave a power point presentation on the topic of community energy aggregation. He introduced himself along with John Fish and George Vannisenbel who are representatives of Commercial Utility Consultants founded in 1975 with the sole purpose of maximizing energy savings for their clients. They have accumulated over 10,000 clients and named the various cities. He noted they are currently consulting with approximately a dozen townships in southern New Jersey. He advised that they achieved their success by utilizing a unique called a Blind Reverse Auction whereby only Board of Public Utilities registered third party suppliers are permitted to bid on the clients' energy usage. He assured that this process has been approved by the Division of Community Affairs with the e-procurement list which allows municipalities to select them without a process an RFP or RFQ. He explained that this is important now because energy deregulation was approved in 1999 and in 2003 New Jersey legislature approved the Government Energy Aggregation Act and was designed with the individual consumer in order for them to take advantage of lower cost in greater choice of suppliers. However a clear process on how to do that was not provided. He noted that in recent years many third party suppliers and independent brokers have entered the market and mass confusion has occurred in the market. Over the past 13 years legislatures have concluded that deregulation has not worked for the individual consumer that it was designed to which is evidenced by the fact that less than 15% of New Jersey residents have changed to a third party supplier. Most municipalities have done this. He noted they may have done this on their own by either forming a co-opt or putting out an RFP for the utility that the municipality is responsible for. He informed that in July of 2012 legislatures amended the Administrative Code Title 14, chapter 4 that deals with energy regulation. The energy aggregation program allows the municipality to negotiate a bulk energy rate for their residents and provides them protection and they would not be able to obtain these rates on their own. It is first established by local ordinance which allows them to enter the process but does not commit them to anything. Once the ordinance is established all party eligibles are then provided by their energy producer whether JCP&L or Public Service Electric and Gas. Once those eligibles are received anyone who has not taken advantage of a third party supplier are placed in the reverse blind auction process and a winning bid is determined. Once the winning bid is determined they start a thirty day outreach. CUC would be responsible for the outreach and any related cost, which is performed by many means including town hall meetings, advertising a 1-800 hot line number as well as a web site. The consumer will know exactly what the price will be from the first round which they indicate as the indicative round. Their questions are then handled during the outreach process and for those who wish to remain in the process which is strictly an opt out process for the individual residents and an opt in process for local businesses. Those left remaining they will then do a final round to determine the final bid and flat rate process, the rate is then determined

and the savings are realized at the next meter reading. He reported that the rates are a flat rate and there are no added fees and on average the consumer will save a month and a half to two months of savings over the course of the year on their electric and gas bills. The bills will remain the same; the residents will still call their local company if they have a problem. Mr. Brown answered Council's various questions such as the towns they currently serve, which the energy suppliers are, the percentage of savings, that no penalties are given for opting out and what's in it for CUC to which he acknowledged that they get a percentage of everyone's electric. Mr. Bayer asked if there were any other legal requirements other than the normal ordinance adoption process to which Mr. Brown advised that aside from that CUC would conduct the outreach and assume all costs in reaching the customers including mailings to all residents. He noted this is for both gas and electric. Mr. Ragan posed various questions such as how this is different than simply signing up with a third party supplier. Mr. Brown noted that the savings are more substantial through CUC. The Mayor questioned add on fees and taxes, etc. and that the rate at the end of the auction is the rate it will be without any hidden fees to which Mr. Brown confirmed to be correct. He noted that Mr. Brown has said it's for gas and electric and asked if it could be for gas only. He advised that Pemberton Township recently authorized an energy auction and signed on with Green Mountain for their electric energy supplier. He asked if it could be an 18 month process for the rate they would get for that. Mr. Brown advised they can use CUC's process for gas. He commented on the buyer be aware issues, but on the surface what he has presented does not seem like a bad option. Mr. Cartier asked why anyone who has already switched would not be eligible. Mr. Brown noted they could be but more than likely they may be locked into some sort of contract where there could be cancellation fees. The Mayor asked that once the auction is completed if the town would then be committed. Mr. Brown noted no, in that once the auction is completed they would come back and say what they have and the town has the option to continue the process or walk away. Mr. Allen noted the discussion regarding a 12 month or 18 month contract and asked the difference between them. Mr. Brown advised it was merely the fact that they are dealing with a commodity and markets dictate prices and also allows individuals who were not eligible the first time around or did not take advantage of the process to get back into the process in a 12 month time. There being no other questions, the presentation was concluded.

**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.**

#### **PUBLIC COMMENTS ON CONSENT AGENDA ITEMS**

President Scull opened the meeting to the public for comments on the consent agenda. Those commenting were:

**Thomas Maahs, Presidential Lakes – 1.** Commented that there were no more agendas on the table in the back of the room which makes it difficult to comment on the consent agenda. President Scull noted they were there and must have run out. More copies were made available and a few minutes were given to the public to read them over.

**Fred Moorehead, Resident – 1.** Noted in regards to the renewal of the contract with Lourdes under Resolution No. 62-2013 if it changes the contract. The Mayor advised that there were no changes and confirmed that it is for two years. Mr. Moorehead asked if it specifies the number of rigs on duty. Mr. Cartier confirmed it does and Mr. Bayer reiterated that it is the same contract and merely allowed the Township to renew for a two-year period. Mrs. Scull asked if the hours are the same to which it was noted that everything is the same.

There being no other members of the public indicating a desire to be heard, the meeting was closed to public comments on the consent agenda items listed.

Mr. Cartier requested to pull from the consent agenda, New Business item A.1. and Mr. Allen requested to pull New Business item A. 3.

## **CONSENT AGENDA ITEMS:**

### **\*CONSENT AGENDA RESOLUTIONS**

#### RESOLUTION NO. 60-2013

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:

SHERRY ISAAC, \$100.00, BUILDING RENTAL FEE FOR 2/29/13 WAS CANCELLED BY THE TOWNSHIP DUE TO SNOW REMOVAL OPERATIONS.

#### RESOLUTION NO. 61-2013

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF COMPUTER NETWORKING

AND INFORMATION TECHNOLOGY SERVICES TO COMPUTER SOFTWARE INCOPORATED

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES (COLLECTIVELY "IT SERVICES") FOR USE BY THE TOWNSHIP IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACT LAW, N.J.S.A. 40A:11-1, ET SEQ. ; AND

WHEREAS, THE LOWEST RESPONSIBLE BIDDER IS COMPUTER SOFTWARE, INC. HEADQUARTERED AT 100 HIGHPOINT DRIVE, SUITE 104 CHALFONT, PA 18914, SUBMITTING A BID OF \$78,667.20 FOR 24 MONTHS OF SERVICE AT \$3,210.00 PER MONTH FOR THE INITIAL 12 MONTHS, AND \$33,345.60 FOR THE NEXT 12 MONTHS; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED COMPUTER SOFTWARE, INC.'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT; AND

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

WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD THE CONTRACT TO THE LOWEST QUALIFIED BIDDER, COMPUTER SOFTWARE, INC., FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES FOR USE BY THE TOWNSHIP BE AND HEREBY IS AWARDED TO COMPUTER SOFTWARE, INC., AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND COMPUTER SOFTWARE, INC. FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES FOR A 24 MONTH PERIOD IN AN AMOUNT NOT TO EXCEED \$78,667.20 AT \$3,210.00 PER MONTH FOR THE INITIAL 12 MONTHS, AND \$3,345.60 FOR THE NEXT 12 MONTHS.

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBERS 3-01-20-130-000-290; 4-01-20-130-000-290; 3-05-55-500-000-590; 4-05-55-500-000-590;

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

- A. COMPUTER SOFTWARE, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

#### RESOLUTION NO. 62-2013

A RESOLUTION AUTHORIZING THE RENEWAL OF A CONTRACT FOR BASIC LIFE SUPPORT EMERGENCY MEDICAL SERVICES WITH LOURDES MEDICAL CENTER

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAD AWARDED A CONTRACT TO LOURDES MEDICAL CENTER BURLINGTON COUNTY D/B/A LOURDES EMS ( "LOURDES") FOR THE PROVISION OF BASIC LIFE SUPPORT EMERGENCY MEDICAL SERVICES, INCLUDING DEDICATION OF ONE AMBULANCE, 24 HOURS A DAY, 7 DAYS A WEEK, 365 DAYS PER YEAR AND A SECOND AMBULANCE, 12 HOURS A DAY, 5 DAYS PER WEEK, MONDAY THROUGH FRIDAY, BETWEEN THE HOURS OF 6:00 A.M. AND 6:00 P.M. (THE "EMS AGREEMENT"); AND

WHEREAS, THE EMS AGREEMENT WAS AWARDED FOR AN INITIAL TERM OF THREE (3) YEARS WITH THE OPTION TO RENEW FOR UP TO AN ADDITIONAL TWO (2) YEARS; AND

WHEREAS, THE TOWNSHIP AND LOURDES DESIRE TO EXERCISE THEIR OPTION TO RENEW, THEREBY EXTENDING THE EMS AGREEMENT THROUGH SEPTEMBER 30, 2015.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE EMERGENCY AMBULANCE SERVICES AGREEMENT ENTERED INTO ON OCTOBER 1, 2010 BY THE TOWNSHIP OF PEMBERTON AND LOURDES EMS IS HEREBY EXTENDED THROUGH SEPTEMBER 30, 2015; AND

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

- A. LOURDES MEDICAL CENTER BURLINGTON COUNTY, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION 63-2013

WHEREAS, AN EMERGENT CONDITION HAS ARISEN WITH RESPECT TO PAYMENT OF OTHER EXPENSES OF CERTAIN APPROPRIATIONS AND ADEQUATE PROVISION HAS NOT BEEN MADE IN THE 2013 TEMPORARY BUDGET FOR THE AFORESAID PURPOSES AND N.J.S. 40A:4-20 PROVIDES FOR THE CREATION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR THE PURPOSES ABOVE MENTIONED; AND

WHEREAS, THE TOTAL EMERGENCY TEMPORARY APPROPRIATION ADOPTED IN THE YEAR 2013 PURSUANT TO THE PROVISIONS OF CHAPTER 96, P.L. 1951 (N.J.S. 40A:4-20), INCLUDING THIS RESOLUTION TOTAL \$1,772,973.00.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING) THAT IN ACCORDANCE WITH THE PROVISIONS OF N.J.S. 40A:4-20:

1. EMERGENCY TEMPORARY APPROPRIATIONS BE AND THE SAME ARE HEREBY MADE FOR:  
CURRENT FUND

477	DEFINED CONTRIB. RETIREMENT SYSTEM	OTHER EXPENSE	\$ 1,000.00
		TOTAL	<u>\$ 1,000.00</u>

2. THAT ONE CERTIFIED COPY OF THIS RESOLUTION BE FILED WITH THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

RESOLUTION NO. 64-2013

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 622 LOT 12, 54 TECUMSEH TRAIL. OWNED BY JOHN D. & KATHLEEN BARTON QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JANUARY 24, 2013; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 622 LOT 12 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2013 TO JANUARY 23, 2013 ARE \$193.43; AND

WHEREAS, TOTAL TAX FOR FIRST QUARTER 2013 - \$757.20 OF WHICH \$757.20 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND BALANCE OF 2013 TAXES IN THE AMOUNT OF \$563.77.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JANUARY 24, 2013

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

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2013 PROPERTY TAXES ON BLOCK 622 LOT 12 AS OF JANUARY 24, 2013, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.

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

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND THE BALANCE OF 2013 TAXES IN THE AMOUNT OF \$563.77 TO JOHN D. & KATHLEEN BARTON, 54 TECUMSEH TRAIL, BROWNS MILLS, NJ 08015

**\*NEW BUSINESS**

**\*a.** Purchases over \$2,000.00

**\*2. Public Works:** For purchase of new CLA valve for Well #7 in the amount of \$6,775.91 to Atlantic Plumbing Supply Corp.

**\*b.** Approval by Council of PTMUA's Professionals appointments (as to fees only) for 2013.

**\*15.** Approval by Council required for payment of vouchers on bill list dated 2/15/2013.

Motion by Cartier and Stinney to approve the consent agenda as amended.

Cartier, yes; Stinney, yes; Allen, yes; Trueblood, yes; Scull, yes. Motion carried.

### **MINUTES FILED BY CLERK**

Reorganization Meeting, January 2, 2013; Regular Meeting, January 2, 2013; Regular Meeting, January 16, 2013; Regular Meeting, February 6, 2013.

Motion by Cartier and Trueblood to approve the minutes as filed by Clerk. Cartier, yes; Trueblood, yes; Stinney, yes; Allen, yes; Scull, yes. Motion carried.

### **ORDINANCES FOR INTRODUCTION**

ORDINANCE NO. 4-2013 (Title read by Council President)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING ARTICLE IX OF CHAPTER 5 OF THE TOWNSHIP CODE, ENTITLED "VETERANS ADVISORY COMMITTEE", IN ORDER TO PROVIDE FOR DESIGNATION OF ALTERNATE MEMBERS TO THE VETERANS ADVISORY COMMITTEE AND TO ESTABLISH CONSEQUENCES FOR FAILURE OF MEMBERS TO REGULARLY ATTEND COMMITTEE MEETINGS

Motion by Cartier and Allen to introduce Ordinance No. 4-2013 with a public hearing to be held on March 6<sup>th</sup>. Cartier, yes; Allen, yes; Trueblood, yes; Stinney, yes; Scull, yes. Motion carried.

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

ORDINANCE NO. 2-2013 (Title read by Council President)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR FAIR AND SAFE TOWING OPERATIONS IN THE TOWNSHIP

Motion by Cartier and Stinney to adopt Ordinance No. 2-2013.

President Scull opened the meeting to the public for public comments on said ordinance. There being no members of the public indicating a desire to be heard, the meeting was closed to public comments on Ordinance No. 2-2013.

Cartier, yes; Stinney, yes; Allen, yes; Trueblood, yes; Scull, yes. Motion carried.

ORDINANCE NO. 3-2013 (Title read by Council President)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 25 ENTITLED "FIRE DEPARTMENT" OF THE PEMBERTON CODE

Motion by Cartier and Allen to adopt Ordinance No. 3-2013.

President Scull opened the meeting to the public for public comments on

Ordinance No. 3-2013. Those commenting were:

**Thomas Maahs, Presidential Lakes – 1.** Expressed his feeling that Council would be reducing their pool of volunteers and cautioned that they should look into this. He stated that not every driver is a fire fighter and not every fire fighter is a driver. He acknowledged understanding their concerns regarding non-licensed drivers but reiterated they would be reducing their pool of volunteers.

Mr. Cartier asked Mr. Bayer if he had researched any towns that got sued in a similar situation. He advised that just under general liability if it was known that they were unlicensed and something happened then yes they would be liable, but he did not find cases on the point.

Mrs. Stinney read an email from Mr. Maahs that expressed his concerns regarding the ordinance in that it would reduce the pool of volunteers. He noted agreement as to officers needing to be licensed. He requested that they look at the rule of the NJ CSC job listing web site that should be used licensed. He noted that appointees will be required to be licensed only if the operation of a vehicle rather than employee mobility if necessary to perform the essential duties of the position. He expressed that he supports the supports the fire department concept and the work put into this creation but that it needs a little bit of adjustment. Mrs. Stinney advised that she read that because she is sensitive to volunteers and knows how hard it is to come by volunteers in general. She reminded of the last meetings concerns she addressed about a non-licensed driver being the only one available to move a rig and that she learned it was the incident commander would be responsible to make sure this individual did not hop onto the truck. She asked Mr. Bayer's opinion on this matter. He advised that it is policy decision rather than a legal issue and that he believes the Fire Chief and Mayor were involved with the discussions. He stated that it is the Chief's goal to have every volunteer qualify to be a driver in the event depending on the people available for a call there is always someone who is a driver so what Mrs. Stinney read doesn't necessarily comport with the policy. The Mayor agreed and expressed that the other issue is that they want all volunteers to be able to drive a truck as they want to recruit volunteers that can drive a truck so that if one person shows up at that company they can drive the truck to the fire scene. Mrs. Stinney asked the Mayor in regards to day to day operations how he sees their volunteers growing for the fire departments or slacking or what. The Mayor relayed seeing them growing in some companies and not in others. Mr. Allen noted that one of his questions he had asked Mrs. Finlay to send to through Administration to the Fire Chief was out of the applications that were received for the Fire Department last year how many of the applicants actually already had drivers licenses and out of the thirty something applications, all of the applicants already had drivers licenses. Mrs. Scull asked if they are still grandfathering the "two individuals" to which she was told yes.

Cartier, yes; Allen, yes; Stinney, yes; Trueblood, yes; Scull, yes. Motion carried.

## **UNFINISHED BUSINESS**

Continued discussion *and/or* possible introduction of 2013 Municipal Budget.

Mrs. Scull reminded that Council had some questions from the last budget meeting and asked if they had received their answers. Mr. Cartier noted that he had

requested the annual Recreation Report and they did receive that. He advised however, that in his further review of that department he had pulled out his 2012 adopted budget and what was appropriated through this one department last does not match up with what the 2013 budget says. He relayed that there are still discrepancies that need some explaining. The Mayor asked if he is looking at the legal budget or the worksheet. Mr. Cartier clarified that he is looking at the budget worksheets that were adopted by Council last year. The Mayor expressed that they did not adopt the worksheets but rather the legal budget. Mr. Cartier noted that these are the numbers they adopted. The Mayor expressed they adopted the legal budget and stated that they had explained that with the conversion into an excel spreadsheet from Edmunds all the numbers may not be the same, did not transfer over correctly but that the bottom line numbers for each department are accurate, but some of the line item numbers or sub-account numbers may not have transferred over from the Edmunds system. Mr. Cartier suggested he go over some of the numbers so he could see what he was talking about. He reflected that Council approved salaries and wages for the Recreation Department of \$317,600 last year. The 2013 budget is reflecting that they appropriated \$285,100 so there is a \$30,000 discrepancy there. The Mayor reiterated that those are the worksheets to which Mr. Cartier relayed that that was what Council worked off of. The Mayor suggested he refer to the actual budget that Council approved. Mr. Cartier asked if he is stating that after Council budget hearings that number changed. The Mayor explained that what is in the approved budget is what Council's budget resulted in, and whatever they approved at the budget meetings is in the actual legal budget. The Mayor advised he can't explain what the numbers are here because these numbers were transferred over from an old Edmunds system and transferring the numbers over into an excel spreadsheet doesn't seem to have worked out. Mr. Cartier then reiterated his concerns as to the accuracy of some of the information. Discussion ensued regarding the numbers reflected in the 2012 worksheets and those on the 2013 sheets. The Mayor advised that if they go to sheet 15b in their budget they will see that in 2012 they approved salaries and wages in the amount of \$317,600, what was actually used, what was transferred was money out of there that took it down to the \$285,100. He further noted that in this year's budget they are looking at \$295,798. The Mayor explained for Mr. Cartier if they read all the way to the right as modified by all transfers the number was actually the \$285,100 for 2012. Mr. Cartier expressed that it is misleading. Mrs. Scull asked if there were any other questions on that department to which Mr. Cartier stated no.

At this time Chief Jantas reported on the K-9 program. He expressed understanding that there is funding in the budget. He apologized noting that they should have received an electronic copy of the report but he just forwarded it to Administration today. He explained that it was an arduous task putting together and a lot of data to go through. He expressed hope through that report they see some of the wisdom of keeping the program going. He recalled the program ended several years ago, approximately in 2003 or 2004 and members still sitting on this Council had the wisdom to bring it back in 2007. He noted it was a heavy lift in the beginning to get it back up noting they had to fund a vehicle, a dog and related equipment and training but they are on a good track with that now and they can see by the figures in the report that numbers have gone down significantly. He acknowledged that it is an expensive program to maintain but they receive a lot of value from it. He noted that a lot of the value issues are hard to quantify. He posed how one quantify the value received when they have a vehicle in it and a person that has in his mind they may want to assault someone or the officer and that person thinks twice just because the dog is there. He asked how they quantify

sending a dog into a building to do a search rather than having to send in his human counterpart. He advised they can show how many times they have done it and the successes they have had in finding someone but questioned how much was saved in medical bills for not having to fight an individual because the dog was there. He expressed that a dog on a police department is a force multiplier. It helps them to do things that they can't quantify because they keep those potential issues from happening. He reported that they are now down to one dog and would like to see another dog and with the approval of Administration to use forfeiture funds to obtain the second dog and asked what better use of drug money there was to obtain a police K-9 to work against the narcotics trade in this town. Mrs. Scull advised the Chief that he would be happy to hear that during their last budget meeting the Mayor has assured them that that is exactly what is in the plans. Council had expressed concern if Uργο was going to be replaced and they were very pleased that the Mayor and Administration has decided there is value there and that is the intent. Mr. Allen stated that he likes the phrase the Chief used "force multiplier" and noted that he was not on Council in 2003 and questioned why the program ended in 2003. Mrs. Scull commented that it was a money issue. Chief Jantas relayed that the covered dogs had aged and the program really had to be entirely revamped so at that point it was the startup expense they had to make in 2007 in an approximate amount of \$65,000 and now this budget proposal is \$7,000 for the program. He noted last years medical issues with Uργο requiring medical attention brought their costs up to actually exceeding the budget line for that year. However in the other years they were well within their budget and believes below the budget each year since the initial outlay in 2007. In regards to value of what they received from the program he noted that in 2007 the plan was for one dog and one trainer and one vehicle. He advised that they reached out to the community which bought a lot of equipment and donated it to the Township and the people of this town. He noted some donators as the Rotary Club, Lions Club, etc., because the town wanted the program and still wants it. He reported that they sent their handlers to McGuire AFB during Police Week and K-9 Uργο was not only number one in criminal apprehension but was number one overall dog and Body was number one in area servants. Out of all the dogs from all the Law Enforcement including military dogs, state police dogs and local municipality dogs, that speaks volumes of their K-9 program and he could not be prouder of this program and urged that they need the dogs. Mrs. Scull expressed that Council is extremely proud as well and Mrs. Stinney commented on her appreciation of the dogs and is honored and grateful that this Council and Administration and the towns people for enabling them to continue the program and commended the officers as well. The Chief did announce that Uργο is doing well.

Mrs. Stinney then addressed the Department #0100, Administration budget. She asked if Mr. Cartier had a calculator so that she could be exact with her numbers. She stated \$109,400 is requested and is increased to \$111,323 and asked the difference in the amount and was advised it was \$1,983. She clarified that she is on the salaries sheet. She noted that the Business Administrator is not here tonight and stated that there is wholeheartedly nothing against the Business Administrator but finds to give a \$1,983 increase anyone who has been on a job less than a year. Mr. Cartier clarified he needed to correct the amount he had given, that the actual number is \$2,183, not \$1,983. She reiterated that for an employee to have been in the Township for less than a year a \$2,183 raise is a lot. Mr. Allen asked the Mayor's explanation for recommending the \$2,183, whether it's just because he believes he's deserving of it or some other reason. The Mayor relayed their non-union employees a 2% raise in the current salary ordinance and Mr. Gonzalez is

included in that salary ordinance and he personally feels that he earns every penny and then some that they pay him. He noted that they all know that some employees work harder than other, some employees that may not be given the amounts they get but they still get their raises that their contracts afford whether its 3.5% such as in the police contract or the 2% in some of the other contracts, but they still receive their raises. He expressed feeling comfortable in the salary that Mr. Gonzalez gets and the raise he is entitled to. Mr. Bayer cautioned that they talk about the title as opposed to speaking about the individual, noting they should be talking about the title in the budget. The Mayor expressed that in his opinion they are underpaying the Business Administrator. Mrs. Stinney wanted to relay for the record that she never mentioned a name and always referred to Business Administrator. Mrs. Stinney noted to the Mayor that he said he doesn't want to give anyone less than what they others have. The Mayor corrected that he did not say that. Mrs. Stinney withdrew her statement then asked if any of the employees listed on the salary ordinance been here less than a year. He did not recall anyone other than perhaps the Community Development Director. Mrs. Scull asked if his comments on contractual and if that is contractual. The Mayor noted no, that these individuals do not have contracts, they are governed by ordinance. She asked if that ordinance already passed that included that amount. The Mayor clarified that that ordinance is in their agenda package that they are dealing with this evening. Mrs. Scull asked if there were any suggestions or if they were ready to introduce the budget. Mrs. Stinney asked if she meant suggestions of the \$2,183. She suggested perhaps they could put that amount over to the police department to help with the K-9. Mr. Cartier advised that K-9 is fully funded. Mr. Allen asked how many non-union employees received the 2% raise. The Mayor expressed belief it was on their ordinance that is on for discussion and/or possible introduction. Mrs. Scull recited that it would be the Business Administrator, Chief of Police, Finance Officer, Court Judge, Clerk, Community Development Director, who she does not believe has been here a year. The Mayor reminded that when they hired the Business Administrator last year and while going through the interview process and received his proposal for his application for the position the request from the individual was he believes in the \$130,000 plus range which was the range he was more comfortable with, with the other municipalities that he worked in and that he felt his knowledge and experience brought to the table and he did not offer that salary to him and left him with where the previous Business Administrator left off at. He noted telling him that he would start him there and they would work from there because that's what his budget at that time could support. Mrs. Stinney expressed understanding that but her opinion is to let him be here a year or so first. Mrs. Scull announced that unless there is a motion to remove money from that line item she suggested they move on to something else.

Motion by Stinney to remove the \$2,183 from the line item of Business Administrator.

Mr. Cartier asked if she wanted to change that line to what. Mrs. Stinney said to change it to the 2012 salary amount. The Mayor asked Mr. Bayer in regards to the legal budget that the Council votes on and is authorized to make changes within, if that includes sub-accounts or the department accounts bottom line. He stated that so they are clear on their motion if they are going to change the department bottom line which the budget reflects then that's the number they should be taking money out of in his opinion. Mr. Bayer expressed being more comfortable with these questions being addressed with the Auditor as they are normally Auditor questions, not Municipal Attorney's questions. He clarified that he would want to research

that rather than just answer and is sure that the Auditor could answer that question almost immediately and he does not want to give him or Council the wrong information. Mrs. Scull noted that in the past six years they have changed numbers in specific line items and it's never been an issue before. Mr. Cartier agreed noting that it's only been an issue since May of last year, in that line item changes is a problem, but he would tend to agree with the Mayor that changing line item numbers is a problem. He expressed they could change the bottom line number which would be line 3-0120-100-000-110, noting that Administration is requesting \$250,000 in this line. Mrs. Scull commented that then Administration decides where the money comes from, to which Mr. Cartier agreed. Mrs. Scull asked if there was a second to the motion and noted for the record that hearing no second the motion fails.

Mr. Cartier requested to return to the Recreation Department. He noted that in the report they received from the Recreation Director it is stated that the Elementary Summer Recreation Program ran over budget last year and asked if it was due to overstaffing. The Mayor explained that a number of individuals were appropriated for that program and the program did not meet the levels of participation that they had anticipated in attributing that to the costs of the program. Mr. Cartier asked what the intent is to fix that problem. The Mayor noted they will be reducing staff. Mr. Cartier asked when registration sign ups are for that program. Discussion ensued regarding when the hiring and registrations were anticipated to begin this year and that the request is at the same level as last year. It was noted that it was possibly another one of those glitches of transferring information to the spreadsheets. The Mayor expressed not knowing about the sub-accounts but that they are appropriating \$10,000 over last year's funding for that department. Discussion ensued again regarding the discrepancies in the salaries and wages over what was in last year's budget and this year's. The Mayor noted that the \$10,500 reflects the youth sports programs that were put in the budget this year that were not last year which would increase the budget over last year's. Mr. Cartier reflected figures on the report given them and the Mayor reminded that the support documents are not correct but it still gives the bottom line number which is the number they should focus on. Mr. Allen asked if with next year's budget there will be something in place that will possibly prevent this report error. The Mayor advised that since they just noticed it in this budget they will have to talk to the software company that they recently brought on board and try to determine why it's not exporting over into excel. Mr. Cartier announced that other than that, that is his only concern with this budget and that everything else seemed to transfer fine other than the Recreation Department. Mrs. Stinney asked Mr. Bayer if she could return back to the discussion of the Business Administrator because it could have an impact on her decision and support on the budget. She recounted that the Business Administrator title is worth the increase. She noted that if with the form of government they currently have they are not to be involved with the day to day operations how would she be able to vote on a budget and she does not know how much a title is worth. She asked how she would know what this title is worth. The Mayor clarified that he was not referring to the title being worth a dollar amount but rather the individual within that title. He noted that the ordinance has a salary range for the title which maxes out at \$115,000 and the individual that holds that title position and if he were to hire a new Business Administrator today they may not get that amount. Mrs. Stinney expressed understanding that but reiterated how she would know. He relayed she would know by what Council authorizes within that salary ordinance to be paid within that range which gives Administration the ability to negotiate within that range. Mrs. Stinney reiterated that he saying that

the title and individual is worth its worth. The Mayor expressed belief the individual is worth what he is offering. Again, Mrs. Stinney asked how she would know. Mr. Bayer interjected that the Mayor is speaking directly to the qualifications of the current holder of the position and why he thinks he is worth the money for the title and he expressed belief that her question is how she values the position in terms of what the dollar amount is. After further discussion Mr. Bayer advised that technically under this form of government if they had a question on a department or how it's being handled or how an individual is managing a department generically, they have the power under Faulkner to investigate those type of issues. Mrs. Stinney wanted to state for the record to make perfectly clear that all she asking how they get to a 2% increase for the position from 2012 to 2013 and how she would know if this person worthy of a 2% raise, a 3%, 4%, 5% or whatever. She stated she is not questioning what the person is doing. Mr. Bayer explained to her that as a matter of course he is not advocating one way or another what they do in terms of this issue. He explained that the Mayor is stating that all non-union employees are getting 2% and the person in that position is being offered that same amount. He relayed that in getting back to the issue of their form of government, that the Chief Administrator in this form of government as the supervisor of employees, that being the Mayor is responding that if he is of the view that a non-union employee or someone in the who has been in the Township for less than a year should not get a 2% raise then he believes it would be subject to the Mayor's decision. Mrs. Stinney agreed in that he runs the day to day operations under the Faulkner government. Mr. Bayer advised that the way that Council can control that putting aside the line item in the budget is through the salary ordinance because they would be creating a range for the salary. He further noted that if a 2% range bumps a person up above a salary range that is in the salary ordinance then that person is not authorized to receive the raise and that would be the way they would have the power to deal with that issue. Mrs. Scull noted that they need to approve the contract for the other employees and they would approve a percentage of raise for the other employees and questioned why they are not permitted to approve the 2% to the non-union employees. Mr. Cartier corrected that technically they do through the salary ordinance as Mr. Bayer explained.

President Scull recessed the meeting at approximately 8:47 p.m. for a short break and reconvened at approximately 9.01 p.m.

Mr. Cartier advised that the Mayor has assured him that they will have accurate numbers and other Recreation he has no problems with this budget. He noted that according to the Solicitor and Clerk that if there are any changes needed prior to adoption of the budget they can make them at that time. He reiterated that his only problem is the questions he has with the Recreation Department which the Mayor is getting corrected so he is satisfied. Mrs. Scull asked the rest of Council if they have anything else. Mr. Cartier noted that an amendment would be necessary only if there a problem to the bottom line number. Discussion ensued regarding the public hearing not being able to be held until at least 28 days after introduction and that the Clerk will determine along with the Auditor the appropriate hearing date that will be advertised.

Motion by Cartier and Allen to introduce the 2013 Municipal Budget reflected as Resolution No. 65-2013, as presented by the Mayor. Cartier, yes; Allen, yes; Stinney, yes; Trueblood, yes; Scull, yes. Motion carried.

Mrs. Scull announced to the public for those that were not present at the last budget meeting that the budget they have introduced does not call for any layoffs and is well beneath their cap and is an increase of 1.9 cents.

There was Council consensus for cancellation of the special meeting scheduled for the next night in light of the fact that Council introduced the budget tonight.

### **NEW BUSINESS (Pulled from the consent agenda)**

**\*a.** Purchases over \$2,000.00

**\*1. Buildings & Grounds:** Gas conversion for Municipal and Senior Buildings in the amount of \$15,850.00 to Dazell Hardware & Plumbing Supply.

Mr. Cartier asked what the need was for replacing their heaters. The Mayor explained this goes back to a 2004 ordinance that they have been trying to get the project done in this Township for a long time. He noted they have an old burner down in the burner that controls the police side of the building and two on this side that are older and not efficient. He explained they are trying to not only convert to gas which is cheaper and cleaner but also get the underground storage tanks out of the grounds which are all part of this pricing. Mr. Cartier asked where the money is coming from. The Mayor advised its coming from a 2004 Capital project. He noted this project dates back to prior Councils and Administrations. He noted they have cancelled some projects and reduced some of the debt but it is authorized in Ord. 8-2004 and will cover three burners in this municipal building and take care of the senior building.

Motion by Cartier and Trueblood to approve the request of gas conversion for the municipal building and senior building in the amount of \$15,850 to Dazell Hardware & Plumbing Supply. Cartier, yes; Trueblood, yes; Stinney, yes; Allen, yes; Scull, yes. Motion carried.

Mrs. Scull announced that Mr. Allen had requested that item a.3. be pulled from the consent agenda because it was related to his employer.

**\*3. Recreation Dept.:** For Aquatic Vegetation Management for Mirror Lake in the amount of \$5,000.00 to Allied Biological.

Motion by Cartier and Stinney for the purchase for aquatic vegetation management for Mirror Lake in the amount of \$5,000 to Allied Biological. Cartier, yes; Stinney, yes; Trueblood, yes; Allen, abstain; Scull, yes. Motion carried.

### **Discussion and/or possible introduction of Solar Ordinance Amendment as requested by Pinelands in connection with Ord. 14-2012 that was adopted.**

Mr. Ragan noted that this ordinance is an amendment to the ordinance that they adopted last year. He reminded that they were interested in getting something on the books and Pinelands had recommended the Township hold off since they were still working on their legislation. The Township decided not to wait and said that in Pinelands areas they have to show compliance with Pinelands standards. He advised that Pinelands agreed but they want all of their standards listed in the ordinance. He noted that this amendment lists all of Pinelands' requirements.

ORDINANCE NO. 5-2013

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR SOLAR ENERGY SYSTEMS WITHIN THE TOWNSHIP

Motion by Cartier and Stinney to introduce Ordinance No. 5-2013. Cartier, yes; Stinney, yes; Trueblood, yes; Allen, yes; Scull, yes. Motion carried.

**Discussion *and/or* possible introduction of ordinance authorizing the lease of a Township owned ambulance to Lourdes.**

ORDINANCE NO. 7-2013

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE LEASE OF A TOWNSHIP OWNED AMBULANCE TO LOURDES EMS

The Mayor explained that this ordinance involves part of the process they are going through change their current EMS service to increase the responsibility on Lourdes and this will assist Lourdes with that application in doing so by putting their ambulance into Lourdes' service. He noted they would take over all necessary maintenance of the vehicle and insurance and be responsible for that vehicle. Mr. Cartier asked if they will have the follow-up amendment to the contract they just extended. Mr. Bayer explained that the lease although separate sorts of dove tails the ordinance. In order to give them the ambulance it has to be done by ordinance but in terms of the lease agreement they incorporated the other contractual terms that are in the other agreement with Lourdes into this lease and would be subject to all other provisions of the contract that already in effect, so they would not need another contract when they would be approving it in essence through this lease. The Mayor reminded they would also be receiving their commitment of additional coverage by picking up the extra 12 hours. They currently contract with them for 24/7 service with one ambulance which they are responsible to provide and then they provide us with a second ambulance Monday through Friday for 12 hours a day. For 12 hours a day throughout the week they have two rigs that are committed to the Township that they are responsible for providing. The Township is looking to increase this which will fill the void. Mrs. Scull asked if this was the ambulance from the Pemberton side. He acknowledged it would in all likelihood be after reviewing the fleet. Mr. Bayer noted that the proposed lease in the ordinance references a specific ambulance by vin number. Mr. Cartier expressed to Mr. Bayer his only concern is in the sixth Whereas clause and read it out loud that Lourdes shall use the property in order to provide the Township with basic life support emergency medical services Monday through Friday, from the hours of 6:00 p.m. to 6:00 a.m.....he noted that he would rather see it state after "shall use the property", that statement "in order to extend the current service to include the hours of 6:00 p.m. to 6:00 p.m....." Mr. Cartier asked that this ordinance only controls the lease, to which Mr. Bayer confirmed. Mr. Cartier suggested they list this ordinance for introduction at the March 6<sup>th</sup> meeting since Council President has concerns over the length of that meeting. He asked the Mayor if they had time, till the end of March before they need another rig on the road. The Mayor noted they actually do not have a contract with 109 currently and only have a contract with 189 as a backup unit and 186. Mrs. Scull asked when Lourdes needs the ambulance to meet this agreement. He advised they would need the ambulance as soon as they want them to implement the agreement, if they want to extend the agreement the goal is to reach the date of April 1<sup>st</sup>. He is not sure if they will be willing to bring their own rig in and may have to go back and amend the contract

without the lease agreement, so right now their only obligation is one vehicle, seven days a week, 24 hours a day, and one vehicle 12 hours a day, five days a week. What this does is it will require them to at all times to provide two ambulances which fills the void. Mr. Cartier asked if there is something in here that states that this ambulance may only be used within Pemberton Township or for the use of Pemberton Township. He noted they are a private entity and is sure they can move their ambulances around to wherever they need them. The Mayor commented that with this particular lease he does not believe that is actually spelled out. Mr. Cartier stated he does not know what other towns they service but he does not want them using the Township's ambulance for example somewhere in Marlton or Moorestown. Mayor noted that they would still have to provide another ambulance. The Mayor noted the reason they asked it to be introduced now is to give them time to get their staffing together for the start date. There was Council consensus to list for introduction at the March 6<sup>th</sup> meeting.

**Discussion *and/or* possible introduction of ordinance amending salaries, compensation and benefits for non-union employees.**

Mr. Bayer asked if they wanted to go back into closed session before they vote on introducing the ordinance. He advised Council that they can introduce any ordinance by title and resolve whatever issues they have then publish the version of the ordinance according to whatever they decide on. Mrs. Stinney asked for clarification that it was the consensus of Council to introduce on March 6<sup>th</sup> the last ordinance discussed. Mrs. Stinney wanted it stated for the record that it was the consensus of the remaining Council and not for her. President Scull confirmed it was and that it will be on that agenda for introduction.

Mrs. Scull then announced to Council that the Solicitor has recommended that they can introduce the salary ordinance, read it, and go into closed session later to resolve whatever issues they have and publish that ordinance, or go into closed session and resolve issues then introduce after. Mr. Bayer said either way is legally acceptable.

ORDINANCE NO. 6-2013 (Title read by President Scull)

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

Motion by Cartier and Trueblood to introduce Ordinance No. 6-2013 with the public hearing to be held on March 6<sup>th</sup>. Cartier, yes; Trueblood, yes; Stinney, yes; Allen, yes; Scull, yes. Motion carried.

**General Public Comments.**

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

**Dolores Edgehill, Pemberton – 1.** Advised she had a problem with her water bill noting she paid three months prior \$300 then the next three months she paid \$364. She had someone look at the meter who said it was fine. She had the grounds who noted there was no water anywhere and everything was fine, so she does not know what the problem is or where it's coming from. She does not have any money to dig holes. Mrs. Scull asked if the Mayor had talked to foreman of the Water Dept. The Mayor said this could be looked into by the Water Department. He noted the

bills are based on the meter reading, noting that if there is a problem somewhere there may be a leak such as a toilet running but they will look into it. 2. Advised that a lady lives in a house with two sick people and lots of children and has spoken to the Police Department about hearing cursing and the kids have so many trucks in the yard it's an eyesore and hears stones spinning at her window. Mrs. Scull advised her that the Mayor is taking notes and will look into the matter for her.

**Darius Mosley, Chief of Pemberton 1<sup>st</sup> Aid – 1.** Advised that at the last meeting they were told by the Business Administrator that he was trying to negotiate a contract during public comments but he was not. He reached out to him as he was told by the Mayor. He asked if they were able to provide their own insurance if they could continue to provide the service. He advised the rude response was no, he does not recall exactly what was said but that they would still pose a liability to the Township even if they provided their own insurance. The Mayor stated that it was he that stated at the last meeting that he would not negotiate their contract here at the meeting last time, not Mr. Gonzalez. He noted that he still will not negotiate the contract with him here in a public meeting. He asked why he is told to meet with the Business Administrator and then he does not meet with him. The Mayor expressed that he does not believe the subject is open for negotiations and is not in the position to sit down and negotiate a contract when he is looking at other options he feels is better for the community. He said no one is stopping them from operating as a private paid company. 2. Asked why they are going to lease an ambulance to Lourdes. The Mayor advised they are offering that through negotiations as part of the deal to increase their contract. 3. Asked again about the \$10,000 they were supposed to be allotted that they got half of. The Mayor explained he is not willing to just hand over tax payers' money if they are not going to be providing a service to the Township.

**John G. Shaw – 1.** Commented on the closing down of the emergency squad and expressed that the Township has an obligation the people who will be soft billed and those hardest hit by the paid emergency squads will be those that can't afford it. He expressed a conflict of interest in that the squad is right next to Mayor Patriarca's house and he should recuse himself from this matter. He noted there had been prior complaints of the noise from the squad members and if it's not a direct conflict of interest it is an appearance of conflict of interest.

**Thomas Maahs, Presidential Lakes – 1.** In regards to Resolution No. 62-2013 it refers the service is to be provided at no cost but the ordinance reflects that the Township will provide fuel. He expressed sadness to see the organization go.

**Veronica Hearney, Lakeshore Mobile Village – 1.** Noted she is also part of the mobile home association as vice-president. She reported that they are doing their best they can with progress in their park. They are still having some problems with the mobile homes that are not keeping up with property maintenance. She informed they just got the crime watch started and met with Chief Jantas who is a wonderful guy. She noted that regarding Mrs. Stinney's suggestion of the truancy issue she feels it has improved and the kids have been going to school. She acknowledged that there is still of progress to go through. 2. She has noticed and other residents have been complaining of a chlorine order coming out of their faucets. The Mayor noted that he will check with the Water Department regarding this matter.

**America Phillips, Presidential Lakes – 1.** Expressed dismay that they can no give Pemberton Borough permission to operate and can't believe the Township has turned their backs on them. She asked if they realize that all the schools of the Township are around there. Mr. Cartier noted they are not. Mrs. Scull noted there are seven. **2.** Stated that they need to do what they can for everyone and complained about the lack of security cameras not being in the budget.

**Ryan Pittman – 1.** He noted that several years ago there was a PAAL organization that children participated in PAAL baseball. He noted that parents want to know why there is a PAAL account and why there is still money in there and asked if any meetings or books for them, if the restitution being monitored and why this money isn't dispersed through the Township or some type of funding. He expressed there are many programs in the town that could benefit from the money that was stolen. He was told by Mike Balas in an open forum meeting that he is the sole person in charge of that account. When he asked him what he is doing with the money he told him to go to Pemberton Youth. He stated that with the limited funding that recreation receives now that funding could benefit the various programs. The Mayor noted that his involvement was during the investigation over the funds and he believes it was a 501 so it was not a Township organization so when the funds were stolen the organization went to court that ordered restitution to that organization. He noted that the other organizations that was under it dissolved except one so the restitution can come under it but does not know if that was the intent but PAAL decides their private organization plans. Mrs. Stinney asked what Mr. Bayer would do. He advised that he will research what the court order states.

There being no other members of the public indicating a desire to be heard, the meeting was closed to the public for comments.

### **Solicitor's report**

Mr. Bayer reported: **1.** Reported that based on a conference he had with Judge Suiter this past week they are anticipating a decision on the Busters litigation within the next couple of weeks as the Court is just finishing up their decision.

### **Engineer's report**

**Mr. Rehmann reported: 1.** Well #12 and the air bound issue that caused problems with that has been resolved and the well has been put back into service and is functioning properly. **2.** They have resubmitted the plans for Bayberry Street Dam to Dam Safety Soil Conservation District and Pinelands and scheduled bids for May 1<sup>st</sup>. **3.** Regarding Country Lakes Damns they are making the final submissions to the various agencies this month and hope to have results soon and clean up various items while they await the results and would like to have bids sometime in mid-summer. **4.** The bids for the fuel facility have been delayed till March 1<sup>st</sup> as he was trying to get as many vendors bidding so they can get the best price.

### **Planner's report**

Rick Ragan reported: **1.** Dollar General was approved. **2.** Dialysis was scheduled for the Zoning Board. **3.** They looked at the R1 ordinance and they looked at what they thought is an easy fix and the Township's staff has comments

and they will give them to Council at the same time.

### **Mayor's report**

**Mayor Patriarca reported: 1.** Spoke of Mr. Maahs' comments on the no cost contract. He explained the no cost reflects no billing to the Township whereas their previous contract with Monarch they paid \$50,000 for their service and still paid their fuel and the current contract with Lourdes does provide fuel. Mrs. Stinney thanked him for addressing the concerns that many residents have had throughout the town. She noted that yesterday she received a few calls about Lake Valley and thanked Mrs. Finlay for trying to help get her answers as to why they did not have water. She stated that whoever she spoke to was able to get back to her and advise of the water main break. She asked the Mayor that numerous residents called the Water Department and did not get an answer. She asked if there was any other way other than on the internet such as leaving a message on the telephone when there is a problem going on. The Mayor recognized the Water Department for the great job that they did yesterday. He noted they are looking into a program involves a cert which is like a reverse 9-1-1 and once that's in place they will be able to send messages to all residents that have phones and can send it out be area. She then asked about the redeveloper for Browns Mills Shopping Center. The Mayor noted they are still looking at other options and spoke with a developer today and they are trying to get someone on board.

### **Council Members' Comments**

**Diane Stinney: 1.** She had no further comments tonight.

**Jason Allen: 1.** Thanked everyone for coming out tonight.

**Kenneth Cartier: 1.** Noted he had nothing further for tonight.

**Norma Trueblood: 1.** Thanked everyone for coming out and looks forward to seeing everyone at the next meeting and is looking forward to the budget and everything coming together.

**Sherry Scull: 1.** Advised their was a serious allergic student incident at the Stackhouse School that had an allergic asthmatic attack that was so severe and it was lucky that the hospital was right there. She explained those are the types of issues that concern her about leaving the other side of the district without ems coverage. **2.** Announced that the Deborah Heart Challenge is on Sunday at 3 p.m. and explained the program that includes an Art exhibit that starts at 1 p.m. Mr. Allen asked about the Historic Trust event. She shared that on March 17<sup>th</sup> at 2 p.m. she will be doing a presentation but is uncertain if it is for Historic Trust or not but it will be on Civil War Soldiers and the history of the 150<sup>th</sup> anniversary of the Civil War and the impact it had on their area.

She announced that they will be returning to closed session and there will not be any formal action taken after the meeting. She recessed the opens session meeting for Council to go back into closed session at approximately 10:38 p.m. and resumed open session at approximately 11:44 p.m.

There being no further action necessary pursuant to closed session Council motioned to adjourn and the meeting was adjourned at approximately 11:45 p.m.

Respectfully submitted by,

MARY ANN FINLAY, MMC, TOWNSHIP CLERK