

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
MAY 1, 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
Diane Stinney
Norma Trueblood,
Sherry Scull

ABSENT

Also present: Mayor David Patriarca, and 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 Scull called the meeting to order at 6:30 PM.

CLOSED SESSION

RESOLUTION NO. 97-2013

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:
GRIEVANCE FILED BY CWA MEMBER TOBY PEACOCK
CONTRACT NEGOTIATIONS: BROWNS MILLS SHOPPING CENTER
DANITOM NEGOTIATIONS
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 Allen to approve Resolution No. 97-2013. Cartier, yes; Allen, yes; Trueblood, yes; Stinney, 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 at this time and 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)

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

Mr. Cartier requested to pull Resolution Nos. 100-2013, and 101-2013 and New Business Item 10.a.

CLOSED SESSION ITEMS

CONSENT AGENDA RESOLUTIONS

RESOLUTION NO. 98-2013

RESOLUTION AUTHORIZING THE MUNICIPAL TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C. 72

WHEREAS, DUE TO THE LATE ADOPTION OF THE COUNTY OF BURLINGTON'S BUDGET THE COUNTY BOARD OF TAXATION IS UNABLE TO CERTIFY THE TAX RATE THROUGHOUT THE COUNTY AND THE MUNICIPAL TAX COLLECTOR WILL BE UNABLE TO MAIL THE TAX BILLS ON A TIMELY BASIS:

WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT THERE WILL BE INSUFFICIENT CASH FLOW TO SUPPORT OPERATIONS IN LATE AUGUST 2013 UNLESS THIRD QUARTER REVENUE IS RECEIVED IN A TIMELY MANNER, AND WHEREAS, THE TAX COLLECTOR IN CONSULTATION WITH THE CHIEF FINANCIAL OFFICER HAS COMPUTED AN ESTIMATED TAX LEVY IN ACCORDANCE WITH N.J.S.A.54:4-66.3, AND THEY HAVE SIGNED A CERTIFICATION SHOWING THE TAX LEVIES FOR THE PREVIOUS YEAR, THE TAX RATES AND THE RANGE OF PERMITTED ESTIMATED TAX LEVIES; NOW THEREFORE, BE IT HEREBY RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY AUTHORIZED THAT:

THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO PREPARE AND ISSUE ESTIMATED TAX BILLS FOR THE MUNICIPALITY FOR THE THIRD INSTALLMENT OF 2013 TAXES. THE TAX COLLECTOR SHALL PROCEED AND TAKE SUCH ACTIONS AS PERMITTED AND REQUIRED BY P.L.1994, C.72(N.J.S.A. 54:4-66.2 & 54:4-66.3).

1. THE ENTIRE ESTIMATED TAX LEVY FOR 2013 IS HEREBY SET AT \$30,729,558.44

2. IN ACCORDANCE WITH LAW THE THIRD INSTALLMENT OF 2013 SHALL NOT BE SUBJECT TO INTEREST UNTIL THE LATER OF; THE END OF THE GRACE PERIOD, OR THE TWENTY-FIFTH CALENDAR DAY AFTER THE ESTIMATED BILLS WERE MAILED. THE ESTIMATED BILLS SHALL CONTAIN A NOTICE SPECIFYING THE DATE ON WHICH INTEREST MAY BEGIN TO ACCRUE.

BE IT FURTHER RESOLVED, THAT THE MUNICIPAL CLERK PROVIDE A CERTIFIED COPY OF THIS RESOLUTION TO THE TAX COLLECTOR

RESOLUTION NO. 99-2013

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 PERSON(S) FOR THE AMOUNTS AND REASONS SET FORTH:

RENE A. RYAN, \$25.00, FOR REFUND OF PROPERTY RENTAL REGISTRATION FEE; OWNER WILL NOT BE RENTING OUT THE PROPERTY AT BLOCK 892, LOT 42.

CTL TITLE INSURANCE AGENCY, INC., FOR REFUND OF OVERPAYMENT OF LIEN #11-00317 FOR BLOCK 647, LOT 10, IN THE AMOUNT OF \$985.24.

NEW BUSINESS

***b.** Gold License Application for Darryl Guy T/A American Gold and Diamond Buyers for Lions Club Fund Raiser (Gold buying event), at Country Lakes Fire House on 5/3/13 and 5/4/13.

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

1. Police Department: Purchase of annual software license for COPS More Program from the County of Burlington in the amount of \$22,309.48.

*Approval by Council required for payment of vouchers on bill list dated 4/26/13.

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

RESOLUTION NO. 100-2013 (PULLED FROM CONSENT AGENDA)

RESOLUTION NO. 100-2013

RESOLUTION AUTHORIZING THE TOWNSHIP OF PEMBERTON'S PARTICIPATION IN THE UPDATE TO THE BURLINGTON COUNTY HAZARD MITIGATION PLAN

WHEREAS, PURSUANT TO FEDERAL REGULATION, THE BURLINGTON COUNTY HAZARD MITIGATION PLAN ("HMP") MUST BE FORMALLY UPDATED EVERY FIVE YEARS; AND

WHEREAS, EVERY MUNICIPALITY IN BURLINGTON COUNTY ADOPTED THE HMP IN 2008, WHICH WAS SUBSEQUENTLY APPROVED BY FEMA; AND

WHEREAS, THE HMP IS DUE TO BE UPDATED ON NOVEMBER 10, 2013 AND FORMAL PARTICIPATION BY MUNICIPALITIES IS REQUIRED IN ORDER TO BE ELIGIBLE FOR A VARIETY OF FEMA GRANT PROGRAMS WHICH PROVIDE MUNICIPALITIES WITH CRITICAL FUNDING FOR DISASTER PREPAREDNESS, MITIGATION AND RECOVERY; AND

WHEREAS, ON APRIL 19, 2013, THE COORDINATOR OF THE BURLINGTON COUNTY OFFICE OF EMERGENCY MANAGEMENT ISSUED A REQUEST TO PEMBERTON TOWNSHIP FOR A LETTER OF INTENT TO PARTICIPATE IN THE UPDATE TO THE HMP TO THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"); AND

WHEREAS, BY EXECUTING THE LETTER OF INTENT TO PARTICIPATE, THE TOWNSHIP AGREES TO MEET CERTAIN MINIMUM REQUIREMENTS OF JURISDICTIONAL PARTICIPATION IN THE HMP, AND AS FURTHER OUTLINED IN THE ATTACHED LETTER OF INTENT; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES IT TO BE IN THE BEST INTERESTS OF THE TOWNSHIP PARTICIPATE IN THE UPDATED BURLINGTON COUNTY HAZARD MITIGATION PLAN.

NOW, THEREFORE, 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 MAYOR IS HEREBY AUTHORIZED TO EXECUTE THE LETTER OF INTENT TO PARTICIPATE IN THE UPDATE TO THE BURLINGTON COUNTY HAZARD MITIGATION PLAN; AND BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

BURLINGTON COUNTY OFFICE OF EMERGENCY MANAGEMENT
TOWNSHIP ADMINISTRATOR
GLUCKWALRATH LLP

Mr. Cartier pointed out a wording correction to be made to this resolution in the fourth whereas clause indicating "letter of intent to participate in the update...."

Motion by Cartier and Allen to approve Resolution No. 100-2013 as amended. Cartier, yes; Allen, yes; Trueblood, yes; Stinney, yes; Scull, yes. Motion carried.

RESOLUTION NO. 101-2013 (PULLED FROM CONSENT AGENDA)

RESOLUTION NO. 101-2013

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH LEE L. ROMM, MAI, SRA, ASA OF LEE L. ROMM, INC. TO PERFORM AN APPRAISAL FOR THE TOWNSHIP IN CONNECTION WITH THE LITIGATION CAPTIONED SYBRON CHEMICALS, LLC V. TOWNSHIP OF PEMBERTON,

WHEREAS, THERE IS A REAL ESTATE TAX APPEAL PENDING AGAINST THE TOWNSHIP FOR REAL PROPERTY LOCATED IN PEMBERTON TOWNSHIP DESIGNATED AS BLOCK 788, LOT 1, AND BLOCK 778 LOT 12 (THE "PROPERTY"), IN THE NEW JERSEY TAX COURT CAPTIONED SYBRON CHEMICALS, LLC V. TOWNSHIP OF PEMBERTON (THE "LITIGATION"); AND WHEREAS, THE TAX ASSESSOR AND SPECIAL TAX APPEAL COUNSEL HAS RECOMMENDED THAT THE TOWNSHIP RETAIN A LICENSED REAL ESTATE APPRAISER, LEE L. ROMM, MAI SRA, ASA OF LEE L. ROMM, INC. TO PREPARE A PRELIMINARY AND RESTRICTED APPRAISAL REPORT FOR THE PROPERTY IN THE LITIGATION; AND

WHEREAS, PURSUANT TO A MARCH 20, 2013 LETTER, LEE L. ROMM, MAI, SRA, ASA OF LEE L. ROMM, INC. SUBMITTED A PROPOSAL TO THE TOWNSHIP TO PREPARE THE PRELIMINARY AND RESTRICTED APPRAISAL REPORT IN AN AMOUNT NOT TO EXCEED \$7500; AND

WHEREAS, THE TOWNSHIP COUNCIL DESIRES TO AUTHORIZE LEE L. ROMM, MAI, SRA, ASA OF LEE L. ROMM, INC. TO PREPARE A PRELIMINARY AND RESTRICTED APPRAISAL REPORT ON BEHALF OF THE TOWNSHIP IN THE LITIGATION IN AN AMOUNT NOT TO EXCEED \$7500.00.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND THE STATE OF NEW JERSEY THAT LEE L. ROMM, MAI, SRA, ASA OF LEE L. ROMM, INC. IS AUTHORIZED TO PREPARE A PRELIMINARY AND RESTRICTED APPRAISAL REPORT AND TO OTHERWISE ASSIST THE TAX ASSESSOR AND TOWNSHIP SPECIAL TAX APPEAL COUNSEL AS NEEDED IN THE LITIGATION CAPTIONED SYBRON CHEMICALS, LLC V. TOWNSHIP OF PEMBERTON IN AN AMOUNT NOT TO EXCEED \$7,500.00; AND

BE IT FURTHER RESOLVED, THAT THE MAYOR IS HEREBY AUTHORIZED TO ENTER INTO A CONTRACT WITH LEE L. ROMM, MAI SRA, ASA, OF LEE L. ROMM, INC. FOR THE PROFESSIONAL SERVICES REFERENCED HEREIN IN AN AMOUNT NOT TO EXCEED \$7500.

BE IT FURTHER RESOLVED THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 3-01-20-155-000-273 AND 3-01-20-155-000-280; AND

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

LEE L. ROMM, MAI, SRA, ASA
TOWNSHIP ADMINISTRATOR
TOWNSHIP CHIEF FINANCIAL OFFICER
GLUCKWALRATH LLP

Mr. Cartier pointed out a numerical correction to be made to this resolution in the Now, Therefore Be it Resolved clause to reflect the amount of \$7,500.

Motion by Cartier and Allen to approve Resolution No. 101-2013 as amended. Cartier, yes; Allen, yes; Trueblood, yes; Stinney, yes; Scull, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 9-2013 (Title read by President Scull)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING AN ENERGY AND NATURAL GAS AGGREGATION PROGRAM

Motion by Trueblood and Allen to introduce Ordinance No. 9-2013 with a public hearing to be held on May 15, 2013.

Mr. Cartier expressed that he is still concerned with telling residents they have to do this unless they opt out. He feels someone will be confused, but that he would be for this ordinance if they could opt in. Mrs. Stinney noted also being concerned over confusion. Mrs. Scull expressed that there have been previous discussions on this, presentations made and they just have to educate the public. She does not have a problem with the ordinance since its going to be a savings to everyone.

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

ORDINANCE NO. 10-2013 (Title read by President Scull)

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (“THE TOWNSHIP”); APPROPRIATING \$345,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$328,000 BONDS OR NOTE OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Motion by Allen and Cartier to introduce Ordinance No. 10-2013 with a public hearing to be held on May 15, 2013.

Mr. Cartier suggested removing police vehicles from page 2, in the first i. He expressed that this should not be part of this ordinance. Noting that this ordinance replaces the old ordinance he asked that if they adopt this ordinance if they will cancel the old ordinance to which the Mayor advised that they would. President Scull asked if they would cancel the old ordinance by adopting a resolution or an ordinance. Mr. Bayer expressed belief that it would be by resolution but would check with Bond Counsel. Mr. Cartier expressed that he would want the resolution for the next meeting since the final adoption of this ordinance would be on that agenda.

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

ORDINANCE NO. 11-2013 (Title read by President Scull)

BOND ORDINANCE PROVIDING FOR THE PURCHASE AND ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (“THE TOWNSHIP”); APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Motion by Cartier and Stinney to introduce Ordinance No. 11-2013 with a public hearing to be held on May 15, 2013.

Mrs. Stinney asked how they will select the roads to be repaired to which the Mayor advised that they will still have the same process and will be picking the worse roads in each zone. The Mayor offered to bring the Public Works Superintendent to the next meeting to address any questions they may have regarding the proposed in-house program. Mrs. Stinney asked they will still continue to seek grants to which he advised they would. President Scull noted that she still has concerns on the ability and how to manage the program. Mrs. Stinney asked that when the employees are working on the roads how they will be replaced for what they are doing now to which she was told that the proposed program will be explained in better detail at the next meeting.

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

NEW BUSINESS (Pulled from Consent Agenda)

- *a. Social Affair Permit Application for Wish Upon A Hero Foundation (One day liquor license for charity mud run event to be held at On Target Paintball, 35 Sheep Pen Hill Road, on 7/27/13 from 8AM-6PM.

Mr. Cartier asked if they have heard from the Police Department regarding this. Mrs. Finlay advised that her Deputy, Mrs. Cosnoski has been working with the police department and believes that their concerns were addressed and that they had also contacted the organization. Mr. Cartier noted it did not appear to be a rush since the event is not until July and therefore they could wait till they hear definitively that the police department had no objections. Mrs. Finlay advised she would look through the files and ensure that the police have approved the event in writing, if not later in the meeting, then for the next meeting.

UNFINISHED BUSINESS

Continued discussion and/or possible introduction of ordinance amending Chapter 140 of the Code in order to establish provisions governing the use of parks and other public property and recreational facilities.

President Scull noted that Council was provided the proposed changes that she and Mr. Cartier worked on. One was not prohibiting dogs altogether from the parks but to prohibit them from the lakes/beaches. Mr. Cartier noted that they removed one of the classes for building rentals class F combined class E into class D. He noted they reduced class E rental to \$50.00. She noted that Senior Lunches fees they would word it to state County Regulated. The Mayor clarified that there are no fees but that the County strongly asks for donations and under the current program they don't charge. He noted some pay more than others. The Mayor relayed concern that if the County program ends there is nothing in the budget to cover the costs and asked that they leave a range in there. Mr. Stinney expressed that she has faith in the County and that if something were to change she was sure they would get fair notice. Ms. Kosko advised that she will be meeting with the Director of Aging and with the sequester she is concerned it will not be great news. She noted they may not operate 1 day a week or month

and that the Meals on Wheels program may be affected. She advised that the Township bears the cost to manage the meals and also requested some type of range in the fees if needed later. Mr. Gonzalez suggested changing the word fee to donation/fee (County recommended donation) and put in language regarding if the program ends. They agreed on \$2-\$8 for residents and \$4-\$12 for non-residents. President Scull advised that they also removed the additional fee for the BMIA. Ms. Kosko expressed concern on how this may affect the Township's liability, noting that this would mean that dogs would be permitted on Imagination Kingdom and the sports fields. She suggested designating certain parks for dogs. After further discussion, the Mayor expressed his concerns with enforcement of cleaning up after the dogs; however Council determined to leave provision that the dogs are permitted in the parks.

ORDINANCE NO. 12-2013 (Title read by President Scull)

ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 140 OF THE TOWNSHIP CODE IN ORDER TO ESTABLISH PROVISIONS GOVERNING THE USE OF PARKS AND OTHER PUBLIC PROPERTY AND RECREATION FACILITIES

Motion by Cartier and Stinney to introduce Ordinance No. 12-2013 with a public hearing to be held on May 15, 2013. Cartier, yes; Stinney, yes; Trueblood, yes; Allen, yes; Scull, yes. Motion carried.

Continued discussion and/or possible introduction of ordinance amending Chapter 128 of the Code in order to establish provisions governing the use of and/or launching of boats and other waterborne craft upon lakes owned and/or controlled by the Township of Pemberton.

President Scull noted that Council was provided with the sub-committee's recommended revised version. She noted they do not want to charge Township residents, and state residents would be \$25, NJ Seniors, \$20; out of state residents, \$50; out of state residents and seniors \$40; and permits will be valid for a year. She further noted that one other change was removing the Director of Recreation from being one of the individuals that has to enforce the ordinance.

Motion by Cartier and Trueblood to introduce Ordinance No. 13-2013 with a public hearing to be held on May, 15, 2013. 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:

Ryan Pittman – 1. He reminded that at the last meeting he discussed some of the information in regards to the PAAL account wherein the Solicitor had asked him to bring him some information which he has here tonight and gave it to Mr. Bayer. He advised that a judgment had been entered after the conviction against Debra Higgins, September of 1997 in the amount of \$70,158. The original amount was \$80,158 but she paid \$10,000 the day of sentencing. He advised that PAAL could not recover from this devastating financial blow so it stopped filing its annual reports in 1998, whereas the non-profit status was revoked in 2001. He informed that registered agents listed as board members when this happened were Caroline

Wade, Keith Crawford, Kathleen Parker, Clifford Parker, and that Mike Balas was not part of that board at that time. He advised that as per Burlington County Probation Department, payments have been continually sent by Mrs. Higgins to the Probation Department who then sends the checks to the “now dissolved” PAAL organization in Browns Mills, in a P.O. Box to the attention of Caroline Wade who has passed away. He noted that from what he has been told she was ill from 2005 and passed in January, 2010. He relayed that to his knowledge there was nothing in writing putting anyone in charge of the money for the “now dissolved” PAAL organization and it appears that no one told the Probation Department that the organization had dissolved. He advised that the checks are marked for deposit only going to the PAAL account, attention to Caroline Wade. He asked the Council and Township where the money is. He asked if anyone checks on this or have any knowledge of this. Per information he has received he relayed that he assumed that no one person by law can accept, deposit and use restitution funds without being the proper appointed individual to do so and he or she can't use funding that is being sent to a dissolved organization simply by not telling the Probation Department that it has been dissolved and keeping a P.O. Box in order to do so. He advised having for the Solicitor copies of the judgment of conviction, the Superior Court judgment, the status report of PAAL, Caroline Wade's death notice and copies of checks from Probation and a list of all other checks sent. Mr. Bayer asked if they were cashed to which they were deposited into a bank account. He expressed hope that the Council, the Township will look into this evidence he is providing and do some type of investigation. He advised that he is not here as Little League to bash or slander anyone, in particular. He stated they are part of Little League but also as the children of the Township that could benefit from the funding by new programs being brought back to life after the devastation in 1997. President Scull asked if he talked to the Probation Department himself to which he advised that he did not. She then asked Mr. Bayer what they do about this even though it's not the Township it still was the town's children's money and the money of the many PAAL parents that they had raised. Mr. Bayer noted that aside from reading and digesting the information provided if its Council's pleasure he could at least follow up with the County. Mrs. Stinney agreed that she was in support of that. President Scull shared her agreement with Ryan that it may not legally be the Township's money but it's their legal responsibility to make sure what the status. Mr. Pittman shared that she has a balance of \$8,000 left that she owes and all that money could be sitting there untouched. Mr. Cartier asked if it would be more appropriate for the police investigate this. The Mayor agreed that it was his belief that the police would be the correct authority to take a look at this investigation and Administration would assist in bringing this to the Police Chief. Mr. Bayer noted that they would look into it together.

America Phillips – 1. In regards to vacant homes in her community she has seen more Code Enforcement in the area. She noted that work has been done and fences have been removed in the back, but the back door is still open and the tarp still remains. President Scull asked if these people working are actual workers and not people helping themselves. Mrs. Phillips stated that someone is paying them because they have been working in the rain for two days and the cars have been filled with junk. She asked Administration if there is any update on 200 New Hampshire Road. President Scull asked if the Township has been paid for the vacant roads. Mr. Gonzalez advised that letters have been sent to owners and he will have a report for the next meeting. Mrs. Phillips noted seeing 6 empty houses on California Trail in similar shape. **2.** In regards to the roads she is not asking for

her road at this time and is giving them time to start the program to see what happens. **3.** Noted that the Community Day is not going to be in the Township but rather in the schools. **4.** Asked if the Township could deliver two truck loads of mulch that could be used for planting at the entrance of Presidential Lakes so that she can work with the flowers for that area. President Scull asked that she asks Administration for that to which she advised she would see them tomorrow.

Fred Moorehead – 1. Thanked everyone for the willing listening two weeks ago. He advised that he had a follow-up meeting with Mr. Gonzalez and they had a frank and open discussion. **2.** Noted that they can get sued for anything and if they issue dog licenses he asked if they aren't approving the existence of a dog in the Township in the first place regardless of where they are. Mr. Bayer noted that municipalities are immune from suits from issuing permits and can't be held liable for damages. Mr. Moorehead commented that would be the same for the parks. Mrs. Stinney thanked him for allowing all the people the opportunity to come here and be addressed. President Scull noted that he and the others commenting were so well prepared. She clarified for the record that one person had mentioned 9/11 and the fact that their ambulances for Pemberton Township were not allowed to go to New York. She reported that that was a directive from the Federal Government because they had inside information that there were attacks planned for McGuire and Ft. Dix so they wanted the town's ambulances here to protect this community and the Military Base and she wanted that clear for the public.

Ryan Pittman – 1. He expressed that in regards to the new proposed recreation ordinance talking about charging the adults and the youth programs being free. He agreed that the programs should be free for the kids but there does need to be some contractual language that protects the parents. He noted that most of the organizations are private, including their books and programs as they are not run by the Township but they do utilize Township fields and he feels that the parents and board members should have the right to see the books. President Scull agreed. The Mayor agreed with the concept but questioned where they stop. President Scull noted they already introduced the ordinance and something like that would be a major change. Discussion ensued regarding agreement with having checks and balances in place and Administration and the Solicitor would look into it at some point, perhaps through regulation.

America Phillips – 1. In regards to the PAAL and Baseball programs she expressed that the books should be checked every 30 days and they should require two signatures for all checks. **2.** Has been watching TV a lot regarding the Boston Marathon and recalled at the last meeting regarding the ambulance in their fire department. She noted they have 4 fire companies in the Township including the Pemberton Borough. She recalled noting that when a fire company has problems the other three companies did not help them. She expressed that 70% in this country and was sad that nobody came to help them. Mr. Cartier asked what help Presidential Lakes needed, noting he did not understand. She stated that two weeks ago they were discussing about the ambulance in Presidential Lakes Fire Department and was told they were being closed down. She saw how many volunteers for Country Lakes Fire Department they had and for Browns Mills, and Pemberton Borough and that there were not even 10 people here for that. Mr. Cartier asked if she took that as an attack on the fire department. She expressed not seeing support for Presidential Lakes. Mr. Cartier stated that perhaps they supported the ordinance. President Scull agreed with Mr. Cartier that it was not about one company supporting one over the other but rather about the ordinance

itself; the ordinance was not about Presidential Lakes.

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

Solicitor's report

Mr. Bayer had nothing further to report this evening.

Engineer's report

Kelly Willis reported – **1.** Bayberry Street Dam is out to bid and the bid opening is May 29th and they hope to have a recommendation before the June 1st meeting. **2.** Their office is working on the plan to help Public Works to put into effect the funding received for the Nesbit Recreation Grant and they will be meeting with them and Recreation next week. **3.** Brown Road is currently under construction. Mr. Cartier asked about Rancocas Lane. Mrs. Willis stated that is on the Public Works side at this point that are looking into what the option is out there for either putting the lining through the pipes and their recommendation is outside of the roadway. But if it's in the roadway and its going to be paved their office would recommend replacing the pipe. She acknowledged that they are not having issues just in that area and there are problems in that development as well. He noted he goes down that road and notes there is another inlet that's failing. She advised that they have requested quotes for that and received two responses. One was not received on time and is awaiting clarification from their fax that it was received on time. Mr. Cartier noted that was the last answer he received three months ago, and then asked Administration what they are doing about Rancocas, noting this is a 2-3 year old problem. The Mayor agreed that it is a concern but does not know that it is an immediate concern that would pose and immediate hazard as the Coville issue. Mr. Cartier expressed that it poses an immediate hazard to the residents who live along there that can't get there to cut the grass. The Mayor noted that the grass is actually the Township's and they may have to look at that. He noted that they are looking at options regarding each joint from the inside and lining it, which both are very expensive and they do not have anything yet to bring to Council.

Planner's report

Rick Ragan reported – **1.** Dollar General is still moving ahead. **2.** The Dialysis Center is moving ahead but they're still having some issues with regard to some costing of their application internally. **3.** Announced that the Township is a recipient of an award of the State's Planning Officials and on Friday night, the Mayor will receive an award for the Pemberton Browns Mills Redevelopment Plan as one of the best written documents in the State.

Mayor's report

Mayor Patriarca reported – **1.** Family Dollar has come to the Township with hopes of taking over the space where the old Beneficial Bank was. They want to begin as soon as possible and are ready to go but have to go the Zoning Board for a change of use and they are working details out with them to conform to the Town's wishes as opposed to what a redeveloper would do. Mrs. Stinney asked about the Burger King sign. He advised that the Administrator sent an email to the Director of the Zoning Official. Mr. Gonzalez noted that he asked that the

summons process be started and he will find out and send the Clerk an email confirming if it has been done or not. Mrs. Stinney noted that she has been asking that over the past three or four meetings. Mr. Allen noted to the Mayor that he received a complaint from a resident about the corner of Junction Road and Lester Street. Mrs. Stinney interjected that she was not finished and that she wanted to thank Mr. Gonzalez for what he just said. She then addressed the Mayor and noted that with she and Mr. Cartier serving on the redevelopment sub-committee asked about Med Express and if he could see if Pemberton would be a site that they would be interested in to which he replied that he would ask Mr. Benedetti to look into it. Mr. Allen reiterated the complaint from a resident regarding a shrub that is sticking out onto the street on the corner of Junction Road and Lester Street and asked if he could have Public Works or someone else take a look at it. The Mayor stated they will have them look at it tomorrow.

Council Members' Comments

Diane Stinney – 1. Thanked the police department for attending the Black History Club Fashion Show where hundreds were in attendance and the officers on duty were to be commended for not only the job they did but the way they interacted with the public. **2.** Thank President Scull for working with her to get the grant for the sidewalks. **3.** Thanked Ryan Pittman for giving back and volunteering to this Township where he grew up.

Norma Trueblood – 1. Thanked everyone for coming out. **2.** Expressed that the ribbon cutting ceremony for the re-opening of the BMIA Building was a wonderful event.

Jason Allen – 1. Noted having attended the recent Senior Prom and expressed that he had the time of his life. **2.** Announced that Virtua Fox Chase has a cancer program funded by the New Jersey State Department of Health and Senior Services and will be giving free cancer screenings for Burlington County and Camden residents and those seeking further information could call 1-888-847-8233.

Kenneth Cartier – 1. Had nothing further to report tonight.

Sherry Scull – 1. Noted in regards to the BMIA Building she commended the Public Works Department on the job they did there noting it is a building they can all be proud of. **2.** Announced that May 4th is the bus drivers are having their yearly yard sale at the bus garage. **3.** Announced that on May 11th is Community Day which will be held at the Harker Wyle, Stackhouse, Haines Complex. **4.** Announced that May 13th PTEA is sponsoring a veterans visit at the High School which is another Pride campaigns. She noted that Pride is a grant through NJEA. **5.** Noted that the 6th annual Senior Prom was a fabulous event and expressed that each year they question how they could beat the previous year's event and praised all that participated.

President Scull recessed the open session for Council to go back into closed session noting that she would not be attending closed session and will be leaving the meeting.

Mrs. Stinney reconvened the open session approximately at 9:30 p.m. Mrs. Finlay asked for clarification if she was still chairing the meeting from when they came

out of closed session to which Mrs. Stinney acknowledged she was.

Mrs. Stinney noted that they are back out of closed session and there has been decision. The Solicitor noted that in a personnel matter they don't have to do anything outside of closed session. Mrs. Finlay suggested that they could say for the record that they are directing the Solicitor or Administration to send a letter the Department regarding the determination made pursuant to closed session. Mr. Cartier expressed with that suggestion they all concurred and moved to adjourn the meeting.

The meeting was adjourned at approximately 9:35 p.m.

Respectfully submitted by,

MARY ANN FINLAY, TOWNSHIP CLERK