

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
December 17, 2014
6:30 P.M.**

FLAG SALUTE

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

ROLL CALL

PRESENT

Norma Trueblood
Diane Stinney
Sherry Scull
Jason Allen
Kenneth Cartier

ABSENT

Also present: Mayor David Patriarca, Business Administrator Dennis Gonzalez, Solicitor Andrew Bayer, Engineers Dave Cella and Kathryn Cornforth, Planner Rick Ragan, and Township Clerk Amy P. Cosnoski.

CALL TO ORDER

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

CLOSED SESSION

Resolution 284-2014 Authorizes Council to go into Closed Session.
Personnel Matters
Contract Negotiations
Litigation

Councilwoman Stinney asked if discussion could be had on update of the old Acme. Solicitor Bayer advised it could be done under Litigation. Councilwoman Stinney questioned who needed to be present for the various items under Closed Session.

Motion by Scull and Allen to approve Resolution 284-2014. Scull, yes; Allen, yes; Trueblood, yes; Stinney, yes; Cartier, yes. Motion carried.

Council President Cartier recessed the open meeting at approximately 6:35 PM to go into closed session and reconvened the open meeting at approximately 7:00 PM.

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

Council President Cartier announced there would be formal action pursuant to Closed Session. Council President Cartier read the title of Resolution 295-2014, appointing Robert Benick as Chief Financial Officer for a four year term.

Motion by Allen and Stinney to add Resolution 295-2014 to the Consent Agenda. Allen, yes; Stinney, yes; Trueblood, yes; Scull, yes; Cartier, yes. Motion carried.

Council President Cartier advised that the Township Reorganization meeting will be held on January 7th, 2014 and the Chief Financial Officer is needed for that meeting.

OTHER RESOLUTIONS

Resolution 285-2014 Recognition of Dedication of Public Service by Ronald Kreig.

Council President Cartier congratulated Lt. Ronald Kreig for 27 years of service to Pemberton Township and commended him for making a life in Pemberton Township. Council President Cartier noted on a personal level he has gotten to know Ron for his time in helping his family through a tragedy. Councilman Allen thanked Lt. Ronald Kreig for his leadership, hard work, service, and dedication. Councilwoman Scull concurred with Councilman Allen's comments.

Councilwoman Trueblood congratulated Lt. Kreig on his retirement. Councilwoman Stinney thanked him and his family, noting his family had many sleepless nights and commended and thanked them so very much. Councilwoman Stinney wished Lt. Ronald Kreig all the best and stated he is a good man.

Council President Cartier read the title of Resolution 285-2014 into the record.

Motion by Scull and Stinney to approve Resolution 285-2014. Scull, yes; Stinney, yes; Trueblood, yes; Allen, yes; Cartier, yes. Motion carried.

Council President Cartier presented the certificate to Lt. Ronald Kreig.

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 ONLY

Council President Cartier opened the meeting to the public for comments on the Consent Agenda.

Jack Tompkins, Pemberton – **1.** Questioned the CFO position funding and the reallocation of funding resolution. Chief Financial Officer Robert Benick gave an overview of what was being done on the reallocation resolution. **2.** Questioned the performance bond for the Dental Center, expressing the construction has been completed for a long time. It was noted that additional work was done. **3.** Asked if the BURLCO JIF gave sports coverage and do they give it at a lower cost. Dennis Gonzalez explained that this is a separate coverage and the JIF does not provide insurance coverage.

Bob Pelletier, Pemberton - **1.** Commented on a presentation the JIF had saying they could provide insurance coverage. **2.** Asked about the change order for the Country Lakes Dam. Township Engineer, Dave Cella, explained there was a number of items exceeded on the contract, the major item is the utility relocation, they had to negotiate with Verizon and JCP&L to relocate the utilities and this put the funds in the contract to pay for that. Mr. Pelletier stated, "So this is not due to a design flaw?" Mr. Cella explained there was money in the contract for relocation and the cost from Verizon and JCP&L went beyond that. Mr. Pelletier commented that this is a mistake by the Engineer or contractor so the Township has to pick up the cost when someone dropped the ball. Mr. Pelletier asked if it was a fixed price contract.

Ann Quinn, Country Lakes - **1.** Thanked everyone for paving Split Rock Road. **2.** Commented on the change order on Split Rock Road, advised it was a change order to move utilities and that is a design flaw by the architect that drew up the plans. Agreed with Mr. Pelletier and asked why this was not foreseen. Stated that we are relying on experts and not to tell her that no one thought they had to be moved to begin with and this should not be on the taxpayers. Solicitor Bayer noted it is not that there was a mistake done in the plans and the relocation was foreseen, the issue is the cost from the utilities that was higher than expected. Mr. Bayer explained he has done litigation on relocation costs, the contract does not bear those costs in the contract and is not part of the bid. In this case the utilities came to the Township with a price that was beyond what was estimated and the Township did negotiate to get the cost down to less than 2% of the total contract. Mr. Bayer stated he finds it offensive that the utilities are charging the towns what they do, the Township would rather not pay it, but the public utilities are not going to move them unless you pay them and your projects are not going to get done. Mr. Bayer advised it is not design issues, the engineers knew the utilities were there but the cost came in at more than anticipated. Ms. Quinn asked what safeguards have been put in place to prevent further change orders. Mr. Bayer noted unless the contractor comes across with something that was not known there should be no further change order. Dave Cella explained that it is impossible to anticipate everything as you are digging up area you can never know 100% what is underneath. Mr. Bayer noted what would protect the town is the law

and there is a contract in place, but there could always be unforeseen issues. Councilman Allen asked if this is a common thing in other towns and Mr. Bayer stated yes. **3.** Ms. Quinn asked about the money being transferred into a reserve for snow removal. It was explained that the money is going into a reserve account for snow removal as allowed by law. Robert Benick explained why it was out there and that it was not touched for three years but was used last year due to the large snowfall amounts and he is moving money into the fund again in case it is needed. Ms. Quinn asked if there was something the Township knew about that would cost the Township more money this winter. Council President Cartier asked someone to explain what would happen to the money if it was not put into a reserve. Robert Benick explained that it would eventually expire into surplus.

Seeing no other residents wishing to be heard, Council President Cartier closed the meeting to the public.

Councilman Allen asked to pull Resolution 287-2014 from the Consent Agenda.

CONSENT AGENDA ITEMS

MINUTES FILED BY CLERK

Regular Meeting, December 3, 2014.

CONSENT AGENDA RESOLUTIONS

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| 286-2014 | Authorizes release of performance bond for the Browns Mills Dental Center Project conditional upon the posting of a two-year maintenance bond for Block 535, Lot 11-34. |
| 287-2014 | <i>Pulled from Consent Agenda to be considered later in the meeting.</i> |
| 288-2014 | Authorizes renewal of the Township's Sports Accident Insurance with Hardenbergh Insurance Group. |
| 289-2014 | Authorizes Change Order #1 in the amount of \$107,668.89 to the contract with Loftus Construction, Inc. for Reconstruction of Country Lakes Dams. |
| 290-2014 | Authorizes cancellation and refund of property taxes on property qualifying for Veterans Property Tax Exemption for Colon on Block 205, Lot 1. |
| 291-2014 | Authorizes refund of subsequent tax payment paid by US Bank, Custodian/Pro Capital Fund II for funds applied to incorrect block and lot. |
| 292-2014 | Authorizes transfer of funds into reserve for storm recovery and snow removal. |
| 293-2014 | Authorizes transfer of funds within the 2014 Budget. |
| 294-2014 | Amends Resolution 268-2014 which authorized a settlement in the matter entitled Harold Naulty v. Township of Pemberton. |
| 295-2015 | Appoints Robert Benick as Chief Financial Officer for Pemberton Township for a four year term. <i>Added to Consent Agenda.</i> |

NEW BUSINESS

- 2014 Annual License Renewals:**
*Trailer Park Licenses: Pine View Terrace
Lakeshore Mobile Village
Hilltop Mobile Village

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 12/12/2014.

Motion by Allen and Trueblood to adopt the Consent Agenda as amended. Allen, yes; Trueblood, yes; Stinney, yes; Scull, yes; Cartier, yes. Motion carried.

OTHER RESOLUTIONS

287-2014 Rescinds Resolution 281-2014 which authorized an insertion of an item of revenue into the 2014 Budget for the New Jersey Division of Highway Traffic Safety "Drive Sober or Get Pulled Over" Grant. *Pulled from the Consent Agenda.*

Councilman Allen asked why at the last meeting they voted to insert money into the fund and now they are rescinding. Mr. Gonzalez noted that after the meeting he was informed we were too late to apply and therefore needed to do a resolution to rescind that resolution putting it into the budget.

Councilwoman Stinney asked how late they were. Mr. Gonzalez advised they were 2-3 weeks late but did not know precisely.

Motion by Allen and Scull to Approve Resolution 287-2014. Allen, yes; Scull, yes; Trueblood, yes; Stinney, yes; Cartier, yes. Motion carried.

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

ORDINANCE 14-2014

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY AMENDING CHAPTER 190 ARTICLE III OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON TO INCLUDE A "NEIGHBORHOOD COMMERCIAL PINELANDS DISTRICT"

Council President Cartier read the title of the ordinance. Township Planner, Mike Wisnosky gave a brief synopsis of the ordinance, explained the Township adopted a new Master Plan in 2009 and certain portions of the township were noted as area to transition from neighborhoods to commercial light industrial areas and were designated as GCLI zones. In these zones residential housing was allowed on the second and third floors. Pinelands reviewed the zoning and advised they will not allow residential areas above commercial buildings due to density issues so that was taken out of the ordinance.

Council President Cartier opened the meeting for public comment on Ordinance 14-2014.

Jack Tompkins, Pemberton – Questioned if all current buildings with apartments over them be grandfathered in and it was noted that they would. Noted that the ordinance lists businesses with a bank with a drive thru was allowed and questioned if this meant if the bank did not have a drive thru would it not be allowed and expressed his concern about that wording and future interpretation of the ordinance. Questioned what would be considered a light industrial service. Mr. Wisnosky noted it would be things like detailing businesses and such. Mr. Tompkins noted we are trying to bring businesses in to the Township and this is restricting it. Mr. Wisnosky noted the Township does not want heavy industrial businesses in these areas near residential zones. Mr. Tompkins used a warehouse as an example and wondered why we would limit those, noting there is generally not a lot of traffic. Mr. Wisnosky disagreed and noted there is generally a lot of tractor trailer traffic with warehouses. Mr. Wisnosky noted he had not studied the area that Mr. Tompkins was specifically referring to. Mr. Tompkins stated he believes this ordinance hampers businesses from coming into town.

Anne Quinn, Country Lakes – Questioned Mr. Wisnosky about why he had not studied the area. Mr. Wisnosky explained he had not studied the specific area Mr. Tompkins was referring to as it was not the subject of the ordinance. Ms. Quinn reiterated her comments from the previous meeting noting we need businesses to come into town. Mr. Wisnosky explained that the ordinance adopting the new Neighborhood Pinelands Zone was already adopted back in 2011 and this ordinance is only removing the ability to put residential areas on second and third floors as it is not being allowed by Pinelands, in the areas of the Township that are restricted by the Township.

George Petronis, Browns Mills – 1. Clarified that this ordinance did not establish a new business zone, it just eliminated the residential aspect above the businesses. Mr.

Wisnosky confirmed that is correct. Mr. Petronis questioned if this ordinance affected the Downtown Browns Mills Redevelopment Plan and it was confirmed that it does not.

Robert Pelletier, Pemberton – Noted that he has not seen any maps delineating the areas the ordinance is referring too. It was noted that there was a map at the meeting the ordinance was introduced at. Mr. Pelletier commented on transparency and the need for it.

Seeing no other residents wishing to comment, Council President Cartier closed the meeting to the public for comment on Ordinance 14-2014.

Councilman Allen confirmed regarding Mr. Tompkins comments on the specifics of the wording in the ordinance and a bank without a drive thru will be allowed. Mr. Wisnosky confirmed that it would be.

Motion by Scull and Trueblood to adopt Ordinance 14-2014. Scull, yes; Trueblood, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

ORDINANCE 15-2014

ORDINANCE AMENDING CHAPTER 190, ZONING, OF THE CODE OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, ESTABLISHING DEVELOPMENT STANDARDS IN THE R-100 ZONE.

Mr. Wisnosky explained the need for Ordinance 15-2015 to reestablish the bulk standards for the R-100 zone which had at some point been deleted from the Township Code. This would eliminate the need for the residents in that zone to have to come before the Zoning Board for simple items that just require a permit.

Council President Cartier opened up the meeting for public comment on Ordinance 15-2014 and seeing no members of the public wishing to speak, closed the meeting to public comment.

Motion by Scull and Trueblood to adopt Ordinance 15-2014. Scull, yes; Trueblood, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

ORDINANCE 16-2014

THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, REGARDING PINELANDS DEVELOPMENTAL CREDITS

Council President Cartier called on Mr. Wisnosky to give a brief synopsis of the Ordinance and its regard to Chapter 190:50M8D under the New Jersey Pinelands Development portion of the Ordinance. Mr. Wisnosky advised on the language and that the intent to make this Ordinance consistent with the Neighborhood Commercial Pinelands Ordinance that was just adopted by adding the letters NCP.

Council President Cartier opened up the meeting for public comment on Ordinance 16-2014 and seeing no members of the public wishing to speak, closed the meeting to public comment.

Motion by Allen and Scull to adopt Ordinance 16-2014. Allen, yes; Scull, yes; Trueblood, yes; Stinney, yes; Cartier, yes. Motion carried.

ORDINANCE 18-2014

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 145 OF THE TOWNSHIP CODE, ENTITLED "PROPERTY MAINTENANCE," IN ORDER TO ESTABLISH THE RESPONSIBILITIES OF CREDITORS FORECLOSING UPON VACANT AND ABANDONED PROPERTIES

Solicitor, Andrew Bayer advised on this Ordinance and noted it updates the Abandoned Property Ordinance to conform to updates and recent amendments made to State Laws. The main change is the requirement for a creditor upon filing an action in foreclosure, that

creditor is then responsible for the care, maintenance, security and upkeep of the property.

Council President Cartier opened up the meeting for public comment on Ordinance 18-2014 and seeing no members of the public wishing to speak, closed the meeting to public comment.

Motion by Trueblood and Stinney to Adopt Ordinance 18-2014. Trueblood, yes; Stinney, yes; Scull, yes; Allen, yes; Cartier, yes. Motion carried.

NEW BUSINESS

Gold License for Jay's Studio Jewelers

Councilman Allen asked about software and computer equipment Mr. Marrero was required to buy and did he sign this previously or only on November 19, 2014. Township Clerk, Amy Cosnoski, advised that Mr. Marrero did apply last year and obtained a license last year and would have to comply with the same requirements. Council President Cartier asked about issues that were had last year during this process. Solicitor Bayer advised that there was an action against his license last year which was resolved after a hearing. Chief Jantas addressed Council and noted he has objections to the renewal of this license as it is clear that Mr. Marrero is not complying with the Ordinance as he states the system is too complex. Chief Jantas stated that although there have been some substantial changes in his operation, it is not complying with the Ordinance and it appears that he does not intend to comply. Councilman Allen asked if this is just in relation to the electronic portion of the Ordinance. Chief Jantas advised that although he found pleasure in Mr. Marrero copying things, although helpful, it was still an operational and investigative burden for his Detectives and Officers to track stolen property that he may come in contact with. Chief Jantas advised that Mr. Marrero has been offered technical support many times on the same system used by many places throughout the state, but still does not want to comply with that. Chief Jantas noted that if he would use the system properly, they would be able to see what he is taking in which is an enormous resource to the Police Department and other jurisdictions. Chief Jantas stated he is not optimistic that he will comply, there was hope that this system would make it right but he has had a year and it still has not happened. Councilwoman Scull made a motion to deny. Councilwoman Stinney asked under the last system was anyone ever apprehended through some of the things Mr. Marrero was doing. Chief Jantas advised there were several cases where they would find things at his establishment that were stolen items and would be able to return them to the owner, but on top of those problems, which happens at many places, there were also accounting problems with Mr. Marrero. Some of the issues were destroying the property too soon by melting it down for sale. Chief Jantas advised that they are not seeing these same problems at least not in the same pervasive nature, but the biggest problem is his noncompliance with the Ordinance. Chief Jantas advised that this Ordinance was put in place due to Mr. Marrero's organization as well as others that they needed to get in line. Chief Jantas advised that Mr. Marrero signed up to comply with the Ordinance but has not done so. Councilwoman Stinney asked if Mr. Marrero is aware of this dialogue. Chief Jantas advised he is well aware and there is documentation to show each time he has been approached. Township Clerk, Amy P. Cosnoski, advised that Mr. Marrero is aware that this discussion is on the Agenda for tonight's meeting. Councilwoman Scull stated they should not approve as he is not complying with the Ordinance and was aware he needed to comply since last year. Councilman Allen stated he respects Chief Jantas evaluation but would hate to see Mr. Marrero go out of business without seeing more detail. Councilman Allen advised that he has asked Solicitor Bayer who advised they could request another hearing to ask him why he is not submitting this information through the electronic database. Councilwoman Stinney agreed with Councilman Allen's opinion. Chief Jantas added that we want to protect our citizen's from their stuff being sold and melted down and handled improperly by establishments that we are authorizing with conditions to handle the gold sales in town and he is not sure Mr. Marrero is doing the right thing by our citizens. Solicitor Bayer advised that Mr. Marrero could be invited to the next meeting to offer his side of the story. Council President Cartier asked for notice to be given to Mr. Marrero to attend the January 7, 2015 Council Meeting and he will remain unlicensed until that time and should he fail to appear, Council may take action against his license. Council President Cartier also asked for a request to be sent to Administration for the Chief to be in attendance at the January 7, 2015 meeting as well. All Council was in agreement.

Discussion of Sustainable New Jersey Diversity Action Survey

Mayor Patriarca explained that this was all part of the Sustainable New Jersey certification that we are seeking and it will help us get to the Silver Level. Mayor Patriarca advised that we were recently awarded the Bronze Level and are in need of about 150 more points to obtain the Silver Level and this is part of the program that was announced previously to make Pemberton Township more sustainable. Councilman Allen noted he is familiar with the sustainable movement and went online to see just what the Silver Level certification meant. Councilman Allen explained the definition to mean a Municipality that has made significant progress in a number of categories towards sustainability and is a statewide and national leader. No formal action is required by Council at this time.

Proposed Sign Ordinance Regulating Temporary and Political Signs

Solicitor Bayer advised that this came up at the October meeting before the November election and he was asked to review and propose a draft Ordinance which has been supplied to Council which is based off of other municipalities they found. The draft indicates that temporary signs are to be placed within the right of way, up to 45 days before the public event and must be removed within 14 days after the event. Advised that there are various policy decisions that would need to be made such as what would be included, what would require a permit and how it would be enforced. Councilwoman Stinney thanked Mr. Bayer for the proposal and advised on signs she saw on telephone poles that were a disgrace as well as yard sale signs. Councilwoman Stinney also advised she would like to make this available to the public to get more input on the signs. Councilman Allen noted he thinks this is a start however regarding #2, he feels that 14 days is too long and his recommendation would be 5-10 days as the maximum time for removal of the signs. Councilman Allen also asked about #5 and the processing time for a permit to see how long someone will be waiting to obtain the needed permit. Dennis Gonzalez suggested that provisions in the Ordinance be made to require an application be made a certain number of days before the event so there is time to grant or deny the request as we would not want people coming in the day before to obtain this when officers are busy doing other things. Council President Cartier questioned what the grounds for denial would be. Solicitor Bayer advised it could be being held in a dangerous location, but other than that you would be running into free speech issues. Councilman Allen advised that #7 and #8 could be combined and going onto political signs he would have the same recommendations. Councilwoman Scull recommended 7 days and stated she felt 45 days was too long to have signs put out in advance and that 30 days was long enough. Councilman Allen noted that for political reasons 45 days was enough and for garage sales 30 days was enough. Councilman Allen added that #7 deals with the removal of the signs and is fine with it but stated that if someone leaves it and lets Code Enforcement handle it there should be a violation and asked for clarity on what the violation would be. Councilwoman Trueblood agreed with shortening the days they need to be picked up. Councilwoman Scull commented on the requirement for certain wording on political signs to be included in the Ordinance. Solicitor Bayer noted that the ordinance should read that all signs should comply with all State laws. Councilwoman Scull questioned the 32 sq. ft. total coverage requirement and asked if that was to prevent the plastering of signs. Solicitor Bayer advised that was the intention. It was the consensus of the Council to shorten the number of days for pick up of signs and that no permit would be required for yard sale signs. A discussion ensued on what signs should require a permit and which one's did not. Council President Cartier suggested it be left as general temporary signs and public right of ways and then exclude yard sale signs. Solicitor Bayer noted he will need a consensus on temporary signs that are not political that do or do not require a permit, excluding garage sales. It was the consensus of the Council to list on the Agenda for further discussion and possible introduction at the next meeting.

Subcommittee of Council to Exercise Investigatory Powers

Councilwoman Scull noted she brought this up due to litigation between Administration and the Police and that even though Council is not involved in every day operations, they should be aware of what is going on. Councilwoman Stinney commented on investigating the 8 hour shift and the ban on officers using the lockers to get dressed. Solicitor Bayer suggested to Councilwoman Stinney not to get into the substance of the lawsuit. Councilwoman Stinney noted she downloaded the Business Administrators job description and then read from the code in regard to the general powers and duties of the Business Administrator to include that he shall head the Department of Administration and be responsible to the Mayor. Councilwoman Stinney noted these are some of the things that she would like to look into and share with Council as some of the things in this report she finds it unbelievable that the Police force would be treated like this. Councilwoman Stinney suggested a committee be put together and then report back.

Councilwoman Scull noted one of the things that bothered her is she hears how the Mayor and Administration do not have control over day to day operations but some of the items listed in the suit seem to be day to day operations. Councilwoman Scull would like to look into some of the grievances heard or not heard by Council and the correspondence and regulations to and from the Police Chief, to see if that maybe where some of the root problems are. Councilwoman Scull advised that the locker rooms were specifically purchased for the Police with Township money back in 2006 and it was important to Council that they have these lockers. Commented that Council was told that the Chief is on board with Administration and a couple days later they get a letter that states otherwise, noting she is aware that they are not supposed to be a part of day to day operations but thinks they should have some involvement to get to the bottom of these issues as there has to be a some type of working relationship between the Officers and Administration and would like to have Council come up with some type of solution to end all of the animosity. Councilwoman Stinney asked Mr. Bayer if they could put the committee together and work diligently together with him. Mr. Bayer advised that under the law the statute says Council may inquire into a problem of the Administration and further says the Council may, by majority vote of the whole number of its members, that they could ask for the Mayor or his designee to appear before them or create a committee. Mr. Bayer confirmed the statute states it can be done as a committee or by Council as a whole. Councilwoman Scull asked how this could be done as a group. Solicitor Bayer advised if done as a group it would have to be advertised and done in Closed Session. Councilwoman Scull commented on interviewing individuals and she does not have a problem either way. Councilwoman Stinney advised she also does not have a problem either way and asked how the employees would be notified and if a RICE notice was required. Solicitor Bayer did not believe that would be required as they are not impacting their rights as an employee but instead asking for information with respect to the functioning of their job responsibilities. Councilwoman Trueblood noted that her perception of the word investigatory is serious and we need to look into it more before any decisions are made to put a committee together. Councilman Allen noted he thinks more they need to define specifically what the purpose of the committee is. Councilwoman Trueblood questioned what would the next step be and how far Council can go. Mr. Bayer noted they can do an analysis as to what their powers are by law and see how it has been interpreted generally in relation to these issues. Councilwoman Stinney noted we can create a committee or as a body and believes she has made it very clear what she would like to look into, the 8 hour shifts and locker use, including she has been here since 2007 and has never seen it like this. Councilman Allen noted he is fine with going in the direction of an investigatory committee as a body. Councilwoman Scull noted she likes the idea of everyone hearing all of the information and knows the 8 hour shifts are supposed to start in the New Year and does not want to see this put off any longer than necessary. Councilwomen Scull and Stinney agreed that this may require a Special Meeting. Solicitor Bayer noted they should establish exactly what the investigative committee would be about. Mr. Bayer then read another portion of the statute in regard to the Investigatory Powers and it's relation to the form of government practiced in the Township. Mr. Bayer noted that this could be a fact finding investigation and that ultimately if there is a rub between Council and Administration on how the matter should be "Managed" that would be an Administration point, but to an extent you could take the information and turn it into some type of legislation which would be a perfectly appropriate thing to do. Councilwoman Stinney asked if the Special Meeting would only be for Council and him as the Solicitor. Mr. Bayer noted Council could ask for Administration to have information presented to them and they can have other employees present. Mr. Bayer advised he will research if Administration would be allowed in the hearings. Councilman Allen asked about Council interacting with employees. Solicitor Bayer again read from the Statute and the provision that allows, under an investigation, Council to speak with employees, however they cannot during day to day operations of the Township. Councilwoman Scull wanted to make it clear that this was not to put a rub between Council and the Mayor it is rather an issue they hear over and over regarding the situation between Administration and the Police, advising they hear it many times out in the community and are asked if there is something that they can do about it and she will not sit there when they and the community feel this is something very detrimental. Councilwoman Scull advised that her intention is not to fight with the Mayor and Administration but to figure out what is going on and put a stop to it. Councilman Allen noted there has been correspondence between the Chief and Administration, and before they move forward with the committee, he hopes that the communication will continue and that something can be achieved before it goes any further. Council President Cartier clarified the investigation would be regarding the 8 hours shifts, locker room change and outstanding grievances and asked of the possibility of hearing this before the end of the year. Councilwoman Scull stated that there was nothing Council could do to change the 8

hour shifts and Mr. Bayer confirmed there was not. Councilwoman Scull commented that she is tired of being blamed for lawsuits that they have no control over and their names being brought into it. Councilwoman Stinney commented that maybe some time could be organized following the reorganization meeting to get the meetings set up. Solicitor Bayer noted that he does not think there is a legislative response to the 8 hour shift. Councilwoman Scull asked about other grievances that have been filed and have not come to Council. Mr. Gonzalez advised he is not aware of any and the Township Clerk advised she had not received any grievances at this time. Council President Cartier confirmed that a meeting could be scheduled after the January 7, 2015 Reorganization meeting and asked Mr. Bayer if any of the topics were legislative. Solicitor Bayer advised that even if they are not they can still be investigated. Council President Cartier asked for notices to be sent to Administration. Councilwoman Scull stated that all would be set up after the Reorganization meeting.

Council President Cartier called for a five minute recess at approximately 8:38 p.m.

The meeting was called back to order at approximately 8:55 p.m.

Council President Cartier advised of two items that needed to be added to the Agenda.

Purchase over \$2,000 for the milling of Clubhouse Road to Arawack Paving in the amount of \$12,500.00.

Motion by Allen and Scull to add Purchase over \$2,000.00 to the Agenda. Allen, yes; Scull, yes; Trueblood, yes; Stinney, yes; Cartier, yes. Motion carried.

Motion by Allen and Trueblood to approve Purchase over \$2,000.00 for milling of Clubhouse Road. Allen, yes; Trueblood, yes; Stinney, yes; Scull, yes; Cartier, yes. Motion carried.

Bill 14-02761 - Premiere Maintenance Products - ice melt for sidewalks, \$1,898.00.

Motion by Allen and Scull to add Bill 14-02761. Allen, yes; Scull, yes; Trueblood, yes; Stinney, yes; Cartier, yes. Motion carried.

Motion by Scull and Allen to approve Bill 14-02761. Scull, yes; Allen, yes; Trueblood, yes; Stinney, yes; Cartier, yes. Motion carried.

SOLICITOR'S REPORT:

Mr. Bayer reported: 1. Congratulated and thanked Council President Cartier for his 8 years of service and truly appreciates his professionalism and he and the Mayor certainly look out for every tax dollar, noting as a lawyer in many other towns he can say he has been an excellent Councilman and Council President and he wishes him all the best of luck.

ENGINEER'S REPORT:

Mr. Cella reported: 1. On the Country Lakes Dams project, the current schedule is weather contingent, however the plan is to finish up Dam #3 and move the bulk of work over to Dam #1 by the end of January. 2. Commented on the East Lakeshore Drive project which started today and is anticipated to be paved this week with a worst case scenario of Monday at the latest so it will be completed before Christmas. 3. Echoed the comments of Mr. Bayer and thanked Council President Cartier and wished him good luck. 4. Wished all a happy and healthy Holiday season. Council President Cartier thanked the Engineer for paving East Lakeshore Drive.

PLANNERS REPORT:

Mr. Wisnosky reported: 1. Advised that the revised zoning map should be coming to Council in January for review and adoption. Echoes the comments of Mr. Bayer and thanked Council President Cartier for his friendship.

MAYOR'S AND/OR BUSINESS ADMINISTRATOR'S REPORT:

Mayor Patriarca reported: 1. Thanked Council President Cartier for his service to the residents of this community and that it has been a pleasure working with him and

being a partner with him in guiding the community through many good and difficult times but that he was always there for the people and his heart was always in the right place when making decisions. Stated that as a resident he felt very comfortable with him as his Councilman and he has learned a lot from him. **2.** Reported that East Lakeshore Drive has been started and has been milled up from Bayberry back to Canna and it looks like the weather will cooperate to get it done. Advised that this is one of the contracted jobs. **3.** Advised that the Township paving crew is also out and are finishing up this year with some temporary work out on Split Rock to get us through not just the winter but the project that they are doing out there on the Dams. Explained how the project was monitored and done and that it had deteriorated quicker with the increased traffic due to the Dams project. **4.** Commented that he has been out to visit Dam #3 and it is looking good. Dam #2 is still proceeding but not hampering the traffic. **5.** Advised on Clubhouse Drive and the contractor milling that section where Clubhouse and West Lakeshore come together after which our guys will come in and pave it before the weather gets bad and that will probably complete our paving operations for this year which will leave us at over 15,000 lineal feet. He will present a report to the new Council in January. **6.** Mirror Lake Park playground equipment is in by the new concession stand. Advised that he doubts they will get to the parking lot and basketball court this season. **7.** Welcomes the investigatory committee as does Administration and stated that if Council does not have their answers already they would be happy to give them. Stated he strives for transparency and challenges anyone to name an Administration in Pemberton Township that has been as transparent as this one. Stated they stand fast in the decisions they make. Commented that he takes a strong offense to Councilwoman Stinney's comment that she hopes this isn't a tag I'm going to get you, he does not know anyone that is doing that and should not be done when you are dealing with issues dealing with the law and takes offense of the implication that this may be occurring here.

Councilwoman Stinney added that she appreciates his opinion on that and she is sorry but felt that way by being out in a position and added that the last executive session was outrageous and thought it may have to do with something she said in public, which was just her opinion. Councilwoman Stinney asked for a thank you to be sent to Recreation and the finest Police Department and Public Works for an outstanding job on the Winter Festival, it was a wonderful event held by all. Noted that she had gone to the Mayor and talked to him about her feeling that someone was being very vindictive, which she stated was her opinion. Mayor Patriarca advised that just for clarity the issues she had discussed with him had nothing to do with the issues that she was mentioning and concerned about just prior to her making that comment and she was referring to locker rooms and shift changes and then she discussed a game of tag and he advised that they don't play that here. He stated her implication to him was that she was referring to the lawsuit. Councilwoman Stinney clarified that every time she has a conversation that Mr. Gonzalez has to have a dialogue with the Professionals. Councilwoman Stinney then commented on something that occurred after the executive session at the last meeting.

Councilwoman Scull commented that on Saturday our employees were very professional and did a great job at the Winter Festival. Councilwoman Scull stated that they had a man from the Salvation Army pay to be out there which she thought was strange as she didn't think they had to pay but it was a very nice event and sent kudos to Ms. Kosko, and all of our men and women out there including Public Works and the Police Department. Councilwoman Scull asked the Mayor to provide the information for the next meeting in regard to the cameras that were installed in the back, where they are, when they were installed, who has access, how much they cost and what line item they came out of.

GENERAL PUBLIC COMMENTS

Council President Cartier opened the meeting to the public for general comments.

Charles Sciarra, Attorney for Sciarra & Cantrebone – 1. Advised that he is here in relation to the Step 3 grievances that were discussed earlier that Council would have some jurisdiction over in the event that they chose to exercise their right to hear such matters. Asked to be clear that his firm will litigate and work through or negotiate whatever they can on behalf of their members in regard to their benefits, pay and so on. Added that with regard to the locker room, it has already been deconstructed and Council will decide if that was done appropriately or not and litigation will determine if it was done in retaliation or not. Advised that the recent action in

regards to the schedule change which they are contesting is an issue, and is grievable and also poses a major safety risk and gave Council the option of hearing the risk in open session or allow him time in closed session. Mr. Bayer objected to Mr. Sciarra giving Council an ultimatum in their meeting and advised Council they should not entertain this matter at a public meeting. Councilwoman Stinney advised she would like to hear matters concerning public safety. Mr. Bayer advised this is something that Mr. Sciarra should have presented to Council in writing. Council President Cartier commented to Mr. Sciarra that he had the option to put it in writing and deliver it to the Township Clerk who will disseminate it to Council or make his statements now. Councilwoman Stinney asked if it was something that could be added to Closed Session. Mr. Bayer noted that it could be added to Closed Session but did not agree with the tactics Mr. Sciarra was forcing on the Council. Councilwoman Stinney noted again her concerns over a possible public safety issue. It was a consensus of Council to hear Mr. Sciarra's comments in Closed Session.

Norma Waters, Pemberton Heights– 1. Advised she lives at 9 Rattau and that her comments tonight are not intended to hurt anyone's feelings but rather to have further concern for Pemberton Township. Ms. Waters read from a statement and called upon everyone to reach higher for Pemberton Township. Stated that the people cry for relief and leadership and challenged the chamber to no longer seem like a citizen complaint desk. Advised that positive things come from strong positive people and commented that the Council are the chosen leaders and the people are desperate for immediate vigorous action to save them from the savagery and hopelessness which have swallowed other communities such as Camden and Newark. Commented that the people of the town feel neglected and for many years citizens have lived under imminent threat by neglected Dams until forced by the State to shoulder enormous debt for critical repairs. Neglected streets tear up the cars, neglected street drainage flood yards, indigents crouch in the pinelands, neglected properties decimate everyone's property values, and neglected children harass homes businesses and public properties. Neglected Animals are tortured, neglected crime investigations give us the worst record in the County for resolution of criminal complaints. Added that, allegedly, neglected prisoners die in our jail and perhaps most dier the atmosphere of general neglect forestalls the establishment of badly needed businesses, jobs and community development which further erodes the tax base making it even less possible for the Township to deal with these issues. Added that Council also knows the people feel abused and locked out. Emergency Medical volunteers are locked out of their stations, equipment confiscated. Volunteer fire fighters locked out, their fire stations closed. Historic Society has been locked out of their train station, their property ejected. Law enforcement officers locked out of their locker room and publicly branded as lying and taking unfounded and frivolous legal action. Stated that it will take a lot of work for us to heal from the pervasive consequence of such lock outs, abuses and neglect to rebuild trust, and restore our traditional spirit of civic devotion and service. Ms. Waters challenged the new Council and the Administration to banish the words "we can't" from this building and instead let "we will" become the model. Asked the Council to be readily available and to sit down often with citizens, make meetings available on line or by telephone and to expand the Councils webpage posting Agenda's, Reports, Announcements, and Visions for improvement. Asked the Council to potentially investigate some of the many community problems and gave examples of what they were.

Jack Tompkins, Pemberton - 1. Commented on an item passed at the end for an amount of \$12,000 in asphalt and it was clarified that it was for the milling of the roadway, not the asphalt. **2.** Commented on the locker room issue and noted that we just paid to deal with a mold issue and feels if they have to be reinstalled after getting dismantled the bill should go to whoever authorized the dismantling. Additionally he noted he cannot imagine what the Police get into in the course of their shift and does not agree with not having locker rooms for them. **3.** Passed out an article regarding the increase of businesses in Maple Shade, noting the article talks about the Town Council setting up committees to get businesses into town and does not understand why we cannot get businesses to come into our town.

America Phillips, Presidential Lakes - 1. Questioned whose decision it was to close the locker rooms. Mayor noted he would not answer until Ms. Phillips apologized for stating that he was on the take at a previous meeting. Ms. Phillips apologized. Mayor Patriarca advised it was an Administrative decision. Ms. Phillips noted that he took away one of the main tools from the Police and

questioned how he expected them to do their duties. Mayor Patriarca advised the decision made by Administration did not jeopardize the safety of the Officers to do their jobs and protects the Township from future litigation. Ms. Phillips commented on the officers bringing things home on their uniforms and jeopardizing their families. **2.** Commented on her street being paved and now when it rains she has water in her basement, noting the water comes from Wisconsin and down Tennessee Trail. **3.** Noted there is a stop sign down on Tennessee Trail going onto New York Road and has been down for almost two months. **4.** Commented on the condition of the abandoned house next to her property. **5.** Commented on the roads paved by the Township having problems and the ones paved by professionals do not. **6.** Commented on there being no public transportation in Presidential Lakes. **7.** Commented on Police Officers being assigned to report street lights out and noted they do not have time for that. **8.** Questioned the Mayor if there are ever going to be locker rooms for the Police Officers. Mayor Patriarca advised there is a locker room for the Police Officers.

Perry Doyle Sr., Birmingham, Pemberton - 1. Questioned the Business License on the agenda not being acted upon and giving the business permission to operate. It was clarified that the business was not given permission to operate and would have to cease those aspects of their business as of January 1st until the next Council meeting on January 7th.

Council President Cartier seeing no other residents wishing to be heard, closed the meeting to Public Comments.

COUNCIL MEMBER COMMENTS:

Diane Stinney - Questioned if Council could get an update on the Browns Mills Shopping Center. Mayor Patriarca advised they are working with a developer to bring another plan to Council, however that is far off at this point and are looking at other options. Councilwoman Stinney requested to have a resolution done at the next meeting in appreciation of Council President Cartier and his service. Councilwoman Stinney requested a Redevelopment Committee of Council and to visit that in January. Thanked Council President Cartier for his service and although they may have not always agreed they have always had respect for each other and thanked Mr. Cartier's wife and applauded her for always sticking in there with her husband. Presented Councilman Allen with some program information she received from the former Police Chief of Pemberton Borough, Joseph Cowen, for Councilman Allen to utilize with TAG and believe the program would be a good thing for the community. Councilwoman Stinney expressed her displeasure with the arguing that occurred at tonight's meeting. Solicitor Andrew Bayer apologized for his handling of the situation.

Jason Allen – Thanked Council President Cartier and congratulated him on his eight years of service to the Township and knows in working with him for the past four years that he always put the residents of Pemberton first and wished Mr. Cartier nothing but the best moving forward. Thanked everyone for coming out and noted it is good to hear the comments.

Sherry Scull - Noted the Christmas luncheon for the Senior Center is this Saturday at the Garden State Diner. Commented that she would miss Council President Cartier and noted the first four years were very productive and always looked forward to working with Mr. Cartier and his wife is a sweetie. Councilwoman Scull noted that actions speak louder than words and when Lt. Kreig received a standing ovation only two people in the room did not stand and feels this needs to heal. Thanked Lt. Kreig for his years of service and thanked Mr. Cartier for his service. Wished everyone a Merry Christmas and hope we move forward in the New Year.

Norma Trueblood – Thanked everyone for coming out. Noted she was thankful for Split Rock being paved. Thanked Council President Cartier for his service and noted during the two years they have worked together he has always helped her.

Ken Cartier – Thanked everyone for their kind comments, noting he will miss Pemberton Township. Expressed he has been here for 16 years and although they are preparing to move out it will not be far away and he will miss the people of town and it has been a pleasure serving everyone. Council President Cartier noted that Council does not always agree but when they walk out these doors it is left behind,

they are friends, neighbors and residents and he will miss working with everyone. He thanked Mr. Prickett, Ms. Radice and noted he learned a lot from Ms. Kemp and thanked her for her guidance through the start of his political life. Council President Cartier thanked every one of the employees and the Police for their service. He noted it is going to be hard, he has always tried to do what is best for the residents and he will leave knowing he has done that. Wished everyone a Merry Christmas and told everyone to be safe.

Council went back into Closed Session at approximately 10:20 p.m. and returned and reconvened Open Session at approximately 10:37 p.m.

Council President Cartier advised there was no formal action pursuant to Closed Session.

The meeting was adjourned at approximately 10:37 p.m.

Respectfully submitted by,

Amy P. Cosnoski

Amy P. Cosnoski, RMC, Township Clerk