

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
January 21, 2015
6:30 P.M.**

FLAG SALUTE

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

ROLL CALL

PRESENT

Sherry Scull
Diane Stinney
Letha Jackson
Jason Allen

ABSENT

Norma Trueblood

Also present: Mayor David Patriarca, Business Administrator Dennis Gonzalez, Solicitor Andrew Bayer, Engineers Dave Cella, and Deputy Township Clerk Sunshine Dashiell.

CALL TO ORDER

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

CLOSED SESSION

Resolution 44-2015 Authorizes Council to go into Closed Session.

It was determined that closed session was not needed at this time. However, Council did go into closed session later in 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 ONLY

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

Jack Tompkins, Pemberton - 1. Questioned Resolution 47-2015 and why the transmission was being replaced instead of repaired, and was that an option or is replacement necessary. Mr. Gonzalez advised that it needs to be replaced as it has been refurbished in prior years and was being changed from a manual to an automatic transmission so that all in the department could use it. **2.** Questioned Resolution 48-2015 and asked why there is another transfer of funds as it seems this is being done at every meeting and asked for an explanation. Council President Allen explained that the funds are being transferred from solid waste to legal. Mr. Tompkins asked why. Mr. Gonzalez explained that this was being moved so that December attorney fees could be paid. Mr. Tompkins asked if this was for township litigation. Mr. Gonzalez advised that it was overall litigation for which the township is involved including the annual retainer agreement. Mr. Tompkins stated that this has been done recently as well. Mr. Gonzalez noted that this is done every budget year not only for legal fees but depending on what has occurred. Mr. Tompkins said he understands there has to be a shuffle but it seems every time it is done more goes to legal. Mr. Gonzalez stated he believed that they have done this twice.

Anne Quinn, Country Lakes - 1. Questioned Resolution 45-2015, asked what the refunds are for and how much they are. Council President Allen advised what they were for and for how much. Solicitor Bayer advised that these were recreation refunds where people signed up for things and then did not want to

participate. 2. Questioned Resolution 48-2015, asked how much was being transferred. Solicitor Bayer advised to be clear it was not just litigation but all legal matters and that a good bulk of the work has nothing to do with litigation but to cover all fees and explained what some of those items were including attending meetings. Mr. Bayer advised that the total was \$30,000.00. Mr. Gonzalez advised this would allow to pay all pending bills that have not been paid for December and that the \$30,000.00 was probably more than is necessary but would certainly cover the bills, what remains goes to the fund balance or surplus. Councilwoman Stinney gave Ms. Quinn the copy of the Resolution showing the information Ms. Quinn was interested in.

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

Councilwoman Stinney asked to pull bill 15-00124 in the amount of \$2,994.68.

CONSENT AGENDA ITEMS

MINUTES FILED BY CLERK

Reorganization Meeting, January 7, 2015 and Regular Meeting, January 7, 2015.

CONSENT AGENDA RESOLUTIONS

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| 45-2015 | Authorizes various routine refunds |
| 46-2015 | Authorizes the sale of scrap metal not needed for public purposes. |
| 47-2015 | Authorizes Change Orders #1 and #2 in the total amount of \$6,950.00 to the contract with Blaze Emergency Equipment Company, LLC for the replacement of the transmission on a township owned fire truck. |
| 48-2015 | Authorizes transfer of funds in the 2014 budget appropriations. |
| 49-2015 | Amends Resolution 176-2014 which authorizes liens against certain private properties for maintenance performed by Township employees. |
| 50-2015 | Authorizes cancellation of unexpended appropriations and other open balances for the Municipal Alliance Grant. |

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 1/16/2015

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

OTHER RESOLUTIONS

Motion by Stinney and Scull to Add Resolution 54-2015 to Other Resolutions for discussion. Stinney, yes; Scull, yes; Jackson, yes; Allen, yes. Motion carried.

51-2015 Appoints Council Member to Municipal Utilities Authority.

Motion by Stinney and Scull to approve Resolution 51-2015. Stinney, yes; Scull, yes; Jackson, yes; Allen, yes. Motion carried.

52-2015 Opposes the proposed Hazardous Waste Treatment Facility in Keystone Industrial Port Complex in Falls Township, Bucks County, Pennsylvania.

Motion by Stinney and Jackson to approve Resolution 52-2015. Stinney, yes; Jackson, yes; Scull, yes; Allen, abstain. Motion carried.

53-2015 Formalizes formation of Council Investigatory Committee to be comprised of all Council Members.

Council determined to table this resolution until later in the meeting.

- 54-2015 A resolution of the Township of Pemberton authorizing Change Order #1 and final payment to the contract with Curbcon, Inc. for the Phase I Barrier Free Access Improvements Project. *Added to Agenda at Meeting.*

Councilwoman Scull asked what this resolution was for. Solicitor Bayer advised it is a change order reducing the contract amount. Mr. Gonzalez advised that it reduces the contract by \$92,823.50 as the project is complete and it also authorizes the final payment of the contract under the existing contract. Advised that it is a change order but not an addition to the contract rather a reduction to the contract. Council President Allen asked if this was for the sidewalks and curb cuts on Evergreen. Mr. Gonzalez confirmed that it was. Councilwoman Stinney asked about the total savings. Mr. Gonzalez stated that in the third Be It Resolved clause it talked about the release of Bond and authorizes the release of the Performance Bond which is the insurance they put up to make sure that they finish the project. Mr. Bayer advised they are also required to post a Maintenance Bond for any problems that may come up and if they do not fix then the Township can look to the Maintenance Bond to complete the work.

Motion by Scull and Stinney to approve Resolution 54-2015. Scull, yes; Stinney, yes; Jackson, yes; Allen, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 1-2015

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 190 OF THE TOWNSHIP CODE, ENTITLED "ZONING" IN ORDER TO REGULATE THE POSTING OF TEMPORARY SIGNS

Motion by Stinney and Scull to approve the Introduction of Ordinance 1-2015 with hearing on February 4, 2015.

Solicitor Bayer advised to adopt an Ordinance it is a 2 step process, they are first introduced and then advertised by the Clerk's office and then a hearing will be held at another meeting and the matter will be opened to the public for discussion, and then it will be voted upon after that and will become law subject to the Mayor's veto powers if he chooses. Mayor Patriarca asked Council to consider not introducing this ordinance this evening and voting this down until he can get to some concerns. Stated he was unaware that the Zoning officer and Director of Community Development had not yet reviewed this Ordinance and he has some concerns as to how it will be enforced as well as some other concerns as to how it will allow more signs then what they are now seeing. Stated he would appreciate this as it will save in re-advertising this again. Advised that as it currently stands he is concerned that this would be one of the few veto's that he would have to exercise because he doesn't believe it is in the best interest of the town as it currently stands. Council President Allen asked if Council was okay with this. Councilwoman Scull stated she was fine with it, but thinks they need to know what the issues are. Mayor Patriarca stated he will provide a report after he gets with the Director. Advised the Director is supposed to be sending him an email today and he will provide that to Council with any other concerns so they can go through it and help make their decision.

Motion by Stinney and Scull to withdraw the Introduction to Ordinance 1-2015. Ordinance 1-2015 will be tabled until further notice from Mayor Patriarca.

NEW BUSINESS

- a. Discussion and possible introduction of various code revisions proposed by Administration.
 1. Chapter 14 – Municipal Court
 2. Chapter 34 - Officers and Employees
 3. Chapter 38 – Personnel Regulations
 4. Chapter 41 – Police

Councilwoman Jackson advised that she had reviewed this and wanted to check with Mr.

Bayer to see if there was anything Council should be concerned about in the changes that were made. Mr. Bayer advised that the changes generally are in conformance with law. Council President Allen stated that in general some changes were to update the state law under Faulkner. Advised that Chapter 14 was redundant with Chapter 3. Councilwoman Scull advised she did not have a problem with #1. Councilwoman Stinney advised she did not have a problem with #1 either. Councilwoman Stinney stated that she had spent time with Mr. Bayer regarding some of the other codes and would like more time to sit down and discuss some of the other concerns she has regarding Chapter 34, Chapter 38 and Chapter 41. Mr. Bayer advised he would make himself available to her. Councilwoman Scull agreed and asked if they could all meet at the same time so they were not taking all of Mr. Bayer's time. Advised that she has looked at the old code book and was not able to find all of the things omitted and does not feel comfortable moving forward until she has more information. Councilwoman Scull asked about bringing in a Public Safety Director again and asked Mr. Bayer if this is part of the law. Mr. Bayer explained that under the Faulkner Act there are 9 departments allowed in a municipality with the Faulkner Act form of government and here in Pemberton we have 4 or 5. Mr. Gonzalez advised there are 5 plus the BA which is considered the tenth. Mr. Bayer stated there is also a department of Police. Advised it has always been different here then what he has seen in other towns, typically when a Mayor came into office he would appoint department heads and they would be subject to the term of the Mayor, but here all department heads are long time employees, so there was never any change in that even when Mayor Patriarca took office. Mr. Bayer reminded that in the first meeting of the year after the Reorganization meeting the number of department heads were confirmed which they hadn't done before. Advised that there is a department of police and what this code provision is doing is creating the position of Director of Police, so it is like a Faulkner Act Director. Mr. Gonzalez advised that this was already done in the amended Chapter 3 back in December already conforms the departmental structure with the Faulkner Act which provides that the Police Chief shall be the head of the Police force, but every department may have a Director and the Mayor has the authority to select a Director subject to the advice and consent of the Council. Mr. Gonzalez stated the Mayor already has the authority to select but has not done so. Councilwoman Scull stated she remembered when this came up years ago when she was first elected. Mr. Bayer advised that was a Public Safety Director and that was different than that. Councilwoman Scull advised that this was why they needed more time to go over this. Mr. Bayer advised that would be fine but his view was that this was just another Faulkner Department head position. Mr. Gonzalez agreed and said that under the Faulkner Act every department has a Director and advised on some of the requirements of the Public Safety Director and a Public Safety Department. Council President Allen stated that it seems there are several questions for Administration and Solicitor Bayer. All of Council was in agreement that this be tabled. Council President Allen advised Council to get all questions written down and sent to Dennis for another Agenda. Councilwoman Scull stated that if she did not get the answers she needed from Andy she would send them to Amy to get responses from Administration. It was a consensus that Chapter 14 could be included on the next Agenda for Introduction.

BILL LIST

Bill 15-000124, EMS Litigation, \$2,994.68 *Pulled from Consent Agenda*

Councilwoman Stinney pulled Bill 15-00124 from page 8 regarding the EMS litigation in the amount of \$2,994.68 and asked what it was for and is this the last bill for this litigation as she thought this was over. Solicitor Bayer explained that unfortunately litigation is not over in that Presidential Lakes has an affirmative lawsuit against the Township which is still pending and that is what this bill is related to. Stated that Presidential Lakes has challenged the Ordinance which related to the Establishment of the Fire Department and the consolidation of that with the EMS as it affected them and have alleged civil rights violations as well and this case is pending in Burlington County Superior Court. Councilwoman Stinney stated she was under the assumption that this was all done. Mr. Bayer stated that the part of the litigation related to the Townships claims is resolved at the trial level and also BMES has a minor claim pending where they have alleged that the Township owes them money for a prior year contract and he has been working with the BMES attorney to try and resolve this. Councilwoman Stinney asked for a future update down the road.

Motion by Stinney and Scull to Approve Bill 15-00124. Stinney, yes; Scull, yes; Jackson, yes; Allen, yes. Motion carried.

Council President Allen paused the meeting for a 5 minute break for Resolution 53-2015 to be retrieved.

OTHER RESOLUTIONS

53-2015 Formalizes formation of Council Investigatory Committee to be comprised of all Council Members.

Councilwoman Jackson asked if this is to look at the items listed, but there are no changes that can be made because the changes have already been made. Mr. Bayer stated it is a slight variation of that and explained that the question is, is there a legislative response for these policy changes and for #1 and #2 the answer is no. Advised that could purport and make recommendations but he believes #1 and #2 fall within the purview of Administrations power over employees under Faulkner's. Councilwoman Jackson asked about #3 and what they could do after this meeting. Solicitor Bayer stated that again it would just be to look to find out facts concerning what grievances have been filed and how they have been handled administratively through Administration. Stated that again he does not believe legislatively they can do other than make recommendations to the Mayor and Administrator. Councilwoman Scull apologized to Mr. Bayer and stated that she meant to get with him sooner about this, but was unable to; however one of the things wasn't necessarily to investigate the Police department but rather to investigate Administration and the Police Departments interactions. Mr. Bayer advised Councilwoman Scull to look at the second Whereas clause which states exactly what she was looking for. Councilwoman Scull stated that in regard to #3 she had asked for the directives or regulations that have been directed to the Police department from Administration and the responses from the Police Chief. Councilwoman Stinney added that to her it meant what are the different levels of grievance and were their requests honored. Councilwoman Scull agreed that this was what she is looking for plus directives given from Administration to the Police Chief, such as "This is what I want you to do" or "This is what you're to do", maybe changing their everyday operations. Mr. Bayer stated he understood the concept but did not think that could be. Councilwoman Scull asked if this could be requested through OPRA. Mr. Bayer said that if they wanted to discuss this in more detail it would be his suggestion that they should go into an Executive Session as he was going to recommend that anyway as he had attorney client privilege items to discuss. Councilwoman Stinney asked should they do this in Executive Session and hear what he says before they come out and approve the resolution. Mr. Bayer stated they could do that but he did not want the public to have to wait while they did that, but he will do whatever they want. Councilwoman Stinney suggested the go to Closed Session after the public was heard. Mr. Bayer stated they could massage the language to talk through it and discuss other matters. Council was in agreement to go into Closed Session after the meeting concluded.

SOLICITOR'S REPORT:

Mr. Bayer reported: 1. No report.

ENGINEER'S REPORT:

Mr. Cella reported: 1. Referred to their report issued January 7th which all of Council received at that meeting and has one quick update stating that over the past couple weeks there have been notices on the roads near Dam #1 that the road will be closing soon, and as of today the road has been closed. Councilwoman Scull stated they are glad the other road is open so people on the one side do not have to travel on the back roads.

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

Mayor Patriarca reported: 1. Mayor Patriarca stated he wanted to piggy back on the Engineers report that Dam #3 is open so the traffic from the Tensaw and Sepulga Drive area can now exit the development across the new dam. Advised that the pavement there is just a basecoat pavement that is temporary since there is still work to be done at that site but is providing relief. Advised that the work has been transferred up to Dam #1 which he believes will take 9 months to a year for

completion. **2.** Commented that he attended a book signing today for local author, Kyle Dixon III, 13 years old. His family grew up in the town and he now lives in Cherry Hill, and he was at Busansky School today signing his book named Bubble Bee. Stated if you have the opportunity to be in his presence you will see the glow this young individual has. Noted that Kyle is a natural and captivated his audience and it is great to see the young kids coming out. Noted that he is at Denbo school on he believe February 6th and if you have the opportunity to, go see this young man speak as you will be impressed. **3.** Asked everyone to be careful out on the roads and to drive careful. Stated they were not expecting anything major but if the temperatures continued to drop there could be icing on the roads. Stated the department of Public Works had been out the last 2 days brining the roadways as well as out earlier today putting sand and salt out on the roads. Council President Allen asked if since Kyle was from the Township would they be able to utilize this success story in some way incorporating it with something in the Recreation department such as a presentation. Mayor Patriarca stated that he does not believe Kyle resides in the Township but that his Mother had grown up here as well as other family that still resides here. Advised that some members of his family are members of the church Councilwoman Stinney attends and are active members of the community. Noted you can go on the web and Google him and he has a presentation that shows a small piece of what his character is, and added that he encouraged all to take the time as it was worth it.

GENERAL PUBLIC COMMENTS

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

Jack Tompkins, Pemberton – 1. Wanted to stop and thank the Pemberton Police and Goodwill Fire Department as he was home on Friday night in the Lake Valley section of town and saw them doing an incredibly difficult job with the utmost professionalism. Stated he watched the helicopter fly in and these professionals do their job and then watched the helicopter fly off as he said a silent prayer for everyone involved. Stated he could not imagine the night these people had and he wanted to thank all of them. **2.** Stated that he still has speeders on his street and he will continue to come every month until something is done with that. **3.** Wanted to comment on Resolution 53-2015 and Council doing investigations or fact finding, and noted that if there aren't any teeth in this, why waste the time. If no corrective actions can be done his thought is that there are more important things to do. Noted he continues to hear that the Police Department is its own independent entity and you can not do anything with it, then it is what it is. Stated he does not understand why any investigation would be done when you have no control over it. **4.** Asked about creating Director positions and usually when he hears the word Director that person will be paid more than the people he supervises, and he will assume these are six figure salaries and he wants to know where the money is coming from because his wallet is pretty light. Mr. Bayer advised that the positions have always existed here but were restyled to the terms of the Faulkner Act for what this form of government requires and Directors are already employees and he does not believe they were being paid extra because they are already doing the job. Mr. Tompkins stated that when he was working and was told he was going from a Manager to a Director he wanted more money. Stated that essentially they are giving people new titles and no money and eventually that money will fall into place. Stated he is a taxpayer and if this town has gone on this long without those titles if it was a law under Faulkner, how did they get away with it so long. Mr. Bayer advised that it was ignored. Mayor Patriarca stated the reason they got around it was because they ignored it. Stated they changed forms of government but kept titles in place for individuals that ran departments and the titles should have been changed with the form of government to Director. Stated they are still getting the same pay but the titles have changed to Director. Mr. Tompkins stated he is a military transplant so he is not sure when this change occurred. Mayor Patriarca advised it was changed in 1990. Mayor Patriarca asked if Mr. Tompkins had noticed all of the Ordinance changes and stated that these are in relation to the change in government that was never changed in the code book. Mr. Tompkins stated he noticed the many ordinances that are being redone and at the last meeting it appeared they were re-passing something without even reading it which he has an issue with as we need to read what we are putting into law and make sure the law is real law that can be maintained and makes sense like a bank with a drive thru. Stated it may sound stupid but if you say Fort Dix Street instead of Fort Dix Road there is a big difference there. **5.** Stated he keeps hearing "we can't do this and we can't do that because we have no teeth. Commented that we are coming up to a time of year when we have the biggest

teeth of all, budget. Commented that he heard Council President Allen say that he had an MBA in Business and he hopes that he utilizes it to save him some money and lower his taxes instead of raising them and reviews the budget process. Stated he is sure there are several places where they can take cuts so they can use it for whatever purpose to get things accomplished in this town. Council President Allen advised that there is an annual budget meeting which all of Council will take part in. Stated that in his opinion, in the last few years the budgets that he has received from Administration, Mayor Patriarca has done an excellent job and presented Council with responsible budgets so they will have to see what comes about this year. Council President Allen thanked Mr. Tompkins for his comments and said to continue to come to the meetings and also asked if there was anything preventing any resident to go directly to the Police department to say they are having an issue with speeders on a particular road in addition to coming to the Council meeting. Mayor Patriarca advised that the Police are a department within the Township but not a separate island of their own. Stated they still have to answer to Administration and to the residents of the town and to Council through certain ordinances that govern the Police department. Mr. Tompkins stated that the Mayor is right but then he comes in and hears we can't do anything because they are on their own. Noted that the police have their own webpage and are not on the Township webpage. Mayor Patriarca stated they have always had their own webpage, but still have rules to follow just like any other department here in the Township. Mr. Tompkins stated not to get him wrong as he thinks the most of the police department as they are very professional and he hasn't been pulled over in a few years so that is a good thing, but maybe there are some that should be pulled over. Stated he sat in his yard today doing some work and saw people going by 40-45 miles per hour and there is a school right there. Commented that he doesn't know what it is going to take, maybe a kid running out in the road and getting killed and he hopes that doesn't happen, but that is probably what is going to happen one of these days and it will be a damn shame. Mayor Patriarca answered Council President Allen's original question that there is nothing stopping any resident to directly reach out to one of the departments within the Township as all are accessible to the public.

Anne Quinn, Country Lakes - 1. Asked the Mayor about the ability to pay taxes online a few years back and would that be available again as it has been gone for some time. Mayor Patriarca stated that there were some concerns with that process and the option was not pursued again. Advised on what some of the issues were including put it out to bid and some of the personal information being accessible and the Townships liability exposure if that were to happen. Ms. Quinn asked at this point the idea was not being entertained. Mayor Patriarca said that was correct. **2.** Wanted clarification on Dam #1 as one of the earlier Council meetings she attended it was her understanding that the 2 Dams would be done by the middle of January maybe towards the end of January and the bigger Dam would be done by the end of May and now hearing 9 months to a year, asked what changed. Mayor Patriarca stated that nothing changed and thinks she is mistaking Dam #3 and Dam #2 which were the 2 that were proposed to be done in January and then possibly by May on Dam #2 which is off of Split Rock. Advised that Dam #1 was always scheduled to be the last Dam done and the project was always scheduled to be in excess of a year to a year and a half to complete all 3 Dams. **3.** Stated she understands the Mayor's definition of the change under the Faulkner Act but she needs to say to Council that it is changing from Supervisor to Director and they are doing the same job but the taxpayers do not have extra money to add to salaries because they do not have an economic base here. Asked that they bear in mind they cannot sustain someone coming in from outside to be a Director when someone else has been doing it. Stated she has seen it happen in other towns and the tax payers are the ones being stripped when they have nothing left to give. **4.** Commented that at the last meeting Dave Benedetti was supposed to be confirmed but it was pulled and asked the Mayor if she was correct that he said he didn't have any planning projects at the moment so was he confirmed or is this position still open. Mr. Bayer stated that Councilwoman Stinney had a question and it was tabled but eventually voted on an approved. Mayor Patriarca stated he felt she was confusing the 2 positions that were on the Agenda at the last meeting, one for the Township Planner and one for the Director of Community Development. Stated that his position was discussed and questions were answered on who he was at that meeting. Mayor Patriarca reiterated the comments made at the last meeting in reference to Mr. Benedetti and this position and was ultimately approved. Advised that the Township Planner position was not presented to Council for appointment. Mayor Patriarca also wanted to clarify that the Directors were Supervisors and their responsibilities have not changed, so there pay

has not changed, and as long as he is Mayor there is no intention to bring in additional pay because they changed a title, that only occurs when they change responsibilities and that hasn't been done. stated he understands her suspicion but that is not happening. 5. Asked for clarification of the difference between the Planner and the Director of Community Development. Mayor Patriarca explained that the Director of Community Development controls Zoning and the Department head for Code Enforcement and oversees the Construction Official basically managing the entire office and the different entities within that office. Advised that the Planner is a professional such as the Engineer who would work on projects with the Town if they had projects they would be using a Planner for. Solicitor Bayer added that Mr. Benedetti is also a licensed Planner. Mayor Patriarca confirmed that he is and that affords them great opportunities where they can gain access to information from him on, not so much planning projects, but he has been involved to be able to give direction on things. Gave the example that Mr. Gonzalez is an attorney but he is not practicing here in the Township, but they use his knowledge and education in his position as the Business Administrator so it is a benefit to us. Ms. Quinn asked if she remembered correctly at the last meeting one of the items that came up was Mr. Benedetti's residency. Mayor Patriarca advised he lives in the Cherry Hill area. Ms. Quinn said not in Browns Mills correct. Mayor Patriarca confirmed that was correct. Ms. Quinn stated she has lived here for 14 years and would like to know that with respect to his appointing someone for something, why it is that they do not appoint someone within the Township. Stated that the thing is that it is our taxpayer dollars that pay his salary and he does not live here and spends his money elsewhere to help the community he lives in and she thinks that the Township needs to think long and hard to appoint a qualified person that is a Township resident instead of going outside the Township as they have had problems with that in other areas. The taxpayers are paying the salaries but the benefit does not come back to the town. Stated she is not saying he doesn't do his job but if you want to work for the State you have to live in the State and so on as an example. Mayor Patriarca advised that is the primary goal when they hire anyone and they do have that requirement with the police department but unfortunately under civil service you only have to be a resident at the time you apply for the job and once your application is in you can move out of town and once on the civil service list they are compelled to hire, and 90% of the police officers that are making an average of \$90,000.00 a year live outside of the Township. Stated that the other employees are held by contract to be a resident when they are hired and then live in the Township for 10 years before they can move out of the Township. Advised when it comes to department heads, there might be one Department of Public Works person that lives in the Township and gave examples of department heads that live inside and outside of the Township. Stated they are afforded to seek qualified individuals that don't live in the township if no one from your Township applies and that's what they get and they don't get them from individuals living in town but still have to fill the positions. Mayor Patriarca gave the example of the school district and the many employees making six figures that live outside of the Township. Also stated that many of the teaching staff lives outside of the Township as well. Councilwoman Scull added that it is hard for them to get hired when they live in town not that they don't apply, but many times are overlooked. Mayor Patriarca stated that he prefer all of the employees live in town, stated he lived and worked here and still lives here and believes it is a great town.

Stated he doesn't think the employees that don't live here think it's not a great town, but they are living in towns that they also believe are good towns but they need jobs and they apply and we need qualified people and they just end up here and he can't fault them for coming here for a job because they are good employees. Ms. Quinn stated she was not trying to insult anyone but found it frustrating as a taxpayer that in her view they should do a better job with hiring our own. stated hiring someone who lives in this town, knows this town better than someone who lives outside the town regardless of their qualifications. Stated she honestly feels that the ones that live outside the town don't really know what we go through because they don't live here.

Susan Wills, Pemberton - 1. Stated she has been a resident since 1976, 38 years, and lived in Country Lakes when it was dirt roads and septic tanks. Noted she likes Pemberton Township. Advised that she has worked for lawyers for 20 years and has been a realtor for 12 years, stated she is not here to represent herself as any realty company she works for but is here as a resident with some concerns. **2.** Asked if they were allowed to suggest speed bumps in relation to Mr. Tompkins comments on the speeders by the school. Commented that in Country Lakes there are speed bumps but the road has been paved over so you can barely see the warnings for the speed bumps

and they are not really working anymore as the pavement is higher. Mayor Patriarca advised they are aware of that and this was just a temporary fix to get us through the construction phase, once they are done they will re-establish the speed humps there. Also advised to answer her question about the school speed humps, Scrapetown Road intersects a County Road so they are unable to put speed humps on that road.

3. Questioned Resolution 49-2015 amending Resolution 176-2014, stated she thinks this is great but her question is about a friend of hers that contacted her last week wondering how soon the tax office will be notified of the bills of a certain situation. Advised on a client of hers that just moved into her home in April 2014 called and asked a question about her water bill and was notified that there was a lien against her property from 2013 prior to her owning the house, for the Township cutting the grass. Noted that when she settled on her house in April 2014 this should have been brought up for the Title Clerks awareness when they called for other information as well as any open permits. Stated she was told that any open permits are the responsibility of the new owner which is not fair. Not sure if she is being given misinformation as it has never happened to her directly but it has happened to someone in her office. Mr. Gonzalez asked for the address of the property she is talking about. Ms. Wills stated it is 2802 S. Lakeshore Drive. Mr. Gonzalez stated this Resolution will eliminate that lien. Ms. Wills stated she is aware this will cover the lien but is concerned about the open permits. Stated her client never would have known about a lien on her property going up for tax sale for a 2013 bill for the lawn not being cut from the prior owner. Advised that the client was concerned because during the transfer of ownership she was not even given a notice of the tax lien coming up. Mr. Gonzalez advised that he is in the process of establishing a procedure for the various departments to make sure that all of these things are available to anyone who is making an inquiry. Stated that in this particular situation it took a while to get the lien placed and it was not placed until after the transfer of the property and that is why the new property owner was unaware of it. Noted that after the process is established there will be no gaps in time from the time Public Works performs the work, gets the certifications of cost and then goes to Administration to bring to Council for a Resolution and last the Tax Collector to place the lien. Agreed that it would not be fair for the new home owner to be responsible and this Resolution would help fix that. Mayor Patriarca asked Ms. Wills to explain the issues she has run into. Ms. Wills advised that this did not happen to her personally it was someone else in her office and it may have been another Township, but she just wanted to bring it up. Mayor Patriarca advised that he will look into it as the permit should have been paid for since they charge up front before the permit is issued and should have just required an inspection to be closed out. Agreed this was unfair to transfer this to the new owner and they will correct that by adding extra steps in so the checks prior to closing are more thorough on our end.

4. Asked about Ordinance 1-2015 and was this regarding business signs or personal signs such as yard sale signs. Council President Allen stated political signs, advertisement signs. Ms. Wills asked if this included Realtor signs on personal property. Councilwoman Scull said no.

5. Advised that she is also the Treasurer of the One By One non profit organization and they are doing the Sunbury neighborhood revitalization. Noted that Council asked, at the last meeting, if there was anything they could do and she made them aware that they are working on a spring clean up date. Stated that they are trying to get the Township trucks like they did last time and hopes that Council will be behind them 100% on if there is a fee maybe waiving that cost. Also stated she is aware that once a year the Township has a free tire drop off and Sunbury is loaded with tires if maybe when they do the spring clean up, the fee can be waived for the tires also. Council President Allen asked Ms. Wills to provide the clean up information to the Township Clerk and she would distribute that to Council so they are aware of when it is. Ms. Wills said yes and she has someone else from the organization is checking into different dates and other organizations that will be helping. Stated last time Wegman's had 40 employees come and help for free. Stated it is in the process of being organized and will not be until the spring but when the time comes that Council will be behind them 100% on the tires and trash as they used 3 trucks last time. Mayor Patriarca asked that she keep Administration informed as most of what she is asking for will come through them and it is their responsibility, and they would be glad to help them with the project. Councilwoman Stinney asked Ms. Wills to supply both her information as well as her associate Mike's information.

Rick Prickett, Pemberton - 1. Council President Allen asked Mr. Prickett what the difference was between a speed bump and a speed hump. Mr. Prickett Stated that

speed humps are legal and he does not believe that speed bumps are legal in New Jersey but he does know that we can put in are speed humps. **2.** Stated that Councils investigatory powers do have teeth and he thinks they should look at the Faulkner Act that this government is organized under. Stated that the Clerk could perhaps get that for them to look through. Advised that one of their big responsibilities is certainly the budget and legislation, passing ordinances and looking at things of that nature. Included confirmation of appointments and the other big title is investigatory powers. Stated he had only seen that initiated once in the time he was on Council and thinks it would be important to see if there was some case studies on how this is done and what power they have. Stated he thinks they can swear in witnesses and make sure they are telling the truth. Also stated they ask all sorts of questions and he believes they are not restricted on what they can ask and the answers must be accurate or there will be legal issues. Stated that the Townships Faulkner government he believes is fashioned after the Federal Government, and explained the different levels of power with a President and Congress, etc. Stated he believes that one of the strengths that they have is investigation. Remembered that he brought this up when he first came to Council and was told they rarely do this. Believes that attorneys do not want to get involved in investigatory inquiries but he thinks they need to look into. Commented that the League of Municipalities may be able to help. **3.** Stated that there are many Directors in our government and he believes that the Director of Community Development is paid for that specific position as he remembers when he was first appointed that he gets a salary for that, and if a future Mayor decides he doesn't want him as Director he will be compensated for being the Zoning Officer. Stated they have a Safety Director in the Fire Department, or Fire Director, which is kind of half of a Safety Director. Stated he has always wondered if they are half way to having a Public Safety Department. Asked if that person doesn't get paid, should they be paid at this point since one of the Directors is paid as they are a volunteer directing. Noted there should be consistency with the Directors and his guess is that if another Mayor comes in and they have long time employees here that are Directors and they don't want them as Directors then you have to hire a Director and this is where the extra expense comes in. Stated that they should look into the consistency of having Directors and see what the options are with that. Noted that they need to be careful that they are not headed towards the Department of Public Safety with the cost of Directors and when this was initiated years ago it was \$90,000.00 a year positions which would be tough for this community to pay. **4.** Asked about scrap metal and was curious how many pounds of metal will be recycled and what kind of objects are in the scrap as well as if the public could get more information to know exactly what is being recycled and can they come in and take a look at it before it is recycled. Also asked if there is a way to see if they are getting the best price for it. Asked if it is the reverse of going out to bid and do they seek quotes on how much per pound and if they will come pick it up or if it has to be sorted through. **5.** Questioned the transfer of the \$30,000.00 into the legal budget and asked what the total legal budget was that Council appropriated this year. Mr. Gonzalez advised that the adopted budget for 2014 was \$215,000.00. Mr. Prickett stated that this brings the total to \$245,000.00. Mr. Gonzalez advised that it may actually be a little more because there was another transfer prior to this one.

Fred Moorhead, Browns Mills - 1. Stated he is getting to know attorneys more now than he ever wanted to over the last year or so and he doesn't know if his question is appropriate, but heard it spoken a few council meetings ago. Asked Solicitor Bayer who he represented and asked if he represented the Council and the Mayor it would seem to him as an observer that he might have a challenge representing both parties. Mr. Bayer asked in what context he meant. Mr. Moorhead stated that if Council is going to investigate the Mayor and he is both parties attorney. Mr. Bayer advised that they would be discussing many issues and agreed that he raised an interesting question and he would like to leave it at that for now. Mr. Moorhead asked if there was a method that he could recuse himself. Mr. Bayer said yes. Mr. Moorhead asked if they would have to hire a new attorney and if it would be from the same firm. Mr. Bayer said they would have to hire another attorney and it would not be from his firm as they work for him. **2.** Commented that if a Supervisor was changed to a Director they had the same job description it didn't cost anything more, but if a Director of the Police is brought in that is currently a vacant position they would have to be paid. Mayor Patriarca advised that the only reason to bring in a Director of the Police for a department of this size would be to run the Police department but this town has chosen to have a Chief of Police as opposed to a Director so there is no Director position available. Advised that does not mean that a Director could not be appointed to that position, but ultimately Council has to approve that appointment.

Mr. Moorhead asked if Council would also approve the budget that would request the money to pay that person. Mayor Patriarca agreed this was correct and the Directors position in the passed would have replaced the salary of the Chief so there was never an intention to have dual salaries in the Police Department budget.

America Phillips, Presidential Lakes - 1. Stated she thought there was no meeting but called and there was so here she is. 2. Stated that the stop sign on Tennessee Trail is still down and has been for over two months and wants to know what happened. Mr. Gonzalez advised that this matter has been brought to Public Works attention and he will look into why it has not been done. 3. Wanted to thank the Engineers as she was able to meet with them about the drainage issue on her road. Stated they were very nice and came to see her. Stated she has brought this problem up many times and nothing has been done on 419 and 502 Rhode Island there is no drainage and each time it rains there is a lake. Stated that on 502 Rhode Island the Township paved the road several times and now there is no place for the water to go so the lake is getting bigger. Advised that at 419 Rhode Island the man has no protection by his fence. Advised she saw Public Works working there, digging holes and looking for drainage but there is no drainage there. 4. Advised that she read in the paper about the empty houses in a news article today. Stated she thinks that the Township is not strict enough to go after the banks because there are too many houses right now that are getting destroyed. Asked who is paying the price and stated the neighbors are the ones suffering. Commented that if she wants to sell her house they will come and see the empty houses, do they think her house would get sold. Noted that she would appreciate if the Township did more and went after the banks so they can do something about the empty houses. 5. commented that New Jersey Road needs a speed hump for a disabled child that lives on the road and his Mother is concerned about the speeders between New Jersey Road and South Carolina. Stated she hopes that with spring coming something can be done so the child will be safe. 6. Reported that she got a list of all the lights that have been burned out and she has someone who took it to the police and they will take care of it. 7. Stated that all the years she has been coming to the meeting, some people pay attention, some care, and some have no problem she's coming, but right now we are not dealing with politics we are dealing with residents. Commented to watch very carefully when doing the budget because as she has stated in the past, they are not sponges and the taxes go to the residents. 8. Advised that were the speed hump is on Split Rock people beep at her when at night time she goes 20 mph. Noticed an accident 2 weeks ago by Tecumseh and there is a very small sign there that says 25 mph but you can barely see it and many people don't do that. Stated she believes it was an oil truck that had flipped over. Asked if a bigger sign can be put up there so people not from the Township can be made aware of the speed limit. 9. Asked Mr. Bayer if he had a good answer for her in reference to the Police litigation. Mr. Bayer advised that the Police have not withdrawn their lawsuit so they are still in litigation and it will go on a while. Ms. Phillips stated the same with Presidential Lakes and Browns Mills, and asked how much money does Administration have for waste on lawyers with taxpayers money.

Ken Cartier, Browns Mills - 1. Asked who was appointed to the MUA. Mr. Bayer advised it was Councilwoman Scull. Mr. Cartier congratulated Councilwoman Scull. 2. Apologized for his early departure at the last meeting and thanked Council for their recognition of him and his years of service on Council. 3. Did hear that there was still some discussion at the last meeting about the MUA and he was glad to hear that the discussion is ongoing in regard to the OPRA request he made to Council. Commented that the question was again raised as to why he made the request and he is here to reiterate again why he made the request. Stated it was based on the question of the Best Practices raised that this Council approved last year concerning that this Council should review the MUA on an annual basis. Stated there is nothing else behind doing that OPRA request to the MUA and he does not understand why this question keeps getting brought up as there is nothing more to it than that. Noted that in fact he has questions being raised to him by people in this township asking what the MUA has to hide now and why are they fighting against this so hard.

Rick Prickett, Pemberton - 1. Wanted to ask questions in regard to Mr. Cartier's request from the MUA. Stated his recollection is that Council receives the minutes regularly from the MUA and was that still true. Councilwoman Scull said yes. Asked if they also got the budget every year as well to approve. Councilwoman Scull said yes. Stated he did not remember getting the audit every year but couldn't the Council, if they did not get it, request it. Councilwoman Scull stated she believes

they do get it and that they also approve the contracts with the professionals. Mr. Prickett asked if there was any other information that was needed as she is the representative and has been for many years. Councilwoman Scull stated that her question was what exactly are you looking for because she doesn't understand why they would need 7,000 pages of information and who is going to go through all of that and it has already cost the MUA \$3,500.00. Stated if they knew exactly every receipt, every purchase order which the bills are in the bill list. Stated she hasn't had any questions from any members of Council to take back to the MUA and that was her concern. Stated the MUA is a Township municipality and are part of the Township and for them to create a situation that costs taxpayers the rate payers of the MUA money is why she brought it up. Asked if Council wanted to look at every single piece of paper. Advised she thinks Council should have decided and she is not against overseeing and there is nothing to hide. Noted the MUA is one of the best ran in the state and the fees are some of the lowest. Mr. Prickett asked if these are purchase orders that they want to take a look at. Councilwoman Scull advised they are purchase orders, receipts, and all contracts. Stated that sometimes contracts can be very large which in making copies can be expensive. Mr. Prickett stated that when he was a Councilman he would go to the Finance office and review the PO's and files there instead of having them make copies and asked if that was an option for Council as well as the Public. Councilwoman Scull said yes. Mr. Prickett stated that if you are not connected to the sewer there is no worry about the expense but for those that are connected can see rates go up because they are rather low considering the other municipalities around the state.

Anne Quinn, Country Lakes - 1. Commented to Councilwoman Scull that after listening to what she had just said made her believe as a taxpayer that she has something to hide. Stated she understood that she wanted to keep taxpayer costs low however she does not understand her reluctance to give the documents. Noted that she did not feel that Mr. Cartier would have made the request if he didn't think it was important. Stated she was at the meeting when he was sitting here and asked for it again so she has a problem and gets the impression that Councilwoman Scull does have something to hide. Stated it is her taxpayer dollars and if he is asking for the documents and he wants them and he is asking for them in the fashion that they need to be requested under OPRA. Asked the Council why his request has not been filled. Councilwoman Scull advised that there is nothing to hide and the issue with the MUA and the MUA board has been is the cost to the MUA servers. Stated that it is their responsibility to watch their money carefully. Noted that there is no problem with sharing anything and if they knew exactly what it was that they wanted to look at. Advised they have the budget, they have the audit and the audit has been perfect for the last several years, what exactly is it that you are looking for. Best Practices that they oversee it, asked what the Council felt and stated that Mr. Cartier didn't talk to Council nor did he ask her any questions and the opportunity to go over and look at the information is there. The concern with the MUA is that the time it takes costs money and the amount of paper. Stated they are talking about thousands of copies. Mr. Cartier made comment from his seat and Council President Allen requested the comments from the audience not be made. Councilwoman Scull advised Mr. Cartier that there are things that cannot be copied or sent electronically. Ms. Quinn stated she deals with a ton of paper every day, upwards of a thousand pages and stated that they do not copy them page for page. Advised you can scan documents and save them on a disc which is a whole lot cheaper. Stated she again reiterates her frustration with the fact that he made a reasonable request and if she didn't think it was reasonable she wouldn't be standing there angry at the moment. Councilwoman Scull encouraged Ms. Quinn to go to the MUA and talk to the Administrator there who can maybe answer her questions better. Ms. Quinn stated that Councilwoman Scull is the MUA representative and she has been on the MUA board for a while and to tell her to go to the Administrator to get better answers is unacceptable. Councilwoman Scull stated that she is not accepting her answers. Argument started to ensue and Council President Allen stated they would speak one at a time. Councilwoman Scull continued and stated there is nothing to be hidden. Ms. Quinn stated to then give him his documents. Councilwoman Scull stated that he is no longer the Council President. Ms. Quinn said it doesn't matter. Councilwoman Scull asked if he is going to come look at them that should be up to Council. Council President Allen advised Ms. Quinn that he understands her frustration and asked Mr. Bayer where they were in the process. Mr. Bayer advised he has had a lot of back and forth with the Solicitor to the MUA. Stated that a lot of the requests were satisfied. Advised that some were outstanding and they had talked about having Mr. Gonzalez go over there to look at the remaining documents, but it is not resolved at

this time and he can really only talk to the MUA Solicitor. Councilwoman Scull stated that much of it has been provided and as she said if you were to see the contracts for certain things they are very thick. Ms. Quinn said with all due respect she does that every day. Councilwoman Scull stated that could be but she said are we going to pay the Engineer that much an hour to do this stuff. Stated she has already said that it has cost them \$3,500.00 and the Township also said they were not going to pay for any copies, but if someone comes in here to request copies we expect them to pay us. Advised Ms. Quinn that, with all due respect, there are issues there that she is not aware of. Ms. Quinn stated that she would hope that by the next Council meeting that they are not addressing this same issue and the issue be resolved because she does not feel that they are being transparent at this point in time.

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

COUNCIL MEMBER COMMENTS:

Sherry Scull - Councilwoman Scull thanked everyone for coming out. Advised that there are potholes on Split Rock were it was recently paved that are pretty nasty looking. Stated as far as the comments on hiring local people, she has always promoted that for 30 years. Stated at the school district, at the Township it can be very frustrating when they have local individuals who put in for jobs who don't even get an interview. Stated they just had a situation where they hired a classroom aide for \$20,000.00 a year but their Mother was an Administrator there and the person hired lives in Hamilton and she has a problem with that. Advised it is a problem in the schools but doesn't think it is as much of an issue in the Township. Commented that they try very hard and when they hired Ms. Dashiell there were requirements and she was a Township resident and they made sure they took the qualified Township person who came out on top any how. Wished everyone a good night.

Letha Jackson - Councilwoman Jackson thanked everyone for coming out and for their comments. Thanked Chief Augustoni for the invite to the Fireman's appreciation dinner which was very nice. Asked everyone to drive safely.

Diane Stinney - Councilwoman Stinney thanked Chief Augustoni for the event and stated she was unable to stay for dancing. Stated she has been very busy and her nights have been long and that is okay. Stated she wanted to start at St. Mark's Baptist Church which had a Martin Luther King Service on Sunday evening which started at 6:00 p.m. and ended at about 10:00 p.m.. Commented that Council President Allen did a great job with putting together a skit of the things that had been going on with the young folks. Stated that Monday she had the opportunity to attend the Friendship AME church where the church clerk had gotten in touch with Chief Jantas and there program was titled, "All Lives Matter". Stated that the Sheriff's department came out and Chief Jantas came out and it was so great to see all lives matter, blue, brown, white, yellow, all lives matter and they do. Stated to Mr. Tompkins that she sees and hears a lot of the things that are going on in the Township and she will say loud and clear and stand on the Empire State building that they do have the finest Fire Department, Volunteers, Police Department and she will say it over and over again that they do a phenomenal job. Spoke of her 90 year old neighbor whose home was broken into, and stated that they didn't have to do all that they did, but when they left from there he said that they do have a great Police Department and they did a phenomenal job. Advised they do need to promote and say thank you to the Fire Department and EMS. Commented that we expect them to come out to our house at 2 o'clock in the morning and volunteer to put out our house fires. Wanted to say to the volunteers that it is great and it is hard to find volunteers and she knows because she volunteered 17 years before she did 13 years on the school board and if you count up all the years she has been involved she doesn't mind and she is going to continue doing the things that she needs to do. Thanked everyone for taking the chance and coming out tonight as she was leery herself and commented that after turning 65 you look at the roads a little different. Stated she would not have thought twice about it two years ago but she was leery herself. Thanked those that came out tonight in this weather and to have a safe return home.

Sherry Scull - Councilwoman Scull stated she had one more thing to add in relation to some employees going above and beyond the call of duty. Advised that her

husband was out checking wells when it was icy and he happened to be right behind the lady that flipped her car into the woods on Mt. Misery and Junction Roads on the bad curve. Added that without thinking of his own safety got in the car and got the lady out of the car in case the car would have exploded. Stated they have a lot of good employees like this and of course if she gets a chance to plug Fish he gets plugged. Thanked her husband for doing that and she is sure the lady appreciated it. Added that it kept Chief Augustoni from having to crawl in there.

Jason Allen – Council President Allen advised of scholarship information. Stated the Library of Congress' Junior Fellows Summer Internship program is offering a 10 week paid fellowship for college students. Advised that the application deadline was January 23rd, 2015, so if anyone knew of students that would be able to benefit from a college scholarship, to please let him know so he could provide the information. Thanked everyone for coming out on this very cold and snowy evening. Council looks forward to having all back at the next meeting and with that they will be returning to Closed Session.

Resolution 44-2015 Authorizes Council to go into Closed Session.

Motion by Scull and Stinney to approve Resolution 44-2015. Scull, yes; Stinney, yes; Jackson, yes; Allen, yes. Motion carried.

Council went into Closed Session at approximately 8:35 p.m. and returned and reconvened Open Session at approximately 9:17 p.m.

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

The meeting was adjourned at approximately 9:17 p.m.

Respectfully submitted by,

Sunshine Dashiell

Sunshine Dashiell
Deputy Township Clerk