

TOWNSHIP OF PEMBERTON

REGULAR MEETING

FEBRUARY 18, 2009

6:30 P.M.

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

PRESENT

Ken Cartier (arrived at 6:50 pm)
Tom Inge
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Solicitor Andrew Bayer, ARH Representatives Dave Clark and Kelly Willis, and Township Clerk Mary Ann Young

2. Mrs. Stinney called the meeting to order at 6:30 pm.
3. Closed Session Res. No. 65-2009

RESOLUTION NO. 65-2009

WHEREAS, SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, P.L. 1975 PERMITS THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES; AND
WHEREAS, THIS PUBLIC BODY IS OF THE OPINION THAT SUCH CIRCUMSTANCES PRESENTLY EXIST;
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
PERSONNEL MATTER INVOLVING AN EMPLOYEE AND COUNCIL PERSON
PERSONNEL LITIGATION WC CASE SETTLEMENT FOR OFFICER WALTER STEWART
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Scull and Prickett to approve Resolution No. 65-2009. Scull, yes; Prickett, yes; Inge, abstain; Stinney, yes. Motion carried.

4. CLOSED SESSION

Mrs. Stinney convened the meeting at approximately 6:30 pm for Council to go in to Closed Session.

5. Formal action as necessary pursuant to closed session.

Council President Stinney reconvened the meeting at approximately 7:00 p.m. and informed there will be no formal action pursuant to closed session. Mrs. Stinney further noted that Councilman Inge recused himself from the first matter and that Council will return to closed session after tonight's meeting.

6. Public comments on consent agenda items only.

Mrs. Stinney opened the meeting to public comments on consent agenda items only. Those wishing to comment were: **Russell Hippowitz: 1.** Hoping he is not the only resident here tonight from Oak Pines. Someone from the public replied he

is not. Mrs. Stinney advised the public that Mr. Hippowitz has the speaker and she asked Mr. Hippowitz to address her. Mr. Hippowitz informed he was having a problem in Oak Pines with gypsy moths and understands from a note given to him that the Township is not spraying the Oak Pines area. Mr. Hippowitz asked Mrs. Stinney why the Township is not spraying Oak Pines. Mrs. Stinney explained that this portion of the agenda deals only with those items that are on the Consent Agenda which are noted by an asterisk. Mr. Hippowitz stated that the Consent Agenda is dealing with declaring the gypsy moth as a public nuisance. Mrs. Stinney asked Mr. Hippowitz if he is stating the gypsy moth is or is not a public nuisance. Mr. Hippowitz replied that he is stating the gypsy moth is a public nuisance and he would like to have the Township, if the means are available be it hand spray or air spray, come and spray the Oak Pines area. Mrs. Stinney noted that this portion of public comments has nothing to do with what area to spray. She explained that the resolution on the consent agenda is to declare that the gypsy moths are a public nuisance. Mrs. Stinney asked Mr. Hippowitz if yes they are or nay they are not. Mr. Hippowitz stated yes, they are. Mr. Hippowitz asked what will happen next; if the gypsy moth is a nuisance, how does the Township get rid of the nuisance. Mrs. Stinney indicated that at the last Council meeting, Council authorized the consent to spray. Mr. Hippowitz notified that what was handed to him did not state that. Mrs. Stinney replied that she is not sure what was handed to him but Council did authorize the Township to spray in its designated areas at the last meeting. Mr. Hippowitz asked Mrs. Stinney if Oak Pines is one of the designated areas. Mrs. Stinney answered that she is not sure but did not think so. Mr. Hippowitz then asked why not. Mrs. Stinney reiterated that at this time she cannot speak about why Oak Pines is not on the designated spray areas as they are only speaking on Consent Agenda items only and that is to declare if the gypsy moths are a nuisance and Mr. Hippowitz has declared the gypsy moths are a nuisance. Mr. Inge asked Mrs. Stinney if Mr. Hippowitz could come back at general public comments potion to continue his questions. Mrs. Stinney agreed and informed Mr. Hippowitz he could come back during the general public comments portion and address Council. Mr. Bayer clarified to Mr. Hippowitz that there is another public comments portion later in the meeting to have this more general discussion. Mr. Hippowitz commented that he hoped Council still keeps it in mind that the gypsy moths are still a public nuisance. **Michael and Gloria Bell: 1.** Mr. Bell spoke of Resolution No. 67-2009 and stated the gypsy moths are most definitely a nuisance. Mr. Bell questioned why they are not going to be talking about making sure the neighborhood is sprayed as the rest of the Township. Mrs. Stinney advised Mr. Bell that he can speak of this at the general public comments portion later in the meeting. **Betty Donelson: 1.** Expressed that it is hard for her to ask questions when she doesn't know what the resolutions say. Mrs. Stinney asked Ms. Donelson which resolution she wanted to address. Ms. Donelson replied the ones dealing with any kind of money. Mrs. Stinney asked Ms. Donelson to identify what is on the agenda that she would like to discuss. Ms. Donelson informed resolution numbers 62-2009, 68-2009, 71-2009, noting she tried to look them up ahead of time so as to not take up Council's time but was told that they are not available for public review before the meeting. Ms. Donelson apologized for taking all of this time. Mrs. Stinney informed Ms. Donelson to take her time. Ms. Donelson continued with resolution number 75-2009 and asked if the ordinances are on the consent agenda. Council replied no. Ms. Donelson advised there are a few things under New Business and asked if that is on the consent agenda, numbers 1 and 2. Mrs. Stinney informed that is not on the consent agenda. Mr. Bayer clarified they are. Mrs. Stinney apologized and confirmed items 12a, 1 and 2. Mrs. Stinney asked Ms. Donelson which one she would like to speak of first. Ms. Donelson stated what she is concerned about is because at the last meeting, it was stated that they need to cut \$1.2 million from the budget somehow. Mrs. Stinney asked Ms. Donelson which resolution she is speaking of. Ms. Donelson replied she is speaking about all of them. Mrs. Stinney indicated to do one at a time as Ms. Donelson pulled a lot of them. Ms. Donelson then

referenced resolution number 68-2009. Mrs. Stinney noted that deals with the County mosquito spraying. Ms. Donelson asked if that is going to cost the Township any money. Mrs. Stinney answered no, not a dime, noting it is through the County taxes. **2.** Ms. Donelson referenced resolution number 71-2009, an application for a grant for records management and asked if that is an out and out grant or if it is a matching funds grant. Mrs. Stinney answered that this grant is the Paris grant and is part of the Burlington County shared services elements and this is asking for an application to participate in this grant. Mrs. Stinney further noted that it involves records needs assessment, is in the amount of \$40,000 but it is a very competitive grant through shared services. Mrs. Stinney reiterated that these grants are very, very competitive and it is great that they have Mrs. Cosnoski to look in to that. Mrs. Stinney relayed that she always thought when she became a Councilwoman that it would benefit the Township if they hired a grant writer which would pay for itself. It is not guaranteed that they would receive all of this \$40,000 but they may get about \$10,000 per municipality and to her understanding it is not a matching fund. Ms. Donelson commented it is free money. Mrs. Stinney replied that's a good thing. **3.** Ms. Donelson referenced resolution 62-2009 and expressed concern with the amount because the Township is trying to save money to save jobs. Ms. Donelson asked if this is something that maybe an employee in the Township can do or if it is something new or is it a renewal or a brand new item. Mrs. Stinney explained it is an IT service that they contracted with a while back and Council pulled this resolution at the last meeting in hope that they would possibly be able to save a few dollars with shared services through the Pemberton Township Board of Education. Mrs. Stinney asked the Mayor to elaborate as he attended the meeting. Mayor Patriarca reported that they were unable to come up with a program where the school district was going to be able to help them because of their limited staff and the amount of systems that they operate. He explained it is a function that in today's society of computers, as they see they have them everywhere in the building and they are constantly going down and they have to have some type of service to maintain them. They have a company on board now that has provided them with a fair service for a fair price and actually well under-priced. The Mayor explained that the Township had to go out to bid as their contract was up this year and their price was approximately \$78,000 for two years which was substantially lower than the next closest bidder which was in the area of \$150,000. Mayor Patriarca informed that Administration knew they were going to go up this year because of the price they were getting over the years was unrealistic and they just wanted to get their foot in the door. They got their foot in the door but they are still coming in quite low compared to other services equal to this. Ms. Donelson asked if they are both the same company and familiar with the Township. The Mayor replied yes, it is the same company that they are dealing with now which is probably one of the reasons why they were able to come in so low because they know the system and know what they are able to do. Ms. Donelson thanked the Mayor. **4.** Asked what the emergency temporary appropriations were for in resolution number 75-2009. Mrs. Stinney explained so they can continue to run while awaiting a budget. Ms. Donelson asked if they are for salaries. Mr. Cartier answered yes. Ms. Donelson asked if they have anything to do with the last salary ordinance that was adopted. Mrs. Stinney assured they do not. **5.** Regarding 12a 1 & 2, Ms. Donelson would like to forget about number 1 but asked about the copiers in 12a 2. Mrs. Stinney asked the Mayor to respond. Mrs. Stinney wanted to share with Ms. Donelson that because of the law that they have being able to talk directly with department heads and that sort of thing, she relies a lot on the Mayor to get a lot of information because she doesn't want to go out and break any law by talking to department heads. Ms. Donelson stated she understands that. Mayor Patriarca explained there are several copy machines that the contracts have expired and the Township is paying maintenance agreements on. He explained that what Administration is attempting to with this resolution and expenditure is to bring all of the copiers under one company and get a better deal. By doing this, they will be eliminating

numerous fax machines because the copiers will be able to fax, they will be able to stop purchasing fax toners in departments that have fax machines, they'll be able to disconnect phone lines in those departments that use them for fax machines and bring this all through the central computer system. The Mayor relayed that it also provides additional capabilities such as digital scanning in all of the offices so that they are not making as many copies and are able to scan copies into the copier and send them electronically to the recipient. He noted in some areas, it goes up as some of the contracts they had have \$19.00 increases but in other areas there is a decrease of \$34.00; so for the lease of the machines it was a \$6.00 increase but in two of the departments, they will no longer have to purchase the print cartridges, and the maintenance agreements are included in the package which is a savings of approximately \$51.00 per month. Ms. Donelson expressed that she is so concerned with that because the Township is trying to save jobs and if the copiers aren't something that is absolutely necessary this year, noting it seems like such a small amount but they need to save where they can. She reflected that is why she was concerned with the cost. It looks like a small monthly amount, but is it something that they really need at this time. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments on the consent agenda.

***7. 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.**

***8. MINUTES FILED BY MUNICIPAL CLERK**

***a.** Regular Meeting, February 4, 2009.

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 66-2009

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO REFUND MONIES TO THE FOLLOWING PERSONS FOR THE AMOUNTS AND REASONS SET FORTH:

AL & JOANNE HORTON, \$327.99, OVERPAYMENT OF 4TH QUARTER 2008 TAXES, BLOCK 838, LOT 17
MID JERSEY CLOSING AGENCY, LLC, \$3,002.33, OVERPAYMENT OF 2008 ADDED TAXES, BLOCK 298, LOT 1
JOSE & MARIA VALENCIA, \$767.34, OVERPAYMENT OF 4TH QUARTER 2008 TAXES, BLOCK 1094, LOT 4

RESOLUTION NO. 68-2009

AUTHORIZES THE BURLINGTON COUNTY MOSQUITO EXTERMINATION COMMISSION TO CONDUCT AN AERIAL MOSQUITO CONTROL ACTIVITY

WHEREAS, THE COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, APPROVES THE AERIAL MOSQUITO CONTROL ACTIVITIES TO BE CONDUCTED BY THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL; AND

WHEREAS, THE COUNCIL AUTHORIZES THE MAYOR TO EXECUTE THE AGREEMENT WITH THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL FOR THE AERIAL SPRAY.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL IS HEREBY AUTHORIZED TO CONDUCT AERIAL MOSQUITO CONTROL ACTIVITIES IN PEMBERTON TOWNSHIP

RESOLUTION NO. 69-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF A DECORATIVE STREET CLOCK

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE CONSTRUCTION OF A DECORATIVE STREET CLOCK IN PEMBERTON TOWNSHIP IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACT LAW; AND

WHEREAS, THE TOWNSHIP RECEIVED ONE BID FROM THE VERDIN COMPANY ("VERDIN") HEADQUARTERED AT 444 READING ROAD, CINCINNATI, OHIO 45202, WITH A BASE BID OF \$24,986.00 AND OPTION #1 BID OF \$4,995.00, AND OPTION #2 BID OF \$975.00; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED VERDIN'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT; AND WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO VERDIN AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND

WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD THE CONTRACT TO THE LOWEST QUALIFIED BIDDER, VERDIN, FOR THE CONSTRUCTION OF THE DECORATIVE CLOCK;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE CONSTRUCTION OF A DECORATIVE STREET CLOCK BE AND HEREBY IS AWARDED TO VERDIN, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND VERDIN FOR THE CONSTRUCTION OF A DECORATIVE STREET CLOCK IN AN AMOUNT OF \$24,986.00 AND THE MAINTENANCE AGREEMENT OPTION #2 IN THE AMOUNT OF \$975.00 FOR AN AMOUNT NOT TO EXCEED \$25,961.00 AND IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY VERDIN; AND BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 02-2008-0702-7718-2-00000; AND

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

- A. THE VERDIN COMPANY
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 70-2009

WHEREAS, BY RESOLUTION NO. 226-2008, ADOPTED NOVEMBER 5, 2008, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO J. W. JENKINS & SONS WELL DRILLING, INC., 15 BROWN ROAD, BROWNS MILLS, NJ 08015, FOR \$8,085.00, FOR THE RCA PROJECT 130 MARGARET STREET; AND
WHEREAS, A COPY OF THE REVISED INVOICE IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A TOTAL INCREASE IN THE CONTRACT PRICE BY \$195.00, WHICH CHANGE ORDER IS RELATED TO THE ACTUAL DEPTH DRILLED, AN ADDITIONAL 15 FEET AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND
WHEREAS, THE NEW CONTRACT SUM INCLUDING THE CHANGE ORDER WILL BE \$8,280.00; AND
WHEREAS, THE BUSINESS ADMINISTRATOR, HAS RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 1; AND
WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 ET SEQ., AND THE REGULATIONS PROMULGATED PURSUANT THERETO, N.J.A.C. 5:34-1.1 ET SEQ. PERMIT THE AUTHORIZATION OF SUCH A CHANGE ORDER IN ACCORDANCE WITH CERTAIN GUIDELINES CONTAINED THEREIN; AND
WHEREAS, THE GOVERNING BODY HAS DETERMINED, UPON THE RECOMMENDATION OF THE BUSINESS ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND THAT THIS RESOLUTION CAN BE ADOPTED, THAT THE REQUESTED CHANGES ARE IN ORDER AND THAT THE REASONS FOR SAME ARE ACCEPTABLE, JUSTIFIABLE, AND VALID; AND
WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE TO APPROVE THIS CONTRACT IN THE AMOUNT OF \$195.00 IN LINE ITEM RCA TRUST ACCOUNT #10; AND
NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT CHANGE ORDER NO. 1, AS SUBMITTED BY J. W. JENKINS & SONS WELL DRILLING, INC., FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED;

RESOLUTION NO. 71-2009

APPROVING THE TOWNSHIP OF PEMBERTON'S APPLICATION FOR NEW JERSEY DEPARTMENT OF STATE, DIVISION OF ARCHIVES AND RECORDS MANAGEMENT, PUBLIC ARCHIVES AND RECORDS INFRASTRUCTURE SUPPORT (PARIS) GRANT PROGRAM
WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AGREED TO APPLY FOR A PARIS GRANT AS PART OF BURLINGTON COUNTY'S SHARED SERVICES ELEMENT OF ITS APPLICATION; AND,
WHEREAS, THE TOWNSHIP OF PEMBERTON ACKNOWLEDGES AND ACCEPTS THE RESPONSIBILITY OF PARTICIPATING IN THIS GRANT; AND,
WHEREAS, THE STATE OF NEW JERSEY HAS MADE PARIS GRANTS AVAILABLE TO ASSIST COUNTY AND MUNICIPAL GOVERNMENTS IN THEIR RECORDS MANAGEMENT, PRESERVATION AND STORAGE EFFORTS; AND,
WHEREAS, THE PURPOSE OF THIS SHARED SERVICES GRANT IS TO ASSIST IN THE LOCAL RECORDS PURGING PROCESS AND DEVELOPMENT OF A POLICIES AND PROCEDURES MANUAL FOR ARCHIVING DOCUMENTS;
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON THAT THIS BODY DOES HEREBY AUTHORIZE PARTICIPATION IN THE PARIS GRANT PROGRAM FOR THE PURPOSES SITED ABOVE.

RESOLUTION NO. 72-2009

WHEREAS, N. J. S. A. 40:48-1.1 PERMITS A MUNICIPALITY TO UNDERTAKE THE REMOVAL OR DEMOLITION OF ANY BUILDING OR STRUCTURE WHICH IS DANGEROUS TO HUMAN LIFE OR PUBLIC SAFETY, AND IN DOING SO, MAY ASSESS THE COST OF SUCH REMOVAL OR DEMOLITION AS A MUNICIPAL LIEN AGAINST THE PREMISES; AND
WHEREAS, THE TOWNSHIP ORDINANCES ESTABLISHES A PROCEDURE TO FACILITATE THE DEMOLITION AND REMOVAL OF SUCH BUILDINGS OR STRUCTURES AND TO ASSESS THE COST OF SAME AS LIENS AGAINST THE PROPERTY; AND
WHEREAS, THE TOWNSHIP PUBLIC WORKS DEPARTMENT, IN CONJUNCTION WITH THE CONSTRUCTION DEPARTMENT AND OFFICE OF THE MAYOR, CAUSED TO BE DEMOLISHED AN UNSAFE STRUCTURE LOCATED AT 591 LAKEHURST ROAD, BLOCK 894 LOT 25, ON THE TOWNSHIP MAPS; AND
WHEREAS, THE TOWNSHIP'S PUBLIC WORKS SUPERINTENDENT HAS CERTIFIED TO THE TOWNSHIP'S BUSINESS ADMINISTRATOR THE VALUE OF THE TIME, LABOR, EQUIPMENT AND OTHER SERVICES EXPENDED IN THE COURSE OF SAID DEMOLITION EQUALS \$ 11,291.69.
NOW THEREFORE BE IT HEREBY RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TAX COLLECTOR BE AND IS HEREBY AUTHORIZED AND DIRECTED TO IMPOSE A LIEN UPON THE PROPERTY KNOWN AS BLOCK 894 LOT 25 LOCATED AT 591 LAKEHURST ROAD IN THE TOWNSHIP OF PEMBERTON IN THE AMOUNT OF \$11,291.69 SAID MONEY IS TO BE COLLECTED IN ACCORDANCE WITH LAW.

RESOLUTION NO. 73-2009

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION
WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 632 LOT 3, 202 SENECA TRAIL OWNED BY RALPH & HELGA FLOWERS QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF FEBRUARY 9, 2009; AND
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 632 LOT 3 AS A RESULT OF THE GRANTED EXEMPTION; AND
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO FEBRUARY 9, 2009 ARE \$403.46; AND
WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 632 LOT 3 IN THE AMOUNT OF \$955.50 FOR 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$ 552.04 TO RALPH & HELGA FLOWERS; AND
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF FEBRUARY 9, 2009 AND AUTHORIZE THE REFUND OF OVERPAID 2009 TAXES.
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 632 LOT 3 AS OF FEBRUARY 9, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$552.04 TO RALPH & HELGA FLOWERS, 202 SENECA TRAIL, BROWNS MILLS, NJ 08015
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 74-2009

RESOLUTION APPROVING MAYOR'S REQUEST TO TRANSFER 2009 MUNICIPAL BUDGET TO TOWNSHIP COUNCIL ON OR BEFORE FEBRUARY 27, 2009
WHEREAS, LOCAL FINANCE NOTICE LFN 2009-2, ADOPTED BY THE LOCAL FINANCE BOARD ON JANUARY 16, 2009, MODIFIED THE CALENDAR YEAR 2009 BUDGET DEADLINES; AND

WHEREAS, THE NOTICE EXTENDED THE MAYOR/COUNCIL FAULKNER ACT BUDGET TRANSMISSION DEADLINE TO FEBRUARY 23, 2009, FOLLOWED BY TOWNSHIP COUNCIL INTRODUCTION AND APPROVAL ON OR BEFORE MARCH 17, 2009, AND LASTLY, MUNICIPAL ADOPTION ON OR BEFORE APRIL 28, 2009; AND
WHEREAS, THE NOTICE CONTAINED A STATEMENT THAT THE DIVISION OF LOCAL GOVERNMENT SERVICES RECOGNIZES THAT SOME MUNICIPALITIES MAY BE UNABLE TO MEET THE INTRODUCTION OR ADOPTION DEADLINES; AND
WHEREAS, BUSINESS ADMINISTRATOR, CHRISTOPHER J. VAZ, HAS ADVISED TOWNSHIP COUNCIL AND MAYOR DAVID A. PATRIARCA THAT THE TOWNSHIP'S OUTSIDE AUDITOR MAY NOT HAVE THE 2008 ANNUAL FINANCIAL STATEMENT COMPLETED UNTIL FEBRUARY 19TH OR 20TH, AND FURTHERMORE, THE NEW JERSEY SENATE IS SCHEDULED TO VOTE ON A PROPOSED PENSION DEFERRAL LAW ON FEBRUARY 23RD; AND
WHEREAS, COMPLETION OF THE FINANCIAL STATEMENT AND THE STATUS OF THE PENSION DEFERRAL BILL ARE BOTH CRITICAL ASPECTS OF THE BUDGET PREPARATION PROCESS, ESPECIALLY THIS YEAR GIVEN THE TAX LEVY CAP AND REVENUE SHORTFALLS THAT PEMBERTON TOWNSHIP IS FACING; AND
WHEREAS, THE BUSINESS ADMINISTRATOR HAS RECOMMENDED TO MAYOR PATRIARCA THAT HE REQUEST FROM TOWNSHIP COUNCIL A BRIEF EXTENSION OF TIME IN WHICH TO TRANSFER HIS PROPOSED BUDGET TO TOWNSHIP COUNCIL, SO THAT THE MAYOR HAS THE BENEFIT OF THE FINANCIAL STATEMENT AND THE MOST CURRENT PENSION DEFERRAL INFORMATION WHEN COMPLETING THE BUDGET.
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE TOWNSHIP COUNCIL DOES HEREBY CONSENT TO THE MAYOR'S REQUEST TO TRANSFER THE PROPOSED 2009 MUNICIPAL BUDGET TO TOWNSHIP COUNCIL ON OR BEFORE FEBRUARY 27, 2009.
BE IT FURTHER RESOLVED, THAT TOWNSHIP COUNCIL BELIEVES THAT THE DIVISION OF LOCAL GOVERNMENT SERVICES UNDERSTANDS THE ISSUES FACING PEMBERTON TOWNSHIP AND OTHER MUNICIPALITIES, EVIDENCED BY THE DIVISION'S RECOGNITION THAT MANY MUNICIPALITIES MAY BE UNABLE TO MEET THE INTRODUCTION AND ADOPTION DEADLINES.
BE IT FURTHER RESOLVED, THAT TOWNSHIP COUNCIL WILL STRIVE TO INTRODUCE AND ADOPT A MUNICIPAL BUDGET WITHIN THE DEADLINES SET FORTH IN LFN 2009-2, BUT ULTIMATELY THE CHIEF OBJECTIVE IS TO INTRODUCE A FISCALLY SOUND BUDGET.

RESOLUTION NO: 75-2009

WHEREAS, PURSUANT TO N.J.S.A. 40A: 4-19 THE TOWNSHIP COUNCIL ADOPTED A TEMPORARY MUNICIPAL BUDGET ON JANUARY 7, 2009; AND,
WHEREAS, ADDITIONAL BUDGETARY AUTHORIZATIONS ARE NECESSARY TO CONTINUE GOVERNMENTAL OPERATIONS PRIOR TO THE 2009 PERMANENT BUDGET BEING ADOPTED; AND,
WHEREAS, N.J.S.A. 40A: 4-20 PERMITS MUNICIPALITIES TO AUTHORIZE SUPPLEMENTAL TEMPORARY APPROPRIATIONS BY ADOPTING EMERGENCY TEMPORARY AUTHORIZATIONS BY RESOLUTION APPROVED BY 2/3 VOTE OF THE FULL COUNCIL MEMBERSHIP,
NOW THEREFORE, BE IT RESOLVED THAT THE FOLLOWING EMERGENCY TEMPORARY APPROPRIATIONS ARE HEREBY MADE:

CURRENT FUND:

100	GENERAL APPROPRIATIONS:	
	MAYOR/BUSINESS ADMIN.	
	SALARY & WAGES	27,500.00
	OTHER EXPENSE	2,500.00
110	TOWNSHIP COUNCIL	
	SALARIES & WAGES	9,000.00
	OTHER EXPENSES	1,000.00
120	TOWNSHIP CLERK	
	SALARIES & WAGES	29,000.00
	OTHER EXPENSE	1,500.00
130	FINANCE	
	SALARY & WAGES	27,500.00
	OTHER EXPENSE	2,500.00
135	AUDIT SERVICES	
	OTHER EXPENSE	10,000.00
145	COLLECTION OF TAXES	
	SALARY & WAGES	23,000.00
	OTHER EXPENSE	2,000.00
146	SOLID WASTE BILLING	
	SALARY & WAGES	11,000.00
	OTHER EXPENSES	1,000.00
150	ASSESSMENT OF TAXES	
	SALARY & WAGES	23,500.00
	OTHER EXPENSE	1,500.00
155	LEGAL SERVICES & COSTS	
	OTHER EXPENSE	25,000.00
170	URBAN ENTERPRISE ZONE	
	SALARY & WAGES	10,000.00
180	PLANNING BOARD	
	SALARY & WAGES	9,000.00
	OTHER EXPENSES	1,000.00
185	ZONING BOARD OF ADJUSTMENT	
	SALARY & WAGES	11,000.00
	OTHER EXPENSES	1,000.00
195	CODE ENFORCEMENT	
	SALARY & WAGES	14,500.00
	OTHER EXPENSES	500.00
	INSURANCE	
210	OTHER INSURANCE PREMIUMS	250,000.00
240	POLICE	
	SALARY & WAGES	480,000.00

	OTHER EXPENSES	20,000.00
262	AMBULANCE CONTRACT	
	OTHER EXPENSES	20,000.00
265	FIRE HYDRANT RENT	
	OTHER EXPENSES	5,000.00
275	PROSECUTOR	
	OTHER EXPENSE	5,000.00
290	STREETS & ROADS	
	SALARY& WAGES	80,000.00
	OTHER EXPENSES	20,000.00
300	TRAFFIC SIGNALS	
	OTHER EXPENSES	1,000.00
305	SOLID WASTE COLLECTION	
	OTHER EXPENSE	100,000.00
310	BUILDINGS & GROUNDS	
	SALARY & WAGES	75,000.00
	OTHER EXPENSES	27,000.00
315	FLEET MAINTENANCE	
	SALARY & WAGES	50,000.00
	OTHER EXPENSES	5,000.00
340	ANIMAL CONTROL	
	SALARY AND WAGES	19,500.00
	OTHER EXPENSES	500.00
370	RECREATION	
	SALARY & WAGES	20,000.00
	OTHER EXPENSES	5,000.00
371	SENIOR CITIZEN SERVICES	
	SALARY & WAGES	10,000.00
	OTHER EXPENSES	2,500.00
	UNCLASSIFIED	
430	ELECTRICITY	50,000.00
435	STREET LIGHTING	25,000.00
441	POSTAGE	5,000.00
446	NATURAL GAS	5,000.00
447	HEATING OIL	5,000.00
455	SEWER	1,000.00
460	GASOLINE	50,000.00
465	SOLID WASTE DISPOSAL COSTS	100,000.00
472	SOCIAL SECURITY & MEDICARE	
	OTHER EXPENSES	25,000.00
490	MUNICIPAL COURT	
	SALARY & WAGES	28,500.00
	OTHER EXPENSES	1,500.00
	2009 TEMPORARY MUNICIPAL BUDGET - INCREASE BY 1/12 OF 2008 BUDGET	
		<u>1,736,000.00</u>
	CURRENT FUND	
	DEBT SERVICE	
935	BOND ANTICIPATION NOTES	
	INTEREST	<u>177,000.00</u>
		<u>177,000.00</u>
	TOTAL - CURRENT DEBT SERVICE	<u>177,000.00</u>
	WATER UTILITY FUND	
500	SALARY & WAGES	40,000.00
	OTHER EXPENSES	30,500.00
512	WATER CAPITAL OUTLAY	25,000.00
541	SOCIAL SECURITY	3,000.00
	TOTAL - WATER UTILITY	<u>98,500.00</u>

RESOLUTION GRANTING REQUEST FROM ST. ANN'S CHURCH FOR PERMISSION TO USE ADJOINING PROPERTY FOR THE CHURCH ANNUAL CARNIVAL AND REQUEST FOR BURLINGTON COUNTY FOR DETERMINATION TO COSPONSOR ST. ANN'S ANNUAL CARNIVAL AND TO AUTHORIZE THE MAYOR AND CLERK TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT FOR THE GRANTING OF PERMISSION BY BURLINGTON COUNTY FOR THE CHURCH'S USE OF THE SAID PROPERTY

WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM PEMBERTON TOWNSHIP TO USE THE PROPERTY LOCATED NEXT TO THE MUNICIPAL BUILDING FOR ITS ANNUAL CARNIVAL IN 2008; AND

WHEREAS, THE PROPERTY WHICH THE CHURCH REQUESTED FOR THAT USE IS PARTIALLY OWNED BY BURLINGTON COUNTY ALONG WITH PEMBERTON TOWNSHIP; AND

WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM BURLINGTON COUNTY TO USE THE AREA OF LAND BETWEEN BUTTONWOOD HOSPITAL AND THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR ITS ANNUAL PARISH CARNIVAL IN THE 2009 CALENDAR; AND

WHEREAS, BURLINGTON COUNTY AGREED TO ALLOW THE CHURCH TO HOLD THE CARNIVAL ON THAT PROPERTY SUBJECT TO PEMBERTON TOWNSHIP AGREEING TO CO-SPONSOR THE EVENT AND TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT AMONG BURLINGTON COUNTY, PEMBERTON TOWNSHIP AND ST. ANN'S CHURCH; AND

WHEREAS, ST. ANN'S CHURCH HAD AGREED TO FOLLOW ANY REQUIREMENTS THAT PEMBERTON TOWNSHIP MAY HAVE FOR THE APPROVAL OF THIS REQUEST; AND

WHEREAS, IT APPEARS THAT THE CHURCH HAS AGREED TO MAINTAIN CERTAIN INSURANCE COVERAGE AS OUTLINED IN THE STANDARD BURLINGTON COUNTY USE AGREEMENT; AND

WHEREAS, IT IS NECESSARY THAT THE CHURCH ALSO PROVIDE THAT INSURANCE COVERAGE FOR PEMBERTON TOWNSHIP BE NAMED AS AN ADDITIONAL INSURED ON THAT POLICY OF COVERAGE; AND

WHEREAS, IT IS NECESSARY FOR AUTHORIZATION TO BE PROVIDED TO THE MAYOR AND CLERK TO SIGN THE INTERLOCAL SERVICES AGREEMENT/BURLINGTON COUNTY USE AGREEMENT IN A FINAL FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WITH THE ADDITIONAL PROVISION SET FORTH ABOVE NAMING PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED ON THE INSURANCE COVERAGE TO BE PROVIDED BY ST. ANN'S CHURCH.

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

1. THE PEMBERTON TOWNSHIP COUNCIL HEREBY GRANTS THE REQUEST OF ST. ANN'S CHURCH FOR PERMISSION TO USE THE AREA OF LAND BETWEEN BUTTONWOOD HOSPITAL AND PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR THEIR ANNUAL CARNIVAL AND THE REQUEST OF PERMISSION IS SUBJECT TO THE REVIEW AND APPROVAL OF AN INTERLOCAL SERVICES AGREEMENT/BURLINGTON COUNTY USE AGREEMENT AMONG BURLINGTON COUNTY, PEMBERTON TOWNSHIP AND ST. ANN'S CHURCH IN A FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WHICH SHALL CONTAIN A PROVISION WHEREIN ST. ANN'S WILL MAINTAIN INSURANCE COVERAGE TO BE OUTLINED IN SAID AGREEMENT WITH PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED.

12. NEW BUSINESS

- a. Requests from various departments to expend funds in excess of \$2,000.00 for the following purchases:

- *1. **Water Dept.:** Purchase of 50 water meters for inside homes in the total amount of \$5,377.50.
- *2. Replacement copiers that provide enhanced services at an increased cost effectiveness and overall savings for the township, from State contract vendor as follows:
 1. Public Works Dept. @ \$55.87 monthly
 2. Police Dept. @ \$200.29 monthly
 3. Senior Services Dept. @ \$79.10 monthly
 4. Municipal Court Dept. @ \$79.10 monthly
 5. Planning & Zoning/Inspections Dept. @ \$200.29 monthly

- *b. Applications submitted for memberships, licenses, permits:

- *1. **Loud Speaker Permit Application:** Christian Casteel: Concert event at BMIA, w/PA & guitar amplification, from 5PM-10PM, 3/7/09.
- *2. **Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Country Lakes Fire Co.:** Firefighter Dominico James Hodnett.

- *13. Approval by Council required for payment of vouchers on bill list dated 2/13/09.

Mr. Cartier requested to pull resolution number 50-2009. Mrs. Scull requested to pull resolution numbers 62-2009 and 67-2009.

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

Mrs. Stinney commented to Council that she would like Council to select some dates for budget meetings in light of the state's extension for Council to introduce the budget by the 17th so that the Clerk can advertise in an orderly manner. Mr. Prickett informed Mrs. Stinney there is not a calendar at the end of the dais and suggested this is put off until at least the end of the meeting. Mrs. Stinney agreed.

RESOLUTIONS PULLED FROM THE CONSENT AGENDA:

RESOLUTION NO. 50-2009

Mr. Cartier informed there were some concerns at the last meeting regarding water running off from the WaWa property onto the Rails to Trails property. Mrs. Stinney asked the Mayor to respond. Mayor Patriarca deferred to Mr. Dave Clark from ARH. Mr. Clark explained the concerns that were brought to his attention are that it appears the WaWa site is draining on to the Rails to Trails site. According to the approved plan and the grading that is out there, it is in reasonable conformance. There is not much more that they could do about it. If it's a drainage issue that the Township feels needs to be rectified, he would say it is something that needs to be addressed with perhaps the train station project. It doesn't appear that WaWa has done anything different than what they were approved to do. Mr. Cartier stated if WaWa built something that is causing a neighboring property to flood that was not flooding before, and he understands that it was approved. Mr. Clark acknowledged what Mr. Cartier is saying and it goes back to a part of the review process. Right now, ARH is inspecting a plan, making sure that it is in reasonable conformance with an approved plan. During the approval process is when this should have been addressed if it appears that it was going to be an issue. All of the impervious cover of the site is all collected and conveyed to the storm water basins. Mr. Clark informed that he would abate whether the WaWa is actually draining off on to the rails side because if one looks at the fence line, it was never modified so the fence line is a little bit higher than the WaWa property, slightly. There is a little bit of a ridge there. Mr. Clark conveyed that he understands and his question is what really was there previously and did the water go there before. Looking at it, it looks like water used to go to the area of the rail site. Mr. Cartier informed his question then would be to the solicitor, as to what they do now. Mr. Bayer replied that the land use law generally provides the land owner, developer is entitled to a bond reduction if they built something as Mr. Clark is appointing out in accordance with the plans. The only issue Mr. Bayer can state is that while they may be legally entitled to a bond reduction, it doesn't prevent the municipality from approaching or speaking to the developer about whether they would consider doing anything as a good neighbor to try to make the situation a little better. Mr. Bayer added that he doesn't know that the Township can legally compel them to but the developer may be able to work with the Township to come up with a better solution. It is not an uncommon problem and it goes back to sort of an engineering issue that occurred with the Planning Board. Clearly whatever they designed met to the standards of the requirements of the ordinance in terms of drainage. If there is a problem out in the field, the way to deal with it isn't necessarily through the performance bond issue because under the law they would be entitled to a reduction. Mr. Bayer indicated that he has been in these litigations before and if they push it too far it is difficult to defend a municipality's position when there is not much of a dispute that something was built in accordance with the plans and the issue becomes if the plans don't work, what do they do about it and that is what he is suggesting if it is really a problem. He suggested they go to WaWa and see if they would be willing to work with them to try to make it better. Mr. Cartier stated the engineer's position is the place has been built to plan. Mr. Clark replied in reasonable conformance to the plan. Mr. Prickett had a question about an ordinance Council passed a while back regarding drainage on individual properties. Mr. Prickett asked Mr. Clark if he looked at that ordinance and found out if this conflicted with that ordinance in any way. Mr. Clark responded that Mr. Prickett is speaking of

the lot grading ordinance. Mr. Prickett confirmed. Mr. Clark replied that he will check into that and is not sure how this site is related to the lot grading ordinance but will look into that. Mr. Cartier informed that site was actually approved prior to that ordinance.

RESOLUTION NO. 50-2009

WHEREAS, THE WAWA STORE NO. 982 HAD PREVIOUSLY POSTED A PERFORMANCE BOND FOR THE FAITHFUL COMPLETION OF CONSTRUCTION OF WAWA STORE NO. 982 IN PEMBERTON TOWNSHIP; AND WHEREAS, THE ENGINEER HAS RECENTLY REPORTED THAT A SUBSTANTIAL AMOUNT OF THE WORK HAS BEEN COMPLETED TO HIS SATISFACTION AND THE PERFORMANCE BOND IS ELIGIBLE FOR REDUCTION; NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE PERFORMANCE BOND IN THE AMOUNT OF \$1,506,492.00 PREVIOUSLY POSTED BY WAWA STORE NO. 982 BE AND THE SAME IS HEREBY AUTHORIZED TO BE REDUCED TO THE AMOUNT OF \$397,746.00 IN A FORM SATISFACTORY TO THE TOWNSHIP SOLICITOR. THIS REDUCTION IS CONDITION OF PAYMENT OF ALL OUTSTANDING CHARGES AGAINST THE ESCROW ACCOUNT.

Motion by Cartier and Scull to approve Resolution No. 50-2009.

Mr. Bayer asked how long it has been since the performance bond reduction request has been made. This has been carried before. Mr. Cartier remarked that it was carried one meeting. Mr. Bayer commented there is time but one has to act within 60 days under the land use law once the request has been made. If there is any time, Mr. Bayer suggested having that discussion with WaWa. If they are well beyond that deadline, they are putting themselves in a liability position. Mr. Bayer asked Ms. Willis if she knew. Ms. Willis replied that the bond reduction went in towards the end of December, early January and she is not sure how much time is really left. Ms. Willis knows from speaking with Mrs. Cosnoski of the Clerk's office that WaWa was asking when this was being put back on and they were informed that it is pursuant to the engineers looking in to the situation and getting surveys out there to as built that portion of the site. Mrs. Scull asked if this still left \$400,000 and couldn't that be used if needed down the road. Mr. Cartier answered yes and that is why he didn't hesitate that much because there is still \$400,000 that we are holding. Mr. Bayer added that although when they make a reduction request, generally speaking there are specific items which have been bonded and they say they have met those requirements. When the bonds are issued, the amount is issued based upon what the bondable items are and then there is a list. When a builder meets those certain requirements that come in for a partial it is based on that they have done certain things on that list. Mr. Bayer stated he would assume some of that is drainage. Mr. Clark advised the list does include the drainage aspect. The wiggle room is that issues come up and if there is base course pavement put in and then there is a reduction on the pavement and there is settlement one month later, it is still covered under the bond. The amount is reduced but the entire project is still covered. If an issue comes up, part of that \$400,000 can still be used towards it. Mr. Bayer conveyed that you are covered with the amount left but it wouldn't prevent suggesting ARH to set up a meeting to discuss how to fix the problem of concern. Mr. Clark informed he will set up a meeting with WaWa to see what the options are. Mr. Bayer suggested something may be done that is relatively a minor cost that would fix the problem as being good neighbors; they just may want to do it.

Cartier, yes; Scull, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 62-2009

Mrs. Scull stated she is glad to see that we looked in to shared services but also has a question as to whether or not there is an employee in the Township that has this capability already where we could use one of our folks other than having to contract this out. Mrs. Scull asked the Mayor if Administration checked and if anyone here has the ability to take care of our networking and IT services. The Mayor replied he does not know anyone that is employed by the Township that has a business that is capable of handling this type of a service. Mrs. Scull replied that

she knows Administration is being diligent about the monies and what is being done with them but she agrees that this seems like a lot of money and knows that bids for this are often a lot more. Mayor Patriarca informed that the meetings with the schools on the shared service, their representative, Cathy Bernacki that does their computer services and is in charge of that, commented on how low the price was. The Mayor continued that Ms. Bernacki was quite surprised on how low the bid came in because she knows the type of service that is involved. That was encouraging on Administration's part that they were getting a good deal knowing who they are dealing with.

RESOLUTION NO. 62-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES (COLLECTIVELY "IT SERVICES") FOR USE BY THE TOWNSHIP IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACT LAW; AND

WHEREAS, THE TOWNSHIP RECEIVED TWO BIDS WITH THE LOWEST RESPONSIBLE BIDDER, COMPUTER SOFTWARE, INC. HEADQUARTERED AT 100 HIGHPOINT DRIVE, SUITE 104 CHALFONT, PA 18914, SUBMITTING A BASE BID OF \$78,720.00 FOR 24 MONTHS OF SERVICE AT \$3,280.00 PER MONTH; AND

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

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES FOR USE BY THE TOWNSHIP BE AND HEREBY IS AWARDED TO COMPUTER SOFTWARE, INC., AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND COMPUTER SOFTWARE, INC. FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES FOR A 24 MONTH PERIOD IN AN AMOUNT NOT TO EXCEED \$78,720.00 AT \$3,200 PER MONTH; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT AND

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

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

Motion by Scull and Cartier to approve Resolution No. 62-2009. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

Mrs. Stinney thanked Council and relayed that this is one of the shared services that she and Councilman Inge spoke about when they went to the meeting with the Superintendent. Mrs. Stinney also thanked the Mayor for looking into this and knows that sometimes when shared services are done personnel on the other end have a tendency to come in and play a part and she wanted to publicly acknowledge Cathy Bernacki, Pat Austin and Dr. Gorman who sat at the table with the Mayor to look at this shared service item.

RESOLUTION NO. 67-2009

Mrs. Scull informed she pulled resolution no. 67-2009 because there is an amount in the resolution for \$58,000. Mrs. Scull expressed concern that she doesn't like spraying some of the community and not spraying the rest of it. She noted there has been a huge problem in Oak Pines and the Township did not put the spray areas on the list but the state did. Mrs. Scull asked if they have to go to the state to have it amended and is not that she is looking to spend extra money but wanted to know how that process works. Mayor Patriarca explained that his understanding is if the municipality wishes to expand the spray area, they can do that on their own and hire a private company to spray. He noted that of course, the spray will be at a much higher cost, and he doesn't know if there is time with the bid process; there may be at this point in the game but that would be a completely different area to explore. With the state, regarding the decision as to where the spray areas are is done by surveys that are conducted by their employees that determine the egg masses in the areas are heavy or severe. The state has been out and surveyed all of the municipalities and they've done return trips to this town and decided that 900

and some odd acres that they've determined to be sprayed as opposed to the over 10,000 acres last year. So for some reason gypsy moths are down tremendously according to the state survey. They did not find the egg mass that they found last year and this is the number and the areas that they've gotten from them. Mrs. Stinney informed Mrs. Scull that she has been in touch with Mrs. Bell a couple times through email and personal phone calls and they have also shared pictures. Mrs. Stinney noted that she has gone to the State Department of Agriculture and lobbied through the County Department of Agriculture. She is waiting on a telephone call through that area to see where they can go and how they can go. She acknowledged it's evident that Oak Pines has been an area being affected very heavily for several years. Mrs. Stinney conveyed that she doesn't know how they come out and determine who gets what but if they go all along Magnolia Road those trees are just as bare as toothpicks. Mrs. Stinney suggested putting something together and lobby it to the state. Mrs. Stinney added that she doesn't know if it's too late but she has seen the gypsy moths at its worse in Oak Pines. Mrs. Stinney relayed that she doesn't know if it's the desire of the Council but she is only one council person to gather up this information and kind of like do a door knock and say listen would you listen to me this is what our residents are complaining about can you please help us. Mr. Cartier suggested a request be made to the State to re-evaluate that area that obviously the residents think it's that bad, maybe just a second look at it.... Mrs. Scull interjected that she agrees and added that they see if they can get them to look at it again. Mrs. Scull advised there are other areas in the township where people are saying to her how bad the gypsy moths are and they're not being sprayed either. Mrs. Scull remarked that was her concern from the beginning that they were just spraying 900 acres when the Township has so many. Mrs. Scull agreed with Mr. Cartier in that the State should be asked to look at this again. Mr. Prickett added to re-evaluate. Mrs. Stinney remarked that she emailed those pictures off to the state, waiting for the county. Mrs. Stinney conveyed they'll just push a little further to see what they can do for the re-evaluation. Mrs. Scull noted that if the State and the Federal government had sprayed two years ago, none of us would be as bad as we are but we're spraying in the middle and they're all coming from everywhere else where they didn't spray.

Motion by Scull to approve resolution 67-2009.

Mr. Inge asked if Council approves this now, if they will still have the State come out. Mrs. Stinney answered yes. Mr. Inge then asked if they change the number amount. Mr. Bayer informed that this resolution wasn't drafted by his office but he thinks that one provision in the resolution which is the fourth whereas clause which speaks of the \$58,000 has nothing to do with this particular resolution. Mr. Bayer suggested this probably came from a prior resolution concerning gypsy moth and asked Mrs. Young. Mrs. Young replied that was for this year's spraying. Mr. Bayer commented that the resolution is saying funds are available to approve a purchase in the amount of \$58,000. Mrs. Young informed Administration put those figures together. Mr. Cartier reminded there was a question at the last meeting as to how much in a worse case scenario it would cost them. Mr. Bayer informed that his point was that this resolution was just declaring that the gypsy moths are a nuisance, and it's not approving the expenditures of money as Council has already done that. Mr. Bayer suggested stating that the Township has previously approved \$58,000 towards the gypsy moth program. But they're not actually authorizing the expenditure of money in this resolution. Mrs. Young indicated that Council at the last meeting authorized to go forward and the forms were sent to the state by the deadline and that may have committed the funds. Mrs. Young suggested confirming this with the Mayor. Mayor Patriarca explained the number is based on the acreage that was presented by the State and the cost. He relayed that the worse case scenario is that it would cost them to spray those areas and that's this year's cost and it is not any previous years. Mr. Bayer conveyed

that was based upon what Council did at the last meeting and not what Council is doing with this resolution. He confirmed. Mr. Bayer, Mrs. Stinney and the Mayor agreed that at the last meeting the resolution authorized to partake in the program and this resolution is declaring the gypsy moth a nuisance. Mr. Prickett stated the number doesn't even need to be in the resolution. The Mayor agreed. Mr. Bayer informed that particular paragraph could be deleted because they're not committing to spending any funds in this resolution as that was done by Council's prior action. Mr. Bayer explained that there's nothing wrong with stating that the township is participating in the program and expects to expend \$58,000 in furtherance of eradicating the gypsy moths. Mayor Patriarca commented that by committing to the program they would have to certify funds that they know that those funds are available for this particular authorization. They've authorized to go forward with the program and they're declaring them a nuisance and that allows them to stay in the program. Mr. Bayer conveyed that at the end of the "Now therefore", it says they're authorizing the municipality to suppress this forest and shade tree pest. Mr. Bayer suggested moving this to the bottom of the resolution and just say there are funds available. Mayor Patriarca commented that they're only certifying the funds that are here in the resolution now, the \$58,000. If Council increases the program, if the State were to come down and they declare they go back to the 10,000 acres that they once had and they go back to the \$400,000, which last year he thinks it was a quarter of a million dollars and the budget is not prepared so he can't commit a quarter of a million dollars at this point in the game. Mrs. Scull agreed. Mayor Patriarca confirmed they can commit \$58,000. Mrs. Scull noted that \$58,000 is a little less than one penny and this is outside of the budget cap. Mrs. Stinney confirmed it is outside of the cap. Mr. Bayer suggested changing that one provision to say, "the Chief Financial Officer certified funds are available to partake in the gypsy moth eradication program in the amount of \$58,000 from line item appropriation -320 gypsy moth".

RESOLUTION NO. 67-2009

WHEREAS, THE GYPSY MOTH *LYMANTRIA DISPAR*, HAS BEEN FOUND HEAVILY DEFOLIATING TREE AND PLANT GROWTH IN THE TOWNSHIP OF PEMBERTON; AND
WHEREAS, CONTINUED DESTRUCTION OF FOLIAGE MAY RESULT IN THE LOSS OF VALUABLE FOREST LANDS AND TREES; AND
WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON HAS DETERMINED THAT GYPSY MOTH CONTROL PROGRAM SHOULD BE INSTITUTED WITH THE STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE AND THAT APPLICATION FOR ANY FEDERAL OR STATE FUNDS AVAILABLE BE AUTHORIZED.; AND
WHEREAS, THE CHIEF FINANCIAL OFFICER CERTIFIED THAT FUNDS ARE AVAILABLE TO PARTAKE IN THE GYPSY MOTH ERRADICATION PROGRAM IN THE AMOUNT OF \$58,000, FROM LINE ITEM APPROPRIATIONS -320 GYPSY MOTH; AND
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT GYPSY MOTH IS DECLARED TO BE A PUBLIC NUISANCE AND THE PROTECTION OF VEGETATION OR PLANT LIFE THERE FROM IS DEEMED TO BE A SUBJECT MATTER OF PUBLIC WELFARE, AND THAT ALL MEASURES DEEMED NECESSARY, IN COMPLIANCE WITH THE STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE RECOMMENDATIONS, IS HEREBY AUTHORIZED TO SUPPRESS THIS FOREST AND SHADE TREE PEST.
I, MARY ANN YOUNG, CLERK OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS RESOLUTION WAS ADOPTED BY THE MUNICIPAL GOVERNMENTAL BODY AT AN OPEN PUBLIC MEETING WHICH WAS DULY ADVERTISED TO THE CITIZENS OF THE MUNICIPALITY IN ACCORDANCE WITH THE LAW, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-9.
I ALSO CERTIFY THAT THIS MUNICIPALITY HAS, OR WILL COMPLY WITH THE NOTICE PROVISIONS REQUIRED BY N.J.S.A. 4:7-39.

Motion by Prickett and Scull to approve Resolution No. 67-2009 with the changes suggested by the solicitor. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney asked Mr. Bell to give his documentation to Mrs. Young and asked if there is anyone else who is from that development and if they have documentation or some letters or anything that they have pertaining to the gypsy moths in Oak Pines, would they see that Mrs. Young gets them either tonight before they leave or they're welcome to give them to her now while they're at the meeting at their convenience tomorrow but as soon as possible.

10. ORDINANCES FOR INTRODUCTION

a. **ORDINANCE NO. 6-2009 (Title Read By Mrs. Stinney)**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, AMENDING AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS OF PEMBERTON TOWNSHIP MUNICIPAL EMPLOYEES

Mrs. Stinney explained that this ordinance sets the fee paid to employees that opt out of the Township's health insurance if covered by a spouse under a different plan.

Motion by Cartier and Scull to introduce Ordinance No. 6-2009 with a public hearing to be scheduled for March 4, 2009. Cartier, yes; Scull, yes; Inge, yes; Prickett, abstain; Stinney, abstain. Motion carried.

b. **ORDINANCE NO. 7-2009 (Title Read By Mrs. Stinney)**

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Motion by Cartier and Prickett to introduce Ordinance No. 7-2009 with a public hearing to be scheduled for March 4, 2009. Cartier, yes; Prickett, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

c. **ORDINANCE NO. 8-2009 (Title Read By Mrs. Stinney)**

AN ORDINANCE TO AMEND CHAPTER 25 OF THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AND SPECIFICALLY TO ESTABLISH THE PEMBERTON TOWNSHIP VOLUNTEER FIRE DEPARTMENT

Motion by Cartier and Scull to introduce Ordinance No. 8-2009.

Mr. Cartier noted page 5 of the ordinance, section 25-05 Volunteer Fire Company organizations, subparagraph g where it is written "financial statements shall be submitted to the Fire Chief in time to be transmitted by him or her as part of the Fire Chief's annual report to the Director". Mr. Cartier expressed concern with that statement and felt that there should be a set date so that everyone knows when it has to be done. He relayed that as it is now, it is vague as to when these reports need to be filed. Mr. Cartier asked Administration what that date should be. Mrs. Stinney asked Mr. Cartier to identify the section again for Mrs. Young. Mr. Prickett suggested changing Director to Business Administrator since the ordinance says they may or may not have a Director and the default person really is the Business Administrator. Mr. Cartier commented if there isn't a Director, the default person is the Business Administrator and doesn't think they are at that part yet but if the Mayor so chooses could appoint a volunteer Director besides the Business Administrator. Mr. Cartier identified the section of the ordinance for the Mayor as section 25-13, subparagraph 5c. Mrs. Scull asked if this would fall under the Business Administrator or the Mayor informing them when they need to have their yearly reports in. Mr. Cartier reiterated it should be spelled out in the ordinance. Mayor Patriarca indicated that might be a policy issue as opposed to the ordinance as to when that needed to be submitted. Mrs. Scull commented that it's for the year.....Mr. Cartier interjected, that so is an annual report; it's a policy issue and that doesn't need to be in the ordinance either. Mr. Cartier stated his point is it should be submitted in time because it is going to have budget consequences and asked the Mayor if he is correct. Mayor Patriarca replied he doesn't know if it will have budget consequences. Mr. Cartier replied it could if the fire company is requesting apparatus. Mayor Patriarca asked Mr. Cartier if he is looking to add a date to the ordinance. Mr. Cartier responded yes. The Mayor

stated he is not sure when each company is getting their audit done and they do not do them at the same time of the year. The Chiefs are present and may be able to provide some insight on that. Mr. Cartier remarked the process of forming this Volunteer Pemberton Township Fire Department is going to streamline things with that and it will all go through whoever the Fire Chief happens to be instead of receiving four reports from four individual fire companies, he will receive one report from one fire department. The Mayor stated he hasn't had time to question the Chiefs on that and can't provide an answer until he does. Mr. Cartier noted section 25-07, Qualifications for State Relief Association Active Membership, subparagraph i. d., be certified by a practicing physician of the State of New Jersey, selected by the Director. Mr. Cartier stated it should be by a physician of Pemberton Township and asked that Council certifies positions at the beginning of every organization meeting each meeting and it should be one of those physicians and not left open to the selection of the Director. Mrs. Scull asked if they haven't at times received free physicals from Deborah. Mrs. Stinney answered yes. Mr. Cartier clarified they do not partake in that program anymore. Mrs. Stinney stated that she thinks they do. Mr. Cartier identified the section of the ordinance for the Mayor. Mr. Prickett stated to Mr. Cartier that during Reorganization, that could be added in that statement if the physicals are done through Deborah. Mr. Cartier agreed and added that it should be in there who the physicians are going to be because this leaves it open to the Director's discretion to send them to somebody other than the Township physician. Mr. Prickett agreed. Mayor Patriarca remarked that he doesn't know that the Director would have the option to send them.....Mr. Cartier interjected that the ordinance is giving them the option. The Mayor stated the Director still has to work within the guidelines and can't just pick and choose anyone they want, if they are not a Township contracted service, and the Township currently uses Virtua. Mr. Cartier conveyed that he is only asking for a minor language change and that they use the Township approved physicians that are selected at the Reorganization. Mrs. Scull agreed that is a great idea. Mr. Cartier commented on section 25-07, iii, Duties of State Active Member which states, "The Fire Chief shall keep a record of such attendance and duty, and report to the Township Council annually no later than the first regularly scheduled Township Council meeting in February. Mr. Cartier confirmed that the Director will be reporting to the Mayor. Mayor Patriarca acknowledged that is the way the ordinance reads. Mr. Cartier noted that line does not need to be in the ordinance because it is at the Mayor's discretion to give this report to the Council. Mr. Bayer suggested deleting the word Council from that sentence so it reads, report to the Township annually. Mr. Cartier agreed and added to take out Council in both areas of that sentence and note February 1st. Mr. Prickett and Mrs. Scull agreed. Mr. Prickett advised that he is very pleased that since the last Council meeting there has been a great deal of discussion regarding this ordinance that has taken place in the community, the volunteer community and within the public as well. Mr. Prickett noted he is pleased that the ordinance and the position paper called a "Fact Sheet" is available on the internet for everyone to read. Mr. Prickett suggested Mr. Adam's position paper also be available on the internet, on their website so the public can compare. Mr. Prickett suggested asking Mr. Adams if that is okay with him. Mrs. Stinney advised that they incorporated some of his questions on to the fact sheet. Mr. Prickett conveyed that he understands but the position that Mr. Adams has isn't identical to the position that is represented in this paper. Mrs. Stinney noted if that is his desire. Mr. Cartier conveyed that is a public document now that he transmitted it to Council. Mr. Prickett continued that as a courtesy it might be nice. Mr. Prickett thanked the volunteers for being present tonight and anything that has to do with the safety of the residents of Pemberton Township and he knows they spend the time and effort to look out for the residents in the Township. Mr. Prickett then expressed that the ordinance is strong on command structure and short on assessment. Mr. Prickett gave the example of a Rave, assessment of resources and needs in the Township and felt that is what they need to start off with to develop a plan. Mr. Prickett commented

on the command structure that he emphasized a second ago, he has a question in the ordinance; it establishes the command structure within the fire department quite well but he does not see the connection between the police department and the fire police. When there is a fire scene, he doesn't know who takes precedence over traffic. He does know the fire police are involved in that and thinks the police are also involved in that. The fire police help the police during different events in the Township such as the water carnival and the winter parade. He suggested that since they are emphasizing command structure here, he wants to ensure the relationship is in there in respect to the police department. Mr. Prickett noted Chief Maahs is looking at him like he's not sure what he is talking about. Mr. Prickett suggested to at least looking into it. He stated that as far as assessment, they need to know whether what they're doing in this ordinance is going to be successful and need to some how be able to evaluate that. He added the need to be able to evaluate what their prior effort in the Township is working well. Mr. Prickett informed having attended the master plan workshop meeting last Thursday and did not recall seeing too many fire company personnel there but they did talk about fire companies. He expressed that it was very important that since they are putting together a master plan, that they have a plan for fire service in Pemberton Township. He relayed they talked about building a new fire house but they didn't talk about doing a Rave Study, an assessment study to really ascertain how everything fits together, how much they need to invest, what facilities they have, etc.,. Mr. Prickett reiterated that he would like to see this Rave Study incorporated into the master plan that they have all talked about. Mr. Prickett reminded that he spoke of this two Decembers ago when the fire trucks were allowed to go out to bid. He noted the next area is the cost to the Township as well as to the volunteers. Mr. Prickett stated they have heard a lot about layoffs in the Township. Mrs. Stinney asked Mr. Prickett what page he is on. Mr. Prickett answered it is not on a page; he is reading from his notes. Mr. Prickett expressed concern that this ordinance really establishes two positions; a "Safety Director" even though someone called it a Director and this is the other half of the "Safety Director" position which the public was not happy with and came out a number of years ago and filled the room with a Safety Director and knows that it is not funded at this point and knows that the Business Administrator is going to be the one that is going to administer this program at least at the present. He questioned who knows what is going to happen next year. Mr. Prickett noted that Safety Directors come at \$90,000 to \$100,000 a year and the Mayor might dispute that number but they are not cheap. He reflected if they have half a Safety Director, it might be \$50,000 - \$60,000. Mayor Patriarca commented to hire and he'll apply for the job. Mr. Prickett replied to not tempt him. Mrs. Scull asked Mr. Prickett to identify the location of the ordinance. Mr. Cartier replied it is section 25-03, Director. Mrs. Stinney asked for the cost. Mr. Prickett answered that unfortunately the cost is not in the ordinance and there is no economic analysis. He expressed that basically, the ordinance is to set up command structure and is not to analyze all of these other things that need to be considered, noting the economics of this plan is not based in the ordinance, regarding salary ordinances and how much these individuals could be paid in the future. Mr. Prickett spoke of the Fire Chief who would be a department head and department heads usually get paid. Mr. Prickett can't see the Tax Assessor or the CFO saying they will not take any money; that they will volunteer. He acknowledged that volunteer personnel will do things like that because they are devoted to the Township. Mr. Prickett noted it is a concern and doesn't know how they could put so much effort into being a department head that you shouldn't be paid for that position. He expressed that a Fire Chief is a person that perhaps is needed in this town at this point and suggested they should be considering the Fire Chief as a paid position and not as a volunteer position because that is not accurate and is not really the truth in this situation. Mr. Prickett commented on discussions regarding contract negotiations in this ordinance. There are four or five fire companies that contract with the Township on a regular basis and it is usually a rather complicated and on-going process but with this new

ordinance they have to approve the ordinance as a fire company in order to get a contract, noting they have to obey by the policy and procedures that are dictated by the Business Administrator or the Director which he calls "Safety Director". The fire companies are going to be rather pinned up against the wall on how they negotiate and he is not sure what they are going to be negotiating. Fire companies get \$24,500 a year for their wonderful effort from the Township. Mr. Prickett is not sure if they are going to have to negotiate how much money they get by the amount of calls they make or the amount of work according to the evaluation of the Chief or the Safety Director or the Business Administrator. Mr. Prickett is not sure what is going to be negotiated. He questioned if it will be the use of the fire house and the property of the fire company itself. Mr. Prickett stated they need to know what they are negotiating for and what the parameters are. He feels they can't negotiate for policy and for procedures because they have to accept those that are dictated by the "Safety Director" or the Business Administrator. Mr. Prickett continued that those are his concerns and they have come a long way trying to pull this ordinance together. Mr. Prickett added that they still have a ways to go and he is not in support of a "Safety Director". Mr. Prickett is in support of the chain of command as a Mayor, as a Business Administrator, and as a Fire Chief. He expressed that the "Safety Director" is just a "toe hole" in the door to open it up so that they can have a full fledged \$100,000 a year "Safety Director" and as the Mayor said, that might be a job that he is interested in after he is no longer Mayor. Mayor Patriarca stated to Mr. Prickett that Council creates it and he is not creating it and reminded that this is not the Mayor's ordinance and to not imply to the public that this is anything to do with the Mayor but it's the fire companies' ordinance and there is no "Safety Director". The Mayor reiterated there is no Safety Director in the ordinance and there are no paid positions in the ordinance. Mr. Prickett commented that the Mayor stated Director, and Mr. Prickett suggested "Safety Director"; it's the same thing. Mayor Patriarca commented the only paid positions that can be put in an ordinance have to come from Council. Mrs. Stinney asked if there were any other comments. Mr. Prickett thanked the Mayor for clarifying that. Mr. Prickett continued that he knows that is true and since the Mayor suggested he might be interested in such a position, he thought he would come back and bring that back. Mayor Patriarca stated to Mr. Prickett if Council creates it, he will apply for it. Mrs. Stinney thanked Mr. Prickett. Mr. Prickett remarked that he is not finished and reiterated that he would like to see the new master plan have this requirement of having a Rave plan done every number of years that the fire volunteers and experts suggest but in order for them to most efficiently use their resources and help their volunteers, they have to have a plan based on some real things. Mrs. Stinney thanked Mr. Prickett and added that the reporters from the Burlington County Times are writing very diligently and very quickly and wanted to make it perfectly clear that when this is printed in the paper it is the right story and while the residents are here that they understand exactly what this money situation is about. Mrs. Stinney advised that she sat down with the Mayor during communications which she believes in and asked the Mayor if he would go through the Business Administrator and clarify some of the myths in the ordinance and they did. They decided to put it underneath the ordinance and for the record to the newspaper; it is called a "Fact Sheet". She reflected that one of the questions was whether the position of Director, Fire Chief or any other Township Chief or fire fighter position be paid. She advised that the short answer is no. She explained that the purpose of the ordinance is to preserve the existing volunteer structure of the Pemberton Township Fire Service. She further noted that in response to that, NJSA 40A:14-41 provides "that no municipality having a volunteer fire department shall establish a paid fire department and convert its volunteer force into a paid fire department unless and until the ordinance providing therefore shall have been submitted to and adopted by the legal voters of said municipality at an election called for that purpose". The proposed ordinance preserves the existing volunteer structure of the Pemberton Township Fire Service if in the future there is a probable need to establish a paid or part paid fire

department, the question must be submitted to the voters of Pemberton Township for their approval through the special election referendum process. Mrs. Stinney wanted to make it clear that this is not an ordinance to set up anything paying a Director or Assistant Director or anything else down the line and that is how it has to happen. Mr. Cartier clarified that Councilman Prickett discussed the duties of the fire police officers and pointed out that it is spelled out in the ordinance in section 25-12, fire police officers, subparagraph ii, duties of fire police. It states, "performing traffic control duties as assigned from the fire station to and from the vicinity of the fire, fire drill or other emergency call until arrival of duly authorized police officer". Mr. Cartier noted the answer to the question about who is in command if the police show up is the police. In the absence of other investigating authorities, the investigation of all causes of fire and preservation of all evidence pertaining to questionable fires until said evidence may be turned over to the proper investigating authorities. Once the police show up, the scene gets turned over to them and it's spelled out in that section. Mr. Cartier continued that Mr. Prickett made some comments regarding policy and procedure. Mr. Cartier explained that they do not negotiate policy and procedure with the fire companies now. They set their own policies and procedures and all this is doing is establishing the fire department and a chain of command over top of those fire departments. Mr. Prickett stated that will change because they will no longer be establishing their policy and procedures; the Director or Business Administrator will be doing that. Mr. Cartier stated that is all he has. Mr. Prickett noted that Council President Stinney talked about going to the citizens to vote for a paid fire district and he asked if they need to go to the citizens to pay a "Safety Director" or Director. Mr. Bayer asked if under this ordinance or generally. Mr. Prickett commented that under this ordinance, it states it will not be a paid position but it sets up at least unless a time comes about but he would like to know whether approval from the voters is needed to set up a paid Safety Director for the fire department or a Director for the fire department. Mr. Bayer replied that if the Director is part of the fire department, it would seem that they would need a referendum getting citizen approval to convert from a volunteer to a paid fire department and that's what the statute seems to say. Mr. Prickett asked what if a Director came in from without, not a volunteer or a person that was a volunteer and gave up their volunteer duties. Mr. Bayer replied it doesn't really matter where the potential employee came from and the statute says if there is currently a volunteer fire department and they are looking to convert a volunteer force into a paid force and he doesn't think it would matter what the person or employee is doing as it really goes back to the bigger question if they are converting from a volunteer to a paid force. Mr. Bayer commented that he will look into that for the next meeting. Mr. Prickett replied he would appreciate that. Mr. Prickett would also like to know whether they could pay the Fire Chief which would be described as a department head, without going out for a referendum. Mr. Prickett thanked Mr. Cartier. Mr. Cartier stated the recommendations that he made adding the date and the changing of the position and asked if that consisted of a substantial change. Mr. Bayer replied that Council is only considering introduction. Mr. Cartier then asked if second reading if there is a substantial change, Council has to reintroduce and if Council waits until the next meeting to make these changes, are they considered substantial and will Council have to reintroduce. Mrs. Scull then asked why Council can't make the changes now if they are simple enough. Mr. Cartier stated the Mayor doesn't have a date for Council for one. Mayor Patriarca added he would defer to the Chiefs that are present to see how that affects their departments. Mr. Bayer commented if Council is adding a date on that specific one by which the audit needs to be submitted that is not a substantial change because the requirements to do the audit and submit the audit to the Township is already in the ordinance so the date by which it needs to be done is not substantial. Mr. Cartier asked about the use of a Township preferred physician. Mr. Bayer answered it didn't sound like there was much of an issue about making that change tonight. Mr. Cartier informed Mr. Bayer that he would like him to word it properly. Mr.

Bayer stated as long as they are sticking to a Township physician because as the Mayor was pointing out before, the director would not have the legal authority to select or hire a physician who wasn't otherwise contracted by the town and that wouldn't be a substantial change either. Mrs. Stinney asked Mr. Cartier if he is comfortable with Mr. Bayer wording it according to.....Mrs. Scull asked who is being the Director of the fire departments now and if that is the Business Administrator now. Mayor Patriarca stated the Business Administrator is doing a lot of the directing with the fire departments. Mrs. Scull commented that there is not any intent by the Fire Chiefs to hire any Directors or to pay a Fire Chief. She expressed thanks to God they have the people that they do to volunteer and put the time and effort they do without being paid. She pointed out that unfortunately this community is certainly not in a financial shape where they can afford to go to fire districts and have paid fire fighters. Mrs. Scull wishes that they could as it would be a benefit to their fire fighters. Mrs. Scull expressed that she wants to make sure that they are clear about this Director, noting this is not a "Public Safety Director". She affirmed that it has nothing to do with the "Public Safety Director" that was discussed two years ago. She relayed that this is someone who is directing the fire department and at this point their Business Administrator is basically doing that and this is just putting it in writing. She reflected that there is no intent to have another Director for their fire departments and asked if that is correct. Mayor Patriarca clarified that is not to say that the possibility of another Director couldn't be appointed because as the ordinance reads the Mayor appoints the Director or Business Administrator to act as the director. There is no provision for payment for the director but if there was to be a provision for payment, that would have to be authorized through Council through a budget process. He affirmed that Council has to authorize the budget to approve a paid position so the Mayor could not appoint an individual to a paid position so that is still not an option for the Mayor unless it is created by Council. Mrs. Scull added that right now it is Council and the Mayor puts in his budget how much money goes to each fire company so there is really no change in that. That is still going to be decided so it's not so much as negotiations as a decision that they can.....Mayor Patriarca interjected that is not where that is going and there may be a change in that price as he doesn't know how that budget is going to go and if they can afford they will afford more funding to the fire department and whatever they can get them they always try to do so and if they can't, they'll give them what they can. He relayed those negotiations work off of the number appropriated in the budget with whoever they are negotiating with to provide the service with whatever company and they certainly have one in mind, all of them would like to see the one company be a member of their fire department and they will certainly attempt to negotiate with them. Mrs. Scull conveyed that she is looking at that as a separate thing; what she is talking about is the four companies. Mayor Patriarca replied with the four companies it is whatever Council decides to run the companies and that is what the financial impact will be. Mrs. Scull noted the monies still remain with Council and isn't put anywhere else. Mr. Inge stated when the ordinance started, Chief Maahs stated at the last Council meeting that there were five fire department Chiefs that worked on this and Mrs. Scull just stated there are four fire departments. Mrs. Scull conveyed there are four in the Township itself but there are five companies. Mr. Cartier wanted to clarify that Chief Maahs stated there are five fire companies that started writing this and then at the end there were four. Mrs. Scull commented that she is not trying to eliminate another fire company by any means. Mr. Inge noted that this Business Administrator has knowledge of fire departments and asked what happens two years from now, and his question is hypothetical and he doesn't want to be charged with saying that the man will not have a job two years from now, but if he is not the Business Administrator two years from now, what is the Township supposed to do because there is a good possibility that he will not be the Business Administrator two years from now. Mrs. Stinney replied that Council will have to go back to the drawing board. Mrs. Scull commented that that Mayor will have to make a decision. Mr. Inge added at another cost to the Township. Mayor Patriarca

reported that the ordinance allows for that with the option of the Mayor to appoint a Director so the Mayor, whoever it may be at that particular time and it may be Mr. Inge, who knows, has the option at that time to appoint the Director. He reflected that if the Business Administrator that is sitting at that time, if the Mayor doesn't feel that person should be the Director, then the Mayor would seek out a qualified unpaid Director to take that position. Mr. Prickett stated he has a follow up question. Mrs. Stinney stated to Mr. Prickett to wait one second. Mr. Prickett replied that is fine but wanted to make sure that she knows he does have a follow up question. Mrs. Stinney replied that she will recognize Mr. Prickett. Mrs. Stinney verified with Mr. Inge that he was done. Mr. Prickett stated in reference to some of the comments Mrs. Scull mentioned, he thought he heard the Mayor clarify Mrs. Scull's statement that he appoints the Director. Mr. Prickett commented that he thought he heard that Mrs. Scull implied that the Fire Chiefs have appointed or proposed someone for that position. Mrs. Scull exclaimed that she did not state that. Mr. Prickett wanted to make that clear and added that they can take a look at the minutes and see exactly what he is referring to. Mrs. Scull apologized to Mr. Prickett if he misunderstood but she did not imply that. Mr. Prickett expressed concern with the chain of command and noted it would be nice to have a simplified chain of command instead of a redundant chain of command. He reflected there is the Chief who would be the department head, then the Director, then the Business Administrator and then the Mayor. He expressed there really is no role for a Director in this situation and questioned why the Fire Chief doesn't have many of these responsibilities instead of putting someone else in there who they don't know who they are and what kind of relationship they have with the Township. He acknowledged that they do know what relationship the Business Administrator and Mayor have with the Township and under this proposed ordinance they know a lot of the parameters of the Police Chief but he does not know why this middle person is in there; it doesn't make sense. Mr. Prickett continued that just like it didn't make sense for the Safety Director position for the Police Department, it doesn't make sense to have a Fire Director for the Fire Department. He relayed that a little while back, he stated he was opposed to the Fire Director and he stands on that. Mr. Prickett expressed that is a mistake; it adds too many layers of command for no reason at all. Mr. Prickett thanked Mrs. Stinney for letting him ask his final question. Mrs. Stinney thanked Mr. Prickett. Mrs. Stinney asked Mr. Bayer to repeat the language proposed by Mr. Cartier. Mr. Bayer commented that he is looking at section 25-7, subsection d and there are two ways to do this but to cover Mr. Cartier's concern, it could read, "A state active member of a volunteer organization company shall be certified by the Township appointed practicing physician of the state of New Jersey". Mr. Bayer asked Mrs. Young if more than one is appointed. Mr. Prickett replied yes. Mrs. Young answered Virtua is appointed and there may be more than one. Mr. Bayer asked if that is by contract or do they submit a proposal. Mrs. Young replied it is done by resolution at Reorg. Mr. Bayer continued, "by the Township designated practicing physicians of the state of New Jersey" to be certified, "by the Township designated practicing physicians" and delete selected by the Director. Mr. Bayer confirmed with Mr. Cartier that this would cover it. Mrs. Young noted the other change was the date of the report. Mr. Bayer replied the date itself is needed and looking at 25-5g, the sentence currently reads, "financial statements shall be submitted to the fire chief in time to be transmitted by him or her as part of the fire chief's annual report to the Director". Mr. Bayer suggested, "as part of the fire chiefs annual report to the Director, which shall be.....Mr. Cartier interjected that the problem was fixed by requiring the fire chief to have the report by February 1st and that takes care of the language for that problem. Mr. Bayer continued financial statements shall be submitted to the fire chief by February 1st. Mr. Cartier stated no, in time to be transmitted by him or her as part of the fire chief's annual report to the Director which will be on, is required to be on February 1st. Mr. Bayer stated shall be no later than February 1st. Mr. Cartier added in the duties shall be no later than February 1st. Mr. Cartier noted that was section 25-13, subparagraph (v) (c). Mr.

Bayer commented the fire chiefs surrender to the Director an annual report by no later than February 1st of that year. Mr. Cartier reiterated that takes care of that problem before. Mayor Patriarca noted 25-7 d and if, “selected by the Director” was eliminated and add, “be certified by a Township appointed practicing physician of the state of New Jersey”. Mr. Bayer conveyed that is exactly what they did except they stated Township designated instead of appointed. Mayor Patriarca noted that they appoint the physicians. Mr. Bayer replied it could be appointed or designated, to be certified by the Township appointed practicing physician or Township appointed physician as physically able to perform the duties of a state active member. Mrs. Stinney yielded to Mr. Inge. Mr. Inge expressed that he would like to see all five Fire Chiefs meet with Council and Administration before the next Council meeting and go over this, noting he sees three out of the five Chiefs. Mrs. Stinney confirmed that Mr. Inge is stating meet with them and go over this ordinance. Mrs. Stinney asked Mr. Inge if he had any other questions. Mrs. Stinney emphasized that is not her desire and reiterated that she asked for a Fact Sheet which was put together. She noted this ordinance was thoroughly digested and any questions she proposed through the policy of the Mayor and Business Administrator with their open door policy and that is exactly what she did. She then reflected under the Advisory Committee section and she noticed the newspaper employees are writing again, she wanted to mention that after adoption of this ordinance, an Advisory Committee shall be appointed by the Mayor to oversee the progress of implementing this ordinance and to render general advice to the Mayor concerning fire services. The Advisory Committee shall consist of five volunteer members with not less than two members being residents of Pemberton Township who also serve as active fire fighters of a volunteer fire company organization. That is the subject of this ordinance. The Advisory Committee shall meet at the scheduled times with the Mayor and Business Administrator, “good open door policy”, Director and Fire Chief to provide advice and measure progress in implementing this ordinance. Mr. Inge asked why the residents of the committee have to be appointed by the Mayor. Mrs. Stinney replied because that is how the ordinance reads. Mr. Prickett commented it could be changed and Councilwoman Stinney makes it sound as if it’s etched in stone and maybe it is but it could be changed. Mr. Inge commented that it should be changed. Mrs. Stinney responded the ordinance is not etched in stone and she is sitting here tonight listening to every comment that each one of her colleagues have and reiterated that nothing this evening is etched in stone. Mr. Prickett stated then they can.....Mrs. Stinney interjected that that is his opinion, it is his desire and if that is what he would like to have and it’s the desire of the entire Council, so be it. Mr. Prickett stated he would like to see at least one of the members appointed by Council as they are on other boards.....Mrs. Stinney interjected and asked Mr. Prickett if he would like to see a Council member appointed. Mr. Prickett responded that not necessarily a Council member but an individual which could be a member appointed by the Council. Mr. Bayer relayed that his comment isn’t really a balance of power comment but it’s more of a.....the committee that is being described right now in the ordinance is actually a Mayoral Advisory Committee which the Mayor can create any committee without actually having an ordinance. Mr. Bayer understands why it is in the ordinance and they could change what they are calling the committee but in its current draft it is described as a Mayoral Advisory Committee and that is why it is written as a Mayoral appointment and it could be changed any way Council likes as Mrs. Stinney pointed out. Mr. Bayer suggested changing calling what the committee is being called if it’s a Mayor Advisory Committee. Mr. Cartier stated for the record, one member of Council is part of the committee. Mr. Prickett commented that he must have missed that and knew it was true in the other Advisory Committee from the last ordinance but listening to Mr. Inge he thought that had been removed. Mr. Prickett added that he is glad to hear that. Mrs. Scull asked if it states that somewhere because she missed it. Mr. Cartier and Mrs. Stinney both answered it does.

Mrs. Young then reminded there is a motion on the floor and she is asking for a clarification because the motion on the floor was to introduce the ordinance as it was presented and there have been changes recommended. Mrs. Young asked the Solicitor if the motion needs to be amended to include those changes. Mr. Bayer replied yes.

Motion by Cartier and Scull to introduce Ordinance No. 8-2009 as amended with a public hearing to be on March 4, 2009.

Mr. Prickett remarked that he has a question on the Advisory Committee and since Mr. Cartier pointed that out, Mr. Prickett does not see that in section 25-19. Mr. Cartier informed it is in ii on the last page. Mr. Prickett stated ii on the last page is the first group of Advisory Committee members shall serve.....Mrs. Stinney interjected that she will read it for the record. Mr. Prickett continued that this could beMr. Cartier apologized and stated that is for the selection of the Chief. Mr. Prickett stated the Advisory Committee does not have a Council member. Mrs. Stinney announced if there are no further questions there is a motion on the floor.

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

Mrs. Stinney stated there are many fire fighter volunteers at tonight's meeting and at the last Council meeting. Mr. Maahs came forward and indicated that this has been an on-going work in process and she wanted to commend and thank each and every volunteer member who has had input in this. Mrs. Stinney was sure that they are hearing the questions that Council is proposing, noting that this was not easy and wants to thank the Mayor for listening to the volunteer fire fighters and listening to concerns whether it's a life time member to a newly elected member, and expressed thanks to the Mayor. She was sure as he could hear tonight, that this has not been very easy. Mrs. Stinney reiterated her gratitude. Mr. Prickett commented in response to Mr. Cartier's correction, that he acknowledges it was an honest mistake and there are a lot of things there and wanted to recognize from his perspective that it was an honest mistake and wasn't intended to confuse anybody. Mr. Cartier thanked Mr. Prickett. Mr. Inge stated to the Solicitor that there are a lot of employees in the room and Council President stated earlier that she wanted to make sure that Council members do not speak to department heads and asked if that is the same for Township employees. Mr. Inge commented that there are Township employees in the room and Council is going to take a break and asked if Council members are allowed to speak to the residents who happen to be Township employees also while Council takes a break or does that constitute a Faulkner.....Mr. Bayer interjected that it is a good question and any Council member can certainly make "chit-chat" with any employee who is also a resident. He emphasized the issue is that what Faulkner speaks of is discussing Township business and with that, if Council wanted to discuss Township business, the statute provides that they need to request the Mayor's permission to do that. Mrs. Stinney agreed and stated as she often.....Mr. Bayer interjected that it depends on what the discussion is. Mrs. Stinney commented that she doesn't know what she would have done if she had to not be able to speak to her residents. Mrs. Stinney thanked Mr. Inge for bringing that up.

Mrs. Stinney convened the meeting for a short break at approximately 8:40 p.m. and reconvened the meeting at approximately 8:56 p.m.

11. UNFINISHED BUSINESS

- a.** Review of proposed amendments to emergency No Parking Ordinance.

Mr. Prickett conveyed that Council received this ordinance at the last Council meeting but it was not in color. He expressed that in the technical age that they are in; things sometimes need to be in color to be able to read all of the report. He advised that Council has the report and some of the changes in the proposed emergency no parking ordinance are highlighted in color. Mr. Prickett stated it was a very nice report; very clearly written and has to do with inclement weather when there is snow, regarding parking on odd sides of the road. He relayed that one of the things talked about in getting that message out and they haven't seen a lot of snow and that kind of makes it hard to remember, that there are signs out there that are being proposed to be posted at the entrance to the developments around the town. He noted this is something that one would remember; park on odd sides when there is snow so that the snow plows can come through. He commented that there are a variety of snow plows with different sizes and widths and they can't get through if there are cars parked on both sides of the road. He further noted it is also mentioned in the ordinance that if there is a driveway and one can park in their driveway and not on the streets under such circumstances, one should do that. Mr. Prickett expressed that he is in total support of this ordinance and will wait to hear if anyone has any criticisms or suggestions or corrections. Mr. Prickett conveyed it was a job well done by the supervisor of public works. Mrs. Stinney thanked Mr. Prickett. Mrs. Scull commented that she does not have any questions. Mr. Inge also did not have any questions. Mr. Cartier reiterated what Mr. Prickett said. He advised that his one concern was the posting of the signs and apparently that is being addressed in the ordinance. Mr. Cartier stated that the supervisor of public works did a good job addressing Council's question. Mr. Prickett advised that he would be willing to add this to the agenda tonight and introduce it tonight or however Council wants to do it but this is something that Council can move forward on. Mrs. Scull commented on parking on the odd numbered side of the road during times of snow; a lot of times people when they are on the opposite side of the road parked in the wrong direction and she doesn't want to see them getting tickets because they are parking on the wrong side of the road because it's going to snow. Mr. Cartier clarified that they would still have to follow the rules of the road. Mrs. Scull commented that parking the right way makes it tough on the resident. Mr. Prickett started to add the ordinance to the agenda for introduction and noticed there is not a title on the ordinance. Mrs. Scull asked if it would be Ordinance No. 9-2009. Mr. Cartier clarified there is no title or anything written out for it as it is just listed as an article. Mr. Prickett suggested doing the same thing as at the last meeting which he did not understand, which is to have it on the agenda for introduction at the next meeting.

Motion by Prickett and Cartier to add this ordinance to the next agenda for introduction at the next meeting.

Mayor Patriarca clarified that Council is not adding an ordinance, they are amending an ordinance. Mrs. Stinney reiterated amending the current ordinance. The Mayor reminded that there is an ordinance in place. Mr. Cartier stated it still has to be done by ordinance. Mayor Patriarca relayed that Council is just amending an ordinance. Mr. Cartier reiterated that it still has to be done by ordinance so Council has to approve an ordinance to do that.

Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

GENERAL PUBLIC COMMENTS

Mrs. Stinney opened the meeting to general public comments. Those wishing to comment were: **Tom Maahs: 1.** Thanked Council for the motion to introduce ordinance 8-2009. He advised that the fire police section Council spoke about is the actual fire police state law which is 15:8-4 and is copied word for word. He offered that if Council has any questions on that, Mr. Maahs suggested they re-think that. He informed that the fire police come under the command of the Fire

Chief and they are appointed by the Fire Chief through the national incident management system, the police and fire work very close together. The fire police do a lot of things for the police department; a lot of activities in the Township which as a Fire Chief they allow their fire police to assist in those activities to help reduce costs to the Township. **2.** Advised he was a little nervous over the section of the appointment of the Township physician. He informed that under the New Jersey Firemens' Relief Association, that section for state active membership is verbatim to the state law also. He commented that when it got "nit picky" about appointing physicians, to keep in mind that there are members who have their own insurance and actually use a NJ state physician through their own insurance or their own employer not costing the Township any money. There are military people that go to a military physician, again, not costing the Township any money, noting he last figure he heard for a fire fighter physical is approximately \$175.00 per person. **3.** Regarding the "Safety Director", as he read that section, it is a statute of the NJ Safety that the position must be in there. **4.** As far as Mr. Adams fact sheet being added to the website, Mr. Maahs asked if every correspondence that is submitted regarding this is going to be put on that website as well. Mr. Maahs doesn't understand why only one individual's report is being called a Fact Sheet and being added to the website. Mr. Maahs expressed concern regarding this. **5.** Regarding the negotiations, he relayed that currently the individual fire departments negotiate on the fund and that was cleared up. He noted Council decides how much money the fire department is going to receive. Mr. Maahs stated that is a contractual issue and not an ordinance issue. **6.** Mr. Maahs thanked Council for their actions tonight. Mr. Cartier stated to Mr. Maahs that he had a response to Mr. Adams' comments that he submitted and asked Mr. Maahs if he is opposed to his response being put on the website. Mr. Maahs replied that he is not opposed to anything that he submits to being public information.

Craig Augustoni: 1. Echoed his partners' sentiments and thanked each and every one of the Council members for their efforts tonight. He expressed that the debate was good and some points were brought out that were good to be placed in the ordinance. He relayed that as the Council president pointed out; there has been an endeavor by several individuals to see this thing through. Mr. Augustoni thanked his partner, Chief Maahs, who assisted in the drafting of the ordinance and noted this has been a lot of blood, sweat and tears from a lot of people as well as a lot of time. Mr. Augustoni wanted to assure the public that there was entire input in to this document. Several meetings were held to discuss this. He advised that some individuals were asked to respond and chose not to respond. Mr. Augustoni wanted to assure the Council that everybody was given an opportunity to comment on this document. Mr. Augustoni again commended the Council for taking the proper action to ensure the protection of life and property in this community by proceeding forward with this ordinance that will ensure a true sense of chain of command and a better functioning fire fighter department.

Ed Tournquist: 1. Spoke in favor of the ordinance. He expressed that with some tweaking; this is an appropriate move to provide better services to the Township. It will be especially important when an emergency occurs that they have a General. He cautioned that they should not assume that a terrorist incident is not a possibility for Pemberton Township considering their proximity to the Mega base, noting that all of the firemen sitting here tonight, the day after that will be heroes. Mr. Tournquist clarified that he is not speaking as a President of the Country Lakes Homeowners Association because they have not voted on it but as a resident who was President of a volunteer fire company and a volunteer fireman for a lot of years.

Jim Wasnewski: 1. Noted the discussion regarding gypsy moth spraying and gathered that a lot of people interpret the egg mass count as the indicator of damage or potential of the gypsy moth. Mr. Wasnewski stated that is not true. He explained that the egg mass count is something they use in order to determine where they spray. It does not tell them how much damage is occurring. He does not pretend to be a biologist but he does work in an area where he gets the recent reports. Some of the reports he has read in Lakehurst from the environmental department,

shows that the damage has already occurred and may be irreparably damaged or in the forest for the primary species of what they feed on when the egg mass count is lowest. This is the third year count which occurs when most of the primary food source species have already died. There is about an 80% increase in dead mass in the forest. For an area that prides itself on being a forested area, perhaps even a hunter and fisherman's paradise, this is a death note. The species will reproduce in those areas that they count at, those egg masses are going to hatch, and those gypsy moth larvae will become airborne and go to those areas that they haven't visited already. He relayed this doesn't mean anything when they count the egg masses, noting they have to go and look at the damage. They can go out in the forest and see trees that are 100 years old, four or five feet in diameter that are dead. They shouldn't be dead and they should have lived a lot longer. A lot of the smaller trees in the forest are dead because of the gypsy moths. He is not personally promoting more interference by government; he does not like that. He expressed that this is a man made event and is not something that was made by the Township or any one individual, but rather a man made event that occurred a long time ago and the species are wiping things out. He reflected that what it looks like out there now is similar of the damage caused by Agent Orange. He advised that if they have never seen that, to go on the PA turnpike tunnel and look at the northwest side of that mountain. That entire side of the mountain is totally defoliated and is only recovering in the last ten years. What happened in the 1960's is the United States Government Department of The Army went up there and sprayed that entire section of the mountain to find out what agent orange would do. Then they blamed it on the factory down below; (the steel factory). He declared that these things are destroying the forest and it is important that the Township will consider raising the money to spray for them. He informed that most people that go out there pay approximately \$300 - \$400 to spray for gypsy moths and less if they are spraying sevin which is more harmful to the environment than the biological agent. Those people are paying \$300 to have the areas around their homes sprayed and questioned if Council thought they might be willing to pay two or three more cents in their taxes to get rid of these. He expressed that it is also a health concern too. Mr. Wasnewski mentioned that he spoke of this last year in front of Council about what gypsy moths' hair can do to people. Many, many people can have an allergic reaction. Some of the children at the Denbo School and the centers in Lakehurst on the army base were having an allergic reaction. They get a rash and then scratch it and the hairs remain in the skin and become irritated and then become dermatitis and more infectious. These are serious things especially with the bacteria and MERSA which is prevalent in the area. He reiterated that it is important that they address this problem and address it this year to say what species they have or else they will say Pemberton Township looks like they sprayed Agent Orange on it.

America Phillips: 1. Stated that as a fire fighter and fire police, all of the fire fighters and fire police go to school and learn. When she took her test as a fire police, when they respond to a scene, when the police officer arrives, he will take over the duties. Mrs. Phillips thanked all of the fire fighters and the fire chiefs for all the good they have done in the Township, noting she volunteers her time too. She congratulated everyone.

2. Brought to Council President Stinney's attention what happened in the last Council meeting. Mrs. Stinney advised she is in the public portion comments, and can address it. Mrs. Phillips noted all Council members when they were running in the election; the Township checked their backgrounds and what their relationships were between the workers and their positions if they won. Mrs. Phillips noted the Solicitor was not here and Mr. Archer stated when that vote was taken, it passed three to two. She was a shop steward in her union and one thing she learned when she went to her meetings and conferences, is that if they had any relatives, they would step down or abstain their vote. Mrs. Phillips asked how this Administration can count a vote where a worker voted for their relative to get a pay raise when there are people the Administration is going to let go in this economy where they will not have a job. Mrs. Phillips commented that she wants an answer; she is fed up; she

took off from her work tonight and wants an answer. Mrs. Stinney advised Mr. Bayer will provide the decision that was made in regard to the vote and she is assuming Mrs. Phillips is speaking about Mrs. Scull. Mrs. Phillips confirmed she was. Mr. Bayer reported that he has looked at the legal issue and where she is factually slightly off if he heard her correctly is that Councilwoman Scull's husband is an employee of the Water Department. The salary ordinance at issue in connection with the CWA members, Mr. Scull is not a member of the CWA. Mr. Scull is a member of the AFSCME union. Mrs. Phillips stated she is also a member of AFSCME. Mr. Bayer continued that in connection with all Council action taken with respect to AFSCME matters, Mrs. Scull had recused herself. When Mrs. Scull voted in connection with the ordinance at issue, she was voting in connection with the CWA union which Mr. Scull is not a member of. He advised it is clearly not a direct conflict of interest. He noted the issue became whether there was an indirect conflict of interest or whether there was an indirect financial benefit is what the local government ethics law speaks of as to whether there is a conflict. He explained that because Mr. Scull is a member of the AFSCME union, all of his wages, benefits, etc., are controlled by that union contract. Based with which Mrs. Scull had recused herself on voted, so based upon that it was his conclusion that there was not a conflict of interest and he had advised Council of that. Mrs. Phillips stated Mrs. Scull's vote was counted, it was 3 to 2. Mr. Bayer replied absolutely it counted; the question was whether there was a conflict which prevented her from making that vote. Mr. Bayer reiterated that there was not a conflict because there was no direct or indirect financial benefit to Mrs. Scull or her family in connection with the vote. Mrs. Phillips then asked Council where the money to pay all of those workers is coming from. Mrs. Stinney answered that the money has already been allocated. Mrs. Phillips asked if it is allocated from the residents' taxes. Mrs. Stinney explained that is how salaries are paid. **3.** Mrs. Phillips commented on Mrs. Stinney's statements tonight that she wants everything clarified by the newspapers. Mrs. Phillips noted that that night Mrs. Stinney did not make up the statement. Mrs. Phillips then asked if something is going on tonight that she didn't know about when she arrived because Mrs. Stinney made the statement and there was a reporter here that night. Mrs. Phillips sees in the newspapers every single day a resident who has been writing to the newspaper. Mrs. Phillips advised that she used to defend Pemberton Township but she was told that they live in a corrupt Township because the corruption comes from the Administration. Mrs. Phillips thanked the Council and notified she will be here in two more weeks. **Matt Gilreath: 1.** He is the Chief of Station 199 and he is asking for a legalistic clarification. It is neither to sway Council's vote for or against the fire ordinance. Mr. Gilreath knows the intention because he has talked to different people and just wants it on record from the discussions he has had. Section 25-05, subsection (a) talks about fire companies wishing to extinguish fire or other emergency services. He knows that they are not trying to include emergency services or the squads as he has been told and he believes that. Mr. Gilreath asked if down the line whether anybody can interpret that, in fifteen or twenty years when they are not around, to encompass the squads as well. Mrs. Stinney confirmed the section Mr. Gilreath is speaking of. Mr. Gilreath advised he interprets it this way because it is defined as fire companies and not as first aid. Mr. Gilreath asked if the Solicitor would agree with that. Mr. Bayer advised he would read the first sentence to say that it is just referring to volunteer fire companies. Mr. Bayer commented that he would imagine volunteer fire companies at some level provide emergency services, to which Mr. Gilreath agreed, noting that emergency services work very well and they are always willing to help them and for that they are appreciative. Mr. Gilreath informed that they have talked with the Mayor and wanted to make sure from a legal aspect that say twenty years down the road they weren't able to include them as well without approval of a different ordinance maybe. Mr. Bayer stated it is his opinion that it doesn't apply to EMS. **Louis DiGirolamo:1.** He relayed that they make the Burlington County Times all the time, referencing murderers, robbers, druggies, drug dealers, gang

members, and gang “wanabees” which he calls terrorists. He noted their Police Department is being challenged every night. About 80% of the articles in the paper are in the negative. However; there have been some good ones. Mr. DiGirolamo thanked Mr. Inge for his letter to the editor. He thinks they hit a home run this last week by the editorial page, that they became number one. He exclaimed what an embarrassment that is. His relatives and neighbors call him up. Mr. DiGirolamo came from a very affluent community when he moved down here. He knows Council members put in a lot of time because he was a member of the various councils for the Board of Education and the Municipal Council in Holmdel. He expressed that a lot of Council’s proposals in the past couple of years have been very advocatious and remembered three years ago a lot of residents weren’t very happy with Council and wanted a change. Mr. DiGirolamo noted President Obama should realize that they may have coined that expression; a change that they can believe in. Mr. DiGirolamo considers himself a stockholder in this community and hopes everybody else does also. Council was elected as their representatives since the residents are the stockholders. However, the editorial was embarrassing. The editorial doesn’t say that much about their community. He expressed that people should get raises but with the President calling for them to tighten their belts and noting the article by columnist Parker said the state of the economy right now is a moral issue. Everybody is entitled to a raise but it is not proper right now. Maybe the raises should have been frozen and it seems that the administrators had a contract and they didn’t get a raise under the previous contract. They had to bite the bullet. Mr. DiGirolamo remembered when Governor Whitman was in charge of their state and the job he had with the NJ Sports Authority; the Governor cut their wages at 12% and cut their benefits at 20+%. If the employees didn’t take it, they would be fired and they weren’t even state employees; they happened to be a private union. He explained that rather than lose their jobs, they bit the bullet and that stayed for three years. It has taken seven years to catch up to what he was making thirteen years ago. **2.** Mr. DiGirolamo thanked Councilmen Prickett and Inge because they take the time to challenge, noting that a lot of people appreciate how Mr. Prickett deals his approach. He expressed that Mr. Prickett analyzes the intricate, extricate, qualitative and quantitative proposals and he sees that some people get annoyed at the way he questions. Mr. DiGirolamo stated Mr. Prickett is a retired science teacher like himself and they were taught by the scientific method. He suggested if they don’t understand it, then don’t participate. He relayed that today they have to analyze everything. He reflected that many politicians in the state do not abide by logic 101 or micro and macroeconomics 101 like they were taught in college; they have their own. Mr. DiGirolamo questioned how his taxes can go up when his property values went down. According to their philosophy, when his property values go up, he expects his property taxes to come down but to paraphrase Adley Stevenson, the former US Ambassador to the United Nations, that won’t happen even if hell freezes over in New Jersey. He referenced that their governor preached when he wanted to get elected that they are going to lower taxes. Mr. DiGirolamo asked where the change is, noting there is no change. He advised that four of his neighbors have left within the last 16 months. One dropped the price on their home \$55,000 to get out, another one dropped it \$35,000 to get out and two of them dropped it \$25,000 to get out. One moved to the next community and another one moved out of the state. He advised that his property value has dropped \$60,000 in 18 months. Mr. DiGirolamo had to put his property up for sale as he has to downsize. He asked where they are going to get the money for a \$2.3 million dollar shortfall. He expressed that these raises were inappropriate at the time. He acknowledged it’s great to try to have their superintendents in parity with the surrounding communities but just because they have the same title he questioned if anybody checked the job description. Mr. DiGirolamo asked Mrs. Stinney if anybody checked the job description of the surrounding communities and if the superintendents are in line. Mr. DiGirolamo commented that is a derogatory statement. He reiterated that everybody is entitled to a raise but not

now. He has been involved in politics for many years and only finds one political party in the state of NJ; it just has two different names; Democrats and Republics are the same happy horse manure; just two different piles. He noted Council was elected because the residents wanted a change and Council represents the stockholders of this community and they have to be more conservative and tighten their belts. **3.** Mr. DiGirolamo thanked their fire departments and EMTs for the fantastic job they are doing. He referenced a previous speaker mentioned about the terrorists and noted that when he was in California about one year after 9/11 and was reading a letter to the editor in a local paper that it stated what happened in the northeast is their problem and not ours. Mr. DiGirolamo commented they are Americans and he refers to them as left wing, low life, and bleeding heart liberals. Mr. DiGirolamo thanked Council and hopes more positive things can come about.

Betty Donelson: 1. Noted there was a comment made earlier and she is really concerned about all of the employees that are maybe going to lose their jobs and noted anything with money is important. She referenced that the comment made earlier was that the salaries have already been allocated. Ms. Donelson does not know how that can be when there is not a budget for 2009 yet so she expressed they are not allocated yet. She reflected that salaries were granted for the entire year and the money is not there yet because they don't have any money and are working on a temporary budget so there should just be only emergency things done. She relayed that to answer that, the money is not there and is not there until the budget is adopted. Ms. Donelson stated she guesses it's a given, it will be there. She would like to see and she saw it earlier with some of the things on the agenda that Council is trying to take steps to cut some of the costs and that's a good thing. She would like to see a freeze on spending; only the absolute necessary until they can figure out a way to come up with some money or cut other things to ensure that these employees still have a job. She acknowledged knowing that Council hasn't done it yet but is going to set up some dates for the budget hearings. Mrs. Stinney confirmed. Ms. Donelson asked if Council has given any other thought to the citizens committee to look over the budget and make some recommendations before it is adopted, between the Mayor and Council or somehow. Mrs. Stinney replied if that is the desire of the Council. Ms. Donelson commented that she just thought she would mention it again. Mrs. Stinney advised that her theory again, is that Council encourages participation in the budget process and at that point, certainly the public can make recommendations, noting there is a public portion at each of the budget hearings. Ms. Donelson asked if someone will be there to answer all of the questions and will the public see a line item detailed budget. Mrs. Stinney deferred to the Mayor. Mrs. Stinney stated to Ms. Donelson that she can't tell her who will be there, noting she can't mandate anybody to be there. Ms. Donelson explained that she is aware of that but if there are questions and she is not trying to put anybody on the spot, she wanted to know. Mrs. Stinney interjected that she is being honest with Ms. Donelson. Ms. Donelson replied that she is being honest too. Mrs. Stinney again deferred to the Mayor if he doesn't mind answering Ms. Donelson. Mayor Patriarca replied that Administration will be present at the budget hearings and hopefully will be able to answer all of the questions posed to Administration and if not, they will get the answers. Ms. Donelson thanked Council.

Harvey Crawford: 1. Noted he is a 58 year resident of Pemberton Township and a proud life member of the Browns Mills Fire Company and has also been a member of Country Lakes Fire Company. He relayed he has approximately 30 years in the fire service. He noted having heard some things tonight on the ordinance that disturbed him. He informed that he read the ordinance four times before coming tonight and can't believe from the things he has heard this evening from Council that everybody has read the ordinance. He expressed that if they did, they didn't understand it or some of the things that were said and asked would not have been said. He suggested that before people start commenting on things with fire companies and fire service, they should actually understand why the structure is so heavy in command and advised that they need to sit down and take a course in ICS with some of the fire companies. He proposed

that questions would not have been asked about the fire police and how they function if people had done their homework and that some of the questions were repetitive about budgeting. He commented business politics as usual, "that the Mayor is for it, I'm against it; I'm only here for one issue in the Township". Mr. Crawford stated that he knew two weeks ago how the vote was going to go. He reflected its small town and people talk; people run out and air their political views as to who is for it and who is against it. Mr. Crawford is glad that it got passed. He noted that for some people, he will say "shame on you". He expressed that this is not about fire companies, this is not about popularity, but rather, this is about the residents of Pemberton Township and what is best for them and how to protect them. He shared that he is not sure if some of the things said tonight were said in that faith. Mr. Crawford stated he has a big mouth, he votes and that's why he is up here. **2.** Noted that Chief Joseph once said, "I have heard talk and talk but nothing is done. Good words do not last long unless they amount to something". Taken out of context, the end of his statement, "I am tired of talk that comes to nothing". Mr. Crawford expressed that this ordinance is about 25 years over due, noting it is about command and control. Mr. Crawford had someone tell him there was too much discipline in it. He suggested that if any of Council would care to read the constitution by-laws of some of the fire companies, there is discipline in there but there is no way to appeal it. He reflected that this ordinance straightens some of those irregularities out. The ordinance also puts teeth into the Township to correct some of the abuses and unsafe practices that are occurring in the fire service of this Township. Mr. Crawford thanked Council for going as far as they did tonight and thinks that at the next meeting there should be some real honesty and this should pass. **3.** Mr. Crawford invited Council to come to Ridge Road between Columbus Avenue and Bishop Street and he will show Council where the gypsy moths enjoy lunch. He noted that three years ago was the last spraying in the Township. Someone from Council clarified that it was two years ago. Mr. Crawford stated it was a beautiful summer day, very cloudy, west wind blowing about 67 miles an hour and the balloons were floating up around Country Lakes and they sprayed. The Township paid a magnificent amount of money for Woodland Township's Triple B Gun Club and maybe Toms River and none of those areas should have gypsy moths because the spray was not in Pemberton Township and all one had to do was watch the airplane go by and the stuff went somewhere else. Mr. Crawford's point on that is whatever the Township ends up doing, they should ensure that the wind and weather are not against them on the day it is sprayed otherwise it is wasting tax payers' money. **Edna Inge: 1.** Advised that she wants to discuss the pay raises for the supervisors that was voted on at the last meeting. She agrees with the gentleman that spoke previously about the Mayor and Council that took an oath that they are here for the residents of Pemberton Township during the election. She reflected there was a very Democratic Administration a while back and the fight was out; they have to change things in their area and at least two or three people here would agree with that. She reflected that these people came out full barrel blasting taking care of Pemberton Township; get that vote out and let's get some people in here that are going to do things for them. She declared "Shame on us"; it looked like it in the very beginning but it doesn't look like it right now. She noted they are the tax payers, they don't have a budget, they are giving pay raises to supervisors, they have other people that work in the municipality that are possibly getting laid off, they are dealing with two unions, AFSCME and CWA. Ms. Inge noted she is also a union member and she voiced her opinion two weeks ago that she doesn't think union members should be pinned against each other and that is basically what is going to happen here when there are some people getting laid off and other people making more money. She acknowledged that pay raises are fine, everybody does need them but now is just not the time. Ms. Inge also questioned the conflict and asked the Solicitor to answer her question so she can understand it better, noting it was asked once tonight regarding the conflict of interest. She proposed that when there is someone that is a supervisor, as an example the water department, that

hypothetically will be retiring and when they retire, (the superintendent), then the supervisor moves up and are these two unions working together like the supervisor is the CWA and the people that are working under him are AFSCME. Ms. Inge asked if that is correct. Mr. Bayer replied that seems to be a rhetorical statement but that is the case. Ms. Inge asked if that is how it would work. Mr. Bayer answered he doesn't know that is how it would work but that is how it is currently structured. Ms. Inge stated direct and indirect. Ms. Inge stated so it is not a direct conflict of interest. Mr. Bayer replied not at all. Ms. Inge commented that she just wanted to say it publicly so that she knows that she is on the right track. Mr. Bayer commented that Mr. Scull is not a member of the CWA union. Ms. Inge commented that she did not say he was. Mr. Bayer stated that he is explaining why there is no direct financial, direct conflict of interest since there was clearly no direct financial benefit to Mr. Scull since he wasn't a member of the union upon which the salary ordinance as for the benefit of. Ms. Inge stated correct. Mr. Bayer asked Ms. Inge if they agreed. Ms. Inge replied that they agreed. Ms. Inge then asked if one of those people as an example the next four people behind her worked for the water department and someone else was to retire and possibly a person here could move up in the position from AFSCME would that not be a conflict of interest. Mr. Bayer responded it would depend upon the position because in the water department to hold certain positions one needs certain licenses. As an example for the superintendent, one needs a state issued license and to be a water repair man one needs a certain license which is a higher position than where Mr. Scull is so to hold those other two to be promoted to these other positions, licenses and certifications are needed which Mr. Scull does not have. Ms. Inge replied that she didn't mean Mr. Scull and is just saying "in moving up". Mr. Bayer stated the question as it relates to the conflict of interest was related to a specific vote by a specific Council member so he doesn't know how they have that conversation without saying who it is. Ms. Inge asked if those people have to take a test to get these certificates or is it civil service or is it waived. Mr. Bayer answered he would not know the specifics of that and to be the superintendent it is more than just taking a test; he is not aware and those facts were not presented to him and he does not have that information. Ms. Inge thanked Council for their time. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Andrew Bayer: 1. Mr. Bayer advised that he did not have anything for public session. Mr. Inge stated he had a question for the Solicitor. Mr. Bayer asked Mr. Inge if this is this time for that. Mr. Inge stated questions are usually presented when.....Mr. Bayer interjected that he withdrew his comment and apologized and asked for Mr. Inge to go ahead. Mr. Inge asked Mr. Bayer if he could forward the case laws that Mr. Bayer reviewed to come up with his decision. Mr. Bayer stated he cited the specific cases in the memo that Council was provided with and if Mr. Inge physically needs the cases, he would forward them to him. Mrs. Stinney asked Mr. Inge if he needed the document again. Mr. Bayer clarified it is the case laws he is asking for.

ENGINEER'S REPORT:

Dave Clark: 1. The ARH representative informed he does not have a report this evening.

MAYOR'S REPORT:

Mayor David Patriarca: 1. Reported they presented their shovel ready projects to the Governor recently at a function on Saturday and put a bug in his ear as to what the Township is prepared to do. He advised they have also sent these projects to Congressman Adler in hopes of trying to get a piece of this pie coming to New Jersey even though it is a smaller portion that is expected and they are still trying.
2. By now everyone knows that leaf pick up has ended for the year and they still

get numerous calls that their leaves have not been picked up in their area. Mayor Patriarca informed all areas have been gone through by Public Works. They are still fielding calls and when they have someone available, they will go out. He pointed out that they are getting close to the spring pick up so they are going to stop approximately one month before spring pick up, noting that at least at that time frame so they get a chance to regroup and stop picking up leaves as there is no sense in picking them up throughout the whole year because they still have other functions to do. He expressed that if it's that close, they will get picked up during the spring pick up. Residents can still bring their leaves to the Township and drop them off at the back yard. **3.** Announced that on Sunday, February 22nd at 2:00 p.m., their high school is once again hosting the Deborah Heart Challenge. They bring in eight different schools from throughout the region and it's a panel of students from each school that are posed questions by physicians and so forth from Deborah. He expressed that if they have never attended one, they will be hooked after going to the first one. It is a tremendous event and is remarkable what the students are able to respond to. He commented that they would think that they would be willing to give them the surgery. He expressed that these kids are phenomenal and know their stuff, noting that Pemberton usually does fairly well in that. **4.** In regard to the comments on the Advisory Committee for the fire ordinance, he relayed the fire ordinance creates a department and departments are administered by Administration which is the Mayor and Advisory Committees for departments are of course the Mayor's choice and that's why it is in there as the Mayor's committee. He advised that there are not Advisory Committees for the department of recreation, the department of water and the department of police because that is not what they do in this form of government. He explained that is why it lists the Mayor for appointments to the Advisory Committee. This is something just to ensure there is a tool that the Mayor must use in this particular new department so that they get this right. If there are things that come up, there are individuals that the Mayor now has to have checked this. He reiterated they are the Mayor's appointments and questioned could this be manipulated; noting it could very easily. But he explained that is not the intent here. The intent is to put individuals in place that are going to come in to it with a neutral position and knowledge of the issue so that they do get a true feeling as to what they are trying to accomplish and if they are or are not on the right path. He relayed that's why they enlisted an Advisory Committee under a department which they don't see in their departments under this form of government. **5.** Referenced there was a resident that questioned the spray areas and referred to areas that are dead and in the third stage. The Mayor asked where do they spray and if they spray those areas the Township is kind of at the mercy of the state when it comes to the survey to tell them where the larger masses are. They all have a feeling that there are more gypsy moths out there and they could expand that in their own. He emphasized that the state only gives them the option to spray what the state finds to be the acceptable areas that meet the criteria that they set forth. Those are the areas that they are currently looking at. If they elect to do more on their own, that would be something that they would have to discuss and budget for and then do this through a private contractor. The Mayor reiterated that they are at the mercy of the state's program for the cost that they get it at. To do it on their own it will naturally cost more per acre than they get through the state program. Mr. Prickett asked the Mayor as far as the criteria and he understands the state has the aerial photographs but that they also use citizen complaints or reports where they have heavy gypsy moth infestation in their neighborhood the state will go out and look at that and asked if that is correct. The Mayor replied that he does not know if that is their criteria but does know the state sends individuals out, and referenced that Mr. Prickett has been to their seminars and knows more on this topic than he does, into the areas to do surveys. He noted they let them know when they are coming to do the surveys and they did request that they go back out into another area and do a survey and Administration is not opposed to calling them tomorrow and asking them to send someone else out to survey if they will. Mayor Patriarca does not

know if they will at this point, but Administration is certainly willing to ask them to look at other areas. Mr. Prickett commented that he wasn't just thinking about this year but he is thinking about next year. Mr. Prickett suggested the website, since they are using that for a lot of communication between residents and the government, for a report if a resident thinks they have a heavy infestation of gypsy moths to let them know and they'll send the state out to evaluate the situation. Mayor Patriarca replied that Administration can add something like that and not to take it wrong because he doesn't believe in the numbers the state has that they came up with 900 and some acres when they were 10,000 acres prior to that. The Mayor stated if they eradicated gypsy moths they should patent it because he hears complaints from residents in all areas of the town that they are infested and the droppings are unbelievable. The state didn't seem to find that for some reason. Mr. Prickett referred to a statement from a previous gentleman that there are a lot of dead trees and not a lot of food because a lot of the food has already been eaten and the trees have died and that could be a reason. Mayor Patriarca commented that obviously they are not going to spray dead trees because the gypsy moths aren't eating them. Mr. Prickett then noted the Mayor mentioned a list of shovel ready projects that he submitted to the Governor to the state and Congressman Adler and asked what those projects were. Mr. Prickett commented that he heard the Mayor talk about a road for Country Lakes. The Mayor explained they are projects that Administration has tried to get started for the last two years and most of it included roads. The engineers prepared this through Administration and the number one project on the list is the sidewalk project in Lake Valley that they tried to get a grant for and they were denied. They had done the work on that project and it was ready to go and this was a project that they could put out to bid and have ready in 120 days and that's the problem. When he did speak to the Governor and he only had his ear for a short moment and explained to him that there is a deficiency in the stimulus package amongst other things. The one that the Mayor noticed was it did not include dams. He expressed that's their biggest expense that they are finding and they have three that they are dealing with now. One that they funded which he would put in the shovel ready project trying to get reimbursement for that. Mayor Patriarca continued that the Governor thought for a second and then replied maybe that could be done through storm water or something else and the Mayor replied that it would not happen and it was missed. The Mayor expressed that he made it clear to the Governor that it was a concern of his. The projects that were ready were the sidewalk project and that project came in from the engineer's estimate to be approximately \$300,000 when they first put the grant in but they felt that was not a number that would best suit the stimulus package so they bumped that up to include other complaints that they have gotten in that area; some of the roads the alleyways, there are drainage issues, Harvard Road in particular and a couple of other areas. The curbing that got kicked out and the trees out in that area so they actually bumped that up to \$850,000. It sounds like a lot of money but when they are talking billions, that's very little and they are hoping to get a piece of that. The Mayor explained that was the project they thought they could do right away. The 2008 road program was also put in as a project, milling and repaving all of Country Lakes and all of Presidential Lakes; areas that they knew they needed assistance in. They put in the middle embankment for Presidential Lakes and they know that is just about ready to be presented for work. The Mayor noted these were projects that they have ready to go. The Mayor knows what the state is trying to do to stimulate but expressed it's a short lived stimulation. Mr. Prickett commented to take the money and run; get something done. Mayor Patriarca reflected that it's unfortunate the state is not looking at the bigger pictures and is sure the Governor is looking at a tunnel somewhere, maybe, and that's not a shovel ready project but if they can get the money there they will. He clarified that not to fault the Governor because he believes in what he is doing and he is trying, noting they have to give the man a chance to say he's been in long enough; the man is trying to get things done in New Jersey. The Mayor knows how difficult that can be and found that out first hand. They have issues here and

are trying to get them addressed. They were put under the gun that they had to put these projects in to them asap because the bill was getting signed. It wasn't something that they could just sit and ponder on and say okay "what is going to work here" so they put down some things that were ready to go that they had been trying to do. He reiterated they were basically the projects. Mr. Prickett asked if Lake Valley sidewalks and drainage was one. The Mayor confirmed and added tree removal and curb repairs, Country Lakes milling and repaving, Presidential Lakes milling and repaving and the 2008 road program. Mr. Prickett thanked the Mayor. Mrs. Stinney thanked the Mayor. Mr. Inge questioned what the milling and repaving of Presidential Lakes impact would do to try and get sewer out to Presidential Lakes. He proposed that if they mill and repave all of these roads, they're definitely not going to be able to tear them up and put sewers in there. The Mayor responded it would certainly be a backwards process but they could not put that type of project in it. The Mayor continued he does not foresee them getting it; it was in the area of \$6 million and it's not that they don't want it, if the federal government wants to give them \$6 million, they have several years to battle sewer with the agencies and they do have a subcommittee meeting set up with the members of the MUA subcommittee to start exploring that and it's next week to start looking at that process and he doesn't foresee that happening real soon. The Mayor is looking forward to getting that project done but if the federal government is going to come in and say here's \$6 million to pave all the roads in Presidential Lakes, it would be foolish not to take it. The Mayor confirmed that it is a backwards approach and it's like the approach that is going on in Sunbury Village right now. They paved the roads in Sunbury Village and they know the sewer system is in failing there.

COUNCIL MEMBER COMMENTS:

Rick Prickett: 1. Expressed its important to have the dialogue that they had tonight as he does every meeting and he certainly values public comment. He noted that frequently there are some really important things that they learn from the public and he treasures that. 2. Wished everyone a good night and hopes to see everyone at the next meeting.

Sherry Scull: 1. Attended the senior valentine luncheon on Saturday. 130 of their senior citizens had a great time. The seniors expressed to her how much they appreciate Council and the Mayor's support of their programs. 2. Expressed gladness the Mayor brought up the heart challenge. 3. Mrs. Scull also attended the event with Mrs. Stinney and the Mayor with the Governor and it was very enlightening. The governor did mention a tunnel from New Jersey to New York that he wants to get. She expressed hope that they get some of the things down here that they need. It was a very enlightening meeting. They do have to keep in mind that the Governor inherited a mess and then things got worse so they are all going down hill that way. They're not alone in this; it's country wide. 4. Announced the date for the senior prom is April 29th. They are looking forward to that and the seniors are very excited. Mrs. Stinney shared that she was talking to some of them last night about that and she's sorry she missed that meeting but was tied up in a meeting from her day job. 5. Was a little discouraged by the editorial in the Burlington County Times and one of the things that bothers her the most is when erroneous information gets out there or people get a piece of the information and run with it and think it's all factual and then adds things. She expressed it's not fair to the Township and unfortunately the Burlington County Times she doesn't think they pay them enough money in advertising fees so Pemberton Township is always the brunt of negativity from there. She has seen many times such as their students will win the heart challenge, but who's on the front page but the Shawnee students who came in third and questioned where the picture is of the Pemberton students. She reflected there will be a student attack and it's on the front page but go to page 23 and there's a little paragraph about something that

happened worse at Lenape or Moorestown. It's always been that way and it's unfortunate for the residents here because they do have a terrific school system and great kids and a great community. Mrs. Scull is very proud of their community and their students. Mrs. Scull stated the Burlington County Times receives a lot of information out of media services from the high school and they could probably sell a lot more papers and wouldn't be facing as much financial difficulties if they would print some of those pictures and articles about the students that are doing well and the positive things that happen in Pemberton Township. She expressed there are many positive things and she was at their library on Sunday and they forget about the art display that is there every few months and it changes. She reiterated there are a lot of good things happening here. 6. Informed that she had to laugh because she has had calls this week and found out her husband is President of the union and now he is going to get a promotion and make a lot of money. She advised that he doesn't even have the certifications and is sure when she goes home and tells him that he will be thrilled. She affirmed that she does not feel it was a conflict that she voted or she would not have voted. She has been around politics in Pemberton Township for over thirty years and has sat at board meetings and there have been board members who have spouses and they abstain from that as she has always done here. Mrs. Scull continued that those board members have always voted on administrative superintendent's salaries and that type of thing. She expressed that a principal has a lot more damaging effect on an employee that's the spouse or a sibling or a child of a board member than any water department supervisor would have on her husband who is a civil service employee. She assured that if she felt for one minute that it was a conflict of interest, she would have excused herself even probably if somebody had brought this up two years ago when the discussions were started on the CWA contract just because there might be a perception of something being unethical, she would have probably excused herself then and would have been able to go home early from meetings. She does not shirk her responsibility especially to vote on an ordinance establishing the salary. The contract itself which many members of the community either don't realize or refuse to accept was voted on last month. She advised that four members of Council voted to approve that contract. She relayed that even if she was a conflict vote, the contract was approved 3 to 1, if they want to look at it that way. She expressed that had Council voted not to approve it at the last meeting, they would have had an unfair labor charge filed against them in Trenton, they would have been paying legal fees and she is not somebody who appreciates paying extra legal fees if she can help it. She advised that she was not going to vote no just because 60 people were in the audience and upset about the issue. She wholeheartedly understands and doesn't want to see anybody lose their job. The Mayor knows and is watching the budget closely and is spending closely and confirmed that with the Mayor. She relayed that she would be happy to come in and help the Mayor if needed, noting they do not want anybody losing their jobs. She clarified that this is not this Council's fault that this has happened in this community and this state. She assured they will do the best they can to keep everybody working. She commented that those raises aren't going to make the difference in one person losing their job or not. As stated, it was a negotiated contract and they didn't negotiate that contract. If anybody cared to listen, Council sent the contract back twice because they were not happy with some of the things in that contract. This was after it was signed and agreed to by the negotiators. She reflected that if they know anything about negotiations, when Council sent it back that union could have filed charges in Trenton about an unfair labor practice. That didn't happen and they made concessions. There was an overtime stipulation in there that Council opposed and it was removed. Mrs. Scull asked if they know how much money that saved the tax payers because a lot of those people work hours they are not being paid for. She expressed that unfortunately the contract became too personal to some individuals and instead of looking at it as an issue, it became "well I don't like so and so and they're getting this big raise". She expressed that they can't look at it that way when they are sitting and making a

decision about a contract. She reiterated that the contract was negotiated and signed. She emphasized that ethically she could do nothing but vote to approve it. She is not sorry and has not lost a minute sleep over that. Mrs. Scull advised that she has lost sleep over unfair attacks on her husband and she will remember that. There are situations where people are comparing salaries. As someone that negotiates and has done that for a long time, that is an everyday practice in negotiations. They have to bring in proof and they can't just come in and say so and so makes more money than me and has more responsibility. Mrs. Scull would wholeheartedly expect their negotiating attorney and Business Administrator to make sure they saw all of the facts. She informed that Council was presented with many of those salary guides and their supervisors who have sometimes more responsibilities than others in other districts still at the end of that contract will not be making what other people did. She clarified that Council did not bump them up to make what everybody makes, noting that's a perception out there too. That was not what happened in the contract. Mrs. Scull stated some of them did get nice raises but for them to take into consideration of at least one individual that was brought in as a director of one department and was here a little while and was given an entirely additional department; two people used to have that job making more than what the position is going to pay in 2011. She shared that there are a lot of things involved in that and it's a shame that it pits people and different unions against each other, noting they don't need that happening. She pointed out there are four unions in this Township and she will always support a fair contract for all of them but does think that they are jumping the gun as far as worrying about what anybody is going to be paid next year because those supervisors' jobs are in just as much jeopardy as any other job in this Township. Mrs. Scull would certainly hope that everybody is looked at fairly by Administration. She advised that when Council sits and goes over the budget, Council will be looking very closely at what happens there. She relayed that approving a contract is one issue, worrying about the monies is going to be a separate issue. Mrs. Scull really didn't want them to get into paying legal fees but then again unfortunately all of this has cost the tax payers more money in legal fees. 7. She referred back to the Burlington County Times and expressed that she doesn't want to pick on them and Dave is one of her favorite people and she knows he has been trying to do a fair job since he was here. The only thing that bothered her in the article about the fire ordinance was the question of where were the comments that Mr. Maahs made. Mr. Maahs stood at the microphone and talked about it for a long time and there were none of his comments in the article. Mrs. Scull stated the article could have been a little fairer. 8. Agrees with Mr. Prickett that it is very important for the public to be out and involved and to be informed. It's also very important that when they go out and give information, they give factual information. If they don't know what the facts are, she suggested they come and ask and talk to somebody. Many of the public has known her for a long time. Mr. Jenkins will state that they don't always agree but she'll always tell them the truth and they don't have to agree with her. Mrs. Scull grew up fighting with her grandmother from the time she was two and if they think fighting with a "piney grandmother" was an easy task, think again. Mrs. Scull doesn't have a problem having a disagreement with them and they're still her friend and buddy and asked Mr. Prickett if she is right. Mr. Prickett agreed. Mrs. Scull stated there should be respect along with making sure the information out there is accurate. Mrs. Scull reiterated that she will tell them the truth and they don't have to agree with her and she's not mad at them tomorrow but she is going to vote her conscience and is going to look out for the residents of Pemberton Township as she always has. Mrs. Scull then asked that "they" leave her husband alone.

Tom Inge: 1. Wanted to clarify a couple of things. Mr. Inge emphasized he does not have a vendetta against any Township employee. It doesn't matter if they are an employee from laborers to Administration. He expressed that for someone to suggest that he bases his opinion not on the residents of the Township but on a personal matter, he takes offense to that. Mr. Inge commented if they feel

something is wrong and they receive input from residents that they also feel it is wrong and they agree with that, they should express their feelings, noting that's the reason Council is up here. He commented that just because certain members don't agree with what other members have to say doesn't mean they have a vendetta against a certain individual in a certain department. **2.** Mr. Inge advised that he has been in this Township for 51 years. He went to school with a lot of employees that work in this Township and is friends with certain people that have Administration positions. He doesn't speak to them on a daily basis like he used to several years ago due to the fact that he feels personally if he speaks to someone in Administration that they will be looked at by Administration differently than if another member of the Council would happen to do that. **3.** Mr. Inge advised that he spoke for the residents of the Township and will continue to speak for the residents of the Township. He noted being glad to see all of the fire fighters out tonight even the three chiefs that came to the meeting. He assured he has no problems with working with the fire departments to work something out. He acknowledged that he does have a problem when Administration gets involved to the extent that they would be involved in this ordinance. **4.** Mr. Inge thanked all of the residents for contacting the newspaper to express their opinion because it wasn't just 60 people in this room that had opinions about the contract negotiations; it was a lot of residents in the Township that said how they felt about this. Mr. Inge noted he was in the bank today and had four residents speak about what went on at the last Council meeting so it wasn't just the members that were here. He expressed that if residents can't get the information they want at a Council meeting or feel they can't get the information, then they should go to the newspapers, noting that's their right and nobody should be able to take that away from them. He further noted that they have a right to say what they feel is right and if people take it the wrong way, and then they know. Mr. Inge expressed that he is happy with everything that is said but he accepts it and he moves forward and moves on. He thanked everybody for coming out. Wished the residents that are not able to make it to the meetings and do make it to the meetings and can't get their answers, do go to the press. **5.** Thanked everyone again for coming out.

Ken Cartier: **1.** Apologized to the residents and Council for his tardiness this evening, noting he was tied up at work. **2.** Joked to the Mayor that the next time he tells him he is long winded for the Mayor to remind him of Mrs. Scull. **3.** Expressed they took a good step forward this evening with the fire fighters ordinance. It's going to lay out the framework for the fire department of Pemberton Township for years to come. He expressed it put a good command structure together and an organization he thinks the residents of the Township can be proud of. He noted there have been some problems in the fire department of recent but thinks this ordinance will go a long way to solving that problem. He looks forward to working with the fire department and companies set up in this Township underneath this ordinance in the years to come. **4.** Thanked everyone for coming out this evening and wished everyone a safe trip home.

Diane Stinney: **1.** Thanked Council for the healthy discussion this evening, noting it's really great when Council does their homework and has discussions like this. **2.** Noticed that she still sees the Burlington County Times here. She stated she knows that they cut their paper back but she wanted to give them a personal thing. A lot of times parents, grandparents, aunts, uncles and neighbors love to see their children in the newspaper. Just like the Community News is doing, this is great and positive. She reflected that as Mr. DiGirolamo stated tonight, there were a lot of negative things in the newspaper. She is here to tell the Burlington County Times that there are a lot of positive things going on in this Township and since they are still here she started off with a letter from February 6th that went to Dr. Gorman, the Superintendent of Schools, regarding the Pemberton Township Fashion and Talent Show. Mrs. Stinney read her statement to Dr. Gorham "that she would like to congratulate the Pemberton Township High School

on the accomplishments of their fine students that participated in the recent fashion show that she had the extreme pleasure of attending with her grandchildren. These students did a tremendous job and should be complimented on putting the show together with all of their program coordinators, advisors and all those that participated. Besides the great entertainment she was so impressed that portions of the proceeds raised at this function and there were hundreds of people there, were to be donated and will be donated to Deborah Hospital which goes a long way in exemplifying the community's spirit and outreach. The second factor that affected her was their focus on recycling. Their theme was go green, or go home. With today's escalating land fill costs, it is a wonderful message for our students to send to the residents to contribute to this dilemma". Mrs. Stinney informed the Burlington County Times that if they needed more information, they could contact the Superintendent of Schools, Dr. Michael Gorman. 3. Shared that she received the following letter in her mailbox after the last Council meeting. The letter is addressed to Diane Stinney, Council President and it is from Dean Nicholas, AFSCME Local 2783 President, dated February 4th. The letter is in regard to the town Council meeting. Mrs. Stinney read, "It has come to my attention that members of AFSCME Local 2783 will be attending this evenings meeting to voice their opposition to the CWA contract. I want Council to be aware that any opinions expressed at this meeting do not reflect AFSCME Local 2783. These individuals are speaking as individuals and do not represent the stance of the AFSCME Local 2783. Thank you for your attention to this matter". 4. Mrs. Stinney commented to the newspapers that if this information gets out it could help a lot of people. She wanted to let the seniors in Pemberton Township know and she mentioned this last year and the Community News did a great job in picking up this story because several seniors have applauded this Council on getting out the information in regards to property tax reimbursement which is called the senior freeze. She informed that those forms can be picked up by their wonderful working Tax Assessor's office. Mrs. Stinney noted she was at McDonalds and a gentleman thanked her for the information because his taxes will be frozen from now on. Mrs. Stinney noted it is tax time and she can't for the life of her believe this has been going on for years, how previous Council's missed this. There is help out there for their seniors and while some were getting their taxes prepared, she ran across a gentleman today who is an outstanding resident of the Township and he thanked her for a job well done that she is doing in the Township and that meant a lot to her. Mrs. Stinney thanked Mr. Tuliano, Sr. for his kind, kind comments. She ran into him at WalMart today and noted she loves him because he does such wonderful things for their seniors in the Township and he is now working for AARP and is volunteering with them and is such a wonderful man. 5. Thanked everyone for coming out tonight. Thanked them for their comments whether they were positive, or negative and some were however you want to take them. Mrs. Stinney thanked them very, very much. She stated they are all entitled to that and it's very healthy to have those discussions and asked Mr. Prickett if she is right. Mr. Prickett agreed.

COUNCIL SELECTION OF BUDGET HEARING DATES:

Council discussed their available dates for budget hearings. Mrs. Young informed the introduction deadline is March 17th and adoption is April 17th. Mayor Patriarca added that if they apply for extraordinary aid, the budget won't be introduced until at least June and wanted Council to keep that in mind. Mr. Cartier stated to be eligible for that the budget has to be introduced by March 17th. The Mayor questioned this. Mr. Cartier stated Council can introduce but cannot adopt. Mr. Prickett asked if there will be extraordinary aid this year and if there is a message to that because they haven't in previous years. Mayor Patriarca stated the problem with extraordinary aid this year is that everyone will be applying for it and the pot will be very divided. Mrs. Scull asked if there would be any evening sessions. Mr. Cartier suggested March 7, March 11 and March 14. Mrs. Scull advised that Mr. Prickett is not available March 7th. Mr. Prickett stated he would be available

around 3:00 on March 7th. Mrs. Stinney noted he had the same problem last year. Mr. Prickett agreed and it's the same conflict this year as he teaches a short course. Mrs. Stinney noted Council did accommodate him and scheduled for 3:30. Council agreed to March 7th at 3:30 p.m., March 11th at 6:30 p.m. and March 14th at 9:00 a.m. Mr. Prickett stated he appreciates everybody accommodating him on March 7th. Mrs. Scull asked if Council has to introduce on the 18th. Mr. Cartier clarified it was the 17th and Council would actually be looking to introduce the budget that day. Mrs. Scull asked if that would be at the budget hearing because the meeting is not until the 18th. Mr. Cartier asked if it had to be advertised that way, the introduction on the 14th. Mrs. Young stated it would be advertised as a budget meeting and formal action may be taken is on the notice. Mrs. Young would be more than willing to put a blurb in maybe by the 14th how far they have gotten along and it could put it on the website. Mrs. Scull stated if they're not going to get there, they're probably going to have to.....Mrs. Young interjected that if they wanted to add a couple of other dates in between and if they are not needed, they could always be canceled. Mrs. Young added another day to introduce because time has to be given to the Auditor and Administration to put the final budget together. Mrs. Stinney suggested March 16th. Mrs. Young commented Administration will not have enough time to get a budget package together to submit by the next day. Mayor Patriarca responded he can't answer that right now and added that it might be possible if everything is finalized the day before. Mr. Cartier asked how much time is needed to advertise. Mrs. Young replied 48 hours notice for a special meeting but she will be advertising all of the dates in advance. Mr. Cartier suggested that if they come in on the 11th and see where they stand at the end of that meeting they can then advertise the introduction after that, Council will know what is needed after that meeting and there could possibly be a meeting on the 16th. Mr. Prickett asked for the dates. After further discussion for clarification Mrs. Stinney repeated that the first budget meeting will take place in the municipal building on March 7th at 3:30 p.m., the second meeting will be on March 11th at 6:30 p.m. and the third meeting will be on Saturday, March 14th at 9:00 a.m. and if need be, Council will advertise for a meeting for Monday, March 16th at 6:30 p.m.

Mrs. Stinney convened the meeting at approximately 10:42 pm for Council to return to Closed Session. Mrs. Stinney informed formal action may be taken when Council returns.

Mrs. Stinney reconvened the open session meeting at approximately 11:23 pm., noting there will be no formal action pursuant to Closed Session held.

The meeting was adjourned at approximately 11:23 pm.

Respectfully submitted:

Mary Ann Young, MMC
Township Clerk