

TOWNSHIP OF PEMBERTON

REGULAR MEETING

AUGUST 19, 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

Richard Prickett
Sherry Scull
Ken Cartier
Tom Inge
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Representative David Clark, Township Engineer Representative Kelly Willis, Deputy Township Clerk Amy Cosnoski

2. Chairwoman Stinney called the meeting to order at approximately 6:32 PM.
3. Closed Session Resolution No. 190-2009

RESOLUTION NO. 190-2009

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:
LITIGATION : WORKERS COMP CASE SETTLEMENT REGARDING WALTER STEWART
POTENTIAL LITIGATION RELATED TO DOMINIQUE JOHNSON CTR BID
WORKERS COMP CASE BRIAN SMITH VS. PEMBERTON TOWNSHIP
PERSONNEL MATTER: SGT. MICHAEL GEIBEL FMLA GRIEVANCE
CONTRACTS : AFSCME - DISCUSSION OF SIDE LETTER AGREEMENTS
A. 30 DAY ARBITRATION
B. DOTY AGREEMENT
JOINDER AGREEMENT (RESOLUTION NO. 199-2009)
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Mr. Bayer added Potential Litigation related to the Dominique Johnson Center Bid to Closed Session. Mr. Vaz asked to add another workers compensation case, Brian Smith vs. Pemberton Township and the Joinder Agreement that is on tonight's agenda under Resolution No. 199-2009 in case Council has any questions it can be answered very quickly in Closed Session.

Motion by Prickett and Cartier to approve Resolution No. 190-2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

4. **CLOSED SESSION (Reference Note: Closed Session minutes are transcribed and filed separately and considered part of these minutes)**

Council President Stinney recessed the meeting at approximately 6:33 pm for Council to go in to Closed Session and reconvened the meeting at approximately 7:02 pm.

Mrs. Stinney asked Council if they would agree to support her with some changes to tonight's agenda. Mrs. Stinney would like to have tonight's presentation moved forward on the agenda prior to public comments on consent agenda items only. All of Council agreed with Mrs. Stinney's request.

7. PRESENTATIONS

Swearing in of Fire Chief and Deputy Fire Chief by Mayor Patriarca for the Pemberton Township Volunteer Fire Company.

Council President Stinney announced that the swearing in of the Fire Chief and Deputy Fire Chief will be done by Mayor Patriarca for the newly formed Pemberton Township Volunteer Fire Company. Mayor Patriarca thanked everyone for coming out and noted that this is a very important day for Pemberton Township. He noted that this is something that many in the room worked for quite a while; long before he got in to office. The Mayor expressed that this is something that his Administration has been looking forward to since day one and his first briefing on this endeavor by their Fire Chiefs which was to formulate a unified fire department here in Pemberton Township. The Mayor continued that they have always received the best fire service from their volunteer services but they have always been separated by the lines in the sand and today those lines will be taken away. Mayor Patriarca stated it was a lengthy process to get to this point and it involved a lot of hard work by a lot of dedicated individuals that were volunteers putting something together for Pemberton Township. They were able to put together an ordinance that developed the Pemberton Township Fire Department that started the process of selecting the individuals for the ranking positions which we are still in. The Mayor thanked the members of the selection committee, Councilman Cartier, The Country Lakes Homeowner's Alliance President, Ed Tournquist, Bill Jones from McGuire Air Force Base, Former Chief Ed Harvey a life member of the Browns Mills Fire Company and Former Chief Alex Duhnoski from the Country Lakes Fire Company. Mayor Patriarca relayed they have all put in their time to interview the candidates and submitted a request to him as to who they believe should be the Chief and Deputy Chief of the newly formed Fire Department. The Mayor also thanked Councilman Cartier, Councilwoman Scull and Council President Stinney for their continued support on this project and noted that they have supported this from day one and stood behind it throughout its course. Mayor Patriarca conveyed the Fire Chief has been a Chief for over 25 years, has been a fire fighter for over 30 years, and does not know what Mr. Augustoni hasn't done in this Township to volunteer his services. The Mayor met Mr. Augustoni many years ago when he was a dispatcher in the Police Department when the Mayor first joined the Police Department as an officer. They have had some experiences, and he noticed that whenever there was something going on in the town, Craig was there. He was always volunteering and always out there giving his time for the residents of the Township. This always stuck in the back of the Mayor's head and it shines about an individual that gives but asks very little from the Township. The Mayor expressed it wasn't a difficult decision, and the application process was very lengthy and it took a long time to get here. Mayor Patriarca, along with Council President Stinney, swore in the first Chief of the new Pemberton Township Fire Department, Craig Augustoni. Mayor Patriarca congratulated Chief Augustoni and added that Craig is also their Emergency Management Coordinator and has been so for a combination of twelve years now. The next appointment was for Andre McClain who performs a function within the same organization. Andre is also a life member of the Browns Mills Fire Company, is a former Chief that served after Craig and is now the President of the Browns Mills Fire Company. Andre is a paramedic, working at Virtua Hospital and is a very giving individual. He reflected that these are the types of individuals that they have here in their Township that continuously give to their residents and

the community. Andre and Craig work throughout the entire state and are always out there doing things. This is a reflection of what volunteers do throughout the State and it's not just here in Pemberton Township. The Mayor noted there are volunteers in every community that are dedicated and doing this while everyone else is at home sleeping, and they need to be recognized and kept in our prayers when they are out there doing their job. Mayor Patriarca suggested continuing with tonight's Council meeting as Andre has not arrived yet from assisting at the air show in Atlantic City.

Mrs. Stinney recessed the meeting for a short break at approximately 7:13 pm and reconvened the meeting at approximately 7:19 pm.

Mayor Patriarca asked Council President Stinney and Chief Augustoni to join him in swearing in Andre McClain as the first Deputy Chief of the new Pemberton Township Fire Department. The Mayor swore in Andre McClain and then congratulated him. Mrs. Stinney thanked the Mayor and all of those that served diligently over the years in making this day of history for Pemberton Township noting they are certainly proud to be a part of this day.

5. Formal action as necessary pursuant to Closed Session.

Council President Stinney asked Council if they desired to add the Resolution authorizing the award of a contract for building renovations at the Dominique Johnson Center to the Agenda. All Council members agreed.

Motion by Scull and Prickett to add Resolution No. 200-2009 to the Agenda. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Scull and Prickett to add Resolution No. 200-2009 to the Consent Agenda Resolutions. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 200-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR BUILDING RENOVATIONS AT THE DOMINIQUE JOHNSON CENTER

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR BUILDING RENOVATIONS TO THE DOMINIQUE JOHNSON CENTER IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-3, ET SEQ.; AND

WHEREAS, THE TOWNSHIP RECEIVED FOUR (4) BIDS, WITH THE LOWEST BIDDER BEING B.T.W. ENTERPRISES OF 607 CEDAR STREET, TUCKERTON, NJ 08087; AND

WHEREAS, THE TOWNSHIP ARCHITECT AND THE TOWNSHIP SOLICITOR HAVE REVIEWED SAID BIDS AND FIND THE BID SUBMITTED BY B.T.W. ENTERPRISES TO BE NON-RESPONSIVE TO THE BID SPECIFICATIONS BECAUSE (I) THE ELECTRICAL BUSINESS PERMIT OF SUBCONTRACTOR J A S ELECTRIC CONTRACTOR IS EXPIRED; (II) BOTH SUBCONTRACTORS FAILED TO SUBMIT PROOF OF PREQUALIFICATION WITH THE DIVISION OF PROPERTY MANAGEMENT & CONSTRUCTION (DPMC); AND

WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO ROCON CONTRACTING, INC. ("ROCON"), OF 705 UNION AVENUE, BRIELLE, NJ 08730 WITH A BID OF ONE HUNDRED EIGHTY NINE THOUSAND DOLLARS (\$189,000.00) AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED ROCON'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT; 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, ROCON, FOR THE BUILDING RENOVATIONS TO THE DOMINIQUE JOHNSON CENTER.

NOW, THEREFORE, BE IT 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 BUILDING RENOVATIONS TO THE DOMINIQUE JOHNSON CENTER BE AND HEREBY IS AWARDED TO ROCON, 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 ROCON IN AN AMOUNT NOT TO EXCEED \$189,000.00 AND IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY ROCON; 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 04-2007-200707-4016-4-91312; AND

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

- A. ROCON CONTRACTING, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

6. Public comments on consent agenda items only.

Council President Stinney opened the meeting to public comments on Consent Agenda items. There being no members of the public indicating a desire to be heard, Council President Stinney closed the meeting to public comments.

***8. 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.**

***9. MINUTES FILED BY MUNICIPAL CLERK**

***a.** Regular Meeting August 5, 2009.

***10. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 191-2009

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:
KEITH PRATLEY, \$10.00, DUPLICATE LOUD SPEAKER PERMIT FOR EVENT
ROSE FLUHARTY, \$35.00, CHILD DID NOT ATTEND RECREATION PROGRAM
ST. ANN'S CHURCH, \$296.05, REFUND DUE TO INCLEMENT WEATHER FOR POLICE COVERAGE
JENNIFER ZUPPARDO, \$45.00, CHILD DID NOT ATTEND RECREATION PROGRAM
FRED & WASANA TAYLOR, \$1,205.85, OVERPAYMENT OF THIRD QUARTER 2009 TAXES, BLOCK 656, LOT 10

RESOLUTION NO. 192-2009

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 686 LOT 5, 510 VIRGINIA DR. OWNED BY ARLEEN S JR. & ALICE CANE QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JULY 14, 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 686 LOT 5 AS A RESULT OF THE GRANTED EXEMPTION; AND
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO JULY 13, 2009 ARE \$4,228.89; AND
WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 686 LOT 5 IN THE AMOUNT OF \$2,945.28 FOR THE FIRST THREE QUARTERS OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$1,283.61 TO ARLEEN S JR. & ALICE CANE ; AND
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JULY 14, 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 686 LOT 5 AS OF JULY 14, 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 \$1,283.61 TO ARLEEN S. JR. & ALICE CANE, 510 VIRGINIA DR., 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. 193-2009

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 1091 LOT 23, 438 DARTMOUTH AVE. OWNED BY DAVID & JOAN WILLIAMS QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JULY 6, 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 1091 LOT 23 AS A RESULT OF THE GRANTED EXEMPTION; AND
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO JULY 5, 2009 ARE \$1,888.74; AND
WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 1091 LOT 23 IN THE AMOUNT OF \$2,840.62 FOR THE FIRST THREE QUARTERS OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$951.88 TO DAVID & JOAN WILLIAMS ; AND
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JULY 6, 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 1091 LOT 23 AS OF JULY 6, 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 \$951.88 TO DAVID & JOAN WILLIAMS, 438 DARTMOUTH AVE., PEMBERTON, NJ 08068.
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. 194-2009

RESOLUTION OF THE TOWNSHIP PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF TAXES COUNTY TAX BOARD CIVIL ACTION JUDGMENT

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL TAXES FOR THE TAX YEARS 2008 AND 2009 DUE TO A TAX COURT JUDGMENT FILED ON 7/31/2009 FOR PROPERTY COMMONLY KNOWN AS 13 JULIUSTOWN ROAD, BLOCK 539 LOT 15.01 ASSESSED TO MOUNT HOLLY HOSPITALITY.

WHEREAS, THE TAX COLLECTOR RECEIVED SAID JUDGMENT FROM THE TAX COURT OF NEW JERSEY WITH THE FOLLOWING RESULTS:

2008 DECREASE IN ASSESSMENT: \$600,000.00

2009 DECREASE IN ASSESSMENT: \$600,000.00

BASED ON THE DECREASE IN ASSESSMENT FOR THE ABOVE YEARS, THE FOLLOWING AMOUNTS ARE BEING REQUESTED FOR REFUND:

2008 TAX REFUND BASED ON JUDGMENT: \$ 20,670.00

2009 TAX REFUND BASED ON JUDGMENT: \$ 7,656.00

TOTAL REFUND REQUEST: \$ 28,326.00

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 REFUND \$28,326.00 PAYABLE TO "BRACH EICHLER L.L.C. AND MOUNT HOLLY HOSPITALITY LLC" PER STIPULATION OF SETTLEMENT.
2. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND THE CHIEF FINANCIAL OFFICER FOR FILE.

RESOLUTION NO. 195-2009

RESOLUTION GRANTING REQUEST FROM LIGHT AND LOVE EVANGELISTIC CHURCH FOR PERMISSION TO USE ADJOINING PROPERTY FOR THE ANNUAL TENT REVIVAL AND REQUEST FOR BURLINGTON COUNTY FOR DETERMINATION TO COSPONSOR LIGHT AND LOVE EVANGELISTS CHURCH'S TENT REVIAL 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, LIGHT AND LOVE EVANGELISTIC CHURCH REQUESTED PERMISSION FROM PEMBERTON TOWNSHIP TO USE THE PROPERTY LOCATED NEXT TO THE MUNICIPAL BUILDING FOR ITS TENT REVIVAL IN 2009; AND

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

WHEREAS, LIGHT AND LOVE EVANGELISTIC CHURCH REQUESTED PERMISSION FROM BURLINGTON COUNTY TO USE THE AREA OF LAND BETWEEN BUTTONWOOD HOSPITAL AND THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR ITS ANNUAL TENT REVIVAL IN THE 2009 CALENDAR; AND

WHEREAS, BURLINGTON COUNTY AGREES TO ALLOW THE CHURCH TO HOLD THE TENT REVIVAL 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 LIGHT AND LOVE EVANGELISTIC CHURCH; AND

WHEREAS, LIGHT AND LOVE EVANGELISTIC CHURCH HAS 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 LIGHT AND LOVE EVANGELISTIC 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 LIGHT AND LOVE EVANGELISTIC CHURCH FOR PERMISSION TO USE THE AREA OF LAND BETWEEN BUTTONWOOD HOSPITAL AND PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR THEIR TENT REVIVAL 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 LIGHT AND LOVE EVANGELISTIC CHURCH IN A FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WHICH SHALL CONTAIN A PROVISION WHEREIN LIGHT AND LOVE EVANGELISTIC CHURCH WILL MAINTAIN INSURANCE COVERAGE TO BE OUTLINED IN SAID AGREEMENT WITH PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED.

RESOLUTION NO: 196- 2009

WHEREAS, N.J.S. 40A:4 - 87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF ADOPTION OF THE BUDGET: AND

WHEREAS, THE DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR EQUAL AMOUNT, AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS RECEIVED NOTICE OF THE FOLLOWING AWARD OF \$12,481.31 FROM THE STATE OF NEW JERSEY, AND AN AWARD OF \$562.00 FROM THE UNITED STATES TENNIS ASSOCIATION FOR A TOTAL INCREASE OF \$13,043.31 AND WISHES TO AMEND THE 2009 BUDGET TO INCLUDE THESE AMOUNTS AS REVENUE.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2009 FOR THE FOLLOWING SUMS:

1. STATE OF NEW JERSEY,
CLEAN COMMUNITIES FY2009 - \$12,481.31
2. UNITED STATES TENNIS ASSOCIATION MIDDLE STATES SECTION
2009 TENNIS PROGRAM GRANT - \$562.00

BE IT FURTHER RESOLVED, THAT THE LIKE SUM(S) OF \$13,043.31 ARE HEREBY APPROPRIATED UNDER THE CAPTION: GENERAL REVENUE:

MISCELLANEOUS REVENUES: SECTION F SPECIAL ITEMS ANTICIPATED WITH PRIOR WRITTEN CONSENT OFFSET WITH APPROPRIATIONS:

CLEAN COMMUNITIES FY2009 - \$12,481.31

UNITED STATES TENNIS ASSOCIATION MIDDLE STATES SECTION - \$562.00

BE IT FURTHER RESOLVED THAT THE SAME AMOUNTS BE APPROPRIATED AS FOLLOWS:

GENERAL APPROPRIATIONS:

(A) OPERATIONS EXCLUDED FROM "CAPS"

PUBLIC AND PRIVATE PROGRAMS OFFSET BY REVENUE:

CLEAN COMMUNITIES FY2009 - \$12,481.31

UNITED STATES TENNIS ASSOCIATION MIDDLE STATES SECTION - \$562.00

RESOLUTION NO. 198-2009

A RESOLUTION AUTHORIZING EXECUTION OF AN INTEGRATED LAW ENFORCEMENT COMPUTER PROJECT AGREEMENT WITH THE COUNTY OF BURLINGTON

WHEREAS, THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") HAS AN EXISTING INTERLOCAL SERVICE AGREEMENT WITH THE COUNTY OF BURLINGTON ("COUNTY") TO PROVIDE AN INTEGRATED LAW ENFORCEMENT RECORDS MANAGEMENT AND EMERGENCY DISPATCH SYSTEM (THE "MASTER INTERLOCAL SERVICE AGREEMENT"); AND

WHEREAS, THE COUNTY WISHES TO OFFER ADDITIONAL PRODUCTS AND SERVICES TO THE TOWNSHIP THROUGH AN ADDENDUM TO THE MASTER INTERLOCAL SERVICE AGREEMENT; AND

WHEREAS, THOSE ADDITIONAL SERVICES INCLUDE A WIRELESS WAN CONNECTION TO THE COUNTY NETWORK FOR THE TOWNSHIP'S POLICE DEPARTMENT IN ORDER TO PROVIDE ACCESS TO THE COUNTY'S CENTRALIZED COMPUTER

SYSTEM; INSTALLATION AND MAINTENANCE OF MICROSOFT ANTIVIRUS SOFTWARE; AND THE PROVISION OF A SOFTWARE SOLUTION TO SHARE DATA WITH THE NEW JERSEY OFFICE OF HOMELAND SECURITY DATABASE (COLLECTIVELY, THE "ADDITIONAL SERVICES"); AND
 WHEREAS, THE ADDITIONAL SERVICES WILL BE PROVIDED BY THE COUNTY AT THE TOWNSHIP POLICE DEPARTMENT'S EXPENSE.
 NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM ACCEPTABLE TO THE TOWNSHIP SOLICITOR AND ATTACHED HERETO, BETWEEN THE TOWNSHIP OF PEMBERTON AND THE COUNTY OF BURLINGTON FOR THE ADDITIONAL SERVICES; 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 01-2009-0001-0240-2-02900; AND
 BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 199-2009

A RESOLUTION AUTHORIZING EXECUTION OF A JOINDER AGREEMENT WITH ATLANTICARE ADMINISTRATORS, INC. RECOGNIZING THE ENGAGEMENT OF DEVON HEALTH SERVICES, INC. TO PROVIDE HEALTH INSURANCE CLAIM NEGOTIATION SERVICES

WHEREAS, THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") RETAINS ATLANTICARE ADMINISTRATORS, INC. ("ATLANTICARE") TO ADMINISTER THE TOWNSHIP'S HEALTH INSURANCE CLAIMS; AND

WHEREAS, ATLANTICARE HAS ENTERED INTO AN AGREEMENT WITH DEVON HEALTH SERVICES, INC. ("DEVON") WHEREBY DEVON SHALL NEGOTIATE THE PRICES OF HEALTH INSURANCE CLAIMS ON BEHALF OF ATLANTICARE AND ITS CLIENTS (THE "AGREEMENT"); AND

WHEREAS, THE AGREEMENT REQUIRES THAT THE TOWNSHIP, AS A CLIENT OF ATLANTICARE, ENTER INTO A JOINDER AGREEMENT WITH ATLANTICARE WHEREBY THE TOWNSHIP RECOGNIZES THAT DEVON WILL NEGOTIATE CLAIMS ON BEHALF OF ATLANTICARE; AND

WHEREAS, THE TOWNSHIP WILL CONTINUE TO PAY ATLANTICARE FOR ITS SERVICES AND WILL NOT BE OBLIGATED TO PAY DEVON FOR ANY OF DEVON'S SERVICES.

NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR IS AUTHORIZED TO EXECUTE A JOINDER AGREEMENT, IN A FORM ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND ATLANTICARE ACKNOWLEDGING DEVON'S NEGOTIATION OF HEALTH INSURANCE CLAIMS ON BEHALF OF ATLANTICARE AND ITS CLIENTS; AND

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

- A. DEVON HEALTH SERVICES, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. ATLANTICARE ADMINISTRATORS, INC.
- D. GLUCKWALRATH LLP

12. NEW BUSINESS

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

1. Police Department: Request for the purchase of equipment for two (2) Police Vehicles \$10,355.92.
2. Public Works: Request to purchase lift gate for truck in the amount of \$5,195.00.

b. Applications submitted for memberships, licenses, permits:

***1. Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Country Lakes Fire Co.:** Firefighter Jinson Kim

***2. Loud Speaker Permit Applications:** **1. Country Lakes Vol. Fire Co.:** Comedy Blast w/sound system at 103 Firehouse Road, Browns Mills, NJ, 7PM-11PM, 10/9/09. **2. Theodore Hussey:** Block party w/DJ equipment at 419 Chippewa Trail, 2PM-6PM, 10/3/09.

***3. Social Affair Permit Application:** One day liquor license for malt alcoholic beverages for fund raiser event at Country Lakes Fire Company, 7PM-11PM, 10/9/09.

***13.** Approval by Council required for payment of vouchers on bill list dated **8/14/09.**

Mr. Cartier requested to pull Resolution No. 183-2009 from the Consent Agenda.
 Mr. Inge requested to pull Resolution No. 197-2009 from the Consent Agenda.

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

RESOLUTIONS PULLED FROM THE CONSENT AGENDA:

RESOLUTION NO. 183-2009

Mr. Cartier noted that he is happy with the new floor plan received designating the stage to the left hand side of the building and changing the dressing room to a cooler. Mr. Cartier conveyed that his only purpose for pulling this resolution is that he would like to have added that any approvals granted by Council does not supersede this business from having to obtain any permits from the building office or the Planning Board. Mr. Bayer advised what Councilman Cartier is asking is that.....(Ms. Ronayne from the audience is speaking at the same time and is inaudible). Mr. Cartier interjected that he is addressing our.....Mr. Bayer continued that Councilman Cartier asked to add to the resolution that the applicant will have to obtain all required permits and approvals to perform any construction at the site. Mr. Bayer then confirmed this with Mr. Cartier who agreed. Mr. Inge asked if that had to be done by the Building Inspector anyway. Mr. Cartier agreed but didn't want there to be any misunderstanding that those approvals are being granted by this Council. Mr. Prickett stated this is reaffirming that. Mr. Cartier agreed. Mrs. Scull stated Council is basically not even addressing that in Resolution No. 183 and then asked if Council is. Mr. Cartier answered there is a floor plan and did not want any misrepresentation that Council is granting those approvals. Mr. Prickett expressed that he does not have a problem with it as long as the Solicitor finds it acceptable. Mr. Bayer informed that this resolution will get forwarded to ABC. Mr. Bayer continued that this is really a non-ABC matter. Mr. Bayer commented that he didn't know Councilman Cartier was going to raise this question ahead of time, and he would have talked with Pat Ronayne, Kudan's attorney, before and asked if Ms. Ronayne could be heard on Mr. Cartier's question so he understands what her potential concerns are. Mrs. Stinney asked Council if they agreed with the attorney, Ms. Ronayne, coming forward. All of Council agreed. Ms. Patricia Ronayne informed she is the attorney for Kudan Corporation. Ms. Ronayne explained the reason Council received the floor plan is because Council requested it and wanted to be sure that Cheeks was no longer going to be a sexually oriented business before transferring the liquor license. Ms. Ronayne continued that Council was given the print to show that there will be modifications and it was not submitted for building permits or anything of that nature. Ms. Ronayne continued that she is here tonight for the out of pocket liquor license so Kudan Corporation can open a beef and beer sports bar. Ms. Ronayne stated it is not appropriate to make restrictions or conditions on the transfer of a liquor license because that's not within the purview of what Council is doing. Ms. Ronayne added that she would object to that and added that it's not that Kudan Corporation is not going to comply with what is required from the building inspector and in fact she is speaking with Mr. Benash tomorrow, but the Council does not have the authority to make that position on a liquor license. Mr. Cartier stated his suggestion is not a condition or a restriction but it is just stating that Council does not have the authority to approve any building plans or any such thing. Mr. Cartier continued that to make modifications to the building, Kudan has to go to the building department. Ms. Ronayne responded that she is very informed and is well aware of that and noted that she and Mr. Cartier agree that Council does not have that authority and that is what she is saying and it should not be in the resolution because there is no authority to do that. Mr. Cartier stated that he disagrees. Mr. Bayer informed his suggestion is a WHEREAS clause which is not the binding part of the resolution and something could be added to the extent of, "WHEREAS, the adoption of this resolution does not in any way confer any required building and/or construction permits required". Mr. Bayer stated to Ms. Ronayne that it's only a whereas clause. Ms. Ronayne commented if that is done

with all of the liquor licenses when she looks at them and she is not being discriminated against, then she would have no problem with that. Mr. Bayer stated this is a bit different. Ms. Ronayne conveyed that because Council requested the floor plan and Kudan did not submit it but rather it was a special request that Kudan replied to and she is not sure that all liquor licenses have to do that but Kudan was requested to do that. Mr. Bayer commented that he has seen it in other jurisdictions. Mrs. Cosnoski commented that it is a requirement that a floor plan be submitted when a place to place transfer is occurring. Mr. Bayer agreed that he has seen floor plans with other transfers. Ms. Ronayne stated that is not a condition of the transfer of the license. Mr. Bayer conveyed that he is suggesting that Council is not making the compliance a condition of the approval but is suggesting that it is just noting in a Whereas clause that Council is not conferring such approval but it is not in the Now, Therefore part of the resolution. Mr. Bayer continued that it is sort of noting for the record this discussion in essence and it is not binding in terms of the resolution. Mr. Prickett stated it is one of the things Council puts in a resolution whenever there is a transfer; it is the very same whereas. Mr. Bayer commented that would apply to any establishment that is going to make any changes to their structures. They would have to obviously obtain any required permits and approvals that they would need. Mr. Inge remarked if Council doesn't have any jurisdiction over that, why is that being put in there; if it is required by Township law that a floor plan is given with the transfer of a license, why is Council doing anything. Mr. Bayer replied it is fair game for discussion, and he is not saying Council has to do it but Councilman Cartier raised it as a concern and it doesn't make the resolution legally defective or in any way impact Ms. Ronayne's client's ability to obtain the license. Rather he is saying it is a statement of policy which the Council can either.....Mr. Prickett interjected and asked why the floor plan is part of the liquor license transfer in the first place. He thinks it is a good thing but questioned why it's there to begin with and is it there for the Council to review and make their final decision using that as part of the decision making process. Mrs. Cosnoski explained that a floor plan is required so it is noted as to what parts of the building are going to be licensed and it is a requirement for the Township Clerk to send a copy of the floor plan to the State when sending the final application and resolution to them. Mrs. Cosnoski clarified that it's not a Township requirement, it is a State requirement. Ms. Ronayne added it is for the sole purpose of where the alcohol will be. Mrs. Cosnoski agreed and stated it is to show what parts of the building are going to be licensed and where the alcohol can be present on the premises. Ms. Ronayne continued that it has nothing to do with building permits or anything of that nature. Ms. Ronayne commented that when she pulls the other applications, if this was done to all of them and she is being treated similarly, she has no objections but if she is being treated differently, then she does have an objection. Mrs. Scull commented to Mr. Cartier that in all due respect, it is two separate issues and doesn't think by approving the resolution in the way it is written that anybody could possibly say Council has authorized Kudan Corporation to do whatever they want without proper permits. She understands where Mr. Cartier is coming from but she sees it as two separate issues. Mrs. Scull noted that Kudan Corporation is well aware that they are going to have to get the permits. Mr. Bayer suggested to Mr. Cartier to satisfy his potential concern is that Council can request that Administration follow through that all of the required permits are obtained and that is something that Administration should be doing anyway in supervising its Construction Officials. The Mayor agreed and stated that nothing Council does tonight can supersede the obligation of the applicant's requirement to get a building permit. Council can do anything they want in a resolution and approve the floor plan and tell them this is what they can build but Council does not have the authorization to do that and it doesn't make sense to put anything in the resolution that reflects the building permits because that obligation is still there for the applicant. Mr. Cartier noted that he does understand that and that is the point he is trying to make is that Council does not have the authority to approve the floor

plans as they are presented to the Council and he doesn't want that misrepresentation going out to anybody. Mr. Prickett commented that Council is also expressing that now. Mayor Patriarca conveyed that Council is not approving the floor plans but Council is approving the premises for licensing and that's all; the Construction Code official will take care of the floor plans. Mr. Cartier commented that since this Council has been in office, there have been a lot of misrepresentation or misconstrued when it comes to construction in the Township and that is all he is trying to do. The Mayor responded to Mr. Cartier point taken. Mrs. Stinney noted that Mr. Cartier and Ms. Ronayne's comments are duly noted.

Motion by Cartier to have the WHEREAS clause added as read by Mr. Bayer.

Motion dies for lack of a second.

Mrs. Scull suggested to Mr. Cartier that Council thinks about that as something that is put in all the transfer resolutions in the future if that would make him feel better but she has a problem adding it to this one resolution if it's not included in the others. Mrs. Scull suggested having a discussion on it later. Mr. Prickett noted that he understands Mr. Cartier's concerns because he asked for clarification of the floor plan at the last Council meeting and Council received the clarification for this meeting and Mr. Cartier's concern is that it can be misconstrued, and it has been clearly stated tonight through comments that it isn't misconstrued.

RESOLUTION NO. 183-2009

WHEREAS, AN APPLICATION HAS BEEN FILED FOR A PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 0329-33-021-004 ISSUED TO KUDAN CORPORATION, CURRENTLY A POCKET LICENSE;
WHEREAS, THE SUBMITTED APPLICATION IS COMPLETE IN ALL RESPECTS, THE TRANSFER FEES HAVE BEEN PAID, AND THE LICENSE HAS BEEN PROPERLY RENEWED FOR THE CURRENT LICENSE TERM;
NOW, THEREFORE, BE IT RESOLVED THAT THE PEMBERTON TOWNSHIP GOVERNING BODY DOES HEREBY APPROVE, EFFECTIVE AUGUST 5, 2009, THE PLACE TO PLACE TRANSFER OF THE AFORESAID PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-021-004 TO OPERATE AT 159 S. PEMBERTON ROAD, PEMBERTON, NJ, AND DOES HEREBY AUTHORIZE THE TOWNSHIP CLERK/ABC BOARD SECRETARY TO ENDORSE THE LICENSE CERTIFICATE SUBJECT TO ALL OF ITS TERMS AND CONDITIONS, EFFECTIVE AS OF THE DATE OF THIS RESOLUTION.

Motion by Prickett and Scull to adopt Resolution No. 183-2009. Prickett, yes; Scull, yes; Cartier, no; Inge, abstain; Stinney, yes. Motion carried.

Mrs. Stinney thanked Council and added that Council normally doesn't jump around like that and tries to stick to the agenda. Mrs. Stinney thanked Council for doing that out of respect to allow Ms. Ronayne to be heard. Mrs. Scull remarked that she is very happy to see this change in their business on that side of town and hopefully it will do well. Mr. Bayer noted for the record that there is a signed settlement agreement now which will ensure that type of business doesn't operate there. Mrs. Scull remarked that is wonderful.

RESOLUTION NO. 197-2009

Council President Stinney noted that Mr. Inge requested Resolution No. 197-2009 be pulled which awards the contract to General Recreation, Inc., for Imagination Kingdom. Mr. Inge asked the Business Administrator what the total cost of the project is. Mr. Vaz answered there is not a total cost yet because certain things have not happened yet, but Administration is working with a budget in mind. The poured in place surfacing that Administration is interested in using has to go out to bid. There is an expectation of between \$8 - \$10 per square foot and there is a presently unknown cost for stone that has to be put down before the rubber surface can be poured. The only fixed cost that Administration knows at this point would be the state contract cost for the recreation equipment. Mr. Vaz commented we are working on a budget of \$500,000 because we spend a dollar and we get a dollar in grant money. The Township and Council had previously anticipated a budget of \$250,000 in a prior capital bond ordinance from one year ago and using that number and doubling it with the grant money is the budget Administration has been working with and trying to get everything under that number. Mr. Inge

commented it was his understanding that by looking at the drawings, he thought the gazebo was included in that price. Mr. Vaz responded that it is not and those that have been participating in the Steering Committee meetings every two weeks worked towards trying to fit the gazebo into that \$500,000 budget but it is not part of the work. Mr. Inge remarked that there are really no shade trees and without a gazebo for parents or grandparents it will create a real problem. Mr. Inge noted that most places have gazebos or shaded areas for people to sit. Mr. Vaz commented that the Steering Committee has recognized a need for a gazebo and is hoping that the bid on the poured in place surfacing will be low enough; competitive bidding is anticipated and it will give them the ability to do something with the gazebo. Mr. Vaz informed it was something that they had hoped to talk about last night when Mike was present from General Recreation at the meeting at Mr. & Mrs. Jenkins' home, but they will need to have another meeting. Mr. Jenkins does have somebody that can build a gazebo and it's a matter of purchasing the materials or putting a plan together to get that done. Right now they are working on trying to get a bid on the street for the poured in place surfacing so they can get the number on that as soon as possible. Mr. Vaz conveyed Administration should have the numbers in a day or two from Mike on the stone and then they'll have a better handle on a solid budget moving forward. Mr. Inge noted that he has not seen any engineering costs and asked if engineering is needed on the site. Mr. Vaz explained there has been some engineering work and there was initial engineering work on the soil contamination issue, and there has been an application to the Pinelands' Commission. There will also be engineering for the Soil Conservation District application and there is site work preparation in terms of the survey work and they are also going to basically do the bid for the poured in place surfacing. Mr. Inge asked what the cost of that will be. Mr. Vaz confirmed with Mrs. Eden that there was a Bridge Commission Lease for Imagination Kingdom that ARH bills have been billed to and that is separate from this appropriation. Mr. Inge asked if Green Acres funding is up to \$400,000. Mr. Vaz responded it is \$890,000 and the way it breaks down is the Township was awarded \$890,000. Green Acres is giving the Township half of the project cost and the other half that the Township is obligated to pay, Green Acres offered a zero percent loan as opposed to going out for a traditional bid on a bond. Mr. Vaz continued if we spend a dollar, we get a dollar, and the dollar we spend, we borrow it at zero percent. Mr. Vaz relayed that prior to the grant announcement Council had already appropriated \$250,000 in a prior bond ordinance. That will now be eliminated within the next two months and that appropriation will be cancelled and then the dollar that we spend will come out of this new ordinance that Council approved a month and a half ago and that will be the zero percent loan. Mr. Inge commented that they are spending all of this money on playground equipment but they don't have all of the other pieces of the puzzle in place yet so Council doesn't know exactly what the final price of this entire project will be. Mr. Vaz stated that they have most of them and reiterated that they know that the poured in place surface will be between \$8-\$10 per square foot and they won't have a firm cost until they receive the bids. Using the ball park numbers, Administration does have a ball park and does have numbers they are working with. The stone is the only thing that is hanging out there now, and they should have that number in a day or two. Once those numbers are added up, they will then know where they stand in terms of the gazebo. There will probably be a separate meeting with the person that Mr. and Mrs. Jenkins has in mind to help them with the gazebo and then they'll know what they have to spend and will be shopping around for the gazebo. Mr. Inge remarked that he would rather see losing a piece of equipment than lose the gazebo. Mr. Vaz conveyed that is one way to bring the budget down and the other way is instead of using the rubber surface for 100% of the area, they can reduce the square footage of that and use a different type of appropriate surfacing of certain parts of the facility and there are ways to bring some of the numbers down. Administration is aware of all of that and are using \$500,000 as a number to try to keep this under and are trying to stay within the \$250,000 that was

previously appropriated. Basically, the grant gives the Township the ability to double down and gives the chance to double the money. The Township certainly would not have been able to do this scope of a project without this grant money. Mr. Inge expressed that he is glad the Township received that grant and as long as we can keep in that \$250,000 range and that is what he said prior when Council agreed to this earlier, he has no problems backing this project. Mr. Prickett asked as far as the parking lot and he brought it up a while back and asked if there is any consideration of improving the parking by the new recreation complex. Right now it is not an orderly parking procedure there and there is no delineation of where people are suppose to park and Council talked about that a while back. There will be a really nice complex, we need to pack in as many cars as we can in an orderly manner and make sure the parking is safe and minimize the amount of dust coming off that parking area and blowing on to Imagination Kingdom. Mr. Prickett continued that dust is not a good thing for little children to breathe as well as their parents. He did not know what that would be if it's more stone and he had spoken of using telephone poles and there must be something that can be done that would not cause a big problem with impervious surfaces and not cost a big expense in materials to put something like that together. The man power would be there. Mayor Patriarca informed the Planner was instructed to look at that area and he certainly would not be able to do it until he sees what we are doing here with this plan but it was discussed with him to come up with a maximized parking facility. The Mayor commented that they will not put telephone poles out there and there may be some type of separation but it will not be telephone poles. Mr. Prickett stated he doesn't really care if it's telephone poles and just would.....The Mayor interrupted that Mr. Prickett brought that up several times before and that's a little too tacky for this and there are other methods that we have been using that are successful. Mr. Prickett stated he brought it up before because it was economical and whatever the method, it's the safety and the orderly process that is really important. Mrs. Scull commented that telephone poles would take up the much needed parking spaces. Mayor Patriarca added the poles would be about four times thicker than what we would use. Mrs. Scull agreed and stated that she is amazed that this has come together as well as it has and thanked everyone in Administration and the community that have worked so hard to put this together for the community. Mrs. Scull continued that Council talked extensively when Imagination Kingdom came down and Council struggled with \$250,000 and the fear that they wouldn't be able to replace what was there with that amount of money. Mrs. Scull thanked God that the Township received the grant that is going to provide much needed recreation for this community and the Township for their children. She has been involved at that field and not so much in the last ten years but recently has been back there with her grandchildren playing ball and the residents do a good job of packing cars in there and are pretty safe with the parking. Being somebody that's very allergic to dust, she does concur with Mr. Prickett and hopes their engineer and planner can look over there to make sure the area is as healthy for the children as it can be. Her main point is she wanted to sincerely thank everybody that has been involved whether it's the engineer and she knows the Mayor has spent a lot of time as well as Mr. Vaz and the Jenkins and the committee that have been meeting for the past year and a half. Mrs. Scull relayed that she is glad to see this happen and it is going to be a good bang for the dollar for our residents. Mr. Prickett commented in respect to the orderly parking of cars, that was not something that he thought up rather it was something that Mr. Mike Balas came to him a while back and requested that Council look in to that. Mr. Balas is the person that is there and observes the parking and that is what was expressed to Mr. Prickett at least two times that it was their concern. Mr. Prickett informed it did not emanate from him and actually came from Mr. Balas.

RESOLUTION NO. 197-2009

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH GENERAL RECREATION, INC., AN APPROVED STATE CONTRACT VENDOR FOR LOCAL CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12(A)

WHEREAS, THE TOWNSHIP OF PEMBERTON, PURSUANT TO N.J.S.A. 40A:11-12(A) AND N.J.A.C. 5:34-7.29(C), MAY BY RESOLUTION AND WITHOUT ADVERTISING FOR BIDS, PURCHASE ANY GOODS OR SERVICES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM FOR ANY STATE CONTRACTS ENTERED INTO ON BEHALF OF THE STATE BY THE DIVISION OF PURCHASE AND PROPERTY IN THE DEPARTMENT OF TREASURY; AND WHEREAS, THE TOWNSHIP OF PEMBERTON HAS THE NEED TO PURCHASE PLAYGROUND EQUIPMENT IN ORDER TO REPLACE THE IMAGINATION KINGDOM PLAYGROUND EQUIPMENT THAT WAS REMOVED IN JANUARY 2008 BECAUSE OF NON-COMPLIANCE WITH NEW SAFETY REGULATIONS AND THE PRESENCE OF CONTAMINANTS IN THE SOIL; AND WHEREAS, A STEERING COMMITTEE OF PEMBERTON TOWNSHIP RESIDENTS HAS BEEN MEETING SINCE 2008 AND HAS CONSIDERED NUMEROUS OPTIONS FOR PLAYGROUND EQUIPMENT AND VISITED DIFFERENT SITES; AND WHEREAS, THE STEERING COMMITTEE EVENTUALLY ACCEPTED A CONCEPT PLAN THAT WAS PREPARED BY LANDSCAPE ARCHITECTS FROM GENERAL RECREATION, INC. AND BEST MEETS THE REQUIREMENTS OF PEMBERTON TOWNSHIP, INCLUDING AGE-APPROPRIATE PLAYGROUND EQUIPMENT; HANDICAP ACCESSIBILITY, INTERACTION, AND STIMULATION; UNIQUE PHYSICAL CHALLENGES; AND SUSTAINABILITY; AND WHEREAS, UPON THE RECOMMENDATION OF THE STEERING COMMITTEE, BUSINESS ADMINISTRATOR AND MAYOR, THE TOWNSHIP OF PEMBERTON INTENDS TO ENTER INTO A CONTRACT WITH GENERAL RECREATION, INC. THROUGH THIS RESOLUTION AND PROPERLY EXECUTED CONTRACTS, WHICH SHALL BE SUBJECT TO ALL OF THE CONDITIONS APPLICABLE TO THE CURRENT STATE CONTRACT (A59057). NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AS FOLLOWS:

1. THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH GENERAL RECREATION, INC. FOR THE PURCHASE OF PLAYGROUND EQUIPMENT AND SERVICES AS SPECIFIED IN THE ATTACHED PROPOSAL AND IN THE APPROVED CONCEPT PLAN; AND
2. THAT THE PURCHASE IS AUTHORIZED TO BE MADE UNDER THE COMPANY'S STATE CONTRACT (A59057); AND
3. THAT WE FIND THAT THIS CONTRACT BEST MEETS THE REQUIREMENTS OF THE TOWNSHIP OF PEMBERTON AND FULFILLS OUR GOAL OF BUILDING A RECREATION SITE THAT PROVIDES AGE-APPROPRIATE PLAYGROUND EQUIPMENT; HANDICAP ACCESSIBILITY, INTERACTION, AND STIMULATION; UNIQUE PHYSICAL CHALLENGES; AND SUSTAINABILITY.

BE IT FURTHER RESOLVED, THAT THIS CONTRACT IS SUBJECT TO A CERTIFICATION OF AVAILABILITY OF FUNDS BEING EXECUTED BY THE CHIEF FINANCE OFFICER.

Motion by Inge and Cartier to approve Resolution No. 197-2009. Inge, yes; Cartier, yes; Prickett, yes; Scull, yes; Stinney, yes. Motion carried.

Mrs. Stinney advised she served on the committee with the old playground and is grateful that so many residents have gone to meeting after meeting. She only attended one meeting and was on her way to the hospital to check on her youngest child when she popped in on the first meeting. Mrs. Stinney applauded all of those that contributed their time to make this a "WOW" soon to be recreation for the residents and children of Pemberton Township. Mrs. Stinney thanked them all from the bottom of her heart.

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

a. ORDINANCE NO. 17-2009 (Title Read By Mrs. Stinney)

(Tabled from 8/5/09 Mtg.) AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 132 OF THE CODE OF THE TOWNSHIP OF PEMBERTON ENTITLED "NOISE". (Public Hearing held at 8/5/09 Meeting)

Mr. Cartier noted that since the public will not have a second opportunity to speak on this, there was some concern expressed to him by some business owners that the restriction times on the times that noise making devices can be used is too restricting such as when someone is doing landscaping. Mr. Cartier continued that 6:00 pm is too early during the summer months to have to stop working and be able to get their job done. Mr. Cartier suggested when looking to the DEP for revisions to the ordinance, this might be one to consider. Mrs. Stinney stated that perhaps after the basic ordinance has gone through the DEP for approval, something that has not occurred in seven years or more; they have to get the model ordinance approved first. Mr. Cartier replied he explained that to the representatives of the landscaping business. Mrs. Stinney suggested putting a committee together to hear the public and perhaps Mr. Cartier would like to sit on that committee and bring some suggestions back to Council. Mr. Prickett thanked the Deputy Clerk, Amy Cosnoski, for contacting the DEP and getting the additional information that Council had requested. Mr. Prickett conveyed that as a result of getting the additional information, his questions have been satisfied.

Motion by Cartier and Scull to adopt Ordinance No. 17-2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

b. ORDINANCE NO. 18-2009 (Title Read By Mrs. Stinney)

(Tabled from 8/5/09 Mtg.) AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING SALARIES. (Public Hearing held at 8/5/09 Meeting)

Mrs. Stinney advised that she has researched her questions and would publicly like to thank the union, the Local 260, Supervisors, Officers for not taking this any further from the table because the contract is a contract. She certainly did her research and appreciates them not going any further with any penalties towards Council for accepting this contract from the beginning. Mrs. Stinney asked Mr. Inge if he completed his research and if he is prepared for this evening. Mr. Inge relayed that he is prepared. Mrs. Stinney commented to Mr. Prickett that it was the three of them, herself, Mr. Inge and Mr. Prickett. Mr. Prickett agreed and added that he doesn't think there is a problem with doing further research and tabling an ordinance under the circumstance that Council did that. Mrs. Stinney interjected that she did not say there was a problem. Mr. Prickett continued that in support he would be willing to motion to adopt Ordinance No. 18-2009

Motion by Prickett and Scull to adopt Ordinance No. 18-2009. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney remarked that it is great to be able to stop and get those questions answered. She knows Mr. Prickett is always saying he wants to stop and get his questions answered. Mr. Prickett conveyed that is what Council's job is. Mrs. Stinney agreed and added that is exactly what Council is supposed to do; get research and not just push something and give Council an opportunity to research. Mrs. Stinney indicated that she is grateful for that opportunity.

12. NEW BUSINESS

Motion by Prickett and Inge to add a resolution for consideration to the agenda for new business. The resolution is support for the compensation of our Chief of Police, Robert H. Lewandowski while he was a Lieutenant and when the suspension of take home vehicles occurred. Prickett, yes; Inge, yes; Cartier, yes; Scull, yes; Stinney, yes. Motion carried.

Mrs. Stinney commented the resolution being added to the agenda for discussion under New Business will be number 201-2009. Mr. Prickett asked if the discussion will be of the resolution or discussion of Item A under New Business. Mrs. Stinney replied it is discussion of the resolution. Mr. Bayer commented Item A was the consent agenda and the only one that wasn't under the consent agenda was Item B4. Mr. Prickett stated the parade permit. Mrs. Stinney commented that is totally different and this is under New Business for discussion. Mr. Prickett conveyed he put this resolution together and made the motion to add it because Robert Lewandowski was a Lieutenant during the period of time when there was a suspension of take home vehicles. There was compensation given to the Lieutenants for the loss of those vehicles and it is only fair that even though Robert Lewandowski is no longer a Lieutenant (he is now the Chief), that he be compensated for the time that he was a Lieutenant under similar circumstances to the Lieutenants that were compensated that are still Lieutenants. Mr. Prickett added that is the case he wanted to present to the Council tonight. Mr. Prickett expressed the intent of this resolution is to compensate Robert Lewandowski for whatever the period of time was and he does not know what the time period was that the Mayor made his suspension of take home vehicles and he is not sure what the date was when Chief Lewandowski became the Chief. Mr. Prickett would like to see compensation based on the time period that he was.....Mrs. Stinney interjected that he would like to see that information. Mrs. Scull asked if this is

within Council's authority because this seems like a negotiable issue that is not Council's authority. Mrs. Scull noted that she understands where Mr. Prickett is coming from. Mrs. Scull commented that this has nothing to do with the Chief personally, and gave an example of if three Council members decide that the Mayor in negotiations didn't compensate the Assistant Clerk well enough, she can bring in a resolution that says she wants to give her \$5,000 extra because she's working extra at night because the meetings go on forever. Mrs. Scull expressed that this has nothing to do with whether or not Lewandowski as a Lieutenant should have been compensated. Mrs. Scull questioned if it is within Council's realm. Mr. Prickett stated that is why at the last meeting he asked the Solicitor to give an opinion on what legal obligation Council has under the circumstances and he did not receive an opinion from the Solicitor. Mr. Bayer stated he thought this would be discussed tonight. Mr. Prickett commented to Mr. Bayer that is good and that Mr. Bayer is prepared. Mrs. Scull notified her second concern is that many times Council has sat here and Mr. Prickett has said and has been upset because Administration has given Council something the night of the meeting and didn't receive it sooner to look at it but yet tonight, and there is no disrespect meant, but tonight Council received something in the same way. Mr. Prickett replied that he actually sent it out this afternoon. Mrs. Scull commented her email has not worked for two days and Council does have a Council President. Mrs. Scull continued that maybe this would not have come out tonight or would have given Council some time to think about it or maybe got to the Council President sooner to be added to an agenda for discussion without it really being written up as a resolution ready to go. Mr. Prickett commented the resolution is not exactly ready to go; the dates are not there and there are a lot of specifics that are not in the resolution. Mrs. Scull commented it is written as a resolution. Mr. Prickett agreed. Mrs. Scull stated it is a little different than just adding something for discussion. Mrs. Stinney explained to Mrs. Scull that when she asked the Assistant Clerk to hand this out, she referred to this as a sample and Mr. Prickett was present when this occurred. Mr. Prickett stated that was a fine way of describing it. Mr. Inge commented he is not sure why Chief Lewandowski wasn't compensated when there was an agreement made with the Lieutenants and when the vehicles were taken away the Chief was a Lieutenant at the time and he is not sure if Administration acted improperly by not paying the Chief when he was a Lieutenant.....he doesn't see how the Chief could not receive the same benefits that the other Lieutenants received during the time period that he was a Lieutenant. Mr. Bayer wanted to address the question that Mr. Prickett had at the last meeting as it related to this conversation now. This really has to be put in the context of the agreement between the Township and the Superior Officer's Association, SOA. The background is that the SOA filed an unfair labor practice charge against the Township. As a result of that there was interest arbitration with a well respected arbitrator, James Mastriani. The agreement was approved based on the recommendation of the arbitrator as was approved by the SOA and Council. For the period January 1, 2007 to December 31, 2009, each current member of the SOA at the time of the agreement was Lieutenants Kreig, Jantas and Bogdanowicz. They shall be paid an annual reimbursement of \$5,000. The answer to the question at least from a contract perspective is that during the interest arbitration proceeding the union as well as the Township at the time decided to contractually give this benefit to the current members. That was a settlement of a claim that was made. Mr. Bayer expressed that he personally was not part of that process but as part of an agreement that both parties entered in to, that's what they did and it's really a matter of contract on whether it was fair or unfair to a particular individual and that may or may not be the case. To the point that Mr. Inge raised, he doesn't think there was anything "improper" done by Administration because if that was the case then it could be true of the SOA as well because both the SOA and the Township approved this agreement. This was a matter of negotiations and a contract which was negotiated at the time through this interest arbitrator. This is what was ultimately agreed to by the parties to resolve their claim regarding the vehicles and the claim was

significantly more than the agreed upon \$5,000 a year and it was also a compromise. Mr. Bayer would imagine including the people in the settlement was also a compromise which occurred during a mediation or arbitration process. Mr. Vaz expressed that it came down to money and Administration would not budge at a certain point on the money and the arbitrator informed he knows a way to make this all go away and recommended that it would only apply to the three current members of the bargaining unit and that eliminated from his perspective the problem of trying to squeeze the Township for more money. Mr. Vaz added that it wouldn't have mattered how they "wacked" it up; it was a dollar amount. Mr. Bayer stated it was a total dollar amount and it was a settlement of a claim at the time which both parties agreed to and it was really just a matter of contract. In terms of how Council handles what Mr. Prickett is requesting on a going forward basis is not really an amendment of a contract and there are other ways to deal with that and it is also a budgeting issue. Mr. Vaz expressed his personal opinion subject to Mr. Bayer and Mr. Rapuano's opinion would be that you cannot unilaterally amend this without further negotiation. Although you would theoretically be putting more money on the table in the sense of adding a party to the agreement, they agreed to the settlement and they couldn't unilaterally amend it without the SOA then having to agree to it. Mr. Prickett noted that he did not suggest that. Mr. Bayer commented that would be true of any contract. Mr. Vaz relayed the safer way if inclined to do anything to resolve the situation with the Chief is to be done somehow outside of the settlement agreement and not have to bring the SOA in to it at all. Mr. Bayer added that it would be opening up other issues since Council has reached a resolution and after spending all of the time and effort Council would not want to open up the agreement. Mr. Bayer agreed with Mr. Vaz in that there are other ways to deal with the issue. Mrs. Scull pointed out when the Lieutenants were at the table is where this negotiation should have taken place. When Lewandowski was a Lieutenant, he paid dues to them and they were representing his issues because he was a Lieutenant and they should have looked out for him. Mrs. Scull asked Council if Council had voted on this to accept this agreement. Mrs. Stinney stated Council did. Mrs. Scull added that Council knew that was part of the settlement at the time. Mrs. Stinney agreed that Council knew that was part of the settlement and she agrees that perhaps Council was asleep at the table when it stated current members because if Council was not sleeping at the table, then this resolution would not be before Council this evening. Mr. Cartier begged to differ because he wasn't asleep at the table and remembers asking about Lieutenant Bogdanowicz being a part of that settlement and he was not a Lieutenant when the cars were taken away. Mrs. Stinney corrected herself and took out the word, we and stated some. Mr. Inge commented that as he stated at the last meeting, the bigger issue is that the Chief should have a vehicle to take home. The Chief is on call 24 hours a day. Mr. Inge suggested creating an ordinance allowing the Chief to bring a vehicle home because it is very important for the Chief to be able to come to the Township at all hours. Mr. Inge informed that Cookstown Chief has a Police vehicle that he drives home and keeps at home and even takes his daughter to St. Ann's in his Police vehicle before he goes to work. Cookstown is a very, very small Township. Mr. Inge suggested to look at that; as large as this Township is the problems that occur late at night and in different parts of the community where the Chief would have to go and speak on the Township's behalf, the most appropriate thing is to make sure the Chief has a Township vehicle that he can utilize all of the time. Mrs. Scull commented that is a good point and asked Mr. Bayer if Council can make an ordinance like that or if that is out of Council's realm. Mrs. Stinney stated not to take kids to school. Mrs. Scull added that she has disagreed with that too and agrees that the Chief should have a vehicle. The Chief comes to the Township if there is a murder or fatal accident in the middle of the night; she knows the Chief comes back in to town. Mr. Bayer commented that is really not a legislative.....Mrs. Scull interrupted that she didn't think so and commented to the Mayor that Council is trying. Mayor Patriarca stated he can disagree. Mrs. Scull commented they are allowed to

disagree. Mr. Cartier informed most of his concerns were addressed but asked where the money would come from as it was not budgeted for. Mrs. Stinney advised those would be some of the questions that Council would ask before this resolution goes on. Mr. Cartier again asked where the money would come from. Mr. Prickett replied it is very possible that the money can come from the same line where the money was used to satisfy the other resolution. There was not a specific amount in there for that one instance. Mr. Vaz asked Mrs. Eden if those settlements were charged against litigation. Mrs. Scull replied it was in the salary line items. Mr. Cartier asked approximately how much money is Council talking about. Mayor Patriarca replied that is Council's decision and the answer is zero if he is being asked. Mrs. Scull asked how many months. Mr. Vaz replied ten months. The Mayor continued that for the record and to keep it clear, he was zero from day one on all of the settlements with the Police vehicles. Mr. Cartier informed that he understands that but based on what Council has been presented with this evening, he again asked how much money is being talked about. The Mayor reiterated that is up to Council and Council has to decide what they want to base it on. Mr. Cartier remarked that it is based on what the award was to the SOA. Mayor Patriarca stated to take ten months into the settlement of \$5,000. Mrs. Eden informed it is \$600 per month. Mr. Cartier then asked if knowing that, are there funds available to pay that. Mayor Patriarca suggested to Mrs. Eden that she check her numbers. Mrs. Eden apologized and stated it is \$416.67 per month. Mr. Vaz informed it is from January to October 2007. Mr. Cartier again asked with that being known, are there funds available to pay that amount. Mrs. Eden confirmed the correct year and informed there is still money encumbered for the Lieutenant's retro pay in 2007 that hasn't been liquidated. Mr. Vaz noted that may happen now if the ordinance is adopted tonight. Mr. Prickett asked if it is the Solicitor's opinion that Council can do this out of fairness without any.....Mr. Bayer interjected it is a policy question about the fairness part and the legal part is the question of why wasn't the Chief included as part of the agreement as part of this and it seems that was just a matter of contract. There was a settlement agreement reached between the SOA and the town. If there are other legal mechanisms to pay additional monies to the Chief for whatever basis Council would like to call it, that is more of a CFO question. Council is not legally precluded from doing so and from a litigation perspective as far as he knows, there has been no claim made against the Township so the Township is not settling a claim. Mr. Bayer expressed Council would in essence be giving somebody a bonus or compensation for something in Council's view should have been included for a prior year. How that is fit in to the budgeting process, he would leave to Mr. Vaz and Mrs. Eden and not him. Mr. Inge expressed that he would rather see the Chief receive a vehicle and that is something that is very important for his job. The Chief has to come in and God forbid something happens to him in his personal car if he has to come in for any reason. Mr. Inge noted the Chief does a service for the Township and coming back and forth to the Township everyone knows if there is any crisis in the Township, the Chief has to be notified. It doesn't necessarily have to do with a crime but if there is a fire and someone dies in a fire, the Chief has to be here for that. Mrs. Stinney agreed with Mr. Inge and Mrs. Scull. She has spoken about the car over and over and has seen many towns with a Police Chief issued a car. Mrs. Stinney noted the Chief is on duty 24/7 for many of the similar statements made by Mr. Inge and Mrs. Scull because the Chief is responsible for whatever goes on. Mrs. Stinney suggested looking at this a little further, gathering information and bring this back later. Mrs. Stinney stated she would be inclined to support this. Mr. Prickett noted if this will be brought back, he will add his thoughts at that time. Mrs. Stinney wanted to respectfully respect those comments of other Council members and does not want a resolution set on the table and not give a study as Mr. Prickett often mentions that this is not the proper way to do things. Mrs. Stinney thanked Mr. Prickett for bringing this forward as some were asleep at the table. Mr. Prickett commented that he doubts he was asleep at the table.

b. Applications submitted for memberships, licenses, permits:

4. **Parade Permit Application (PUBLIC HEARING REQUIRED):**
Theodore Hussey: Block Party on Chippewa Trail, 2PM-6PM, 10/3/09. Permission also requested to block off traffic on Chippewa Trail between Pheasant Circle and Shore Circle. **Soroptimist International:** Candle Light Vigil, at Soroptimist Peace Garden at South Lakeshore Drive and Arethusa Avenue. 5:30PM-7PM, 10/2/09.

Mrs. Stinney conveyed Soroptimist International is a good group and opened the meeting to public comments. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

Motion by Prickett and Cartier to approve the Parade Permits for Soroptimist International and the Block Party on Chippewa Trail. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

GENERAL PUBLIC COMMENTS:

Chairwoman Stinney opened the meeting to general public comments. Those indicating a desire to be heard were: **Bob Cushmeyer:** 1. Mrs. Stinney commented how nice it was talking to him over the phone and welcomed him this evening. Mr. Cushmeyer spoke of the future of the Master Plan since it was adopted by the Planning Board. The next step is that it comes before the Council in the way of ordinances that get written to adopt the Master Plan. Mr. Cushmeyer has spoken with Mr. Vaz, Mrs. Stinney and Mr. McCabe from the Planning Office, and he has received some varied answers. Mr. Cushmeyer asked what the next step is. It is his understanding that the zoning code gets rewritten and asked if it is the entire code or just specific items and what kind of timeframe can this be accomplished. Mrs. Stinney deferred to the Mayor. Mayor Patriarca informed the Planner is working on the zoning changes that are recommended in the Master Plan and it's geared toward those recommendations and not all the zoning changes. The Mayor estimated there are approximately 16 changes that are being worked on, and we are hoping to have it soon but he does not have a date. Mr. Cushmeyer then asked about the financing and noted the original Master Plan was done under \$110,000 contract but assumed that has expired and asked if there is a new appropriation for the Planner or is he just doing it as the normal planning function of the town. Mayor Patriarca advised Administration has a proposal from the Planner that was received about one week ago and Administration is looking at where to charge at this point and whether it would be the Planning Budget. Mr. Cushmeyer asked if that needed to be approved first before he goes ahead and rewrites it. The Mayor answered yes. Mr. Cushmeyer confirmed the next step will be to appropriate the money to that. Mr. Bayer commented unless he is willing to work for free. **Bill Doherty:** 1. Acknowledged Council President, Council, the Mayor, the Business Administrator and anyone else he may have offended at the August 5th meeting. Mr. Doherty expressed that he did not come to the August 5th meeting to argue with or offend the Council, Mayor or Administrator. He has always come to support the first responders be it Fire, Rescue or Police and will continue to do that anytime an issue comes up with any of the first responders. At the August 5th meeting, Mr. Doherty came with a question on salaries for the Police personnel and questioned why the Chief was not included in the salary structure to increase his salary on the same scale. He did not come forward to oppose Ordinance No. 18-2009 which Council voted on tonight. Mr. Doherty reminded that the Mayor made his comments stating he was very disappointed with Council for not approving the ordinance for which he totally agreed with him. Mr. Doherty reminded that he thought as well as a lot of other people that Chief Lewandowski should have been included in the salary scale. Mr. Doherty thanked Council for voting on the ordinance tonight and congratulated them for supporting

the increases to the Police Department. Mrs. Stinney thanked Mr. Doherty for his comments and noted it is commendable for him to stand before Council and read his statement and she appreciates that. She noted that not very often does Council get that and she often says it always about a negative and asked about the positive things. Council does know how Mr. Doherty came forward and represented and also noted the time he gave during the budget process. **Ray Wells:** 1. Mr. Wells responded to the Mayor's request from a prior meeting requesting an OPRA be done to the schools. Mr. Wells advised the request cannot be done on a youth and the people in question are all under age and they are prohibited from doing the request. Mayor Patriarca clarified that he did not suggest an OPRA on any student but to instead ask for the simple information on the number of students coming from Fort Dix in to North Hanover. The Mayor commented he would have to challenge that with the school board of North Hanover if they refused that as it does not sound reasonable. Mr. Vaz conveyed to not request student records or student information as that is clearly exempt from the OPRA. Mr. Wells stated he is requesting addresses of residents. Mr. Cartier interjected residencies of population.....The Mayor interjected that he doesn't need the address but just needs the territory on base and where they are coming from and that would be Fort Dix. Mr. Wells relayed that informally he was informed that they were not able to do it but he will specifically ask their attorney and suggested Mr. Bayer shed some light on it. Mr. Wells informed he will ask this tomorrow night at a regular meeting. Mrs. Stinney noted she doesn't like to break up the meeting from out of order from the agenda to go back and forth with dialogue but she encouraged Mr. Wells to pick up the phone as the Mayor is always available. 2. Mr. Wells asked if a letter was sent in regards to recycling. Mrs. Stinney replied that she requested to sit down with the County, and the County never called the Assistant Clerk back. Mayor Patriarca added that our Business Administrator also emailed Pat Austin and is awaiting a response. Mr. Vaz noted it was a casual Business Administrator to Business Administrator request, and he has not heard back from her. Mr. Wells clarified that the schools do recycle and they have contracts with individuals and use it as a teaching agent as well. 3. Mr. Wells remarked that the school board is now one with the Borough and the Township, and they have been told to have a reorganization to include the newly appointed member to the board. Mr. Wells conveyed that they are not really sure if they are a school board with a president, vice president and so on because the State informed them that they will reorganize at their next meeting. There are some questions in all of their minds but it is their understanding that tomorrow night a new school board member of the Borough has been appointed by the Mayor and will be initiated in to the school board meeting. They may wait until the next meeting because the way the letter was written, there may not be a president at the moment. Mrs. Stinney asked if the representative will be former school board member John Alt. Mr. Wells replied yes and he comes with experience from both the Borough and Township boards. 4. Mr. Wells spoke in regards to the first responders and in particular the firemen. When he asked Mr. Vaz about the insurance for firemen, he was informed that the firemen are covered. Mr. Wells advised that he is a volunteer fireman in the Borough and doesn't answer the fire calls unless his walls are warm. The Boro had a fireman that was killed on the way to a fire named, Ray Roof. It was at the 7-Eleven at Hanover and Westhampton Street which is now a Dunkin Donuts. Ray was following a Township Policeman on the same call, serving the same people, on the same day and was within 3 seconds behind the Policeman. A US Postal truck ran the red light and ran in to Ray Roof's car killing him. Mr. Wells stated at that time there was a variance in the coverage for that individual fireman. Paid firemen and paid Police are almost always on parity. Ray didn't get the same as that Policeman had their trucks been 2.5 or 3 seconds earlier and killed the Policeman. Mr. Wells stated one of the ways to keep volunteer firemen volunteering is to give them that kind of protection. Mr. Wells requested Administration look in to giving parity on insurance to the volunteer firemen with the understanding that they have a very dangerous life. Mr. Wells suggested the person with the gun is much more

vulnerable and exposed, but the facts are almost the opposite. For every policeman killed in the United States each year, there are seven firemen, on average. The perfect example would be the 9/11 call. Exactly that ratio of firemen to police were killed. The difference is the firemen were going up the steps. As a Council, Mr. Wells asked them to please help them keep volunteers by giving them the same coverage that the Policemen serving the same public from the same town would get. 5. Part of the action tonight was with Chiefs and that's changing hands and changing venues. Mr. Wells informed he was on the Zoning Board of Adjustments and also participated in a Master Plan many years ago where go-go bars and that type of things were sought out that would be in out of public areas and that was the area selected. It is undesirable and Mr. Wells conveyed that by law they cannot be excluded and asked where it would go now if someone comes in and wants a similar place. Mr. Wells asked if that is an unintended consequence, what happens if someone else comes in to town and wants to do the same thing or have something that would be less desirable. Mr. Wells stated he was in a place, it is very extended, there is no housing around and there is only one man that lives directly across the street. The noise and all of the other things that are undesirable were not exposed to schools or houses. Mr. Wells then spoke of the vacant Acme and asked if the owner decided to rent to a similar operation if that is what the Township really intends. Mr. Wells commented that he probably doubted it. He did not know if the new Master Plan permits or has a place for it and if not, we have to prove why they can't come in rather than say we do not have a place for them. **America Phillips:** 1. Congratulated the new Fire Chief. 2. Heard some good things and some not so good things tonight. Commented on bar closings. She lives in Pemberton Township. She knows where the people go because a worker told her. Mrs. Phillips goes by there because she works every place. Expressed hope that there will be something better for our Township. 3. Spoke of Mr. Well's comments regarding the fire department and the fire fighters. She is one of them and was told by the Township that they have insurance. Mrs. Phillips stated the state clerk told her she is not covered for anything; she is not a paid fire fighter so she doesn't get anything. Mrs. Phillips expressed hope that in the future the volunteer fire fighters will be covered and provide help in case something happens to them. It is true between a fire fighter and police officer. When they leave the house, they do not know if they are coming back. When she was in the fire field and responding to a fire, she did not know if she was coming back; she just said good night and good bye. Mrs. Phillips conveyed that we owe every single volunteer fire fighter who is fighting to protect us. Mrs. Phillips expressed the Council made a good decision tonight. 4. Mrs. Phillips thanked Mr. Inge for bringing it to the floor. Our Police Chief is the man who protects us while we are sleeping. In case of an emergency, if our Police Chief can't get here we will look bad. Mrs. Phillips suggested to keep in mind to have a vehicle for the Police Chief whoever it may be so he can perform his duties. Without his right tools, he cannot perform his duties. 5. Thinks everyone should work together to help each other. Noted the number of fire department personnel in the audience after the Fire Chief's oath was given. Remarked that a lot of times when they come to a meeting and ask questions, they don't get any answers. The people feel like they are wasting their time. When there is a meeting, everything should be ready on the table and not tell people that you have to think about it and let them know next week or the next meeting. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Andrew Bayer: 1. Had nothing to report in public session.

ENGINEER'S REPORT:

Chris Rehmann: 1. Mrs. Stinney welcomed Mr. Rehmann back; he was certainly missed, hopes things are well and it was nice to see him this evening. Mr.

Rehmann thanked Mrs. Stinney. Reported to Mr. Cartier that ARH has made several phone calls to the Department of Environmental Protection about the final decision on the hydraulic report for the Country Lakes' dam, and it is very frustrating at this point. Mr. Rehmann informed the DEP's comment was that due to their vacation schedules, we have not received the information. ARH resubmitted the information, and the DEP has had it for two months now. ARH is pressing the DEP and will continue to do so on this issue. **2.** Complimented the Public Works department who took the initiative to install the storm sewer on Springfield Road. Public Works has completed that job and done an excellent job saving both the Township budget and the taxpayers. **3.** The Township is now working on getting the materials to complete the middle embankment project for Presidential Lakes so that we can go forward with that. Once that is done, we can look forward to putting that lake back in order. **4.** The water main projects at Crescent and Iris have received Pineland's approval and are now before the Bureau of Safe Drinking Water for final permits. Expressed hope that bids can be received in the month of September. **5.** The Road Project contractor has got all of his contracts together and will move forward so that work can get done while there is decent weather. Mr. Prickett asked if the Springfield Road project is complete and if all of the drainage that needs to be installed has been installed or are there sections that still need installation. Mr. Rehmann answered there was no drainage work in the plans that the former engineer put together. The drainage problem was found because the pipe was crushed which has been replaced. The next step will be to go in and repave the roadway. The contractor, because we took a little bit of time to get the storm water problem resolved, has asked for a little time. The contractor took his crew to another project obviously, and we are anticipating his return in early September. Mr. Prickett then asked if there are any trees or anything that need to be removed from that area or any driveways. Mr. Rehmann replied there are some trees to be removed but he can't say specifically which ones. There will also be some driveway repairs as they are tied in to the new pavement section. Mr. Prickett spoke of the embankment in Presidential Lakes. Mr. Prickett expressed concern with any safety issues and does not know how it will be done but does know how sandy the embankments are and how heavy equipment is. Was hoping some safety conferences could take place prior to the work beginning or if there will be a safety officer at the scene to make sure things are done in a safe manner. Mr. Rehmann responded that ARH will speak with the Public Works personnel regarding their methods used. Public Works has already discussed some of this with Mr. Ingram, ARH's Project Engineer and there will also be an ARH Inspector on site. Mr. Rehmann added that ARH will check to ensure it is being done in a safe manner. Mr. Prickett noted safety savvy and thanked Mr. Rehmann. Mr. Cartier thanked Mr. Rehmann for his diligence when it comes to concerns with the dams in Country Lakes. **6.** A question was raised at the last meeting as to whether there was a cloud over Pemberton Township due to the inclusion of ARH in an article in the Burlington County Times regarding the city of Hoboken. Mr. Rehmann assured Council, the Mayor, professional staff and most importantly the residents of Pemberton Township that there is no conflict and there is no problem. ARH has not been involved in Hoboken. Mr. Rehmann advised the second article in the Burlington County Times that came out verified that fact. Mr. Rehmann remarked that he worked very hard to gain the trust of each member of Council, and it is important to him that Council can get answers from the Township Engineer that they trust. Unfortunately there are newspapers and not necessarily the Burlington County Times and he doesn't want to disparage them because they did come out with a second article that showed ARH had no contracts with Hoboken and never had any contracts with Hoboken. Mr. Rehmann added that ARH has not been turned down for a contract with Hoboken because ARH has never made any submissions to Hoboken. The problem is when taking 44 people that have been indicted and not all of them elected officials and looking at the 560 municipalities, the number of Township Committee people involved, the number of Planning Board members, Board of Adjustment members, Environmental

Commission members and School Board members, he would guess that is less than one tenth of a percent of the people who serve these municipalities. While it is an insult to any of them that anyone would take a bribe or sell their office in any fashion, when there are approximately 10,000 people that are involved in government, there are still a lot of people who do an excellent job. Mr. Rehmann wanted to reassure Council as well as the public and taxpayers that there is no problem as far as Pemberton Township is concerned or any of the 17 towns that ARH is involved with. Mrs. Stinney thanked Mr. Rehmann for expressing his concerns in regards to the comments that were made. Mrs. Stinney stated that Mr. Rehmann/ARH certainly does represent Pemberton Township in a very fine way and she has heard from many, many people that he has taken time out of his busy schedule and hears that sometimes he does get paid for it and sometimes he does not; but taking the time out for the residents of this Township and to answer and get the answers to their questions, to keep them informed, she is grateful that she had a part to say yes to have him as the person to represent Pemberton Township. Mrs. Stinney commented that she is humbly grateful for that and thanked Mr. Rehmann for expressing and addressing those comments to the public and tax payers of Pemberton Township. Mr. Inge advised he received an email from a resident of Whitesbog Road who had contacted ARH in June and there was no progress made on Whitesbog Road. The resident conveyed that it was indicated to them that there was not an application filed with Pinelands at that time. Mr. Rehmann responded that is correct because ARH had just received the authorization to go forward. The design was probably 75% done at the time and there was an issue that needed to be resolved which was where the storm water would be recharged because Mr. Inge and Mr. Prickett rightfully so gave ARH the task to design the road at a certain maximum price and that is what they are attempting to do. Mr. Rehmann conveyed he anticipates having this project before the Pinelands in the month of September with the hope to have it out to bid toward the end of October. There is a piece of Township property that is adjacent to Whitesbog Road that is not large enough to be a regular lot but that we will use as a retention basin or recharge basin for the roadway. This will substantially reduce the amount of costs for the project because the only other option would be to build perforated pipe along the roadway to take the storm water and that does get expensive. Mr. Inge asked Mr. Rehmann to forward that information to him in an email, and he will forward that to the resident. Mr. Rehmann agreed. Mr. Inge commented that Council just passed a Resolution for Imagination Kingdom and this is going to be a playground site that will be built by volunteers of the Township. There will also be engineering work that is going to be needed on that project. Mr. Inge asked Mr. Rehmann if his firm would volunteer his time and services to the project. Mr. Rehmann responded that he is in the process of finding the scope of the work that they are going to do and he is sure ARH can provide the Township with a donation of services and before anything goes further, Council will receive a proposal and he will outline that in the proposal. Mr. Rehmann added if people volunteer then there is also time for professionals to step up. Mrs. Stinney noted there is a young lady present that she welcomed back to the Council meeting who brought to Council's attention about seven or eight months ago the West Lakeshore and Evergreen Boulevard situation. Mrs. Stinney was in contact with her via email and telephone and also through her husband and it contests to what she just said about how Mr. Rehmann answers, does the research, how he addresses the residents of the Township by showing he did so much work to get the Evergreen Boulevard and West Lakeshore section cleared out. Mrs. Stinney explained the county came out first and stated it wasn't their problem and then it was the Township's problem but Mr. Rehmann stood up for Pemberton Township and the county came out. She saw their trucks out there and the trees coming down and it was the county. Mrs. Stinney wanted to share that example of what a fine organization we have through Mr. Rehmann. Mr. Rehmann added that he is not quite satisfied with the final result and ARH is trying to have some fences moved

and some other items that they think will improve and that will take a little longer to negotiate that but they have not forgotten it.

MAYOR'S REPORT:

David Patriarca: 1. Mayor Patriarca spoke of a recent meeting with the Base Commander, Colonel Grasso, and Superintendent of Schools, Dr. Gorham. The meeting took place informally to discuss the issue of the students and where and why they are going there. Mayor Patriarca and Dr. Gorham were both surprised that Colonel Grasso didn't seem to recognize the fact that this was an issue still. The Mayor continued that once it was explained to the Colonel that legislation decided this years ago and it has yet to be changed, she expressed her opinion that if that is the law, that's it and that's where the students go. The Colonel suggested we come up with an agreement of understanding that we follow that law between the two school districts and the base. Mayor Patriarca expressed hope that the superintendent is pursuing that with the Colonel and the superintendent from North Hanover. The Mayor recently heard from a resident whose family member works at North Hanover and apparently the superintendent there is still saying that students are all coming to their school and they have been to Washington and whatever. The Mayor suggested they haven't been to New Jersey because that is where the law is. The meeting went well and the Colonel was shown a nice video prepared by the school district on our schools and the things that we offer. It was very enlightening to her, and we do have support at this time from the megabase commander on this issue whereas the last commander at McGuire might have felt differently. 2. The middle embankment at Presidential Lakes is under way. The work has been going on for about one week now. The chart is in the conference room and it outlines the work being done and as it gets completed it is highlighted. The Mayor noted it needs to be updated in a couple of days. They are on schedule and the Mayor was out there before tonight's meeting and they have taken the asphalt spillway that was on the far end of the middle embankment which was relieving some of the pressure off the upper lake and removed it and are filling that in and have filled it in to the point where it is holding back and sending the water over in to the pipes and the original spillway. They will be finishing closing that off and working their way back across to the Village Store. They are on schedule and the project looks good and the guys seem to have a good handle on it. 3. The Country Lakes Clubhouse is the Recreation Department's office. The building is going through some of the capital improvements from previous capital projects. It is three quarters of the way sided, all new windows have been installed, the doors are on order and that is what is holding up the rest of the siding and should be here in about one week, the inside is being completed, the bathrooms are being updated to handicap accessible bathrooms, one bathroom is being converted in to two bathrooms and that building should be done hopefully within the next two weeks and will hopefully be something we can present to the public as something we are proud of as opposed to what it once stood as. 4. The Mayor commented that he did not want to imply that Mr. Prickett came up with the idea for the parking problems at Imagination Kingdom because he has mentioned many times that Mr. Balas has come to him. Mayor Patriarca continued that he knows Mr. Balas has also come to the microphone at Council meetings pleading for something to do with the parking lot. It was the telephone poles that the Mayor has a problem with; he would like to come up with something a little classier as we are doing maybe the largest community built facility park in the country and he doesn't want to just slap some used telephone poles or even new ones as far as that goes on the ground there to divide cars. The Mayor expressed that Administration will look in to that and will come up with a parking plan and will come up with the aesthetics at a reasonable cost to divide that and outline the parking area. That is something that will come later in the process of the project. The committee has worked hard on this project from day one. There were times when it dwindled down to a few people and at one time Administration wondered if anyone was coming and he had to make a few calls to people who happened to be pulling in the driveway. It has

been an active committee and has gotten to the final points. The gazebo has been an issue and Administration is aware of it and is very concerned about and plans to put a gazebo in the project. The \$250,000 budget is what Administration is trying to stay in and it reflects what was approved by Council. Mayor Patriarca noted the \$250,000 that Council approved was intended to be bonded but in all reality it would have probably ended up being \$300,000 or \$325,000 by the time it was paid off. That doesn't mean they were looking to spend that type of money. There is up to \$445,000 to spend at a no interest loan and they clearly don't intend to spend that kind of money on this project. To give a number and state this is what will be spent, until they know what certain things come in as, the stone will be easy enough to figure out and the pour and play will be a bid, they can surmise based on what the going prices are and what the square footage is, but they will not know until it actually goes out to bid. If it doesn't fit in the budget, then adjustments will be made. Administration's clear intention is to make it as close to the \$250,000 as they can keep it so that they can turn around and say look what the town was able to do. It was originally approved and then they went out and got fifty cents on the dollar and no interest on it. That is the goal and the Mayor is hoping to achieve that goal.

5. Mayor Patriarca asked Mr. Vaz if he had any comments on Whitesbog Road. Mr. Vaz mentioned to Mr. Inge that he may have received the same email in regards to Whitesbog Road. Mr. Vaz conveyed that Mrs. Willis addressed the items and he forwarded the response. Mr. Vaz will email the information to Mr. Inge. Mr. Prickett expressed he had some concerns at the last meeting regarding the Township's checkbook which is formally known as the general ledger. The general ledger was again this year by Bowman and Company sited or found to be not kept up. Mr. Prickett appreciates that the Mayor attempted to address that in the Community News as a guest columnist; external auditing keeps things honest. Mr. Prickett noted some things need to be clarified in the article the Mayor wrote. The first is, "I successfully proposed to the Township Council in January that Pemberton should replace its long time auditor with a new audit firm" and "Who adds another pair of fresh eyes to our accountability team". Mr. Prickett advised that Bowman actually is not a new audit firm. Frenia replaced Bowman in 2002 and Mr. Prickett conveyed he has the audits from Bowman for 2001 and 2002 and read the findings, "Finding #2001-2 Condition, the general ledger was not maintained during 2001". The audit for 2002, "Finding 2001-2, the general audit was not maintained in 2001". Mr. Prickett noted it says the same thing and in any case there are two years that Bowman found that the Township wasn't maintaining a ledger. Frenia in the following years stated the same thing for most of the years except for the year before last. Mr. Prickett conveyed the last year's audit the ledger was maintained or at least it wasn't commented that it was deficient. Mr. Prickett informed he brought this out because he has talked about this for years that he thinks it should be a priority in the town to maintain the general ledger and get this on track. Ten years, nine years, eight years or whatever it has been is too long of a period of time to not satisfy whatever the accounting law is and he didn't have it before him at the moment. Mr. Prickett expressed that the Mayor might agree with him or maybe not but in any case Bowman and Company is not a new auditor as they are auditors that the Township has had in the past. Mr. Prickett stated he is not sure it is the auditors who are responsible to maintain the ledger and he thinks it is the Township and it has to be done under the leadership of the Mayor. Mr. Prickett appreciates having the opportunity to express that. Mayor Patriarca agreed that Mr. Prickett is absolutely correct that it is the total responsibility of the Mayor as in all operations of the Township but as he explained there were some conditions that brought it to light last year that involved some time off from an individual and it got behind. The Mayor noted the "fresh eyes" portion of the article had to do with bringing the Judge in to that department. The new auditor was referred to as a new auditor but not a new auditor as if he was never here before but rather a new auditor from the one that was here during his Administration from when he took over and had the two years with the auditor that was in place. The Mayor wanted a set of fresh eyes so that

now he can get a better look and see what these findings were such as in 2002 when he wasn't here. Mayor Patriarca asked Mr. Prickett if he was here in 2002. Mr. Prickett responded that is the year he came in and that was the audit that was presented to the Council and his comments on that are on record as he has spoken about this numerous times publicly. The Mayor wanted to bring someone in and it is recommended in the business to change up auditors. It should be done more often and suggested every four years or five years and the state recommends six years. Mr. Prickett stated he does not have a problem with that. Mayor Patriarca noted that six years may be too long. The Mayor continued that we need to know where our problems are and we tend to get complacent in positions and that's where his concern was with what was going on and his dealings with the previous auditor and he wanted to get a fresh look at this issue. The Mayor remarked that Administration has since taken some steps and will continue to take steps to keep the ledger up to date and reconciled regularly and hope that this won't happen again. Mayor Patriarca informed his goal is that the next audit reflects that. Mr. Prickett stated he hopes so and thanked the Mayor. Mr. Vaz commented that the article Mr. Prickett is referring to in the Community News was actually submitted before the last Council meeting. The Community News was trying to get them on a weekly tract and they didn't have space on one Friday or Thursday so it was put off until last Thursday's edition. It was not a response to the last Council meeting and was actually submitted prior. Mayor Patriarca advised that he actually suspected Mr. Prickett had something to do with that and he wasn't sure and thought maybe Mr. Prickett was pulling that so he could bring it up at the meeting but then he blew it off. Mr. Prickett asked the Mayor what he thought he had something to do with. The Mayor clarified that it had to do with pulling his article the week he submitted it because Mr. Prickett wanted to get him at a Council meeting. Mr. Prickett stated that he doesn't understand. The Mayor noted the paper didn't have time to put it in and then mysteriously.....Mr. Prickett asked the Mayor if he is saying that he has connections with the newspaper.....The Mayor replied he didn't know.....Mr. Prickett interjected and stated the Mayor doesn't see his articles in the newspaper.....The Mayor commented that the paper moved to Medford.....Mr. Prickett replied he didn't know.....The Mayor continued that Medford is Mr. Prickett's old stomping ground and he didn't know and it might be his suspicious nature.....Mr. Prickett suggested sending his articles through the Mayor and the Mayor could get them in the paper. The Mayor replied they don't get in right away.

COUNCIL MEMBER'S COMMENTS:

Richard Prickett: 1. Hopes everyone is drinking a lot of water and staying hydrated with the heat and humidity. If anyone feels nauseous or has any headaches that could be the reason why it is happening. 2. If there are any funny noises in the trees, it doesn't mean you are hallucinating but it is actually the cicadas that he found as he was walking in the door. Usually the exoskeleton has shed but this one probably flew in to the window or something. Mrs. Stinney asked Mr. Prickett if her grandson could have it. Mr. Prickett replied yes her grandson could have it and he actually collected it to show the public as well as for Whitesbog with the restored Cranberry substation there where they did a lot of entomology work. Mrs. Stinney noted her grandson loves bugs. 3. Asked the public to drink a lot of water and looks forward to seeing everyone in September when the kids go back to school.

Sherry Scull: 1. Knows there is a death benefit for fireman but asked if there is any other type of firemen insurance provided by the Township. The Mayor responded they are covered when they are on the scene. Mrs. Scull asked if it's a workers comp type of situation. Mr. Vaz replied yes, they receive the same workers compensation benefit as any employee does. Mr. Vaz noted he may have misunderstood Mr. Wells when they had that discussion but obviously the Police

Officers are paid employees and are in the pension system. There are benefits that one, especially Police Officers, would receive in a situation like that. The disparity in the benefit could have related to that fact. From a pure workers compensation perspective, it is the identical process and the identical benefits and same rights as any Police Officer has that the firemen would also have. The only other insurance that is offered to the fire company is there is a supplemental insurance so that if they are injured while performing their fire fighter duties and wind up being out of work, there is a supplemental insurance that will pay the difference between the 70% that workers comp pays and the 100% of their salary. Council authorized that through the budget process and all of the fire companies and EMS organizations are entitled to that. Mrs. Scull conveyed that she was surprised when her father-in-law passed away last April and found out that he was a life long member of the Fire Company that there was a \$1,000 life insurance policy that they are entitled to from when they were firemen. Mrs. Scull advised that she knew there was something out there and wanted to clarify for everybody exactly what it is. Mr. Vaz added there are other members that most volunteer firemen might be entitled to and it is called the Relief Association that provides benefits and it's a death benefit but it's also if any of the firemen are in trouble. Mr. Vaz mentioned his fire company recently did this for a fireman who was in some dire financial straights and they wrote out a substantial check to the relief association. Mr. Vaz noted there are other types of benefits that the firemen get. Mrs. Scull noted it's a shame Andre left and she is proud of Craig because he does a heck of a good job in the community. Mrs. Scull thanked Mr. Cartier for stepping up when she was in South Carolina so this could get done. Mrs. Scull expressed that she is really proud of Andre and wanted to say here are two Pemberton graduates who have stayed in the community and benefit not only the community but the state as well and their jobs. The Mayor did a great job of introducing them forgot to mention that Andre volunteers a lot with the senior citizens and they would be upset with her if she was remiss and didn't mention that. Mrs. Scull is very pleased with the selection and thinks Craig and Andre will work together well and represent our community well. 2. Welcomed Mr. Rehmann back. Commented that she is always amazed when at a Council meeting and she has sat in on a lot of Township meetings for the last 30 years and can't ever recall engineers who talked a lot about saving money, on top of the grants and getting the Township grants the way ARH does, taking their own time to go out to the community groups and she wants Mr. Rehmann to know that she really appreciates his efforts and the efforts of his entire company on behalf of Pemberton Township. Mrs. Scull conveyed the Township definitely gets their bang for their buck with ARH and the residents' tax dollars are well spent because they know ARH is constantly looking at ways to save the money. Another engineer might have said they don't really care about Whitesbog Road, there's an opportunity to make more money here and not even looked at the possibility that we own that property and that it could save our tax payers money and bring that road in at a lower rate. Mrs. Scull reiterated that she does appreciate Mr. Rehmann's efforts on the Township's behalf. 3. Expressed to Mr. Doherty that she was not offended by his comments last month and she is glad he came up to the microphone because she knows the Chief of Police is not part of that negotiating unit and the Lieutenants have their own organization. A lot of times we tend to forget that the community doesn't all know that and anytime anyone comes forward and gives Council an opportunity to get the correct information out there, it's an asset to the community. As someone who sat in the audience and asked questions for a lot of years, she definitely appreciates the residents that come forward and bring up issues. As many say tonight, quite often Council gets hit with a 3-2 or whatever and it's not and several of Council disagree regarding the Chief of Police having a car. However, Council is not Administration. The Mayor knows that but she doesn't belittle him, berate him or harass him about that every meeting but when she gets in the office every so often she might comment about it. We should all work together and do so in a respectful way. We are not here to all agree all of the time; we should be able to disagree and look out for what we think

is best for our citizens. Mrs. Scull thanked Mr. Doherty for coming and reiterated that she does appreciate all of the residents who come out. **4.** Mrs. Scull had a meeting last Wednesday with the superintendent who showed her a letter that was sent to all 3 superintendents involved with Fort Dix, Northern Burlington, North Hanover and Pemberton, instructing the superintendents that they were only to register students who lived in their geographic area. Mrs. Scull does not know of any geographic area on Fort Dix that is not Pemberton. They rebuilt the houses over by Grove Park which was the area by the hospital and none of those students were attending Fort Dix Elementary School and that is Fort Dix property. It is possible and they were being told that they were all families that were moved from McGuire and had been in North Hanover Schools. The OPRA request could be used so we could find out how many of their students at which grade levels live on Fort Dix property. Not necessarily their addresses but when they registered in North Hanover schools. All of that is public record. Mrs. Scull is hopeful that now that the county superintendent has instructed all of the superintendents to only enroll their own students, that we will see an increase. She was told today they are opening two more classes at Fort Dix and it was very discouraging in June when we closed two classes at Fort Dix and transferred staff members out before the counts were not going up. Apparently that has started to turn around. Mrs. Scull knows the superintendent informed her that he has had calls from parents of students at North Hanover and Northern Burlington who would like their students at Pemberton High School because we offer academic placement courses that are not offered at Northern Burlington. For years, Pemberton has had a cloud over its head that our schools aren't that great but those of us who have been here and have gone through those schools, know that Andre McClain, Craig Augustoni, Mr. Wells, Mr. and Mrs. Jenkins and a lot of our students have gone on and done well. There is nothing to be ashamed of. There were some problems with the middle school and it's definitely on the right track. Mrs. Scull noted that several Police Officers are Pemberton guys and girls and have done a great job. **5.** Robert Reeves of New Lisbon and his granddaughter have written a book about the history of New Lisbon. It is very well done and has some very interesting photos. If you have nothing to do, stop by the Train Station and pick up some summer reading as it is a good local history book. **6.** Thanked everyone for coming out.

Tom Inge: **1.** Thanked everyone for coming out this evening and wished everyone a safe trip home.

Ken Cartier: **1.** Noted that it is football season and practice has started but he does not see any goal posts. The Mayor advised the goal posts have been ordered according to the developer and are scheduled to be delivered to Public Works. That did come up during his meeting with Public Works. Another issue at the field is the Concession Stand. The permits were ready on Friday to be picked up and he does not know if they were picked up. The Mayor will call tomorrow to find out what is holding up the goal posts. **2.** Thanked everyone for coming out and wished them a safe trip home.

Diane Stinney: **1.** Stated her comments tonight are comments of thanks. Mrs. Stinney thanked the Mayor and congratulated him for representing the residents of Pemberton Township for many years before taking office as the Mayor and Council were not at the table and were left out of a lot of things and basically sees that he is almost trying to play the catch up game by diligently attending meeting after meeting and long hours of dedicated time at the municipal building. Mrs. Stinney commented she attended the Presidential Lakes Parade with her grandchildren and her grandson seems to think the Mayor is the President. He puts the Mayor on that type of pedestal and it's great that children see officials in that fashion. That's a good thing. Mrs. Stinney needed to tell the Mayor something who happened to be behind her, her husband and their two grandchildren leaving Presidential Lakes and when she mentioned she was going to speak to the Mayor

and returned, her grandson stated he thought the Mayor was suppose to have a limo and a driver. The Mayor commented he took it away from himself. Mrs. Stinney conveyed that kids see officials in a different form. Mrs. Stinney gave kudos to the Mayor for being at the table with Fort Dix, being at the table with the superintendent, being at the table with the county and she comes in and they don't have a clue that she comes in and she goes at it with the Mayor on the telephone or they shut the door and they go to town. Mrs. Stinney noted that her husband stated she and the Mayor are the only ones he knows that can go at it like they do and the next day she can pick the phone up and say, hey Mayor. The Mayor even got so now that he doesn't have to answer her cell phone. Her joke to him is that she found his cell phone so come on and answer it. Mrs. Stinney again thanked the Mayor for being at the table and not on the menu for the residents of Pemberton Township. Mrs. Stinney expressed thanks to Mr. Vaz that she has never seen a Business Administrator so dedicated to the residents of this Township as he has shown. She has seen Business Administrators come and in six months they are gone. She has seen Business Administrators stay for a couple of years and out of that, they were fired. Mrs. Stinney conveyed that she has never seen such a dedicated, researched, fact based Administrator in all of her days that are serving the residents of this Township and she would like to say thank you to the Mayor for his selection of Mr. Vaz. Stated to her fellow Council members that she is grateful and honored. They have had disagreements, talked about it over the years and she doesn't plan on going anywhere for the next couple of months and thanked all of Council for bringing the questions to the table and sometimes they say some things that maybe they shouldn't but they get through that too. Mrs. Stinney conveyed that this has been a good Council to serve as the President and she has never seen one of them walk out of a meeting and if they did disagree they ended the meeting and had whatever talks they needed to say. Mrs. Stinney remarked that Council has brought pride back to the Township and wherever she goes residents talk about it all of the time. Mrs. Stinney noted that Mr. Dancy and Mr. Louis have commented on the pride that they have seen in the past three years of this Council and how they represent Pemberton Township residents and she is grateful to be a part of it. Mrs. Stinney reiterated that she is grateful to be a part of this Council. It's not a party affiliation but it is a Council of representing the residents of this town. It's not a Council of I'm the smartest because I've been here the longest but it's a Council of research based, fact and knowledge that they bring and share with one another. 2. Wished everyone a good night and welcomed back Miss Forman.

Mrs. Stinney advised Council will be returning to Closed Session and there may be action taken upon their return. Mrs. Stinney recessed the meeting at approximately 9:49 pm and reconvened the meeting at approximately 10:23 pm.

Motion by Prickett and Scull to add Resolution No. 201-2009, a Resolution authorizing the Mayor and Township Clerk to execute a side letter agreement with the AFSCME Local 2783 stating the Township agrees thirty days is a reasonable filing deadline for arbitration. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 201-2009

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A SIDE LETTER AGREEMENT WITH AFSCME LOCAL 2783

WHEREAS, THE TOWNSHIP OF PEMBERTON ("THE TOWNSHIP") AND THE PEMBERTON TOWNSHIP EMPLOYEES UNION LOCAL 2783 AND DISTRICT COUNCIL 71 AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO ("THE UNION") ENTERED INTO A COLLECTIVE BARGAINING AGREEMENT ("THE AGREEMENT") COVERING THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2011;

WHEREAS, THE BINDING GRIEVANCE ARBITRATION PROCEDURE IS SET FORTH IN ARTICLE XVII OF THE AGREEMENT; WHEREAS, AFTER THE AGREEMENT WAS RATIFIED BY BOTH PARTIES THE TOWNSHIP AND UNION RECOGNIZED THAT THE ARBITRATION CLAUSE DOES NOT SPECIFY ANY DEADLINE IN WHICH AN EMPLOYEE MUST REQUEST ARBITRATION THROUGH THE PROCEDURES ESTABLISHED BY THE NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION;

WHEREAS, THE TOWNSHIP AND UNION MUTUALLY ACKNOWLEDGE THAT THE ABSENCE OF A LIMITATIONS PERIOD COULD CAUSE NEEDLESS, YET EXPENSIVE ARBITRATION OVER THE ISSUE OF TIMELINESS WHENEVER A GRIEVANCE IS TAKEN TO ARBITRATION;

WHEREAS, THE TOWNSHIP AND UNION AGREE THAT THIRTY (30) DAYS IS A REASONABLE FILING DEADLINE AND IS A STANDARD DEADLINE CONTAINED IN OTHER COLLECTIVE BARGAINING AGREEMENTS; AND

WHEREAS, THE BUSINESS ADMINISTRATOR RECOMMENDS THAT THE TOWNSHIP COUNCIL APPROVE THE ATTACHED SIDE LETTER AGREEMENT.

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

1. THAT THE MAYOR AND TOWNSHIP CLERK ARE AUTHORIZED TO EXECUTE THE SIDE LETTER AGREEMENT THAT IS ATTACHED HERETO.
2. THAT ALL OTHER WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT SHALL REMAIN IN FULL FORCE AND EFFECT, AND UNAFFECTED BY THE SIDE LETTER AGREEMENT, UNLESS MODIFIED IN A SUBSEQUENT WRITTEN AGREEMENT BY THE PARTIES.
3. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO AFSCME LOCAL 2783 AND TO THE MUNICIPAL COURT OFFICE.

Motion by Prickett and Scull to add Resolution No. 202-2009, a Resolution authorizing the Mayor and Township Clerk to execute a side letter agreement with the AFSCME Local 2783 which sets forth various job titles that are recognized as being represented by the union including the Labor and Mechanic's titles. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 202-2009

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A SIDE LETTER AGREEMENT WITH AFSCME LOCAL 2783

WHEREAS, THE TOWNSHIP OF PEMBERTON ("THE TOWNSHIP") AND THE PEMBERTON TOWNSHIP EMPLOYEES UNION LOCAL 2783 AND DISTRICT COUNCIL 71 AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO ("THE UNION") ENTERED INTO A COLLECTIVE BARGAINING AGREEMENT ("THE AGREEMENT") COVERING THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2011;

WHEREAS, ARTICLE I SETS FORTH VARIOUS JOB TITLES THAT ARE RECOGNIZED AS BEING REPRESENTED BY THE UNION, INCLUDING THE LABORER AND MECHANIC TITLES;

WHEREAS, AN EMPLOYEE WHO HOLDS THE LABORER TITLE, DAVID DOTY, HAS BEEN PERFORMING MECHANIC WORK AND BOTH THE TOWNSHIP AND THE UNION ACKNOWLEDGE THE NEED FOR THE TOWNSHIP TO TAKE THE NECESSARY AND APPROPRIATE STEPS TO EVENTUALLY CHANGE MR. DOTY'S TITLE TO MECHANIC;

WHEREAS, THE TOWNSHIP WILL TAKE STEPS, SUBJECT TO THE RULES OF THE CIVIL SERVICE COMMISSION, TO PROMOTE MR. DOTY INTO THE "MECHANIC'S HELPER" TITLE WHICH IS NOT A TITLE RECOGNIZED BY THE COLLECTIVE BARGAINING AGREEMENT;

WHEREAS, MR. DOTY WILL BE PLACED INTO THE "MECHANIC'S HELPER" POSITION ON A PROVISIONAL BASIS UNTIL SUCH TIME AS THE CIVIL SERVICE COMMISSION CONCLUDES THE PROMOTIONAL EXAMINATION PROCESS;

WHEREAS, ALTHOUGH PROVISIONAL EMPLOYEES ARE NOT COVERED BY THE COLLECTIVE BARGAINING AGREEMENT AND, THEREFORE, THEY HAVE NO CONTRACTUAL RIGHTS, THE TOWNSHIP HEREBY INDICATES TO THE UNION THAT THE TOWNSHIP WILL INITIALLY COMPENSATE MR. DOTY AT THE SAME RATE AS A "MECHANIC'S HELPER" AT THE RANGE 18, STEP 1 HOURLY RATE THAT IS PROVIDED FOR THE MECHANIC TITLE; AND

WHEREAS, THE BUSINESS ADMINISTRATOR RECOMMENDS THAT THE TOWNSHIP COUNCIL APPROVE THE ATTACHED SIDE LETTER AGREEMENT.

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

1. THAT THE MAYOR AND TOWNSHIP CLERK ARE AUTHORIZED TO EXECUTE THE SIDE LETTER AGREEMENT THAT IS ATTACHED HERETO.
2. THAT ALL OTHER WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT SHALL REMAIN IN FULL FORCE AND EFFECT, AND UNAFFECTED BY THE SIDE LETTER AGREEMENT, UNLESS MODIFIED IN A SUBSEQUENT WRITTEN AGREEMENT BY THE PARTIES.
3. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO AFSCME LOCAL 2783 AND TO THE MUNICIPAL COURT OFFICE.

Motion by Prickett and Scull to approve Resolution Numbers 201-2009 and 202-2009. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

The meeting was adjourned at approximately 10:25 pm.

Respectfully submitted:

Amy P. Cosnoski, RMC
Deputy Township Clerk