

# TOWNSHIP OF PEMBERTON

## REGULAR MEETING

AUGUST 5, 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 Representatives David Clark and Antonella Colella, Township Engineer Representative Kelly Willis, Deputy Township Clerk Amy Cosnoski

2. Chairwomen Stinney called the meeting to order at 6:30 pm.
3. Closed Session Res. No. 172-2009

#### RESOLUTION NO. 172-2009

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: WORKER'S COMP CASE SETTLEMENT REGARDING ARTHUR BAKER  
-PERSONNEL MATTER: SGT. MICHAEL GEIBEL GRIEVANCE  
-CONTRACT: AFSMCE – DISCUSSION OF SIDE LETTER AGREEMENTS REGARDING COURT SCHEDULE
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Mrs. Stinney reported that Mr. David Clark is sitting in for Mr. Bayer this evening. Mrs. Stinney asked Mr. Clark if there were any additional items for Closed Session. Mr. Clark advised there are no additional items at this time. Mr. Vaz requested to add another worker's comp case to Closed Session for Walter Stewart vs. Pemberton Township.

Motion by Cartier and Prickett to approve Resolution No. 172-2009. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

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

Chairwoman Stinney recessed the meeting at approximately 6:33 pm for Council to go in to Closed Session. At approximately 7:00 pm, Mrs. Stinney reconvened the meeting and informed that Council will be returning to Closed Session at the end of tonight's meeting.

5. Formal action as necessary pursuant to closed session.

**6. Public comments on consent agenda items only.**

Mrs. Stinney opened the meeting to public comments on consent agenda items only. There being no members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments.

**\*7. Consent Agenda: All items listed with an asterisk (\*) are considered to be routine by the Township Council and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.**

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

**\*a. Regular Meeting, June 17, 2009 and July 15, 2009.**

**\*9. CONSENT AGENDA RESOLUTIONS**

**RESOLUTION NO. 173-2009**

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:  
KARI KISH, \$60.00, DID NOT ATTEND SUMMER RECREATION CAMP  
SARAH HAMMERLE, \$35.00, DID NOT ATTEND RECREATION PROGRAM  
ELAINA HARVEY, \$75.00, BUILDING RENTAL REFUND

**RESOLUTION NO. 174-2009**

RESOLUTION ESTABLISHING A SERVICE CHARGE FOR THE MAILING OF TAX SALE NOTICES  
WHEREAS, P.L. 1997 CHAPTER 99 APPROVED THE IMPOSITION OF A SERVICE CHARGE TO BE ASSESSED TO THE PROPERTY OWNERS WHEN THAT PROPERTY IS PLACED INTO TAX SALE FOR DELINQUENT TAXES OR ANY OTHER DELINQUENT MUNICIPAL CHARGE AND TAX SALE NOTICES ARE REQUIRED TO BE MAILED TO THE PROPERTY OWNER, AND  
WHEREAS, THE TOWNSHIP COUNCIL DESIRES TO ADOPT SUCH A RESOLUTION FOR THE IMPOSITION OF SAID CHARGES IN THE AMOUNT OF \$15.00 PER ADVERTISED PROPERTY.  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THERE BE A SERVICE CHARGE ASSESSED ON ANY PROPERTY THAT IS PLACED INTO TAX SALE FOR DELINQUENT TAXES AND/OR ANY OTHER DELINQUENT MUNICIPAL CHARGE AND SAID SERVICE CHARGE BE IN THE AMOUNT OF \$15.00 PER ADVERTISED PROPERTY.  
BE IT FURTHER RESOLVED, THAT THE CHARGES ASSESSED FOR THE TAX SALE NOTICE AS SET FORTH HEREIN REMAIN IN EFFECT FROM YEAR TO YEAR UNTIL SUCH TIME AS THE GOVERNING BODY ADOPTS A NEW RESOLUTION SETTING FORTH NEW OR DIFFERENT RATES.

**RESOLUTION NO. 175-2009**

RESOLUTION AUTHORIZING TAX SALE

WHEREAS, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DESIRES TO COLLECT ALL TAXES, ASSESSMENTS AND OTHER MUNICIPAL CHARGES THAT ARE NOW DELINQUENT; AND  
WHEREAS, THE TAX COLLECTOR IS DIRECTED TO SELL ALL MUNICIPAL DELINQUENCIES THROUGH DECEMBER 31, 2008 IN A MANNER DESCRIBED BY N.J.S.A. 54:5-19, AND AS AMENDED BY CHAPTER 99 PUBLIC LAWS OF 1997.  
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO SELL ALL MUNICIPAL LIENS IN ACCORDANCE WITH NEW JERSEY LAW, AND AS STATED ABOVE ON  
SEPTEMBER 22, 2009 AT 10:00 A.M.

**RESOLUTION NO. 176-2009**

WHEREAS, THE RECYCLING ENHANCEMENT ACT, P.L. 2007, CHAPTER 311, HAS ESTABLISHED A RECYCLING FUND FROM WHICH TONNAGE GRANTS MAY BE MADE TO MUNICIPALITIES IN ORDER TO ENCOURAGE A LOCAL SOURCE SEPARATION AND RECYCLING PROGRAMS; AND  
WHEREAS, THERE IS LEVIED UPON THE OWNER OR OPERATOR OF EVERY SOLID WASTE FACILITY (WITH CERTAIN EXCEPTIONS) A RECYCLING TAX OF \$3.00 PER TON ON ALL SOLID WASTE ACCEPTED FOR DISPOSAL OR TRANSFER AT THE SOLID WASTE FACILITY; AND  
WHEREAS, WHENEVER A MUNICIPALITY OPERATES A MUNICIPAL SERVICE SYSTEM FOR SOLID WASTE COLLECTION, OR PROVIDES FOR REGULAR SOLID WASTE COLLECTION SERVICE UNDER A CONTRACT AWARDED PURSUANT TO THE "LOCAL PUBLIC CONTRACTS LAW," THE AMOUNT OF GRANT MONIES RECEIVED BY THE MUNICIPALITY SHALL NOT BE LESS THAN THE ANNUAL AMOUNT OF RECYCLING TAX PAID BY THE MUNICIPALITY EXCEPT THAT ALL GRANT MONIES RECEIVED BY THE MUNICIPALITY SHALL BE EXPENDED ONLY FOR ITS RECYCLING PROGRAM.  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP OF PEMBERTON THAT THE TOWNSHIP OF PEMBERTON HEREBY CERTIFIES A SUBMISSION OF EXPENDITURE FOR TAXES PAID PURSUANT TO P.L. 2007, CHAPTER 311, IN 2008 IN THE AMOUNT OF \$31,646.01. DOCUMENTATION SUPPORTING THIS SUBMISSION IS AVAILABLE AT 500 PEMBERTON-BROWNS MILLS RD., PEMBERTON, NJ, SHALL BE MAINTAINED FOR NO LESS THAN FIVE YEARS FROM THIS DATE.  
TAX REIMBURSEMENT CERTIFIED BY:  
NAME OF OFFICIAL:  
TITLE OF OFFICIAL:

**RESOLUTION NO. 178-2009**

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 266 LOT 29 203 EVERGREEN BLVD. OWNED BY JOSE BENET QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JUNE 11, 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 266 LOT 29 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO JUNE 11, 2009 ARE PAID IN FULL; AND  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JUNE 11, 2009.

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

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 266 LOT 29 AS OF JUNE 11, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.

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. 179-2009**

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A WIDOW OF A TOTALLY DISABLED 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 1108 LOT 16 122 OAK PINES BLVD. OWNED BY DELMIRA BARNWELL QUALIFIES FOR A WIDOW OF A TOTAL DISABLED VETERANS' PROPERTY TAX EXEMPTION AS OF JULY 24, 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 1108 LOT 16 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO JULY 24, 2009 ARE PAID IN FULL; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JULY 24, 2009.

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

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 1108 LOT 16 AS OF JULY 24, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.

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. 180-2009**

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 780 LOT 6.01, 21 BRANDYWINE RD. OWNED BY CLINTON & SAU SPEDDING 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 780 LOT 6.01 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO JULY 13, 2009 ARE \$1,622.95; AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 780 LOT 6.01 IN THE AMOUNT OF \$2,322.07 FOR THE FIRST THREE QUARTERS OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$699.12 TO CLINTON & SAU SPEDDING ; 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 780 LOT 6.01 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 \$699.12 TO CLINTON & SAU SPEDDING, 21 BRANDYWINE RD., 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. 181-2009**

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 1099 LOT 3, 205 PRINCETON AVE. OWNED BY WILLIAM & EMMA HARPER QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JUNE 9, 2009; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1099 LOT 3 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO JUNE 8, 2009 ARE \$935.20; AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 1099 LOT 3 IN THE AMOUNT OF \$1,731.86 FOR THE FIRST HALF OF 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE OVERPAYMENT OF \$796.66 TO WILLIAM & EMMA HARPER ; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JUNE 9, 2009 AND AUTHORIZE THE REFUND OF OVERPAID 2009 TAXES.

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

3. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 1099 LOT 3 AS OF JUNE 9, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
4. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND \$796.66 TO WILLIAM & EMMA HARPER, 205 PRINCETON AVE., PEMBERTON, NJ 08068.
4. 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. 182-2009**

WHEREAS, APPLICATION HAS BEEN MADE TO THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2010; AND WHEREAS, THE SAME HAS BEEN DULY ADVERTISED AND NO OBJECTIONS HAVE BEEN FILED WITH THE TOWNSHIP CLERK; AND

WHEREAS, THE RENEWAL APPLICATION HAS BEEN COMPLETED IN ALL RESPECTS AND THE BELOW-NAMED APPLICANT IS QUALIFIED TO BE A LICENSEE IN ACCORDANCE WITH ALL STATUTORY, REGULATORY, AND LOCAL GOVERNMENTAL ABC LAWS AND REGULATIONS;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE FOLLOWING LICENSEE BE RENEWED FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2010, EFFECTIVE UPON ADOPTION OF THE RESOLUTION HEREIN

PLENARY RETAIL CONSUMPTION LICENSES:

MAGNOLIA ROAD TAVERN LLC

#0329-33-008-013

T/A POCKET LICENSE

HUNGRY PINEY INC.

#0329-33-007-010

T/A QUICK STOP DELI HUNGRY PINEY

#### **RESOLUTION NO. 185-2009**

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE PROVISION OF ONE NEW SPECIALIZED DOWNTOWN SIDEWALK SWEEPER

WHEREAS, THE TOWNSHIP OF PEMBERTON AUTHORIZED THE ACCEPTANCE OF BIDS FOR A NEW SPECIALIZED DOWNTOWN SIDEWALK SWEEPER FOR USE BY THE TOWNSHIP PUBLIC WORKS DEPARTMENT IN THE URBAN ENTERPRISE ZONES ("UEZ") WITHIN THE TOWNSHIP IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACTS LAW, N.J.S.A.40A:11-1, ET SEQ.; AND

WHEREAS, THE TOWNSHIP RECEIVED BIDS FROM BORTEK INDUSTRIES, INC., AND H.A. DEHART & SON, INC.; AND WHEREAS, FOLLOWING RECEIPT OF THE BIDS THE TOWNSHIP DECIDED TO SUBSTANTIALLY REVISE THE SPECIFICATIONS FOR THE SPECIALIZED DOWNTOWN SIDEWALK SWEEPER CONTRACT IN ORDER TO BETTER CONFORM WITH THE NEEDS OF THE TOWNSHIP; AND

WHEREAS, N.J.S.A.40A:11-13.2 PERMITS THE TOWNSHIP TO REJECT ALL BIDS SHOULD IT WISH TO SUBSTANTIALLY REVISE CONTRACT SPECIFICATIONS.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT IT HEREBY REJECTS ALL BIDS RELATING TO THE PROVISION OF A SPECIALIZED DOWNTOWN SIDEWALK SWEEPER BECAUSE THE TOWNSHIP WISHES TO SUBSTANTIALLY REVISE THE SPECIFICATIONS FOR THE CONTRACT IN ORDER TO BETTER SUIT THE NEEDS OF THE TOWNSHIP AND THE TOWNSHIP IS HEREBY AUTHORIZED TO AMEND THE SPECIFICATIONS AND ADVERTISE TO RECEIVE NEW BIDS FOR THE PROVISION OF A SPECIALIZED DOWNTOWN SIDEWALK SWEEPER.

#### **RESOLUTION NO. 187-2009**

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2008 PEMBERTON ROAD PROGRAM

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON THE 2008 PEMBERTON ROAD PROGRAM (THE "PROJECT") AS A BASE BID, AND ALSO TO BID ON ALTERNATE BIDS FOR IMPROVEMENTS TO HARPER ROAD ("ALTERNATE A"), ASHTON ROAD ("ALTERNATE B") AND CLEMATIS STREET ("ALTERNATE C") AND, IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.*; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER IS ASPHALT PAVING SYSTEMS, INC. WITH A BASE BID OF \$262,905.91, AND ALTERNATE BIDS OF \$32,290.00 FOR ALTERNATE A, \$34,110.70 FOR ALTERNATE B, AND \$67,226.25 FOR ALTERNATE C; AND

WHEREAS, THE TOWNSHIP HAS ELECTED TO ACCEPT ASPHALT PAVING SYSTEM, INC.'S BASE BID ALONG WITH ALTERNATE A AND ALTERNATE C AND HAS DECIDED TO EXCLUDE ALTERNATE B; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED ASPHALT PAVING SYSTEM, INC.'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE 2008 PEMBERTON ROAD PROGRAM BY THE PEMBERTON TOWNSHIP POLICE DEPARTMENT BE AND HEREBY IS AWARDED TO ASPHALT PAVING SYSTEMS, INC., AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND ASPHALT PAVING SYSTEM, INC.; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER \_\_\_\_\_; AND

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

- A. ASPHALT PAVING SYSTEMS, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

#### **RESOLUTION NO. 188-2009**

A RESOLUTION AUTHORIZING SETTLEMENT IN THE MATTERS ENTITLED HAROLD NAULTY V. PEMBERTON TOWNSHIP, C.P. #2006-2514 AND C.P. #2007-1729 AND AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT

WHEREAS, THE PETITIONER, HAROLD NAULTY, FILED WORKERS COMPENSATION CLAIM PETITIONS, C.P. #2006-2514 AND C.P. #2007-1729 (THE "LITIGATION") AGAINST THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"; AND

WHEREAS, THE TOWNSHIP CONTESTED THE ALLEGATIONS RAISED BY AND THROUGH THE LITIGATION; AND

WHEREAS, IN THE MEANTIME, THE PARTIES HAVE AGREED TO SETTLE THE LITIGATION; AND

WHEREAS, THE TOWNSHIP'S CLAIMS ADMINISTRATOR AND SPECIAL COUNSEL FOR WORKERS' COMPENSATION CASES HAVE BOTH RECOMMENDED THE SETTLEMENT; AND

WHEREAS, IN LIGHT OF THE RISKS AND COSTS ASSOCIATED WITH LITIGATION, THE BUSINESS ADMINISTRATOR AND MAYOR HAVE RECOMMENDED THAT THE TOWNSHIP COUNCIL APPROVE THE SETTLEMENT OF THE LITIGATION.

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 SETTLEMENT OF THE LITIGATION FOR THE TOTAL SUM OF \$33,507.25 IS HEREBY APPROVED (27.5% OF THE LEFT LEG AND 22.5% OF THE RIGHT LEG);
2. THE TOWNSHIP'S SPECIAL COUNSEL FOR WORKERS' COMPENSATION CASES, THOMAS E. KUNZ, ESQ., IS HEREBY AUTHORIZED TO SETTLE THE CLAIMS THAT WERE RAISED OR THAT COULD HAVE BEEN RAISED BY PETITIONER THROUGH THE LITIGATION IN ACCORDANCE WITH THE TERMS OF THIS RESOLUTION.
3. THE SPECIAL COUNSEL IS HEREBY AUTHORIZED TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT OF THE LITIGATION ON BEHALF OF THE TOWNSHIP.

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

- A. THOMAS E. KUNZ, ESQ.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. VERONICA GEORGE @ INSERVCO

## **12. NEW BUSINESS**

**\*b.** Request received from the Water Department for Council's authorization to solicit bids for annual plumbing supplies.

**\*c.** 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 and installation as specified into four (4) Crown Victoria Police Vehicles \$20,163.92
2. Public Works: Request to purchase Wood Guardrail Supplies and associated materials to be installed on Split Rock and Wissahickon Roads in the amount of \$4,568.90.
3. Water Department: Request to purchase a new hammer head underground mole at a cost of \$3,820.00.

**\*d.** Applications submitted for memberships, licenses, permits:

- \*1. Loud Speaker Permit applications:**
- 1. American Legion:** Picnic w/DJ, 12PM-8PM, 8/15/09 at American Legion, 39 Ft. Dix Rd..
  - 2. Rolling Thunder:** Fund raiser w/DJ, 11AM-8PM on 8/23/09 at American Legion, 39 Ft. Dix Rd.
  - 3. Donna DiPalma:** Wedding w/CD system, 1PM-5PM, 8/22/09 at BMIA Building..
  - 4. Jacqueline Miller-Todd:** Party/Benefit w/band & radio: 2PM-10PM, 25 Ridge Rd.
  - 5. Lisa Eden:** Wedding w/DJ, 2PM-6PM, 8/15/09 at 2002 E. Lakeshore Drive.

**\*13.** Approval by Council required for payment of vouchers on bill list dated **7/31/09.**

Mr. Prickett requested Resolution No. 184-2009 be pulled from the Consent Agenda. Mr. Cartier requested Resolution Numbers 183-2009 and 186-2009 be pulled from the Consent Agenda. Mrs. Scull asked for Resolution No. 177-2009 to be pulled from the Consent Agenda.

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

### **ITEMS PULLED FROM THE CONSENT AGENDA:**

#### **Resolution No. 177-2009:**

Mrs. Scull expressed she is glad the Township gets credit for recycling. She then asked where the schools are on this list or if are they not on the list. Mrs. Stinney remarked that Mrs. Scull's question is asked every year and asked the Mayor for a response. Mayor Patriarca replied the schools are not participating as far as he knows. Mrs. Stinney noted the liaison from the schools is not present tonight, but she knows they recycle. Mr. Prickett commented that they are not required as an institution. Mrs. Scull noted that is beside the point. Mr. Prickett continued that might be the reason they are not on the list but added that hopefully they do recycle. Mrs. Scull added that is the reason she brought this up; she is not sure they are recycling. Mrs. Scull reported that the schools finally got some recycling containers in some of the buildings but she has also had students tell her that they watch the custodians dump the recycling in the trash. Mrs. Scull noted that the students are encouraged to go green and she would like the Mayor, Business Administrator or Township Clerk to send a letter to the school asking if they are participating because the Township should be getting credit for recycling from the school district and if we are not, we are losing out on a lot of cardboard, cans and bottles. Mrs. Stinney asked Council if they are in agreement with the Mayor sending a letter representing the Council talking about recycling and the matter in which they participate. Mr. Cartier agreed. Mr. Prickett commented that he would like to see the Township Clerk send the letter on behalf of the Council, and suggested the Mayor also send a letter from his office. Mrs. Stinney stated that was fine. Mr. Prickett suggested to send a letter to the County and questioned why institutions are not required to recycle or perhaps do some research on it before sending the letter. Mr. Prickett doesn't know why institutions don't have to

recycle like everyone else in the Township does. He is sure there is a reason, and it might be an insurmountable cost but it's time to address those things. Mrs. Stinney volunteered to take on that task and reach out to the County if Council agrees. Mrs. Scull agreed.

**RESOLUTION NO. 177-2009**

WHEREAS, THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT, P.L. 1987, C.102, HAS ESTABLISHED A RECYCLING FUND FROM WHICH TONNAGE GRANT MAY BE MADE TO MUNICIPALITIES IN ORDER TO ENCOURAGE LOCAL SOURCE SEPARATION AND RECYCLING PROGRAMS; AND  
WHEREAS, IT IS THE INTENT AND THE SPIRIT OF THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT TO USE THE TONNAGE GRANTS TO DEVELOP NEW MUNICIPAL RECYCLING PROGRAMS AND TO CONTINUE AND TO EXPAND EXISTING PROGRAMS; AND  
WHEREAS, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS PROMULGATED RECYCLING REGULATIONS TO IMPLEMENT THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT; AND  
WHEREAS, THE RECYCLING REGULATIONS IMPOSE ON MUNICIPALITIES CERTAIN REQUIREMENTS AS A CONDITION FOR APPLYING FOR TONNAGE GRANTS, INCLUDING BUT NOT LIMITED TO, MAKING AND KEEPING ACCURATE, VERIFIABLE RECORDS OF MATERIALS COLLECTED AND CLAIMED BY THE MUNICIPALITY; AND  
WHEREAS, A RESOLUTION AUTHORIZING THIS MUNICIPALITY TO APPLY FOR THE 2008 RECYCLING TONNAGE GRANT WILL MEMORIALIZE THE COMMITMENT OF THIS MUNICIPALITY TO RECYCLING AND TO INDICATE THE ASSENT OF THE TOWNSHIP OF PEMBERTON TO THE EFFORTS UNDERTAKEN BY THE MUNICIPALITY AND THE REQUIREMENTS CONTAINED IN THE RECYCLING ACT AND RECYCLING REGULATIONS; AND  
WHEREAS, SUCH A RESOLUTION SHOULD DESIGNATE THE INDIVIDUAL AUTHORIZED TO ENSURE THE APPLICATION IS PROPERLY COMPLETED AND TIMELY FILED.  
NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY HEREBY ENDORSES THE SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND DESIGNATES THE RECYCLING COORDINATOR TO ENSURE THAT THE APPLICATION IS PROPERLY FILED; AND  
BE IT FURTHER RESOLVED THAT THE MONIES RECEIVED FROM THE RECYCLING TONNAGE GRANT BE DEPOSITED IN A DEDICATED RECYCLING TRUST FUND TO BE USED SOLELY FOR THE PURPOSES OF RECYCLING.

Motion by Cartier and Scull to approve Resolution No. 177-2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

**Resolution No. 183-2009:**

Mr. Cartier expressed it is his understanding that Resolution No. 183-2009 concerns Cheeks and the transfer of that liquor license to a new organization owned by the same owner and asked if that is correct, Kudan Corporation. Mayor Patriarca replied it is not a transfer; it is a pocket license that is being activated. Mr. Prickett and Mr. Cartier asked if that is the organization. Mr. Cartier further expressed that it is his understanding that the settlement required there be no sexually illicit activities in the new establishment. Mr. Cartier continued that according to the floor plan that was supplied in Council's packets, there is a dressing room and a stage on the floor plan behind the bar. Mr. Cartier recommended that before Council approves the transfer of this license, Council find out exactly what these areas are planned to be used for or have the floor plan corrected. Mayor Patriarca informed an establishment like this would be used for a band. Mr. Cartier questioned behind the bar. The Mayor and Mrs. Scull both answered yes. Mayor Patriarca stated he stands corrected after looking at the stage on the floor plan, and he would have to question it also. Mr. Cartier requested that these individuals be contacted and have the floor plan corrected. Mr. Cartier proposed that Council table the resolution until such time as it is corrected. Mr. Prickett asked if the floor plan has to be approved by the Building Inspector and if there are permits that are required to put that in or is it already in place. Mr. Cartier answered it may be, and he might be the first line of approvals but either way, it doesn't get by Council until it gets corrected. Mrs. Stinney suggested that at least it be checked in to. Mr. Prickett conveyed that is fine with him. Mrs. Scull agreed.

**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 Cartier and Scull to table Resolution No. 183-2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

**Resolution No. 184-2009:**

**RESOLUTION NO. 184-2009**

WHEREAS, APPLICATION HAS BEEN MADE TO THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-004-008 FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2010; AND WHEREAS, THE SAME HAS BEEN DULY ADVERTISED AND NO OBJECTIONS HAVE BEEN FILED WITH THE TOWNSHIP CLERK; AND WHEREAS, THE RENEWAL APPLICATION HAS BEEN COMPLETED IN ALL RESPECTS AND THE BELOW-NAMED APPLICANT IS QUALIFIED TO BE A LICENSEE IN ACCORDANCE WITH ALL STATUTORY, REGULATORY, AND LOCAL GOVERNMENTAL ABC LAWS AND REGULATIONS; WHEREAS, THE PEMBERTON TOWNSHIP COUNCIL EXPRESSES NO OBJECTION TO THE RENEWAL OF THE LICENSE TO BE ISSUED BY THE STATE OF NEW JERSEY DUE TO A CONFLICT OF INTEREST, PURSUANT TO N.J.A.C. 13:2-4.6; AND NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE FOLLOWING LICENSE MAY BE RENEWED FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2010, BY THE STATE OF NEW JERSEY;  
PLENARY RETAIL CONSUMPTION LICENSE:  
THOMAS R. INGE ENTERPRISES, III, LLC  
T/A POCKET LICENSE

#0329-33-004-008

Motion by Prickett and Scull to approve Resolution No. 184-2009. Prickett, yes; Scull, yes; Cartier, yes; Inge, abstain; Stinney, yes. Motion carried.

### **Resolution No. 186-2009:**

Mr. Cartier asked explicitly what the recommendations of the Joint Land Use Study are before he blanket approves a resolution implementing them. Mayor Patriarca stated it is quite a lengthy document for him to go over but basically it is a recommendation by the base on several areas to include development. The Mayor continued that they have drawn the line in the sand at two miles and recommend certain areas for certain types of development which don't all conform to what our recently approved Master Plan has been approved for. Mayor Patriarca expressed that is why the resolution refers to a recommendation and is not a binding agreement. Mrs. Scull commented that she had that question too and expressed concern if Council approved the resolution does it mean we have to do everything that is recommended. Mrs. Scull asked the Mayor if the answer is no. Mayor Patriarca explained that every meeting he has attended with the exception of two of the Joint Land Use Studies, he was told that it is only a recommendation and this is not a binding mandate by the federal government and the resolution that Council has also reflects that. The Mayor reiterated that it is only a recommendation. Mr. Cartier thanked the Mayor for the clarification. Mr. Inge asked if the Solicitor can clarify that. Mr. Clark stated it appears from the resolution, and he has not seen it before, that it is indicating the Township's support to the study recommendations. By its terms, the resolution would not be binding the town to anything other than to say in the resolution that it supports these recommendations. Mr. Clark explained it sounds like their land use recommendations are not actual things and it is not a binding contract. Mr. Clark reported that any resolution can be adopted at one meeting and overturned at a next meeting, and if there was some reason why the Council felt they had to pull back their support in the future, they certainly could do so. Mr. Clark added it appears on the face of it that is what this is doing and reiterated that he is not familiar with it other than seeing it tonight for the first time. Mr. Prickett expressed there are two key parts to the study; one is to agree to come back and meet again to continue to be a part of the process of the joint land use between the municipalities that surround the base and the base and the other component that came out of that study were the critical areas where people are and potentially homes that would be subjected to a lot of noise as well as accident areas. The accident areas are a little smaller than the noise areas but what definitely came out of it and it will probably take state legislation is that COAH housing cannot be placed in these areas that have been mapped out. Mr. Prickett conveyed there is a map for Pemberton Township, and commented to Mr. Cartier that he doesn't know if he has seen it. Mr. Prickett added that it is kind of like putting COAH housing in Brownsfields in cities and that may be what they have been concerned about. He would anticipate that COAH housing that is designated for Browns Mills next to the trailer park is within the mapping and that may be part of the reason why our COAH plan was not approved by the Pinelands or whoever did not approve it and perhaps the DEP. Mr. Prickett remarked that whether Council supports this resolution or not, hopefully we will continue to talk with the Joint Land Use with the base, and we do have an interest in doing that. Mr. Prickett continued that on the other hand, he would bet there will be some state legislation forcing COAH housing out of those



areas. Mrs. Stinney added in attending some of the JLUS meetings along with the Mayor, she commends the committee for the on-going outreach that has been consistent with the needs of Pemberton Township. There have been meetings at the Burlington County College for the residents, and we have had one of the largest turnouts at those meetings in all of the counties that are affected in those areas. Mrs. Stinney again commended the committees that have reached out to each one of the municipalities that are within the joint land use and for their study. She also thanked the Mayor for having the Planner go over the lengthy document to make sure it is within the plan of Pemberton Township. Mrs. Scull commented that before Council took office, she stood at the podium many times asking why Pemberton Township is not at the table. Mrs. Scull was pleased that Mrs. Stinney and the Mayor have both gone out of their way and Mr. Prickett has also made several meetings. Mrs. Scull indicated that it is definitely in Pemberton's best interest to be at the table. The Township came a little late to the table, and it's unfortunate that maybe we could have garnered some more support in other areas had we been there all along but she is so thankful and appreciative that we are at that table now as it is very important for our residents. Mr. Prickett agreed with Mrs. Scull and remembered that there were a number of months where the Council and the Mayor did not want to take part in the process, and he was very relieved that finally the Township was involved in the discussions. Mr. Prickett expressed that he would have liked to have been a part of that because he finds that very interesting, but he is glad that at least the Mayor and Mrs. Stinney were there to interact with the surrounding municipalities and the base.

**RESOLUTION NO. 186-2009**

A RESOLUTION OF SUPPORT FOR IMPLEMENTATION OF THE JOINT BASE MCGUIRE, DIX, LAKEHURST JOINT LAND USE STUDY RECOMMENDATIONS

WHEREAS, LAND USE COMPATIBILITY AND CONSISTENCY ISSUES ARE OF MUTUAL CONCERN AND INTEREST TO THE MILITARY AND TO THE TOWNSHIP OF PEMBERTON; AND,

WHEREAS, THE TOWNSHIP OF PEMBERTON PARTICIPATED IN THE DEVELOPMENT OF A JOINT LAND USE STUDY FOR THE JOINT BASE MCGUIRE, DIX, LAKEHURST TWO (2) MILE STUDY AREA TO IDENTIFY COMPATIBILITY ISSUES DUE TO THE PROPOSED GROWTH ANTICIPATED TO OCCUR AS A RESULT OF THE 2005 BASE REALIGNMENT AND CLOSURE RECOMMENDED PERSONNEL AND MISSION REALIGNMENTS AT JOINT BASE MCGUIRE, DIX, LAKEHURST; AND WHEREAS, THE TWO (2) MILE STUDY AREA IS NOT AN ENFORCEMENT AREA, BUT ONLY FOR THE PURPOSE OF DELINEATING POTENTIAL AREAS OF CONCERN; AND,

WHEREAS, THE TOWNSHIP OF PEMBERTON WILL CONTINUE TO ADDRESS THE FOLLOWING OBJECTIVES OF THE JOINT LAND USE STUDY DURING THE FOLLOW-UP IMPLEMENTATION OF THE JOINT LAND USE STUDY REPORT RECOMMENDATIONS; PROTECT THE HEALTH, SAFETY, AND WELFARE OF EXISTING RESIDENTS, MAINTAIN QUALITY OF LIFE, GUIDE ANY NEW PROPOSED INCOMPATIBLE LAND USES AWAY FROM INAPPROPRIATE AREAS, ENCOURAGE COMPATIBLE LAND USES WHILE MAINTAINING ECONOMIC VITALITY AND PROVIDE FOR SUSTAINABLE GROWTH; AND WHEREAS, THE TOWNSHIP OF PEMBERTON SUPPORTS OCEAN AND BURLINGTON COUNTIES JOINT APPLICATION FOR JOINT LAND USE STUDY IMPLEMENTATION FUNDS THROUGH THE OFFICE OF ECONOMIC ADJUSTMENT IN THE UNITED STATES, DEPARTMENT OF DEFENSE, AT NO COST TO THE MUNICIPALITY. FEDERAL, STATE AND COUNTY FUNDS WILL BE USED TO IMPLEMENT THE RECOMMENDATIONS OUTLINES IN THE JOINT LAND USE STUDY FEDERAL REPORT; AND NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF PEMBERTON TOWNSHIP THAT:

1. THE TOWNSHIP OF PEMBERTON AGREES TO COLLABORATE ON THE DEVELOPMENT OF THE JOINT LAND USE STUDY REPORT RECOMMENDATIONS IMPLEMENTATION WITH THE COUNTIES OF OCEAN AND BURLINGTON AS DELINEATED ABOVE.
2. THE TOWNSHIP OF PEMBERTON REPRESENTATIVE WILL SERVE ON THE IMPLEMENTATION POLICY COMMITTEE FOR THE STUDY, AND ON ONE OR MORE OF THE IMPLEMENTATION SUBCOMMITTEES.
3. CERTIFIED COPIES OF THIS RESOLUTION WILL BE FORWARDED TO THE OCEAN COUNTY PLANNING DEPARTMENT AND BURLINGTON COUNTY ECONOMIC AND REGIONAL PLANNING DEPARTMENT.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE CAUSED THIS AGREEMENT (REFERRED TO AS ATTACHMENT A AND ATTACHED HERETO) TO BE EXECUTED BY THEIR DUTY AUTHORIZED REPRESENTATIVES.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON APPROVAL BY THE TOWNSHIP OF PEMBERTON AND SIGNATURE BY THE MAYOR.

Motion by Scull and Cartier to adopt Resolution No. 186-2009. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

## **10. ORDINANCE FOR INTRODUCTION**

### **a. ORDINANCE NO. 20-2009 (Title Read by Mrs. Stinney)**

CAPITAL ORDINANCE PROVIDING FOR COURTROOM RENOVATIONS AND IMPROVEMENTS BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY; APPROPRIATING \$240,000 THEREFOR TO PAY FOR THE COST THEREOF

Mrs. Stinney informed the public hearing will be August 19<sup>th</sup> for second reading. Mr. Prickett stated Mr. Vaz sent Council a memorandum dated July 31, 2009, and in that memorandum he mentioned Council to not necessarily to adopt a bond



ordinance but it is necessary to introduce and adopt by a majority vote of the full membership. Mr. Prickett asked for a description of what a majority vote of the full membership means. He would take it to mean three votes out of five. Mr. Vaz agreed and added that if three Council members showed up at the next meeting, it would need a unanimous vote of those three people and not a two to one. Mr. Clark clarified that normally with bond ordinances that is relatively common that it is a majority of full membership because when there is money being spent, one would not want a quorum and have only three people and have a two one vote or something. Mr. Prickett clarified that the answer to his question is that this would require four Council people to vote on this for it to pass. Mr. Clark stated in order to pass it would require an affirmative vote from three Council people. It could be three people here with a vote of three to zero or it could be four people here and vote of three to one or it could be five people with a vote of five to zero, four to one or three to two. Anything with three affirmative votes would pass it because that would be the majority of full membership. Mr. Prickett expressed concern that this is before Council for introduction now for \$240,000 to renovate the court room but Council does not have any plans. Apparently this has been before the architectural firm and there is no presentation for the public. Mr. Prickett noted the public is footing this bill, and the public should see what it is that is being projected that they will receive in the court room instead of just putting it out here tonight for introduction. Mayor Patriarca informed Administration could make those arrangements during public comment at the next meeting when it would be appropriate. Mr. Inge stated he would like to see how much money is being spent on safety issues, and he would really like to see a floor plan to see exactly what the money is being spent on. Mrs. Scull asked if much of this is being dictated by the state anyway that the Township has to put in certain things for safety. Mayor Patriarca commented the security aspects of the design were mandated by the state and the plans have to be approved by the state. Mr. Inge reiterated that he would still like to see a floor plan, would like to see what materials are going to be used and would like to see what systems are going to be used. Mr. Vaz commented the full set of construction plans and the bid specs that contain the details are in the Township Clerk's office. Mr. Prickett added it is also for the public. Mrs. Scull commented the public can see. Mr. Prickett stated that he would like to see the information first. He would like to see the floor plan and Council did talk about this at the last meeting where he brought up the renovations where court was going to meet and that seems to be the only definitive thing that Council received which is while construction is on-going, court operations will be temporarily held in room 10. Mrs. Scull noted there is still plenty of time to see a floor plan and this is just the introduction. The option won't be until the next meeting.

Motion by Scull and Cartier to introduce Ordinance No. 20-2009. Scull, yes; Cartier, yes; Inge, no; Prickett, no; Stinney, yes. Motion carried.

Mrs. Stinney asked Administration to heed to the comments of Council this evening, as Administration can prepare a presentation for the next Council meeting before it is introduced to the public. Mrs. Stinney asked Council if they are in agreement. Mrs. Scull commented she thought that is what the Mayor was saying. The Mayor recommended keeping in mind that the plans are available in the Clerk's office to review at any time. Mrs. Stinney asked each Council member to take the time to go in to the Clerk's office and review the plans. Mr. Prickett conveyed that \$240,000 is a lot of money, and he is glad the plans are available in the Clerk's office but we have a newspaper, the Community News, which frequently has articles about Pemberton Township not to mention the Burlington County Times and he thinks it's not just about Council. Mr. Prickett remarked that the Council is spending the residents' money, and it's the residents that need to see the product and this is premature and it should have been introduced to the public first via the Community News and the Burlington County Times. Mr. Prickett stated this is just a way to push this thing through and that's the impression that the public is going to receive. Mr. Prickett added that is only his opinion and he

apologized if “inaudible” because of Mrs. Scull or Mrs. Stinney.....Mrs. Stinney interjected to not single her out. Mr. Prickett stated he sensed some change of body movements and wanted to address that.....Mrs. Stinney interjected that it’s okay and she is allowed to move. Mr. Prickett responded that she certainly is. Mrs. Stinney added that Mr. Prickett is allowed to have his opinion, and she respects his opinion and perhaps some of his ideas that he stated this evening, maybe the Mayor or Business Administrator might be able to log something like that on to our web page. She can’t make the Burlington County Times write information and certainly if Mr. Prickett would like, she can connect with our local paper. Mrs. Stinney stated it is in the best interest of all Council members to make wise decisions on behalf of the residents. Mrs. Scull responded to Mr. Prickett stating that it’s not that she objects to the public seeing any of this information and she thinks that is important but what her body movement was is that she does object to insinuations that it is something to push something through when Council has all known for a good amount of months that this was coming up and those suggestions were wonderful. Mrs. Scull wholeheartedly agrees with Mr. Prickett that the public should see the information. Mrs. Scull added that Mr. Prickett could have said so or had a suggestion to the Mayor earlier to maybe get it out to the community through the paper and heaven knows she doesn’t know how to get anything in the Community News anymore. Mrs. Scull repeated that she does not like the comments that are always insinuating that somebody is trying to push something through when this is an issue that we have discussed for well over a year. Mr. Prickett stated that could have come up at the last meeting, because he initiated that discussion about where the court is going to be held. That seemed to him to be the preliminary first step and perhaps Administration could have said at the next meeting they will have this for introduction, and he had no idea and asked as much as he knew at the last meeting and that is part of the situation as well.

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

- a. ORDINANCE NO. 17-2009 (Title Read By Mrs. Stinney)**  
AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING  
CHAPTER 132 OF THE CODE OF THE TOWNSHIP OF PEMBERTON  
ENTITLED “NOISE”

Mrs. Stinney opened the meeting to public comments regarding Ordinance No. 17-2009. Those indicating a desire to be heard were: **Jim Wasnewski:** Advised that he is familiar with sound level measurements as it is part of his job. Mr. Wasnewski indicated that the levels are arbitrarily set too low. In the work place, OSHA stipulates that ear protection is required at 84 dba. Mr. Wasnewski asked what the ordinance is designed for. Mr. Wasnewski informed that his voice right now is more than 65 dba. He asked where 65 dba would be involved. Mrs. Stinney clarified that at this particular time this is the ordinance of the model from the state, and we have to accept this ordinance first before modeling it down to fit the mold of Pemberton Township and recommendations. Mr. Wasnewski clarified that Council will change this ordinance once it is approved. Mrs. Stinney explained that Council will look in to what they need to do to make it fit Pemberton Township or the residents and so on and so forth. Mr. Cartier advised that any changes have to be approved by the DEP and that’s why Council is going with the model ordinance from the DEP because the DEP has already approved this ordinance. Mr. Wasnewski commented that one thing the DEP has not addressed and a lot of residents have a problem with, are dogs barking. The people who are living under those circumstances are listening to dogs that are barking every fifteen or twenty minutes and something like that should be put in the ordinance. Mr. Prickett remarked that Council did speak about this at the last two meetings, and the Solicitor advised Council to get the ordinance cleared and then make amendments and push those through the DEP. Mr. Prickett does not know why the DEP does not have dog barking as a part of this ordinance but that is the

advice that Council has at this point and he hopes that Council can make those changes to address dogs barking as well as some of the other concerns that Mr. Wasnewski has expressed. Mrs. Stinney promised Mr. Wasnewski that Council will, and they need to get through the model first. Mr. Wasnewski advised the last time he heard of this was right before the Water Carnival and Parade and there was a concern that if it was approved prior to that, the Township might have to apply for its own permits. Mr. Wasnewski suggested that the ordinance be reviewed because it is entirely too restrictive as far as the individual. Somebody in the next yard is going to hear 55 dba and it is not going to be bothersome. Mr. Wasnewski also has problems with the designation of an individual as a noise control officer and the level of education needed to interpret the sound level readings. Mr. Wasnewski conveyed it's just not what a person is normally going to do. There will have to be at least two or three individuals trained and that cost to the Township plus sound level meters which are not cheap. A significant change would be to have a low cost sound level meter; a hand held sound level meter issued to all of the Officers. That way when they answer a noise complaint, they can take that out of their pocket and get a reading. **George Petronis:** Didn't come here this evening with an opinion on the noise ordinance but just listening to the exchange that just occurred, he has a concern. If this ordinance is passed, it is the law and it is what we have to adhere to. If there are serious questions about the effectiveness or fairness of the ordinance, then perhaps it should be reconsidered before moving on it. Because once it is passed even with the best intentions in the world, to make adjustments and make it better and fairer and more equitable, the fact of the matter is that once it is passed, it is the law and we are all stuck with it until it gets changed. Mr. Petronis asked Council to take that in to account before voting on this ordinance. Mr. Clark informed there is a noise ordinance in place now but it doesn't have any standards and therefore it really can't be enforced and this would allow standards to be set which then obviously could be enforced. Mr. Clark added there are not any particular obligations to adopt this versus anything else other than right now nothing can be enforced because there really isn't a standard in place. This would put a standard in place and the standard is what the DEP has designated in their form and as Councilman Cartier mentioned, the DEP has already preapproved this form so if this were done in this manner with this ordinance as it now stands, that is preapproved and can be adopted right away and then standards would be in place. The town once they have standards in place could then explore looking to change those standards and would have to get DEP approval since those would be deviations from this ordinance. Mr. Clark explained one choice would be don't adopt anything and don't have standards and instead try to go to the DEP and make changes and another choice would be to put this in place, get the standards in place and then look at tweaking certain things, making changes to certain standards if need be at that point because at that point there would be standards in place and would have time to go to the DEP while still being able to enforce if things are too loud. Mrs. Stinney added at least we would have something to work with. Mrs. Stinney encouraged the residents to send some notes to the DEP and it's always great to have input. **Mary Ann McBride:** Wanted to put this in to perspective. She is a safety professional and teaches hearing conservation and measures sound levels throughout and is a member of the state industrial safety committee. Mrs. McBride is not sure if anyone has any kind of perspective on sound levels, but like Mr. Wasnewski stated, normal speech falls between 60 and 65 decibels, dba. Measuring an office with a few machines operating and a few individuals can get as high as 70. A motorcycle going down the street is 90 to 100 decibels depending on the size of the motorcycle and jack hammers are the same. Most working equipment measures somewhere between 90 and 93 decibels. If standing outside of a heavy truck, it's 93 decibels. Mrs. McBride expressed that these numbers are so off the chart in being low that it would be absurd to even consider enforcing those. It's impossible to consider this because everything that you are going to hear is going to exceed these levels. Mrs. Stinney thanked Mrs. McBride for her comments. Mr. Prickett asked Mrs. McBride if she knew of any changes to this model in any municipalities. Mrs.

McBride replied that she knows what the noise mitigation standards are in some of the cities. They take in to consideration the ambient noise and then anybody who wants to add noise to it because they are working or something, and they are only allowed to go so many decibels higher for a certain period of time. If your ambient noise level in the center of Browns Mills would certainly be higher than 50 and it would be somewhere around 70 and then if there were construction going on, you would mitigate that noise based on the number of hours and time of day and whether they are close to schools, hospitals or elderly care facilities or things like that. Mrs. Mc Bride suggested one would not be able to make a lot of noise by Deborah Hospital beyond the ambient noise level. Mr. Prickett asked if this is a federal document, the noise mitigation city standards. Mrs. McBride answered that it is not a federal document and there are individual standards. New York has a standard and some cities in north Jersey have standards. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to the public. Mr. Inge asked the Solicitor if someone is working in their yard doing construction work and a neighbor has a complaint and calls the Police Department to send an Officer out, they would definitely be exceeding the noise level so if this ordinance is in effect, wouldn't they have to shut down. Mr. Clark replied if the noise ordinance is in effect and there is a noise complaint, he would assume whoever came out and measured it if the measurement was above the standards then they would be in violation of the ordinance that was adopted because those would be the standards and if someone brought a complaint and it was measured at the decibels based on the adjoining property, whatever the standard is, if it were above the decibels, that would be a violation. Mr. Inge replied that clearly we know it will be above it and a lawn mower will be above it. Mr. Inge continued that if there are two neighbors that argue, nothing will be able to get done. Mr. Inge suggested that before Council approves this there should be all of the recommendations of changes all ready to go forward to the DEP and should also check what other Townships have done and if they were successful or not before Council moves any further. Mrs. Stinney conveyed that Council can't make any changes or any recommendations unless we have a said model, and we have none. Mr. Inge stated we don't have changes all ready to send in when this ordinance is approved. Mr. Inge remarked that we don't have anything in place now to send in to the DEP so between now and when we do send something in or when we get information back, we will have a lot of Police calls and a lot of jobs shut down and will have a lot of problems. Mr. Cartier disagreed and stated paragraphs one, two and three talks about these situations and noted yard maintenance is conducted within certain times and it does not have to hold to the table for construction projects, demolition projects or going on during certain times they do not have to hold to the table. Mr. Cartier indicated there are allowances in this ordinance for those situations. Mrs. Scull expressed concern that if the motorcycle already exceeds this but there is the possibility of a vehicle being stopped and given a ticket for exceeding a noise ordinance. Mr. Cartier interjected that this was talked about and motorcycles and vehicles are covered under the motor vehicle laws and are not covered by the noise ordinance. Mrs. Scull asked why they are listed, and added that she does not want to see residents penalized. Mrs. Stinney asked to hear from the Mayor. The Mayor deferred to the Chief of Police, our active law enforcement officer with the current regulations. Mrs. Stinney asked the Chief to sign in and state his name for the record. Mr. Prickett commented the Chief is up here as an employee **Chief Lewandowski:** Mr. Cartier is correct that this ordinance does not address motor vehicles and as a matter of fact.....Mrs. Stinney stated to Mr. Prickett that Chief Lewandowski has the floor. Mr. Prickett commented he can hear. Mrs. Stinney stated he cannot hear because what's happening is.....Mr. Prickett interjected that he can hear.....Mrs. Stinney asked Mr. Prickett to please be respectful and what is happening is that Mrs. Cosnoski is trying to type and with Mr. Prickett talking, the microphone is picking it up and counter acting with the Chief's comments and we may not be picking up everything and asked if she was right about that. Chief Lewandowski reiterated that this ordinance does not cover motor vehicles. The

instructions from Rutgers and the noise council specifically states that this does not cover motor vehicles. The Chief informed the Township can if they wish make another type of ordinance for off road vehicles. Regular motor vehicles are covered under the motor vehicle code under title 39. The only thing that this ordinance talks about as far as vehicles are concerned is amplified music coming from vehicles. The Police can enforce that but they cannot stop anybody driving down the street with loud mufflers because of this ordinance. The Police would have to resort to whatever title 39 states. Mrs. Stinney and Mrs. Scull thanked the Chief. Mr. Cartier stated to the Mayor that he has repeatedly requested that the Solicitor begin contacting the DEP as far as allowing permits to exceed a noise ordinance and asked if that has been done and where are we with that. Mr. Clark deferred to Ms. Colella. Mr. Vaz conveyed Administration did get the legal opinion and talked about it at the last meeting. Mr. Prickett reminded Mrs. Stinney that he has not had a chance to speak on this. Ms. Colella informed she contacted the DEP today to ask about any kind of loud speaker permit if there were any exceptions. As talked about before, there could not be any exceptions to this particular ordinance. Also the way the DEP explained it, any kind of loud speaker permit or any kind of celebration would need to follow this ordinance even if it's at night or a block party. Mr. Clark asked if public events were an exception. Ms. Colella commented that she was informed there is a public celebration exception to this ordinance which would be any kind of celebration the Township would have such as the Water Carnival or fireworks. It was also suggested that the Township could declare a block party a public celebration and if the residents wanted to hold a block party it could be deemed a public celebration and that would be accepted from this ordinance. Mr. Cartier suggested as an example if a commercial business in the Township wanted to bring a band in and have that outside, that wouldn't be allowed. Ms. Colella answered if it exceeded the levels in this ordinance, it would be in violation. Mr. Cartier stated he now has concerns with this ordinance. Mr. Prickett asked the Solicitor when the ordinance, if it is passed tonight, would go in to effect. Mr. Prickett further asked if it would it be immediately, 45 days or whenever the Council would like to see it go in to effect. Mr. Clark answered there are times when Council may adopt an ordinance that might take effect at some other particular date and put some sort of lag in there between adoption and the actual effective date but normally absent that it goes in to affect in accordance with law which means that it gets published, the Mayor gets it when that period is over it goes in to effect immediately. If it was adopted, it could be adopted with some sort of effective date established by Council. Some towns with a business ordinance did that where they adopted it but gave it a period of months to allow the businesses to know that it was out there before they had to comply. That certainly is something that can be done and it's not something that is in the ordinance as it exists right now. Right now, it would go in to affect if adopted just in accordance with law just like any other ordinance. Mr. Prickett stated that Council could possibly table this ordinance and Council has already heard the public comment and until Council gets the information needed and at the next meeting could bring this up again for a vote. Mr. Clark agreed that public comment is over but the Council could either adopt it tonight, reject it tonight or vote to table it tonight. They are all options that are available. Mr. Prickett is in support of having an ordinance that can quantitatively measure sound so the Police can use that information to do their job, but he is concerned if one is talking in their yard and one can get a violation for doing that because the level is so low and the measurements are so low in order to find you guilty of making too much noise that is inappropriate. Mr. Prickett mentioned Mr. Cartier commented on having a band and a permit that can't supersede these regulations and that circumstance concerns him. Mr. Prickett continued that what Mr. Inge stated was very appropriate that we have the recommendations in place so that if this ordinance is passed we can send these recommendations on to the DEP for example the dog barking and any changes in the table to the DEP to get these changes in place as soon as possible. Mr. Prickett conveyed that he would also like to know if surrounding communities have changed this model ordinance in any way. We don't know that at this point,

what kind of changes the DEP has allowed municipalities to make in the ordinance. Mr. Prickett asked Ms. Colella if she knew, with her discussions with the DEP, if we can change these noise levels. Ms. Colella replied if the ordinance is not adopted tonight, we could start from scratch and do a new ordinance but it wouldn't be effective and we would have to wait for approval from the DEP. Mr. Clark noted the concept originally was we knew this one was preapproved and it would set some standards in place but Ms. Colella is correct that the town rather than introducing or adopting this model ordinance could have just drafted their own ordinance with their own standards but it would not be able to take legal effect even if passed by Council until approved by the DEP, and he is not quite sure how long that takes or what standards they may or may not use to approve to disapprove that. They do allow local entities to establish standards that might be suitable to the localities and they just have this form which is preapproved and saves the trouble of having to go and get that approval. Mr. Prickett advised that is why he mentioned tabling this until we get a better idea as to whether the concerns the public brought to the podium tonight can be affected in this ordinance at a future date through amendments. We don't know that at this point if we can add dog barking or change in the standards and noise levels here. We need to have some kind of an example from another municipality that has done this. Mr. Prickett informed instead of voting this down or voting this up, Council needs a little more time to get the additional information to be sure. If we turn this down, are we losing the advertisement money, we are losing the money that put in to putting this ordinance together; if we vote yes, we might have to appeal this ordinance some place down the road. That's why if Council had a little more time, two weeks, maybe they could answer some of these questions and we'd be at the same place at the next meeting. Mr. Cartier asked Ms. Colella if the DEP was saying that in no way possible would they consider a change to this ordinance to allow the permit to exceed the .....Ms. Colella answered no, they would not allow a change to this model ordinance. Mr. Cartier stated in other words we would have to write our own ordinance any way with that permit process in there. Mr. Prickett commented if we wrote our own ordinance then it wouldn't be enforceable. Mr. Cartier stated not without DEP approval. Mrs. Scull asked if all lawnmowers have to have mufflers. Mr. Cartier stated they have them now. Mr. Prickett replied they do. Mrs. Scull stated they don't sound like they are muffled to her and she doesn't want to see the expense of people having to run out and buy mufflers. Mr. Inge stated the Township will not be able to issue loud speaker permits according to the ordinance. Mr. Clark stated the ordinance doesn't specifically state one way or the other about loud speaker permits but obviously whatever is coming out of the loudspeaker was above the decibel levels that are in the ordinance and above the hours where that is not allowed, then that would be a violation. Mr. Inge noted then you wouldn't be able to have a loud speaker permit. Ms. Colella stated as this stands. Mr. Vaz added there is a component of enforcement that hasn't been talked about at this point. First of all, this is not going to be enforced by the state. This gets enforced locally. Secondly, we can't enforce it until we have the equipment and the trained personnel in place to do that. Mr. Vaz stated if the Township issues a loud speaker permit, it's not our intent to start violating the people that we are issuing the permit to. The point that has always been raised is that even under the old ordinance, does the loud speaker permit grant a waiver of that. Even under the existing ordinance. The problem has always been facing us and we just never knew it but it has never been enforced in that particular way. Mr. Cartier agreed with Mr. Vaz and added that he, Mr. Vaz and Mrs. Scull have sat together and discussed that same problem and he doesn't want to have that same problem anymore. If someone comes in for a loud speaker permit, he wants them to have the ability to exceed without having someone call the Police on them and the Police shutting them down. There's no sense in them coming in for a permit if they can't use it. Mr. Prickett commented if you are not going to enforce something and if somebody makes a complaint aren't you forced to enforce it at that point. Mr. Vaz replied no, we are never forced. There is always a level of discretion in any law enforcement or code enforcement scheme. The code book is

filled with laws and there are just not enough hours in the day to enforce every one of them. Mr. Cartier replied if they are not happy with the resolution that they did at the local level, can't they go further to the county level or state level for enforcement or enforce the Township to enforce the ordinances. Mr. Vaz answered no and it would be a drastic action subject to Council's opinion for the state or county to come in or file some sort of law suit to compel the Township and again it would be a temporary measure until a better ordinance is in place. Mr. Vaz commented that the concept of adopting this particular ordinance temporarily was for all intent and purposes, the ordinance that is in place now is not enforceable so whether you are going to live without an enforceable ordinance for the next couple of weeks until this becomes effective if it is adopted tonight or you are going to live with an unenforceable ordinance for six months until you can do a better job. The point is, the one that exists now is unenforceable, and we have a problem enforcing something that we know is unenforceable from a lot of perspectives. Mrs. Scull asked if this came about because our Police Department has been having problems with enforcing a noise ordinance that has been very disruptive to citizens in the Township. When the Police go to enforce it, it is very difficult and it seems to her that is why Council is having this discussion. This has been done in order to help our law enforcement protect our citizens. Mr. Vaz relayed that we have always suspected that the ordinance had constitutional problems because it lacked the objectivity that would be required in this type of ordinance. As it turns out, it is more than just our gut feeling with the discovery request for the letter from DEP approving the existing ordinance and that's all it took for us to realize that we have an unenforceable ordinance because that step had never been taken. Probably because the old ordinance had been adopted before the legislation came in to place requiring that happen. Mr. Vaz expressed that we can always make the argument that our ordinance predates the law and maybe we can argue it is enforceable for that reason but it puts our municipal prosecutor in a bad position when he gets a discovery request requesting that letter of approval from DEP. It puts us in the position of having to throw cases out or plea bargain cases. Mr. Cartier asked how long the training would take that is required by the ordinance. Mr. Vaz replied he is not sure unless the Chief knows as he has been looking in to the course and the equipment. Mr. Cartier asked if we know when the classes are scheduled. Mr. Vaz answered the classes are offered by Rutgers. The Chief is responding but he is too far away from a microphone. Mr. Cartier stated within the next two months someone could be trained. Mr. Prickett remarked that would give us some leeway and the next few months we could have an amendment in place if it was possible by the DEP by the time the program is ready to go. We don't know at this point whether any amendments or what kind of amendments would go pass the DEP. Mrs. Stinney advised that Council has an ordinance that they would like to put in to place because there is nothing that we have to help that is enforceable. Secondly, previous Council has never had the ordinance approved by the DEP. We can sit here all night long and ask if we need it or if we don't and everyone just heard from our Business Administrator that we have something here that is unenforceable if we don't enforce what Council has in front of them and then take from Mr. Cartier to Mr. Inge to Mrs. Scull to Mr. Prickett, suggestions and send those suggestions forward. Mrs. Stinney continued that at least we have something; a doable document in front of us that we can work with that will be enforceable. Mrs. Stinney deferred to the solicitor. Mr. Clark commented that is a fair statement. Mr. Cartier asked Ms. Colella how quick of a turnaround could we expect from the DEP regarding this. Ms. Colella replied she is not sure but she can find that out. Mr. Vaz informed Administration can call tomorrow and send an email to Council but that will not help with tonight's decision. Mr. Cartier responded that is why he is leaning towards supporting Mr. Prickett's suggestion to table the ordinance. Mrs. Stinney stated we can get those answers, table this ordinance for two weeks and have it placed back on the agenda for the 17<sup>th</sup> remembering that we have something that is unenforceable. Mrs. Scull commented that she has no problem with that but she would like to get input from the residents if they have suggestions and Mr. Prickett's suggestion to find out if



other districts have been approved and we need to make sure we get this approved so that our Officers can go to Rutgers the end of September and she doesn't see two weeks being a problem. We all realize it is important that we have something that can be enforced with some of the problems that have confronted some of our residents. Mrs. Scull agreed with Mr. Cartier and Mr. Prickett. Mrs. Stinney received a consensus of agreement from Council.

Motion by Prickett and Cartier to table Ordinance No. 17-2009 until the August 19<sup>th</sup> meeting. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

Mrs. Stinney recessed the meeting at approximately 8:05 pm for a short break and reconvened the meeting at approximately 8:17 pm.

**b. ORDINANCE NO. 18-2009 (Title Read By Mrs. Stinney)**  
AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING SALARIES,

Mrs. Stinney opened the meeting to public comments on Ordinance No. 18-2009. Those indicating a desire to be heard were: **William Doherty:** He is a great advocate for all of the first responders, be it Fire, EMS or Police. Reminded that they are the ones that put their lives on the line for us, and all three of them are the ones running in while we are running out. Mr. Doherty expressed concern that Fire, EMS and the Police have someone who is responsible for their departments. In all of his working experience and working career, a department head has always been the one who was paid the highest in the department. He feels responsibility is the main thing for a department head to be paid for. Mr. Doherty is sure the Business Administrator is paid the highest in his department as all other department heads are over their people with the exception of the Chief of Police. Mr. Doherty asked why this is. Mr. Doherty commented to Mrs. Scull to not look funny because he has some numbers to read. Mrs. Scull replied she is listening. Mr. Doherty stated this can certainly cause a morale problem within the department if it hasn't already. Council is ready to approve an Ordinance, No. 18-2009 which amends an ordinance establishing salaries. In doing this, Council approves all of those increases that give the raises to the Lieutenants and yet nothing is there for the Chief of Police. From his understanding, the Mayor doesn't believe that the Chief is entitled to these raises for reasons only he can explain to the public. Council can change this by adding a line for the Chief on the same numbers that are given to the other Police Officers. Council has the power to do this. Mr. Doherty has a list of pay salary scales from 2006 to 2009 for the Chiefs and Lieutenants including their car payments of which they all received \$5,000. For over three years, each Lieutenant will receive and the Chief is entitled to nothing according to the Mayor and maybe the Mayor can explain that to him. Mr. Doherty also has a list of Chiefs' salaries in 16 different Townships in Burlington County and to his surprise; our Chief is paid the least. Mr. Doherty read some of those Townships that are equal to Pemberton Township; Eastampton Township has 16 Police Officers and 2 civilians and the Chief makes \$129,000; Medford Lakes has 42 Police Officers with 22 civilian staff and he makes \$116,000; Burlington Township has 44 Police Officers and receives \$116,000; Delanco Township has 8 Officers and he receives \$109,000; Springfield Township has 9 Officers and he receives \$106,000 and Pemberton Township has 55 Police Officers and on the pay scale that the Chief receives now is \$103,000. The salary list on the ordinance that Council is going to approve is the Junior Lieutenants and they are not the Senior Lieutenants because the Senior Lieutenants make more than the Chief does. On the numbers for 2007, 2008 and 2009, the Junior Lieutenants go from \$92,700 to \$96,640 and \$100,747 and then in 2010 \$104,525. Mr. Doherty asked how the Township can pay those who are not in charge of the department of all of the men more than the Chief. If there is a personality clash that goes on within the Police Department and the Mayor, then that's a problem

that should be resolved. One of the most important things to learn when entering in to politics is to agree to disagree. Evidently this has not happened in this department. Mr. Doherty again asked why the numbers that he has shown that the Chief is the least paid in the County and all of this information is public information and yet the Lieutenants get \$5,000 for three years from losing their car and the Chief loses his car and he gets nothing; not even when he was a Lieutenant at that time is he entitled to that. Mr. Doherty expressed concern and added that he doesn't particularly care who the Chief of Police is; he is looking at the position. If the Chief was to retire now and we advertised for a Police Chief to come to this Township and they see the salary scale of the Senior Lieutenants making as much if not more than the Chief, it will be very difficult to get someone to come in here and be the Chief of Police. Mr. Doherty is sure that we have people within our own Township that are qualified for that job. Mr. Doherty expressed that hopefully his questions will be answered to his satisfaction because he does not understand how a department head with that amount of people that he is in charge of and the responsibility that he has, why that position doesn't pay more than the Officers under him are being paid. Mrs. Stinney thanked Mr. Doherty for his comments and information. Mr. Doherty replied that he tries to do his homework and suggested someone can sit down and explain to him and he is not that familiar with the problem that goes on between the Mayor and the Police Department and he is just looking at the numbers and he is in charge of the first responders and he is one too. We have been very fortunate in this municipality that things that happen in Philadelphia have not happened here. **America Phillips:** She is shocked over what she just heard from Mr. Doherty and can't believe it. Mrs. Phillips asked how an Officer can make more than their boss. Stated the Chief has 55 people under him and asked how Council can just let this happen. Mrs. Phillips commented to Council to wake up and like Mr. Doherty stated, Camden is down the road. The Chief is the one that enforces the Officers to take care of our town. Mrs. Phillips stated to give the Chief what he deserves. There being no additional members of the public indicating a desire to comment, Mrs. Stinney closed the meeting to public comments.

Motion by Inge to table Ordinance No. 18-2009.

Mr. Inge stated he would like to look in to the numbers of what other Chiefs are making in other towns. Mr. Inge indicated that he was not aware that our Chief of Police is not provided a vehicle; that our Chief took a vehicle home.

Motion seconded by Prickett. Mrs. Stinney stated the motion takes first precedent. Inge, yes; Prickett, yes; Scull, no; Cartier, no; Stinney, yes. Motion carried.

Mrs. Scull apologized and stated this ordinance is about a negotiated agreement with one group of officers and it's not about the Chief. Mr. Prickett stated that is something that Council needs to discuss. Mr. Cartier and Mrs. Scull stated it's too late now, it's tabled. Mr. Prickett commented that being that it's tabled, it's going to come up he assumes at the next meeting and asked what Council is looking for over the period of the next two weeks. Mrs. Stinney responded if it is the desire of Council, we can have it on our next Council meeting and she has numbers that she is going to look in to to see some things. Mrs. Stinney stated if it is Council's desire, it can be put off until August 19<sup>th</sup>. Mr. Prickett asked if Council can request now some information from the solicitor. Mrs. Stinney commented that the ordinance has been tabled and Mr. Prickett can request anything he wants; after this is tabled, there is no discussion and asked Mr. Clark if she is correct. Mr. Clark stated the discussion would have been before there was action taken and the action has now been taken so Council can certainly talk after.....Mrs. Scull interjected that we can't talk now and she would have liked some questions answered like is it true. Mr. Prickett asked if Council can talk now or not. Mrs. Scull, Mr. Cartier and Mrs. Stinney replied we can't, it's been tabled. Mr. Clark

reiterated that the action was already taken; Council discusses and then takes action and Council has already taken action. Council can discuss it in the hallway or something but not in the public session. Mr. Prickett noted it can be discussed during Council comments. Mr. Clark agreed.

c. **ORDINANCE NO. 19-2009 (Title Read By Mrs. Stinney)**

AN ORDINANCE TO AMEND THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AND SPECIFICALLY CHAPTER 180, ENTITLED "SMOKING"

Mrs. Stinney opened the meeting to the public for public comments. There being no members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments. Mr. Prickett remarked that as he stated before, he has had family members that have died as a result of lung cancer and the furthest away we are from smoking or the opportunity to smoke, the healthier we and our loved ones are going to be. Mr. Prickett commented that it might infringe on some people's need to smoke but hopefully this will help them break the habit if they are interested in doing that. Mrs. Scull did not have any comment. Mr. Inge noted that there is a need for it because if one comes to the Township building and there is municipal court, there is a disregard for other people shown by certain individuals and it seems like it increases and increases. It puts even employees in jeopardy from inhaling smoke when coming in and out of the building. Mr. Inge stated he is for the ordinance. Mr. Cartier did not have any comments. Mrs. Stinney thanked Administration for helping out with this. As stated in previous comments, Mrs. Stinney was a smoker for 17 years and although there is some impact in quitting and she quit cold turkey and thanked God above that she did because of what she hears and sees now in those that continue to smoke. Mrs. Stinney expressed hope that they get the same kind of help.

Motion by Prickett and Inge to adopt Ordinance No. 19-2009. Prickett, yes; Inge, yes; Cartier, yes; Scull, yes; Stinney, yes. Motion carried.

**12. NEW BUSINESS**

a. Authorizes execution of application for survey of gypsy moth egg masses.

Mr. Prickett commented this is new this year and he doesn't remember having to approve a survey of the Township by the Department of Agriculture. It doesn't appear to cost anything and it would be nice to know if the work that was done this year has had an impact on the areas that have been sprayed. This has to be done just after the next meeting, August 21<sup>st</sup> and it would be nice to see where we are with gypsy moths in Pemberton Township.

Motion by Prickett and Scull to approve the authorization of the execution of application for survey of gypsy moth egg masses.

Mr. Prickett commented that Council needs to make sure that residents know if they have a problem with gypsy moths, they need to get that information to the Township so that it can be checked. It goes through the state or goes through the municipality to the state or the residents can call the state directly.

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

**GENERAL PUBLIC COMMENTS:**

Mrs. Stinney opened the meeting to general public comments. Those indicating a desire to be heard were: **Jim Wasnewski: 1.** Representing the Country Lakes Homeowners Alliance and asked to address Mr. Vaz. Mrs. Stinney informed he

needs to address her and she will get permission through the Mayor. Mr. Wasnewski stated to Mrs. Stinney that he would like to address Mr. Vaz. Mrs. Stinney asked the Mayor who replied he would like to hear what Mr. Wasnewski has to say first. Mrs. Stinney commented to Mr. Wasnewski to address her first. Mr. Wasnewski informed that not too long ago there was a meeting with the Country Lakes Homeowners Alliance with the Mayor and Mr. Vaz regarding the dam in Country Lakes. They originally had the H&H study and were promised the newest study and Mr. Vaz had intended to email that and it still has not been sent to the Country Lakes Homeowners Alliance. Mayor Patriarca deferred to Mr. Vaz. Mr. Vaz answered that he went back and looked for it and he couldn't find it where he found it the first time. It was in a different computer folder and when he found it, he was going to do it tomorrow but tomorrow came and he forgot. Mr. Vaz continued that he will do it tonight before he goes back. Mr. Wasnewski stated is it safe to say tomorrow is a real tomorrow or is it tonight. Mr. Vaz replied God willing; tomorrow will be tomorrow if he is still around. He had to go digging in the computer folders and when he found it that day he got lucky and when he went back he couldn't remember where it was saved in which particular folder. It wasn't saved in a specific Country Lakes folder. Mr. Wasnewski replied he understands that problem and he often has it. **George Petronis: 1.** Spoke of the information regarding the courtroom redesign. The Township does not have a lot of control over how that has to be done; it is mandated largely by the state, by regulations. Nevertheless, it is a quarter of a million dollars of public funds that are going to be tax payers money and Council is soliciting public comment at the next meeting. Mr. Petronis encouraged that information for the public to make judgments about this such as the capital improvement program and not just this particular program but as a general principle. If Council is looking for intelligent public comment, the public needs information to base their comments on. The public needs time to look at the information, think about it and decide what they think about it before standing up here at a meeting and shoot off their mouths. Mr. Petronis encouraged the Council and Administration to present the data for any action that they are asking the public's comments on in plenty of time for the public to think it over, absorb it and have an intelligent statement to make on it if they are going to. **2.** Spoke of the issue of recycling at the schools. A couple of years ago he had the privilege of touring the landfill that the County operates. He is very interested in their trash to energy program which is a very forward thinking sort of program. One of the points that was made during the tour is that when you don't recycle, not only do you lose the financial benefits of the recyclables but every load of trash that is delivered to the landfill is assessed in some way for the amount of recyclables that are in the load and if there is an excess, then the Township has to pay a surcharge for that load of trash. Hopefully, the letters that are going to go the school board and school administration will also make the point that not only is the Township losing the benefits of the values of the recyclables but that whenever they don't recycle, they are also putting an additional financial burden on the tax payers of this town. Mrs. Stinney addressed one of Mr. Petronis' questions and stated by law, Council does open the advertisement up in a timely fashion for residents to come forward and have their comment. Mrs. Stinney thanked the Council for coming together tonight with their questions in asking the Administration to come forward for basically a presentation so that we all can be aware. Mrs. Stinney wanted Mr. Petronis to know and to be perfectly clear that Council does do this in order, and we do allow the public to have that information. One of the things that we have gotten accustomed to and are very use to is information over the internet. That is a courtesy kind of thing that we reach out to try to inform and keep the public as updated as we possibly can. Mrs. Stinney used her husband as an example in that he does not surf on the internet so he would have a problem stating that he can't get the information even though it's on the internet. Mrs. Stinney's response to her husband and others that don't use the internet, is to perhaps visit us in the Township building and we also try to get information out to the public via the library and senior citizens building. Mrs. Stinney wanted to let Mr. Petronis know that she does believe in informing the public as openly, as often

and as simply as we possibly can. Mr. Petronis conveyed that he does understand, and he wasn't accusing the Council of trying to hide information rather he was thinking specifically of a comment that was made tonight that the information about the courtroom redesign would be made available at the next meeting. The term was something like since that's the public comment meeting anyway.

**America Phillips:** 1. Did her research in Presidential Lakes and is here tonight on behalf of the Presidential Lakes Civic Association, the Fire Department and the Ladies Auxiliary. She also took a walk around the lake and knows that she is not able to cross the bridge yet. Mrs. Phillips just heard a few minutes ago a resident from Country Lakes in reference to their dam. Mrs. Phillips stated to Country Lakes that they have a beautiful lake for the time being and to keep it. She encouraged them to go to Presidential Lakes, and they will see the swamp. The mess is still there and it will not be done this year and the residents will not be able to use it. The residents waited and were excited to close the bridge but they have not been able to yet. 2. Thanked the Mayor for the grass that was finally cut at the entrance to Presidential Lakes. Mrs. Phillips reminded that she had previously asked why there are no nets on the tennis courts in the park in Presidential Lakes. The Mayor stated he left the information on her answering machine. Mayor Patriarca continued that the tennis courts had brand new nets installed this year and were there until April/May and by June they were vandalized and that's why the nets are not there now. 3. Mrs. Phillips had the opportunity to see our Police Chief tonight. Asked if she could ask the Chief some questions. Mayor Patriarca informed the Chief is not here tonight to be addressed by the public. 4. Noted that Council was talking about the gypsy moths. Mrs. Phillips commented that Council does not have to ask the public in the Township because when she called Trenton for the gypsy moths she was told to go to the Township and tell the Township her problems because she pays taxes to the Township. Mrs. Phillips added that she was told by Trenton to not tell them. Now Council is telling the public that there will be a survey and asked the Council if they know that it is working this year. Mrs. Phillips asked why it was not done last year. The residents pay plenty of taxes and wished that Council continues to approve spraying for gypsy moths because of that we have beautiful green trees. 5. Mrs. Phillips informed she has a lot of questions for the Chief but if she cannot ask him, she has to just call and talk to him. 6. She is in shock and could not believe the salary situation. She has a boss at work and she knows her boss is making double of what she is making. Stated it is a shame that Council let it go this time. Mrs. Phillips commented that Mr. Doherty informed to just look it up on the computer and see the salaries. She made a statement at the last meeting that she is going to make her way to every single Township Council meeting and she will tell them who she is because she wants to know what is going on. Somebody went by and had their bars open until 4:00 in the morning and it's sad. Mrs. Phillips asked Council how they can allow the bars to be open until 4:00 in the morning when there are decent people going to work and will get killed going down the road. Mrs. Phillips asked Council what shape they think someone is in coming out of the bar at 4:00 in the morning. She is pretty sure if she is in the bar she is not in any shape to drive and if she has her car there, she is going to get out. Mrs. Phillips knows that everyone on Council has family and home and suggested they think about that. That is the reason we don't have anything and the only thing we have in the Township now are jails and drugs. Informed she will be here in two weeks.

**Ray Wells:** 1. Informed that the school board does not meet in July so he doesn't have any specifics to talk. Wanted to bring Council up to date on some projects that are ongoing. The gym was approved and paid for by the federal and military cooperative. It is all completed in terms of drawings but can't break ground because it is being held up by Pinelands. He is not sure of the specifics. There are a lot of minor improvements going on in the school such as painting and maintenance and it is on schedule. The new school for the three and four year olds is now back on schedule. The rain has helped compact some of the ground so they can proceed with some of the other concrete and underground work. Something that hasn't come before the board official because they haven't met is that back in

2003 it started along with the Abbott District Schools were approved and applied for schools for the three and four year olds. In 2005, the project at Denbo was approved to build a second early childhood school for the three and four year olds. Subsequently the school now being built and the number of students we have, that became unnecessary; however, on July 16<sup>th</sup>, the building was approved as a combination and now approved for a school combination. There is a study being done whether to build a brand new school, tear Denbo down and build a new one or to add on to it and remodel the Denbo. That process is actually going out for assessment now. That approval is for \$46 million. That is a school that we can use and really does need to be upgraded. Progress is being made and there is a lot of work going on in the preparation for classes and finishing up on the others. 2. Stated that when it came up previously about the Chief's salary, a Council member asked if it was true. Mr. Wells noted that is an interesting comment when Council is approving salaries and it is his understanding that typically there is a schedule that is looked at and it goes up by percentages. Mr. Wells asked Council if that is something that wasn't done when the budget was done. Mr. Prickett replied that was not done during the budget but with a number of department heads, there is a salary guide like the one Council has that was tabled for the Lieutenants. Many of our department heads have such a salary guide. Mr. Prickett noted that in the past, Council has done them for the professionals; our solicitor and others as well. Mr. Prickett agrees with Mr. Wells in that the Chief should have a salary ordinance in place. Mrs. Scull stated that what Council has is a four year Lieutenant guide and that is what Council had to approve tonight. When she asked if it was true if the Chief is making less than the \$100,000 that the Lieutenants are approved for this year, that is not her understanding. Mrs. Scull informed her understanding is the Chief's salary is more than \$100,000 and that's why she was taken aback. Mrs. Scull stated Mr. Prickett is correct in that when the budget is done that is the place to ensure what salaries are and that is where that discussion needed to take place. Mrs. Stinney informed Mr. Wells his answer is yes, Council does. Mr. Wells asked Mrs. Stinney if Council did or did not consider it. Mrs. Stinney replied we do at the budget hearings. Mr. Prickett commented that Council did not talk about a salary guide at the budget hearing. Mrs. Scull stated not for the Police Chief. Mrs. Stinney commented no, and by law.....Mrs. Scull interjected this was negotiations and that was a negotiated deal and it was not in place yet when Council was doing the budget. Mr. Cartier asked Mr. Wells what a combination is. Mr. Wells explained it would be three and four year olds and kindergarten through fifth or six grade. Mr. Wells added it may change but the amount is to satisfy for approximately 600 students and the combination can be depending on the need at the time and the survey is now being done to establish those numbers. Mr. Cartier then asked about where the gym is being built. Mr. Wells answered at Fort Dix School which is a building we operate and is owned by the government. We do all of the maintenance and improvements to make sure it meets all of the standards. Mr. Inge asked if the schools recycle. Mr. Wells replied there are separate receptacles all over every place. He has not ever followed it to see if it is separated and delivered as recyclables separately. The board will meet soon and that will be a question he will ask. Mr. Wells reiterated there are receptacles all throughout the schools for cans, plastic and trash. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments.

#### **ENGINEER'S REPORT:**

**Ms. Kelly Willis:** 1. No report tonight and asked for any questions from Council.

#### **SOLICITOR'S REPORT:**

**Mr. David Clark:** 1. No report tonight and asked for any questions from Council. Mr. Prickett stated a question came up about the agreement the Council decided on as far as car usage for the Lieutenants and a comment was made tonight that the Lieutenant that is now the Chief did not receive compensation for the time

he was a Lieutenant. Mr. Prickett is not sure if during Council's discussion of this issue whether Council realized there was a Lieutenant who is now the Chief that would not be compensated by any agreement that we might have. He is not sure if the agreement does not cover this. Mr. Prickett asked if the Lieutenant who is now the Chief is due compensation for however long he was a Lieutenant. Mr. Cartier advised he did ask that question in closed session and he was told the agreement is for the existing Lieutenants only. He had asked the question about the Chief and also about a Lieutenant who is now a Lieutenant who was not a Lieutenant. Mr. Clark conveyed he would not know the answer without looking back at contracts and other documents to see what they provide and getting a better factual hand on what is going on. He would not be able to answer off hand one way or another. Mr. Prickett relayed that he did not expect Mr. Clark to answer tonight, and he would like him to look in to it. Mr. Prickett knows there is an agreement and if this is not part of the agreement questioned if we are obligated as this is the idea that the cars were taken away from the Lieutenants and the idea was to compensate them for that. Mr. Prickett would like to know if we have a legal obligation to do that. Mr. Clark confirmed that there was a Lieutenant who is now Chief and the question is whether he may be due some back compensation. Mr. Prickett added for the loss of use of the vehicle as the other Lieutenants were.

#### **ENGINEER'S REPORT:**

**Mrs. Kelly Willis:** 1. Mr. Cartier asked about the base bid plus Alternate A plus Alternate C, the \$362,000 and asked if there is some reason why and it looks like other contractors were lower on their alternates. Mr. Cartier noted B&B Construction was \$64,000 on Alternate C. Ms. Willis informed it was the total bid and they could not be piece meal using the base bid for one contractor and the alternate for another contractor. Mrs. Stinney sent Council's best wishes for a much needed speedy recovery to Mr. Chris Rehmann. Mrs. Willis noted she will let him know.

#### **MAYOR'S REPORT:**

**Mr. David Patriarca:** 1. Referred to an issue that came up in public comment regarding the Chief's salary. Mayor Patriarca commented that it is obvious that the politicians in the room don't all get the comfortable seats. Regarding the public comment that implied that the Office of the Mayor makes decisions in regards to the Police Department and the Chiefs' position are made with personal feelings involved. The Mayor stated he can assure you that any decisions that are made in regards to the Police Department and in regard to Police personnel are only made in the best interest of the community and in the safety of the community. The Mayor indicated that there are no personal issues that come up, and he takes offense to that. That is very misleading. The Mayor stated he can't answer why other towns pay what they pay to their Chiefs. We have law enforcement officers in the state and Chiefs that are making upwards of \$180,000. He does not know that Pemberton can pay that. The Mayor asked how does one put a price on it. You have to look at what your ability to pay is. Our Chief is a non-contractual employee and our Chief is in a category of non-contractual employees such as our Tax Collector, Tax Assessor, CFO and Township Clerk. During the budget process, Administration presented these employees to Council with a 4% increase. Administration felt that was a fair increase and would have liked to have gotten that increase for all of our employees. Negotiations did not allow that in some cases. We felt that was a fair raise for employees under these hardest of economic times. Council must have also felt that way because they approved that 4% during the budget process; not that all Council members approved the budget because that is not always going to happen here. Although Council has approved budgets of much higher increases in the past, some members of Council, they refused to approve a budget that this Mayor prepared. The Mayor reiterated that he can't answer what other towns do. The non-contractual employees received 4% and they do get the same benefits as the other employees. Administration felt that was reasonable and that is what they awarded. As far as the vehicle settlement, that



was a negotiable settlement with the Lieutenants that all Council sat in on. It came up in several closed sessions and all of Council were made fully aware and it was nothing under the table. Council knew the terms of the settlement and knew it was for the current Lieutenants only. The current Lieutenants agreed on this settlement and he does not expect the Chief to give up his position as Chief just to get this settlement. That's just the way it goes. It was a decision that was made for Lieutenants. The Mayor stated quite frankly what Council did tonight was open the door for an unfair labor practice by our union who Council is deciding on and not the Chief. Council got all caught up in the politics of individuals that come up and speak no behalf of other individuals that Council may have concerns about but that was not the time to address those concerns. The Council was addressing the Lieutenants and did the Lieutenants of the Police Department an injustice tonight by not approving that salary ordinance. They fought hard for that contract. The Mayor continued that we all sat in many meetings and approved their memorandum of agreements and now are throwing it back in their face and stating that we are not going to give them the money. That's a disgrace. **2.** We keep hearing how the Presidential Lakes dam is never going to get done and he was out there today and there has been a lot of progress on the Presidential Lakes dam. The Mayor advised he does go out there frequently. The base has been poured for the roadway. There are eight inches of concrete and a three inch asphalt coating going over top of that to finish off the roadway. The contractor is moving along quite well at this point and are now grouting. We were required to do some additional work on the outfall pipes on each side of the spillway on the two ends of the roadway. The DEP is requiring the additional work and Council approved the change orders. That grouting is being done on the south side and they are moving to the north side. There is progress going on there and we are expected to be done that by the end of the month and hopefully we can get started on the middle embankment project which is something we are planning and we have a plan in front of DEP to be approved. It is tentatively approved and they just haven't signed off officially yet but we have received a verbal that they will approve it. We will get working on that and that's another in house project that we are doing here in the Township to save us a considerable amount of money. That involves declassifying the middle embankment as a dam and making it a.....Mrs. Willis advised it will be an embankment and will no longer be considered a dam in the case that the state would not come out and do inspections on it and there would not be the regulations of the state on it. The Mayor commented that will be some work that we are actually purchasing the items now for and will be doing that work as soon as the ink is on the paper which we expect any day. **3.** DPW completed the work on Springfield Road and that price came in from the contractor at over \$65,000 if not more and DPW did it with \$12,000 worth of material. They did a nice job out there and the grass is already starting to grow. **4.** We are working on several of our 2007 capital projects. The Country Lakes Recreation Building is being sided, windows, doors, new bathrooms installed and that work is scheduled to be done in three weeks. The Dominique Johnson building is out to bid and comes back in on the 12<sup>th</sup>. Administration will be coming before Council on the 19<sup>th</sup> to award the contract so we can get that project started. That project is scheduled to be completed late November. There are some municipal building improvements to be done which are also under the capital project. The façade outside is going to be painted. There will be some work in the hallway of the municipal building and some other things that have come up. We are also looking at putting a new entrance way in the Police Department. Our Police Department is very hard to find especially if you come here after hours and can't get in the front door. Administration will be working with the Police Department on some other improvements in the basement that will help them in the performance of their duties. **5.** The phone in Administration was ringing off the hook today in regards to what is going on at the new Acme. Auto Zone has begun developing the corner off Trenton Road and Broadway. The Mayor advised that is not his choice of businesses to come in to that pad but they met all of the requirements of the board and there was nothing that could be done to stop them from coming in. Auto Zone

believes they can make a business work there and have done the demographics. It's going to be a nice looking building and he just doesn't know how needed it was since we already have a Napa and an Advanced Auto currently. Dunkin Donuts is in front of the board this month. They got tired of waiting for Mr. Berardi and on Mr. Berardi's behalf he has to wait until September until Pinelands approves his plan next month because he has been approved by the board. Dunkin Donuts is under contract for their franchise and they had to move. They are putting in an application to develop the site across from the school driveway from the diner on Trenton Road. He hopes to be up by the end of the year. As everyone has seen the development going on where the old Lakeview Inn was and at the Water Carnival that development looked good looking down the lake and seeing the new building at the head of the lake from the beach. Unfortunately it wasn't a nice restaurant that we have all been waiting on. It's a doctor's office but we'll take it as it is something that we also need in the Township. That will be Dr. Epstein and Dr. Willoughby's office moving to that location and they are affiliated with Virtua Hospital. **6.** Our redevelopment plan is moving on. There was another meeting yesterday and there have been some new conceptals that the Planner has been presenting trying to put this entire thing together to have one conceptual plan as to what the design of the downtown should look like if we follow our plan. The Mayor encouraged more input from the residents, professionals and business leaders to come out to these meetings. It is unfortunate that they are only attended by the same six to ten individuals and he applauds those individuals for taking the time out of their days to have an interest in the community and the future of our community. We are continually moving forward there. **7.** Mr. Vaz will be providing details on Imagination Kingdom as he has been working very hard on that difficult project. It's looking exciting at this point. The committee has been meeting regularly on it. **8.** The Water Carnival this year was a success despite the fact that there were only six entries this year. The Mayor might have spoke a little too soon and offered his challenge to the public to beat him at a raft building contest last year because he saw some of the rafts that were out there this year and they are phenomenal. He doesn't know how they do it, where they come up with the ideas and the ingenuity to put these things together but they do a fabulous job. The Mayor commented that he has a little work ahead of him. Everything else as far as the water carnival went perfect. The crowd was unbelievable. You couldn't fit many more people on either location so we are doing something right. **9.** The Movies On The Beach night, when we can have them, they are packed. We had the first one and it was packed. The second one was rained out. The night before the Water Carnival was cancelled as well as last Friday. The people are attending them and the beaches are packed. Hopefully we see the same this weekend if the weather permits. **10.** A reminder to Mr. Wells that at the last meeting he made a suggestion and since the board meeting is coming up, he recommended that the Board of Education submit an OPRA request to North Hanover and ask how many students they have going to North Hanover that have Fort Dix addresses. Mrs. Stinney commented that the public portion is over. Mayor Patriarca noted it is just a reminder to Mr. Wells and if he hasn't already done it and he has to believe the board is already looking at that. The Mayor believes that will provide some of the answers that have been concerning many members of the community that we are losing students to North Hanover from Fort Dix when the law clearly states they are required to go to Pemberton. That concern can easily be cleared up to an OPRA request to that school district. Mrs. Stinney stated to the Mayor that it was wonderful how the schools and all of those that participated in the Water Carnival and last year she asked a request through the Mayor if he would ask Recreation and all of those that participated in the Water Carnival if Council could have those names to send out a thank you for participating and in helping in the way they have. Every where she goes people are talking about how Pemberton Township's school district has been airing the Water Carnival and we certainly want to thank Dr. Gorman for allowing his crew to do such a wonderful job. The Mayor answered he will do that. Mayor Patriarca added that it is not true; the Chief of Police is the highest paid employee in the

Police Department with a salary of \$103,000. Mr. Prickett stated the 2008 audit has been completed and there are a number of findings in that audit and there is a perennial one having to do with the ledger not being maintained. That has been a problem for a lot of years and he was hoping to one day see that rectified. The Mayor is now responsible to make sure that is done and Mr. Prickett would have blamed the previous Mayor maybe a year or so ago but he knows our President, Barack Obama is responsible for the trillions of dollars in debt and he has finally taken that responsible and maybe the Mayor feels the same way and he needs to take responsibility for the general ledger not being maintained and give the public and Council some kind of idea when that ledger is going to be complete on a yearly basis. Mr. Prickett commented that as long as he has been on the Council the general ledger has not been complete. There has to be some big problems in there and he thought they had been rectified with the previous Auditor. Mr. Prickett noted he is putting the Mayor on the spot a little bit and it's a problem and it needs to be addressed and taken care of. Next year he would love not to see general ledger not maintained. The Mayor advised we were close to that last year with the ledger and this year it did get away from us a little. The issues are correctable. There is a corrective action plan that will address that and we will present a ledger and an audit next year that will reflect what we have been looking for all along since we got in and that's accountability. When the Auditor was brought on the Mayor instructed him to give us his best. The Mayor wants to know exactly what is wrong and not to fluff it up or hold back for nothing. To lay it on us and he doesn't care if there are twenty comments; if they are there, he wants them. They were a little surprised as it is not the norm for Auditors and government and government usually wants a nice painted picture. The Mayor didn't want that; he wanted it clean so he had the ability to make the corrections and that is not something that you can do in the last year and that is not something he was as familiar with in his first year. This year there is no reason not to make those instructions clear and the Auditor did a really good job of going through our system and telling us where our deficiencies were and we are working to better ourselves and the Mayor believes we will. Mr. Prickett commented to the Mayor that is very commendable and he would expect nothing less from him but the ledger has not been maintained and it wasn't maintained over the last three years in the Mayor's Administration and it wasn't maintained over the four years in the previous Administration and possibly four years before that and he doesn't know when it stopped being maintained and it needs to be done now. It needs to be maintained. Mr. Prickett stated to the Mayor that he would like to know what the Mayor is going to do to make sure that we have a maintained ledger for the 2009 Audit. Mayor Patriarca replied there will be a maintained ledger. Mr. Prickett added that he is only quoting from the Audit that the ledger is not maintained. The Mayor stated not maintained sounds very broad. The issues that were brought up that were detected through the audit process were all correctable things. They were not of minute value but are things that we have the ability to correct and we will. It was more of an issue where we were falling behind in some of the work but it was constantly getting caught up. It's just that you have to always be caught up in this process; you have to be on top of your game when it comes to dollars and cents. There is nothing missing to his knowledge; the money is there. We are correcting this issue and are hoping to have the year that we want this year where we don't see these comments but these comments weren't there in prior years. Mr. Prickett noted he does not mind the comments and thinks they are good as the Mayor stated they are a tool. Mr. Prickett added but the tool is not being used when it comes to the ledger. The Mayor continued that is why Administration had the Auditor come in and do what he did so Administration can know what the deficiencies are so the corrections can be made. Without knowing, we are getting the same fancy painted picture that was received year after year. Now we believe we have a more candid shot of our finance department and our overall finances in the Township. We can now take the necessary actions to correct this. Mr. Prickett conveyed it was the previous Auditor that addressed the ledger and came very close in his opinion to having it completed. Mr. Prickett asked if the current

Auditor, Bowan and Associates, has a plan to get the ledger and he is not sure it is their role to make sure the ledger and it is the Mayor's role to make sure the ledger is done. Mayor Patriarca commented that is not their job and that is the role of the CFO and Mr. Vaz. Mrs. Scull asked the Mayor if he stated there is an action plan in place to correct the problem. Mr. Prickett commented there always is. Mr. Vaz stated the issue was not a wide spread issue. It was that there were points in the calendar year, our fiscal year, where the ledger which was being maintained in the general sense wasn't reconciled on several occasions largely due to the fact that the person that was responsible for the general ledger had serious medical problems and was out a lot. The corrective action plan is that person has now trained someone else in the office to reconcile the general ledger in the event that she is not available for whatever reason to do it herself. Mr. Vaz recalled that the initial problem with the general ledger was that the Township actually did not have one. Mr. Prickett stated he doesn't know if that is true or not and it seems to him that there was always a ledger; it was not useable but there was a ledger. Mr. Vaz continued that he thought there wasn't one and then Mrs. Eden implemented one and everything was going good until about last fall when there were extended periods of not being able to do the work. The corrective action plan is simply to have another responsible person do it in the office. Mr. Prickett asked if it were possible for the Auditor to give some indication of the percentage of the ledger that has been maintained for 2008. Mr. Vaz replied Administration knows it just by looking at it. The Auditor's job is to come in and do the audit and tell us where the material weaknesses or immaterial weaknesses are if there are any. There were a number of problems some of which Administration was already aware of and the Auditor was specifically told that we want special attention on this area or that area. Mr. Vaz advised he can speak on behalf of the other department heads for Pemberton Township and it was a very extensive audit. The other employees who have been here for many, many years have never seen an audit like this in their recent memory or the level of requests for documents; the depth of the probing by the accountants from the auditing firm and the level of detail that they were getting in to was unseen in past audits in past years. To the point where he got complaints about it. Mr. Prickett asked if the Council was suppose to receive a report on a monthly basis on what is going on with the finances in the town like the ledger. Other municipalities get a certain kind of a report to let them know where the finances stand in a municipality. Mr. Vaz replied Council can ask for them and he does not know if there is a standing requirement that there be a report. One of the questions he would have is what details would Council want in the report so that the information being put together is in the format that Council wants. Mr. Prickett stated he would like to see the ledger for the month. He doesn't know how many pages and there was a ledger many years ago and.....Mr. Vaz stated it is computerized now and it is different. Mr. Prickett thanked Mr. Vaz and the Mayor.

#### **BUSINESS ADMINISTRATOR'S REPORT:**

**Chris Vaz:** 1. Administration will be presenting a resolution to award a contract at the next Council meeting. After a very long process of working with a particular company and now having met some other companies and learning more about the process, we have the design, the information needed to put a resolution together and met with the Steering Committee yesterday and Mr. and Mrs. Jenkins are working on putting the volunteers together for a community build and we are hoping to get something done by October. It's an aggressive schedule at this point in time and it is certainly doable. It is the WOW playground that we set out to do and quite frankly we were only able to do because of the Green Acres combined loan and grant. It basically gives us the ability to give the children of Pemberton Township something that they probably wouldn't have been able to see without that grant and loan from Green Acres. We have a budget that we are going to work with and we should be able to do that by October, weather permitting. 2. As a follow up to the Mayor's comments regarding the Lieutenant's salaries, Mr. Vaz wanted to speak factually. He verified the numbers before coming to the meeting. All of the Lieutenants based on the salary ordinance, their 2009 salary is

\$100,747.00 provided that the ordinance is eventually approved. The current Chief's salary is \$103,255. There is \$2,508.00 difference. There are no longer Senior Lieutenants; all of the Lieutenants are at the same pay. Chief Lewandowski was the last Lieutenant who had been grandfathered in under that clause and that is no longer applicable. As a minor point and talking about bargain ability or ability of the Township to recruit Chiefs, we are a Civil Service jurisdiction and a jurisdiction of the State of New Jersey. We are almost assured of always recruiting the new Chief from within the ranks and although some of us don't always like that particular fact of life it is the fact of life. In all likelihood to the point where he would almost likely bet the house, the next Chief will come from within the ranks or a different rank if there are not people at the next lowest rank. It's just a fact of life in New Jersey and some have argued that the law should be changed to allow towns to hire from other departments. Mr. Vaz added that was not a factual statement as well.

### **COUNCIL MEMBERS' COMMENTS:**

**Mr. Rick Prickett :** 1. He has a number of things tonight. First of all, he has been very unhappy with the press. Not with the reporters but what he has read in the press, the Burlington County Times in particular regarding corruption in New Jersey. Mr. Prickett has been really horrified to hear that a Mayor in Hoboken had to resign because of corruption charges and there were 40 people that were hauled off to a court room somewhere for a judge to decide whether they go to jail or whether there is some kind of bond available. Mr. Prickett found in the paper that there is a bit of a cloud over Pemberton Township in that there is a fund, The New Frontier Committee, who is headed by Dean Buono. That fund was funded through our engineering office as well as through other donors; that's what is in the paper. If you missed it, it is in the paper from the day before yesterday; it was Monday that came in and then Tuesday the Democrat Committee Treasurer stepped down because he said it was for personal reasons but it certainly is a concern. Mr. Prickett reiterated that there is a cloud over Pemberton Township as a result of this and they have talked about other shoes dropping and we can not talk about it and we can sit here and pretend it didn't happen and it's not in the paper but he chooses not to do that because he finds this so abhorrent that it has to be talked about. Mr. Prickett wondered where the other shoes are going to drop. To see all of this corruption in the politics of New Jersey, to him something has to be cleaned up. 2. The way we clean up corruption and we've seen that in Pemberton Township that we've had less crime in Pemberton Township and that has something to do with the Police force and having a strong Police force. When he hears that the Chief of Police has the lowest pay in the county, that is concerning to him. This is one of the hardest municipalities to work and the Police force does a great job. The Lieutenants, who we tabled the ordinance tonight, they do a great job and that tabling was no disrespect to the Lieutenants. This Council has talked about being fair and looking at the jobs in the surrounding communities and making sure that a number of employees have fair salaries; we need to do the same with the Chief of Police. We need to make sure that this job that requires so much responsibility and is so important and needs to be compensated in a fair way. Mr. Prickett expressed hope that we can look at that and address that so that the next statistics that are out there don't show the Pemberton Chief at the bottom of the list. 3. Mr. Prickett informed that he was a bit offended and he doesn't think President Stinney meant to do this but he was offended when the Chief was asked to sign in tonight. The Chief is an employee and as an employee he reported he was given permission to talk to the public. Mr. Prickett added that he has not seen any other employees sign in. He doesn't think that was intentional but that irritated him and that was his response at the time when President Stinney said he was interrupting. 4. Mr. Prickett wanted to get back to the Chief's situation. We want to put \$240,000 in to the courtroom. We want to have this wonderful courtroom that glows in the county. We need to do the same for the Police Chief. The Police Chief needs to be treated fairly. Mr. Prickett asks the Council and Administration

to look at the salary of all of the Chiefs in the county and see if what we are giving the Chief is a fair salary. 5. Wished everyone a good night and hopes the summer continues to be as beautiful as it has been over the past couple of days. Mr. Cartier asked Mr. Prickett if he could see the article.

**Mrs. Scull :** 1. Any resident in New Jersey was probably very disturbed by what happened two weeks ago when all of the corruption shoes fell. It was both parties, democratic and republican and that is unfortunate. Mrs. Scull would hope that anybody that runs for office is doing it for the right reasons; however, she has found in her experience over the last three years that is not always the truth. Unfortunately too many egos get in the way and some elected officials feel they are above reproach and they meet and rub elbows with folks and if it's that hard on a local level and it is hard on a local level, it makes her really sad when she thinks about how difficult it must be for those politicians who run for Governor and Senator and President. Because there is always somebody out there willing to spread lies and tales and there are always people involved who aren't there for the best interests of the citizens and that is very discouraging. Hopefully the courts will take and do due process and the people that are guilty will be found to be guilty and we can all move on and hope that it sends a message to anybody else not to fall in to that hole. Because it is a hole. 2. It really disturbs her that we can't sit here and separate issues from personalities because the ordinance for the Lieutenants was just that; a salary ordinance for the Lieutenants. She can remember asking at budget meetings whether or not the Police Chief or Mrs. Young was getting a raise and Mr. Vaz made it very clear that he did not take his raise this year because we were in a budget crunch. Mrs. Scull does not remember anybody questioning or stating that the Police Chief's salary was not fair then and she has to say that a public forum like this is not the place for it to be negotiated. She was really surprised to hear some of the figures and was happy to hear them. That negotiations and that discussion needs to take place when doing the budget and not now in August; we have this year's budget. Mrs. Scull agreed that she doesn't like it that our Police Chief is the lowest paid when we have the biggest Township but she also doesn't know how those other areas are set up. Do they have three Lieutenants that help with the workload. We have to be fair and everyone has heard her say and she has been yelled at for saying fair salaries and she does believe that the same people that have sat here and stated how unfair it is that the Police Chief's salary is the lowest were the same people having a fit months ago who said we can't look at what the salaries are in other communities and we have to worry about what our tax payers are paying here. Mrs. Scull finds it interesting that those people have a different attitude tonight. She is glad to hear that they now agree with her. When it comes time in January to do the budget, we need to look at that issue. She is amazed that the people in the community knew things about what was part of the contract that she really didn't know was public. Somewhere, somebody is out there talking to try to get an issue stirred up. Unfortunately, it backfired on our Lieutenants because one issue really has nothing to do with the other. Mrs. Scull would not sit and approve salary or approve the contract last month if in fact the Lieutenants base salary was more than our Chief's salary. It continues to disturb her and she is all for the public getting all of the information and being able to make a decision but it bothers her that we have folks who go out and intentionally stir up issues to try to make the Mayor look like he's the bad guy all the time. Mrs. Scull stated the Mayor is the bad guy some of the time. They don't always agree but she is here to work for what is best for this community and the residents. She is not here every week or every two weeks to try to make the Mayor look bad or other Council members look bad. If Council spent more time on issues and trying to solve some of the problems that we set out to deal with three years ago, we would be a lot further along today. We spend too much time undermining each other and the Mayor and it's not what is best for the community. Mrs. Scull stated she is not saying they should all agree all the time because they shouldn't. It's important that everyone asks questions and she appreciates the residents regarding the noise ordinance because that is something in

her heart that she wants to just vote anyway. She is tired of some of these ordinances. Mrs. Scull reminded that she has stated that in the past; there are too many ordinances. We should be able to do on our property and in our house what we want to do without having to go and pay a permit fee to put a rug down or paneling or change our toilet bowl or whatever. Mrs. Scull disagrees and knows we have to do what is best and she is not saying everybody should go out and paint their houses bright orange and destroy the neighbors but we do need to focus. Mrs. Scull stated to Mr. Cartier that she wants to have that meeting with the business owner so that we can focus on which ordinances need to be changed to benefit the community for the business owners. We always hear how Pemberton Township is not business friendly. Mrs. Scull asked why we aren't and why not bring these people in and have a conversation and try to get things changed positively and help get these business owners in here. Mrs. Scull stated to the Mayor that she is really distraught that we're not getting Olive Garden in here but at least we are having some kind of new business come in and hopes they are successful. **3.** Thanked everyone for coming out. It really is important and as stated earlier, she likes hearing from the experts who really did know something about the noise and the 60 because she has no idea what 10 or 60 is or whatever and she thanked them for coming out.

**Mr. Tom Inge:** **1.** Stated he made a motion to table Ordinance No. 18-2009 and had some questions. There was a comment made by a resident who asked if Council could make a line item change and add the Chief's salary to that and he would like to go back to what was discussed in the budget and his notes. During Closed Session, he did ask the Business Administrator to provide the percentages of the Lieutenants for each year and he wasn't looking at what other Townships' Lieutenants were making rather he was looking at the percentages. That is what he was going to do as far as the Chief's. He wasn't interested in what the other Townships are paying their Chief's; he was interested in seeing what the percentages were and what we authorized. Mr. Inge stated he did not do any unjust by asking to have this tabled. He did approve the Lieutenant's salaries after he asked in Closed Session what pay scale they were going to receive. He has nothing to hide. As far as telling the truth, there shouldn't be any Closed Sessions and everything should be open to the public; he has nothing to hide. Maybe that's the point; you say one thing in Closed Session and then go out and say something totally different in public session. Mr. Inge stated to not look at him because if he is going to say something in Closed Session and someone asks him something outside and if he said it, he has a right to say what he said. He is not mentioning what anyone else says but if he is asked his opinion, he will give his opinion. Mr. Inge stated that he has not done anything wrong and he has not given out any information in Closed Session. He knows information was given out that was told to him that was only said in Closed Session but he didn't bring it up because it has no bearing on him because he didn't say anything. If he says something, it is what he says and if someone asks him a question, he has no problem telling them. Mr. Inge is not doing this for anything with politics. He just wanted to make sure that if a line item is being added, he would know what the percentages were. He had no idea the Chief of Police did not have a vehicle. He knew the Sergeants and Lieutenants' vehicles were taken and when the Detectives vehicles were taken it was his understanding that only Detective vehicles were taken that would go home and take their vehicles home when they were off duty and not the Detective that was on call. He had no idea when that was brought up in Closed Session that it included the Detective that was on duty also would have to come to the Township building and pick up a vehicle. That wasn't discussed in Closed Session but that was something that happened. **2.** Thanked the residents for coming out tonight. If someone felt what he did was a political thing and it was to jeopardize anything to do with the Lieutenants, that is not what the intent was. The intent was to make sure if he was going to try to add a line item that he would have the information to do that. He was going to go back and look at his notes during the budget and what was budgeted for that line item and that was all that was.



**Mrs. Sherry Scull:** Apologized to Mr. Inge because she was not referring to him and she doesn't know why he took such offense. Mrs. Scull commented that she doesn't have a problem with the ordinance being tabled but Council should have had some discussion first. Council could have asked some of the questions before it was tabled. Mr. Inge stated he thought Council was able to do that. Mrs. Scull replied no, Council didn't and Mr. Inge motioned to table it right away before Council had a chance to answer questions. Now she understands it wasn't done for any other reason other than what he said. Mrs. Scull just wanted Mr. Inge to know that it was not her intent to offend him earlier. Mr. Inge expressed that he thought when he did that, Council would be able to discuss it. Mrs. Scull responded no, once something is tabled, it's tabled. She had questions she would have liked to ask also. Mrs. Scull again apologized to Mr. Inge if he took offense to that. Mr. Prickett stated questions could have been asked after it seconded. Mrs. Stinney interjected and stated that's it to Mr. Prickett and he didn't ask for permission.

**Mr. Ken Cartier:** 1. To Mrs. Phillips, she does have the right as she is a tax payer of Pemberton Township that she can ask questions of anyone of Council that she feels she needs to ask. Mr. Cartier hopes that Mrs. Phillips, being a tax payer in the state of New Jersey, she did not accept that answer that the state worker gave her to go to Pemberton Township and ask her questions and don't bother them with it. Mr. Cartier commented that is not an acceptable answer. 2. Thanked Administration during budget time. The residents of Country Lakes were present complaining about the ATV's running up and down Split Rock Road and Wissahickon Trail and their request for some sort of blockade along those roads and Administration came forward with a presentation of a chain link fence. Mr. Cartier advised he was wholeheartedly against putting up a chain link fence along the woods. It didn't make any sense to him, it's unsightly and it wouldn't last a week. A pair of bolt cutters and that chain is down and out of the way. The residents took Council's suggestion to go out and research some alternatives and Council approved tonight the wooden guardrail which will help maintain the ATV's on Split Rock Road and Wissahickon Trail. Mr. Cartier thanked the residents for doing the research and looking in to alternatives. 3. In regard to Ordinance No. 18-2009, Mr. Cartier understands everybody is a little upset concerning the Chief of Police's salary; however, budget time is the time to discuss department head salaries. Just like it was for Mr. Vaz, the Police Chief's salary gets discussed then and asked how many other department heads are not in the collective bargaining agreement now besides Mrs. Young. Mr. Vaz answered the Township Clerk, the Tax Collector, the Tax Assessor and the CFO. Mr. Cartier reiterated the budget time is the time to discuss those, and this is a contracted union that was discussed here tonight. It was a crime that we ended up tabling this so that these people cannot get their raises that was negotiated and approved last month. Mr. Cartier expressed that we are probably looking at some sort of labor action coming out of this.

Motion by Cartier to re-add Ordinance No. 18-2009 back to the agenda.

Mr. Cartier requested Mrs. Stinney to ask for a second. Mrs. Scull asked the solicitor if that is an appropriate motion. Mrs. Stinney stated the table over rides. Mr. Cartier commented he can make the motion because it wasn't tabled to any discernable time. Mrs. Stinney stated it was a second table. Mr. Cartier reiterated it was not tabled to any discernable time. Mrs. Stinney noted that she will yield to the attorney. Mr. Clark explained that typically when something is tabled, it would then go to another meeting though Mr. Cartier is correct that it was not tabled to any particular time. Mrs. Stinney remarked that she stated the 19<sup>th</sup>. Mr. Clark agreed with Mrs. Stinney. Mr. Cartier added it was after such time that the vote was taken. Mr. Clark stated Mr. Cartier is correct that the motion wasn't to table it to a particular meeting though that was the intent and Mrs. Stinney is correct that she did state that time. Typically what happens is it is tabled and that means that is

it for that night and it goes on to another agenda. Mrs. Scull relayed unless it is tabled and then discussed in Closed Session because it is a contract and Mr. Inge could have his answer for the percentages. Mrs. Scull then asked if it could be brought out after Closed Session because contracts is on the agenda and further asked if that makes sense. Mr. Clark asked what will be discussed in Closed Session. Mrs. Scull remarked Mr. Inge's question on the percentages. Mr. Prickett commented that is not Closed Session and it's a public matter. Mr. Clark stated without knowing exactly what Mr. Inge's questions are, he doesn't know if it is something that goes in Closed Session. If he is asking about existing contractual obligations, Closed Session would be pending or existing litigation and contract negotiations, personnel matters or something involving attorney/client advice and wouldn't necessarily be just gathering facts which are open to the public. Mr. Inge asked if Council goes in to Closed Session and discuss the contract, can Council bring it back out after Closed Session. Mr. Clark asked Mr. Inge what will be discussed in Closed Session. Mr. Inge replied the contract; the ordinance. Mr. Clark asked if it is the contract that was approved last month. Mrs. Stinney commented this is what we're talking about here. Mr. Clark remarked that Council doesn't need to go in to Closed Session to discuss that because it's already been approved. Council goes in to Closed Session for contract negotiations. Mrs. Scull remarked that she withdraws her suggestion. Mr. Clark commented he doesn't understand why Council would be going in to Closed Session for that. Mr. Inge replied he thought Council could bring it back out after Closed Session. Mrs. Scull commented she was thinking the same thing but Mr. Clark is correct in that it is not contract negotiations. Mr. Prickett stated the contract has already been approved. Mr. Cartier added that is why the ordinance should be approved and reiterated his motion to add the ordinance back to the agenda.

Motion seconded by Mrs. Scull.

Mrs. Stinney stated she thought the table takes precedence and she is yielding to Mr. Clark. Mr. Clark expressed he doesn't know whether it takes precedence or not. Normally when things are tabled, that's it for the meeting and it goes on to the next meeting cycle. However; he has seen it with resolutions before where there is a resolution and .....Mr. Prickett asked if he is speaking of a resolution of support of the Lieutenants. Mr. Clark answered yes and added that he has seen resolutions before where there is a vote and it may come up again at some later point. Obviously any time there is a resolution, the next meeting Council can re-raise a resolution and modify, amend it or do whatever else. Mr. Prickett expressed that Council tabled this because they wanted more information and it was not tabled to prevent the Lieutenants from getting.....Mrs. Scull interrupted and asked if it was more information on the resolution. Mr. Prickett replied and stated no, more information on the ordinance and Mr. Inge wanted information on the percentages and.....Mrs. Scull again interrupted and stated that is what is being said that it was part of the contract and is not part of the ordinance. Mr. Clark suggested taking a break and he could take a look at the law and see what the effect would be of tabling something and moving to reopen it. Mrs. Stinney relayed that it goes to show the public it is not always a three to two. Mr. Inge commented there is a motion and a second. Mrs. Stinney noted that she wished those that make those comments were here to see. She has a question and she will get her question answered tomorrow. She doesn't have to do a dog and pony show here in front of anyone. Mrs. Stinney reiterated that she will get her question answered tomorrow. Mrs. Scull stated she didn't know Council was doing a dog and pony show and she withdrew her second to Mr. Cartier's motion. Mrs. Stinney stated she will yield to.....Mrs. Scull interrupted that it will cost us money if they file an unfair labor practice.....Mr. Cartier interrupted that it can be done in an hour.

**Mrs. Diane Stinney: 1.** Does not always believe in what the newspaper states. She had said it over and over again. Thinks it is a disgrace for anyone to commit a

crime. If it occurred, you are innocent until proven guilty. As far as anyone stepping down, there have been tons of people that have stepped down. Mrs. Stinney stated to Mr. Prickett that she will yield to him while he talks and she listened to him. Mr. Prickett apologized to Council President Stinney. Mrs. Stinney reiterated that you are innocent until proven guilty. The mess that is going on all over the place, she has seen people step down and even step down off of Council. They were stepping down left and right. 2. Thanked everyone for coming out tonight. Thanked the Imagination Kingdom and noted that she is hearing great things as she goes throughout the Township. Residents are really excited and the word is being generated throughout the committee to the people. 3. Nothing against the Burlington County Times but she would go crazy if she believed everything she read and saw in the newspaper. She believes we have good children in our community and they don't bring a black cloud over our community every time she sees them in the newspapers but it happens. There's good and bad and unfortunately we sit here and hear the bad all of the time. She used to tell the parents that when they go to the school board meetings they should say something nice about the town and say something nice about the teachers. We sit here and talk about all of these teachers and the school board liaison named children from here to everywhere going to all kinds of school but it had not been for the positive teaching of these teachers and the experiences that the children have their through coming up educational lives, parents and neighbors and people like her who have interaction with the children, wouldn't get to where they are. They don't hear those positive things. Mrs. Stinney remarked that she can't remember the last time someone came forward to the Council and stated something positive. She can't remember. It's getting so that it must be rubbing off because the Council members are saying negative things. Mrs. Stinney commented to the Mayor that this is not politics and she has a question and has been in to see the Mayor this week with some of her questions and she will continue and will come back and with all due respect and he knows that, she is offended for anyone to say that there is animosity and the Mayor would hold something against someone and an animosity as far as someone's salary and she would have a fit and he would have to step down. 4. Asked Mr. Clark if there was a ruling. Mr. Clark replied Mrs. Scull withdrew her second and didn't want to upset her any further. Mr. Inge noted Mr. Vaz was going to look in on that. Mr. Cartier explained they stopped looking because Mrs. Scull withdrew her second to his motion. 5. Informed the Mayor to expect her tomorrow. She is not working.

Mrs. Stinney noted that the Council will be going in to Closed Session and there may be action taken. Mrs. Stinney informed the public they are welcome to stay and thanked the public for coming.

Motion by Scull to go in to Closed Session.

Mrs. Stinney recessed the meeting at approximately 10:00 pm to return to Closed Session. The meeting was reconvened at approximately 10:35 pm.

Motion by Prickett and Cartier to add Resolution No. 189-2009, a Resolution Authorizing the Mayor and Township Clerk to execute a side letter agreement with AFSCME Local 2783 to the agenda. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

**RESOLUTION NO. 189-2009**

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, HOURS OF WORK AND PROVISIONS REGARDING EMPLOYEE BREAK TIME ARE SET FORTH IN ARTICLE VI OF THE AGREEMENT;

WHEREAS, AFTER THE AGREEMENT WAS RATIFIED BY BOTH PARTIES THE MUNICIPAL COURT JUDGE CHANGED THE COURT SCHEDULE SO THAT THE MONDAY EVENING COURT SESSION NOW COMMENCES AT 4:30 PM RATHER THAN 6:30 PM.

WHEREAS, THE COURT STAFF WHO WORK THE EVENING COURT SESSION HAVE REQUESTED THAT THEY BE PERMITTED, WITH THE MUNICIPAL COURT ADMINISTRATOR'S AUTHORIZATION, TO CLOCK OUT AND LEAVE EARLY AT

THE END OF THE EVENING COURT SESSION RATHER THAN TAKE THEIR BREAKS, INCLUDING THEIR MEAL BREAKS, DURING THE WORK PERIOD;

WHEREAS, ARTICLE VI PROVIDES THAT THE INITIAL TEN (10) MINUTE BREAK SHALL BE TAKEN DURING THE FIRST HALF OF THE WORK PERIOD AND THE SECOND TEN (10) MINUTE BREAK SHALL BE TAKEN IN THE SECOND HALF OF THE WORK PERIOD; AND THE FORTY-FIVE (45) MINUTE MEAL BREAK<sup>1</sup> MAY BE TAKEN AT A TIME AGREED UPON BY THE EMPLOYEE AND HIS OR HER IMMEDIATE SUPERVISOR;

WHEREAS, THE BUSINESS ADMINISTRATOR HAS REVIEWED THE MUNICIPAL COURT STAFF'S REQUEST AND HAS DISCUSSED SAME WITH THE MUNICIPAL COURT JUDGE, THE STAFF AND THE UNION; AND

WHEREAS, THE BUSINESS ADMINISTRATOR HAS DETERMINED THAT IN REGARD TO THE SECOND TEN (10) MINUTE BREAK AND THE FORTY-FIVE (45) MINUTE MEAL BREAK, FORMAL AMENDMENT OF THE AGREEMENT IS UNNECESSARY, BUT AS TO THE INITIAL TEN (10) MINUTE BREAK AND CHANGING THE COURT SCHEDULE, THE BUSINESS ADMINISTRATOR MUST SEEK TOWNSHIP COUNCIL APPROVAL OF A SIDE LETTER AGREEMENT THAT WILL ALLOW THE EMPLOYEE TO TAKE THAT BREAK AT THE END OF THE WORK PERIOD.

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 Cartier to adopt Resolution No. 189-2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

The meeting was adjourned at approximately 10:36 pm.

Respectfully submitted:

Amy P. Cosnoski, RMC  
Deputy Township Clerk