

TOWNSHIP OF PEMBERTON

REGULAR MEETING

SEPTEMBER 16, 2009

6:30 P.M.

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

PRESENT

Ken Cartier
Tom Inge
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andrew Bayer, Township Engineer Chris Rehmann, Township Clerk Mary Ann Young

2. Chairwoman Stinney called the meeting to order at 6:30 p.m.
3. Closed Session Resolution No. 209-2009

RESOLUTION NO. 209-2009

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:
-MATTERS OF ATTORNEY/CLIENT PRIVILEGE-ADVICE REGARDING SKIP'S BAR LIQUOR LICENSE RENEWAL APPLICATION
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 verified with Mr. Bayer and the Mayor that there are no additional topics to be added to Closed Session.

Motion by Cartier and Prickett to approve Resolution No. 209-2009. 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)

Council President Stinney recessed the meeting at approximately 6:32 p.m. for Council to go in to Closed Session. Mrs. Stinney reconvened the meeting at approximately 7:02 p.m.

5. Formal action as necessary pursuant to closed session.
6. Public comments on consent agenda items only.

Council President 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.**

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

***a.** Regular Meeting, September 2, 2009.

***10. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 210-2009

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:
HEATHER ZWEIBACK, \$37.78, CHILD UNABLE TO ATTEND RECREATION PROGRAM
ST. ANN'S, \$828.94, REFUND DUE TO INCLEMENT WEATHER FOR POLICE COVERAGE
CHARLES KURLAND, \$4,827.13, REFUND OF DEPOSIT FOR NEW WATER SERVICE

RESOLUTION NO. 211-2009

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AUTHORIZING THE INSERTION OF SPECIAL ITEMS OF REVENUE AND APPROPRIATION, N.J.S.A. 40A:4-87 WHEREAS, N.J.S.A. 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF ADOPTION OF THE BUDGET: AND WHEREAS, THE DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR EQUAL AMOUNT, AND WHEREAS, THE TOWNSHIP OF PEMBERTON HAS RECEIVED NOTICE OF THE FOLLOWING AWARD FOR A TOTAL OF \$8,309.22 FROM THE STATE OF NEW JERSEY, AND WISHES TO AMEND THE 2009 BUDGET TO INCLUDE THESE AMOUNTS AS REVENUE.

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

STATE OF NEW JERSEY
DIVISION OF PLANT INDUSTRY – GYPSY MOTH FEDERAL SHARE 23% FISCAL YEAR 2009
\$8,309.22

BE IT FURTHER RESOLVED, THAT THE SUM OF \$8,309.22 IS HEREBY APPROPRIATED UNDER THE CAPTION:

GENERAL REVENUE:
MISCELLANEOUS REVENUES: SECTION F SPECIAL ITEMS ANTICIPATED WITH PRIOR WRITTEN CONSENT
OFFSET WITH APPROPRIATIONS:
STATE OF NEW JERSEY,
DIVISION OF PLANT INDUSTRY – GYPSY MOTH FEDERAL SHARE 23% FISCAL YEAR 2009
\$8,309.22

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

GENERAL APPROPRIATIONS:
OPERATIONS EXCLUDED FROM "CAPS"
PUBLIC AND PRIVATE PROGRAMS OFFSET BY REVENUE:
STATE OF NEW JERSEY,
DIVISION OF PLANT INDUSTRY – GYPSY MOTH FEDERAL SHARE 23% FISCAL YEAR 2009
\$8,309.22

RESOLUTION NO. 212-2009

AUTHORIZING THE CHIEF FINANCE OFFICER TO REFUND AND/OR CLOSE NUMEROUS TREASURER'S ESCROW SUB-ACCOUNTS

WHEREAS, PEMBERTON TOWNSHIP REQUIRES FOR VARIOUS CONSTRUCTION AND OR HOME IMPROVEMENT PROJECTS THAT A TREASURER'S ESCROW SUB-ACCOUNT BE ESTABLISHED; AND

WHEREAS, THE CHIEF FINANCE OFFICER HAS DETERMINED THAT NUMEROUS PROJECTS ARE NOW COMPLETE; AND WHEREAS, THE CHIEF FINANCE OFFICER WISHES TO REFUND THE REMAINING MONIES TO THE APPLICANTS, AND CLOSE OR MERGE THE RELATED ESCROW SUB-ACCOUNTS.

NOW, THEREFORE BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, IN THE COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, HEREBY APPROVES THE FOLLOWING REFUNDS TO THE APPLICANTS AND AUTHORIZES THE CHIEF FINANCE OFFICER TO CLOSE THE RELATED TREASURER'S ESCROW SUB-ACCOUNTS.

ACC. #	REFUND AMT.	NAME	STREET	CITY, STATE, ZIP	BLOCK	LOT
250101	0	DANITOM-BL4THRU28	CONSOLIDATION OF ACCOUNTS		4-28	
130007	53.75	NJ HOME CONSTRUCTION	1630 RT. 70	CINNAMINSON, NJ 08077	907	2.01, 2.02, 3&4
250129	420.00	CRICKET COMMUNICATION	1012 N. BETHLEHEM PIKE SUITE 200 B-3	LOWER GWYNEDD, PA 19002	845	20.03
250103	0	COBY FRIER-	-	VINCENTOWN, NJ 08088	808	1.01
130001	5.00	DAN VON BRAMER	1400 EVERGREEN BLVD	BROWNS MILLS, NJ 08015	30	5-10
1324	0	WAWA	CONSOLIDATION OF ACCOUNTS	-	786.01 & 786.02	15&16 & 1-2
130002	300.00	HECTOR G. & DEBORAH H. ARROYO	79 IVY ST.	BROWNS MILLS, NJ 08015	386	5
250122	83.84	ALFRED ROECKEL	133 HEATHER ST.	BROWNS MILLS, NJ 08015	211	12-19

130010	17.50	IRA GURRELL	18 ROTTAU AVE.	PEMBERTON, NJ 08068	831	6
250128	47.00	CHARLES BAUBERGER	1721 BROOKLYN AVE.	WHITING, NJ 08759	857	33.03
250108	0	KEVIN & PATRICIA GUTHERIE	317 BIRMINGHAM RD.	BIRMINGHAM, NJ 08011	793	1.03
250029	30.00	KEITH EDMONDS C/O NEW ADDRESS	192 MAPLE AVE.	NEPTUNE, NJ 07753	759	15 & 16
130008	136.25	JOSEPH WHITE, INC.	1 PASADENA RD. A-E	BROWNS MILLS, NJ 08015	904	2
250117	86.26	SHERYL A. WALTERS	13 VERBENA ST.	BROWNS MILLS, NJ 08015	392	33
250118	16.99	JOHN P. NELSON JR.	606 PEMBERTON BLVD	BROWNS MILLS, NJ 08015	1	23
1171	0	TAMMY & RAMON LEON	TO CLOSE ACCOUNT	BROWNS MILLS, NJ 08015	525	30
130003	200.00	JOSEPH MARY PRESTON	901 RED FEATHER TR.	BROWNS MILLS, NJ 08015	615	9
1232	2377.20-PLUS INTEREST.	BAKER RESIDENTIAL- THE WOODLANDS (BY WRITTEN REQUEST)	485 WASHINGTON AVE.	PLEASENTVILLE, NY 10570	944	4
1317	0	TRITON PROPERTIES	(CLOSE ACCOUNT)	FRANKLIN, NJ 08873	806	1.02
250104	210.00	DAVID & JAMES DIAMOND	PO BOX 1538,	MEDFORD, NJ 08055	800	24.01
250120	0	WALTER LASSITER	112 CHEROKEE DR.	BROWNS MILLS, NJ 08015	615	1

RESOLUTION NO. 215-2009

RESOLUTION AUTHORIZING PEMBERTON TOWNSHIP TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WHEREAS, N.J.S.A. 40A:11-11 AUTHORIZES CONTRACTING UNITS TO ESTABLISH A COOPERATIVE PRICING AGREEMENT FOR ITS ADMINISTRATION; AND WHEREAS, THE COUNTY OF BURLINGTON, HEREINAFTER REFERRED TO AS "LEAD AGENCY" HAS OFFERED VOLUNTARY PARTICIPATION IN A COOPERATIVE PRICING SYSTEM FOR THE PURCHASE OF GOODS AND SERVICES; AND WHEREAS, ON SEPTEMBER 16, 2009, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, DULY CONSIDERED PARTICIPATION IN A COOPERATIVE PRICING SYSTEM FOR THE PROVISION AND PERFORMANCE OF GOODS AND SERVICES;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

TITLE

THIS RESOLUTION SHALL BE KNOWN AND MAY BE CITED AS THE COOPERATIVE PRICING RESOLUTION OF THE TOWNSHIP OF PEMBERTON

AUTHORITY

PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-11(5), THE MAYOR IS HEREBY AUTHORIZED TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE LEAD AGENCY.

CONTRACTING UNIT

THE LEAD AGENCY SHALL BE RESPONSIBLE FOR COMPLYING WITH PROVISIONS OF THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1 ET SEQ.) AND ALL OTHER PROVISIONS OF THE REVISED STATUTES OF THE STATE OF NEW JERSEY.

RESOLUTION NO. 217-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF VARIOUS PLUMBING SUPPLIES FOR USE BY THE PEMBERTON TOWNSHIP WATER DEPARTMENT

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE PROVISION OF VARIOUS PLUMBING SUPPLIES FOR USE BY THE PEMBERTON TOWNSHIP WATER DEPARTMENT IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1, ET SEQ.); AND

WHEREAS, THE TOWNSHIP SOLICITED BIDS FOR EIGHT ALTERNATE BIDS AND INDICATED ITS AWARD OF THE BID WOULD BE ACCORDING TO THE LOWEST PRICE ON EACH ALTERNATE; AND

WHEREAS, THE LOWEST RESPONSIBLE BIDDER FOR EACH ALTERNATE IS AS FOLLOWS:

ALTERNATE A (BRASS FITTINGS) CUTTER DRILL & MACHINE, INC., 175 RAMTOWN-GREENVILLE ROAD, UNIT 701, HOWELL, NJ 07731

ALTERNATES B (WATER METERS) L/B WATER SERVICE, INC., 4101 SYLON BOULEVARD, HAINESPORT, NJ 08036

ALTERNATE C (METER BOXES & HD SUPPLY WATERWORKS, LTD., 228 WILLIAMSTOWN ROAD, ACCESSORIES) BERLIN, NJ 08009

ALTERNATE D (COPPER TUBING),

ALTERNATE E (FITTINGS)

ALTERNATE F (VALVES & VALVE BOXES)

ALTERNATE G (PVC WATER MAIN)

ALTERNATE H (SADDLES)

WHEREAS, THIS CONTRACT IS BEING AWARDED AS AN OPEN-END CONTRACT AND MUST BE AWARDED PURSUANT TO THE REGULATIONS GOVERNING SUCH CONTRACTS FOUND IN N.J.A.C. 5:30:11.10 AND N.J.A.C. 5:30-5.5; AND

WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO THE ABOVE BIDDERS AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID FOR THE ALTERNATES STATED ABOVE; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED THE ABOVE BIDS AND FINDS THEM 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 PROVISION OF VARIOUS PLUMBING SUPPLIES FOR USE BY THE PEMBERTON TOWNSHIP WATER DEPARTMENT BE AND HEREBY IS AWARDED AS FOLLOWS:

ALTERNATE A	CUTTER DRILL & MACHINE, INC.	IN AN AMOUNT NOT TO EXCEED \$2,874.00
ALTERNATE B	L/B WATER SERVICE, INC.	IN AN AMOUNT NOT TO EXCEED \$6,477.50
ALTERNATE C	HD SUPPLY WATERWORKS, LTD.	IN AN AMOUNT NOT TO EXCEED \$2,872.50
ALTERNATE D	HD SUPPLY WATERWORKS, LTD.	IN AN AMOUNT NOT TO EXCEED \$7,380.00
ALTERNATE E	HD SUPPLY WATERWORKS, LTD.	IN AN AMOUNT NOT TO EXCEED \$3,483.85
ALTERNATE F	HD SUPPLY WATERWORKS, LTD.	IN AN AMOUNT NOT TO EXCEED \$4,477.00
ALTERNATE G	HD SUPPLY WATERWORKS, LTD.	IN AN AMOUNT NOT TO EXCEED \$29,233.00
ALTERNATE H	HD SUPPLY WATERWORKS,	IN AN AMOUNT NOT TO EXCEED \$593.30

BE IT FURTHER RESOLVED THAT THE MAYOR IS AUTHORIZED TO EXECUTE CONTRACTS, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND THE ABOVE SUPPLIERS; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER SHALL EXECUTE A CERTIFICATION OF FUNDS FOR EACH ORDER SUBMITTED IN ACCORDANCE WITH N.J.A.C. 5:30-11.10 FROM ACCOUNT NUMBER _____.

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

- A. CUTTER DRILL & MACHINE, INC.
- B. L/B WATER SERVICE, INC.
- C. HD SUPPLY WATERWORKS, LTD.
- D. TOWNSHIP ADMINISTRATOR
- E. TOWNSHIP CHIEF FINANCIAL OFFICER
- F. GLUCKWALRATH LLP

RESOLUTION NO. 218-2009

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:
SGSL ENTERPRISES, INC. #0329-33-010-005

12. NEW BUSINESS

***c.** Requests from various departments to expend funds in excess of \$2,000.00:

1. Police Dept.: Purchase of Motorola XTS5000 portable radio/equipment from State contract vendor Motorola in the amount of \$3,290.40.
2. Recreation Dept.: Purchase of three semi-automatic defibrillators, three AED storage cabinets w/alarms and one unit overview video, for Mirror Lake, Country Lakes & Presidential Lakes beaches, from State contract vendor LifeSavers, Inc., in the amount of \$3,035.00.

***e.** Applications submitted for memberships, licenses, permits:

- *1. Special Use Permit:** Pine Barrens 300 Off Road Rally, October 10th-11th, 2009, passing through sections of Pemberton Township.

***13.** Approval by Council required for payment of vouchers on bill list dated **9/11/09**.

Mr. Prickett requested to pull Resolution No. 216-2009 from the Consent Agenda.
Mr. Inge requested to pull Resolution No. 213-2009 and 214-2009.

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

8. PRESENTATIONS

Mayoral Proclamation observing fire prevention week

Mayor Patriarca reminded that Fire Prevention Week is coming up and the Country Lakes Fire House will be doing an open house on October 6th, 7:00 – 9:00. You can tour the fire houses and stations and receive some safety tips from our volunteer fire services. Our Township Fire Chief will be in attendance. The Mayor issued and read a Proclamation which is attached to and made a part of these minutes. Mayor Patriarca thanked the representatives from our Fire Departments for coming out joining us this evening. Mrs. Stinney thanked the fire fighters for the jobs they perform in Pemberton Township and surrounding communities. Mrs. Stinney also thanked their families for all of the work that they do throughout the Township. It is a tedious journey and on behalf of Council and if it's the Lord's will, she will see them on October 6th. Mrs. Stinney asked the Mayor if this could be posted on our web page so all of the residents will be aware of the demonstrations throughout the week. The Mayor replied that it will be advertised. Mayor Patriarca commented that there were two volunteer fire fighters killed while protecting homes. The Mayor saw a story this morning regarding a

young child that was being released from a hospital today after his vehicle that his mother was driving caught fire and two volunteer fire fighters pulled the family out of the burning vehicle. The volunteer fire fighters just happened to be there at that time and they still reacted the same way, saving peoples' lives. This is what volunteers are best known for. They do it because they like helping people and we appreciate that. Mrs. Stinney thanked the Mayor and asked Chief Augustoni that we do shared services and Fort Dix shares services with their vehicles and will they be participating this year to which he acknowledged.

RESOLUTIONS PULLED FROM THE CONSENT AGENDA:

RESOLUTION NO. 213-2009:

Mr. Inge commented that he did not see the bids in his Council packet. Mr. Vaz inquired if Mr. Inge is looking for the actual bids or the bid tally sheet. Mr. Inge commented that Council used to get the bids. Mr. Vaz replied it is probably the bid tally sheet Mr. Inge is asking for. Mr. Vaz suggested to Mr. Inge to move on and he will get the bid tally sheet. Mr. Inge asked Council to not approve the renovations of the court room. He reiterated his view that Pemberton Township does not need to spend that type of money on a court room. Mr. Inge stated that Council should reconsider their vote and not approve this. Mrs. Stinney commented to Mr. Inge that Council is waiting on the bid tally sheet that he wanted to see. Mr. Inge advised he does not need them right now but would like to receive them.

RESOLUTION NO. 213-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR RENOVATIONS TO THE MUNICIPAL COURT ROOM WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR RENOVATIONS TO THE MUNICIPAL COURT ROOM IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACT LAW, N.J.S.A. 40A:11-3, ET SEQ.; AND

WHEREAS, THE TOWNSHIP RECEIVED THREE (3) BIDS, WITH THE LOWEST RESPONSIBLE BIDDER BEING PILGRIM CONSTRUCTION CORPORATION, OF 1906 SPRINGDALE ROAD, CHERRY HILL, NJ 08003 ("PILGRIM") WITH A BASE BID OF \$186,171.00 AND A BID OF \$5,500.00 FOR ALTERNATE A (SOLID VINYL TILE FLOORING) AND \$50,645.00 FOR ALTERNATE B (DEMOLITION AND MISCELLANEOUS WORK); AND

WHEREAS, THE TOWNSHIP HAS ELECTED TO ACCEPT PILGRIM'S BASE BID ONLY IN THE AMOUNT OF \$186,171.00; AND WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED PILGRIM'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT; AND WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD THE CONTRACT TO THE LOWEST QUALIFIED BIDDER, PILGRIM, FOR THE RENOVATIONS TO THE MUNICIPAL COURT ROOM.

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 RENOVATIONS TO THE MUNICIPAL COURT ROOM BE AND HEREBY IS AWARDED TO PILGRIM, 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 PILGRIM IN AN AMOUNT NOT TO EXCEED \$186,171.00 AND IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY PILGRIM; AND

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

BE IT FURTHER RESOLVED, THAT THIS AWARD IS SUBJECT TO AND SHALL NOT BE EFFECTIVE UNTIL THE OPERATIVE DATE OF ORDINANCE NO. 20-2009;

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

- A. PILGRIM CONSTRUCTION CORPORATION
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 214-2009:

Mr. Inge asked why an F350 is needed and if it will be used to transport trash from various sites to the Township building. Mr. Vaz replied it will also give us the ability to plow snow. Snow removal will not be the primary use because it doesn't happen very often but it does give us the ability if and when. Mr. Inge confirmed that the truck can be used for other Township.....Mr. Vaz interjected as long as the primary use of being used for a Clean Communities vehicle is not overtaken by the other usage then yes.

RESOLUTION NO. 214-2009

A RESOLUTION AUTHORIZING THE PURCHASE OF A 2009 FORD SUPERDUTY F350, 4WD REG CAB 137" XL FROM WARNOCK FLEET UNDER STATE CONTRACT #A71012 PURSUANT TO N.J.S.A. 40A:11-12(A)

WHEREAS, THE TOWNSHIP OF PEMBERTON, PURSUANT TO N.J.S.A. 40A:11-12(A) AND N.J.A.C. 5:34-7.29(C), MAY BY RESOLUTION AND WITHOUT ADVERTISING FOR BIDS, PURCHASE ANY GOODS OR SERVICES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM FOR ANY STATE CONTRACTS ENTERED INTO ON BEHALF OF THE STATE BY THE DIVISION OF PURCHASE AND PROPERTY IN THE DEPARTMENT OF TREASURY; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS THE NEED TO PURCHASE A VEHICLE FOR LITTER CLEANUP AND REMOVAL; AND

WHEREAS, THE PURCHASE OF VEHICLES FOR LITTER CLEANUP AND REMOVAL IS AN ALLOWABLE COST UNDER THE NEW JERSEY CLEAN COMMUNITIES PROGRAM; AND

WHEREAS, THERE ARE FUNDS AVAILABLE THROUGH PEMBERTON TOWNSHIP'S CLEAN COMMUNITIES GRANT AWARDS (2007, 2008 AND 2009) TO APPLY TOWARD THE PURCHASE OF A NEW VEHICLE.

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

1. THAT THE MAYOR IS AUTHORIZED TO PURCHASE A 2009 FORD SUPER DUTY F350, 4WD REG CAB 137" XL, IN THE AMOUNT OF \$26,606.84 FROM WARNOCK FLEET AND THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE ANY DOCUMENTS NECESSARY TO COMPLETE THAT PURCHASE INCLUDING ANY CONTRACT; AND
2. THAT THE PURCHASE IS AUTHORIZED TO BE MADE UNDER WARNOCK FLEET'S STATE CONTRACT (A71012); AND
3. THAT WE FIND THAT THIS CONTRACT BEST MEETS THE REQUIREMENTS OF THE TOWNSHIP OF PEMBERTON AND FULFILLS OUR GOAL OF HAVING ON HAND A VEHICLE TO BE USED FOR LITTER CLEANUP AND REMOVAL.

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

Motion by Inge and Prickett to approve Resolution No. 214-2009. Inge, yes; Prickett, yes; Scull, yes; Cartier, yes; Stinney, yes. Motion carried.

Motion by Inge to deny Resolution No. 213-2009. Motion dies for lack of second.

Motion by Cartier and Scull to approve Resolution No. 213-2009. Cartier, yes; Scull, yes; Prickett, no; Inge, no; Stinney, yes. Motion carried.

RESOLUTION NO. 216-2009:

Mr. Prickett asked Administration if this is the new water tower by Sunbury Village. Mr. Vaz responded it is. Mr. Prickett then asked if the Township approached the Water Company or if the Water Company approached the Township and if there are any stipulations or conditions on the Water Company putting Pemberton Township on the water tower. Mr. Vaz responded that he received a phone call or email many months ago and does not know if there was prior communication between the Water Company and Pemberton prior to 2007. The Water Company originally sent a spec and draft contract that pointed out that we were suppose to pay for the painting. Mr. Vaz conveyed that he objected to that and did not understand. The individual acknowledged it was his error and redid the contract to reflect that. It was not something Pemberton Township had to pay for but they needed a contract none-the-less and formal approval of the spec which is simply the words, PEMBERTON TOWNSHIP, on one side of the tower and, NEW JERSEY AMERICAN WATER, on the other side. The Township is not obligated to pay for this; however, if during a future maintenance painting if we want to continue to have PEMBERTON TOWNSHIP on the tower, then we would have to pay for it. If we say no, it is up to the company to decide on its own to do a maintenance painting or pay the cost of removing it on its own. The Township is not going to be under an obligation. Mr. Vaz remarked that his sense from talking with them is that if we decided we didn't want to do the maintenance painting, they will probably end up doing it on their own anyway because it's probably going to be cheaper for them to do a maintenance painting than to repaint the entire tower. The agreement states we do not have an initial cost and only have a cost down the road if we want to continue it. Mr. Prickett asked where the American Water Company logo will go. Mr. Vaz answered it is a sphere so it's hard to noted front and back but one side of the sphere will have "NEW JERSEY AMERICAN WATER" with a star and the other side which is actually a wrap-around. Mr. Vaz did not know how it would be positioned from a sense of what can be seen from Pemberton Browns Mills Road.

RESOLUTION NO. 216-2009

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING AN AGREEMENT WITH NEW JERSEY-AMERICAN WATER
 WHEREAS, NEW JERSEY-AMERICAN WATER (NJAW) IS THE OWNER OF A CERTAIN WATER TANK LOCATED IN PEMBERTON TOWNSHIP ON LOT 18.02, BLOCK 818 AND LOT 18.03, BLOCK 812; AND
 WHEREAS, THE TOWNSHIP OF PEMBERTON (TOWNSHIP) DESIRES TO HAVE ITS NAME PAINTED ON THE TANK.
 NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE MAYOR AND CLERK ARE AUTHORIZED TO EXECUTE AN AGREEMENT WITH NJAW, A COPY OF WHICH AGREEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN, PROVIDING FOR THE INITIAL APPLICATION OF THE TOWNSHIP'S NAME ON THE TANK AT NO COST TO THE TOWNSHIP.
 BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THE WITHIN RESOLUTION BE FORWARDED BY THE TOWNSHIP CLERK TO THE FOLLOWING:

1. BUSINESS ADMINISTRATOR
2. WATER DIVISION
3. NJAW

Motion by Prickett and Cartier to approve Resolution No. 216-2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

11. ORDINANCES FOR INTRODUCTION

a. ORDINANCE NO. 21-2009 (Title Read By Mrs. Stinney)

AN ORDINANCE AUTHORIZING THE EXCHANGE OF TOWNSHIP PROPERTY LOCATED AT BLOCK 22, LOTS 61-64 FOR PROPERTY LOCATED AT BLOCK 669, LOT 13 OWNED BY DANITOM DEVELOPMENT, INC., IN ORDER TO EFFECTUATE A SETTLEMENT AND RELEASE OF CLAIMS

Motion by Cartier and Scull to introduce Ordinance No. 21-2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney informed the public hearing will be on October 7, 2009.

b. ORDINANCE NO. 22-2009 (Title Read By Mrs. Stinney)

AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

Motion by Scull and Prickett to introduce Ordinance No. 22-2009. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

Mrs. Stinney advised the public hearing will also be on October 7, 2009.

12. NEW BUSINESS

- a.** Discussion of request to have Department of Community Affairs, Division of Local Government Services to monitor the Township's compliance with N.J.A.C. 5:30-5.7.

Mr. Prickett conveyed at the last Council meeting, he brought this resolution forward because Council was approving a resolution having to do with the annual audit and affidavit that Council read it and looked at the findings. This was Mr. Prickett's seventh year in reviewing the audit and what he noticed and talked about over the last three meetings was that the general ledger which is required by the Local Authorities Fiscal Control Law, NJSA40A:5A-1, and we were not in compliance with that. That made seven out of the last eight years that the Township was not in compliance and was actually breaking the law. Mr. Prickett reported that he listed what the two audits had stated about this and wanted to say that the last three meetings, this is the first time that the Council actually talked about not maintaining a ledger. Mr. Prickett noted it's a very important document and read, "The general ledger shall be the official, permanent financial record of the local unit. It shall provide a summary of all financial transactions as they have been recorded in the books original entry using a double entry self balancing accounting system with the general ledger facilitating the preparation of the financial statements". Mr. Prickett reiterated it is a very important document and this is not the first time Council has talked about the general ledger. On February 10, 2007 during a budget hearing, Council discussed this and he quoted, "Mr. Prickett commented that the Finance Department must be in order. They must be able to get the ledger in order and do this as accurately and document as much as possible and it has been neglected for five years. He relayed that Miss Eden advised there has not been a general ledger since two CFO's ago". Mr. Prickett noted that apparently this continues and read, "Miss Eden also mentioned that the general ledger was being re-created. Miss Eden reiterated that some general

ledgers have been recreated and they are still in the process of digging in to things especially capital, the daily operating seems to be on a level keel; things are showing up and financial statements are from prior years and it's just a matter of cleaning. Some of these things are going to be kept for the next twenty years because they are permanent". Mr. Prickett commented that the general ledger from what he can see is not an accurate document or at least in seven out of the last eight years. Some of the things that Mr. Prickett has heard in talking with the CFO is they had to start new. It was kind of like if one had a checkbook and it's not balanced and is so messed up that you have to start from one place in time and move forward with that. From what Mr. Prickett understands, that is what has happened in the Township. The previous years have been left idle and a new starting point has taken place. In fact, last year the audit did not reflect that we didn't have a general ledger. It wasn't a complaint for 2007. Mr. Prickett complimented Mrs. Scull. Council talked a lot about the problems that existed in the finance office and read, "Mrs. Scull added that during a meeting it didn't take a rocket scientist to figure out there was a huge problem that was not being addressed by somebody and if she had information that the audits were coming back the way they were she would have had to publicly say something and say that is not acceptable for the members. In this town, they expect better. Mr. Administrator or Mr. Mayor, you need to do something. Knowing it would be too bad if it embarrassed them in public". Mr. Prickett noted they have had three years to get this straight and continued reading, "Miss Scull also commented that checks and balances were not there and if there is the wrong person in place for four years, they are in deep trouble". Mr. Prickett conveyed that Council not only recognized it was a problem, Council appropriated \$5,000 in contract services to hire an audit service so that we could rectify this problem but again, we still have the problem. Mr. Prickett expressed concern that it is not going to get fixed. He expressed the need for an outside monitor which would be the community affairs, local government services to evaluate our progress and maintain this general ledger. Otherwise, for the next ten years the general ledger is not going to be accurate and is not going to be a complete document for Pemberton Township. Mr. Prickett remarked the general ledger is a safeguard in that it protects Administration from people saying that there might be problems in finances and it also protects the citizens in that they know their tax dollars are being spent carefully and responsibly. Mr. Prickett stated this is a safeguard that protects all of us and seven out of the last eight years it has not been maintained; it has been listed as a finding in the yearly audit. Mr. Prickett expressed he would like to see this resolution added to the agenda. It would be number 219-2009, and he would like to see a vote tonight. Mr. Prickett noted he is not going to do that at the moment but will try to do it a little later. Mr. Prickett expressed he is looking forward to hearing what his fellow Council members have to say. Mr. Cartier expressed concern with inviting the state in to Pemberton Township. The state has their hands in so much with what is already done in the Township as it is whether it be Pinelands or trying to get an H&H study through the DEP since December of last year. Mr. Cartier stated he would be afraid of inviting the state in to the Township; you never know what you are going to get from them. Mrs. Scull commented that she would like to address Mr. Prickett's reference to her comments at the budget hearing. Her comments about a rocket scientist had to do with before she was elected and spending as many meetings here as she did and it was very obvious to her that something was not right with the CFO at that time. It had nothing to do with the current CFO. Then we found out there was no general ledger kept for years. Mrs. Scull questioned where was the Council then, where was Mr. Prickett then and where was the Mayor then. Mrs. Scull expressed that she is not in favor of letting it go uncorrected. Mrs. Scull stated that she does not appreciate her words being twisted around to something that they weren't meant to infer. Mrs. Scull started to ask the Mayor and Mrs. Stinney informed that she is going to ask the Mayor to provide a synopsis of where we are at this particular time and that might answer Mrs. Scull's question. Mrs. Scull commented that could have happened first and it

might have been good and she would like to hear from the Mayor where that department is. Last year there was a situation where the CFO was out before the audit and there was no one else that could do the work the CFO had done. Mrs. Scull notified that she is not overly concerned and knows that they are working and have worked for the last couple of years to try to correct the situation. The CFO inherited one heck of a mess and that was what bothered her. Sitting in the meetings and she is wondering if anybody can see there is a problem with the financial person. Mrs. Scull noted that she didn't hear Council trying to address that problem. Mrs. Scull continued that we have addressed it and there are strides being made and picking out a part of an audit because she doesn't think the entire audit stated that things are not being done but if she was a resident and didn't know better, she would think our CFO hasn't been doing anything for a few years and we all know that is just not true. There have been a lot of corrections made and we have moved forward. Mrs. Scull apologized to Mr. Cartier that she was making a smart aleck comment about the state can't take care of their own finances and she is not blaming that on our governor. Mrs. Scull expressed that she doesn't know what benefit we would have by having anybody come in and help. If Mrs. Eden needed help, she is hopeful that Administration will make sure that will happen but she is not in favor of approving this. Mr. Inge commented that at the last Council meeting he had asked the Solicitor if it is the Council's responsibility to make sure the ledger is up to date or if it is Administration's responsibility. Mr. Bayer responded that typically the actions of the Finance Office come under Administration. Mr. Inge then asked if Council is not liable to make sure that money is spent and put in place where it is suppose to be. Mr. Bayer answered that there is a process in place to handle that. The CFO would have that responsibility subject to oversight by the Business Administrator and Mayor subject to oversight through an annual audit as well which is done and submitted to the state for review. Mr. Cartier added and the Council. Mr. Bayer agreed and added Council adopted a resolution at the last meeting submitting the audit to the state. Mr. Vaz interjected confirming that it was read.....Mr. Cartier interjected with that it was reviewed by the Council. Mrs. Scull asked if there was anything in the audit that inferred that money was being spent improperly. Mrs. Stinney stated to Mrs. Scull to let Mr. Inge finish. Mrs. Scull apologized to Mr. Inge. Mrs. Stinney noted to Mr. Cartier to let Mr. Inge finish. Mr. Cartier interjected that he was clarifying the Solicitor's comment and wanted it to be accurate. Mrs. Stinney thanked Mr. Cartier for the clarification. Mr. Inge continued that at the last Council meeting, the Mayor blamed a member of Council for giving a hard time to an employee of the Township. Mr. Inge stated that he doesn't think any member of this Council has said anything negative about the CFO. Everyone on the Council had hoped that the CFO received her certificate and everyone pulled for her and is still pulling for the CFO. Mr. Inge advised that he believed in the CFO before he ran for office and when she first got the job and took over when there were so many problems. Mr. Inge continued that the CFO is one of the best employees that the Township has and for the Mayor to make a statement that statements that were made by a Council member had this employee go home in tears, he believes it was Administration and the auditor who stated there was a problem with the CFO and never the Council. Mr. Inge noted that if an employee is sick and that is why there is sick time, if something doesn't get done, it is not the employee's responsibility. It is Administration's responsibility to make sure her job is covered and anything that pertains to her job is taken care of. That is why there is sick time for employees to use if they need it. Mr. Inge remarked that the Mayor spoke about ethics. Mr. Inge continued that coming from the Mayor, he finds it very hard to understand by a person of the Mayor's caliber would even mention ethics. Mr. Inge relayed the Mayor mentioned the last engineer, Alaimo, was giving gifts once a year to Council members and elected officials wherever they had contracts. The Mayor clearly stated that and.....Mrs. Stinney interjected that Council is under New Business, discussion of the.....Mr. Inge advised that he is getting to that and this all falls in to that. Mrs. Stinney commented that she wanted to make sure

Council was on target. Mr. Inge continued that the Mayor never mentioned that George Scott helped run their campaign and they met with George Scott on a weekly basis. Mrs. Stinney asked Mr. Inge what this has to do with.....Mr. Inge continued that George Scott was an employee by ARH at the time, our now Engineer firm for the Township. Mr. Inge commented that the Mayor is going to talk about ethics about another engineer firm and about Council people. Mrs. Scull asked what that has to do with this. Mrs. Stinney commented that New Business doesn't say ethics and this is in regard to the.....Mr. Inge replied that he is just saying what the Mayor said at the last meeting talking about.....Mrs. Stinney interjected that Mr. Inge can state it under Council comments but right now Council is discussing the audit and to move along because she is going to ask the Mayor to provide a synopsis of where we are now and that doesn't have anything to do with.....Mr. Inge commented that he has no problem to continue during Council comments. Mrs. Stinney responded that is fine and he can talk all night long. Mrs. Stinney asked Mr. Inge if he had any other comments in regards to this. Mr. Inge replied he was speaking in regard to what is taking place.... Mrs. Stinney stated he was talking about ethics. Mr. Inge continued that was brought up by the Mayor at the last meeting. Mrs. Stinney informed Mr. Bayer has some comments regarding the audit. Mr. Bayer advised knowing this was on the agenda, his office reviewed state law regarding Mr. Prickett's request. There is actually a statute which is 5227BB-55 and it basically states there are five circumstances under which DCA would take over a municipality or review a municipality's finances where they could basically do it without court order none of which apply to the circumstance or concern related to the audit. The last provision in the statute which is a general catch-all provision which could apply basically states that the DCA could impose special restraints upon municipalities in or in danger of failing falling in to unsound financial conditions. Mr. Bayer read the following, "A judicial determination of gross failure to comply with the provisions of the local bond law, the local budget law and the local fiscal affairs law which substantially jeopardizes the fiscal integrity of the municipality". Mr. Bayer conveyed if the Council decides to go down this route, what they would have to do to get DCA oversight is to file a complaint in the superior court and have a judicial declaration and it was warranted. That is what the legislature has decided in terms of a process. The other provisions with DCA would automatically take over a town, if there was a default in the payment of bond obligations, unpaid taxes to the state, county or school districts, an appropriation for cash deficit of preceding year in an amount in excess of 4% of the total amount of taxes levied, less than 70% of the total amount of taxes levied for all purposes in the taxing year or the appropriation required to be included in the next regular budget for liquidation of all bonded obligations or notes exceeds 25%. Mr. Bayer reiterated if Council wanted to go down this route, they would have to go to court and get a judge to agree and the DCA would be a party. His research showed the Township of Hamilton in Mercer County voluntarily sought that some years ago and DCA agreed to take over on a limited basis and the DCA took over the finances of the city of Hoboken a number of years ago when their Council and Mayor couldn't agree on a budget and never adopted a budget and the DCA took over their finances completely which is still in effect. Mr. Bayer continued that basically all municipal action involving money is subject to state monitors review and approval in the case of the city of Hoboken. Mr. Prickett advised that he has some questions for the solicitor. Mr. Prickett noted he didn't say anything about and this is to monitor and he has read that the Division of Community Affairs, the local government can make a request that some failing part of an audit be rectified, be addressed. Mr. Prickett noted they call it a report and they can make a report on municipalities' financial affairs and require that the issue be resolved by the next year and that is really what he is looking for that the DCA recognize this problem and assure there is oversight in correcting it. Mr. Prickett stated he is not looking for the DCA to take over the government but is looking for this seven out of eight year problem to be resolved. Mr. Bayer expressed that he understands and knows what regulation Mr. Prickett is

referring to but the statute which the regulation flows from talks about the process and there are various levels of state control in these things. Mr. Bayer continued that Hoboken is the most severe of cases and Hamilton was far less severe. There are various degrees but at the end of the day, Council would have to go to court to get it to occur. Council could write a letter or adopt a resolution but to move it along, this statutory provision applies. Mrs. Stinney asked the Mayor to give Council a synopsis of where we are to clean up this matter. Mrs. Stinney also thanked the Mayor for attending each meeting and knows that he does not have to and she is grateful that he is here. Mayor Patriarca wanted to clear up an item that was brought up by a member of Council. The Mayor indicated that at the last meeting he never identified Alaimo Engineering as the engineering firm in question of giving gifts to Council that certain Council members accepted. Mrs. Stinney interjected that the discussion is regarding the audit. Mayor Patriarca replied that Councilman Inge indicated that he identified a firm in giving gifts which he did not do and Councilman Inge identified the firm in question, not him. The Mayor continued that in case there are any questions from the engineering firm, he wanted it to be clear. Mr. Inge stated they were the engineering firm for the Township at the time. Mrs. Stinney informed that so there is no dialogue, she would appreciate.....The Mayor interjected that he is not looking to dialogue but he is just clearing up and making a statement in regards to a Councilman's statement. Mrs. Stinney asked the Mayor to do that under the Mayor's report as she had asked Mr. Inge to. Mayor Patriarca stated he wanted to make sure that those that were here get to hear and if they leave, they leave with the impression that Mr. Inge left in their mind which is inaccurate. Mrs. Stinney noted that it will be on the record. The Mayor stated he will challenge his ethics to a box of rocks any day. Mayor Patriarca commented that currently our CFO has been working diligently to meet the questions and comments that came up in the audit. All of our accounts are just about there. There are a few accounts that the CFO is still not complete with but for the many accounts that we have which are a lot, for the most part, most of them are balancing out. The Mayor confirmed that Mr. Prickett is correct; it is like balancing a check book. The CFO has to show on paper what is coming in and what is going out and it needs to match. The CFO is working hard on that and is pretty close to completing that and he is expecting by the next Council meeting to be completely up to date with that. The fixed asset comment has been addressed. The fixed assets are being worked on; currently they are up to date and they are continuously putting in the new fixed assets as they come in so that comment has been identified. The 1099 comment in the report has been identified and corrected. The issue with the employee being trained in the absence of Mrs. Eden which he tried to keep her personal issues out of the public comments and her illnesses has been stated by Council. Mrs. Eden has trained an individual in her office to address these issues if she were to go out again. The Mayor expressed hope that she does not go out again, but if that were to occur, we should have someone in place and a mechanism in place to correct that. This goes back to his original thoughts last year when the audit came in and there were issues. The Mayor wanted a clean audit for the Township so that from looking at all of the prior audits and issues and then seeing one coming up clean which was the prior year which would have been the audit for 2007 or 2006 and he knew there were issues and that's why a new auditor was sought. Administration wanted a clean audit and to know the truth and where their faults lie so the issues could be addressed. Administration found that in the report and is addressing those issues seriously and can only state that their hopes and intentions are to provide the Township with accurate documentation for the next audit. Mrs. Scull asked if there were any comments in the audit that would lead anybody to believe that there were any funds misappropriated or anything of that nature. Mrs. Scull wants that on public record. Mayor Patriarca answered there were none. Mr. Prickett responded that the audit does talk about that possibility and.....Mrs. Stinney interjected and asked Mr. Prickett who he is responding to. Mr. Prickett replied he is responding to Mrs. Scull's comment and the question she asked the Mayor and

there is evidence that there is a possibility of something wrong here. Mr. Prickett continued that is on page five of this year's audit and read, "Material weakness is a significant deficiency or combination of significant deficiencies that result in more than one remote likelihood that a material mis-statement of the financial statements will not be prevented or detected by the Township's internal control". The last sentence read, "However, we believe that finds 2 and 3, one being the fixed asset ledger and the other being the general ledger, of the significant deficiencies described above to be material weaknesses". Mr. Prickett indicated they are saying that this is extremely important that this be rectified because there is room for any number of things. Mayor Patriarca stated that Administration does not disagree. Mr. Vaz commented that is not an accusation. Mr. Prickett agreed and stated it is not an accusation. Mrs. Scull stated that's right, that's the big difference. Mr. Vaz stated that's the auditor's way of having to address his responsibility when he does the audit but there is no accusation of misappropriation or anything and had there been, he has an obligation and there is a separate statute that requires an auditor to immediately make a report to DCA and there is an entire process that would have to kick in. Talking about legal mumbo-jumbo when we read stuff that lawyers put and auditors do the same thing. It's auditing mumbo-jumbo. Mr. Vaz assured everyone that having numerous conversations with Mr. Applegate that is not even on the radar screen. Mr. Prickett agreed and added that he is not saying that there is evidence of some wrongdoing but there is ambiguity and that ambiguity in the records shouldn't be. There is possible doubt and he doesn't believe there is anything wrong but it needs to be verified in a general ledger. Mr. Vaz agreed. Mr. Prickett continued that there are greater chances of problems because it hasn't been correct in over seven years. Mr. Vaz agreed and added that when you don't have a fixed asset ledger and something walks, you may not know about it. Mr. Prickett relayed that he is talking about the general ledger. Mr. Vaz stated the fixed asset was another issue that was a comment. That's not to say the comment in the audit is not to say that there has been something that walked but it is just saying that without having a fixed asset ledger it would be more difficult to know that something walked out the door and we all agree on that and that's why it needs to be rectified and that issue is already rectified. Mrs. Stinney asked if there is a consensus from the Council to list this draft resolution at a future meeting.

Motion by Prickett to add Resolution No. 219-2009, a Request by the Pemberton Township Council for the Department of Community Affairs Division of Local Government Services to monitor the Township's compliance with NJAC5:30-5.7 to the agenda.

Motion dies for lack of a second.

b. Discussion of Emergency Services Rescue Billing.

Mr. Vaz remarked that he had asked the Clerk to include in the meeting package an ordinance that was adopted in Southampton that is a follow up to a spring 2008 memo that was circulated to Council at that time requesting consideration that Council adopt an ordinance permitting the fire companies to charge through a billing service for the service of responding to automobile accidents and that type of situation according to a schedule of fees that would be adopted. Mr. Vaz explained what would happen in that case is a bill would go out and be paid for by an insurance company and then that money would come back in to the fire company and in our case the fire department basically through our general revenue and when the prior year's budget is being adopted, we can look back over a 12 month period to see what was brought in through that third party billing and then that can go in to the fire department budget. It is essentially a revenue driven request. It is not something that every town does and he didn't want to represent it to the Township Council that way but it is however something that is starting to

catch on as more towns adopt it and the word gets out through the volunteer fire services across the state, we will see more towns doing it. Mr. Vaz pointed out in the memo that Southampton's fire companies did it in a way where they set up a separate non-profit organization and have a board of trustees and the money is brought in through that organization so the organization can directly put it in to the fire companies. Mr. Vaz expressed that Administration doesn't particularly like that model because it would require an incorporation of a whole new entity and for us that is not something that we want to do and the other part is in lieu of billing ourselves we would actually go out to bid and hire a third party billing service. There are companies that do that now and it's particularly in the EMS world for the volunteer squads that charge for the ambulance services. Mr. Vaz informed we would be looking for a company to do that kind of service for us. They would send the invoices to the insurance companies, receive the money and then pay it to the Township. Mr. Vaz informed that this wasn't acted on in the spring of 2008 mainly because there was a discussion and what we were looking for was the input of the fire companies. This was discussed at a meeting two Sundays ago over Labor Day Weekend with the fire companies. Mr. Vaz noted that he is told through Chief Augustoni that the fire companies stand behind it and they think it is a good thing for the town and for them as fire companies it is a way for them to eventually start building a fire department budget so that money can be put in to equipment and things like that. Mr. Vaz provided an example of showing up at an auto accident and there is fuel leaking. The fire company opens up a bag of speedy dry and puts it down on the gasoline and then shovels it up and properly disposes of it. All of that cost money and this would allow the fire department to charge through the insurance to recoup the cost of that bag of speedy dry. That is money that can eventually be built in to a fire department budget and be put back in to the fire department service. Mr. Inge asked Mr. Vaz if that has anything to do with the insurance that we have on the volunteer firemen; does that change their liability. Mr. Vaz replied no; their status as volunteers does not change because they are not being paid as employees. Essentially there is a volunteer fire department that would bill for auto accidents. Mr. Inge asked if that had anything to do with them being sued. Mr. Vaz responded that our insurance is not going to change in any way for that. Mr. Inge remarked that he thought this was discussed before and that was a question that was brought up; would that change their liabilities. Mr. Vaz answered that there may have been a broader discussion on liability and he had a vague recollection. Mr. Inge stated because it was volunteer, now they are being paid for certain services through that volunteer. Mr. Vaz relayed the individuals are still volunteers and they are not being compensated for their service and it's very similar to a volunteer EMS organization where the members are volunteers running the rigs and calls but they are billing for the service of transporting the patient to the hospital. They are billing for the cost of anything that may happen in the back of the rig and other pieces of equipment that might be used. Mrs. Scull did not have any questions. Mr. Prickett stated to Mr. Vaz that it sounds like a good idea and sounds great. Mr. Prickett expressed concern with volunteer ambulance services billing to pick up patients and there is a liability issue there at least from what he perceives from listening to people in different work shops. Mr. Vaz explained there are different aspects with EMS and in the EMS world when you start charging there is a loss of training fund money from the state. Right out of the gate, there is a difference that is important for any EMS organization to have to consider. Mr. Prickett asked if there are any of those liability problems with billing for this kind of a service that we need to be aware of. Mr. Vaz conveyed none that has been pointed out to Administration by anybody. Mr. Vaz expressed concern regarding there was some suggestion that we couldn't do this because the insurance companies have an arrangement with the state of New Jersey where they pay money to the fire service every year. What that turned out to be when he called and inquired about it is that money goes to the state fire relief association and in fact they are in Wildwood having a convention this week. Mr. Vaz continued that it is a separate thing and he called the state fire relief association

directly and talked with their people and it has nothing to do with this. That was the only concern that came up in all of his dialogue with everyone involved in this process. Mr. Vaz advised that he spoke with Burlington County fire people and Ocean County fire people. It's not something that is prevalent now and maybe as we go through this and other towns have already started to go through it, maybe issues will come up but these issues haven't presently come up. Mr. Vaz foresees down the road perhaps five or ten years, the insurance companies will go to the legislature and asking for a law to stop this because in his research that has happened in other states. The insurance companies got together and had the legislatures in those states put the breaks on this type of revenue driven ordinance. That is not the case here yet but it may be the case down the road. Mr. Prickett noted that it sounds like Mr. Vaz has done the due diligence that needed to be done at this point. Mr. Vaz reported that one of the reasons he did it was because his own fire company in Seaside Heights is looking to do this and he cautioned them and stated to let him do the research and see where it goes and in the meantime other Burlington County towns have actually done this. In his fire company now that a lot of the questions have been answered they will be doing this as well. Mr. Prickett thanked Mr. Vaz. Mr. Cartier asked in the case where an insurance company refuses to pay who becomes liable for the payment. Mr. Vaz explained if there is a refusal because it's not something that is covered by the insurance, it would then be a no pay. Mr. Cartier asked where that is stipulated. Mr. Vaz answered it has not been stipulated yet because there isn't an ordinance. He provided Council with another town's ordinance and Council can draft their own ordinance the way they want to. Mr. Vaz added that we'll have more control over that issue in regard to the question of do we then bill the driver or the owner of the vehicle. Since this would be done under the umbrella of Pemberton Township fire department, we could set it up where it is an absolute no and we won't lose control over that. Mr. Cartier understood but expressed concern over the rates. Mr. Cartier commented that an accident requires having an engine and an ambulance, according to the ordinance that he is reading, every piece of equipment that comes out of that rescue apparatus, there is a charge for it and that seems a little excessive to him. Mr. Vaz remarked that his understanding is there are FEMA rates for when towns seek reimbursement. Mr. Vaz suggested that might be the way to go is use the FEMA rates and it might already reflect that. Mr. Vaz gave as an example the chain saw for \$50.00 which is not the replacement cost but what is considered to be reasonable wear and tear of the use of the chain saw for that period of time. If this were an EMS organization, it would be a lot easier to track the cost because we know what a nasal cannula cost simply by looking in a catalog and that is not something that is reused; it gets tossed out. Mr. Cartier noted the EMS side of it had to do with false calls with people just looking for a ride from Pemberton Township to Mount Holly. This eliminated a lot of that because when that ordinance was instituted it helped do away with that. Mr. Cartier does not see there being a lot of false calls for service for an auto accident. The auto accident happened and there is a need for fire and rescue to be on the scene. Mr. Cartier stated he is uncomfortable charging something that Mr. Vaz interjected the idea was to give it to Council for their input and then he would bring it back to the fire chief and if those are the issues then we can present an ordinance that addresses those issues. Mr. Cartier commented that the next step is going to be to charge the homeowner's insurance for calls for a fire department to come out and put out the fire. Mr. Vaz noted that was a question the Mayor had for him in that he thought the state does not allow charging for something like that and auto accidents were exempt. That gets back to that information that he heard and went to the state relief association where he was informed there are no laws that guide us on any of this. It is a local decision by ordinance and if Council wanted to and Administration is not suggesting this, if you wanted to charge for the house fire, in theory you could and charge the homeowner's insurance but no one is seeking to do that. Mr. Cartier stated yet. Mr. Vaz noted maybe down the road but he is not hearing any chatter from our fire companies. This is one of those situations where

Pemberton because of the well traveled roads; there are a lot of auto accidents. That is the kind of thing where they are spending a lot of money because of the speedy dry and that type of stuff. In his town it is the false alarms for the hotels for the kids that are lighting up cigarettes and the smoke alarms are going off six times a night. They actively get paid for those and they are not replacing anything but it's for the inconvenience of them having to get up six times in the middle of the night to go to the same motel and the same motel room. Other towns do that pretty actively for the false alarms. One could go in all types of directions and right now our fire companies are just looking at the special issue with the auto accidents because now there are a lot of them in town. Mayor Patriarca commented that Mr. Inge expressed concern if we are charging would the volunteers lose their volunteer status. The Mayor remarked that he remembered discussing that and it was in the discussion regarding EMS. Mr. Vaz agreed and added that is what we were talking about. There is a direct impact on the training but in terms of the fire service, they are still volunteers as long as nobody is being compensated and it won't change that status. Mayor Patriarca commented EMS can charge but they have to charge everyone across the board, insured or uninsured. Mr. Vaz agreed and added that is because of the Medicare laws but that does not apply to the fire organizations. Mrs. Stinney asked the solicitor for his legal opinion. Mr. Bayer responded he accepts Mr. Vaz' representation that there are no state laws that restrict the Township from doing this. He will take a quick check. Mr. Vaz relayed that if the ordinance is adopted and in the newspaper, some insurance vice president somewhere will see it and the next day we'll probably get a fax the next day if there is such a law that the relief association wasn't aware of. Mr. Vaz does not know the attorney that represents Southampton but he did see some paperwork where there was some indication where it had gone through Southampton's counsel. Mrs. Stinney asked Mr. Vaz if that is the only municipality in our county that is currently billing. Mr. Vaz replied no, there are two or three others in the county as well as a handful of others in other counties. Mrs. Stinney thanked Mr. Vaz and our fire department and fire companies for sitting down at the table and discussing this and that's how we get things done. Mrs. Stinney thanked them for their hard work and looking out after the Township again. Mrs. Stinney asked Council if it is their desire to have Mr. Vaz move forward with this. Mr. Prickett agreed. Mrs. Scull stated that she does share Mr. Cartier's concern and she can see this driving up insurance costs in New Jersey again and just looking at the billing from Southampton, they bill \$15,000 and received \$5,000 but it's not just a little bit of money, it's not a couple of hundred, it's \$2,400, \$1,400, \$800, \$900 and \$2,200 and she can see this driving up the insurance rates if it becomes common practice in the state. She is sure our residents are thinking thank God they had their accident in Pemberton and not Southampton. Mrs. Scull has mixed feelings about this and is not so much for big brother putting more ordinances in and is something that she is not totally committed to at this point. Mr. Inge asked if that could change the auto rates for residents in the Township. Mr. Cartier replied it could if the insurance company can see the bill coming at them; they could raise the individuals rates. Mr. Inge conveyed that Mrs. Scull brought up a good point. Mr. Vaz remarked that in the fire fighters defense, they are not looking to hurt anybody and what they are saying is if they can get \$15,000 from an insurance company, that's \$15,000 less that they have to ask Council to budget through tax payers' money. Obviously Council just heard the number about Southampton and this is not going to put tons of money in the bank by any thought. It's going to put a little money in the bank to help them start building a budget. Mr. Vaz reiterated they are doing it from the vantage point of saving the tax payers' money and putting it on the back of the insurance company in this particular instance. Mr. Cartier stated that he can see that side of it but they are just going to get hit on the other end by the insurance company so they get it from the municipality or the insurance company. Mrs. Stinney noted the ordinance can get put together and Council can look at it and have a dialogue again. Mr. Bayer suggested there is a way to get some information from an insurance group about the impact on rates.

Council President recessed the meeting at approximately 8:15 pm for a short break and reconvened the meeting at approximately 8:27 pm.

d. Hearing regarding Skip's Bar liquor license renewal application.

Mrs. Stinney asked if there was anyone from Skip's Bar that is represented here this evening and if there is to please come forward and state their name for the record. Mr. Inge recused himself and stepped down from the dais. Betty Roughgarden and Jeremy Bay came forward. Mr. Bayer explained this is a license renewal application for Skip's Bar and Grill. For the record, before Skip's makes any presentation, they were provided a letter this week indicating there was going to be a hearing tonight to consider their renewal. There is a representative from the Police Department, Lieutenant Ron Kreig who is present tonight. Mr. Bayer informed the Police Department has performed an investigation. Under ABC regulations this is not a trial even though it's a hearing. The rules of evidence do not apply. The Police Department will make a presentation and any representatives of Skip's can make a presentation if they would like and Council can have a discussion and ask questions and those are the ground rules. Since this is an informal proceeding, there is no need to swear any witness in. Mr. Bayer started with Lieutenant Kreig. Lieutenant Kreig stated that on behalf of the Pemberton Township Police Department, it is their recommendation that preliminary retail consumption license for Skip's Bar and Grill not be renewed due to the business being operated and/or conducted in such a manner to become a nuisance to the community, the Township of Pemberton specifically by exposing the health and safety of the public, Police, emergency medical personnel and patrons to unwarranted acts of public intoxication, disorderly conduct, fights, assaults, public urination, violations of the Township noise ordinance, alcohol related medical responses, underage alcohol consumption, parking complaints, etc.,. They did maintain and/or allow the premise to continue to exist even after being noticed of the conditions where the engaging of unlawful acts and violence, alcohol related incidents and blight to the community continued thus creating an excessive police intervention; menace to the health, safety morals, welfare and reasonable comfort of the public community and residents of Pemberton Township. The following statistics reflect a period of time between January 1, 2008 and August 1, 2009. These are detailing the excessive unwarranted activity requiring the Pemberton Township Police Department's intervention in maintaining order during that timeframe. Understand that these statistics do not reflect past or current violations, fines and/or suspensions administered by the New Jersey Department of Law and Public Safety, Division of Alcohol and Beverage Control. In 2008, there was a total of 88 incidents at that establishment. There were 18 fights and assaults, 2 noise complaints, 6 emergency medical calls, 9 disorderly persons, 5 suspicious persons, 2 bar serving minors, threats, persons refusing to leave, 7 intoxicated persons and 2 possession of a controlled dangerous substances. Lieutenant Kreig brought to Council's attention that there were 88 incidents in 2008. In 2008, there are 52 weeks in a year and most of these incidents occurred on the weekends. Friday and Saturday night times two equals 104 days in 2008 and of those 104 days there were 88 incidents at that establishment. Charges and arrests in 2008 of those 88 incidents were: 8 charges of simple assault, aggravated assault, assault on a police officer, disorderly conduct, offensive language, disorderly conduct, tumultuous behavior, urinating in public, contempt of court, fugitive from justice (2 in the establishment), underage drinking, serving alcohol to a minor, resisting arrest, and the list goes on and on. There were a total of 53 charges during that time frame and 31 people were arrested. Lieutenant Kreig informed they had a thirty day suspension period from ABC starting August 1, 2009 and no numbers have been taken beyond that date. There have been 84 incidents at that establishment for that half a year time period such as driving while intoxicated, noise complaints, warrant services, suspicious

persons, 14 fights and assaults, disorderly conduct, intoxicated persons, underage consumption and the list goes on. Lieutenant Kreig informed charges and arrests in 2009 of those 84 incidents was 30 complaints and charges administered by the Police Department such as disorderly conduct, urinating in public, assaults, noise complaints and underage consumption of alcoholic beverages. There were 23 people arrested as of August 1, 2009. Lieutenant Kreig conveyed to Council that he is submitting this information to them for their consideration of non-renewal. If Council finds it necessary to renew their license, he asked that Council put restrictions or conditions on that license. Mr. Bayer stated Skip's should be allowed to provide a presentation if they would like and Council can then ask questions of the Lieutenant or Skip's representative. Mrs. Betty Roughgarden, the owner of Skip's Bar and Grill, came forward. Indicated that this is the first she has ever heard of any controlled dangerous substances in the bar. Mrs. Roughgarden conveyed that she is very strict about any drug use. The bartenders are instructed to not tolerate any of it and they have made that known very well to the customers and bartenders that any drug use will not be tolerated at all. Mrs. Roughgarden informed she would have known if there were any charges with drugs and reiterated this is the first she has heard of it. As far as the Police being called to her establishment, it has already been stated that there are many times that the Police are called there and when they walk in, there is nothing happening. Mrs. Roughgarden stated there is no reason for the Police to be called and someone is calling and making things up. Mrs. Roughgarden recalled that just last week someone had come in and her son was bartending and he doesn't lie; her son is an eagle scout with the boy scouts and he is 18 and she reiterated that her son does not lie. The Police came in and reported they had a call regarding a fight. Mrs. Roughgarden stated there was nothing going on and the validity of the charges are not correct. Mrs. Roughgarden noted that the numbers are divided because it's only the weekends but she is open during the week also and is open seven days a week. She has done every thing she can possibly do and everything that she has been asked to do. Mrs. Roughgarden does not have any of her former employees other than Mr. Bay, who is now her manager. She has been trying to get military people to come in. There is a military appreciation night and she does everything she can for the community and she and her business are not what people are trying to make it look like. She is not that bad and her business is not that bad. Mrs. Roughgarden invited everyone to come in anytime at all; nothing goes on there. People come in and see their friends and have a few drinks. Sometimes they are pulled over on their way home but they don't charge because they are not over intoxicated. Mrs. Roughgarden stated maybe they are pulling them over but questioned if they are pulled over because they pulled out of a bar and questioned the validity of all the times they get pulled over. Mrs. Roughgarden remarked that she has done everything she can do and thinks that Council should give her the license because there is nothing going on. She has been asked to do her menu over and she has and tonight is a baked dinner special. She is trying to be more of a restaurant. Mrs. Roughgarden again stated she has done everything she can possibly do and the charges really aren't what they should be. There is nothing going on there that shouldn't go on. Mr. Bayer stated to Mrs. Roughgarden that he does not know if Council has any questions and she is not required to answer if she does not want to but she can answer if she wants to. Mrs. Stinney clarified with Mrs. Roughgarden that she stated none of the charges that were set out tonight are true. Mrs. Roughgarden replied she is not saying everything as there were a few and there are some fights as every bar has some fights but it's made to look like it's more often than it is. Every bar has fights and there are fights there and there was one incident of two underage girls coming in and she was closed down for that and she paid the price for that. Mrs. Roughgarden continued that her bartender carded the two girls for that and they had fake I.D.'s. Mr. Bayer followed up with the Council President's question and asked Mrs. Roughgarden if she is stating that Police records in terms of the incidents which have occurred at the location aren't true. Mrs. Roughgarden responded that she is not saying that and she can't talk

about that because she doesn't think her lawyer would want her to and this is something she is not suppose to talk about now. She is not going to answer questions about all that. Mr. Bayer conveyed that he is not asking about any one specific incident and all that he is asking about is that he believes what the Lieutenant spoke about were incidents based on public record that are within the Police Department and she said they are not true. Mr. Bayer asked Mrs. Roughgarden if she is stating these records of incidents of the Police going to the location for these incidents and making these arrests, etc., didn't happen or if she was saying something else and he is not sure what she was saying. Mrs. Roughgarden replied she is stating that there are many times that the Police are called there when there is nothing happening and that's wrong. The Police are called there and when they arrive sometimes there is nothing wrong going on. Mrs. Stinney remarked that Mrs. Roughgarden stated they are making things up and charges are not correct. Mrs. Roughgarden interjected that she is not saying that the Police are making things up but what she said was that other people are calling the Police and she doesn't know who is calling these things in but sometimes when the Police are called there by whoever called, they called when there was nothing they should have called about. Mr. Prickett commented that this is the first time he has been involved in a hearing in the last seven years where the Police Department has recommended that a license not be renewed. It's a different situation for him and he has heard Mrs. Roughgarden speak in the past and say that she was going to make some changes and she has made some changes over the previous months. Mr. Prickett asked Mrs. Roughgarden that there are a number of conditions in the resolution.....Mr. Bayer interjected that we have not reached that point and we could ask the Lieutenant. Mr. Prickett stated he will wait. Mr. Cartier has a question regarding the license as it stands now and it currently has not been renewed. There were three conditions on the license and asked Mrs. Roughgarden if she is aware of that. Mrs. Roughgarden asked what they were. Mr. Cartier read, "The back door shall be used as an emergency exit. They will not be used as an entrance and an appropriate sign shall be posted on the door". Mr. Cartier informed that he has been in her bar one time and that was to deliver a pizza and that was prior to Mrs. Roughgarden owning it so he does not know the condition of that door right now. Mr. Cartier continued reading, "Condition 2. No parking shall be permitted at the back of the building defined as the area between the rear corners of the structure and the rear property line. Suitable barriers will be installed to prevent such parking". Mr. Cartier stated that he knows that condition is not being enforced because there are no barriers to prevent parking beyond the rear of the building. Mr. Cartier read, "Condition 3. Both the outer and inner doors at the front entrance and the windows in the front of the building will be kept closed during any live entertainment including but not limited to musical band singers and DJ's". Mrs. Roughgarden replied that the back door is closed. It's an emergency door exit and it is not used for anything other than an emergency door exit and there are signs stating it is an emergency door. The parking lot has steel poles along the edge that you can't go pass. Mrs. Roughgarden asked for the third condition. Mr. Bayer responded the outer and inner doors at the front entrance will be closed during live entertainment. Mrs. Roughgarden informed sometimes they are opened but most of the time they are closed. The woman who lived behind them before the one who actually owns the house and it is rented out now but she used to live there; when she lived there Mrs. Roughgarden asked her if they were noisy at all and she asked her many times and she always replied no, not at all. She also said that all she asked is that the doors be closed after 9:00 and they always did. Mrs. Roughgarden explained there are two doors; one is an outside door and then there is a door inside of that door and the door inside is closed if the other door is open. Mr. Cartier asked where the steel posts are. Mrs. Roughgarden answered they are behind the building. Mr. Cartier asked if the posts are preventing people from going behind the building. Mrs. Roughgarden answered yes and on to the O'Brien's property. Mr. Cartier asked if it runs to the real property line. Mrs. Roughgarden explained from her parking lot going behind her

building. Mr. Cartier conveyed it should be from the rear of the building running out to the side street. Mr. Bayer read, "Defined as the area between the rear corners of the structure and the rear property line. Suitable barriers will be installed to prevent parking". Mr. Cartier remarked that maybe that is considered behind the building and not the sides. Mrs. Roughgarden explained it goes from the rear corner back and there is another structure on the other side. Mrs. Stinney asked Mrs. Roughgarden if she installed them. Mrs. Roughgarden replied they were already there and after she was there she had the dumpsters enclosed and that is on the other side blocking. It's from both corners back. Mr. Bayer asked if there are cars parked in the back. Mrs. Roughgarden answered she does not park there and she parks in the employee lot which is on the side of the building. Mr. Bayer asked where the customers park. Mrs. Roughgarden replied the customer's park in the lot on the other side of the building. Mr. Bayer asked the same question to the Lieutenant; the conditions which are in affect now. Lieutenant Kreig replied the three conditions have been in affect since O'Brien's sold the property way back in the day and those conditions have followed that license from day one when that license was sold. Lieutenant Kreig added that is number eight and that means the license has changed hands eight times since O'Brien's. Mr. Bayer asked if over the 2008 and 2009 period, the licensee has met those conditions based on what he is aware of. Lieutenant Kreig replied no. Mr. Bayer asked the Lieutenant what his observations have been or his review of documents or what other officers have told him with respect to those conditions. Lieutenant Kreig answered that the back door at times does get utilized by patrons inside, patrons will run out the back, obviously if the door is locked they are in violation of the fire code because there must be a fire egress. There is a lock on the door but from what he remembers, there is something wrong with the pin on it and one has to "mess" with it to get it to open up to have the latch come across and there is a bar for also opening the door but the latch is for security when they close. The Lieutenant reiterated that he has seen that door open up on numerous occasions and is prepared to present that when the time comes if necessary. Mr. Bayer asked the Lieutenant about the parking in the rear of the building. Lieutenant Kreig replied the parking in the rear of the building has been a violation and Mrs. Roughgarden is correct in saying it's the corners of the building and there is a garage that sits to the rear of the building that is owned by O'Brien's and there are pillars that were in place there and that's to keep the cars from going from the lot that has the asphalt or the bar itself and cutting across through the back of the property and going on over towards O'Brien's Hardware store. Mr. O'Brien owns all of that property and the dirt portion that goes up to the fence where the resident is behind. There is only a small asphalt section that is actually the property of the bar itself for parking purposes. Mr. Bayer asked the Lieutenant if he observed cars parked in the back. The Lieutenant answered yes and that is one of the problems that they've been having and in the past and the Police Department has also received a letter from Mr. O'Brien asking the Police Department to enforce parking violations. Mr. Bayer then asked about the outer and inner doors at the front entrance. The Lieutenant replied that at times the immediate exterior door is propped open but the inner door is opening and closing as patrons go in and out of it and that is in violation. Lieutenant Kreig expressed concern that Mrs. Roughgarden had to ask a Councilman what the conditions were of her own license. Mr. Bayer asked the Lieutenant what conditions the Police Department would recommend with the license renewal. Lieutenant Kreig stated the Police Department would recommend seven conditions. Mr. Cartier asked if that is above and beyond the current conditions. Lieutenant Kreig replied the three conditions that are already in place remain with that license and that's the way the license has been or it would be Council to look at those in combination and see which in fact would apply. Mrs. Stinney confirmed that the three conditions roll over with the license. Lieutenant Kreig responded that those conditions were placed on the license by Council in the past and it continues because there were issues with previous owners because of the location of the bar. Lieutenant Kreig read, "Condition 1, Limit the hours of

operation with entertainment until 1:00 am and a closing time of 2:00 am; Condition 2, Provide advance notification to the Township and/or Police Department of all events involving entertainment; Condition 3, Designate a smoking area with parameters for control of patrons subject to approval by the Township". Mr. Bayer asked what the issue is with the patrons and smoking and why would he make that recommendation. Lieutenant Kreig conveyed that what has been observed especially on entertainment night at the bar, is there are large crowds of patrons that come out in to the area that runs parallel with Pemberton Browns Mills Road whether they are smoking or not. What ends up happening is those patrons stand out in front of the establishment, some are smoking, and there really isn't a specific area where they are to smoke and it puts them in an area where they go out on to the sidewalk which isn't too far from the front of the establishment and right on the street's edge. Mr. Bayer asked if that is the same area where the Police have encountered fights or incidents of that nature. Lieutenant Kreig replied yes. Lieutenant Kreig continued, "Condition 4, Provide adequate security personnel for all events involving entertainment and for the monitoring of the designated smoking area and parking lot during each event". Mr. Bayer asked what would be considered adequate security. The Lieutenant replied if there is someone at the doorway that is going to check I.D.'s or to check to make sure the individuals coming in to the establishment are of age and are not bringing contraband in to the establishment. They can also monitor a portion of the smoking area but that leaves the entire side of the parking lot which the Police have encountered fights and people hanging out at the rear of the establishment. Mr. Bayer asked if that would be private security, off duty police and what the Lieutenant's recommendation would be. Lieutenant Kreig recommended off duty Police Officers. Mr. Bayer asked why. The Lieutenant explained because they have enforcement powers and a better understanding of dialogue with people and enforcing the laws and are aware of the problems at the establishment. Mr. Bayer noted for the record that the off duty Police Officer could not be a Pemberton Township Police Officer. Lieutenant Kreig agreed and the off duty Police Officer would have to register at the ABC. The Lieutenant continued, "Condition 5, Monitor the number of patrons inside of the building as per the maximum allowable capacity designated by the office of the state Fire Marshall after completion of a fire inspection and a re-assessment of their building capacity". Mr. Bayer asked what the current capacity is. The Lieutenant responded it is 199. Mr. Bayer asked when that was established. The Lieutenant remarked it was some time ago and he does not have the exact date but in speaking with Fire Marshalls there are a lot of other things that are taken in to consideration such as the structures inside like pool tables, amusement machines, the bar itself and how much area there is and everything that takes up space within. Lieutenant Kreig continued, "Condition 6, Install lighting in the rear of the building parking lot and the employee side of the building subject to the Township Engineer's review". Mr. Bayer asked what would be the purpose of that and how would it help. Lieutenant Kreig explained it would help by lighting up the area and that would give people the impression that there is no where to hide and they just can't linger out there in a lit area. They would either go inside for the purpose they are there for; for the entertainment or to be at the establishment or if they go outside it is to smoke or to leave and not linger. Lieutenant Kreig continued, "Condition 7, Mark out individual parking spaces in conformance with the requirements of the Municipal Land Use Law". Mr. Bayer asked what the Police Department's concerns are. Lieutenant Kreig explained at this point there is an asphalt parking lot that when people pull in they have no direction as far as where to park their vehicles and that creates a problem for parking. If there are designated spots, the people pulling in would know how many spots are available and where to park. Mr. Bayer asked if that hindered any public safety issues such as when Police have come out to the sight based on the configuration of the cars and how they were parked and has it made it difficult from a Police enforcement perspective. Lieutenant Kreig replied that it has at times between parking in the designation area that the establishment

owns and the violations that are taking place parking in the dirt portion that belong to Mr. O'Brien. Mr. Prickett expressed he is glad that the Solicitor and Lieutenant Kreig clarified these things because it wasn't clear to him in previous conversations of Closed Session. Mr. Prickett stated to Mrs. Roughgarden that she just heard these conditions and was not aware of them beforehand. Mrs. Roughgarden agreed. Mr. Prickett expressed concern that she would agree to these conditions and they would be changes that she would be willing to make in order to get her license. Mrs. Roughgarden replied that she would have to talk that over with her attorney. As far as her not knowing what her conditions were, she knew all of those things but thought Council had something different that she hadn't heard before. Mrs. Roughgarden advised that she instructed her employees many; many times that no one goes out the back door. She has signs up and knew that already. She keeps the inside door or the outside door closed and never opens the front windows and she knew all of that. No one ever comes in the kitchen door and she even hung up the part of her conditions in the kitchen that states no one can go in the back doors because customers were trying to come in through the kitchen. The kitchen door is locked all the time now. Mrs. Roughgarden added that it wasn't that she didn't know those things but thought Council meant something else. Mr. Prickett asked Mr. Bayer if this is something that can be continued on to the next meeting so that Mrs. Roughgarden could consult with her attorney and.....Mr. Bayer interjected that would be problematic because Council needs to act by September 30, 2009 which is why it was scheduled tonight; otherwise, the license under ABC regulations is deemed denied with no rationale behind it. The licensee always has the right to appeal any determination of the Council to the ABC. That can always be subject to later discussion and there would be further proceedings under which we could discuss these conditions but Council would need to act unless they wanted to schedule a special meeting before the end of the month. Mr. Prickett conveyed that Council could make a decision tonight and change their minds before the end of the month or if there was further discussion needed. Mr. Bayer remarked that he didn't know if Council would have to change their minds by the end of the month, the resolution would be forwarded to the ABC and the licensee has an appeal right and these issues could be discussed during that appeal. Mr. Prickett noted the decision before Council tonight is to either grant the license with the terms or not to. Mr. Bayer commented that Council could deny the license, grant the license outright with the pre-existing constraints or consider what the Police Department is recommending as well. Mrs. Scull stated Council could approve the license based on the agreement to go along with the conditions and then they could appeal if they don't want to do the conditions. Mr. Bayer commented that Mrs. Roughgarden stated she does not want to consent tonight. Mrs. Scull noted that she understands that but Council could approve the license with the conditions and then it could be modified or appealed. Mr. Bayer agreed. Mrs. Scull remarked that Mrs. Roughgarden had spoken before about hiring some off duty Police Officers for security when she has big events and asked Mrs. Roughgarden if she has done anything about that. Mrs. Roughgarden advised that she did look in to that and they are making new policies in their departments to have them but in the meantime she has secured new security from the military base and they are military personnel and are very good. They not only stand at the door and check I.D.'s, but they also walk around the building many times during the night. Mrs. Roughgarden added they walk through the building, inside and out many times. Mrs. Stinney asked Mrs. Roughgarden if they are Fort Dix Police that she has hired. Mrs. Roughgarden answered no, they are Fort Dix employees and her manager, Mr. Bay, could provide more information as he hired them. Mr. Bayer asked Mr. Bay to state his name and what his relationship is to Skips Bar & Grill for the record. Jeremy Bay advised he is the manager and the members that he has for security are all military members. They are not police officers and do not have jurisdiction to arrest but they are military members. In military training, they are trained to assess risks and identify those risks. Mr. Bay advised he is active duty military as well and has been in the Air Force for five

years. He started out as the bartender at Skips and took over as manager. He wanted the people that he trusts at the door doing security. People that he knows will check I.D.'s and make sure they are identifying people that are intoxicated before letting them in the bar and making sure those types of personnel do not come in the bar. Mr. Bayer asked when the military people were hired and when did they start. Mr. Bay informed two months prior to the bar closing for thirty days, he started bringing members in. Now all of his security is active duty military and about fifty percent of the employees are military as well. Mr. Bay started with a clean house when they reopened and wanted to get rid of the negative image they had in the bar, start fresh and start all over. They hired new people that he trusts that he picked along with Mrs. Roughgarden. They picked responsible individuals and they have other jobs as well. They are not looking to work in a place that will endanger their careers. He is planning on making a career out of the military and is not looking to work in a place or put himself in a situation to risk his career. To protect himself for that he went to the Office of Special Investigations on McGuire, spoke with agents and had them come in and look around and asked if it was okay for him to bring his friends and if it's okay for him to work there; he didn't want to put himself at risk. Mr. Bay advised he was informed there is no reason why he couldn't work there or invite people from the base to the bar. Mr. Bayer asked if it is fair to say that they would agree to a condition if there was entertainment such as a DJ on a Friday and Saturday night, they would have an off duty Police Officer or military personnel acting as security. Mr. Bay replied absolutely. Mr. Bayer added that they are doing it already so he doesn't see why they wouldn't agree to that. Mr. Bay again replied absolutely and added that even when they don't have entertainment on the weekends, they have security there in place. He wants everyone's I.D. checked as well as making sure they are not carrying anything in to the bar. Mr. Bayer commented that they would have that type of security personnel every Friday and Saturday. Mr. Bay agreed and added that Lieutenant Kreig provided recommendations from the Police Department and they have their cooperation as far as they don't want to endanger themselves and they don't want their patrons being at risk either. Mr. Bayer asked Mr. Bay what his position is with the smoking area. Mr. Bay advised that he has a business outline that he made and he just took over as manager and he would like to get that to Mr. Bayer. The smoking area was one of his ideas and there were people smoking in front of the bar and he doesn't like the image of that with people standing in front of the bar and he would like to have a designated smoking area off to the side. When people are coming in to the bar getting their I.D. checked, if they don't smoke they won't be exposed to that. Mr. Bayer asked Mr. Bay if he would agree to that as well. Mr. Bay stated that's two down. Mr. Bayer informed so far there is an agreement on security and smoking. Mr. Bayer asked about monitoring the maximum number of patrons allowed by fire laws in the building. Mr. Bay replied that they do restrict that as well. It's something new they started. They use numbered tickets and he takes the first ticket and puts it in his register and as the security lets patrons in the bar they rip off a ticket and are keeping a total tally of how many people are in the bar at a time. Mr. Bayer clarified that they have a mechanism in place to monitor the number of patrons inside of the building. Mr. Bay confirmed. Mr. Bayer asked Mr. Bay if he would agree to that condition as well. Mr. Bay replied yes. Mr. Bayer asked if he had any position on lighting in the parking lot. Mr. Bay answered there is lighting in place and there is lighting on the side of the bar. Mr. Bayer clarified in the rear of the building, parking lot and employee parking. Mr. Bayer noted there is the parking lot on the one side where the patrons go, the back and the employee parking on the other side and asked Mr. Bay what kind of lighting is in place and what he would propose. Mr. Bay responded that on the rear where the employees are there are spot lights along the side of the building with accent lighting and there is also an outdoor floodlight and a 24 hour security light as well. He doesn't want his employees walking out to their vehicles at night to a dark area. That's already in place and if we need to look at getting some brighter light bulbs to maybe

adjusting the angle of the lights that is something they can do. Mr. Bayer informed that what ever lighting they do have, have the Township Engineer review it because there have been concerns with neighbors as well and while they want adequate lighting for public safety reasons, they also don't want to disturb the neighborhood. Mr. Bay remarked that they don't want to be a nuisance to anyone. Mr. Bayer asked for the lighting on the employee side. Lieutenant Kreig stated that there is more lighting on the front of the building and that's why he never identified the front as a problem with lights in the evening. The problem is in the rear where there are people lingering and the lights are there for a deterrence. A deterrence like in the parking lot; there is a light on the side of the building on the parking lot side but it's not lit when the establishment is open at 1:00, 2:00, 3:00 and 4:00 in the morning when they are letting out patrons and the patrons linger in the parking lot and we end up with these occurrences. If it's lit up, it's deterrence for these people. Also when you leave the bar to go out to smoke, you smoke and then go back in the bar. When you leave the bar to leave, you get in your car and leave. We are not having that. Mr. Bayer asked about the lighting where the public parks and asked if the lighting can be improved there. Mr. Bay advised the lighting was already reviewed by the state Fire Marshall. Mr. Bayer commented that is a different issue and he would assume there are minimum requirements for that but this goes beyond that. This is regarding public safety and the Police are talking about trying to prevent fights and those sorts of things in the parking lot. Mr. Bay conveyed that they are not looking to have that kind of image at the bar with the fights and will meet with the engineer to review and they will look at some solutions for that. Mr. Bayer asked if he would do that in the rear as well. Mr. Bay replied yes. Mr. Bayer confirmed there is an agreement on that as well. Mr. Bayer stated to Mr. Bay that he would assume there would be notice if having entertainment on every Friday and Saturday night that they wouldn't be opposed to advising the Township that it is scheduled so the Police or whoever could know about it. Mr. Bay responded that before answering he would like clarification as far as do they need to know what kind of entertainment or who he is having in. They are appealing more to the military crowd and are not looking to appeal to a certain crowd of music, country, rock or hip hop music; they are looking for a combination of everything. Mr. Bayer reiterated that they don't need to know the name of the band or the DJ but rather just the fact that they are having a band or DJ or whatever. Mr. Bay asked if it had to be in writing or a phone call. Lieutenant Kreig advised a monthly schedule would be sufficient. Mr. Bayer asked if that is planned that far ahead. Mr. Bay replied sometimes there are last minute changes but he can provide the monthly schedule that is planned out. Mr. Bay stated he doesn't think it's unreasonable for him to notify the Police of any last minute changes. Mr. Bayer advised there is an agreement on that and asked about what is going on in terms of when the parking lot and how cars are parked. Mr. Bay responded that he knows there was a problem with parking. There have been tickets issued and it was brought to their attention by O'Brien's Hardware. O'Brien's informed him that they were asked not to allow people to park there. Mr. Bayer stated if they work out an arrangement with any private property owner as to parking and it's otherwise lawful, that's up to them. Mr. Bayer suggested the Police Department would disagree with the statement Mr. Bay just made because they received a letter stating that one individual didn't want them parking there. Mr. Bayer continued that if he was able to work that out that would be his business as long as it's in conformance with zoning and as long as zoning code enforcement doesn't have an issue with it, its fine. Mrs. Roughgarden reported that she did work that out with O'Brien's who said they had no problem with anyone parking in their lot because they were already closed at that time. A few days later on Friday when the bar had a large crowd, she informed her security personnel to show the patrons where they could park in the O'Brien's' lot. When the patrons parked there, they were ticketed. Mrs. Roughgarden went to O'Briens who told her they were sorry and they did agree with her to let them park there but the Police came to them and told them to write a letter stating they wouldn't allow

parking. O'Brien's stated to Mrs. Roughgarden that they had to because the Police told them that even though they already made an agreement with her. Mr. Bayer asked Lieutenant Kreig to address Mrs. Roughgarden's statement. Lieutenant Kreig stated it is ridiculous. He had communication with Mr. O'Brien who is a businessman. Mr. O'Brien does not want to have problems with businesses that surround his business but he also understands that he has insurance issues also. If there are people parking on his property and they are engaging in fighting or conduct that is going to do damage to his property, he is the one that has to pay those insurance premiums and the rise in his premiums. Because of that, Mr. O'Brien decided to give the Police a letter stating he does not want anyone parking there when his business is not open and he also put signs up. Mr. Bayer asked the Lieutenant if anyone in the Police department as far as he knows order or compel Mr. O'Brien to write the letter. Lieutenant Kreig responded absolutely not. Mr. Bayer added that he's not sure how that would ever work. Mr. Bayer continued that the parking lot on the property is really what the Township controls through the licensing process which is subject to ABC, which is what has been the situation. Mr. Bayer asked if cars parked in an orderly way now or if there is any way to better control that other than the idea that the Township came up with in terms of striping spots. Cars go in to a spot, there's not cars parked in a million different directions, it's not over crowded and those sorts of things. Mrs. Roughgarden answered that her security does help the patron park, direct traffic and they make sure they don't park past the boundaries. Mr. Bayer asked if this is since August 31st or before that. Mrs. Roughgarden replied before that but when they did have large crowds since she has owned the place for three years, there have been people parking in the shopping center across the street and O'Brien's and there were never any tickets issued and this went on for years. Mr. Bayer noted to focus on the bar's parking lot which basically Mrs. Roughgarden's statements are leading to that there is not enough parking in her lot to handle the capacity her building can hold because she needs parking in the Acme across the street or in O'Brien's. Mr. Bayer asked Mrs. Roughgarden if that is what she is stating. Mrs. Roughgarden replied that she is not saying that and does not want to answer that question. Mr. Bayer then asked Mrs. Roughgarden if she is amenable or not to the idea of striping the lots for organized parking. Mr. Vaz noted for the record, striping is possible but the Township is also suggesting as an alternative to use bumpers or whatever works to organize the lots in to an established number of parking spaces to guide people and provide order. Mr. Bay added that there are some bumpers up against the building towards the front and as far as lines, it is something they looked at and is something they can consider. Mr. Bay asked if they can do that themselves or does it have to be done a certain way and asked for clarification. Mr. Bayer replied that under the land use laws, parking spaces are suppose to be a certain size and the issue is if it is done through the bumpers.....Mr. Cartier interjected with curb stops.....Mr. Bayer continued that the idea is some sort of mechanism to impose a parking control, whether it's a curb stop or a stripe. Mr. Bay answered they can stripe the parking lot. Mrs. Roughgarden added they will consider it but(she is inaudible). Mr. Bayer relayed that of the seven new conditions that the Police have recommended, parking is an open issue with some idea that Mrs. Roughgarden would work with the Township to resolve it. Mr. Bayer asked Mrs. Roughgarden what her position is on the hours of operation in terms of entertainment and closing. Mrs. Stinney stated Mrs. Roughgarden stated she is not sure if she would be able to afford that. Mrs. Stinney asked who would afford that; not the tax payers. Mr. Bayer replied it is private property and it would have to be done by Skip's Bar & Grill. Mr. Bayer asked that given the issues and incidents which have gone on over the last few years, would she consider limiting the closing hour and the time entertainment ended at least for this one license year. Right now, what's at issue is from 2009 to June 30, 2010. Mrs. Roughgarden asked if it would be just one year or after that.....Mr. Cartier interrupted that she would have the option to petition the Council for review next year. Mr. Bayer responded that his advice to any Council

or governing body that signs these kinds of issues is that these things need to be reviewed in one year and if things are like as her new management says as good as it's going to be then Council could reconsider some of it or all of it including the closing time. It's not a permanent thing and as Mrs. Roughgarden knows the licensing occurs on an annual basis and these would need to be reviewed and if there is an agreement, if Council is amenable, putting something in the resolution that the closing time issue would be reviewed in June based on what occurs there. Mrs. Roughgarden answered she would be willing to go with one year and then after that it could possibly be reversed. Mr. Bayer informed Mrs. Roughgarden that it is absolutely her right to make that request. These don't get automatically renewed every year. Council would have to consider it based upon the investigation done as they do for all of the license premises and any recommendations that the Police Department may have. Mr. Bayer added that absolutely it's reviewable and it has to be under law. Mr. Bayer continued that to make Mrs. Roughgarden comfortable with it he would suggest that it be put in the resolution so she knows that it would be reconsidered at that time next June. Mrs. Roughgarden asked Mr. Bayer to repeat the hours. Mr. Bayer read, "Entertainment, ie., DJ's, bands, would end at 1:00 am and the closing time of 2:00 am". Mrs. Roughgarden agreed to one year. Mr. Cartier asked to see the pre-existing. Mrs. Scull commented that it's not even a year really if going till June. Mr. Cartier had a rewording of the original Condition 3 about the doors and the windows on the front of the building. Mr. Cartier asked Mrs. Roughgarden if there are windows and doors on the sides or the back other than the emergency exit in the back. Mrs. Roughgarden replied no. Mr. Cartier confirmed there are no other windows or doors anywhere. Mrs. Roughgarden responded there are doors; there are doors and windows on the front, on one side there is one door and in the back there is a door. Mr. Cartier asked that Condition 3 be reworded that all windows and doors are to remain closed during business hours other than to egress the building because it just stipulates the front of the building. Mrs. Scull commented that it is already part of the other conditions that the back has to be closed. Mr. Cartier mentioned that Mrs. Roughgarden stated there are doors on the side. Mrs. Roughgarden advised that it is the employee entrance. Mr. Bayer informed that Mr. Cartier is stating the pre-existing condition read, "both the outer and inner doors at the front entrance and the windows in the front will be kept closed during entertainment" and Mr. Cartier is saying all doors and windows during entertainment. Mr. Cartier confirmed. Mr. Prickett asked if that is the conditional condition. Mr. Cartier answered no; it is just amending the original number 3. Mr. Prickett stated that would be an amendment or change on the resolution. Mr. Bayer agreed. Mr. Prickett stated it would be an eighth condition. Mr. Bayer responded that there would be ten conditions; the draft didn't contain the original three conditions so it would be the three original plus these seven conditions. Mr. Prickett asked if the resolution was going to be revised at this point. Mr. Bayer replied once Council decides what they want to do, he'll have it to Mrs. Young tomorrow; Council could vote on it and they will have the actual. Mr. Prickett asked Mr. Bayer to repeat the three conditions again so it is clear and on the record. Mr. Bayer read, "Condition 1, The back door shall be used as an emergency exit and will not be used as an entrance". Mrs. Stinney wanted to make it clear that it is Resolution No. 164-2008 for the record. Mr. Bayer advised that was the license renewal last year and had this restriction and the years before that as the Lieutenant indicated. Mr. Bayer continued, "An appropriate sign shall be posted on the door. Condition 2, No parking shall be permitted at the back of the building defined as the area between the rear corners of the structure and the rear property line. Suitable barriers will be installed to prevent such parking. Condition 3, All doors and windows will be kept closed during any live entertainment including but not limited to musical band singers and DJ's". Mr. Bayer informed in the resolution his office drafted, entertainment is defined a little broader than that. Mrs. Scull stated that she can see that Mrs. Roughgarden has worked to try to correct many of the concerns that were brought forward a few

months ago. Mrs. Scull trusts our military that go off to war and foreign countries and protect us against terrorists, to deal with the population at the bar. She is glad to see those changes were made. Mrs. Scull expressed that no one on Council wants to see anything hurt the businesses in the Township. We want to support them as best we can but with a lot of the concerns that were brought forward to us and the issues about underage drinking that Council has been against the wall as to make sure that things do change and she realizes a lot of things were out of Mrs. Roughgarden's control and she appreciates that Mrs. Roughgarden has taken steps to rectify what is going on. Hopefully next year and Council will ask for reports from every business just like they did earlier this year to make sure not one business is being singled out. Council receives the information for all businesses and hopefully Mrs. Roughgarden understands that because of what had occurred and that's the only reason they are even having a discussion like this is they have to protect the residents as well from the noise and fights. Council does not want anything negative going on there and she is sure Mrs. Roughgarden does not want either. Mrs. Scull thanked Mrs. Roughgarden for trying to rectify and working with Council to get most of these issues resolved. Mr. Bay informed they are doing some things above and beyond what they were asked to do. He lives in Pemberton Township as well and does not want to be a nuisance to the Township. Mr. Bay conveyed that they want to be a place where people can come, enjoy good food, enjoy a place to hang out and watch football games and enjoy themselves. They don't want to be a nuisance and cause problems. All of his bartenders are going through 14 hour training through the ABC that will help them to identify how to check I.D.'s properly, how to identify fake I.D.'s, how to manage portion control and not to over-intoxicate people and also how to handle someone who comes to the bar already intoxicated. It's a 14 hour course that they are paying for and the reason they are paying for it is because they want responsible individuals who are committed to keeping those rules. Mr. Bay indicated that they are trying to take that step to make sure because they don't want problems, the Township doesn't want problems and they definitely don't want problems with the Township. They are trying to cater more as a restaurant. Mr. Bay invited Council to look at their menu and tonight is New York Strip Steak; they have some of the best food in town; both of their cooks have been to culinary school. They are not a club and are not trying to be a club; they are trying to be a restaurant. The name states a bar and grill, Skips Bar and Grill and that's what they're looking for. Mrs. Stinney applauded the comments that Mr. Bay made tonight as to going on base and checking with the authorities there to make sure that his record in good standing as a military person not to mention as a Pemberton Township resident that he is in compliance and that there is no danger of anything happening to his career. Mrs. Stinney applauded him for doing that because she can recall many years ago that there was an area in Pemberton Township that was forbidden to go anywhere near the area. Mrs. Stinney noted that it must have come very highly recommended that what he is doing and the young ladies are doing the right thing. Mrs. Stinney applauded Mrs. Roughgarden and stated to our Police Department that this is what happens when you work together. She is a great component of working together. It is obvious that Mrs. Roughgarden sat here on the 6.5 recommendations from the Police Department that tells her that she is willing to work together as the Police have come with their conditions and as she basically stated that she accepts. Mrs. Stinney again stated she wanted to applaud Mrs. Roughgarden for that. Mrs. Stinney confirmed Mrs. Scull statement that Council does not want anyone to go out of business and they want to make sure that our residents are safe. Mrs. Stinney again applauded Mrs. Roughgarden for representing herself in a fine way as well as Mr. Bay. Mr. Bayer asked Mrs. Roughgarden if there was anything else she wanted to add before the Council deliberates concerning this matter. Mr. Cartier asked since this is a renewal, is Council required to open this to the public. Mrs. Young replied there is no requirement for that. Mrs. Scull stated we didn't for Anapas; it was on the agenda; she guessed that we did and apologized. Mr. Cartier just wanted to do it right. Mrs. Stinney thanked Lieutenant Kreig for his

presentation and for taking time out of his schedule whether he's on duty or not. Mr. Prickett recognized that Mrs. Roughgarden and Skip's Bar have made some changes and hopefully improvements that will rectify the problems that have existed. We also have to recognized the Police Department and all of the hours that our Officers have tried to address these issues in a very professional manner and it takes two to tango and two to make the improvements. Mr. Prickett is looking for the number of complaints and the number of arrests and the amount of time that the Police spend at Skip's Bar to decrease dramatically in anything that we might do. There's a lot of men and women that have spent a lot of hours at Skip's Bar trying to address the concerns of the community and they need to be recognized as well. Mrs. Scull stated to Mrs. Stinney that one of the things that come to mind is it concerns her that the owners didn't know there were problems with controlled substances. Mrs. Scull asked if there was some way our Police can make sure that when there is a problem like that and arrests are made, that the owners of the establishment know that it happened so that they can be on the look out or be aware that something had happened there like that in their place. Mr. Cartier commented that not being an expert in that and suggested the Mayor could speak on it better, but at the time there might be an investigation going on and they might be a party in to the investigation so they might not be at liberty to tell them. Mrs. Scull stated if someone is arrested there and she doesn't know if there is an investigation or not but they were arrested with a pound of cocaine, someone could say, last night at your establishment we arrested somebody. Mrs. Scull would want to know what is happening on her property. Mayor Patriarca stated it's the two pounds that their more worried about; the one pound leads to the two pounds which leads to the three pounds and that is what Mr. Cartier was leading to. Mrs. Scull clarified the resolution number is 219-2009. Mrs. Roughgarden stated when drugs are brought in to her bar, she doesn't know that people have it on them and it would be good if the Police let her know things are going on. Mrs. Stinney commented that Mr. Cartier stated it correctly because there could be a further investigation. Mrs. Roughgarden agreed but added when it is all said and done she should be notified. Mrs. Stinney commented that they might still be investigating it and she doesn't know. Mr. Prickett remarked that he is sure if Mrs. Roughgarden saw any behavior within the bar or any transactions or smoking or whatever it is, her people are trained to identify that and deal with it appropriately. Mrs. Roughgarden agreed and added she is very strict on that and there were rumors of a lot of drug activity before she owned the bar so she right away addressed that. Mrs. Scull noted that she is ready to move forward with the resolution. Mr. Cartier agreed and stated Mr. Bayer earned his money this evening and he would be in support of this resolution. Mrs. Young confirmed for the Mayor and Business Administrator that the resolution will be number 219-2009. Mr. Bayer clarified that the condition on parking should read, "Mark out individual parking spaces and/or curb stops in conformance with the requirement of the Municipal Land Use Law and/or Pemberton Township ordinance". Mrs. Stinney commented that was the half of one.

Motion by Cartier and Scull to add Resolution No. 219-2009, a resolution Renewing the 2009-2010 Plenary Retail Consumption License #0329-33-011-008 for Skips Bar & Grill, LLC Contingent Upon the Acceptance of Certain Conditions and/or Restrictions on Use and Operation. Cartier, yes; Scull, yes; Prickett, yes; Inge, recused; Stinney, yes. Motion carried.

RESOLUTION NO. 219-2009

A RESOLUTION RENEWING THE 2009-2010 PLENARY RETAIL CONSUMPTION LICENSE #0329-33-011-008 FOR SKIPS BAR & GRILL, LLC CONTINGENT UPON THE ACCEPTANCE OF CERTAIN CONDITIONS AND/OR RESTRICTIONS ON USE AND OPERATION.

WHEREAS, AN APPLICATION HAS BEEN MADE BY SKIPS BAR & GRILL, LLC ("SKIPS") TO THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") FOR RENEWAL OF ITS PLENARY RETAIL CONSUMPTION LICENSE (#0329-33-011-008) FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2010; AND

WHEREAS, THE TOWNSHIP CONSIDERS THE PUBLIC INTEREST AS ITS PRINCIPLE GUIDE WHEN ISSUING OR RENEWING PLENARY RETAIL CONSUMPTION LICENSES; AND

WHEREAS, THE TOWNSHIP IS AWARE OF THE NUMEROUS HEALTH AND PUBLIC SAFETY VIOLATIONS INVOLVING SKIPS, INCLUDING, BUT NOT LIMITED TO ASSAULTS, DISORDERLY CONDUCT, UNDERAGE ALCOHOL CONSUMPTION, POSSESSION OF CONTROLLED DANGEROUS SUBSTANCES, UNLAWFUL POSSESSION OF WEAPONS, NOISE

COMPLAINTS, PUBLIC URINATION, PUBLIC INTOXICATION, ALCOHOL-RELATED MEDICAL RESPONSES, AND PARKING VIOLATIONS; AND

WHEREAS, IN 2008 THERE WERE A TOTAL OF 88 INCIDENTS AND 53 CHARGES RESULTING IN A TOTAL OF 31 ARRESTS, AND IN 2009, TO DATE, A TOTAL OF 84 INCIDENTS AND 30 CHARGES RESULTING IN A TOTAL OF 23 ARRESTS; AND

WHEREAS, THESE INCIDENTS HAVE PREDOMINATELY OCCURRED DURING EVENTS INVOLVING "ENTERTAINMENT," HEREIN DEFINED TO INCLUDE, BUT NOT BE LIMITED TO, EVERY FORM OF LIVE ENTERTAINMENT, MUSIC, DISC JOCKEYS, SOLO OR GROUP BAND, ORCHESTRA, CONCERTS, EXPOSITION, DANCING EITHER BY THE PUBLIC OR PERFORMERS OR ANY OTHER ACT OF PERFORMANCE INTENDED TO AMUSE OR ENTERTAIN PATRONS AND/OR EMPLOYEES; AND

WHEREAS, THE PERVASIVENESS OF THESE INCIDENTS PRESENT A LEGITIMATE DANGER AND THREAT TO THE HEALTH, SAFETY AND GENERAL WELFARE OF POLICE AND EMERGENCY MEDICAL PERSONNEL, SKIPS PATRONS, AND THE RESIDENTS OF THE TOWNSHIP; AND

WHEREAS, THE TOWNSHIP COUNCIL CONDUCTED A HEARING ON SEPTEMBER 16, 2009 TO DISCUSS AND TAKE ACTION ON THE RENEWAL APPLICATION OF SKIPS' PLENARY RETAIL CONSUMPTION LICENSE AND AT THAT HEARING, THE PEMBERTON TOWNSHIP POLICE DEPARTMENT RECOMMENDED DENYING A RENEWAL OF THE LICENSE OR IN THE ALTERNATIVE A RENEWAL WITH SUBSTANTIAL RESTRICTIONS BASED UPON THE LARGE NUMBER OF INCIDENTS AND CRIMINAL EVENTS WHICH OCCURRED AT SKIPS IN 2008 AND 2009; AND

WHEREAS, SKIPS OWNER, BETTY ROUGHGARDEN, AND SKIPS MANAGER, JEREMY BEY, MADE A PRESENTATION ON SKIPS BEHALF AND STATED IN GENERAL THAT THEY WERE MAKING CHANGES TO THEIR OPERATION TO PREVENT INCIDENTS COMPLAINED OF BY THE PEMBERTON TOWNSHIP POLICE DEPARTMENT; AND

WHEREAS, THE TOWNSHIP DESIRES TO PLACE CERTAIN CONDITIONS AND/OR RESTRICTIONS ON SKIPS' PLENARY RETAIL CONSUMPTION LICENSE PRIOR TO APPROVING ITS RENEWAL APPLICATION; AND SKIPS HAS CONSENTED TO THE ENTRY OF THE CONDITIONS ITEMIZED AS 1-9 LISTED BELOW (EXEMPTING CONDITION #10); AND

WHEREAS, THE TOWNSHIP WILL REVIEW THE NECESSITY OF MAINTAINING THE RESTRICTIONS IDENTIFIED BELOW DURING THE RENEWAL OF SKIPS' LICENSE IN JULY 2010; AND

NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE FOLLOWING PLENARY RETAIL CONSUMPTION LICENSE IS RENEWED WITH CONDITIONS AND/OR RESTRICTIONS AS LISTED, THE LICENSEE HAVING AGREED TO THESE CONDITIONS AND/OR RESTRICTIONS AS FOLLOWS:

PLENARY RETAIL CONSUMPTION LICENSE:

SKIPS BAR & GRILL #0329-33-011-008

CONDITION #1

THE BACK DOOR SHALL BE USED AS AN EMERGENCY EXIT. IT WILL NOT BE USED AS AN ENTRANCE. AN APPROPRIATE SIGN SHALL BE POSTED ON THE DOOR.

CONDITION #2

NO PARKING SHALL BE PERMITTED AT THE BACK OF THE BUILDING, DEFINED AS THE AREA BETWEEN THE REAR CORNERS OF THE STRUCTURE AND THE REAR PROPERTY LINE. SUITABLE BARRIERS WILL BE INSTALLED TO PREVENT SUCH PARKING.

CONDITION #3

ALL DOORS AND WINDOWS OF THE BUILDING WILL BE KEPT CLOSED DURING ENTERTAINMENT.

CONDITION #4

LIMIT HOURS OF OPERATION:
ENTERTAINMENT TO 1:00 A.M. AND CLOSING TIME TO 2:00 A.M.

CONDITION #5

PROVIDE ADVANCED NOTIFICATION (MONTHLY CALENDAR IDENTIFYING ENTERTAINMENT IF FEASIBLE) TO THE TOWNSHIP AND/OR POLICE DEPARTMENT OF ALL EVENTS INVOLVING ENTERTAINMENT.

CONDITION #6

DESIGNATE A SMOKING AREA WITH PARAMETERS FOR CONTROL OF PATRONS, SUBJECT TO APPROVAL BY THE TOWNSHIP.

CONDITION #7

PROVIDE ADEQUATE SECURITY PERSONNEL (EITHER OFF DUTY POLICE OFFICERS OR ACTIVE DUTY MILITARY PERSONNEL) FOR ALL EVENTS INVOLVING ENTERTAINMENT AND FOR THE MONITORING OF THE DESIGNATED SMOKING AREA AND PARKING LOT DURING EACH EVENT.

CONDITION #8

MONITOR THE NUMBER OF PATRONS INSIDE THE BUILDING AS PER THE MAXIMUM ALLOWABLE CAPACITY DESIGNATED BY THE OFFICE OF THE STATE FIRE MARSHALL AFTER COMPLETION OF A FIRE INSPECTION AND REASSESSMENT OF BUILDING CAPACITY.

CONDITION #9

INSTALL LIGHTING IN THE REAR OF THE BUILDING, PARKING LOT, AND THE EMPLOYEE SIDE OF THE BUILDING, SUBJECT TO THE TOWNSHIP ENGINEER'S REVIEW.

CONDITION #10

MARK OUT INDIVIDUAL PARKING SPACES AND/OR CURB STOPS IN CONFORMANCE WITH REQUIREMENTS OF THE MUNICIPAL LAND USE LAW (MLUL) AND/OR PEMBERTON TOWNSHIP ORDINANCE(S).

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

- A. SKIPS BAR & GRILL, LLC
- B. ANDREW BAYER, SOLICITOR
- C. ROBERT H. LEWANDOWSKI, CHIEF OF POLICE
- D. JERRY FISCHER, DIRECTOR OF THE DIV. OF ALCOHOLIC BEVERAGE CONTROL

Motion by Cartier and Scull to approve Resolution No. 219-2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, recused; Stinney, yes. Motion carried.

Mrs. Stinney thanked the Pemberton Township Police Department and the owners. Mrs. Stinney stated it is wonderful when you can come to the table together and work things out. She cannot stress that enough. It's wonderful to see that and she thanked them again.

Mr. Inge returned to the dais at 9:44 pm.

GENERAL PUBLIC COMMENTS:

Council President Stinney opened the meeting to general public comments. Those wishing to comment were: **Ray Wells: 1.** It was another great start of school and wasn't without some problems but 4,700 children were put in to the classrooms. Most of them were handled by bus. Each bus schedule is new each year and each route is relatively new. It was done without a supervisor and the employees and members of the staff did a fabulous job. Each year, that first day is tough because there are a lot of things happening. There were some complaints and for the most part, they had to do with safety. There were changes made this year that we didn't have in others. **2.** The Mayor attended their meeting and asked a question regarding the attendance of other schools of people assigned to our district. Mr. Wells informed Dr. Gorman wrote a letter to Mr. Richens who is the County Superintendent. The County Superintendent set a meeting which was followed by a cancellation. The meeting was to include all of the superintendents of the three districts involved along with Mr. Richens and a member of the New Jersey State School Board. That was postponed and rescheduled October 26, 2009. In addition, Mr. Richens wrote letters to each of the other superintendents indicating what the rules of agreement or the understanding was. The Mayor responded that he has a copy of the understanding but did not receive a copy of the letters that recently came out. Mayor Patriarca thanked Mr. Wells for following up. **3.** Mr. Wells is on a policy committee and they are almost done bringing the policies up to date since 1984. It required a fair amount of work and lots of hours but it is an important thing for them to do. Mrs. Stinney noted Pemberton Township's Police Department went to two Township schools. It's a good partnership and she likes it. Mrs. Stinney asked if it goes on every year. Mr. Wells replied that each year the school board and Police sign an understanding of agreement between relationships. Each year they encourage the principals of each school to theme an opening and this year one school had a string band to welcome the students back, one had a clown and there were several other mascots and themes and the schools are trying to brighten the end of summer a little and welcome the kids. Mrs. Stinney asked the Mayor if he had anything to do with that. Mayor Patriarca responded that they have been doing that for several years. Mrs. Stinney replied that they didn't do that when she was on the school board and asked Mrs. Scull if they did it. Mrs. Scull replied not that she was aware of and it's a new improved thing. Mayor Patriarca noted he is not referring to the theme but rather to the Officers at school. Mrs. Scull commented it's great to see our Officers in.....Mr. Cartier asked if it is public comment or Council comment. Mr. Bayer stated it is Council banter. Mrs. Stinney commented that Council is waiting for the public to come forward. **Michelle Forman: 1.** Apologized to Mrs. Stinney because she didn't understand the rules until Mrs. Young explained Roberts Rules to her. She did not mean to disrespect Mrs. Stinney because she has such respect for all of Council. Mrs. Forman advised that Mrs. Scull had told her she seemed negative at the last Council meeting. She thanked Mr. Vaz for doing a great job in the property behind her with the sewage problem. Mayor Patriarca did a great job last year also. Any time she has asked for help, she has always gotten it from the Mayor, Mr. Prickett, Mr. Vaz, Mrs. Stinney and everyone. Mrs. Stinney has been very gracious with her; she never tries to rush her when she is speaking about issues and she always gives everyone compliments so she should get some too. Mrs. Forman commented to Mrs. Scull because she said she was negative, that she was very depressed when she moved to Browns Mills in her neighborhood. She loves this town now, the schools, Council and Administration and even the past Administration, the Lions Club and everyone else. She finds that this is a beautiful town to live in. It was a blessing in disguise that she ended up here. Mrs. Forman informed that she loves where she lives and everyone probably thinks she's crazy but it's a beautiful area where she lives; behind the old houses it really is beautiful. Mrs. Forman was very depressed last summer. Her trees that she thought she was going to have to get cut down but her trees have revived themselves. During this time, it was very depressing that the trees were all dying and she kept saying something good has to come out of this. It was such a terrible thing. This was the

most beautiful summer she has ever had. The trees all died but all the sunshine came through so the underbrush had flourished and she saw the most beautiful bushes and wild blueberries. They flourished from the sun. There were lots of blankets of white flowers. They had a beautiful summer and her kids ate blueberries every night. Mrs. Forman showed Council acorns that she had brought. Her trees for the first time in five years are producing acorns. Mrs. Stinney advised that she witnessed the squirrels sitting in her son's tree and they were just eating away and were just beautiful. Mrs. Stinney stated to Mrs. Forman that it's okay to have balance and she made a statement a while back that a lot of times we need to go back and say thank you for the great job that you did. She used to say to the parents and couldn't say it often enough to please go to the school board meeting and say to the members that the teachers and administrators are doing a good job when they do a good job and not always negative. We have to have a balance in life. It's okay to have negatives but we also have to have balances. Mrs. Stinney used the analogy of a car. When you are trying to jump a car that has a low battery, you have to have a positive and a negative in order for it to work. She tries to live like that. Mrs. Stinney applauded Mrs. Forman for the woman that she is to come forward and make the statement she did to Council. It means a lot to her and it carries her in to the next time when she comes up if she has a negative, Mrs. Stinney will remember the positive and it will work. **Robert Cushmeyer:** 1. Asked why the public was not able to make any comments regarding the licensing issue discussed earlier or if there was a previous meeting where the public could speak. Mr. Bayer replied that the public could have commented at the beginning of the meeting because it was on the agenda. Mrs. Stinney replied no. Mr. Bayer corrected himself. Mr. Cushmeyer noted as someone had mentioned, he could have commented on Anapa's license but not this one. Mr. Bayer explained the ABC regulations speak of a hearing and it kind of seemed to be mostly between the Police and the licensee. Mr. Cushmeyer conveyed that he is always concerned about the public being able to address and a few times his group has been shut out because of things being out of time. Mr. Bayer informed he was in a legal proceeding in another town that involved an appeal to the ABC and one of the objectives on appeal was that members of the public were permitted to speak regarding the constraints that the town was putting on the license and it turned in to a legal argument and it seemed like a lot of time was spent briefing the issue and it just seems legally cleaner to avoid it. Mr. Cushmeyer remarked that in the past there have been some neighbors of the bar that had complained about it and if they had showed up in mass tonight, they wouldn't have been able to make a comment. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to general public comments.

SOLICITOR'S REPORT:

Andrew Bayer: 1. None.

ENGINEER'S REPORT:

Dave Clark: 1. Informed Kelly Willis will be going out on maternity leave and introduced Kathryn Cornforth. Ms. Cornforth may or may not be present at the future meetings but tonight is filling in for Mrs. Willis. Mrs. Stinney welcomed Ms. Cornforth. 2. The H&H Analysis for Country Lakes has been received from NJDEP. ARH is evaluating their comments and they will have to resubmit. ARH will report on that in their written report in more detail for the next meeting. 3. The Presidential Lakes dam is substantially complete and the roadway is open. There is a walk through with the DEP on the 21st. If everything goes well with the walk through, they should be able to close the job out as well. 4. There is a preconstruction meeting scheduled for this Friday for the 2008 Road Program. If everything goes to plan, this should be done by the end of this year.

MAYOR'S REPORT:

David Patriarca: 1. Deborah's Fun Fest was a success. Unfortunately he was unable to attend, but it was well attended. 2. Attended a community relations board meeting with the federal correct facility last week. The new warden is not in place yet but is due in within the next couple of weeks. There is a temporary warden in place. They are just about at capacity with inmates and are up to approximately 4,700 inmates. It is still the largest federal corrections institution in the country next to Texas which has about 2,500. A lot of or residents are employed there. They provided pencils to the Mayor to give out at Community Day to promote their facility for hiring. 3. Went on a tour with the commander of the 87th Wing, soon to be mega base commander, Colonel Grosso, Mrs. Scull and himself. Took her around our town and spent about five hours with her. She seemed to have enjoyed the tour and is very interested in our community. They took her to the areas of concern at this point and hope to get her back to show her more of the towns and more of the issues that we are dealing with to help accommodate the base moving in to our area, the mega base. 4. Had a meeting with the Pinelands Commission today and went over several issues of concern. Should be good for the October schedule and should be on the agenda for the next Pineland's Commission meeting to hear our Imagination Kingdom application. We are confident that we have all of the bugs worked out. Also met on a few other issues of concern and it was a very productive meeting. We were well received by them and made some headway on some issues. One of the issues being our fuel facility that we have been trying to get built several years now to take care of the contamination issue with our current facility and it is being held up by some other violations that we have and we are working through those violations and they recognize that and are telling us they will move forward with the application. 5. The dam in Presidential Lakes is near completion. There were a few things that we left on the punch list that will be addressed but the roadway is open and the residents are using the roadway. Notifications have started going out so that we can make sure everyone is aware that it's open. Once the detour signs came down, they understands that we're open. 6. The middle embankment is the other project that we are working on in house. That is moving along quite nicely and he is impressed with how much is done. They are in their schedule that they have been keeping about one or two days behind but they are moving along with the project. By Friday, they are hoping to set the head walls for the pipe and start installing the pipe so they can close the hole up and finish up. They are still scheduled to complete that around the second week of October. At that point, we should be able to begin filling the lake back up. We are looking forward to staying on schedule and finishing that up. 7. We are scheduled for the first game at the football field behind the Nesbitt Center. The concrete was poured for the goal post and is setting up. On Friday, they are getting it set up so that the game can be held. The bleachers are down as well as the benches and the field has been outlined. We'll go in on Friday hopefully for a final cutting if needed and mark the field out and have the goal posts up. Still have an issue of a fence to address there. The lake requires a fence around the field basically to keep the hostile parents out of the game. It's a game for the kids and not the parents but it tends to sometimes swing the other way. Public Works is working up the numbers to acquire this fence and we will put it in to allow the field to operate under league standards. 8. The construction at the Country Lakes Recreation Building is continuing to move along. They are finishing up with the siding all except where the doors are. We are still waiting on the doors and they are scheduled to be delivered next week and then we'll finish that job up. We'll be able to move in to the landscaping of that building and finish that project. 9. The contractor has been out to the Dominique Johnson building and are working on their material list and getting ready. They should be moving in to that project shortly. 10. There is a community clean up scheduled with our Clean Communities group. They will be meeting at the Country Lakes Volunteer Fire Company and will be meeting at 8:00. The clean up

is scheduled from 8:00 – 12:00. The area they will be working on is the Country Lakes area and the Fire House is going to host the clean up with opening up their facility for them. The Mayor encouraged everyone to come out. It's usually a great day when they do this. **11.** Community Diversity Day is scheduled for October 3rd at the Stackhouse School facility on Trenton Road. The Mayor encouraged everyone to come out. There are numerous events scheduled. **12.** Fire and EMS do a tremendous job not only in our Township but throughout the country. The volunteer services as well as the paid services are dedicated individuals working to save lives and property for the rest of us that don't volunteer. The Mayor has never been involved in the volunteer services but he has depended on them many, many times in his former profession. It is very comforting when you hear them pull up when out on a scene and it's not a good time for the victim. In his former profession, he had a certain level of training to handle those situations but not at the extent that they are especially when it comes to fire and the EMS training. When they come out and do their jobs and he is sure the victims felt the same way that it is very comforting and it's a sign of relief. They do this daily and most of it is done by volunteers. The Mayor indicated that they need to be recognized everyday and consider them our heroes in the Township and abroad. Mrs. Scull asked Administration where our Live Where You Work Program is. Mrs. Scull asked Mr. Vaz if he saw today's paper where another community in Burlington County is up and running and we are not. Mrs. Scull asked if she needed to go to Trenton and what is the story. Mr. Vaz replied the end of September, beginning of October roll out. Mrs. Scull stated by the next meeting there better be a roll out. There are people chomping at the bit and it's a shame we didn't have it this summer, maybe we could have had a few more children in our schools by now and a few of our houses sold.

COUNCIL MEMBERS' COMMENTS:

Ken Cartier: **1.** BCC will be holding their rescheduled Fun Fest this Saturday, coincidentally after the Community Clean Up, from 12:00 – 4:00. The Lion's Club will be out in force that day participating in the Fun Fest. **2.** Wished everyone a safe trip home. **3.** Before our next meeting, baseball will be beginning the play offs. Go Phils.

Rick Prickett: **1.** Before the last meeting, he requested the Council President to have on the agenda a discussion of the Police Chief's salary ordinance. Mr. Inge also sent an email requesting that. Mr. Prickett was hoping to see it on the agenda tonight but it is not. Mr. Prickett asked if Council would be able to have a discussion and he would like to compare the salaries of the Chiefs of Police in the County. Mrs. Scull commented that it sounds like a budget discussion to her. Mrs. Stinney commented that she only saw Mr. Prickett's email. Mr. Prickett asked if he needed another person to concur or ask for that to be on the agenda for discussion at the next meeting. Mrs. Stinney replied that is what he said in his statement. Mr. Inge commented that he did send an email but will check to make sure it did go through. Mrs. Stinney noted that she did not see anything. Mr. Bayer asked Mr. Vaz if the Chief needed to receive a RICE letter if Council is discussing his salary. It's a term and condition of his employment. If we are doing it as a budget item for a position as opposed to the individual, it's a close call. Mr. Vaz commented that it's probably a close call and if Mr. Prickett is talking about it in the context of an ordinance, it's eventually going to have a public hearing anyway. Mr. Cartier suggested it would probably be wise to err on the side of caution. Mr. Prickett conveyed that all he wants to do is compare Chief's salaries in the county and see how it all looks. Mrs. Scull stated that Council needs all of the information then like how many Lieutenants they have, how many people they supervise and that type of thing. Mr. Bayer commented that is a public discussion and his only issue is that those discussions seem to end up in discussing the person, his job, what he's doing here, what he's not doing here.....Mr. Prickett stated

_____ facts and Mrs. Scull mentioned the Lieutenants and other officers within the Police Department and he would like to get that information together to see and thinks it would be an important thing to look at. Mrs. Scull added to have at budget time. Mrs. Stinney informed Mr. Prickett that for the record, she did receive his email and as Mr. Inge indicated tonight he thought he sent it, but she didn't receive it. Mrs. Stinney continued that in his email, Mr. Prickett stated he knew he had to haveMr. Prickett interjected that Mrs. Stinney did reply in receipt.....Mrs. Stinney continued that Mr. Prickett stated that he knew that he had to have.....Mr. Bayer remarked that the last time Council spoke of this the discussion lead to vehicles and if the individual had a vehicle and that's where we are getting more specific to the individual as opposed to general. If speaking about the salary that's fine but everyone needs to keep that in mind because the employee has rights as well. Mr. Prickett agreed. **2.** Thanked everyone for coming out. It's good to see everyone and will be seeing everyone over the next couple of weekends with all of the things going on in Pemberton Township.

Tom Inge: 1. Wanted to continue with where he left off earlier this evening. Asked the Mayor if during his campaign if he had George Scott working on his campaign. Mayor Patriarca responded that he is not here for that tonight. It's not that he is avoiding that question but Mr. Inge is more than welcome to come to his office and he has no problem discussing who worked on his campaign. It was a long drawn out process and he had a lot of people working on it. The Mayor reiterated that is not what he is here for tonight and if Mr. Inge is implying of some unethical actions and if he wants to elaborate on that and say where there have been some unethical actions on the Mayor's part that is no problem. Mayor Patriarca certainly has no problem saying it about Mr. Inge as he knows which he said at the last meeting. The Mayor implied that Mr. Inge took a gift and did not return it. Mayor Patriarca continued that if Mr. Inge wants to come in to his office and talk about something.....Mr. Inge interjected that the Mayor implied that he didn't return it but he didn't know if he returned it or not. The Mayor agreed and noted that he stated he didn't know if Mr. Inge did or not. Mayor Patriarca stated this is not about an ethics discussion and he is not going to sit here and discuss with Mr. Inge at a public meeting who worked on his campaign and he can certainly come to his office. The Mayor stated Mr. Inge is welcome to come in and he knows the Mayor is there everyday. Mr. Inge stated he is extending that question to the rest of the Council members; did any Council members work with him, an employee of ARH during their campaign. Mrs. Scull asked Mr. Inge if he is going to tell Council everybody that worked on his campaign and who contributed money and whatever. Mrs. Scull continued that Mr. Inge is out of line. Mr. Inge stated he doesn't think he's out of line. Mrs. Scull asked for a point of order. Mr. Inge noted that it was brought up at the last meeting that he did something unethical and he took offense to that and would like to lay it out there. To hire an engineer firm that had an employee work with your campaign is more to look at pay to play. Mr. Inge continued with let's go one step back, the engineer firm that worked for the Township previously, January 2007, he did not approve either. Mr. Inge wanted to make that clear. Mr. Inge expressed that the Mayor is talking about a \$10 or \$15 gift and he wants to compare that to making hundreds of thousands of dollars off a Township a year and that's big difference. Mr. Inge stated to look at who worked on his campaign and who is presently working for the Township and who worked on the Mayor's campaign and who is working for the Township. That can be looked at very easily. **2.** Thanked the residents for coming out this evening. Glad the Burlington County Times is here and hopefully they will take a look in to that because he does think it is pay to play. Mr. Inge stated maybe not the best engineering firm was chosen for the Township.

Sherry Scull: 1. Had no intention of getting in to anything negative but she is going to stand firmly behind our appointment of our engineer. ARH came in and they had to deal with road plans that were several years behind, got them up to

speed within one year, have gone in to the community whenever the community has asked without necessarily charging for everything they've done and she does believe the firm was hired because of their ability to what we thought they would be able to do for the residents of Pemberton Township. Does not want to get negative about any other firm; however, ARH has really proven themselves as a huge asset to this Township and community or they wouldn't be sitting here regardless of who worked for them or who did not work for them. We are looking out for what is best for Pemberton and that's the only place her vote is going; who she thinks will do the best job. ARH has proven themselves to this community on more than one occasion. **2.** On a positive note, Mrs. Scull received a letter yesterday informing that there is funding for the Senior Citizen Prom for next spring. It's over \$5,000 and will go to provide the senior citizens with their prom again. Mrs. Scull ran right over and told them and they are excited. **3.** Mrs. Scull would rather be doing positive things like that and talking about things that are happening in the community such as the Lions Club meeting last week where they had the opportunity to have a general and three colonels address members of the community in such a positive manner and let everyone know what is going on at the military base. Mrs. Scull thanked Mr. and Mrs. Jenkins for providing the guest speakers. She was blown away. As the Mayor mentioned, Colonel Grosso was given a short tour of the community. She was shown the good, the bad and the ugly. The Colonel was very impressed with the community. There are so many beautiful places here and they talked about how beautiful it was. Mrs. Scull was very pleased with the Mayor because his comment that the real beauty in Pemberton Township are the people. We have such a great community full of wonderful people and so many retired veterans that have provided so much for us over the years and how we come together to help individuals and that's one thing she's always been proud of in Pemberton and she knows it's not that way in some of the richer communities. If there is an issue or problem, we have people that will come together and help. Mrs. Scull thanked the Mayor for that opportunity. Mrs. Scull was so amazed and this is one amazing Colonel and it is so impressive that she will be the mega base commander. Down to earth, common sense and a true concern and the one of knowledge for the community that's the biggest community outside of her mega base. The Colonel was truly impressive. Mrs. Scull is glad to have had the opportunity to spend that much time and for the Colonel, with her schedule, she took an entire day to spend the day in Pemberton Township to see where the people lived and to see and ask great questions and her concern was true and genuine. **4.** To Mrs. Forman, she did not mean that Mrs. Forman was negative. When Mrs. Forman brought up about Mrs. Stinney not answering her question and she stated Mrs. Stinney did answer her question but she just didn't get it. Mrs. Scull didn't mean that Mrs. Forman was awfully negative but it just took her a while to get it. Mrs. Forman is one of the people that make our community truly unique and we are a wonderful community. Mrs. Scull stated to Mrs. Forman to not ever feel that her comments are not welcome. **5.** Thanked everyone for coming out. **6.** The 3rd is coming up, Community Day and hopefully the majority of the Township municipal group will be there like they were last year. There will also be yard sales going on that day. Instead of 10:00 to 4:00, it's 11:00 to 3:00. The hours are a little narrower. She will be doing two bus tours and they will be 45 minutes to one hour. It will not be the two hour tour like in the past but they will be providing bus tours of history of Browns Mills at 11:30ish and 1:00is. **7.** Appreciates that everyone came out. Thanked everyone. Noted she will see everyone in community like Mr. Prickett mentioned.

Diane Stinney: **1.** Thanked the Burlington County Times for two good stories. One story led to many calls to her and the Mayor regarding the 200 jobs that were available. Those are things that are needed in our economic struggle that we've been in for the past year and one half. Those are great articles that we need to inform the paper that this is what is happening in our community and surrounding community. Mrs. Stinney applauded the Burlington County Times for the great

article. We do like to hear good things in our community. 2. Thanked the Burlington County Times in regards to the military attending the Lion's Club dinner that was presented by the club. It was a beautiful, awesome article and she thanked the paper for that. It shows that we do have collaboration. She says it all the time, for years we were not at the table; we were on the menu but now we are at the table. Thanked Mrs. Scull and the Mayor for filling in on the tour with Colonel Grasso. Due to a lay off that she was in over a year and half, she is now employed and was unable to take that tour. It has an impact on employment with everyone. A special thanks to the Lions Club and wondered if she could find out what the surprise is. Mrs. Stinney was told by someone that it's a secret. To Mr. and Mrs. Jenkins, she enjoyed the history. She loves sitting down talking to Mr. Prickett and they had a few hours together Saturday and she enjoyed talking and the history told. Mrs. Stinney enjoyed hearing the history of Mr. and Mrs. Jenkins' family in Pemberton Township. 3. There is a new warden at the Burlington County Jail and that warden is Mr. Ryan Cox, a resident of Pemberton Township whose children attended her program when they were little and are still attending our public schools. We do have great and wonderful things happening in Pemberton Township. 4. Mrs. Stinney commented to the Mayor if he would pass the word on to the staff that they have done a wonderful job putting the football field together considering the lateness of getting started. She is grateful for what is happening and if it's the Lord's will she will get permission from her pasture to miss Sunday so she can get to the first game at 10:00. She is going to try and go and there are a lot of things going on this weekend. 5. Asked the engineer to give her best wishes to Kelly. Council wishes her many blessings with her soon to be bundle of joy. We have certainly been represented in the Township as Mrs. Scull stated by and fine engineering firm and Mrs. Willis has certainly proven to be an asset of Pemberton by being represented by that company. Mrs. Stinney wished Mrs. Willis much blessings for her soon to be boy; bundle of joy. 6. Thanked everyone that came out tonight. To Mr. Cushmeyer, she looks forward to their sit down. We all can sit down, come together and bring good ideas and sometimes we get some negative ideas but to remember the analogy that a positive and a negative would get a good jump start on anything. 7. Thanked everyone that came out and she looks forward to seeing everyone at the next Council meeting and this weekend in the community.

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

Respectfully submitted:

Mary Ann Finlay, MMC
Township Clerk