

TABERNACLE TOWNSHIP COMMITTEE

MINUTES OF FEBRUARY 23, 2015

The meeting was called to order by Mayor Kimberly Brown at 8:00 p.m. followed by the Flag salute.

Sunshine Notice: This meeting is called pursuant to the Open Public Meetings Act. This meeting of February 23, 2015 was included in a list of notices sent to the Central Record, Burlington County Times and Courier Post. Posted on the bulletin board in Town Hall and has remained continuously posted as the required notices under the statute. In addition, a copy of this notice is and has been available to the public, and is on file in the office of the Municipal Clerk.

ROLL CALL Those in attendance were:

Governing Body

Joseph W. Barton, Township Committee
Richard J. Franzen, Deputy Mayor
Stephen V. Lee, IV, Township Committee
Joseph Yates, IV, Township Committee
Kimberly A. Brown, Mayor

Professionals

Douglas Cramer, CPWM, Administrator
Frank S. Morris, Engineer
Terry Henry, Chief Finance Officer
Peter C. Lange, Jr., Esq. Solicitor
La Shawn R. Barber, Municipal Clerk



PUBLIC COMMENT

John Cooper, 21 Woodside Drive, questioned if the farmer in the lawsuit actually farmed, as they have to provide proof of income. Mr. Lee advised Mr. Cooper that he would talk to him about farmland assessment process as he, too, is a farmer and is well versed on it.

Fran Brooks, 78 Moores Meadow Road, asked several questions on the bill list and questioned who was covered under the drug and alcohol testing, to which Mr. Cramer responded it is the Public Works employees.

There were no further public comments.

APPROVAL OF BILLS

- On a motion made by Mr. Yates, seconded by Mr. Barton the bills were ordered paid.
- Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 **Motion carried.**

APPROVAL OF MINUTES

December 29, 2014 (Close-out and Executive Session)

- On a motion made by Mr. Lee, seconded by Mr. Franzen, the minutes of December 29, 2014, close-out and executive session meeting were offered for adoption.

Roll Call: Ayes: Barton, Franzen, Lee, Brown Abstain: Yates Nays: 0
Motion carried.



January 2, 2015 (Reorganization and Workshop)

- On a motion made by Mr. Franzen, seconded by Mr. Yates, the minutes of January 2, 2015 Reorganization and Workshop meeting were offered for adoption.

Roll Call: Ayes: Barton, Franzen, Yates, Brown Abstain: Lee Nays: 0 **Motion carried.**

Ordinances

SECOND READING: ORDINANCE 2015-4: AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, AMENDING APPENDIX A OF THE REVISED MUNICIPAL ORDINANCE ENTITLED “FEE SCHEDULE”

WHEREAS, there is a need to amend and modify certain fees for the provision of information in order to reflect the actual costs incurred by the Township; and

WHEREAS, it has been recommended by the Township Construction Official that the State Training fees charged by the Construction Official be consistent, at all times, with State regulation; and

WHEREAS, recycling container lids are no longer to be provided through the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Tabernacle in the County of Burlington, State of New Jersey, that the Township Fee Schedule is hereby amended as follows:

- Schedule A, paragraph 7, shall read: Copy of Public Meeting Disc \$.50 (fifty-cents).
- Administrative Fees, paragraph 8, shall be deleted in its entirety.
- Schedule E, paragraph b, shall read: State Training Fee = volume of structure x the rate as detailed in NJAC 5:23-4.19 (b) as modified from time to time.
- Schedule E, paragraph c, shall read: State Training Fee per Dollar Cost of Alteration x the rate as detailed Per NJAC 5:23-4.19 (b) as modified from time to time.

Public Comment: There was none. Mayor Brown closed Public Comment on Ordinance 2015-4.

ADOPTION - Motion made by Mr. Lee, seconded by Mr. Franzen.

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 **Motion carried.**

FIRST READING: ORDINANCE 2015-5: AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, BY WHICH THE TOWNSHIP BECOMES A MEMBER OF THE BURLINGTON COUNTY ENERGY AGGREGATION PROGRAM

- Public Hearing date was set for March 23, 2015 at 8:00 P.M.

INTRODUCTION: Motion made by Mr. Franzen, seconded by Mr. Yates.

Township Committee Comment: Mr. Barton spoke of not being in favor of forcing all the residents to be a party supplier of not their choice and then having to opt out of the program. He asked about the mailings to go out to all the residents, to which Mr. Cramer explained that it would go to all residents who do not have third party. They may opt out and commercial entities can opt in. Mr. Lee spoke of his displeasure of having to put the burden on the taxpayer to opt out of the program. Mayor Brown spoke of her understanding of it to be a guaranteed savings over Atlantic City Electric.

Roll Call: Ayes: Franzen, Yates, Brown Nays: Barton, Lee **Motion carried.**

Resolutions

RESOLUTION 2015-44: EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2015 budget and no adequate provision has been made in the 2015 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S.A 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in 2015 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A 40A:4-20) including this resolution total **\$22,000.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Tabernacle, County of Burlington, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A-4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of **\$22,000.00**.
2. Said emergency temporary appropriations will be provided for in the 2015 Budget
3. That on certified copy of this resolution be filed with the Director, Division of Local Government Services.

<u>Account #</u>	<u>Description</u>	2015 Emergency Temporary Approp
5-01-25-260-290C	LOSAP	19,000.00
5-01-31-447-213	Heating Fuel	3,000.00
	Total	\$22,000.00

ADOPTION - Motion made by Mr. Franzen, seconded by Mr. Yates.

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 **Motion carried.**

RESOLUTION 2015-45: APPROVING STREET OPENING PERMIT FOR SOUTH JERSEY GAS COMPANY

WHEREAS, South Jersey Gas Company, Rt. 54 Folsom, New Jersey 08034 has applied for a street opening permit for installing gas main at the following location of Tabernacle Township: **6 Wicklow Court , Block 805, Lot 15**; and

WHEREAS, the Township Engineer reviewed said application and schematic for approval of this installation and recommends that a permit be issued with these following stipulations and this permit will be contingent upon all fees and permits paid and bonds posted as required in Tabernacle Township General Code Ordinances.

WHEREAS, this resolution and the street opening authorized herein are specifically conditioned upon the applicant meeting the following requirements.

1. The Township Engineer shall be notified at least 48 hours in advance on any construction.
2. All asphalt paving openings must be restored with the following specification:

- a. Two inch (2") thick, Hot Mixed Asphalt (HMA) 9.5M64, which replaces the Marshall mix design, top course. All top course paving must be completed 48 hours after installing stabilized base paving.
 - b. Six inch (6") thick, HMA 19M64, stabilized base course.
 - c. 20:1 sand/cement subbase.
 - d. Provide tack coat on all surfaces before paving.
3. All non-asphalt pavement restorations (i.e. lawns, etc.) shall be completed within 30 days. All lawns shall be restored with sod. The Township Engineer shall approve all other restorations.
 4. Inspection escrow must be posted with the Township before start of construction.
 5. The applicant must provide all outside agency approvals, as required.
 6. SJG contractor will notify all residents along proposed pipeline path prior to construction start. Along with this notification, homeowners will be asked to notify the contractor of any items of concern that relate to their property (underground private structures such as sprinklers, property markers, septic and wells, etc.) along with landscaped areas.
 7. SJG Contractor will attempt to meet with residents during the construction project to address concerns they might have.
 8. SJG contractor will videotape area where pipeline is to be installed prior to construction start for documentation purposes.
 9. Proposed pipeline will be installed by a combination of bore, plow and open-cut methods. Bore and plow are the preferred means of construction, but when open cutting of trenches occurs during construction project, the contractor will make every effort to keep disturbance to a minimum.
 10. SJG contractor will restore all areas disturbed to same conditions and all non-vegetated areas must be reseeded.
 11. All Township roads and paved driveways must use bore method of installation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby approves said application of a street opening permit for installation of gas services.

BE IT FURTHER RESOLVED, that this resolution and the street opening authorized herein is specifically conditioned upon the applicant installing all pipelines under private paved driveways and public streets by boring under the private paved driveways and public streets. The applicant is not authorized to install pipeline by openly trenching through paved private driveways located in the right of way and/or public utility easement nor through public streets.

ADOPTION - Motion made by Mr. Lee, seconded by Mr. Barton.

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 **Motion carried.**

RESOLUTION 2015-46: RE: APPROVING STREET OPENING PERMIT FOR SOUTH JERSEY GAS COMPANY.

WHEREAS, South Jersey Gas Company, Rt. 54 Folsom, New Jersey 08034 has applied for a street opening permit for installing gas main at the following location of Tabernacle Township:

820 Old Indian Mills Road (Block 319, Lot 8)	901 Old Indian Mills Road (Block 203, Lot 7.02)	906 Old Indian Mills Road (Block 320, Lot 2.02)	920 Old Indian Mills Road (Block 204, Lot 1.01)
923 Old Indian Mills Road (Block 203, Lot 18)	925 Old Indian Mills Road (Block 203, Lot 17)	935 Old Indian Mills Road (Block 203 Lot 13.04)	937 Old Indian Mills Road (Block 203, Lot 13.03)

WHEREAS, the Township Engineer reviewed said application and schematic for approval of this installation and recommends that a permit be issued with these following stipulations and this permit will be contingent upon all fees and permits paid and bonds posted as required in Tabernacle Township General Code Ordinances.

WHEREAS, this resolution and the street opening authorized herein are specifically conditioned upon the applicant meeting the following requirements.

1. The Township Engineer shall be notified at least 48 hours in advance on any construction.
2. All asphalt paving openings must be restored with the following specification:
 - a. Two inch (2") thick, Hot Mixed Asphalt (HMA) 9.5M64, which replaces the Marshall mix design, top course. All top course paving must be completed 48 hours after installing stabilized base paving.
 - b. Six inch (6") thick, HMA 19M64, stabilized base course.
 - c. 20:1 sand/cement subbase.
 - d. Provide tack coat on all surfaces before paving.
3. All non-asphalt pavement restorations (i.e. lawns, etc.) shall be completed within 30 days. All lawns shall be restored with sod. The Township Engineer shall approve all other restorations.
4. Inspection escrow must be posted with the Township before start of construction.
5. The applicant must provide all outside agency approvals, as required.
6. SJG contractor will notify all residents along proposed pipeline path prior to construction start. Along with this notification, homeowners will be asked to notify the contractor of any items of concern that relate to their property (underground private structures such as sprinklers, property markers, septic and wells, etc.) along with landscaped areas.
7. SJG Contractor will attempt to meet with residents during the construction project to address concerns they might have.
8. SJG contractor will videotape area where pipeline is to be installed prior to construction start for documentation purposes.
9. Proposed pipeline will be installed by a combination of bore, plow and open-cut methods. Bore and plow are the preferred means of construction, but when open cutting of trenches occurs during construction project, the contractor will make every effort to keep disturbance to a minimum.
10. SJG contractor will restore all areas disturbed to same conditions and all non-vegetated areas must be reseeded.
11. All Township roads and paved driveways must use bore method of installation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby approves said application of a street opening permit for installation of gas services.

BE IT FURTHER RESOLVED that this resolution and the street opening authorized herein is specifically conditioned upon the applicant installing all pipelines under private paved driveways and public streets by boring under the private paved driveways and public streets. The applicant is not authorized to install pipeline by openly trenching through paved private driveways located in the right of way and/or public utility easement nor through public streets.

ADOPTION - Motion made by Mr. Lee, seconded by Mr. Barton.

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 **Motion carried.**



RESOLUTION NO. 2015-47: GRANTING BINGO LICENSES TO SENECA BOOSTER CLUB, INC.

WHEREAS, the **Seneca Booster Club, Inc.** has filed an application with the Township Committee for bingo license to conduct bingo and the applicant has paid the proper fees for said license; and

WHEREAS, the Township Committee of the Township of Tabernacle believes that said applicant is qualified to conduct the bingos are bona fide active members of said organization and that the bingo will be conducted in accordance with the Bingo Licensing Law, N.J.S.A. 5:8-24 et seq.; and

WHEREAS, the following **Bingo License** are requested on the dates listed:

BA: 2015-02	March 30, 2015	Time: 6:00-9:00 PM
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tabernacle, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee hereby approves the issuance of the aforementioned Bingo License.
2. That the Township Clerk is hereby authorized to issue said license on behalf of the Township of Tabernacle.

ADOPTION - Motion made by Mr. Lee, seconded by Mr. Franzen.

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 **Motion carried.**



MOTION – **Approval of Parade Permit – Delanco Camp Fun Run / 5K Splash & Dash: 5/11/2015 and request was made to waive the fee for this event.**

Committeeman Lee raised question as to the policy regarding fee waiver for non-profit organizations. Solicitor Lange said that it is the Township Committee’s discretion. As often it was considered to waive the fee for non-profit or charitable organizations and organizations serving children. Tom Chambers, 191 Powell Place Road spoke of representing Delanco Camp which is a non-profit Christian summer camp to fund summer programs. Committeeman Lee spoke of being happy to waive the fee; however spoke of the Township Committee needing to have a set of parameters in place for the fee waiver. The motion was made by Mr. Lee, seconded by Mr. Barton to approve the permit and waive the fee.

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 **Motion carried.**

PUBLIC COMMENT

Stuart Brooks, 78 Moores Meadow Road, asked for an explanation for \$47,046 mentioned in an e-mail that Mr. Cramer received from Jamie Wood. Mr. Brooks also asked if Mr. Frenia was auditing the fire company. He questioned the bill that was paid from last meeting regarding NJTRA for Equine training; and, who received training.

Fran Brooks, Moores, 78 Meadow Road, spoke of the discussion from the last meeting concerning Brooks v. Tabernacle Township when Mr. Lange said he saw no public purpose for disclosure of personal income in her OPRA request. Mr. Lange’s report did not educate the public as it was a weak foundation for meaningful or informed discussion by the Committee. Ms. Brooks said the Township paid \$160,000 to reassess the Township. Ms. Brooks said submitting a statement that she developed for her post as handed it to Township Clerk for the public record; however it was not read into the record. Ms. Brooks asked about the Tabernacle Rescue Squad bill and questioned how many people participated in the CPR training.

Ray McCarty, 68 Tuckerton Road, spoke of the issue regarding the property tax lawsuit and felt that the process of property taxes is an invasion of privacy.

Jason Litowitz, Horseshoe Court, gave compliments to the Public Works Department. He advised the Committee that he had put his trash out when it snowed. Public Works went around his trash can so it was not knocked over. He also thanked the Township Public Works Department for doing a great job with the snow removal.

Being no further comment, Mayor Brown closed the Public Comment.

REPORT OF THE TOWNSHIP ENGINEER

Mr. Morris had nothing to report at this time.

REPORT OF THE TOWNSHIP ADMINISTRATOR

Mr. Cramer reported that 19 members were trained in CPR and he would to get back to Mr. & Mrs. Brooks regards to their other questions, as he will talk with Col. Lowe.

BUDGET – Mr. Cramer discussed the 2015 budget explaining any increases and decreases. Mr. Cramer also explained the capital improvement part of the budget. The down payment is up to \$125,000, giving the municipality the ability to bond for \$2.5 million. The Green Acres grant should be paid off within two years. Included in the capital budget is the fire truck and \$1 million for the 2016 road program as there is an urgent need for drain mitigation. On the corners of Cramer and Worrell; Wynne and Worrell; and Hill and Worrell there are problems. There is also water on Gate and Zimmerman, Hawkins Road, the fire house parking lot. They either need more pipes or a larger pipe. Mr. Cramer advised that the Township would have to check with Pinelands. Mr. Lee asked if there was a fine to which Mr. Cramer advised that he did not think so. The main goal is to take care of these issues. Mr. Cramer is asking for a medium and large dump truck with plow and sander. The cost of maintenance has increased and these trucks are over the 15 years old. The diesel trucks must be converted. Mr. Lee asked if the reason for the conversion was due to the trucks being municipal trucks, to which Mr. Cramer confirmed. The problem with the retrofit is you cannot clean them out. It costs between \$500 and \$1300 to just clean them. Mr. Lee asked if there were mandates to the loader, to which Mr. Cramer responded, not yet. \$1.5 million is needed for building improvements to include the Pepper House, Town Hall, Community Center and Public Works shed, as we would like to put doors on the front of building as per the recommendation from PEOSHA as birds are nesting in the building. Mr. Cramer said they can talk again at the next meeting. Introduction is supposed to be March 13th with adoption to be April 20th, or a meeting close to those dates.

Terry Henry reported that most of the revenue is flat, so the State aid will be the same. The key thing that changed was the use of fund balance this year to cover the extra expenses for the fire department. We are reducing what we are using for our own capital surplus from \$200,000 down to \$70,000, that net effect is no tax increase. This year for the fire company, they can go over the 2% cap in that area.

REPORT OF THE TOWNSHIP SOLICITOR

Mr. Lange had nothing to report at this time.

REPORT OF THE TOWNSHIP COMMTEE

Mr. Barton reported that he, Mr. Franzen and the Township Administrator met last week to discuss the options for space building plan.

Mr. Lee said that he came from the school board meeting at the Middle School. Mr. Lee also met with Congressman MacArthur. He is meeting with Committee members in each municipality in the Townships to discuss federal issues that are affecting our Township.

Mr. Franzen discussed the space plan. The former squad building (community service building) is cost prohibitive and not wise to repair. The estimates are approximately one million dollars. It was concluded we do not want to put a lot of money into the building; however, it needs immediate work for heating, lights and insulation. It is believed the heating plan is possibly available for grant money. We have identified problems with Town Hall building, and think at the moment, not to move the municipal court out. At the moment, it does make sense not to redo the building down the road; and perhaps bring a community meeting center to this location, which would mean that we would move Public Works.

Mr. Franzen would like to discuss this further at a workshop meeting, and invite community representatives from organizations in town for further discussion.

Committeeman Yates and Mayor Brown had nothing to report at this time.

RESOLUTION 2015-48 ~ EXECUTIVE SESSION

WHEREAS, the Governing Body wishes to discuss ongoing litigation matters involving Brooks v. Township of Tabernacle/OPRA demand for personal financial records. Pursuant to NJSA 10:4-12(B) (7) this matter will be discussed in a closed session which the public shall be excluded. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public. The motion was amended to include potential litigation involving a new demand for an open public record involving personnel records.

MOTION – Mr. Lee made a motion to adopt Resolution 2015-48, as amended, seconded by Mr. Yates, and unanimously carried. The Committee, Mr. Lange, the Administrator, and Municipal Clerk entered executive session at 9:16 p.m.

RECONVENE TO REGULAR MEETING

Mayor Brown reconvened the meeting at 10:32 p.m.

ADJOURNMENT

Seeing no further business before the Committee, motion made by Mr. Lee, seconded by Mr. Barton, and unanimously carried. The meeting was adjourned at 10:33 p.m.

Respectfully,

La Shawn R. Barber, RMC/CMR
Municipal Clerk

Approved: 04/27/2015