

Tabernacle Township Committee Workshop Meeting Minutes Town Hall * February 9, 2015

The Workshop Meeting of the Tabernacle Township Committee was called to order by Mayor Kimberly A. Brown at the Town Hall Municipal Complex, 163 Carranza Road, Tabernacle at 7:35 P.M. The meeting commenced with the flag salute.

Township Clerk Barber read the Open Public Meetings Act statement:

SUNSHINE NOTICE STATEMENT: THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT THIS MEETING OF FEBRUARY 9, 2015 WAS 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 REQUIRED UNDER THE STATUTE.

Roll Call:

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

Professionals In attendance:

Douglas A. Cramer, Township Administrator
Peter C. Lange, Jr., Township Solicitor
Terry W. Henry, Chief Finance Officer
Jay Renwick, Tax Assessor
La Shawn R. Barber, RMC/CMR, Township Clerk

Present
Present

Public comment was made on agenda items only; except (First Reading Ordinances), discussion will be held during public hearings only).

John Cooper, Woodside Drive, questioned the executive matters listed on the agenda and bill list.

Kathy Burger, 18 Woodside Drive, spoke about the Resolution 2015-27 regarding firefighter's certification program and questioned if the position listed for Resolution 2015-35 was advertised. Ms. Burger questioned several bills on the bill list and questioned the payment listed for Tabernacle Fire Company No. 1 as the agreement does not have a monetary value to it and wants the Township to reconsider that bill.

Stuart Brooks, Moores Meadow Road, questioned the Resolution regarding the fire fighter's certification as to who it covers, their responsibilities and keeping of records. Mr. Brooks also questioned items listed on the bill list.

Noble McNaughton, 1130 Old Indian Mills Road, spoke about the executive litigation matter of Brooks vs. Tabernacle Township. He spoke with Mr. Brick and a number of people in the farming community who are quite upset by this lawsuit involving the Pinelands Farmland Assessment. Ms. Brooks had OPRA the financial information of Mr. Brick's Farmland Assessment which was redacted. The financial information is private and privileged for the Assessor. There is also another program in the Township for senior citizens who give their financial information. That information is not given out. If you apply for welfare in the County, you have to prove your income does not meet a certain threshold. That is also private and not given out. This can be a serious problem in the State if the Township does not defend this lawsuit vigorously. Your financial information is private. We in the farming community think this is very serious. It is interesting that Mr. Brick with his property he inherited has been in litigation with his family for the last ten years. It has only been within the last year that he has got sole ownership of this property. It is believed, when his grandfather passed away, the Brooks sent a letter to the family asking to buy this property. He felt that the Township must defend this lawsuit with everything. The Farm Bureau is very interested in this matter.

Fran Brooks, Moores Meadow Road, questioned why the executive session regarding unsafe structures is being considered for executive session. Mr. Lange responded that there is ongoing litigation with respect to several properties, as well as the current status of conducting litigation aimed at correcting certain circumstances.


Ms. Brooks spoke about the appointment resolution for the vacant position in the administrative office as to its advertisement and questioned when it will be filled. Ms. Brooks spoke about the review of general fees schedule.

No further comments.

Mayoral Proclamation

Mayor Kimberly A. Brown presented the following proclamation to members of the Lenape Regional High School District Board of Education and explained that it was being presented this evening due to last meeting being cancelled because of the weather.

Proclamation



School Board Recognition Month

**LENAPE REGIONAL HIGH SCHOOL DISTRICT
BOARD OF EDUCATION**

WHEREAS, New Jersey's public schools serve approximately 1.4 million children from pre-kindergarten through 12th grade; and

WHEREAS, The direction of public education in New Jersey is charted locally by individual school boards, whose 4,800 members serve as advocates for public education as they work with administrators, teachers, parents and local residents; and

WHEREAS, Boards of Education provide accountability to the public, they communicate the needs of the school district to the community, and they convey to school administrators the public's expectations for the school district; and

WHEREAS, School Board Members receive no remuneration for their services; and

WHEREAS, The Township Committee is justly proud of the academic, athletic and social achievements of the students in our community; and

WHEREAS, The New Jersey School Boards Association has declared January 2015 to be School Board Recognition Month, a time that all residents might acknowledge the contributions made by our local school board members. Now, therefore, be it

RESOLVED, That the Township Committee does hereby commend the service of the **Lenape Regional High School District Board of Education** and its members to our community and its children; and be it further.

RESOLVED, That I, Kimberly A. Brown, Mayor of Tabernacle Township and members of the Township Committee **proclaims January 2015 as SCHOOL BOARD RECOGNITION MONTH** in Tabernacle Township, and urges all citizens to join in recognizing the dedication of local school board members, past and present, as we work together to improve educational opportunities for our children.

Kimberly A. Brown, Mayor

Presentation

Nicholas J. Reynolds, Chief Operating Officer of Commercial Utility Consultants gave a presentation on Government Energy Aggregation in Burlington County. These consultants are appointed by the Burlington County Bridge Commission as the energy agent to run the GEA program for Burlington County Energy Aggregation Program. Energy deregulation process consists of BPU Statewide Auction and basic Generation Services. The Department of Community Affairs has oversight of the Auction process. You will be automatically enrolled the program and enjoy savings, until you opt out. Your electric bill looks and stays the same with the only change of the Basic Generation Service. The program only includes residents who are not currently with a third party supplier. Residents can opt out at any time after program begins with no penalty. Any questions residents were provided with the following: 855-200-2648, 430 Clements Bridge Road, Barrington, NJ 08007. Email: Info@njaggregation.us and website www.njaggregation.us

Mayoral Proclamation

Mayor Kimberly A. Brown presented the following proclamation to members of Tabernacle Board of Education.

Proclamation



School Board Recognition Month
TABERNACLE BOARD OF EDUCATION

WHEREAS, New Jersey's public schools serve approximately 1.4 million children from pre-kindergarten through 12th grade; and

WHEREAS, The direction of public education in New Jersey is charted locally by individual school boards, whose 4,800 members serve as advocates for public education as they work with administrators, teachers, parents and local residents; and

WHEREAS, Boards of Education provide accountability to the public, they communicate the needs of the school district to the community, and they convey to school administrators the public's expectations for the school district; and

WHEREAS, School Board Members receive no remuneration for their services; and

WHEREAS, The Township Committee is justly proud of the academic, athletic and social achievements of the students in our community; and

WHEREAS, The New Jersey School Boards Association has declared January 2015 to be School Board Recognition Month, a time that all residents might acknowledge the contributions made by our local school board members. Now, therefore, be it

RESOLVED, That the Township Committee does hereby commend the service of the **Tabernacle Board of Education** and its members to our community and its children; and be it further.

RESOLVED, That I, Kimberly A. Brown, Mayor of Tabernacle Township and members of the Township Committee **proclaims January 2015 as SCHOOL BOARD RECOGNITION MONTH** in Tabernacle Township, and urges all citizens to join in recognizing the dedication of local school board members, past and present, as we work together to improve educational opportunities for our children.

Kimberly A. Brown, Mayor

Approval of Bills

Mr. Franzen made a motion to pay the bills for January 26, 2015 and February 9, 2015, excluding payment for Tabernacle Fire Company No. 1, Mr. Barton seconded the motion. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

Ordinances

PUBLIC HEARING: ORDINANCE 2015-1: CALENDAR YEAR 2015: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to **1.5%** unless authorized by ordinance to increase it to **3.5%** over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the **3.5%** percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the **Township Committee** of the **Township of Tabernacle** in the County of **Burlington** finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the **Township Committee** hereby determines that a **2.0 %** increase in the budget for said year, amounting to **\$52,555** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the **Township Committee** hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the **Township Committee** of the **Township of Tabernacle**, in the County of **Burlington**, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the **Township of Tabernacle** shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.5 %**, amounting to **\$91,971** and that the CY 2015 municipal budget for the **Township of Tabernacle** be approved and adopted in accordance with this ordinance; and

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$592,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication after final passage.

• **Comments from the public.**

John Cooper, Woodside Drive, said he was in favor of buying a fire truck, however questioned the necessity of bonding the amount of \$700,000.

Mr. Cramer responded the fire district's budget had \$108,000 for truck payment; this will be used as a down payment, so we are not bonding for \$700,000. The bond is for \$590,000. The other \$200,000 is going into the general fund to operate the fire company.

Stuart Brooks, Moores Meadow Road, questioned if this proposed truck will have a phone system, what type of equipment is to be purchased and if any of the bond money is to be used to change the name of the equipment or building from Medford Farms Fire Company to Tabernacle Fire Company #1. Mr. Brooks asked about the cost to do the bond.

Mr. Cramer answered that there will be a phone system and whatever supplies are needed to outfit the truck and the bond calls for equipment to be mounted on the truck.

Mr. Henry explained the cost to do the bond ordinances.

Fran Brooks, Moores Meadow Road, spoke about looking for more information about floating a bond vs. long term financing to purchase the truck and questioned which Attorney drafted the ordinance.

Mr. Cramer spoke about taking advantage of the most cost savings and most likely purchasing the truck through Houston-Galvaston Area Council and an Inter-local Service Agreement Cooperative.

No further comments.

- Mr. Lee questioned if there is a break down on the additional gear or a list of equipment.
- On a motion made by Mr. Franzen, seconded by Mr. Barton, **Ordinance 2015-3, on second reading** was offered for adoption. *Motion carried.*

Roll Call: Ayes: Barton, Franzen, Yates, Brown Nays: Lee

INTRODUCTION: ORDINANCE 2015-4: AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING APPENDIX A OF THE REVISED MUNICIPAL ORDINANCES ENTITLED “FEE SCHEDULE.”

Public Hearing Date: 2/23/2015 * 8:00 P.M.

- On a motion made by Mr. Franzen, seconded by Mr. Yates, **Ordinance 2015-4, on first reading** was offered for adoption. *Motion Carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

Resolutions

RESOLUTION 2015-27: APPROVING FIREFIGHTER CERTIFICATION PROGRAM FOR TABERNACLE FIRE COMPANY NO. #1.

WHEREAS, the state has created a voluntary program to certify firefighters; and

WHEREAS, Tabernacle Township Committee has reviewed, discussed and voted to participate in the program.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of Tabernacle Township here by appoints the Chief of Tabernacle Fire Company No. #1 as the Authorized Signatory to sign any documents necessary to implement the Firefighter Certification Program in Tabernacle Township.

- On a motion made by Mr. Lee, seconded by Mr. Yates, **Resolution 2015-27** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION 2015-28: AUHORIZE REIMBURSMEENT COST OF COMPUTER DISCS PURSUANT TO THE REVISED MUNICIPAL FEE SCHEDULE.

WHEREAS, the actual cost for computer discs is lower than the amount previously listed in the Township Fee Schedule at Schedule A paragraph 7; and

WHEREAS, the public agency may only charge an amount equal to the actual cost of duplicating the record based on the cost of materials used pursuant to State law; and

WHEREAS, a \$2.00 per disc charge was assessed to the following persons and the actual cost is \$.50 (fifty cents) per disc:

Name	Date Purchased	Purchased Amount	Refund Amount
Brooks, Fran	2/14/2014 9/10/2014	\$2.00 \$2.00	\$3.00
Burger, Kathy	1/31/2014	\$38.00	\$28.50
Callaghan, Michael	12/20/2013	\$2.00	\$1.50
Freeman, Nancy	12/19/2013 1/28/2014	\$2.00 \$2.00	\$6.00

	5/1/2014	\$2.00	
	6/9/2014	\$2.00	
Litowitz, Jason	12/23/2013 4/17/2014	\$2.00 \$2.00	\$3.00
Shrom, Ralph	4/17/2014	\$2.00	\$1.50
Wood, Jamie	1/15/2014	\$2.00	\$1.50

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, County of Burlington, State of New Jersey, that the below persons shall be refunded the overpayments as listed in the below schedule pursuant to the revised fee listed in Ordinance 2015-4.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forward to the Chief Finance Officer and Township Auditor.

- On a motion made by Mr. Barton, seconded by Mr. Franzen, **Resolution 2015-28** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION 2015-29: AUTHORIZE CANCELLATION OF OUTSTANDING CHECKS.

WHEREAS, there exists outstanding checks in the Tabernacle Municipal Court General Account in the amount of \$4.00; and

WHEREAS, said checks has been outstanding and can no longer be presented for payment; and

<u>Check No.</u>	<u>Check Date</u>	<u>Amount</u>
1191	12/09/2013	\$1.00
1215	05/08/2014	\$2.00
1220	06/01/2014	\$1.00

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, County of Burlington, of New Jersey, that the outstanding checks listed above be and is hereby canceled and the proceeds returned to the Township.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be provided by the Township Auditor and Chief Financial Officer.

- On a motion made by Mr. Franzen, seconded by Mr. Barton, **Resolution 2015-29** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION #2015-30: A RESOLUTION OF THE TABERNACLE TOWNSHIP COMMITTEE ADOPTING CHANGE ORDER NO. 4 TO A CONTRACT BETWEEN THE TOWNSHIP OF TABERNACLE AND A. E. STONE FOR THE 2013 LOCAL ROAD PROGRAM.

WHEREAS, on August 26, 2013, the Township Committee awarded the contract for the 2013 Local Road Program in the amount of \$794,000.00 to A. E. Stone.; and

WHEREAS, Change Orders are regulated by Local Finance Board regulation N.J.A.C. 5:34-4; and

WHEREAS, approval by the Mayor and Committee is required for all Change Orders; and

WHEREAS, The Administrator and Alaimo Group, Township Engineer, have recommended that the Mayor and Committee approve Change Order No.4 as described below:

Change Order #4

Description of change in scope of work:

- Amount of Original Contract: \$794,000.00
- Amount of Contract with Previous Change Orders Adjustment: \$856,947.26
- Adjustment Based on Change Order No. 4: \$ 83,082.02**
- Adjusted Contract Total: \$940,029.28

WHEREAS, the adjusted amount of this contract based upon Change Order No. 4 is \$940,029.28.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Tabernacle in the County of Burlington as follows:

1. Change Order No. 4 to the contract between the Township of Tabernacle and A. E. Stone. is hereby authorized by the Township; and
 2. The Mayor is hereby authorized and directed to execute Change Order No. 4.
- On a motion made by Mr. Lee, seconded by Mr. Franzen, **Resolution 2015-30** was offered for adoption. *Motion carried.*
Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION 2015-31: 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:

- 27 Anne Drive, Block 309, Lot 28;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.

- On a motion made by Mr. Franzen, seconded by Mr. Yates, **Resolution 2015-31** was offered for adoption. *Motion carried.*
Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION 2015-32: 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:

- 5 Stags Leap Court, Block 201, Lot 2.11;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.
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 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. JG 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.

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- On a motion made by Mr. Franzen, seconded by Mr. Yates, **Resolution 2015-32** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION 2015-33 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:

- **7 Mallard Drive, Block 403, Lot 7.04;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.
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 - 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.
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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.
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11. All Township roads and paved driveways must use bore method of installation.

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- On a motion made by Mr. Franzen, seconded by Mr. Yates, **Resolution 2015-33** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION 2015-34: 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:

- 10 Nyoda Trail, Block 202.03, Lot 28.03
- 7 Nyoda Trail, Block 202.04, Lot 10; 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.

- On a motion made by Mr. Franzen, seconded by Mr. Yates, **Resolution 2015-34** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0



RESOLUTION 2015-35: APPOINTMENT OF TEMPORARY / PART-TIME OFFICE CLERK/ Elaine B. Kennedy

WHEREAS, the resignation for retirement of Eileen K. Baitzel was received for the positions of Office Clerk and Deputy Municipal Clerk is hereby accepted, effective January 31, 2015; and

WHEREAS, the Township Committee places on record its appreciation for the assistance and guidance provided by Eileen Baitzel during her tenure; and

WHEREAS, the Township Committee recognizes the need to fill this position with a responsible applicant experienced in the duties required of the administrative office to handle the daily operations in the department of Town Hall until a successor is made to fill the positions of Office Clerk and Deputy Municipal Clerk; and

WHEREAS, the Township Administrator finds the best candidate to fill this position is Elaine B. Kennedy to the position of a temporary/ part-time office clerk based on her qualifications and experience; and

WHEREAS, funds are available for payment of her salary at \$17.00 per hour in the 2015 Tabernacle Township budget.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee appoints Elaine B. Kennedy as temporary / part-time office clerk in the administrative department for Tabernacle Township, effective January 27, 2015.

- On a motion made by Mr. Franzen, seconded by Mr. Yates, **Resolution 2015-35** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0



RESOLUTION 2015-34: A RESOLUTION OF THE TABERNACLE TOWNSHIP COMMITTEE AUTHORIZING THE PLACEMENT OF TEMPORARY SIGNS IN THE PUBLIC RIGHT OF WAY FOR TAA ORGANIZATION FOR FISCAL YEAR 2015.

WHEREAS, a request has been made for permission to place temporary signage in the public right of way associated with certain Township roads for (TAA) Tabernacle Athletic Association Organizations to promote their upcoming registration events for baseball, softball, basketball, soccer, volleyball and wrestling; and

WHEREAS, the Township Committee is desirous of assisting Tabernacle Athletic Association in promoting their beneficial activities for the following:

TAA Baseball January / February / August/September	Seneca Youth Volleyball April / May
TAA Softball January / February / August / September	TAA Basketball September / October
TAA Soccer April / May	Seneca Youth Wrestling September / October

NOW, THEREFORE, BE IT RESOLVED, that the Tabernacle Township Committee, in the County of Burlington, State of New Jersey, does hereby temporarily suspend the zoning regulations prohibiting such signage included in Tabernacle revised Ordinances Chapter 17 Section 22.12 “Off Site Commercial Advertising Signs.”

The Township Committee further hereby authorizes Tabernacle Athletic Association’s Organization and/or its representatives to place temporary signage in the public right of way and along Tabernacle public roads to promote this event as aforementioned under the following conditions:

1. All signs shall be placed at least 6’ off of any paved road surface, placed in the public right of way with adult supervision and notification be made to the Township Administrator and Construction Official in writing prior to each event date.
2. All temporary **signs must be removed within 5 days** after conclusion of the event or approval of this Resolution will be void.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Construction Official and Director TAA Organization.

- On a motion made by Mr. Lee, seconded by Mr. Barton, **Resolution 2015-36** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

**RESOLUTION 2015-37
AUTHORIZING TABERNACLE TOWNSHIP TO RESCIND THE PETTY CASH FUND FROM TABERNACLE BOARD OF FIRE COMMISSIONERS**

WHEREAS, Tabernacle Board of Fire Commissioners was the custodian of a Petty Cash Fund until the dissolution of Tabernacle Fire District #1 that was approved by the Local Finance Board on November 12, 2014; and

WHEREAS, on January 23, 2015 Tabernacle Township received petty cash in the amount of \$52.35 from Tabernacle Board of Fire Commissioners; and

WHEREAS, it is the desire of Tabernacle Township to rescind the petty cash fund and deposit the amount of \$52.35 into Tabernacle Township General Current Fund Account.

NOW, THEREFORE, BE IT RESOLVED, in accordance with N.J.S.A. 40A:5-21, the Township of Tabernacle, County of Burlington hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

- On a motion made by Mr. Franzen, seconded by Mr. Barton, **Resolution 2015-37** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

**RESOLUTION 2015-38: GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE JULY 2014-JUNE 2019**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Committee of the Township of Tabernacle, County of Burlington, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Burlington.

NOW, THEREFORE, BE IT RESOLVED by the Township of Tabernacle, County of Burlington, State of New Jersey hereby recognizes the following:

1. The Tabernacle Township Committee does hereby **authorize submission of a strategic plan for the Tabernacle Municipal Alliance grant for fiscal year 2016** in the amount of:

DEDR \$12,212.00
Cash Match \$ 3,053.00
In-Kind \$ 9,159.00

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

- On a motion made by Mr. Franzen, seconded by Mr. Lee, **Resolution 2015-38** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION NO. 2015-39: GRANTING BINGO AND RAFFLE LICENSE TO PTA TABERNACLE TOWNSHIP, INC.

WHEREAS, the **PTA Tabernacle Township, Inc.** has filed an application with the Township Committee to conduct BINGOS and RAFFLES and the applicant has paid the proper fees for said licenses; and

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

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

BA: 2015-01	March 20, 2015	Time: 6-9 PM
RA: 2015-01 On-Premise Draw	March 20, 2015	Time: 6-9 PM

Merchandise		
RA: 2015-02	March 20, 2015	Time: 6-9 PM

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 follow:

1. That the Township Committee hereby approves the issuance of the aforementioned Bingo and Raffle License.
 2. That the Township Clerk is hereby authorized to issue said license on behalf of the Township of Tabernacle.
- On a motion made by Mr. Barton, seconded by Mr. Yates, **Resolution 2015-39** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION 2015-40: A RESOLUTION OF THE TABERNACLE TOWNSHIP COMMITTEE AUTHORIZING THE PLACEMENT OF TEMPORARY SIGNS IN THE PUBLIC RIGHT OF WAY FOR TABERNACLE PTA.

WHEREAS, a request has been made for permission to place temporary signage in the public right of way associated with certain Township roads for the week of **February 28, 2015**; and

WHEREAS, the request has been made by the Tabernacle PTA in order to promote their upcoming Bingo Night **which will take place Saturday, March 21, 2015**; and

WHEREAS, the Township Committee is desirous of assisting the Tabernacle PTA in promoting this beneficial activity.

NOW, THEREFORE, BE IT RESOLVED, that the Tabernacle Township Committee, in the County of Burlington, State of New Jersey, does hereby temporarily suspend the zoning regulations prohibiting such signage included in Tabernacle revised Ordinances Chapter 17 Section 22.12 “Off Site Commercial Advertising Signs.”

The Township Committee further hereby authorizes the Tabernacle PTA Organization and/or its representatives to place temporary signage in the public right of way and along Tabernacle public roads to promote this event as aforementioned under the following conditions:

1. All signs shall be placed at least 6’ off of any paved road surface and shall be placed in the public right of way with adult supervision.
2. All temporary **signs shall be removed within 5 days** after conclusion of the event.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Construction Official and Tabernacle PTA Organization.

- On a motion made by Mr. Franzen, seconded by Mr. Barton, **Resolution 2015-40** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION 2015-41: BUDGET APPROPRIATION TRANSFERS

WHEREAS, various 2014 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2014 Budget in the last two months of 2014; and

WHEREAS, N.J.S.A 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tabernacle, the transfers in the amount of **\$27,500.00** be made between the 2014 Budget Appropriation Reserves as follows:

		From	To
4-01-20-100-100	Administration S&W	1,400.00	
4-01-20-120-100	Clerk S&W	1,000.00	
4-01-20-145-200	Tax Collection O.E.	4,100.00	

4-01-20-150-200	Tax Assessor O.E.	1,000.00	
4-01-20-155-200	Legal O.E.	2,500.00	
4-01-21-180-200	Planning Board O.E.	2,800.00	
4-01-22-195-100	Construction S&W	1,000.00	
4-01-23-215-200	Workers Compensation	1,700.00	
4-01-28-370-200	Recreation O.E.	1,000.00	
4-01-31-430-212	Power	3,000.00	
4-01-31-460-262	Gasoline	8,000.00	
4-01-26-300-200	Public Works O.E.		23,500.00
4-01-20-165-200	Engineering O.E.		4,000.00
Total		27,500.00	27,500.00

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Chief Financial Officer.

- On a motion made by Mr. Franzen, seconded by Mr. Yates, **Resolution 2015-41** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

RESOLUTION 2015-42: AUTHORIZE CANCELLATION OF CERTAIN PROPERTY TAXES PURSUANT TO A TOTALLY DISABLED VETERAN EXEMPTION

WHEREAS, Clifford R. Toye, owner of 29 Acorn Drive (Block 506, Lot 2) has applied for exemption from property taxes as a Total Disabled Veteran pursuant to NJSA 54:4-30.30; and

WHEREAS, said application has been received by the Township Assessor; and

WHEREAS, the Assessor has reviewed the application and requisite proofs, and finding them to be in order, recommends approval of the exemption; and

WHEREAS, the exemption commences December 12, 2014 in accord with certification of 100% disability granted by the Department of Veteran Affairs; and

WHEREAS, the exemption for the 2015 Preliminary Tax period, which must now be cancelled in recognition of this exemption.

NOW THEREFORE BE IT RESOLVED by Tabernacle Township Committee that the Tax Collector is hereby authorized to cancel the 2015 property taxes pursuant to totally disabled veteran status of Clifford R. Toye, property owner of 29 Acorn Drive. A certified copy of this resolution shall be forwarded to the Tax Collector and Assessor.

- On a motion made by Mr. Lee, seconded by Mr. Barton, **Resolution 2015-42** was offered for adoption. *Motion carried.*

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

Motions

Motion to approve parade permit for the Pine Barons Enduro Riders / Clock Run for April 11, 2015 was made by Mr. Franzen, seconded by Mr. Barton. Motion carried

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

Motion to approve parade permit for South Jersey Enduro Riders / Curly Fern for March 22, 2015 was made by Mr. Franzen, seconded by Mr. Barton. Motion carried

Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0

Public Comment

Ray McCarty, 368 Tuckerton Road, spoke about the public comment section and resolution regarding municipal fee schedule amended.

John Cooper, 21 Woodside Drive, questioned LOSAP when the fire district was dissolved if an ordinance needed to be created.

Mr. Cramer discussed Lakeview Drive as residents complained about the condition of the road and whether we can include it in road program. Last week we did majority of patch and the road is not in great shape. It is not in the road program list for this year, but it is something to be looked at as a priority next year.

Township Owned Property - Mr. Cramer received a letter from Sean Judy expressing an interest in purchasing Block 1502, Lot 5, as he is a contiguous property owner. He also expressed interested in Lot 4.01, 4.02 & 4.03 if the Township is interested in selling. These are lots along the stream side of Goose Pond Road. It is understood that Lot 4.01 through 4.03 were not buildable lots they could not support septic system. Lot 5 is a 33 acre lot with Pinelands' Credits. Mr. Cramer is looking for direction from the Committee. We would have to at least offer it to the contiguous property owners and decide whether we want to separate the credits or sell with the credits. This will be discussed at next month's agenda.

Areal Larval/Adult Mosquito Control Activities – Mr. Cramer asked for authorization for Burlington County Division of Mosquito Control to perform aerial applications of pesticides for mosquito control over Tabernacle Township during 2015. Areas to be treated contain populations of mosquitoes that are considered a nuisance, a health hazard, or both. The motion was made by Mr. Lee, seconded by Mr. Lee.

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

Update on Houses in Summit Drive Area / Residents Request:

- 22 Lee Drive - there was an order for demolition of structure was informed that the property may be issued by a contractor. The contractor had obtained a permit to remove the UST and tank was removed. We have learned since that the tank had a leak and the buyer has backed out so the property is back in our court to decide how we will take the structure down.
- 68 Summit Drive - complaints have been filed and they have been to court on February 2, 2015 and given 60 days to clean up. Scheduled next court appearance is April 6.
- 30 Lee Drive – a warrant was issued by Hon. Andronici for failure to respond to court. Mr. Perri is looking at another avenue to bring the residents to court.
- 72 Summit Drive – a settlement was reached with the insurance company and contractors have been contacted and waiting for bids to repair the house. This is where the tree came down on the roof of the house.
- 65 Summit Drive – working with the property owner and some of the outside issues have been removed. Mr. Perri will continue to work with the resident to clean up the property.

Tabernacle Rescue Squad – Mr. Cramer read an appreciation letter from the Tabernacle Rescue Squad. Thanks to the willingness of the Tabernacle Township Committee to work together with our organization, they have saved the residents in need of our help a total of \$47,046.86 that would have otherwise by law to be balanced billed. The According to the Office of the Inspector General, we are only able to avoid balance billing by the use of contributions of tax dollars towards co-pays deductibles and the uninsured. They thanked the Township Committee for the continued work with our organization on behalf of these and all of our residence, we strive to provide the best care to all those we are summoned to help at the lowest possible financial impact towards our residence.

Mr. Cramer reported on the number of calls for January of units responding for Tabernacle Fire Company No. 1.

Mr. Cramer is very pleased with the cooperation he is receiving from the fire company, rescue squad, emergency management and public works for emergency situations that have occurred.

Mr. Cramer spoke about meeting with Committeeman Lee, Rodney Haines and Commissioner of Baseball to go over the remainder of the work at the snack stand.

Mr. Cramer responded to Mr. Cooper's question regarding LOSAP in which he indicated that it was part of the agreement with the Local Finance Board that it be provided. Our firefighters will not have any laps of time.

Fire Grant - The money for the fire company is a grant that is supposed to go to the fire company directly so that is not affected by the contract or the lack of contract.

Fire Certification Program - the facility in the training room can be used as a requirement of the County to provide these services. This is a housekeeping item because the district no longer exists.

Report of the Township Solicitor

Mr. Lee’s question about Budd Court – Mr. Lange reported that he received letter from Mr. Pagliuso’s Attorney indicating that they would succeed to the demands of the Committee of completing the paving before the timeline expires and will be contacting the Township Engineer.

LOSAP – Mr. Lange spoke that of the Township Administrator addressed this issue and the Local Finance Board has special ability to grant us the ability to transform their account into the Township account with no interruption of service to the firefighter.

Mr. Lange said with respect to Ms. Brooks’ comments about the difference between the contract between the Township and the fire company verses the fire district and the fire company. He believed the contract to be essentially exactly the same. There appears to be some belief by the Brooks that there are materially differently terms. Mr. Lange said that he would take a second look, however believes he wrote the contract almost verbatim.

Discussion: Brooks v. Township of Tabernacle/Opra demand for personal financial records.

Mr. Lange responded that he wanted to discuss Ms. Brooks’ latest lawsuit. Ms. Brooks has previously sued the Township under OPRA and we have another lawsuit which arises out of Ms. Brooks’ demand for certain information concerning farmland assessments. Ms. Brooks made a demand of the Custodian of Records (Municipal Clerk), which is the process to produce records related to Mr. Brick’s farmland assessment. Mr. Brick filed an application and supporting documentation, and in conjunction with discussions with the Solicitor, the Township and Assessor, the Custodian of Records took the position that written and specific exception in OPRA talks about personal financial records being exempt, would exempt the personal financial information which is included in those forms. The Custodian redacted that financial information to delete the actual numbers and provided the documentation. Ms. Brooks has indicated in her lawsuit that it is insufficient for her purposes, that it is her claim that it is the Township’s obligation to provide the actual data that was submitted by the farmer in support of his farmland assessment, and that the OPRA supports that as well as the Common Law Right to Know. The statute does specifically exempt personal financial information, it would appear that the Custodian’s determination that this type of information falls within the meaning of the exception, certainly appears to be a valid position. There is no specific case law, there is no actual authority on this exact issue, so the Custodian is left to make the best decision that she can make based on the material that she has, with consultation with the Solicitor and the plain language of the statute. It is unfortunate; because, the purpose of the Open Public Records Act is to promote transparency of open government which is a terrific thing. In this circumstance, the documentation, absent the numbers, has been provided. The Assessor has indicated that the property owner qualifies. Mr. Lange said that he searches to find the public purpose in the lawsuit aimed at getting the actual information associated with Mr. Brick’s production. It appears that there is no public purpose to be served, and yet the Township is left to make a decision between siding with the interest of Mr. Brick who has expressed the desire of not having that information revealed publicly, or succumb to the demands of Ms. Brooks through the Open Public Records Act and Common Law claim in the litigation. It is a difficult position for the Township to be in. If you choose to not to produce document, take advantage of the plain language of the statute that seem to exempt that information, you are left dealing with the lawsuit which is also a risky situation. If the Township decides that at some point to provide the documentation, then that would trigger the responsibility of the Township to pay all Ms. Brooks legal fees. It is a difficult position for the Township to be in. The Township is left to decide between Taxpayers what to do when there is no public purpose or public question being addressed or germane to the lawsuit and it is really a no win position. Mr. Brick has indicated that he believes it is personal information and he has threaten suit if, in fact, that the information was provided and of course we already have a lawsuit demanding the same information by Ms. Brooks which is complicated by the potential cost. Either way, the Township is potentially subject to tens and thousands of dollars in legal fees. What is most frustrating that there is no public purpose that is going to be advanced for the provision of this information. It is strictly limited to the private interest of the litigants. Unless Ms. Brooks determines not to go forward, the Township Committee will have to make a choice between Taxpayers over an issue that serves or will not serve any public purpose. The statute is to promote open government and the production of Mr. Brick’s personal financial data does nothing to enhance open government for transparency and the delivery of services. You have the Assessor unequivocally finding that the farmer is qualified. As Mr. McNaughton indicated, there is some reservation among farmers who serve, or face the prospect of having their personal financial information revealed for the entire world to see

simply to assert what is their right to a farmland assessment. The public needs to understand that the issue is being put forth because it is not really fair to the public hear about these lawsuits long after they are over. At this point, Mr. Lange encouraged the Governing Body to go into executive session to discuss this issue as to what they would like to do; while the public should benefit from understanding the factor of the suit and the position that this Committee is put in by this particular suit.

Committeeman Franzen spoke about the available option that Ms. Brooks could have referred this to the GRC it would not cost the Township anything.

Solicitor Lange explained that the cost would be minimal and a fraction of what is created when you get into litigation. GRC is available anytime and not mandatory. The League of Municipalities and legislators are considering tweaking the statute so as to no put public officials between that “rock and a hard place,” where there is no legitimate public interest by release of the information.

Committeeman Franzen further questioned the risk of granting the request of releasing personal financial information. We could be violating the law.

Mr. Lange spoke that the Government Records Council does a great job in bringing the parties together in identify the public purpose that is going to be advanced in light of the language of the statute and reconciling those differences. In this circumstance, we are not given the ability to take advantage of that process; we are right into court and spending money. Mr. Lange again, spoke that it is difficult for him to understand why it is appropriate given there is no public purpose to be advanced in releasing the information and given that it will cost the Taxpayers win, loose, or draw thousands and thousands of dollars.

Mayor Brown questioned the Assessor if he made the determination on the farmland assessment or if it was done on a different level.

Mr. Renwick reported that the farmland assessment was appealed because there was an issue with the portion of it not being assessed properly and it went through the County Board of Taxation.

Mr. Lange added that in his contact with the Division of Taxation, it appears they are seriously considering amending the form so that this quandary does not exist in the future and does not require those seeking that assessment to submit that detailed information.

Mr. Renwick said that the Division of Taxation, like the farming Bureau are very concerned about what impact this will have on farmland assessment throughout the State of New Jersey. If this becomes open, it will discourage farmers from providing this information. They do not release tax return information or financial information.

Committeeman Barton suggested of the Township Committee to consider a Resolution to our local State Senator, Assemblyman and League of Municipalities to endorse the change in the statute so that it is mandated that you have to go to GRC first, rather than superior court.

Report of the Township Committee

Committeeman Lee reported that Doug Cramer, Rodney Haines and he walked through the snack stand over Patty Bowker. TAA does not have the volunteer base to finish the project. Mr. Lee is looking for a motion to allow the Administrator to obtain three quotes for general contractors to complete the project. This would possibly be about \$30,000 to finish the project.

- Mr. Lee made the motion, Mr. Barton seconded the motion.

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

Mr. Lee reported on attending the Agriculture Convention in Atlantic City and spoke that the farm community is paying very close attention as to what is happening in Tabernacle right now.

Mr. Lee recognized Mr. Marance from Troop 439 in attendance of the meeting to complete a merit badge, and also thanked the School Board members for their attendance.

Committeeman Lee responded to Mr. Litowitz comment about the GRC discussion and being appalling that people would not make use of the opportunity to go through the GRC and to save the residents thousands of dollars. To pump up our taxes in legal fees because you do not want to go through the GRC because of a court ruling is unconscionable and appreciated Mr. Litowitz bringing it up.

Mayor Brown thanked the School Board for coming out tonight.

Executive Session Resolution 2015-43

Whereas, the Governing Body wishes to discuss ongoing litigation matters involving Brooks litigation vs. Township of Tabernacle, Crown Castle vs. Tabernacle Township, ongoing litigation of unsafe structures within the boundaries of Tabernacle Township and Shared Services with Southampton Township. Pursuant to NJSA 10:4-12(B) (7) these matters will be discussed in a closed session from 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 made Mr. Lee, seconded by Mr. Barton. Roll Call: Ayes: 5 Nays: 0 *Motion carried*

Reopen meeting. One member of the public was present.

Adjournment

Members of the Township Committee returned from the executive session to pursue adjournment. Motion made by Mr. Lee, seconded by Mr. Yates the meeting was adjourned at 11:15p.m.

Roll Call: Ayes: 5 Nays: 0 *Motion carried*

Respectfully submitted:

**La Shawn R. Barber, RMC
Municipal Clerk**

Approved: 04/27/2015