

**TABERNACLE TOWNSHIP
COMMITTEE MEETING MINUTES
AUGUST 10, 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, New Jersey 08088 at 7:33 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 AUGUST 10, 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.

GOVERNING BODY

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

PROFESSIONALS

Douglas Cramer, CPWM, Administrator (Absent)
Terry Henry, Chief Finance Officer
Peter C. Lange, Jr., Esq. Solicitor
La Shawn R. Barber, Municipal Clerk

PUBLIC COMMENTS

Fran Brooks, 78 Moores Meadow Road, questioned the bill list item for the postage machine and questioned the Resolution which appoints temporary laborer for Public Works Laborers as she indicated there being no end date. Mayor Brown spoke of the appointments are for the brush clean up because of the June 23rd recent storm.

Ms. Brooks questioned the procedure for hiring of the individuals. The Township Clerk spoke of two of the individuals have currently started working, while the other is scheduled to work today. Procedurally, the individuals were hired by the Township Administrator and we are just memorializing the paperwork.

Mayor Brown closed the Public Comment portion of the meeting as there were no further comments.

APPROVAL OF BILLS

- Motion made by Deputy Mayor Franzen, seconded by Committeeman Lee.

Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Nays: 0 Motion Carried

APPROVAL OF MINUTES

- June 8, 2015 (Workshop and Executive - tabled from last meeting) - Motion made by Committeeman Barton, seconded by Committeeman Lee.

Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Nays: 0 Motion Carried

- July 13, 2015 (Workshop and Executive - tabled from last meeting) - Motion made by Committeeman Lee, seconded by Deputy Mayor Franzen.

Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Nays: 0 Motion Carried

- July 27, 2015 (Regular and Executive) - Motion made by Committeeman Barton, seconded by Deputy Mayor Franzen.

Roll Call: Barton, Franzen, Lee Ayes: 3 Nays: 0 Abstain: Brown Motion Carried

ORDINANCES – SECOND READING

(Public Hearing) Ordinance 2015-9

AN ORDINANCE AMENDING CHAPTER IX, ENTITLED "BUILDING AND HOUSING" OF THE "REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF TABERNACLE, NEW JERSEY" ADDING A NEW SECTION TO ESTABLISH STANDARDS FOR THE MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE BY CREDITORS.

WHEREAS, mortgage foreclosures often result in the abandonment and neglect of residential properties; and

WHEREAS, N.J.S.A. 40:48-2.12s, authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed an action to foreclose; and

WHEREAS, it is in the public interest for the Township of Tabernacle to establish standards for the maintenance of those properties and to enforce those standards of maintenance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tabernacle, County of Burlington and State of New Jersey as follows:

Section 1. The Revised General Ordinances of the Township of Tabernacle are hereby amended by the addition of a new section to Chapter IX, Building and Housing, to read as follows:

Maintenance of Vacant and Abandoned Residential Properties in Foreclosure:

a. Definitions

1. "Creditor" means a State chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the "New Jersey Residential Mortgage Act," P.L. 2009, c.53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

2. "Vacant and Abandoned" residential property means, consistent with section 1 of P.L. 2010, c.70 (N.J.S.A. 2A:50-73), residential real estate, where a notice of violation has been issued pursuant to subsection b. of section 1 of N.J.S.A. 40:48-2.12s. Residential property shall further be deemed Vacant and Abandoned where a mortgaged property is not occupied by a mortgagor or tenant and at least two of the following conditions exist:

- (a) overgrown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash or debris on the property;
- (f) the absence of window treatments such as blinds, curtains or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, association management, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;
- (o) any other reasonable indicia of abandonment.

1. **Deputy Mayor Richard J. Franzen** is appointed for the remainder year 2015 to represent the Township of Tabernacle.
 2. **Committeeman Stephen Lee, IV** is appointed as **alternate** to represent the Township of Tabernacle in the absence of Deputy Mayor Richard J. Franzen.
 3. The aforesaid appointments are for the year remainder year 2015 and subsequent annual appointments shall be made by the Township of Tabernacle at its annual reorganization meetings.
 4. Certified copies of this Resolution be forwarded to the New Jersey Pinelands Municipal Council Secretary.
- On a motion made by Mr. Lee, Franzen, seconded by Mr. Lee, Resolution 2015-106 was offered for adoption.
- Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Nays: 0 Motion Carried**

**RESOLUTION 2015-107
AUTHORIZING THE APPOINTMENT OF LABORERS TO THE TOWNSHIP DEPARTMENT OF PUBLIC WORKS
(FRANCIS WOZNAK, RONALD UNGER AND RORY J. VANNAIS)**

WHEREAS, there is a need for the hiring of seasonal temporary laborers for the Department of Public Works; and

WHEREAS, the Township Administrator and Director of Public Works has recommended Francis Wozniak, Ronald R. Unger and Rory J. Vannais to the governing body for appointment as full-time, temporary laborers for the Department of Public Works; and

WHEREAS, the salary for the appointed laborers shall be \$15.00 an hour and shall be appropriated from the 2015 Tabernacle Township Budget; and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Tabernacle, County of Burlington, State of New Jersey as follows:

1. That Francis Wozniak is hereby appointed as a full-time temporary laborer for the Department of Public Works at a salary of \$15.00 an hour, in accordance with the Township Salary Ordinance and Resolution, effective August 3, 2015.
 2. That Ronald R. Unger is hereby appointed as a full-time temporary laborer for the Department of Public Works at a salary of \$15.00 an hour, in accordance with the Township Salary Ordinance and Resolution, effective August 3, 2015.
 3. That Rory J. Vannais is hereby appointed as a full-time temporary laborer for the Department of Public Works at a salary of \$15.00 an hour, in accordance with the Township Salary Ordinance and Resolution, effective August 10, 2015.
 4. That a certified copy of this resolution shall be forward by the Municipal Clerk to Francis Wozniak, Ronald R. Unger and Rory J. Vannais.
- On a motion made by Committeeman Lee, seconded by Deputy Mayor Franzen, Resolution 2015-107 was offered for adoption.
- Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Nays: 0 Motion Carried**

**RESOLUTION 2015-110
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 locations of Tabernacle Township: **37 Fox Hill Drive, Block 211, Lot 5; 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; and

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

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 of the 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, County of Burlington, State of New Jersey, approves the application of a street opening permit for installation of gas service; and

BE IT FURTHER RESOLVED, this resolution and the street opening authorized 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 Committeeman Lee, second by Deputy Mayor Franzen, Resolution 2015-108 was offered for adoption.
 - ❖ **COMMITTEE COMMENTS**
 - ❖ **Committeeman Lee commented that he is displeased with the continuation of the scheduling conflicts with Gate Road residents, however is not in favor of holding other residents "hostage" to continue and complete street openings. Mr. Lee spoke of not wanting to hold up approving these resolutions but wants some answers and does not feel a scheduling conflict is not acceptable as far as what is going on with Gate Road.**
- Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 4 Nays: 0 Motion Carried**

**RESOLUTION 2015-109
APPROVING STREET OPENING PERMIT**

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 locations of Tabernacle Township:

- 1 Bozarthtown Road, Block 1201, Lot 18
- 3 Bozarthtown Road, Block 1201, Lot 20.02
- 5 Bozarthtown Road, Block 1201, Lot 20.01 (Unit A)
- 5 Bozarthtown Road, Block 1201, Lot 20.01 (Unit B)
- 17 Bozarthtown Road, Block 1202, Lot 1.02
- 18 Bozarthtown Road, Block 1402, Lot 18.01
- 25 Bozarthtown Road, Block 1202, Lot 13
- 27 Bozarthtown Road, Block 1202, Lot 14
- 28 Bozarthtown Road, Block 1402, Lot 16.03
- 31 Bozarthtown Road, Block 1202, Lot 15 (Rear)
- 31 Bozarthtown Road, Block 1202, Lot 15 (House)
- 35 Bozarthtown Road, Block 1202, 16
- 50 Bozarthtown Road, Block 1402, Lot 11
- 53 Bozarthtown Road, Block 1202, 26.01
- 73 Bozarthtown Road, Block 1202, Lot 30.06
- 76 Bozarthtown Road, Block 1402, Lot 1.09
- 78 Bozarthtown Road, Block 1402, Lot 1.08
- 134 Brace Lane, Block 1202, Lot 1.01 (Unit A)
- 134 Brace Lane, Block 1202, Lot 1.01 (Unit B)
- 135 Brace Lane, Block 1201, Lot 19.02
- 136 Brace Lane, Block 1202, Lot 2
- 138 Brace Lane, Block 1202, Lot 4
- 140 Brace Lane, Block 1202, Lot 5; and

WHEREAS, the Township Engineer reviewed the 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; and

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

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 of the 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 service; and

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 Committeeman Lee, seconded by Deputy Mayor Franzen, Resolution 2015-109 was offered for adoption.
Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Nays: 0 Motion Carried

**RESOLUTION 2015-110
EXTENDING THIRD QUARTER TAX GRACE PERIOD**

WHEREAS, State approval of the 2015 Budget was delayed and the tax rate could not be certified until final approval was given by the Department of Community Affairs; and

WHEREAS, Governor Whitman signed into law A179 as P.L. 1994, Chapter 72, which statute provides taxpayers a minimum 25 day payment period from the date tax bills is mailed; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tabernacle, in the County of Burlington, State of New Jersey, that the grace period for the 2015 Third Quarter Tax payment is extended to 25-day payment period from the date tax bills is mailed; and

BEING FURTHER RESOLVED, certified copies of this resolution be forward to the Tax Collector, Auditor and Treasurer.

- On a motion made by Committeeman Lee, seconded by Deputy Mayor Franzen, Resolution 2015-110 was offered for adoption.
Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Nays: 0 Motion Carried

PUBLIC COMMENT

Stuart Brooks, 78 Moores Meadow Road, commented on Township Committeeman's prior report regarding the Pinelands Presentation Alliance request to waive the annual fees for their Annual Tour of the Pines Fund Raiser. Mr. Brooks spoke about Mr. Lee's reasons for his standards used and supporting the sale of property to Mr. Judy's request.

Committeeman Lee interrupted Mr. Brooks and explained to him, mentioning and bringing up old matters is inappropriate and intangible.

Fran Brooks, 78 Moores Meadow Road, commented on an email between Solicitor Lange and Jason Litowitz regarding OPRA requests and the procedure; along with Solicitor Lange's billings.

Solicitor Lange explained that he has spoken with Mr. Litowitz regarding procedure and has never provided any information and disagrees with Ms. Brooks' assertion that Mr. Litowitz has been favored to receive information any differently than any other requested information.

REPORTS

❖ Township Solicitor

Solicitor Lange explained that the Quit Claim for the Fire District in favor of the Township is awaiting Mr. Cramer when he returns from vacation and will be recorded in the Office of the Clerk of Burlington County so the title will reflect Tabernacle Township as owner.

Budd Court, (Frank A. Pagiluso, et al – owners) is out of time on or about August 16, 2015 and immediately following we will be able to proceed with pulling the irrevocable standby letter of credit related to the property designated as 505.01, Lots 4 & 5 and Block 205, Lot 8.

❖ Township Committee

Committeeman Barton – Tom Riley, Public Affairs of Atlantic City Electric (ACE) received a copy of the letter which Col. Lowe submitted to Burlington County which was forwarded to the New Jersey Department of Public Utilities, and is concerned and would like to schedule a meeting with a Committee Member along with Mr. Cramer to discuss Col. Lowe's letter. Mayor Brown commented that she and Mr. Cramer are attending a meeting in the near future with ACE regarding the concerns which have come to our attention.

Committeeman Barton - shared his appreciation for Engineer Dan Guzzi's application to install antennae at the Emergency Services Building (ESB) which would be beneficial to the entire Township.

Committeeman Lee – acknowledged receipt of Ms. Brooks' email regarding the amount of revenue received from insurance billing from Tabernacle Township and Shamong Township. Committeeman Lee explained that matter is between Shamong Township and the Rescue Squad. Matters will be discussed at length at a future Workshop Session.

Committeeman Lee – confirmed his meeting on August 11, 2015 with legislators to discuss OPRA and the ongoing discussions and opinions from Trenton. He invited members of the Committee to join him.

Committeeman Lee apologized for becoming upset and spoke of the comments made by Mr. Brooks of selling land and the "tie in" that was suggested was ludicrous and is disappointed in the comment. Committeeman Lee expressed that he is in support of residents purchasing property to better their family and structure regardless of their vocation and does not appreciate Mr. Brooks' tone and has not appreciated his tone and previous comments.

Deputy Mayor Franzen – was opposed to the sale of the property ONLY. However Sean Judy and his family are good people to have in the community. Deputy Mayor Franzen agrees and defended Committeeman Lee in his expression and Mr. and Mrs. Brooks often cross the line with their comments. Deputy Mayor Franzen also expressed that when there is something expressed or suggested it is totally convoluted by Mr. and Mrs. Brooks.

Mayor Brown – explained that there was no obligation for the club to make a presentation to the Committee. A presentation was made by the rescue squad being a private, non-profit organization and is not subject to OPRA. It was reiterated by Mayor Brown that she also agrees and defends the comments made by Committeeman Lee and Deputy Mayor Franzen. Any and all Shamong matters are to be expressed to Shamong Township.

ADJOURNMENT

- On a motion made by Committeeman Lee, seconded by Deputy Mayor Franzen, the meeting was adjourned at 8:12 p.m.
Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Nays: 0 Motion Carried

Respectfully submitted:

La Shawn R. Barber

La Shawn R. Barber, RMC/CMR
Municipal Clerk

❖ Approved: 08/24/2015