

Tabernacle Township Committee Workshop Meeting Minutes Town Hall * June 22, 2015

Tabernacle Township Committee meeting 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 JUNE 22, 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
La Shawn R. Barber, RMC/CMR, Township

Public Comment

Stuart Brooks, Moores Meadow Road, spoke with regard to Resolution 2015-87, stating that he knows Mayor Brown testified at the Assembly and wanted an explanation on the Resolution. He said the bill would provide mandatory mediation procedure for all GRC cases and felt that it would increase the workload on the GRC, Counties and Municipalities.

Mayor Brown advised that she will provide information on what happened during the Township Committee report.

Fran Brooks, Moores Meadow Road, questioned the bill list payment coverage for the Insurance Agency Management bill listed. Mr. Cramer advised the coverage is for renewal of the general liability policy term for and accident health renewal for TAA. Ms. Brooks spoke of Mayor Brown testifying on the bill at the legislative hearing and spoke of wanting an explanation.

Jason Litowitz, Horseshoe Court, spoke of requesting in the past for the Township Committee to get OPRA denials sent to GRC instead of through the courts. He read and understood the legislation on the proposed Assembly Bill and felt it to be understandable and very digestible. The Resolution is understandable that it's not setting state law but endorsing an assembly measure.

Closed public comments.

Approval of Bills

Mr. Lee made a motion to pay the bills, Mr. Yates seconded the motion.

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

Approval of Minutes

Motion made by Mr. Franzen, seconded by Mr. Yates, the minutes of May 11, 2015 was offered for adoption.

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

Motion to table May 26, 2015 Minutes: Motion made by Mr. Franzen, seconded by Mr. Yates.

Roll Call: In favor: 5 Opposed: 0



RESOLUTION 2015-80: 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:

- **328 Pricketts Mill Road, Block 202.02, Lot 6.01;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 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.

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.

- Motion made by Mr. Lee, seconded by Mr. Franzen, **Resolution 2015-80** was offered for adoption.

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

**RESOLUTION 2015-81
ACCEPTING BID AND AWARDING CONTRACT FOR THE PURCHASE OF A TRUCK MOUNTED COMBINATION
JETTER/VACUUM MACHINE**

WHEREAS, the Township of Tabernacle, pursuant to the public contract law, received bids for the purchase of a truck mounted combination jetter/vacuum machine for the Township's use on June 16, 2015; and

WHEREAS, GapVax, Inc of 575 Central Avenue, Johnstown, PA 15902, was the only bidder who submitted bids to the Township, with a lump sum bid in the amount of \$230,000.00; and

WHEREAS, the bid of GapVax, Inc. complied with the bid specifications as prepared by the Township and is a conforming and qualified bid; and

WHEREAS, there are sufficient funds available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Committee of the Township of Tabernacle this 22nd day of June, 2015, that GapVax, Inc., be and hereby is awarded the bid for the purchase of one truck mounted combination jetter/vacuum machine for the Township's use.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute the contract after review and approval by the Township solicitor, as well as, any other related documents necessary and incidental to the purchase in order to complete said purchase.

- Motion made by Mr. Barton, seconded by Mr. Lee, **Resolution 2015-81** was offered for adoption.

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

**RESOLUTION 2015-82
AWARDING CONTRACT FOR IMPROVEMENTS TO STRUCTURES AT PATTY BOWKER AND PRICKETTS MILL PARKS**

WHEREAS, the Tabernacle Township Committee has received sealed proposals for construction and repairs to structures located at the Patty Bowker and Prickett's Mill Parks located in the Township of Tabernacle, Burlington County, NJ; and

WHEREAS, N.J.S.A. 40A:11-4 states that a contract, the cost of which would exceed \$17,500.00 in a fiscal year, shall be awarded only after public advertising for bids and bidding therefore; and

WHEREAS, there has been public advertisement for bids and the Township Clerk has received and opened bids on June 17, 2015 at 10:00 A.M. for the purpose of awarding a contract for the aforementioned construction and repair to structures located at the Patty Bowker and Prickett's Mill Parks; and

WHEREAS, the Township's special projects engineer, Mr. Dante Guzzi, has reviewed the bids and determined the two lowest bids to be in conformance with the bid specifications and has advised that a certain entity is the lowest qualified responsible bidder for said contract and has recommended that the Municipality award said contract or reject the bids within sixty (60) days as required by N.J.S.A. 10A: 11-4; and

WHEREAS, the Township's Chief Financial Officer has certified that there are sufficient funds available for the purpose of awarding a contract to said entity and his certification being attached hereto and made a part hereof.

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 Chief Financial Officer, based upon the aforementioned certificate, has declared that there are sufficient funds available for the aforesaid purpose, and that the Township Committee hereby directs that the hereinafter expenditure be charged against such funds.
2. That the Township Committee, for the aforementioned reasons, **hereby declares that Mac-Rose Contractors, Inc. is the lowest qualified bidder** for the aforementioned contract and hereby awards a contract to the said entity for the aforesaid purpose in the amount of **\$87,050.00** in accordance with the terms and conditions of the Bid Proposal, the Notice to Bidders and Specifications, copies of which are on file in the Office of the Township Clerk and available for public inspection during regular business hours.
3. That the award to **Mac-Rose Contractors, Inc.** is consistent with the legal requirements of the lowest responsible bidder, which conforms, to all specification requirements and applicable statutory provisions.
4. That the Township Committee hereby directs the Township Clerk to return the bid securities to the unsuccessful bidders in accordance with N.J.S.A. 40A: 11-4.
5. That the Township Committee does hereby direct the Township Mayor and Clerk to execute any contract documents which are necessary to effectuate the terms of this Resolution which shall be prepared by or reviewed by the Office of the Township Attorney.

- Motion made by Mr. Franzen, seconded by Mr. Lee, **Resolution 2015-82** was offered for adoption.

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

**RESOLUTION #2015-83:
A RESOLUTION OF THE TABERNACLE TOWNSHIP COMMITTEE ADOPTING CHANGE ORDER NO. 1 TO A CONTRACT
BETWEEN THE TOWNSHIP OF TABERNACLE AND ARAWAK PAVING COMPANY, INC. FOR THE SOOY PLACE ROAD
IMPROVEMENT PROJECT**

WHEREAS, on November 24, 2014, the Township Committee awarded the contract for the Sooy Place Road Improvement Project in the amount of \$482,000.00 to ARAWAK PAVING COMPANY, Inc; 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.1 as described below:

Change Order #1 Description of change in scope of work: See attached Change order #1

The amount of the reduction is \$54,179.40; and

WHEREAS, the adjusted amount of this contract based upon Change Order No. 1 is \$427,820.60;

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. 1 to the contract between the Township of Tabernacle and ARAWAK PAVING COMPANY, INC. is hereby authorized by the Township; and
 2. The Mayor is hereby authorized and directed to execute Change Order No. 1.
- Motion made by Mr. Yates, seconded by Mr. Barton, **Resolution 2015-83** was offered for adoption.
- Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 Motion carried.**

**RESOLUTION 2015-84:
A RESOLUTION REFUNDING 2013 TAXES FOR PROPERTY IMPROVEMENT**

WHEREAS, the Township of Tabernacle has received a request from Anthony Panico for a refund of a 2013 overpayment of taxes due to a structure fire on the property located at 46 Patty Bowker Road, Block 502.02, Lot 15 which occurred on April 28, 2013; and

WHEREAS, the 2013 taxes were paid at the full assessed value of the improvement on the property without consideration of the diminution of the value occasioned by the fire damage; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund.

NOW, THEREFORE, BE IT RESOLVED by the Tabernacle Township Committee, upon the advice of the Chief Financial Officer and the Tax Assessor, that the Committee does hereby authorize a refund in the amount of two thousand six hundred thirty two dollars and sixty five cents (\$2,632.65) to Anthony Panico for property taxes paid on Block 502.02, Lot 15, 46 Patty Bowker Road in the Township of Tabernacle.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forward to the Township Tax Collector, Township Tax Assessor and the owners of said property.

- Motion made by Mr. Franzen, seconded by Mr. Yates, **Resolution 2015-84** was offered for adoption.
- Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 Motion carried.**

**RESOLUTION 2015-85:
REDEMPTION OF MUNICIPAL TAX LIEN**

WHEREAS, the Tax Collector has received full payments for Municipal Tax Sale Certificates held by Tabernacle Township; and

WHEREAS, the Tax Collector has recommended that the following Municipal Tax Sale Certificate be cancelled:

Certificate Number	Block/Lot	Payment Received
#12-00024	903/17.01	\$10,020.27

AND;

WHEREAS, the Tax Collector has recommended that this aforementioned tax sale certificates be redeemed as per Township lien placed on the block and lot.

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 tax sale certificates be cancelled.

BE IT FURTHER RESOLVED that the Mayor is authorized to sign it, and Township Clerk is authorized to forward a copy of this Resolution to the Tax Collector.

- Motion made by Mr. Barton, seconded by Mr. Lee, **Resolution 2015-85** was offered for adoption.
- Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 Motion carried.**

**RESOLUTION 2015-86:
APPOINTMENT OF DEPUTY COURT ADMINISTRATOR**

WHEREAS, Tabernacle Township Committee has since become aware of the need to fill the position of a Deputy Court Administrator after Elizabeth Beaumont has submitted her resignation from the Township of Tabernacle; and

WHEREAS, recommendation was made by the Municipal Court Judge and Municipal Court Administrator to appoint **Catherine M. Iezzi** as the Deputy Municipal Court Administrator on the basis of her qualifications, experience and certifications.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tabernacle, County of Burlington, State of New Jersey, hereby approve the appointment for **Catherine M. Iezzi as Deputy Court Administrator for a salary of \$112.47 for court sessions in accordance with our 2015 salary Resolution, effective immediately.**

- Motion made by Mr. Barton, seconded by Mr. Lee, **Resolution 2015-86** was offered for adoption.
- Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 Motion carried.**

DISCUSSION: IN SUPPORT OF LEGISLATIVE BILL A-4435 FOR GOVERNMENT RECORDS

Mr. Lee spoke of his support for Assembly Bill A-4435, sponsored by John Burzichelli regarding OPRA requests throughout New Jersey. It requires non-binding mediation for disputes regarding access to public records. Mr. Lee said he feels strongly by the support of this bill, enough to have a Resolution. Our community is inundated with OPRA request and litigation. The one organization testified opposing the bill was NJ Fog, New Jersey Foundation for Open Government. One of the members of the NJ Fog Board of Directors is Fran Brooks, a member of our community whom oppose this bill. This is good legislation and it is important for members of the legislature to understand the difficulties of OPRA request. The public has every right to make requests, but there needs to be a balance in terms of requests. Mr. Lee spoke of what bothers him the most is having litigations with the emergency squad who spent thousands of dollars on OPRA request where their job is to take care of residents. Mr. Lee's appreciation was given to Mayor Brown and Administrator Cramer for going up to Trenton for this issue.

Mayor Brown spoke of her testimony as she went to Trenton to testify. She felt it is important for communities to have an avenue that is not a lawsuit and have a way to mediate and prevent costing taxpayer's money. She testified that our emergency squad has been sued and has spent \$70,000.00 defending the suit. She testified that our newly formed fire company has been OPRA and has sought legal opinion. This takes away from volunteerism from the community when they have to worry about OPRA request. Volunteers are interested in putting out fires and assisting with emergency medical

needs, instead they are worried about what documents they have to provide or they will be sued. Currently, the Township is in litigation over an OPRA request regarding farmland assessment property. Ms. Brown said she answered questioned that were asked of her from the Assembly, and stated when this comes up again, in the fall; she will go back again to testify. She spoke of fully in support of this bill having mediation and another avenue other than lawsuits.

Mr. Lee spoke of two additional OPRA bills up for consideration sponsored by Senator Wineberg. As point of reference, they are considered OPRA reformed bills, but they are not, and the New Jersey League of municipalities opposes these bills. The New Jersey Fog is very much in favor of these bills. Mr. Lee spoke of being one hundred percent in favor of OPRA request; however feel there needs to be balance.

Committeeman Barton said the general public has the opportunity to go to GRC; they do not have to go to Superior Court for a dispute over OPRA request. However, if they choose to go that route, he suspects if they win the lawsuit, they get their bills paid. The municipalities' attorney fees are not paid. The bill as it is written is still a bit lopsided, in which he still supports. This bill forces you to go to Government Records Council first. They have the opportunity to go to superior court if you disagree with the mediation. The bill has a long way to go in the legislative process; we are not trying to stop OPRA request.

Deputy Mayor Franzen spoke of this legislative bill requiring you go to GRC first before going to Superior Court. He said it is hard for him to fathom how anyone can be against it, and why you would want to spend thousands of dollars, "like the rescue squad did in legal fees," when you can do the same thing in a GRC hearing for far less cost. Probably the reason that you do not want it to go to GRC is because there is a lot of money to be made. Mr. Franzen said it reminds him of ambulance chasing and any logical person cannot be opposed to saving tax payers money. Mayor Brown and Mr. Cramer were thanked for taking time going up to Trenton.

Committeeman Yates concurred with his colleagues sentiments.

**RESOLUTION 2015-87
IN SUPPORT OF LEGISLATIVE BILL A-4435 FOR GOVERNMENT RECORDS**

WHEREAS the Open Public Records Act (OPRA) of the State of New Jersey (P.L. 2001, c 404) establishes the mechanism of by which citizens may obtain access to government records with the goal of creating greater transparency in government; and

WHEREAS, under current law a person who is denied access to a government record may either institute a proceeding in Superior Court to challenge the custodian's decision, or a person may file a complaint with the government records counsel; and

WHEREAS, presently, if a person elects to file a complaint with the council, a person has the option of participating in mediation, but is not required to participate in mediation; and

WHEREAS, according to statistics of the Government Records Council, more than half of all mediate disputes concerning public records are resolved by mediation, but only approximately 20% of over three complaints or referred to mediation; and

WHEREAS, the general assembly of the state of New Jersey recently introduced legislation (A-4435) which seeks to amend current law to establish mandatory non-binding mediation for any dispute regarding access to a government record. Under this bill, the Government Records Council may, but is not required, to use the Dispute Settlement Office, within Office of the Public Defender, to mediate any dispute regarding access to a government record. If mediation fails, the government records council shall investigate the complaint, hold a hearing and adjudicate the claim for access to all records, what shall include the issuance of any advisory opinion as to whether the record saw is a government record which is accessible to the public; and

WHEREAS, after adjudication by the council, a person seeking access to a government record shall have the right to institute a proceeding in Superior Court. If the person seeking government record prevails in a council or court proceeding, the person shall be entitled to reasonable attorney fee, if council opinion determined that the government record had been improperly denied; and

WHEREAS, the mediation program established in this bill could potentially resolve many more disputes over access to government records in addition to reducing, for all parties involved, the costs associated with using the Superior Court to adjudicate a dispute, so;

THEREFORE BE IT RESOLVED, that the mayor and governing body of the Township of Tabernacle does hereby support A-4435 in the sponsors effort to develop a more responsive and cost-effective system of delivering government records (as defined by current law) to the public while striving to maintain transparency in government; and

THE FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the 9th Legislative District of the State of New Jersey; the 3rd Legislative District of the State of New Jersey and the Burlington County Board of Chosen Freeholders, New Jersey Municipal Clerk's Association, Borough of Surf City, Borough of Light, Borough of Harvey Cedars, Borough Ship Bottom, Township of Long Beach, and Borough of Beach Haven.

- On a motion made by Mr. Barton, seconded by Mr. Lee, **Resolution 2015-87** was offered for adoption.

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

**RESOLUTION NO. 2015-88
A RESOLUTION AUTHORIZING THE TOWNSHIP OF TABERNAACLE TO ACCEPT ASSIGNMENT OF TAX
SALE CERTIFICATE #13-00013**

WHEREAS, the Township of Tabernacle, County of Burlington and State of New Jersey sold a certain tax certificate No. 13-00013 on December 27, 2013 in the amount of \$2,884.49 for outstanding taxes due and owing plus interest and penalties on property located at 1540 Route 206, Block 324, Lot 5 in the Township of Tabernacle; and

WHEREAS, the lien holder, US Bank, NA as custodian for Pro Capital, II, paid subsequent first and second quarter 2014 taxes in the amount of \$3,069; and

WHEREAS, the lien holder has raised issues as to the priority of such lien pursuant to the Township's subsequent lien for costs associated with the demolition of the structures located on Block 324, Lot 5.

NOW, THEREFORE, BE IT RESOLVED that the governing body of Township of Tabernacle is hereby authorized to accept assignment of the aforementioned tax certificate #13-00013 and the Township Clerk and Chief Financial Officer are

hereby directed to effectuate the assignment of certificate #13-00013 to the Township in exchange for payment in the amount of \$6,006.25.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector

- On a motion made by Mr. Barton, seconded by Mr. Lee, **Resolution 2015-88** was offered for adoption.

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

Public Comment

Stuart Brooks, Moores Meadow Road, spoke of Committeeman Lee's comment at a previous meeting in which he disagreed with his reasons of being in favor of the sale of Township property. Mr. Brooks spoke of not being in agreement with the format of public comment. It does not allow for a dialog. Mr. Brooks questioned the status of wash bay use by the school district. Mr. Brooks spoke of Mr. Lee's comment regarding Ms. Brooks' opposition to the OPRA Bill, adding the lawyers' fees related to Superior Court are small and take up less time, rather than going to the process of GRC. Mediation in theory is a great idea but it cost time and money.

Fran Brooks, Moores Meadow Road, spoke of the Township Committee's misunderstanding of the legislative bill only applies to people who are going to take a complaint to GRC and the mediation process is built into OPRA. The GRC process is pretty bad and can go on forever. Going into mandatory mediation is not a cheaper process and it is misinforming the public.

Ms. Brooks spoke of her submitted questions regarding insurance billing and request answers during the Township Committee reports.

Jim Jones, Wimbledon Way, thanked members of the Township Committee for their action on Resolution 2015-87. Mr. Cramer was thanked for everything he has done regarding the blinking lights at the school. Mr. Jones spoke about the Burlington County Radio Club Field Day this weekend. It is an opportunity for federally licensed Amateur Radio operators to set up stations, outside of their homes and actively demonstrate how we might contribute to communications during a declared emergency. This operation would be held at the Emergency Services Building from Saturday June 27th at 2:00 to Sunday June 28th at 2:00 pm. Invitations were extended to all.

Jason Litowitz, Horseshoe Court, requests the status on Budd Court paving and demolished house on Wimbledon Way. The Township Committee received appreciation for passage of the OPRA Resolution endorsing the Assembly Bill. Mr. Litowitz spoke of public comments made were incorrect advising last year, the FOG posted a list of multiple thousands of lawsuits and the average duration days were approximately 400 days. The average GRC hearings time frame was approximately 300. Sean Vena, 27 Wicklow, thanked the Township Committee for stepping up for the passage of Resolution 2015-87.

Closed public comment.

Report of the Township Engineer

Mr. Morris provided an update on the South Jersey Gas Street Openings.

The Township received \$196,000.00 Grant for the Medford Lakes Road Project. An alternate is suggested to be done starting at Fox sparrow.

Mr. Morris spoke of submitting his engineering proposal for drainage improvements on Hill Road, Zimmerman Road, Sohn Way, Brace Lane and Gate Road to mitigate the area. The drainage improvements include leaching inlets, underdrains and restorations. The total construction cost estimate \$981,335.25

Mr. Barton spoke about an issue at 16 Gate Road where South Jersey Gas Company sent a resident a letter requesting them to locate all their underground facilities, at which the residence neglected to advise them of the drainage pipe located under their driveway, and a concrete driveway was put in. SJ Gas bore the gas pipe; it went into the drainage and caused a water problem. The resident contacted SJ Gas and their position was that they could have gone another way if they knew the location of the pipe. Mr. Barton is of the opinion this could have been avoided and is opposed to correcting the problem.

Mr. Cramer said the homeowner did what was required. The water is from our road since the drainage solution was disturbed, we had ponding of water in the general area. There was discussion regarding the level of responsibility for parties involved between South Jersey Gas and Crown Piping. A number of possible solutions were looked at and based on the recommendation of the Township Engineer; the recommendation was to try to correct it all at one time.

Mr. Barton said he would like the homeowner to exhausts all avenues before the taxpayers of Tabernacle carry the bill for something that he feels could have been avoided, had they told South Jersey Gas on their application if they had drainage across the driveway. Mr. Barton wants the Township Committee to seriously look at a street opening ordinance with a moratorium, so if there is a paved a road, no one is allowed to touch that road for five years unless an emergency exist.

Report of the Township Administrator

Capital Bond Ordinance – Mr. Cramer asked to have a bond ordinance put together that included the Township Engineer's discussion. The road program roughly had \$350,000 left over from 2013 Road Bond issue, \$450,000 from 2014 Road Program and \$196,000 from NJDOT Grant. It was anticipated that \$427,820 will go to finish Sooy Place Road. As far as Medford Lakes Road, if we finish all the way to Medford Township, it is roughly \$513,650 plus engineering and inspection totaling \$616,000. A drainage package as per the Township Engineer's review is roughly \$725,000. Lakeview and Spring Drive Improvements are \$235,000 (\$280,000) with engineering. The totals without Spring Drive and Lakeview are \$1,917,401.00. The capital project for buildings will have \$400,000 from the 2014 bond and \$62,000 in the buildings and grounds budget for the firehouse. The previous proposals provided about \$150,000 for the Pepper House, \$150,000 public works three buildings, \$200,000 Town Hall and approximately \$250,000 towards the community center for heating, air conditioning, installation roof and windows. There being \$62,000 in the budget towards repairs needed at the firehouse for the crack in the front wall. Mr. Cramer is looking to replace a utility truck for \$45,000, a medium dump truck for \$105,000 and a large dump \$170,000. Mr. Cramer has asked for a bond ordinance to be put together for these projects.

Members of the Township Committee will have further discussion at their next workshop meeting.

Mr. Cramer said he received word from the new transportation coordinator that school buses will be washed over the summer months in the wash bay.

Report of the Township Solicitor

Mr. Lange responded to Mr. Litowitz question regarding Budd Court. A demand letter was sent which triggered a 30-day window in which they can make improvements before the performance guarantee bond or letter of credit can be called. Mr. Pagliuso is on notice and the Committee has authorized immediate action to effectuate the letter of credit. This will result in funding improvements to be performed by the Township.

Mr. Lange said abandoned properties in the Township, specifically Wimbledon Way is ongoing. There is a new statute that streamlines the process, allows the Township to place a lien against the property in foreclosure. The merit of the statute was discussed as it was aim to meet and revise an update on the abandoned properties.

Mr. Lange said he rejects Ms. Brooks' accretion that COAH is not something to be discussed in executive session. Discussion will be held in executive session regarding a July 8th deadline for the filing a declaratory judgment action in order to determine the appropriate growth share for Tabernacle Township. In discussing that implicitly, we will be discussing our current posture of the facts, defenses that we may have involved in a remedy suite and also strategies we would employ should be determine to file such an action. It is appropriate to discuss that briefly in executive session.

Report of the Township Committee

Committeeman Barton spoke about the need to speed up the process of the abandoned property issue on Wimbledon Way to make it safe and secure.

Mr. Lange provided background information on the property of Wimbledon Way. The owners left for two different states and the Township was left with instituting litigation which is aimed at filing for substitute of service and additional legal fees. At the time, it was undetermined if the Township would have the available after dealing with the Myers property to spend to remediate the condition of that property. This has been a budget issue and waited further for direction in the matter. The better avenue would be to utilize the new statute. The Township would have the ability to lien the property for up to \$1500-\$2500 per day, and impose the responsibility of the foreclosing entity. The result is quicker action and much less risk to the Township. The liens can be sold at tax sale once they are validly entered.

Committeeman Lee spoke of being unsure of comments made by Mr. Brooks regarding his comments on fee waiver. Mr. Lee is of the opinion that the Township should look at having a policy for fees waiver in place that is structured regardless of whom they are.

Mr. Lee spoke of being unsure of Mr. Brooks' comments regarding Sean Judy and the interested property purchase. It is very beneficial to have someone of Sean's caliber closer in the center of town.

Mr. Lee spoke of the NJFOG (New Jersey FOG) being opposed to the bill Mayor Brown testified. Ms. Brooks is a member on the Board of Directors of that organization and very much against our issue. Mr. Lee said he never addressed Ms. Brooks' position on the matter because everyone is entitled to their opinion.

Mr. Lee spoke of appreciation for efforts made as a Committee to manage the crisis for the amount of OPRA request we have at the Township. This has to be fixed legislatively and strongly urged members of our community to contact legislatures on any issue regarding your opinion.

Mr. Yates said he is looking forward to Mr. Franzen providing a follow-up on the building and grounds issue.

Mr. Franzen provided a response to some of the questions Fran Brooks raised in which he provided answers regarding the insurance billing revenues for 2013 and 2014 of the rescue squad. Mr. Franzen said he recalls a presentation made about the budget for those years; they were reviewed and spoke of not taking any notes at the time. He does not want to guess on the numbers.

Mr. Franzen said the answer to Ms. Brooks's questions regarding Tabernacle Rescue Squad's insurance billing revenues for Shamong Township in 2013 and in 2014 were not something that was presented in the chalk board presentation that we saw.

Mr. Franzen said he and Mr. Barton are reviewing the Township Ordinance rules and regulations as requested by Mayor Brown. They have gone through all of the ordinances and noted changes necessary. Our next step process is to have an internal meeting with the staff.

Mr. Franzen spoke of the buildings and grounds committee to review the results of their findings. There were no specific recommendations on actual actions to be taken. The next step would possibly be to invite leaders of the community organizations in town for their input, thoughts and feelings to go further.

Mayor Brown spoke of Ms. Brooks' questions being her answers were pretty much the same as Deputy Mayor Franzen. We reviewed the numbers, it was on the board, no notes were taken, and it made sense with our budget. The Committee concurred at the time. As far as the Shamong numbers, suggestion was made to ask Shamong Township if they paid anything to squad. It is not something we would have first-hand knowledge.

Mayor Brown spoke about the last meeting as we talked about the agreement with the fire company and facility use. Mr. Lee and Mr. Franzen were asked to be to meet with the fire company.

EXECUTIVE SESSION RESOLUTION

WHEREAS, the Governing Body wishes to discuss ongoing litigation concerning the Township's fair share housing obligations and specifically the court deadline to filing a declaratory judgment action seeking a court approval plan. 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.

MOTION – Mr. Lee made a motion to go into executive session. Mr. Franzen seconded the motion. The vote was unanimously carried. The Committee, Mr. Lange, the Administrator, and Municipal Clerk entered executive session at 9:27 p.m.

RECONVENE TO REGULAR MEETING

Mayor Brown reconvened the meeting at 10:10 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 10:11 p.m.

Respectfully,

La Shawn R. Barber, RMC/CMR
Municipal Clerk

Approved: July 27, 2015