

**Tabernacle Township Committee
Workshop Meeting Minutes
Town Hall June 8, 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 7:30 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 8, 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 Clerk

Public comment

Fran Brooks, Moores Meadow Road, questioned the vote taken at the last meeting regarding Ordinance 2015-8. Mr. Lange explained there was a second hearing with a motion to table that failed. It is a continuation after public comment of the public hearing on that ordinance.

Approval of Bills

On a motion made by Mr. Barton, seconded by Mr. Franzen, the bills were ordered paid. *Motion carried.*

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

Old Business

(Continuation) **ORDINANCE 2015-8: AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY DESIGNATING AND OFFICIALLY AUTHORIZING TABERNACLE FIRE COMPANY NO.1 AS THE VOLUNTEER FIREFIGHTING ORGANIZATION FOR THE TOWNSHIP OF TABERNACLE.**

Mayor Brown asked the members of the Township Committee if they wanted to continue discussion on the ordinance which was listed from old business before reviewing the draft agreements.

Mr. Franzen spoke about the two agreements currently in place with the rescue squad. One agreement allows the Township to have an agreement with the rescue squad, and the second is a facility use agreement for the New Road property. The working documents before the Township Committee, other than the ordinance, have been previously discussed. The facility use agreement with the Fire Company is for the Hawkin Road property. The other agreement with the fire company is to provide fire service.

Mr. Yates commented on the New Road facility agreement and spoke of a reason for constructing the EMS building was for emergency services and that we always talked about putting a fire truck in the building to make the response time on this side of Tabernacle greater.

Mr. Lange spoke about Ordinance 2013-9, which authorized entering into the agreement that coupled the designation of the Rescue Squad as being the provider for rescue services is under the statutory framework that exists. Mr. Lange spoke about the desire to clean up and modernize an agreement since the dissolution of the fire district. The corresponding ordinance for the Rescue Squad discusses the appointment of for squad, as opposed to a contract for; the use of their respective buildings is a separate issue and is covered by the facility use agreement.

Mr. Lee questioned if the Township should have a contract with the squad like one being proposed for the Fire Company. Mr. Lange said the statute talks about designating as the provider for rescue services. Certainly there is nothing that would prohibit having a contract to formalize that relationship. We recognize that both entities are independent and operate independent of the Township.

Mr. Cramer mentioned the OPRA litigation court case of Ms. Brooks vs. Tabernacle Rescue Squad not being settled and questions how a change would reflect on the courts. Mr. Lange said the courts are being asked to decide whether the rescue squad is subject to OPRA; a quasi-governmental entity performing a governmental function. They are being asked under the current relationship that exists. The Township designates them as the rescue squad and provide emergency medical services and billing for the service in town. The Township should understand with specificity who is doing what for whom, and why and the nature of the relationships and promises being exchanged.

Mr. Franzen said after the litigation is disposed, he would like move on with the agreements so there is no impact.

Mr. Lange said these are license agreements, not leases. They do not contemplate exclusive possession of Township buildings.

Mr. Cramer said the emergency services building being is well used for multi-purposes to include the forest fire services, Virtua, employee wellness, regional JIF training and safety committee meetings.

Mr. Lee said he is in favor of expanding the use for the EMS facility to other organizations other than emergency services.

Mr. Cramer spoke about looking at both agreements when the fire truck is placed in the EMS facility.

Col. Lowe spoke about the use of the Emergency Services Building utilized by the CERT, OEM and other organizations as it relates to emergency services. This building should not support the use of non-emergency type of services.

Mayor Brown spoke of the language in the proposed ordinance addressing social affairs permits for non-profits and individuals.

The Township Committee desires to get feedback from the Fire Company.

Mr. Lee spoke about having a three year sun-set provision in the ordinance.

Continuation of the hearing: Mr. Lee wants feedback from the Fire Company; in addition to have discussion with the Chief or President along with two members of the Township Committee.

Mr. Lee presented the motion to table the ordinance 2015-8, because the agreements should be finished before moving on with the ordinance. There was no second.

Mr. Franzen motioned to move forward with the ordinance 2015-8, Mr. Barton second the motion to express support for discussion from Mr. Franzen's motion. Mr. Yates questions the possible need to advertise if there was a desire to make change.

Mr. Lange said based on forward discourse and consideration of the comments concerning the fire company, he asked to table the ordinance, so there can be finality with respect to the ordinance and the agreement. All the comments are not related to the facility use license agreement, those are a separate issue.

Mr. Franzen moved to withdraw his motion; Mr. Barton moved to withdraw his second to the motion.

Mr. Yates seconded Mr. Lee's motion.

Roll Call: Barton, Franzen, Lee, Yates, Barton Motion carried. Ordinance to 2015-8 was tabled.

New Business

RESOLUTION 2015-79

APPOINTMENT OF ACTING PLUMBING SUBCODE OFFICIAL/INSPECTOR

WHEREAS, William C. Rebel, has resigned from Tabernacle Township; and

WHEREAS, Chapter IX 9-1.1 of the Revised General Ordinances of Tabernacle Township was established as the enforcing agency providing for a State Uniform Construction Code/Enforcement Agency which includes a Plumbing Subcode Official/Inspector; and

WHEREAS, Tabernacle Township and Woodland Township have negotiated the terms and conditions of an agreement for the provision of such services to Woodland Township by Tabernacle Township; and

WHEREAS, John Holroyd is being selected on the basis of his qualifications performing the statutory duties of those of the Construction Code/Enforcing Agency; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, that **John Holroyd**, be appointed **acting plumbing subcode official/inspector at a bi-weekly salary of \$404.16**.

BE IT FURTHER RESOLVED, that said appointment is made for (30) days, **effective immediately**.

- On a motion made by Mr. Lee, seconded by Mr. Franzen, **Resolution 2015-79** was offered for adoption.
Motion carried.

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

Public Comment

Stuart Brooks, Moores Meadow Road, questioned when the agreements will be ready for review and commented that it is not micro-managing but making sure of the use for our building. He addressed his concern of the Township not knowing who serves the alcohol during firehouse events and questions the statute provisions for exemptions for COAH to be allowed for discussion in executive session. Mr. Brooks spoke about a sign posted at the firehouse regarding OPRA and questioned if the activity continues, should it be addressed in the use license agreement.

Mark LeMire, 32 Washington Way, spoke of the great discussions held regarding all the Township facilities and suggested there should be uniformity. He also wants it recognized in the agreements that elections are used at places, firehouse and emergency services building.

Fran Brooks, 78 Moores Meadow Road, said she learned that Mr. Lee and Mr. Franzen, but not Mr. Yates, reviewed the Rescue Squad's insurance billing revenues as part of their consideration of Tabernacle's 2015

budget. She wanted to clarify that she is not asking about Tabernacle's budget allocations. She wants to know how much did the Rescue Squad receive from insurance billing in 2013-2014 in Tabernacle and Shamong Township, excluding the \$70,000 adopted in the budget and questioned how many free transports are given by Shamong through an agreement with Shamong Township. The Rescue Squad is giving free transports to uninsured residents of Shamong Township in 2013-2014. Ms. Brooks questioned why the discussion on the agreements was not listed as new business. Ms. Brooks spoke about the COAH not being a protected provision for going into executive session.

Jason Litowitz, Horseshoe Court, asked for an update on the lights in front of the schools. He asked the Township Committee to take the next level-reaching out to State Legislatures regarding tightening the OPRA Law for certain information to be released, and to change how someone can litigate their rights under an OPRA denial. Mr. Litowitz spoke about the availability of how one can obtain 911 logs through the County and get people's security codes to their homes along with embarrassing information. These are things that duly have no reason to be released.

No further comments.

Report of the Township Administrator

Mr. Cramer addressed Mr. Brooks' comments of not knowing the bartender; he said he does not mind being quoted as long as it is done correctly. He provided the name of Seneca Marching Band Parent Association as the as the organization holding the social event and the insurance certificate was provided by the organization.

The light at the school is on at its normal time 7:30am to 9:15 am then from 2:30pm to 4:45 pm is when it is scheduled. We have manually turning on and off the lights and we have lost time when the batteries have gone dead for recharge.

Mr. Cramer spoke about desired capital projects as part of the budget package for 2015. The fire truck has been ordered, purchased and contracted out of the reserve budget. Mr. Cramer held discussion on the 2015 Road Program and a series of trucks for public works and building improvements. Although no decision was made, he is looking to move forward.

Mr. Cramer said he is looking for direction from the Township Committee regarding a request made by Sean Judy who is interested in purchasing Township owned property on Goose Pond Road, Block 1502, Lot 5. We have a letter of interpretation and it appears that a half of Pineland Development Credits is for 47.288 acres. Mr. Judy expressed he does not need the PDC and has a cultural exemption for his house.

Mr. Franzen spoke about the current value of the land and would rather see the Township hang on to it and preserve the land.

Mr. Lee spoke of Mr. Judy currently living in Chatsworth / Route 563 and is a Forest Fire District Warden. Mr. Lee opinioned there is a tremendous value to having a member of the Forest Fire Service that has a vested interested in this community.

Mr. Lange said the Township determined that the land was not likely to be of use to the Township or for public purpose. The Township could use the statute to allow it to be offered to contiguous property owners.

To determine the value of the property, it would be appropriate to get an appraisal, starting with the Tax Assessor.

Mr. Yates said the Township will probably not do anything with the lots and would entertain the idea of selling it since we have a potential buyer.

- Mr. Yates motioned to move forward to explore selling the four (4) parcels in order to obtain an appraisal, starting with the Township Tax Assessor. Motion seconded by Mr. Lee. *Motion carried.*

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

Mr. Cramer spoke about a resident request from Anthony Panico, 46 Patty Bowker Road (Block 502.02, Lot 15), concerning house fire damage and disposition of fall back taxes. The house burned down on April 13, 2013, the resident moved back in on February 29, 2014. The 2013 assessed value for just improvement was \$174,000. In 2014 the assessed value was lowered to \$2,400.00 due to the fire. In October the role back was assessed to March 1st for the new value of the property. In 2013, there is an eight month period where the Assessor does not have the ability to refund the money for the missing structure. The calculations total-roughly \$2,632.65 for tax credit. Mr. Yates said he sees no reason why we should not refund the money because he should not have to pay full taxes on something he cannot live in.

- Mr. Lee motioned to grant \$2,632.65 for tax credit for 46 Patty Bowker Road, the motion was seconded by Mr. Yates.

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

Mr. Cramer spoke of receiving a request from a former member of Medford Farms Volunteer Fire Company to keep his fire helmet. We have a few members who would like to retain their uniforms, some desire for burial purposes. We will be sending letters to the other members for the other equipment for return of the equipment. No decision will be made this evening. Mr. Franzen asked Mr. Cramer to find out how the standard procedure in other communities handles their matters.

Report of the Township Solicitor

Mr. Lange said he will modify the agreement to recognize the election use.

Mr. Lange requests the Township Committee to grant him a brief executive session to discuss potential litigation in the matter of Pro Capital involving TSC #13-0013. Litigation has been threatened in this matter.

Report of the Township Committee

Mr. Lee spoke about the softball tournament held at Patty Bowker and Pricketts Mill this past weekend. There were sixty softball teams between four different complexes. Rodney Haines is the Director of baseball operations.

Mr. Lee congratulated Mr. Barton and Mr. Lee for their Primary Election win.

Mr. Franzen thanked LaShawn, Suzy and Natalie for their work they did during the third graders' visit to Town Hall. The 3rd Graders receive a presentation and visited historical structures in town.

Mr. Franzen spoke of attending the Strawberry Festival sponsored by the Historical Society. It is good they receive community support to raise money for a Seneca Student Scholarship.

Mayor Brown answered questions from Mr. and Mrs. Brooks regarding comments and spoke about the Fire Company ordinance and agreement will be put on the agenda when it is ready, currently it is in draft form. The Fire Company rentals require a certificate of insurance that names the Township as additional insurance. Mayor Brown spoke about reviewing the rescue squad budget over a year ago and unable to remember the exact numbers and not sure of the number of free transports.

Executive Session Resolution

Whereas, the Governing Body wishes to discuss the potential litigation in the matter of Pro Capital vs. Tabernacle Township involving threatened litigation over Tax Sale Certificate TSC#13-0013. Pursuant to NJSA 10:4-12(B) (7) this matter 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 confidentiality, then the minutes can be made public.

- Motion made by Mr. Lee, seconded by Mr. Barton at 9:22 pm. - Closed

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

Reopen at 9:40 pm. Motion made by Mr. Yates, seconded by Lee.

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

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

Mr. Franzen made a motion to accept assignment of Tax Lien 13-00013 in order to satisfy the issues concerning the tax lien and make the holder of the tax lien full. Mr. Yates seconded the motion.

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

Adjournment

Motion to adjourn was made by Mr. Franzen, seconded by Mr. Lee the meeting was adjourned at 9:41p.m.

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

Respectfully submitted:

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

Approved: 8/10/2015