

Minutes of the Tabernacle Township Committee Town Hall Meeting March 23, 2015

The Tabernacle Township Committee was called to order by Mayor Kimberly A. Brown at the Town Hall Municipal Complex, 163 Carranza Road, Tabernacle at 8:00 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 March 23, 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
Kevin P. Frenia, Township Auditor
Terry W. Henry, Chief Finance Officer
La Shawn R. Barber, Municipal Clerk

Public comment on agenda items

Fran Brooks, Moores Meadow Road, questioned several items on the bill list, which Township Administrator Cramer answered.

No further comments.

Approval of Bills

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

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

Ordinances – Second Reading

Public Hearing ORDINANCE 2015-5: AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, NEW JERSEY BY WITH THE TOWNSHIP BECOMES A MEMBER OF THE BURLINGTON COUNTY ENERGY AGGREGATION PROGRAM.

Stacia Scaduto, VP of Operations for Commercial Utility Consultants, Inc., spoke of her appointed position as the Energy Agent for Burlington County through the Bridge Commission. She provided a brief overview of the Energy Aggregation Program, explaining the energy bundle for electric usage. Together with the participating County, it is used for better rates than what we are paying through Atlantic City Electric. This savings depends on the market. Residents can opt-out of the program at any anytime.

Deputy Mayor Franzen spoke of being in favor of the ordinance and the cost savings to Tabernacle residents, especially for seniors on fixed income.

Committeeman Lee said that notification to residences should have been done before the passage of the ordinance hearing. He expressed concern with moving forward with this ordinance by telling residents where they can get their power.

Committeeman Barton said his issue is local government overstepping and making decisions for residents, and encouraged the Township Committee not to move forward.

Committeeman Yates spoke about having mixed feelings and being divided since there are only five towns out of 40 participants in the program.

Jim Jones, 16 Wimbledon Way, spoke about the supply portion and distribution portion of the energy savings on bills.

Mark LeMire, 32 Washington Way, spoke about not being in favor of this ordinance and troubled by making decisions for everyone and felt the free market works well.

Ken Hall, 66 Summit Drive, spoke of not being in favor of having an ordinance with the provision for residents having to Opt-out of the program.

Ron Bjorklund, 120 New Road, spoke about this ordinance being a great opportunity; however, the provision in the ordinance for residence having to opt-out of the program puts a burden on the town, especially the tax payer who is uninformed and may want to be left alone. It is unfair.

Fran Brooks, 78 Moores Meadow, questioned the clean energy standards of those who have solar.

MOTION TO ADOPT- Motion made by Mr. Franzen, seconded by Ms. Brown.

Mayor Brown spoke of her reasons for voting yes is because of the opportunity to save money for the residents.

Roll Call: Ayes: Franzen, Brown

Nays: Barton, Lee, Yates **Motion not carried.**

***This ordinance was defeated**

Resolutions

RESOLUTION NO. 2015-54

AUTHORIZING AND APPROVING THE APPLICATION FOR THE PERSON-TO-PERSON TRANSFER OF THE PLENARY RETAIL CONSUMPTION LICENSE FROM RUSSELL WALLACE R. TO WWJR LLC/ONE MORE BAR & GRILL.

WHEREAS, an application has been filed for a Person-To-Person Transfer of Plenary Retail Consumption License **0335-33-003-008**, hereto issued to **WWJR, LLC / One More Bar & Grill, LLC** located at 1375 Route 206, Tabernacle, New Jersey 08088; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, on September 22, 2014 an Alcoholic Beverage Retail Licensee Clearance Certificate (Transfer), was issued by the State of New Jersey Department of Treasury, Division of Taxation permitting the transfer of the license; and

WHEREAS, the applicant has disclosed and the New Jersey State Police, Troop "C" Criminal Investigation Office has completed the investigative phase concerning the Person-to-Person Transfer of the above listed license. Wallace R. Russell Jr., Wendy Russell, Jason Russell, and David Russell do not have any disqualifying factors and that there has not been any information uncovered during the investigation that would prevent the buyers from transferring the license into their names; and

WHEREAS, the Affidavit of Publication for the Notice of Intent to transfer was published twice, one week apart, giving the public the opportunity to communicate any objections to the transfer, in writing, to the Municipal Clerk of the Local Issuing Authority; and

WHEREAS, the Municipal Clerk of the Township received no objections as to why the application to transfer Liquor License No. 0335-33-003-008, hereto issued to **WWJR, LLC / One More Bar & Grill, LLC**.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tabernacle, does **hereby approve** effective March 23, 2015, the person-to-person transfer of the Plenary Retail Consumption License No. 0335-33-003-008, hereto issued to **WWJR, LLC / One More Bar & Grill, LLC**.

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Tabernacle, hereby directs the Municipal Clerk to endorse the license certificate to the new ownership and forward a certified copy of the transfer resolution to the Director of the Division of Alcohol Beverage Control.

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

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

RESOLUTION 2015-55

RE: APPROVING STREET OPENING PERMIT FOR SOUTH JERSEY GAS COMPANY.

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

- 124 New Road, Block 404, Lot 16.09;and

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

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

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

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

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

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

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

RESOLUTION 2015-56

A RESOLUTION OF THE TOWNSHIP OF TABERNACLE AWARDED A CONTRACT FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 40A:11-5 AND TABERNACLE TOWNSHIP ORDINANCE 2-23

WHEREAS, there exists a need for the services of a professional engineer to serve as a consultant to the Township of Tabernacle and for the purpose of providing survey and engineering services for improvements to be made to Patty Bowker and Prickett's Mill parks in Tabernacle Township; and

WHEREAS, there exists a professional services contract entered into by and between Tabernacle Township and Dante Guzzi Engineering Associates, LLC for such purposes; and

WHEREAS, a proposal for said services has been submitted pursuant to said contract dated March 11, 2015 in an amount not to exceed \$18,500.00 plus reimbursable expenses; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts law N.J.S.A. 40A:11-1 et seq. requires that the Resolution authorizing the award of a contract for "professional services" with or without competitive bids and the resulting contract be available for public inspection; and

WHEREAS, the Local Public Contracts law further requires that a Notice of the award of the contract be printed as a legal advertisement.

NOW, THEREFORE, BE IT RESOLVED, by the Committee of the Township of Tabernacle this 23rd day of March, 2015, as follows:

1. The firm of Dante Guzzi Engineering Associates, LLC. of Medford, New Jersey be and the same is hereby appointed as engineering consultant to the Township of Tabernacle for the limited purpose as aforesaid.
2. This contract is awarded as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law and pursuant to the fair and open process included in Tabernacle Township Ordinance section 2-23 because said contract encompasses a professional service recognized and regulated by law.
3. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Agreement with Guzzi Engineering Associates, LLC.
4. Notice of this action shall be published once as a legal advertisement in the official newspaper of the Township of Tabernacle within ten (10) days of its adoption.

ADOPTION - Motion made by Mr. Franzen, seconded by Mr. Lee.
Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 **Motion carried.**

RESOLUTION 2015-57
A RESOLUTION OF THE TOWNSHIP OF TABERNACLE AWARDING A CONTRACT FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 40A:11-5 AND TABERNACLE TOWNSHIP ORDINANCE 2-23.

WHEREAS, there exists a need for the services of a site plan engineer to serve as a consultant to the Township of Tabernacle and for the purpose of developing an engineered site plan for the construction of two (2) fifty (50) foot radio towers to be located at the Township Emergency Services Building; and

WHEREAS, there exists a professional services contract entered into by and between Tabernacle Township and Dante Guzzi Engineering Associates, LLC for such purposes; and

WHEREAS, a proposal for said services has been submitted pursuant to said contract dated March 15, 2015 in an amount not to exceed \$9000.00; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts law N.J.S.A. 40A:11-1 et seq. requires that the Resolution authorizing the award of a contract for "professional services" with or without competitive bids and the resulting contract be available for public inspection; and

WHEREAS, the Local Public Contracts law further requires that a Notice of the award of the contract be printed as a legal advertisement.

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3. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Agreement with Guzzi Engineering Associates, LLC.
4. Notice of this action shall be published once as a legal advertisement in the official newspaper of the Township of Tabernacle within ten (10) days of its adoption.

ADOPTION - Motion made by Mr. Franzen, seconded by Mr. Yates.
Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 **Motion carried.**

Motion

Parade Permit: Triathlon/Challenge Atlantic City presented by Caesars: Event 6/28/2015

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

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

Motion

Relief Association/NJ State Firemen's Association Membership Application: Aubrey Smith and Keith Everett Zane.
- Motion for Municipal Approval was made by Mr. Lee, seconded by Mr. Barton.
Roll Call: Barton, Franzen, Lee, Yates, Brown Ayes: 5 Nays: 0 **Motion carried.**

Public Comment

Ken Hall, 66 Summit, spoke about repetitive property maintenance issues and corrective measures.

Fran Brooks, Moores Meadow Road, wanted to know if the bond sale has taken place with the bond ordinance and questioned what will happen with allocation of funds for the road improvement and renovations to the old squad building.

Sean Judy, Goose Pond Road, spoke of being interested in the sale of Township property on Goose Pond Road.

Report of the Township Engineer

Sooy Place Road - The asphalt plant should be opening next week. Arawak Paving has coordinated with Southampton and Woodland Townships, school districts, fire districts and EMS prior to any work being done. Residents will receive a 48 hour door hanger advanced notification before any work to start. A construction sign will be placed on Sooy Place Road for start date.

Street Openings – South Jersey Gas is now moving into Southampton Township and will be working in Pricketts Mill and Eagles Mere sections of Southampton.

Report of Township Administrator

The Township Engineer and Administrator will meet to talk about road issues previously discussed in the capital budget presentation. Worrell Road, Gate Road, Zimmerman Road and a portion of Hawkins will be included.

Mr. Cramer said the Township is presently working with the same arrangement the fire district had with Medford Farms Volunteer Fire Company, where the fire company handles their rental use and receives the rental money. The insurance certificates will be in place.

Mr. Cramer spoke about the concerns of 22 Lee Drive. At one point, it looked as if we might have a buyer for the property who was willing to demolish the structure as part of the condition; however, they removed the oil tank and have chosen not to move forward. A court order was received to demolish the structure. We are waiting for this budget period to pass to move forward.

Mr. Cramer spoke about the property at 68 Summit Drive. The court appearance is scheduled for April 7th. Mr. Cramer will speak to Mr. Perri for additional information.

Mr. Cramer said the property at 30 Lee Drive has been in court twice with the Township at which there was a non-appearance and warrant issued. We are moving on additional investigation on this property. The plan is to go back to court under the junk yard ordinance.

Mr. Cramer said the Township has not gone out for the bond; however, it is anticipated that \$450k will be used toward Sooy Place Road with some money from the previous road program.

Mr. Cramer spoke about Township owned property (Block 1502, Lot 5) on Goose Pond Road. He will talk to the Tax Assessor concerning PDC credits. Mr. Lange and Mr. Cramer will discuss how best to put the property up for sale. Mr. Lange indicated that it will have to be offered to contiguous property owners after a determination from the Committee that the property will not be used for a public purpose of any kind.

Mr. Cramer thanked Public Works Supervisor, Kevin Worrell and the Public Works Department in his absence for the job they did on Friday and Saturday.

Report of Township Solicitor

Mr. Lange spoke about May 2015 deadline agreed for Budd Court as he reminded Mr. McAndrew.

Mr. Lange spoke of Crown Castle not being complete and he will respond once the matter is completed.

Report of the Township Committee

Mr. Barton questioned the rental revenue use of the firehouse.

Mr. Barton spoke of his position of an issue that South Jersey Gas had with a home owner regarding a claim being denied. The homeowner put a stamp concrete driveway on Zimmerman way with a drainage ditch. The homeowner asked SJ Gas for

gas service in which the homeowner did not advise where their underground facilities were located. As result SJ Gas bore through the pipe resulting in water problems at the end of the driveway.

Mr. Barton spoke of attending a JIF insurance training session with Administrator Cramer and Mr. Yates.

Mr. Barton gave appreciation for the assistance to Tabernacle Fire Company 431 on March 18th. It was dispatched to the Burlington County Technical Response Team to Edgewater Park New Jersey to assist and remove 798lb man on a second floor with a respiratory problem.

Mr. Lee reported on attending Russo's 75 Anniversary. They are a pillar in the community and a fabric of our society.

Mr. Lee said he was glad for having the conversation regarding the Ordinance. It was a good dialog with differences of opinion. At the end of the day we work together as a unit to make the best decisions for tax payers.

Mr. Franzen said he attended the Robot Competition at Seneca School and was blown away by the number of people in attendance and participants.

Mr. Franzen said he is reluctant to part with some land, specifically regarding the purchase of, or sale of, property to Mr. Judy. He is not feeling real good about it and questions the public benefit and asks how much tax revenue we might assume by putting this on the tax role instead of the public roles.

Mr. Franzen said the space committee continues to meet and begin to talk about a public forum to discuss the direction for use of this building, old squad building and location of public works.

Mayor Brown said she attended Tabernacle Rescue Squad's dinner with Mr. Franzen and Mr. Cramer. It was a nice event to hear the number of volunteer hours. Mayor Brown thanked all the volunteers of the town.

Adjournment

Mr. Lee moved to adjourn the meeting. Mr. Barton seconded the motion.

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

Respectfully submitted,

LaShawn R. Barber

La Shawn R. Barber, RMC/CMR

Municipal Clerk

Approved: 05/26/2015