

## TABERNACLE TOWNSHIP COMMITTEE MINUTES OF NOVEMBER 9, 2015

The meeting was called to order by Mayor Kimberly A. Brown at 7:32 p.m. followed by the Flag salute.

**Sunshine Notice:** This meeting is called pursuant to the Open Public Meetings Act. This meeting of November 9, 2015 was included in a list of notices 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 the required notices under the statute. In addition, a copy of this notice is and has been available to the public, and is on file in the office of the Municipal Clerk.

### **ROLL CALL** Those in attendance were:

#### **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

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### **Public comment on agenda items**

Fran Brooks, 78 Moores Meadow Road, spoke of wanting her written statement entered into the record verbatim regarding the videotaping disturbance; however, the statement was not read into the record. Ms. Brooks apologized for the disturbance at the October 26, 2015 Committee meeting.

Mayor Brown responded to Ms. Brooks by informing her that her comment was not an agenda item; and Ms. Brooks was asked to refrain from reading her statement and only comment on agenda items. Mayor Brown advised that she would be allowed to read it into the record during the second public comment portion of the meeting.

There were no further public comments.

### **Community Policing Report from State Police – Red Lion Barracks**

Trooper Denardo gave a report on the car break-ins which have subsided; and reminded everyone to continue to lock all vehicles so residents are not vulnerable. The report included that there has been a significant amount of patrols out for the excessive speeding on Sooy Place Road, Old Indian Mills Road, Powell Road, and Lee Road. It seemed that a lot of the speeders appear to be residents.

Mayor Brown thanked the State Police for attending our meeting.

### **Approval of bills**

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

Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Absent: 1 Nays: 0 **Motion carried.**

### **Discussion:** Old Business

Deputy Mayor Franzen reminded that the Christmas Tree Lighting ceremony is December 4, 2015 at 7:00 p.m. at Town Hall.



It is sponsored by the Women's Association and the Historical Society. A copy of the certificate of insurance will be provided to the Clerk's Office.

Mr. Lange informed the Township Committee that Santa Claus is welcomed; however, to keep in mind that this is not a religious event and if other groups requests the availability of public property or facilities, Township should accommodate them.

- On a motion made by Deputy Mayor Franzen, seconded by Mr. Barton approval was given for the Christmas Tree Lighting Ceremony.

Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Absent: 1 Nays: 0 **Motion carried.**

**Discussion:** New Business

**FIRST READING: ORDINANCE NO. 2015-12: AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING CHAPTER V, ANIMAL CONTROL.**

**WHEREAS**, Chapter V of the Revised General Ordinances of Tabernacle Township governs animal control and section 5.1 governs "Licensing and Regulation of Dogs"; and

**WHEREAS**, the Tabernacle Township Committee is desirous of modifying the provisions of section 5.2 which governs violations and penalties to provide that a violation of the dog license requirement be a payable violation which does not require a court appearance.

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

**SECTION 1:** Chapter V, Article 5-2 of the Revised General Ordinances of Tabernacle Township is hereby modified to read as follows:

**Chapter V, Article 5-2: Penalty**

Any person who violates or who fails or refuses to comply with this Chapter, except for Article 5-1.1 entitled "Dog License Fee," shall be liable for a penalty of not less than five (\$5.00) dollars nor more than one thousand (\$1,000.00) dollars for each and every offense, except that for the first offense the penalty shall be not less than one (\$1.00) dollar and not more than fifty (\$50.00) dollars.

Any person who fails or refuses to secure a dog license as required under Article 5-1.1 entitled "Dog License Fee" shall be liable for a penalty in the amount of fifty (\$50) dollars plus thirty (\$30) dollars in court costs.

**SECTION 2:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

- **PUBLIC HEARING DATE: 12/14/2015 AT 7:30 P.M.**

**ADOPTION** - Motion made by Mr. Lee, seconded by Mr. Franzen, Ordinance 2015-12 on first reading was offered for adoption.

Roll Call: Barton, Franzen, Lee, Brown                      Ayes: 4      Nays: 0                      Absent: 1      **Motion carried.**

**RESOLUTION NO. 2015-145  
A RESOLUTION OF THE TOWNSHIP OF TABERNACLE  
APPOINTING THOMAS K. BOYD AS THE ACTING FULL TIME CONSTRUCTION CODE OFFICIAL**

**WHEREAS**, the Township requires the appointment of a Construction Code Official; and

**WHEREAS**, the Tabernacle Township Administrator has recommended Thomas K. Boyd be appointed as the Acting Construction Code Official; and

**WHEREAS**, N.J.S.A. 52:27D-126 authorizes a municipality to appoint a construction official to administer and enforce the Uniform Construction Code in the Township; and

**WHEREAS**, N.J.A.C. 5:23-4.4(a)6 authorizes a municipality to appoint an acting construction official at any time when the absence of such an official would impede the orderly administration of the Uniform Construction Code and other duties mandated by the municipality; and

**WHEREAS**, Thomas K. Boyd satisfies all of the requirements, certifications and licensing requirements specified under N.J.S.A 52:27D-126 and N.J.A.C. 5:23-5.1.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Tabernacle, in the County of Burlington and State of New Jersey this 9<sup>th</sup> day of November 2015, as follows:

1. Thomas K. Boyd is hereby appointed as the acting full time Construction Code Official for the Township of Tabernacle at a bi-weekly salary of three thousand two hundred thirty dollars and seventy seven cents (\$3,230.77) in accordance with the Township's Salary Ordinance.
2. Thomas K. Boyd is also appointed as the acting Zoning Officer, Code Enforcement Officer, Fire Protection Inspector and will be responsible for the duties of the Shared Service Title of Construction Official, Building Subcode Official, Building Inspector, Fire Inspector and Code Enforcement Officer.

3. The appointment is effective on December 1, 2015 and shall be for a term of sixty (60) days.
4. A certified copy of this Resolution shall be forwarded by the Municipal Clerk to Thomas K. Boyd upon adoption.

Mr. Perri gave a summary of candidates who applied for the position and thanked the Committee for a gracious career as the Tabernacle Township Construction Official and Code Enforcement Officer.

Mr. Lee and members of the Township Committee expressed their appreciation and gratefulness and luck to Mr. Perri in his retirement.

Mr. Barton asked Mr. Henry how the construction office sustained itself; tax payers supporting. Mr. Henry confirmed that the information given is that \$60,000.00 per year is subsidized. Mr. Barton suggested that it is reviewed and questioned as to why the permits that are obtained do not sustain the construction office and it is unclear if that includes benefits.

Mr. Perri commented that the construction office did not do a separate budget for zoning, code enforcement or noise enforcement; it is not included in the budget. Tabernacle has the lowest fees, which was the belief that it was the choice of the Township Committee. Mr. Perri commented that the Construction Office could support itself if the budget was increased.

**ADOPTION** - Motion made by Mr. Lee, seconded by Mr. Franzen, Resolution 2015-145 was offered for adoption.

Roll Call: Barton, Franzen, Lee, Brown Ayes: 4 Nays: 0 Absent: 1 **Motion carried.**

**RESOLUTION 2015-146  
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 locations of Tabernacle Township:

- 38 Washington Way, Block 1305, Lot 19; 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: <ol style="list-style-type: none"> <li>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.</li> <li>b. Six inch (6") thick, HMA 19M64, stabilized base course.</li> <li>c. 20:1 sand/cement subbase.</li> <li>d. Provide tack coat on all surfaces before paving.</li> </ol>
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. 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.
5. Inspection escrow must be posted with the Township before start of construction.
6. The applicant must provide all outside agency approvals, as required.
7. 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.
8. SJG Contractor will attempt to meet with residents during the construction project to address concerns they might have.
9. SJG contractor will videotape area where pipeline is to be installed prior to construction start for documentation purposes.
10. 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.
11. SJG contractor will restore all areas disturbed to same conditions and all non-vegetated areas must be reseeded.
12. 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.

**ADOPTION** - Motion made by Mr. Lee, seconded by Mr. Franzen, Resolution 2015-146 was offered for adoption.  
Roll Call: Barton, Franzen, Lee, Brown                      Ayes: 4    Nays: 0    Absent: 1    **Motion carried.**

### **Public Comment**

Fran Brooks, Moores Meadow Road, asked that her statement be put into the record verbatim:

*“I am sorry that there was a disturbance at the October 26 Committee meeting. I have been video recording Committee meetings since November 2014. I set up my equipment in a corner in the back of the room and I am unobtrusive. There haven't been any disturbances prior to the October 26 meeting. At that meeting, a person who was carrying his infant refused to make public comments from the front of the room under the microphone, as has been long required by the Committee. The person said he did this because he didn't want his child video recorded. The Township Committee accepted the breach of its policy without any discussion. The person backed up to my equipment and physically obstructed by recording. He also admonished me, awakened his baby and caused the disturbance. These are public meetings. In Tarus v. Borough of Pine Hill, which I gave you a copy of the NJ Supreme Court ruled that a person has a right to video record public meetings. The court also said that a person who makes public comments has no right of privacy there. I will continue to video record these public meetings. I will continue to do this in a reasonable and unobtrusive manner, as I have done since November 2014. There have been many favorable public comments about the video recordings that I make and post on my website, the Tabernacle Journal. The concerns that led to the disturbance at the October 26 meeting seem exaggerated. Video cameras are commonplace in our society. Simple measures could have been taken to meet the concerns that were raised. For example, keeping the baby in its portable carrier, letting others hold the baby, as was done at a previous meeting or leaving the baby at home with family.”*

Ms. Brooks made a comment that Mayor Brown and Committeeman Yates no longer receives email.

John Cooper, 21 Woodside Drive, spoke about the process of the dissolution of the fire company and commented on why his taxes did not go down.

Stuart Brooks, 78 Moores Meadow Road, spoke about Mr. Rubin's fire fighter insurance coverage regarding the claim and wanted to know the name of the insurance carrier and status of the claim. Mr. Brooks questioned if the Committee sees a public purpose of revenue information on the TRS building program; if the Committee Members anticipate having future non public meetings with members of the TRS regarding financials as in past years, or plans to discuss this matter at public meetings. Mr. Brooks wants the revenue information and the basic operational information, number of trips, transports, etc., not interested in persons or medical information. Mr. Brooks questioned what has been done to get the TRS's financials, or does Township already have it. Mr. Brooks spoke of the Use License Agreement with the TRS which states that it was due in December 2014.

Jason Litowitz, Horseshoe Court, spoke about the due date for the December 2014 TRS financial comment by not understanding how it can be expected to be available for the end of 2014. Mr. Litowitz further added that he believes that Ms. Brooks glossed over what happened regarding the video recording; she seems to have forgotten that boards can implement more restrictions on recordings and urged the Township Committee to look into doing it. There are a lot of Federal Laws that protect child privacy; the fact that he was holding his child and stated his address per the rules; anyone that saw the video and Ms. Brooks posts online, could see his child and know where the child lives. Mr. Litowitz added that no photos of his child are on Facebook or no birth announcements. Mr. Litowitz does not want his child online. The entire matter could have been averted if she turned the camera away.

Jason Litowitz, Horseshoe Court, spoke about the merger discussions held for the fire and rescue. He questioned if a meeting is scheduled or if there is a timeline set to finish the discussions. Also, if the fire and rescue do not agree, is it in the best interest to move forward with that plan; if there is a follow up plan in mind, or is there a "status quo" to how things are now; will the Township look into bringing in an outside agency to force the issue.

Megan Jones, Horse Shoe Court, commented on the merger and spoke of her concern with saving money from the fire district to the fire department. Her understanding from past years in attending meetings is that balance billing for non-resident insurances was a two to three year plan for the Rescue Squad to save money in a very responsible way and to give the Township Committee data, so there was no "side swipe." She thought at the end of the 2015 business year the savings would be looked at and presented to the taxpayers. Maybe we should wait and see the change on the type of savings between the dissolution of the fire district and billing of the insurances to see what type of savings, versus trying to change something else right away.

David Smith, Chief Tabernacle Fire Company, spoke about a comment made regarding saving money with the fire district and opined that people seemed to be against the merger. Achieving their goals on the operational side is not working. Mr. Smith spoke of an email he sent was completely ignored by the squad and felt that he was not taken serious.

Stephen Cramer, 1000 Old Indian Mills Road, responded on the Fire Chief's comment that he is one of the officers who made the decision and/or asked that the rescue squad be brought into a call when they were recalled. He would like to clarify on the record, since it is being video taped and brought up in public. Mr. Smith's complaint and issue was brought to the Rescue Chief directly on scene. It is important when we have a call that is joint between the two organizations that Stephen Cramer, as an Officer, have the people that are certified to do the job that are being asked to do. He wants the right people for the right job and we try to do our best on both sides.

David Smith, Chief Tabernacle Fire Company, advised that they are a licensed providers and the two EMT's are supposed to be able to handle one patient with that crew.

Public comments closed.

#### **Report: Emergency Management Coordinator**

Mr. Lowe provided a brief overview regarding the FEMA's reimbursement of the volunteer hours for the June 23<sup>rd</sup> Storm. The money is not used as salary to offset their personal expenses; the equipment was counted and is purchased with the reimbursement for their use for their response. The money will be divided in accordance with the percentages of the response by the various first response agencies.

There will be an incident action plan for the Tree Lighting Ceremony to coordinate with the CERT, Fire Company, Rescue Squad and the OEM and have the pleasure of driving Santa Claus again. As a result of the June 23, 2015 storm with the loss of the power to Town Hall; administration was moved over to the ESB. They are planning to create a deliberate planning process as an exercise. It is a standard incident process for emergency preparedness; interview with the Township and the use of this building and use of the annex; what is needed if the need to be moved and plan a table top exercise from perspective of temporary to building being non-existent. An exercise will be done for closure of the building and notices to the Township to perform this exercise. Township Committee will be advised and invited to attend the exercise.

#### **Report: Township Solicitor**

Rental Property Ordinance - Mr. Lange advised the Municipal Clerk to continue to accept registrations for the rental property ordinance. However, in lieu of the decisions that were discussed he advised not to charge any fees until it can be determine whether or not we are going to repeal all, or sections of that ordinance which is consistent with our discussions. The critical issue is the difference between the license and a registration. The court says that towns cannot license because it is beyond their licensing authority; so we are not able to charge a fee to review for each property.

LOSAP - The dissolution ordinance provided that the Township will continue the LOSAP in the community, as it was an approval from the local finance board. It is clear from the dissolution statute from other case laws, the Township "slides into the shoes" of that obligation. There is no reason that the Township should be obligated to send it out to referendum again. We are dealing with a new fire company and the idea is that a LOSAP program was created in the community and consistent with the dissolution ordinance, the Resolution that followed and the proposed contract. Research revealed that the Township could be relieved of that LOSAP obligation by passing an ordinance. Otherwise it is presumed that it will be in full force and effect to the benefit of the volunteers.

Budd Court - We are pursuing this aggressively as there is an issue concerning a bond reduction. It appears that the Township Committee did reduce the bond by Resolution. The Bank is using this to delay us in honoring the site draft. Significant discussions were held with the Bank and we indicated that Bond Resolution is lowered below what Mr. Morris (Township Engineer) has requested in additional funds to complete the work that must continue to be honored concerning their obligations and that we intend to demand and continue to demand payment under the site draft in the letter amount. We are preparing a demand letter that threatens suit if they do not honor the draft immediately; they are clearly obligated to make payment. We can discuss options at Executive Session.

#### **Report of Township Committee**

Committeeman Barton spoke on receiving a forward email for a Certificate of Congressional Recognition for Fire Chief David Smith.

Committeeman Lee spoke that he appreciated that Chief Smith addressed his concerns he had and that he was also glad Mr. Steven Cramer addressed the Township Committee by clarifying the emergency services concern. Mr. Lee spoke that it concerns him that this issue is being brought to a public meeting. This is why it is important for the Committee to look at emergency services across the board. The responsibility of the Committee is to assure that emergency services works together.

Deputy Mayor Franzen spoke about Mr. and Mrs. Brooks' questions regarding the rescue squad's budget next year and money collected. In response, as Ms. Jones pointed out, we have waited for three years and discussed the time frame of two to three years to see the revenue of the insurance companies. We have reached that time frame and we are hopeful we can start talking about budgets after the New Year.

Deputy Mayor Franzen congratulations Mayor Brown for obtaining her Master's Degree.



Mayor Brown spoke of not being able to be in attendance at the last meeting because she became a Grandmother. Mayor Brown explained again that she does not use email because she chooses not to; so that no emails are comingled. Emails are printed by the Clerk and are provided on a weekly basis. Congratulations to Fire Chief David Smith and all of the Fire Chiefs of Burlington County. She agrees with Deputy Mayor Franzen regarding the three year billing and the contribution toward the squad to cover balance billing.

Mayor Brown spoke of being disappointed that in her absence, the Committee continued with the Emergency Services; after the meeting prior, we had a request to uphold Emergency Services conversation because Mr. Yates was not at the meeting. She was not afforded the same opportunity when she was absent and did tell the Committee in advance of her absents.

**Adjournment**

On a motion made by Mr. Barton, seconded by Mr. Lee, the meeting was adjourned at 8:49 P.M.

Roll Call: Barton, Franzen, Lee, Brown                      Ayes: 4      Nays: 0                      Absent: 1      **Motion carried.**

Respectfully submitted,

La Shawn R. Barber, RMC/CMR  
Municipal Clerk

- Approved: 12/30/2015