

**REGULAR MEETING MINUTES
TOWNSHIP COMMITTEE
JUNE 24, 2013**

Call to Order: Mayor Stephen V. Lee, IV called the meeting to order at 7:30 p.m., followed by the Pledge of Allegiance to the flag.

The Township Clerk read the Sunshine Notice Statement as follows:

Sunshine Notice: This meeting is called pursuant to the Open Public Meetings Law. This meeting of June 24, 2013 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:

- Joseph Barton, Township Committee (**absent**)
- Kimberly A. Brown, Township Committee (**absent**)
- Richard Franzen, Township Committee
- Joseph Yates, IV, Deputy Mayor
- Stephen V. Lee, IV, Mayor

Also In attendance:

- Douglas A. Cramer, Township Administrator
- Terry W. Henry, Chief Finance Officer
- Peter C. Lange, Jr. Township Solicitor
- La Shawn R. Barber, RMC, Township Clerk

Public Comment on agenda items only.

Fran Brooks, 78 Moores Meadow Road, questioned if the application with respect to Resolution 2013-96 will be affected by money received from the County for the snack stand.

Mr. Cramer spoke that they are mutually exclusive.

Fran Brooks questioned if the fire district is eligible for participation on the Burlington County Electric Aggregation Project program.

Mr. Cramer believes that they are eligible as all public entities would be under the non-binding participation; however will not know until the final determination.

Approval of Bills

- On a motion made by Mr. Franzen, seconded by Mr. Yates, to approve the bills as presented. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

Approval of Minutes

- May 13, 2013 workshop meeting minutes were offered for adoption. Motion made by Mr. Yates, seconded by Mr. Franzen **Carried.**

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

- May 28, 2013 regular meeting minutes were offered for adoption. Motion made by Mr. Franzen, seconded by Mr. Yates

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

Ordinance

**ORDINANCE 2013-5 / PUBLIC HEARING (Second Reading)
AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY REGULATING THE MAINTENANCE OF VACANT AND
ABANDONED PROPERTIES**

WHEREAS, the Township of TABERNACLE (the "Township") contains structures which are vacant in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them, are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Township incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls and property inspections; and

WHEREAS, it is in the public interest for the Township to establish minimum standards of accountability for the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township; and

WHEREAS, it is in the public interest for the Township to impose a fee in conjunction with the registration of vacant and abandoned structures in light of the disproportionate costs imposed in the Township by the presence of these structures.

SECTION 1. MAINTENANCE OF VACANT / ABANDONED PROPERTIES

1.1 DEFINITIONS.

OWNER-shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Township of TABERNACLE to have authority to act with respect to the property.

VACANT PROPERTY-shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order or where the building is in habitable condition and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

1.2 REGISTRATION REQUIREMENTS.

Effective June 1, 2013, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice from the municipality, file a registration statement for such vacant property with the Township Code Enforcement Officer on forms provided by the Township for such purposes. Any failure to provide notice by the municipality shall not constitute grounds for failing to register the property.

- a. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code.
- c. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the state of New Jersey or reside within the state of New Jersey.

d. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31 of the year in which it was filed. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 1.5 of this ordinance for each vacant property registered.

e. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.

f. The owner shall notify the Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.

g. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the building.

1.3 ACCESS TO VACANT PROPERTIES.

The owner of any vacant property registered under this Article shall provide access to the Township to conduct exterior and interior inspections of the building to determine compliance with municipal codes upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours between 9:00 am and 4:00 pm or at such other time as may be mutually agreed upon between the owner and the Township.

1.4 RESPONSIBLE OWNER OR AGENT.

a. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

b. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Township of TABERNACLE in writing of a change of authorized agent or until the owner files a new annual registration statement.

c. Any owner who fails to register vacant property under the provisions of this Article shall be deemed to consent to receive, by posting on the building in plain view, and by service of notice at the last known address of the owner of the property on record within the Township of TABERNACLE by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

1.5 FEE SCHEDULE.

The initial registration fee for each building shall be five-hundred dollars (\$500.00). The fee for the first renewal is one-thousand-five hundred dollars (\$1,500.00), and the fee for the second renewal is three -thousand dollars (\$3,000.00). The fee for any subsequent renewal beyond the second renewal is five-thousand dollars (\$5,000.00).

Vacant Property Registration Fee Schedule

Initial Registration\$ 500.00
First Renewal\$1,500.00
Second renewal \$3,000.00

Subsequent renewal\$5,000.00

1.6 REQUIREMENTS OF OWNERS OF VACANT PROPERTY.

The owner of any building that has become vacant property and any person maintaining or operating or collecting rent for any such building that has become vacant shall within thirty (30) days of the inception of any vacancy:

(1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code, or as set forth in the rules and regulations supplementing those codes; and

(2) Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to subsection 1.2(b) of this Article), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and

(3) Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

(4) Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and

(5) Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

15-21.7 VIOLATIONS.

- a. Any person who violates any provision of this Article or of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be constitute a lien on the property.
- b. For purposes of this section, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

SECTION 2.

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

SECTION 3.

All ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only. This ordinance shall take effect twenty (20) days after passage and publication, as required by law.

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

- **Public Comment.**
- Raymond McCarty, 368 Tuckerton Road, wanted to make sure that it is enforcement for residents that do not adhere to the vacant and abandoned property regulations.
- Fran Brooks, 78 Moores Meadow Road, spoke that she is interested in knowing why the ordinance is limited to just residential and not capture commercial or industrial properties that go vacant.
- Mr. Lange spoke there is merit to Ms. Brook's comment and explains that there was not a reoccurring problem with commercial properties. This ordinance was fashioned to attack the issue as requested by the zoning officer. There would be additional time and energy involved with monitoring compliance and registration for commercial or industrial properties
- Mr. Franzen spoke that the issues have been with residential property problems and it would cost us money to table the ordinance and start over.
- Mr. Lange spoke of his position that if the Township would place that burden onto commercial property owners that would be regulating a whole new category of properties. Those commercial property owners should have a chance to know that and be heard. To encompass commercial properties would be a substantial change that would cause us to table and re-advertise.
- It was clear that the members of the Township Committee prefer to move forward with adoption of the ordinance and get the opinion of Bob Perri.
- Ms. Brooks questioned if the amount of the registration fee is sufficient to cover the cost of all activities that will go on inherent to getting vacant property owners to comply.
- Mayor Lee spoke that the Committee at this time is comfortable with the fees as outlined in the ordinance.
- Seeing no further comments, closed to the public.
- On a motion made by Mr. Franzen, seconded by Mr. Yates, Ordinance 2013-5 on second reading was offered for adoption. Carried.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

Resolutions

RESOLUTION 2013-91

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: **15 Foxsparrow Turn (Block 205, Lot 7); 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 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 method, but open cutting of trench during construction project will occur, but contractor will make effort to keep at 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.”

- On a motion made by Mr. Yates, seconded by Mr. Franzen to approve Resolution 2013-91 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

RESOLUTION 2013-92

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:
323 Medford Lakes Road (Block 803.01, Lot 8); 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 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 method, but open cutting of trench during construction project will occur, but contractor will make effort to keep at 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.”

- On a motion made by Mr. Yates, seconded by Mr. Franzen to approve Resolution 2013-92 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

RESOLUTION 2013-93

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:

44 Fox Hill Drive; 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 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 method, but open cutting of trench during construction project will occur, but contractor will make effort to keep at 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.”

- On a motion made by Mr. Yates, seconded by Mr. Franzen to approve Resolution 2013-93 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

RESOLUTION 2013-94

RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR RUSSELL WALLACE R.

WHEREAS, Tabernacle Township has received an application for renewal of Plenary Retail Consumption License for the 2013-2014 term for the following license premise:

1. **0335-33-003-008 * Russell Wallace R/ Just One More Bar & Grill, LLC, 1375 S Route 206, Tabernacle, NJ 08088; and**

WHEREAS, the law requires that an Alcoholic Beverage Licensee Retail Clearance Certificate must be granted by the Division of Taxation prior to renewal; and

WHEREAS, all fees have been deposited and required paper work filed with the Township Clerk having no written objections filed opposing the renewal application.

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

2. The Township Committee does hereby find that the applicants are qualified to be licensed according to all Statutory, Regulatory, and local governing ABC laws and regulations.

BE IT FURTHER RESOLVED, as per Title 33, the Township Clerk is authorized to issue said licenses for the year 2013-2014 and files a certified copy of this Resolution with the New Jersey Division of Alcoholic Beverage Control.

- On a motion made by Mr. Franzen, seconded by Mr. Yates to approve Resolution 2013-94 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Ayes: Franzen, Yates Nays: 0 Absent: 2 Abstain: Lee

RESOLUTION 2013-95

RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR PPDA INC. / VILLAGE PUB & PACKAGE GOOD.

WHEREAS, Tabernacle Township has received an application for renewal of Plenary Retail Consumption License for the 2013-2014 term for the following license premise:

1. **0335-33-002-006 * VILLAGE PUB & PACKAGE GOODS/ T/A PPDA, INC. 539 CHATSWORTH ROAD, TABERNACLE, NJ 08088**

WHEREAS, the law requires that an Alcoholic Beverage Licensee Retail Clearance Certificate must be granted by the Division of Taxation prior to renewal; and

WHEREAS, all fees have been deposited and required paper work filed with the Township Clerk having no written objections filed opposing the renewal application.

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

2. **The Township Committee does hereby find that the applicants are qualified to be licensed according to all statutory, regulatory, and local governing ABC laws and regulations.**

BE IT FURTHER RESOLVED, as per Title 33, the Township Clerk is authorized to issue said licenses for the year **2013-2014** and files a certified copy of this Resolution with the New Jersey Division of Alcoholic Beverage Control.

- On a motion made by Mr. Yates, seconded by Mr. Franzen to approve Resolution 2013-95 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

RESOLUTION 2013-96

AUTHORIZE SUBMISSION OF MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS

WHEREAS, the Burlington County Board of Chosen Freeholders has approved the Open Space, Recreation, Farmland and Historic Preservation Trust Fund (“Trust Fund”) and established a Municipal Park Development Program (“Program”) to provide grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for municipal public park and recreation development purposes; and

WHEREAS, the Governing Body of **Tabernacle Township** desires to obtain County Municipal Park Development Program funds in the amount of \$250,000.00 to fund **Playground Picnic Table Shelters / Dougout Shelters for Patty Bowker Field located at 122 Patty Bowker Road (Block 504, Lot 19) and 434 Pricketts Mill Road (803.01, Lots 18 & 19);** and

WHEREAS, the **Township of Tabernacle** will be the holder of any interest acquired with County funds.

WHEREAS, the County will be the holder of any interest acquired through the Program; and

WHEREAS, the **Township of Tabernacle** is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY Tabernacle Township Committee THAT:

1. **Stephen V. Lee, IV, Mayor and Douglas A. Cramer, Township Administrator** is authorized to (a) make an application to the County of Burlington for Municipal Park Development Program Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Park Development Program and (c) act as the municipal contact person and correspondent of the above named municipality;
 2. The **Township of Tabernacle** is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
 3. If awarded a grant by the County of Burlington under the Municipal Park Development Program, the municipality will use the approved funds in accordance with the Municipal Park Development Program Policy and Procedure Manual, and applicable federal, state, and local government rules, regulations and statutes thereto; and
 4. Stephen V. Lee, Mayor and Douglas Cramer, Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Burlington for the approved Funds; and
 5. This resolution shall take effect immediately.
- On a motion made by Mr. Franzen, seconded by Mr. Yates to approve Resolution 2013-96 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

RESOLUTION 2013-97

A RESOLUTION OF THE TABERNACLE TOWNSHIP COMMITTEE AUTHORIZING THE PLACEMENT OF TEMPORARY SIGNS IN THE PUBLIC RIGHT OF WAY FOR SENECA GOLDEN EAGLES BOYS & GIRLS BASKETBALL CAMP.

WHEREAS, a request has been made for permission to place temporary signage in the public right of way associated with certain Township roads for the week of **June 25th** and

WHEREAS, the request has been made by Seneca Golden Eagles in order to promote their upcoming boys and girls basketball camp **which will take place July 8th through 11th** ; and

WHEREAS, the Township Committee is desirous of assisting the Seneca Golden Eagles Boys & Girls Basketball Camp in promoting this beneficial activity.

NOW, THEREFORE, BE IT RESOLVED, that the Tabernacle Township Committee, in the County of Burlington, State of New Jersey, does hereby temporarily suspend the zoning regulations prohibiting such signage included in Tabernacle revised Ordinances Chapter 17 Section 22.12 "Off Site Commercial Advertising Signs."

The Township Committee further hereby authorizes the Seneca Golden Eagles Boys & Girls Basketball Camp and/or its representatives to place temporary signage in the public right of way and along Tabernacle public roads to promote this event as aforementioned under the following conditions:

1. All signs shall be placed at least 6' off of any paved road surface and shall be placed in the public right of way with adult supervision.
2. All temporary signs shall be removed within 5 days after conclusion of the event.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Construction Official and Director of the Seneca Golden Eagles Boys and Girls Basketball.

- On a motion made by Mr. Yates, seconded by Mr. Franzen to approve Resolution 2013-97 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

**RESOLUTION 2013-98
RE: SETTING 2013 BOARD OF HEALTH MEETING DATE**

WHEREAS, pursuant to the N.J.S.A. 10:4 ET. Seq. of the “*Open Public Meetings Act* requires the advance notice of all meetings of the Township Committee of Tabernacle Township; and

WHEREAS, pursuant to N.J.S.A. 26:3-12, there shall be at least one (1) regular meeting conducted per year; and

WHEREAS, Tabernacle Board of Health Meetings shall be incorporated within the Township Committee Meetings at Tabernacle Town Hall, 163 Carranza Road, Tabernacle, NJ 08088.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby sets the 2013 Board of Health Meeting date be as follows: **November 25, 2013.**

- On a motion made by Mr. Franzen, seconded by Mr. Yates to approve Resolution 2013-98 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

**RESOLUTION 2013-99
A RESOLUTION OF THE TABERNACLE TOWNSHIP COMMITTEE AUTHORIZING THE
PLACEMENT OF TEMPORARY SIGNS IN THE PUBLIC RIGHT OF WAY FOR
TABERNACLE RESCUE SQUAD.**

WHEREAS, a request has been made for permission to place temporary signage in the public right of way associated with certain Township roads for the week of **June 25th**; and

WHEREAS, the request has been made by Tabernacle Rescue Squad in order to promote their upcoming Annual Chicken Barbeque **which will take place Saturday, July 20th** ; and

WHEREAS, the Township Committee is desirous of assisting the Tabernacle Rescue Squad in promoting this beneficial activity.

NOW, THEREFORE, BE IT RESOLVED, that the Tabernacle Township Committee, in the County of Burlington, State of New Jersey, does hereby temporarily suspend the zoning regulations prohibiting such signage included in Tabernacle revised Ordinances Chapter 17 Section 22.12 “Off Site Commercial Advertising Signs.”

The Township Committee further hereby authorizes the Tabernacle Rescue Squad and/or its representatives to place temporary signage in the public right of way and along Tabernacle public roads to promote this event as aforementioned under the following conditions:

1. All signs shall be placed at least 6’ off of any paved road surface and shall be placed in the public right of way with adult supervision.
2. All temporary **signs shall be removed within 5 days** after conclusion of the event.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Construction Official and Tabernacle Rescue Squad.

- On a motion made by Mr. Yates, seconded by Mr. Franzen to approve Resolution 2013-99 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

**Resolution 2013-100
Rejection of Bids Pursuant to NJSA 40A:11-13.2 and Authorizing
Township Engineer to Revise Specification and Re-Advertise**

Whereas, the Municipal Clerk received bids by virtue of Tabernacle Township Resolution 2013-85 for work to be performed for the 2012 CDBG Architectural Barrier Removal at Patty Bowker Park, Phase, III; and

Whereas, sealed bids were opened and publicly announced the contents thereof at the designated time on June 21, 2013; and

Whereas, it is the desire of this contracting unit pursuant to NJSA 40A:11-13.2 to reject all bids because the lowest bid substantially exceeds the contracting unit’s appropriation for the service and it is necessary to substantially revise the specifications; and

Now, Therefore, Be It Resolved, by the Township Committee of the Township Committee, County of Burlington State of New Jersey, **hereby rejects all bids pursuant to NJSA 40:11-13.2 and authorize the Township Engineer to revise the specifications and re-advertise for bids.**

- On a motion made by Mr. Franzen, seconded by Mr. Yates to approve Resolution 2013-100 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.
- Township Engineer spoke that three bids were received with base of \$81,345.00 to \$165,774.00. Recommendation was made to reject all bids and rebid the project.

Roll Call: Franzen, Yates, Lee Ayes: 3 Nays: 0 Absent: 2

Motion

Burlington County Electric Energy Aggregation Project: Non-Bonding Statement of Interest in Participation.

- Members of the Township Committee had no objections to authorizing a Non-Bonding Statement of Interest in Participation for this County project. Motion made by Mr. Yates, seconded by Mr. Franzen.

Roll Call: Ayes: Franzen, Yates Nays: 0 Absent: 2 Abstain: Lee

Report of the Township Engineer

New Road Bread & Cheese Run Culvert Replacement - Construction will start in a couple of weeks. The project is hoped to be completed before the school year.

Mr. Franzen questioned the road closures and detours during this project. Mayor Lee would like the dates of the road closure on the website and advise Red Lion State Police. Mr. Cramer will notify all the appropriate agencies.

Report of the Township Administrator

No report.

Report of the Township Solicitor

Vacation of Right- of-Way – Mr. Lange held discussion about a resident request made by Mr. Hanley for a vacation of the right of way associated with Lenape Trail. This is classic paper street that runs along Bread and Cheese Run. Mr. Lange indicated that he is unaware of any public purpose to which it has ever been put, nor any that it may in fact provide. It is part of a subdivision that was approved long ago. Mr. Lange asked for any identification of a public use and would consider Committee direction in preparing an ordinance. Mr. Cramer would like a comment from Mr. Price before moving forward. Mr. Franzen spoke that a discussion with Mr. Price and having the opportunity for the other two member of the Committee to review is needed.

Draft Rental Property Registration Ordinance – Mr. Lange spoke that Mr. Perri should be at the workshop meeting to develop and discuss the merits of his request for such an ordinance. Mr. Lange asked if there are any questions or concerns from the Committee that it is provided to him by email.

Rescue Squad Draft Use and Occupancy Agreement – Mr. Lange spoke of preparing a draft agreement.

Sink Hole – Mr. Lange spoke about contact received from the County with respect to the sink hole out front of town hall. We want the public right of way marked and surveyed.

Report of the Township Committee

Mayor Lee spoke about Committeeman Barton attending the NJ State Police Conference in Atlantic City and Committeewoman Brown is on vacation in the Caribbean this week.

Mayor Lee spoke of his two graduation attendances, high school and 8th grade middle school.

Public Comment

NANCEY FREEMAN, WASHINGTON WAY (BOARD OF FIRE COMMISSIONERS), spoke of the upcoming July 6th election date was chosen by our board for budget settings and State mandate deadline.

JONES, JAMES JR & PATRICIA 16 WIMBELDON WAY, spoke of attending the fire district meeting last week and made comment of not liking the election date because of the 4th of July

weekend having a lot of people out of town and on vacation and registered his concern for the future.

FRAN BROOKS, MOORES MEADOW ROAD, spoke of a 2012 bill list item of legal fees for TAA and questioned if the tax payers are going to continue to pay, and if so, will there be reimbursement.

MR. LANGE spoke that generally he does not think that we cover legal fees for them, however there are issues that may arise between TAA and third parties and the Township that are of interest to the Committee, and sometimes he would be asked to look at an issue for them which may result in providing a benefit to TAA.

MS. BROOKS spoke of a submitted OPRA for the responsibility and payment for the Land Development Board Secretary because ten of twelve land development board meetings have been cancelled and further spoke of an outstanding set of minutes from April meeting that have not been memorialized.

MR. LEE spoke that being a Class 4 member on the Land Development Board he will look into it, specifically the minutes, because of it being a long time not to be memorialized.

MR. CRAMER spoke that the LDB Secretary is paid the same whether or not she was attending as she is a salary base position. It is not just for the meetings, she is here to serve the public and answering questions, manage escrow accounts and work with the Engineer. We have not had a board meeting in a fair while, this is an unusual year. The Chairman would rather cancel the meeting, rather than pay the professionals to attend.

MS. BROOKS made comments about the fire district election and going on vacation does not take away people's responsibility from making that effort to go get an absentee ballot.

STUART BROOKS, MOORES MEADOW ROAD, questioned the status of the lockout of the fire company from the emergency services building.

MR. LEE spoke of the litigation time with the fire company, rescue squad and the township. It was agreed, the fire company would not have access to the building, keeping in mind there is no fire truck there anyway and the fire company sued the township. That is behind us at this point.

MR. CRAMER spoke that the Board of Fire Commissioners made a request as of today to change that and we will work towards resolving that and get them the keys file so that they can be available to the wash bay. There is no issue here. They did not ask until today. Mr. Callaghan presented a letter to the Township Committee today. We are perfectly willing; there was just no formal request.

MR. BROOKS spoke of the security system to identify each electronic key used to unlock the building, specifically the registration of each holder of the key file.

MS. BROOKS asked for actions taken to improve the relationship between the squad, fire company and committee since the settlement on March 14th to move forward and heal.

RAY McCARTY, TUCKERTON ROAD, spoke of it being an unfortunate choice of dates made for this election and made comment of having the three minute limit on public comment and if it could be applied to the land development board meeting as it would keep him out the hot seat.

RUDY SALDEN, SUMMIT DRIVE, spoke of a petition going around dissolving the fire district and asked for the opinion of the Township Committee.

MR. LEE indicated that is not the position of the Committee to discuss anything about a petition until it is sitting in front of us. We have responsibility for the taxpayers and residents of Tabernacle, we have no comment until then because we have no petition in front of us.

Closed to the public. Seeing no further comments members of the governing body moved for adjournment.

Adjournment. Motion made by Mr. Franzen, seconded by Mr. Yates

Roll Call: All in favor: 3 Opposed: 0 Absent: 2

Respectfully submitted:

La Shawn R. Barber, RMC/CMR
Municipal Clerk

- **Approved: 07/22/2013**