

MINUTES OF THE TOWNSHIP COMMITTEE
Town Hall Meeting of August 25, 2014

The meeting was called to order by Mayor Joseph Barton followed by the Pledge of Allegiance to the flag.

Sunshine Notice: This meeting is called pursuant to the Open Public Meetings Law. This meeting of **August 25, 2014** 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:

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

Also in attendance:

Douglas A. Cramer, Township Administrator
Terry W. Henry, Chief Finance Officer
Frank Morris, Township Engineer
Eileen Baitzel, Deputy Township Clerk
Elaine Kennedy, RMC

Public Comment on Agenda Items Only

Stuart Brooks, 78 Moores Meadow Road – questioned members of the Committee on Resolution 2014-32 the purpose of businesses having to register with the Township and is there a fee. Mr. Lange advised that it was also a means to determine if there is a Knox box requirement for the business and this information could be given to the fire company. Mr. Cramer spoke of business requirement to register, pay initial fee and renew their status each year.

Ken Hall, 66 Summit Drive – asked if there was going to be public discussion on the Ordinance. Mayor Barton advised that it was on the agenda. *Public Comment Closed.*

Approval of Bills

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

Roll Call: Brown, Yates, Barton Ayes: 3 Nays: 0 Absent: 2 Motion carried.

Approval of Minutes

- On a motion made by Ms. Brown, seconded by Mr. Yates, the minutes of June 23, 2014 (regular) were offered for adoption.

Roll Call: Brown, Yates, Barton Ayes: 3 Nays: 0 Absent: 2 Motion carried.

- On a motion made by Mr. Yates, seconded by Ms. Brown noting that although she was absent from that meeting she had listened to the minutes, the minutes of July 28, 2014 (regular) were offered for adoption.

Roll Call: Brown, Yates, Barton Ayes: 3 Nays: 0 Absent: 2 Motion carried.

- On a motion made by Mr. Yates, seconded by Ms. Brown, the minutes of July 28, 2014 (executive) were offered for adoption.

Roll Call: Brown, Yates, Barton Ayes: 3 Nays: 0 Absent: 2 Motion carried.

- On a motion made by Ms. Brown, seconded by Mr. Yates, the minutes of August 11, 2014 (workshop) were offered for adoption.

Roll Call: Brown, Yates, Barton Ayes: 3 Nays: 0 Absent: 2 Motion carried.

- On a motion made by Ms. Brown, seconded by Mr. Yates, the minutes of August 11, 2014 (executive) were offered for adoption.

Roll Call: Brown, Yates, Barton Ayes: 3 Nays: 0 Absent: 2 Motion carried.

ORDINANCE

(Second Reading)

ORDINANCE 2014-4

AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY ESTABLISHING RENTAL PROPERTY REGULATIONS AND LICENSING REQUIREMENTS.

Public Comments on Ordinance:

Mr. Hall, 66 Summit Drive – objected to the use of the wording “may inspect,” he prefers that an annual inspection be required to ensure that the landlord is maintaining the property safely and that the renters are abiding by the codes.

Jason Litowitz, 5 Horseshoe Court – raised question in section 3, paragraph 3 for the use of the wording “proper notice to get in” and the fact that a two week notice is required by the landlord to notify the Township if they cannot meet that appointment. How is the landlord going to be give notice of two weeks if the appointment is scheduled in less than 2 weeks?

Mr. Lange advised that this would be decided on a case by case basis. In the wording, Mr. Perri can access the property if there was a compelling need to get into the property quickly.

Mr. Litowitz also had a question why it stated “Health and Safety.”

Mr. Lange advised it is the language from the Health and Safety statute. Mr. Lange wanted to respond to the gentleman who spoke earlier about acquiescing to Mr. Perri’s requests concerning the “shall” and “may” wording pertaining to inspections of the rental properties. He believes the Committee had agreed with Mr. Perri that an annual inspection would not be necessary for every property. He would address problems that are brought to his attention without burdening the Township with annual inspections. If it becomes necessary to pursue this, the Committee would readdress it. Mr. Lange advised that if the residents had any questions in that area, they should contact Mr. Perri.

Ms. Brown addressed the public and read from the Inspection of Rental Property outlining the definitions as far as the property. There are a lot of tools to get them in the door if needed.

Public hearing was closed as no further comments were made by members of the public.

- On a motion made by Ms. Brown, seconded by Mr. Yates, Ordinance 2014-4 on second reading was offered for adoption.

Roll Call: Brown, Yates, Barton Ayes: 3 Nays: 0 Absent: 2 Motion carried.

RESOLUTIONS:

RESOLUTION 2014-132A

A RESOLUTION OF THE TABERNACLE TOWNSHIP COMMITTEE AUTHORIZING THE PLACEMENT OF TEMPORARY SIGNS IN THE PUBLIC RIGHT OF WAY FOR PINE BARRENS NATIVE FRUITS, LLC.

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 period of August 26, 2014 until November 5, 2014; and

WHEREAS, the request has been made by **Pine Barrens Native Fruits, LLC** in order to promote their upcoming **Cranberry Harvest Tour** which will take place **October 3rd through 25th, 2014** and to promote the **Whitesbog Cranberry event** on **September 27, 2014**; and

WHEREAS, the Township Committee is desirous of assisting the Pine Barrens Native Fruits, LLC 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 **Pine Barrens Native Fruits, LLC** and/or its representatives to place temporary signage to promote this event as aforementioned under the following conditions:

1. This Cranberry Harvest Tour signage shall be placed on Block 801, Lot 1 in Tabernacle Township.
2. The temporary yard signage for the Whitesbog Cranberry event 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. Eight signs maximum use.
3. These temporary **signs shall be removed within 5 days** after conclusion of the events.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Construction Official and Pine Barrens Native Fruits, LLC.

- On a motion made by Mr. Yates, seconded by Ms. Brown, Resolution 2014-132A was offered for adoption.
- Mayor Barton had a question on the cart blanche number of signs to be allowed. Mr. Cramer explained that we had checked on this and the applicant had indicated that there would be 6-8 signs and they had provided the locations of placement.
- Vote was taken with inclusion of the number of signs and placement as stated in the above resolution.

Roll Call: Brown, Yates, Barton Ayes: 3 Nays: 0 Absent: 2 Motion carried.

RESOLUTION 2014-133

A RESOLUTION OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER IV OF THE REVISED GENERAL ORDINANCES SPECIFICALLY SECTION 5.3

WHEREAS, Chapter IV, Section 5 entitled “REGISTRATION OF ALL BUSINESSES” addresses Penalties, with provision that “the Township Administrator or his/her designee shall enforce the provisions of the section. (Ord. #1990-5, § 3);” and

WHEREAS, the Township Administrator wishes to appoint a designee to enforce the provisions of the Registration of All Businesses.

NOW THEREFORE BE IT RESOLVED that the Administrator does hereby appoint Robert Perri as his designee for the enforcement of Chapter IV, Section 5, as specified in Ord. #1990-5, § 3, and referenced in the Revised General Code.

BE IT FURTHER RESOLVED that the Governing Body does hereby concur with the appointment made by Douglas Cramer.

- On a motion made by Ms. Brown, seconded by Mr. Yates, Resolution 2014-133 was offered for adoption.

Roll Call: Brown, Yates, Barton Ayes: 3 Nays: 0 Absent: 2 Motion carried.

DISCUSSION:

- **Sooy Place Road Improvements Engineering Proposal**

Frank Morris, Township Engineer, had prepared an engineering and construction estimate for roadway work on Sooy Place Road (Southampton Twp. Line to the Woodland Twp. Line). The construction and engineering costs would be \$773,000. He had been authorized to start on the design.

Mayor Barton asked if the Township did 50% where would be a convenient place to stop. Mr. Morris asked Mr. Cramer for his thoughts on this. Mr. Cramer suggested Southampton Twp. to Irick’s Causeway and stop before the curve into Southampton. That would be about half way. Mr. Morris stated the total project is 9,000 feet or about 1.7 miles. Mr. Cramer spoke about the funding. After the Tuckerton Road project is complete the Township should have \$375,000 left in the 2013 Road program. He is still going through the estimates on the Community Center building and would like to meet with the building subcommittee prior to next meeting.

Mr. Morris also suggested that we could put the road project out with an alternate bid. Mayor Barton asked if Committee was ok with Mr. Morris proceeding with a two part bid. Committee was in agreement.

Mayor Barton asked Mr. Morris when this repaving project could start. Mr. Morris responded that if we finalize design in October it could be decided on weather conditions.

- **NJDOT Fiscal Year 2015 State Aid Programs**

Mr. Cramer reported that NJ Dept. of Transportation’s request for aid must be submitted by October 14, 2014. He asked for approval to move forward with Mr. Morris to pursue a second phase of Medford Lakes Rd. and see if we do a two part bid or see how far the money takes us to do the whole road. The Committee was in agreement with Mr. Cramer’s request.

- **Jetter Truck Purchase as a Shared Service**

Mr. Cramer spoke of the 1983 jetter truck that was purchased in 1999 and parts are hard to come by. He had located a demo truck 2010 similar sized truck with a smaller body. This truck uses one motor instead of two making it more fuel efficient. The cost is \$280,000 which is a savings of about \$60-80,000 less than a new truck. Upon the suggestion of the Mayor, he had approached Southampton Twp. Public Works about a shared service. Southampton Twp. Committee appeared to be agreeable to this arrangement. Mr. Cramer reported that we could take the funding from the unspent portion of the stretcher portion of the approximately \$88,000 and take a portion of the Emergency Services Building funding of about \$100,000 or a little over and cancel that to surplus so we can replenish our surplus account which enables us to fully fund the purchase of the truck out of current surplus. There is always the possibility that the demo might be sold so he is putting in enough money to possibly look at a bare bones newer truck if required. He asked that at the next workshop meeting he would like to introduce an Ordinance to fund the portion of it and work on a shared service agreement for joint purchase. Mr. Cramer provided the residents with an explanation of what a jetter truck is used for. He asked for the Committee’s permission to proceed and work out the agreement with Southampton Township. Mayor Barton asked the Committee if they were agreeable to having Mr. Cramer proceed with discussion with Southampton. The Committee gave Mr. Cramer permission to proceed.

REPORTS:

Report of the Township Engineer

Mr. Morris reported he had been in contact with Abby Greenberg, Public Affairs rep of South Jersey Gas who had felt that they were not responsible for any further work at 16 Gate Rd. This matter had been given to their legal department. They were advised that we are holding all street opening permits until this issue was addressed. Mayor Barton felt that they may have to revisit this issue since other residents were waiting for their hook-up. Mr. Morris reminded the Committee that the permits are for various areas of the Township and not specifically in this one area, therefore, the Committee might have to address this. Ms. Greenberg is supposed to be following up and Mr. Morris felt it should be addressed before the workshop meeting. Mr. Morris will have an answer.

Report of the Township Administrator

Mr. Cramer had nothing to report.

Report of the Township Solicitor:

Mr. Lange reported emails from Mr. Urgo regarding the traffic on Pricketts Mill Road. Mr. Urgo wanted to know if the Twp. had decided to purchase any radar signage. Mr. Lange had advised Mr. Urgo that the Committee felt this might be an issue in Southampton and being caused by Southampton residents who live there. There is no present intention to purchase any signage. The Committee was not dismissive of his concerns and had approached the State Police to monitor and received additional signage from Southampton to indicate reduced speed ahead.

Mr. Cramer spoke that Tabernacle addressed both intersections of Stags Leap and Hunters Lane and cleared intersection site triangles of foliage with owner's permission. They increased the number of speed limit signs on street. Traffic engineer looked at the site as well. He felt that the Township had done everything possible to give the State Police the tools they needed to enforce the speed limit. He asked that the residents of Tabernacle report if there are speeding problems and they email these reports with the time frame so that the Township could determine when the problems seem to occur. The Township can then address this with the State Police to ask if they have the manpower to dedicate to this problem. Mr. Cramer reported that Mr. Urgo seems to be determined that we look at one brand of sign manufactured by a company in Georgia. Mr. Cramer reported that we have not heard any additional complaints from any Tabernacle residents. He was taken aback about Mr. Urgo's threat to make this issue a social media event when we have been as cooperative and respectful of his concern as we can be short of hiring police officers to do it.

Mr. Lange explained that Mr. Urgo's concerns were being addressed by both Southampton and Tabernacle. Mr. Urgo's response was very curt and threatened suit against the Township for allegation that the speeding that is occurring constitutes some type of nuisance that is advanced by his perception of inaction. Mr. Lange does not understand the legal rationale of the threat to sue.

Mayor Barton felt that Tabernacle had done everything we can on this road with all the proper signage by statute and ordinance. There does not seem to be an issue from Tabernacle's standpoint and if Mr. Urgo wants Southampton to get him additional signage he is welcome to lobby them for it, but felt we are not doing anything illegal or wrong and asked Mr. Lange to communicate this back to Mr. Urgo.

Report of the Township Committee

No reports were made.

Public Comment

Ken Hall, 66 Summit Drive – thanked the Township Committee for their work on the Rental Ordinance. It will help in his area of the Township.

John McGinnis, 122 New Rd. - asked why there was an exemption for nonprofit corporations in the rental ordinance and how does it apply to group homes.

Mr. Lange answered that group homes are not subject of local regulations pursuant to Federal law, which the Township must follow.

Mr. McGinnis felt that exemption of these homes is unfair to other landlords who must comply. He believes that these group homes are often related to pedophiles. If the issue is rental of rooms, why go after those who rent homes.

Mr. Lange responded that the ordinance was not so much related to the renting of rooms or group homes. It gives Mr. Perri the authority to deal with the abusive property landlords who modified units and rent to more people than the zoning allows.

Mr. McGinnis stated that rentals serve a purpose in the community and he did not welcome another government inspection. He felt this was a form of harassment.

Mr. Lange stated that was a fair comment; however this ordinance allows Mr. Perri to deal with problem properties that are repeatedly causing the neighbors problems.

Mr. McGinnis reported speaking with a resident who had previously complained about speeding on Pricketts Mill Road. This resident told him that afterward, he had been issued a ticket for speeding.

Fran Brooks, 78 Moores Meadow Road – asked what caused the damage to the overhead door in the wash bay facility, which the Township paid for (\$1,700 on March 2).

Mr. Cramer responded that the door was jammed and in the attempt to unjam it, broke a pulley. He did not know why it was jammed initially.

Ms. Brooks asked if it was being used at the time by the Township or Squad to which Mr. Cramer responded that it was being used by the Township employees. Ms. Brooks asked why it wasn't covered by insurance and Mr. Cramer responded it was a self-inflicted wound. She questioned if door was out of warranty and Mr. Cramer explained that we caused the initial damage; therefore it was not a warranty issue. Ms. Brooks asked how the Township's insurance would cover an accident to a person or vehicle on personal business. Mr. Cramer responded that each case would be addressed on a case by case basis. There are various insurances to cover incidents such as liability, personal auto insurance, workers compensation, JIF, etc.

Ms. Brooks questioned the Use License Agreement provision that refers to Rules and Regulations being established. She filed an OPRA request to find out if these had been established and was advised that there are none. Ms. Brooks questioned who was responsible for liability if washing cars on personal time and not work hours. Mr. Cramer advised that various insurance policies used by the Township would cover these liability issues. The only exception at the present time was with the liability of the Fire Company and that may not be an issue for long. He hoped that by the end of the year or beginning of next year they may adjust the regulations to where they need to be.

Ms. Brooks then questioned if the Township had submitted any documents to the Local Finance Board yet and was advised by Mr. Lange "Not yet." She asked when it would be due. Mr. Lange advised they wanted it far enough in advance to sufficiently review it. He was working to get it in as quickly as possible.

Stuart Brooks, 78 Moores Meadow Road – asked for clarification on Local Finance Board not having a deadline. Mr. Lange responded that there was no deadline given. Mr. Brooks asked if Mr. Braslow was going to be copied to which Mr. Lange responded he would be. Mr. Brooks asked if the document would be open to the public directly as opposed to requesting through OPRA. Mr. Lange said yes. Mr. Brooks was concerned that time might be tight and found that most OPRA requests take 7 days for a response and wanted to be sure that this would not interfere with timing for the hearing. Mr. Lange disagreed that since Mr. Braslow would have the information it would be available through him for the Fire Commissioners. He will speak to the Clerk and Committee about what other options there would be.

Mr. Brooks questioned the personal usage of the wash bay, believing that the personal vehicles are not covered if this is being done on personal time. Mr. Brooks asked if there are no rules, wouldn't it be possible for someone to be washing their spouses, friends, neighbor or a stranger's personal vehicle for a fee. Are these uses within acceptable use? Mr. Lange responded that the Committee expects the people in charge to be respectful of the fact it is public property. He believed that Mr. Cramer has not seen any abuses, but if it occurred they would deal with it. Mr. Brooks expressed surprise that washing a vehicle is an "incentive" as the squad is seen as always taking care of vehicles. Is this incentive available to Township employees? Mr. Cramer responded no; it is only the volunteer organizations that use this with the support from Committee. His employees get paid and do not need an incentive.

Mr. Yates questioned Mr. Brooks's complaint about volunteers. They are there on own time to serve the community. If not on call, he does not see a problem with them washing a personal vehicle. Mr. Brooks expressed that this was not a complaint but rather an opinion. Mr. Cramer asked him if he had the same concern about the fire company. Mr. Brooks said he did. Mr. Cramer spoke that it appeared Mr. Brooks was ok with their policy to allow washing vehicles outside with "Public" water and that Mr. Brooks had no problem with that. Mr. Brooks said that public water was unimportant, but the wash bay was a significant cost to us, to which Mr. Cramer responded that so is the fire house. Mr. Cramer asked if Mr. Brooks was ok with them being in violation of DEP regulations instead of doing it inside where it meets DEP regulations. Mr. Brooks agreed that it needs to be done inside and the bay should be used as represented by all Township organizations and should be used by other townships for a fee. His comments concern the failure of the board to act to implement other actions that would increase the fees to the township by making the wash bay available to other users. Mayor Barton responded that the township is looking at a shared service with the wash bay and in the near future would be able to report back to him. Mayor Barton did not see any problem with allowing volunteers to use the wash bay.

Mr. Brooks asked if the document Ms. Jagiela gave to Mr. Lange was Township business. Mr. Lange responded he had not looked at it yet. If it is Township business, he will report it and let him know what the document is.

Ken Hall, 66 Summit Drive – stated that he did not care who washed their car in the wash bay, if it meant that they would respond fast in case of an emergency, he was ok with it.

Kathy Burger, 18 Woodside Drive –questioned the funding for the Sooy Place Road project and where the funds were coming from. Mr. Cramer repeated the figures mentioned in his earlier report. Ms. Burger also wanted to know how the Community Center work was being funded. Mr. Cramer advised the \$850,000 for road improvements would be divided in half to be used for Community Center and the roads. She questioned who would be responsible for repair work on the jetter truck. Mr. Cramer responded it would have to be addressed in the agreement. Regarding the Pricketts Mill Road issue she questioned if the State Police do traffic counters. Mr. Cramer was not sure if they still do. Ms. Burger felt that this was a perception problem and may not in fact be a real problem. Ms. Burger then spoke that the wash bay needs a policy in place to be sure that the Township is covered.

Ian McDowell, 14 New Road – asked for a copy of the report from the sub-committee about the questions asked and responses they got to make their recommendations to the Committee regarding the dissolution of the fire district.

Public Comment Closed.

Adjournment

The motion was made by Ms. Brown, seconded by Mr. Yates to adjourn the meeting. All were in favor. Members of the Township Committee adjourned the meeting at 9:10 p.m.

Respectfully submitted:

Eileen Baitzel
Deputy Township Clerk

Approved: 09/22/2014