

# MINUTES OF THE TOWNSHIP COMMITTEE WORKSHOP

## TOWN HALL MEETING OF JULY 14, 2014

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The meeting was called to order by Mayor Joseph Barton followed by the flag salute.

**Sunshine Notice:** This meeting is called pursuant to the Open Public Meetings Law. This meeting of **July 14, 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  
Stephen V. Lee, IV, Deputy Mayor  
Joseph Yates, IV, Township Committee (Absent)  
Joseph Barton, Mayor

### Also In attendance:

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

### Public Comment

Jason Litowitz, 9 Horseshoe Court – Regarding discussion on the December 30<sup>th</sup> minutes. Why was there to be discussion? Peter Lange advised that a gentleman had requested release of those minutes. What topics are being discussed with reference to the settlement? Was the settlement offered or accepted? Mr. Lange responded that there were negotiations and discussions would be discussed with the Committee to decide what actions should be taken.

Fran Brooks, 78 Moores Meadow Road – Regarding Resolution 2014-113 hiring Col. Lowe. What is this position? Mayor Barton responds that is for Emergency Management Coordinator and Safety Coordinator. Ms. Brooks questioned if this position relates to the proposed resolution as part of the application to the Local Finance Board. Is there a connection between this position and the application. Mr. Cramer advised that this was a reappointment of his present term and office. She questioned if this was new or added language as part of the Safety Director position. Mayor Barton advised that she was at the previous meeting when the Committee voted that position down. Ms. Brooks questioned the topic of New Business and asked if the Committee is intending to release the Dec. 30<sup>th</sup> Executive Session minutes. She was advised that it would be discussed.

Kathy Burger, 18 Woodside Dr. – Resolution 2014-109 are we going for reimbursement for demolition. Mr. Lange advised that we already had a court order for a lien on the property.

John Cooper, 21 Woodside Dr – Questioned bill on Bill list for Tabernacle Rescue Squad. This was a reimbursement for snow storm expenses to provide food for Public Works and CERT members. Questioned large quantity of OPRA requests being reviewed by Mr. Lange. Who authorized this? Mayor Barton advised that if the Clerk has a question on an OPRA request and needs legal advice she is authorized to contact the attorney. Mr. Cooper discussed the December 30, 2013 minutes. He has disputed the legality of having a meeting that was held that night. He presented the Mayor with a copy of the OPMA specifying what the law says about unsubstantiated reason for having the executive meeting.

*Public Comments Closed.*

### Approval of Bills

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

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

### Approval of Minutes

- On a motion made by Mr. Franzen, seconded by Ms. Brown, the minutes of May 27, 2014 was offered for adoption.

**Roll Call: Brown, Franzen, Barton      Ayes: 3      Nays: 0      Absent: Yates**  
**Abstain: Lee**

*Motion carried.*

- On a motion made by Ms. Brown, seconded by Mr. Barton, the minutes of June 23, 2014 was offered for adoption.

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

*Motion not carried.*

# Resolutions

## RESOLUTION 2014-105

### 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:

- 62 Hawkin Road, Block 315 Lot 6.01;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 from notification to start work from applicant. 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. The applicant's contractor will notify all residents along proposed pipeline path prior to construction start. Along with this notification, homeowners will be asked to notify the contractor of any items of concern that relate to their property (underground private structures such as sprinklers, property markers, septic and wells, etc.) along with landscaped areas.
7. The applicant's contractor will attempt to meet with residents during the construction project to address concerns they might have.
8. The applicant's contractor will videotape area where pipeline is to be installed prior to construction start for documentation purposes.
9. Proposed pipeline will be installed by a combination of bore, plow and open-cut methods. Bore and plow are the preferred means of construction, but when open cutting of trenches occurs during construction project, the contractor will make every effort to keep disturbance to a minimum.
10. The applicant's 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. Lee, seconded by Ms. Brown, Resolution 2014-105 was offered for adoption.

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

## RESOLUTION 2014-106

### 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:

- 9 Pebble Drive, Block 804.03, Lot 6; 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 from notification to start work from applicant. 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. The applicant's contractor will notify all residents along proposed pipeline path prior to construction start. Along with this notification, homeowners will be asked to notify the contractor of any items of concern that relate to their property (underground private structures such as sprinklers, property markers, septic and wells, etc.) along with landscaped areas.
7. The applicant's contractor will attempt to meet with residents during the construction project to address concerns they might have.
8. The applicant's contractor will videotape area where pipeline is to be installed prior to construction start for documentation purposes.
9. Proposed pipeline will be installed by a combination of bore, plow and open-cut methods. Bore and plow are the preferred means of construction, but when open cutting of trenches occurs during construction project, the contractor will make every effort to keep disturbance to a minimum.
10. The applicant's 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. Lee, seconded by Ms. Brown, Resolution 2014-106 was offered for adoption.

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

**RESOLUTION 2014-107**

**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:

- 24 Elmwood Drive, Block 1303.01, Lot 9; 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 from notification to start work from applicant. 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. The applicant's contractor will notify all residents along proposed pipeline path prior to construction start. Along with this notification, homeowners will be asked to notify the contractor of any items of concern that relate to their property (underground private structures such as sprinklers, property markers, septic and wells, etc.) along with landscaped areas.
7. The applicant's contractor will attempt to meet with residents during the construction project to address concerns they might have.
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9. Proposed pipeline will be installed by a combination of bore, plow and open-cut methods. Bore and plow are the preferred means of construction, but when open cutting of trenches occurs during construction project, the contractor will make every effort to keep disturbance to a minimum.
10. The applicant's 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. Lee, seconded by Ms. Brown, Resolution 2014-107 was offered for adoption.

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

### **RESOLUTION 2014-108**

#### **RE: ACCEPTING THE RESIGNATION OF MARK TARANTINO AS TABERNACLE TOWNSHIP PROSECUTOR**

**WHEREAS**, Mark Tarantino has served the position of Tabernacle Township Prosecutor since January 01, 2001 in Tabernacle Township; and

**WHEREAS**, Mark Tarantino has submitted his resignation from the position of Tabernacle Township Prosecutor.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of Tabernacle Township, that it hereby accepts the resignation of Mark Tarantino from the position of Tabernacle Township Prosecutor, effective Thursday, June 26, 2014.

- Mr. Franzen made a motion to adopt Resolution 2014-108, with regret, seconded by Mr. Lee.

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

**Resolution 2014-109**  
**Award of Contract for Demolition of all structures located at 1540 Route 206, Block 324, Lot 5.**

**WHEREAS**, the Tabernacle Township Committee has received sealed proposals for demolition of all structures located at 1540 Route 206, Block 324 Lot 5; and

**WHEREAS**, N.J.S.A. 40A:11-4 states that a contract, the cost of which would exceed \$17,500.00 in a fiscal year, shall be awarded only after public advertising for bids and bidding therefore; and

**WHEREAS**, there has been public advertisement for bids and the Township Clerk has received and opened bids on July 2, 2014 at 10:00 A.M. for the purpose of awarding a contract for demolition of all structures located at 1540 Route 206, Block 324, Lot 5 and has advised that a certain entity is the lowest, qualified responsible bidder for said contract and has recommended that the Municipality award said contract or reject the bids within sixty (60) days as required by N.J.S.A. 10A: 11-4; and

**WHEREAS**, the Township’s Chief Financial Officer, as required by N.J.A.C. 5:30-1, has certified that there are sufficient funds available for the purpose of awarding a contract to said entity, said certification being attached hereto and made a part hereof.

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

1. That the Chief Financial Officer, based upon the aforementioned certificate, has declared that there are sufficient funds available for the aforesaid purpose, and that the Township Committee hereby directs that the hereinafter expenditure be charged against such funds.
2. That the Township Committee, for the aforementioned reasons, **hereby declares that Giberson Plumbing & Excavating, Inc., 7 Park Drive, Shamong, NJ 08088 is the lowest qualified bidder** for the aforementioned contract and hereby awards a contract to the said entity for the aforesaid purpose in the amount of **\$18,400.00** in accordance with the terms and conditions of the Bid Proposal, the Notice to Bidders and Specifications, copies of which are on file in the Office of the Township Clerk and available for public inspection during regular business hours.
3. That the award to **Giberson Plumbing & Excavating, Inc.** is consistent with the legal requirements of the lowest responsible bidder, which conforms, to all specification requirements and applicable statutory provisions.
4. That the Township Committee hereby directs the Township Clerk to return the bid securities to the following unsuccessful bidders in accordance with NJSA 40A: 11-4:

Silagy Contracting, LLC, P. O. Box 1096, Edison, NJ 08817
Winzinger, Inc., P.O. Box 537, 1704 Marne Hwy., Hainesport, NJ 08036
Abhzeen Design, Inc., 2152 Whitesville Rd., Toms River, NJ 08755
Site Enterprises, Inc., 815 12 <sup>th</sup> Street, Hammonton, NJ 08037
National Demolition & Recycling, 225 Turnbull Ave., Hamilton, NJ 08610
Ninsa, LLC, 125 Lincoln Street, Hammonton, NJ 08037

5. That the Township Committee does hereby direct the Township Mayor and Clerk to execute any contract documents which are necessary to effectuate the terms of this Resolution and which shall be prepared by or reviewed by the Office of the Township Attorney.
  - On a motion made by Ms. Brown seconded by Mr. Lee, Resolution 2014-109 was offered for adoption.
  - Douglas Cramer gave a breakdown of the bids received and Peter Lange explained the need to comply with a court order to give adequate notice of 48 hours to the owner before the start of the demolition and that he had prepared a contract for Giberson Plumbing & Excavating, Inc. should the Committee approve the resolution.

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

**RESOLUTION 2014-110**  
**RE: Accepting the Corrective Action Plan for Municipal Audit**

**WHEREAS**, on June 23, 2014 the Committee of the Township of Tabernacle accepted the 2013 Audit Report by virtue of Resolution 2014-88; and

**WHEREAS**, a Corrective Action Plan was required; and

**WHEREAS**, the Chief Financial Officer has submitted a Corrective Action Plan that is on file.

**THEREFORE, BE IT RESOLVED**, that the Tabernacle Township Committee does acknowledge the receipt of the Corrective Action Plan.

**BE IT FURTHER RESOLVED**, that the Township Clerk be directed to forward a copy of this Resolution to the Division of Local Government Services.

#### **CORRECTIVE ACTION PLAN**

Finding 2013-1:

It was noted that the Township did not maintain an accurate general ledger accounting system for the trust funds.

Recommendation:

That the properties activity of the Township be maintained in a general ledger accounting system.

Corrective Action:

The trust accounts had very little or no activity during the year. They have subsequently been closed and monies turned over to the General Fund. For any balances that need to be held, reserve accounts have been set up in the Current Fund general ledger in order to track their disposition. Developers escrows, Animal Control, and Tax Collectors accounts have been reconciled but are currently maintained separately by the departments. We will be setting up the disbursements and revenues of those remaining Funds on our current accounting software to be tracked.

- On a motion made by Ms. Brown seconded by Mr. Franzen, Resolution 2014-110 was offered for adoption.
- Terry Henry was asked to explain what the corrective action plan was for the information to the public.

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

#### **RESOLUTION 2014-111**

**RE: RESOLUTION RELEASING MAINTENANCE BOND TO HIGHWAY PETROLEUM, INC.**

**WHEREAS, Highway Petroleum, Inc.** has requested the release of the Maintenance Bond for the Singh and Hundal Site Plan (Sunoco Station) on Block 325, Lots 1.01 and 2.01; and

**WHEREAS**, the Township Engineer has performed a final site inspection of the referenced project site and found that all required and bonded improvements have been completed satisfactorily; and

**WHEREAS**, the Township Engineer has recommended that the Township Committee authorize the release of the maintenance guarantee for this project in the amount of \$37,613.18.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Tabernacle in the County of Burlington and State of New Jersey, that the maintenance bond posted by **Highway Petroleum, Inc.** in the amount of **\$37,613.18** shall be released.

- On a motion made by Mr. Lee seconded by Mr. Franzen, Resolution 2014-111 was offered for adoption.
- *Doug gave explanation of improvements made and engineer had performed final inspections and advised ok to release.*

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

#### **RESOLUTION 2014-112**

**RE: TABERNACLE TOWNSHIP FINAL APPROVAL OF FARMLAND APPLICATION ON THE WILLIAM MCNAUGHTON FARM, COMPRISED OF BLOCK 1101, LOT 13.02**

**WHEREAS**, the Township of Tabernacle is committed to preserving, to the extent possible, farmland within the Township for the benefit of the citizens of the Township of Tabernacle as well as for the County of Burlington and for the State of New Jersey; and

**WHEREAS**, the Burlington County Agriculture Development Board is proceeding with the preservation of the following farm: **William McNaughton, Block 1101, Lot 13.02** through the Farmland Preservation Easement Purchase Program; and

**WHEREAS**, the County requests that the Township recognize that in this instance, the 20% municipal cost share is not required; and

**WHEREAS**, it is in the best interests of the citizens of the Township of Tabernacle to give final approval on the County's acquisition of development easements for the above farm through the Farmland Preservation Easement Purchase Program;

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Tabernacle, County of Burlington, and State of New Jersey that they grant final approval for the acquisition of development easements on the William McNaughton, Block 1101, Lot 13.02 property through the Burlington County Farmland Preservation Program.

- On a motion made by Mr. Lee seconded by Mr. Franzen, Resolution 2014-112 was offered for adoption.

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

#### **Resolution 2014-113**

##### **Recognizing the Appointment of the Emergency Management Coordinator and Safety Coordinator**

**Whereas**, William C. Lowe has been serving as the Emergency Management Coordinator and Safety Coordinator for Tabernacle Township since his initial appointment on June 1, 2005; and

**Whereas**, Tabernacle Township Committee recognized the statutory need to fill the position of Emergency Management Coordinator and position of Safety Coordinator in order to conduct the day-to-day operations of Tabernacle Township; and

**Whereas**, Tabernacle Township Committee has selected **William C. Lowe** on the basis of his qualifications and experiences; and

**Now, Therefore, Be It Resolved**, by Tabernacle Township Committee, in the County of Burlington, State of New Jersey, hereby desire to reappoint **William Charles Lowe, 24 Hidden Acres Drive, as Emergency Management Coordinator and Safety Coordinator for a (3) three-year term, effective June 1, 2014. Term: June 1, 2014 - May 31, 2017.**

**Be It Further Resolved**, that a certified copy of this resolution be forward to Burlington County Emergency Management Offices.

- On a motion made by Mr. Franzen seconded by Ms. Brown, Resolution 2014-113 was offered for adoption.

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

#### **MOTIONS:**

**Parade Permit: Ride in the Pines Motorcycles/Meteor Motorcycle Club, Inc.: Event Date: 10/25/2014 to 10/26/2014.**

- Ms. Brown made a motion, seconded by Mr. Franzen, to approve the Parade Permit.
- Doug Cramer gave the Committee a breakdown of the application's route and the fact that they also needed to get approval from the Pine Barrens. He advised that the proper insurance paperwork had been received and would cover the dates of the event. Also advised that this paperwork had been reviewed by the Emergency Management Coordinator.

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

#### **NEW BUSINESS:**

##### **Discussion of Executive Session Minutes of December 30, 2013**

Regarding the release of the December 30, 2013, executive session minutes, Mr. Lange explained that there is potential for litigation. Mr. Cooper was correct in that he stated that there is no litigation; however, the threat is real. Mr. Braslow had not responded to Mr. Lange if there will be a lawsuit. The potential is real for litigation. It is ultimately the Committee's decision to release or not. They could wait until after the findings of the Local Finance Board or after executive session this evening. The Committee cannot discuss the release in executive session this evening. Mayor Barton asked Nancy Freeman if they were contemplating litigation, to which she responded that it has not been determined at this time. After much discussion, it was determined that the executive session minutes of December 30, 2013, should be released.

**RESOLUTION 2014-114**  
**A RESOLUTION AUTHORIZING THE RELEASE OF TABERNACLE TOWNSHIP**  
**COMMITTEE EXECUTIVE SESSION MINUTES**

**WHEREAS**, the Township of Tabernacle has a history of commitment to the public participation in its local government and to the corresponding need for an informed citizenry; and

**WHEREAS**, the Township Committee finds that it is permissible to release the executive Session Meeting Minutes for the following date:

- December 30, 2013

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Tabernacle, County of Burlington and State of New Jersey that the Township Clerk is hereby authorized and directed to release the following approved Executive Session Meeting Minutes for the following date:

**December 30, 2013.**

- On a motion made by Ms. Brown seconded by Mr. Franzen, motion to approve the Release of the December 30, 2013 Executive Session Minutes was offered for adoption.

**Roll Call: Brown, Franzen, Lee, Barton Ayes: 4 Nays: 0 Absent: Yates**

***Motion carried.***

**REPORTS:**

**Report of the Township Administrator**

Mr. Cramer – Reported on resignation of the Deputy Court Clerk Stacey McBride effective 7/15/2014. A resolution will be prepared for the next meeting accepting this resignation. Asked for permission to advertise on court website for an interim Deputy Court Administrator. Committee was in agreement with this decision.

Mr. Cramer reported on attending Burlington County meeting pursuing Energy Aggregation. It is based on Township participation and we can elect to do just the municipality, just commercial, just residential or all three. The Board of Chosen Freeholders are looking to move forward on this. They are willing to come out and talk about it either at a general public meeting or on a one on one basis. If you do not already have an alternate energy provider you will be put in pool automatically. You will have option to opt out. The Bridge Commission will handle all the advertising and mailings. The energy companies go out on the open market and buy generation supplies of electric. Energy companies will provide distribution, but we are buying energy with a better price than the default price that the utilities bid against. It is projected that there is a 9% savings on residential generation, not the delivery portion, but the generation portion. Residential and small business are the biggest gainers, we don't use enough electric on our own to get a better rate. The large commercial users already do this themselves. The County would like some consideration that we have a resolution supporting this sometime by October, 2014 so they can go out and get this out on the market in January and February time frame. They hope to have a large enough group to get substantial savings. No matter what, it will not be above the default rate, so if electric goes up, it will only go up to the default rate. It locks the price in on a year to year basis.

The Mayor complemented Doug on his report. The Committee agreed it would be a good idea to have someone come out and make a presentation to the Committee. Doug agreed to make the arrangements for a future meeting.

Douglas Cramer reported on RFP/RFQ's received for the Court Prosecutor candidates. He asked the Committee if they wanted him to do some preliminary checking to ascertain their availability and if they will do discovery as our previous prosecutor has always done his own. Not all do. He could also talk about our court days. He is looking for direction from the Committee to proceed with this or would they like to form a sub-committee to interview or do they want to look at copies of the RFP/RFQ's. The Committee would like copies. Doug will go through the RFP/RFQ's and if they meet the criteria, he will put them together and get them to the Committee so that they can make a decision at the next meeting.

Douglas Cramer advised the Committee that the drain truck is out for repairs for the pony motor that runs the fan. We have had problems with the jetter and will need to send that out to see where the numbers are. It is a 1983 and was refurbished before it was purchased in 1999. The Committee needs to consider a replacement. He has 2 replacements tentatively out there. One is a demo 2010 machine with very few hours on the jetter and pumps with 50,000 miles on the cab. It is a savings of about \$80,000 over what the comp truck would be new. It is in price range of \$285,000. There is also a 1997 machine, but he is waiting for a price for refurbishment and is probably half the price at this point. Stephen Lee questioned how many hours were on our present truck, but Doug advised he would have to research that answer. Doug did not believe that we could put off a purchase for much longer as we still had about a one-third of the drains left to clean this year and we have done all repairs we know how to do for normal maintenance items and it pumps for short while and then shuts down. He has concerns that what is going to happen is it will surge and someone could get hurt with jetter or surface hose they spray the drains down with. The wear on the major components is such that we won't be able to shim it again.

Douglas Cramer reported that they would also like to move forward on the Community Center and bring the site engineer in to do survey work and tie in with the architect so they can start the layout of the exterior

improvements. The price is estimated to be below \$1,000 without monuments being put in. He recommends the monuments and will get a price on what that cost is with monuments.

### **Report of the Township Solicitor**

Mr. Lange reported that he and Mr. Cramer met with Sue Grogan at Pinelands regarding the Medford Park issues. They seem willing to consider an ordinance which would modify the zoning to apply the Medford Farms zoning to Medford Park. She understood basis of our position to keep things consistent as they were created at same time. She would like him to prepare an ordinance for their review and have a meeting with us to discuss implementation of that ordinance and modifying the CMP accordingly. He complimented Doug on how well prepared he was for the meeting with Ms. Grogan. Mr. Lange asked for the Committee's authority to prepare an ordinance with Douglas Cramer and they would coordinate with Sue Grogan. The Committee instructed Mr. Lange to move forward with this proposed ordinance.

Mr. Lange reported on the rental property ordinance. There were multiple unrelated persons co-habituating in a single dwelling. He has provided definitions of the Township's own Code. There was case law he had reviewed on some of these definitions. We have the ability under our existing code that someone who is advertising rooms for rent constitutes a rooming/boarding facility which is prohibited without registration and authorization from the State not to mention a code violation as defined in our code book. The vehicles are there to allow Mr. Perri an opportunity to address these issues that have arisen. He will amplify all this with Mr. Perri, but thinks he has the tools he needs to deal with that type of situation.

The rental property ordinance he has provided is the latest draft. This product was derived from several meetings between himself, Mr. Perri and Mr. Cramer. Its characteristics include registration; inspections may be conducted to provide flexibility to Code Enforcement Officer's resources. Also included was the Brigantine ordinance including weekly rentals and summer rentals. If the Committee wants to digest what he has presented and try to introduce it at the next meeting, he will be happy to do that. Mr. Lange questioned Doug about the requirement for inspections being a drain on Mr. Perri's resources. Doug advised that Mr. Perri's concern is that if it is a requirement, he will need more staff. The Mayor asked if the Committee would like to take this up at the next meeting and discuss an ordinance on this, to which the Committee concurred.

### **Committee Reports**

Mr. Franzen had no comments.

Ms. Brown mentioned that she attended two welcome home celebrations for soldiers returning from Afghanistan and presented both with proclamations.

Mr. Lee reported he had attended a 9<sup>th</sup> Legislation event in Forked River and he will be at the Farm Fair this week.

Mayor Barton reported on the Tabernacle Township Employee and Volunteer Health & Wellness Fair to be held on Friday, September 12<sup>th</sup> from 2-7PM at the Emergency Services Bldg. He also reported that at the Holy Eucharist Pineland Festival will be presenting a service award to Greg and Karen Nixon of 6 Mulberry Court. Mr. Nixon and his wife are founders of Helping Hands of New Jersey. His award is Saturday night, September 26<sup>th</sup>.

### **Public Comment**

John Cooper, 21 Woodside Drive – Mr. Cooper spoke on observations and suggestions on conduct of running meetings with items that are not on agendas. He feels this is an underhanded form of government and that Mr. Lange is not always right and feels that he gives them only what they want to hear sometimes. In his opinion, Mr. Lange does not really know and is not giving them honest answers. Mr. Cooper wants open and honest government to make things better for everyone.

Nancy Freeman, 29 Washington Way – Questioned an OPRA request she filed on July 2<sup>nd</sup> for supplemental information to the Local Finance Board. The response she received today requested an extension, but it did not say why. She would like to know why they need an extension until the 18<sup>th</sup> of July. She agreed they were in compliance with asking within the 7 business days, but felt she deserved an answer as to why the extension was needed. Mr. Lange advised that he was not aware of that particular request, but he would discuss it with the Deputy Clerk.

Fran Brooks – 78 Moores Meadow Road – Listening to Ms. Freeman about response to an OPRA request and it is common sense and supported by the law that when an OPRA request is submitted and the Clerk asks for an extension, there has to be a reason given why that extension is asked for. She feels this was just a blanket extension and feels this is a constant problem (the management of OPRA requests). A large number are being sent to Mr. Lange for review. It seems that the Committee needs to have better management of OPRA requests in general. There is an experienced clerk substituting for Ms. Barber who should be aware that there should be a mutual agreement about extensions. This is what the Committee will be discussing in Executive Session regarding the public document she asked for that is clearly a public document. She received it, but the costs are going to be born by the township residents all because the Committee management and how they are handling OPRA requests.

Stuart Brooks – 78 Moores Meadow Road – Was surprised Ms. Freeman is OPRAing supplemental submission that the Committee has made to the Local Finance Board and asked if the Commission had been copied. Who sent them and where are they? He wanted the record to reflect that there was no response. At

the public meeting where many citizens asked for copies of the plan, Mr. Lee said there is no plan, but when Township submits the plan it can be OPRA'd. He felt that this is low level of operation for a Public Body.

Mr. Lange responded that he did not agree and that their attorney had not had any communication about their intentions and to pontificate about what Mr. Brooks thinks is appropriate is misplaced given the context of his comments.

Mr. Brooks felt that they should have been copied on the documents. Mr. Brooks asked Mr. Cramer and asked if this was his form (the log). Mr. Cramer responded that he did not make up this log form and believed that the Rescue Squad made up the form. Mr. Brooks asked if anyone ever reviewed the form. Mr. Cramer responded that he had reviewed it when either he or Ms. Brooks had requested the form. Mr. Brooks questioned the 4<sup>th</sup> column and if this is the number of the vehicle or the number that were washed. Doug responded that it was the number of vehicles being washed. Mr. Brooks again questioned if anyone knew how many were personal vehicles. Doug responded that he had informed Mrs. Brooks at a previous meeting that these were vehicles being washed just prior to the Memorial Day parade were vehicles that were going to be appearing in the parade.

Mayor Barton interrupted Mr. Brooks to advise that he was at about 7 minutes into his questioning and informed him we would have to move on. He was invited to take this up with Mr. Cramer at a later date when he is in his office.

Public Comment was interrupted by Deputy Mayor Stephen Lee with a recommendation that they adjourn the meeting early as the radar announcements he had been watching indicated that we were getting very close to some very nasty weather in the next few minutes.

Mayor Barton indicated that since Jason Litowitz was already waiting to be heard that we should proceed.

Jason Litowitz, 9 Horseshoe Court – Asked what the process was for Wednesday's hearing with the Local Finance Board. He asked if the township would attend and if the Board approves the dissolution, would there be something built into the proposal practices for 36 pages of blank out time? He asked if the Township would proceed with the purchase of a new fire truck. Mayor Barton advised it has not been discussed. Mr. Litowitz asked if there were any thoughts and Mr. Lee responded that we would know after Wednesday.

Kathy Burger, 18 Woodside Drive – Questioned if anyone was attending the Wednesday meeting. Mr. Lange responded that that was not the question asked. He answered that the question was, how we would be advised of the results. He responded that they will be attending the meeting. Ms. Burger's biggest concern is that she keeps hearing the Rescue Squad wash bay policy. It is the Township's building. Ms. Burger suggested that they come up with a policy for the wash bays at the Rescue Squad.

**Closed to the public.**

## **Adjournment**

MOTION – Due to the severe weather conditions, Mr. Lee made a motion to adjourn, seconded by Mr. Franzen, and unanimously carried. The meeting was adjourned at 8:50 p.m.

Respectfully submitted:

Eileen Baitzel  
Deputy Township Clerk

Approved: 7/28/2014