

TABERNACLE HISTORICAL SOCIETY;  
COUNCIL NO. 49, JUNIOR ORDER OF  
UNITED AMERICAN MECHANICS;  
KATHERINE E. CRAIN,

Plaintiffs,

v.

TABERNACLE TOWNSHIP COMMITTEE,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
BURLINGTON COUNTY

Docket No. BUR-L-774-24

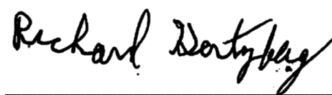
**CIVIL ACTION**

**ORDER**

**THIS MATTER** having come before the Court upon Defendant's motion for reconsideration, and the Court having presided over appearances on May 21, 2024, May 22, 2024, and May 29, 2024 and having reviewed the papers submitted and having reviewed Plaintiffs' opposition, and for the statement of reasons attached hereto, and for good cause shown,

**IT IS** on this 10th day of June 2024 **ORDERED** that Defendant's motion is **DENIED**.

**IT IS FURTHER ORDERED** that this Order shall be deemed effectuated upon all parties upon its upload to eCourts. Movant shall serve all parties not electronically served within seven (7) days of the date of this Order.



Richard L. Hertzberg, J.S.C.

### **Statement of Reasons**

The motion for reconsideration is denied.

The Defendant's conduct undermines the credibility of its experts. As noted at prior hearings, despite warnings of imminent collapse, and despite the Court's April 19, 2024 direction to maintain the status quo, on or about April 24, 2024 the Defendant saw fit to remove the detour allegedly put in place to protect the public. Upon learning of this violation of its directive, on May 22, 2024, the Court entered an Order reiterating the importance of the detour. On or about May 28, 2024, the Court discovered not only that the road remained open, but that the town Memorial Day parade, occurring on May 25, 2024, ended at the Town Hall structure with activities taking place in its parking lot.

The proffered justification for hosting a public celebration in the shadow of the unstable structure is as follows: "The Township Engineer estimates that the fall radius of the building is approximately 35 feet . . . The closest section of the parking lot to Town Hall is approximately 59.5 feet."

Even if this "approximate" estimate were accurate to the inch, the Court concludes there is no reason why men, women, and children should have been invited to celebrate 24 feet from a collapse zone. The Court does not need expert testimony to apply common knowledge and common sense.

The Court cannot imagine that Defendant would place the public in danger if it truly believed collapse was imminent. However, the Court cannot simply ignore the proffered reports and is obligated to protect residents from the Town Hall's possible collapse. The Court acts in an abundance of caution and not because it finds Defendant's reports credible or admissible.

Separately, the certification submitted by the Township Administrator does not support reconsideration. It simply sets forth a self-serving narrative of Defendant's supposed compliance with public notice obligations. The adequacy of compliance will be addressed at a plenary hearing.

The above course of conduct requires further examination by this Court. The members of the Township Committee are ordered to appear in person before this Court on July 19, 2024, to show cause why they disregarded this Court's directives and to address R. 1:4-8 issues.