

# **TOWNSHIP COMMITTEE SPECIAL MEETING AGENDA**

## **NOVEMBER 13, 2017 - 7:30 PM**

### **(Rescheduled October 23, 2017)**

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PLEASE TAKE NOTICE that the **Tabernacle Township Committee has cancelled their October 23, 2017 meeting** and has **rescheduled a meeting** on: **Monday, November 13, 2017** at 7:30 p.m. at the Town Hall Municipal Complex, 163 Carranza Road, Tabernacle, NJ 08088. The purpose of the meeting, to the extent now known, is:

Township Committee will conduct its previously scheduled agenda business as posted on the official Township website along with any other matters requiring attention. Formal action will be taken.

*"Notice of this meeting has been provided in accordance with the Open Public Meetings Act" by:*

1. Posting a copy of the agenda on the bulletin board at the Municipal Complex.
  2. Filing a copy of the agenda in the office of the Township Clerk at the Municipal Complex.
  3. Forwarding a copy of the agenda to the Burlington County Times and Central Record
  4. Forwarding written notice to each person who has requested copies of the regular meeting schedule.
- All of the above posting, filing and mailing have taken place on the 23<sup>rd</sup> day of October 2017.

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**M**ayor Stephen V. Lee, IV called the regular meeting to order at 7:30 p.m. followed by the Flag Salute.

**Sunshine Notice:** This meeting is called pursuant to the Open Public Meetings Law. This **Special Meeting of November 13, 2017** was sent to the Central Record, Burlington County Times and Courier Post on October 23, 2017. 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.

**A roll call taken of governing body members in attendance:**

Joseph W. Barton, Township Committee  
Kimberly A. Brown, Township Committee - Via Telephone  
Richard J. Franzen, Township Committee  
**Joseph Yates, IV, Deputy Mayor (Absent)**  
Stephen V. Lee, IV, Mayor

**Administrative Team in attendance:**

Douglas A. Cramer, CPWM, Administrator  
Terry W. Henry, Chief Finance Officer  
Dante Guzzi, Township Engineer  
La Shawn R. Barber, RMC, Municipal Clerk

**Public comment on agenda items only**

Stuart Brooks, Moores Meadow Road – spoke about Resolution 2017-80 by asking if anything was received in writing from Shamong Township and questions their extent of involvement. Mr. Brooks questions the anticipated schedule from hearing back from NJDOT and how long would the job complete.

Township Engineer explained that NJDOT application cost is a little under \$500,000.00 in which half of the road is in Shamong Township. Shamong Township is authorizing a resolution authorizing Tabernacle to make application to the repaving of Carranza Road; it would take approximately three to four months to complete the paving.

James Jones, Wimbleton Way - asked for clarification on the Municipal Land Use. Mayor Lee explained that it was an update regarding a meeting with the Pinelands Commission of the overall land use within the Township and he will provide an update.

Fran Brooks, Moores Meadow Road – spoke of Resolution 2017-80, the NJDOT Program and questions (infrastructure grant) as to which grant that was applied. Opined that Carranza Road would fit perfectly in an infrastructure grant and spoke of these monies are available and what grant is possible to increase the pool of money for repair.

Township Engineer explained that it is the municipal aid grant which the NJDOT offers every year to every municipality in the State of New Jersey for local roads. There are other grants but the one we applied for is for the local roads.

Ms. Brooks questions the location of the property listed in Resolution 2017-84.

Solicitor Lange explains the Resolution is for Lakes Construction Property, the applicant modified their subdivision approval at the Land Use Board and got a phasing plan; they are substituting this for phase 1 which allows the Committee to bond the first phase. The LDB has worked with the applicant to get this project in motion.

Closed public comment.

#### **Approval of Bills**

- On a motion made by Mr. Franzen, seconded by Mr. Barton, the bills dated: (October 20, 2017 & November 9, 2017) were ordered paid.  
**Roll Call: Barton, Brown, Franzen, Lee      Ayes: 4 Nays: 0 Motion carried**

#### **Approval of Minutes**

- On a motion made by Mr. Barton, seconded by Mr. Franzen, the minutes of September 11, 2017 (Special & Executive) was offered for adoption.  
**Roll Call: Barton, Brown, Franzen, Lee      Ayes: 4 Nays: 0 Motion carried**
- On a motion made by Mr. Barton, seconded by Mr. Lee, the minutes of September 25, 2017 (Regular) was offered for adoption.  
**Roll Call: Ayes: Barton, Brown, Lee      Nays: 0      Abstain: Franzen      Motion carried**

# **ORDINANCE**

#### **Public Hearing / Second Reading: Ordinance 2017-10**

#### **ORDINANCE 2017-10**

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**BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN AND FOR THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY; APPROPRIATING THE SUM OF \$1,030,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$978,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

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**BE IT ORDAINED** by the Township Committee of the Township of Tabernacle, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

**Section 1.** The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Tabernacle, County of Burlington, New Jersey ("Township").

**Section 2.** It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$1,030,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$978,500; and
- (c) a down payment in the amount of \$51,500 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

**Section 3.** The sum of \$978,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$51,500, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the Township in an amount not to exceed \$978,500 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$978,500 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is

made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$200,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the amount of available grants for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Reconstruction and/or Resurfacing of Various Township Roadways and related Drainage Improvements, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the Township Clerk	\$900,000	\$45,000	\$855,000	10 years
B.	Acquisition of Various Equipment for the Fire Company, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	130,000	6,500	123,500	5 years
	<b>TOTAL</b>	<b>\$1,030,000</b>	<b>\$51,500</b>	<b>\$978,500</b>	

**Section 8.** The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 9.36 years.

**Section 9.** Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

**Section 10.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$978,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 11.** The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

**Section 12.** The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**Section 13.** The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

**Section 14.** The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**Section 15.** The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 16.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 17.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication after final passage.

**Comments:**

Fran Brooks, Moores Meadow Road, spoke of the bond ordinance not properly conceived and divided with the air packs and does not agree with the purpose of maintenance roads for Powell Place Road. Suggest money should be spent on Carranza Road and wants modify the language in the bond ordinance.

Mr. Cramer spoke of there being no reason to split the Ordinance as there is no named road listed. The bond is set up for flexibility which will not lock you into a road; options were given without taking the airpack money away.

Mr. Barton spoke of agreeing with Mr. Cramer.

Mr. Cramer spoke of looking into possibility of an infrastructure grant as requested by Ms. Brooks.

Mayor Lee spoke of not being in favor of the bond ordinance unless there is a focus for Carranza Road and feels that it should have been separate from airpacks; wants assurance of focus will be with Carranza Road.

There were no objections from members of the Township Committee for money earmarked for Carranza Road.

Fran Brooks. Moores Meadow Road. Feels that money should be bonded for the packs that are needed for the fire company because they are absolutely critical to the work they do. Objects to spending \$900,000.00 to fix Powell Place Road vs. the damage to Carranza Road.

Mayor Lee closed public comment.

**Discussion:**

Mayor Lee asked is we specifically pulled out the air packs specifically it would require re-advertising. Solicitor Lange agreed and to the extent that it would be making substantial changes and that the standard is that there would be a comment but a change would cause find just cause to make a comment. A Bond Ordinance and doesn't think that Bond Council is not going to tolerate any potential infirmities associated with the ordinance. It is certified that the Bond was properly passed. Solicitor Lange is not secure in making any change like that on a Bond Ordinance respective of any delay. Any change would be problematic. The preference would be to make the changes and continue public hearing.

Mr. Cramer explained there were no roads that were specifically named in the ordinance. If it is left that way we have flexibility to appropriate or redirect the money. It gives you options without taking air pack money away. Mr. Barton agrees with Mr. Cramer that we have the flexibility the way this bond is worded.

Mr. Barton stated it may be a good idea to have a discussion with Shamong Township regarding their portion of paving of Carranza Road. Mayor Lee doesn't like that this has been combined with the air packs and that it should be separate. Mayor Lee closed public comment.

Solicitor Lange suggested to propose the Bond Ordinance as is without change and that a subsequent motion for resolution requiring the committee to specifically direct the allocation of the funds before actually spent after the adoption of the Bond and monies are available. Mr. Franzen expressed support for using the bond ordinance to fund repairs for Carranza Road.

Township Engineer suggested updating cost estimate for Carranza Road and whatever is left over, we can look into other roads; provide a road program that would utilize the other money. The key would be hearing back and how much we would get from the NJDOT and we hear about the grant sometime after the New Year.

- Motion made by Mr. Franzen and seconded by Mr. Barton the adoption of the Bond Ordinance 2017-10, on second reading, and to earmark the road for Carranza Road.

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

# RESOLUTIONS

## RESOLUTION 2017-80 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE CARRANZA ROAD REPAVING PROJECT

**WHEREAS**, there exists a need to repave Carranza Road from Tuckerton Road to the Moores Meadow Road; and,

**WHEREAS**, this project will improve the condition of the road and promote safe transit through the Township.

**NOW, THEREFORE, BE IT RESOLVED** that Committee of the Township of Tabernacle formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2018-Carranza Road Repaving-00478** to the New Jersey Department of Transportation on behalf of the Township of Shamong.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Tabernacle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

- On a motion made by Mr. Franzen, seconded by Mr. Barton, Resolution 2017-80 was offered for adoption.  
**Roll Call: Barton, Brown, Franzen, Lee      Ayes: 4 Nays: 0 Motion carried**

## RESOLUTION 2017-81 RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS ACT

**WHEREAS**, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

**WHEREAS**, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

**WHEREAS**, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

**WHEREAS**, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

**WHEREAS**, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

**WHEREAS**, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

**WHEREAS**, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Tabernacle, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

- On a motion made by Mr. Franzen, seconded by Ms. Brown, Resolution 2017-81 was offered for adoption.  
**Roll Call: Barton, Brown, Franzen, Lee                      Ayes: 4   Nays: 0   Motion carried**

**Public Hearing Resolution 2017-82:   Comments.   Seeing there being no comments, public comments were closed.**

**RESOLUTION 2017-82  
AWARDING CONTRACT TO HUNTER TRUCK SALES & SERVICE THROUGH USE OF THE  
NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE PURCHASING AGREEMENT  
PURSUANT TO N.J.S.A.52:34-6.2 (B)(3)(HOOK LIFT BODY TRUCK)**

**WHEREAS**, The Tabernacle Township Committee located in the County of Burlington and State of New Jersey, is charged with the responsibility of maintaining roadway and community safety through the maintenance of roads, public property and provide services to the residents within the Township of Tabernacle; and

**WHEREAS**, in order to fulfill its mandated responsibility as set forth above, the Committee finds and determines that there is a need to purchase 39,000 GVWR hook lift body truck with 12ft. chip box container and stainless steel V-box spreader with liquid spray system. Specifically, the Township Committee determines, based on the recommendation of the Township Administrator, that an International 7400 SFA 4X2 as specified in proposal 14534-01 with Intercon Palfinger T20S hook lift, 12 chip box container, Warren EAC2420 stainless steel V-box spreader mounted on flat for hook lift with attached liquid spray system and plow mount as specified should be purchased; and

**WHEREAS**, the Township Committee is authorized to use what is commonly known as an alternative method of procurement (National Cooperative) pursuant to N.J.S.A. 52:34-6.2(B)(3); and

**WHEREAS**, the Township Administrator requests authorization for the Township to enter into a National Cooperative purchase agreement with the National Joint Powers Alliance (NJPA); and

**WHEREAS**, the National Joint Powers Alliance (NJPA) is a public agency serving as a municipal contracting agency for government and educational agencies. NJPA serves member agencies under the legislative authority established and granted by Minnesota Statute 123A.21; and

**WHEREAS**, the Township Committee published a **Notice of Intent** to utilize the NJPA procurement process for the purchase of 39,000 GVWR hook lift body truck on **October 26, 2017 and October 29, 2017** and provided a time period for public comment and a scheduled public hearing on same; and

**WHEREAS**, the Township Committee has received information and pricing on a 39,000 GVWR hook lift body truck with 12ft. chip box container and stainless steel V-box spreader with liquid spray system and, specifically, for an International 7400 SFA 4X2 as specified in proposal 1434-01 with Intercon Palfinger T20S hook lift, 12 chip box container, Warren EAC2420 stainless steel v-box spreader mounted on flat for hook lift with attached liquid spray system and plow mount pursuant to the proposals submitted in response to the Township's request for proposal and pursuant to the requirements of the contract with NJPA; and

**WHEREAS**, the Committee conducted a cost analysis and established that entering into an alternate procurement method through NJPA would be the most effective contractual solution for the purchase of the needed apparatus; and

**WHEREAS**, the Committee received from Hunter Truck Sales & Service, located at 2320 High Hill Road, Swedesboro, NJ 08085, all supplemental documentation which establishes compliance with the laws of the State of New Jersey for entities awarded a contract by a public entity under NJPA Navistar contract number 081716-NVS; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Tabernacle Township Committee, that the Township be and is hereby authorized to participate in NJPA, a recognized National Cooperative, and shall enter into a contract for the purchase of a Class 6-8 chassis with related equipment, accessories, and service; and

**BE IT FURTHER RESOLVED**, by the Tabernacle Township Committee, that, pursuant to said statute, the Township shall enter into a contract to purchase said equipment for a net sale price of \$182,203.32; and

**BE IT FURTHER RESOLVED**, that the Mayor, subject to a review of said contract by the Township Solicitor, be authorized to enter into a contract on behalf of the Township Committee and that the Municipal Clerk be authorized to attest thereto; and

**BE IT FURTHER RESOLVED**, that the Township CFO shall certify that sufficient funds are available for said procurement; and

**BE IT FURTHER RESOLVED**, that the contract entered into be available, upon review and approval of the Township Solicitor, at the Township office during normal business hours; and

**BE IT FURTHER RESOLVED**, the Resolution shall be effective immediately upon passage.



- On a motion made by Ms. Brown, seconded by Mr. Franzen, Resolution 2017-83 was offered for adoption.  
**Roll Call: Barton, Brown, Franzen, Lee                      Ayes: 4 Nays: 0 Motion carried**

**RESOLUTION 2017-84**  
**A RESOLUTION OF THE TABERNACLE TOWNSHIP COMMITTEE RELEASING**  
**THE PERFORMANCE BOND ASSOCIATED WITH THE ENTIRE SUBDIVISION LOCATED AT**  
**BLOCK 202.02. LOTS 10 AND 11 IN THE TOWNSHIP OF TABERNACLE AND**  
**REPLACING IT WITH A PERFORMANCE BOND FOR PHASE I**

**WHEREAS**, Lakes Sand and Gravel, LLC posted a Performance Bond in the original amount of \$1,497,254.40 under Bond No. FP0016354 for a subdivision located at Block 202.02, Lots 10 and 11, Tabernacle, New Jersey pursuant to the requirements of Tabernacle Revised Ordinances at Section 16-13.1; and

**WHEREAS**, Lakes Sand and Gravel, LLC has obtained approval from the Tabernacle Land Use Board for ‘Phasing’ of the subdivision project; and

**WHEREAS**, the Township’s Engineer by letter dated October 27, 2017 has provided the required cost estimate for Phase I of the subdivision project’s required improvements; and

**WHEREAS**, the Township Engineer has recommended releasing the original performance bond on the entire subdivision project conditioned upon Lakes Sand and Gravel, LLC posting a new bond in the amount of Six Hundred Seventy-Seven Thousand Six Hundred and Fifty-Eight (\$677,658.00) Dollars pursuant to the engineer report of October 27, 2017; and

**WHEREAS**, Local Ordinance Section 16-13.1 requires acceptance and approval of the proposed performance guarantee by the Township Committee;

**NOW THEREFORE**, be it resolved by the Tabernacle Township Committee that Performance Bond Number FP0016354 associated with the subdivision located in Tabernacle Township on Block 202.02, Lots 10 and 11 shall be and is hereby released and discharged upon the receipt of the effective replacement Bond number BX20249 which is hereby approved and accepted by the Township Committee.

I certify that the foregoing Resolution was duly adopted at a regular meeting of the Township of Tabernacle held on the 13th day of November 2017

- On a motion made by Mr. Barton, seconded by Ms. Brown, Resolution 2017-84 was offered for adoption.  
**Roll Call: Barton, Brown, Franzen, Lee                      Ayes: 4 Nays: 0 Motion carried**

**RESOLUTION 2017-85**  
**SETTING 2017 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 2017 Board of Health Meeting date is as follows: **November 27, 2017**

- On a motion made by Mr. Franzen, seconded by Ms. Brown, Resolution 2017-85 was offered for adoption.  
**Roll Call: Barton, Brown, Franzen, Lee                      Ayes: 4 Nays: 0                      Motion carried**

**MOTION**

**Membership Application in NJ State Firemen’s Association – T. Wellhuff**

- Motion to approve the membership application made by Mr. Franzen, seconded by Mr. Barton.  
**Roll Call: Barton, Brown, Franzen, Lee                      Ayes: 4 Nays: 0                      Motion carried**

**Report of the Township Engineer**

Mr. Guzzi reported on the Tuckerton Road road paving project with Shamong Township several years ago and the maintenance bond for this project is due to expire next month; we prepared a punch list of items that must be completed, Contractor American Asphalt

has not been responsive. If no schedule is received by the end of week or beginning of next we will send a friendly letter Guzzi Engineering will reach out to the Bond Company to advise them of the outstanding punch list. We do not anticipate any problems.

NJDOT application for Seneca Woods was submitted. There was some specific concern regarding the single access on Route 206; the (30-day) comment period has begun; it was approved preliminarily by the Land Development Board. If the Township Committee wants to make comment to NJDOT regarding safety concern, now is the time to make aware of any and all safety concerns. Mayor Lee asked Chief Jackson of TRS and Chief Smith of TFC to discuss any safety concerns with Guzzi Engineering to submit with NJDOT.

#### **Report of the Township Administrator**

Mr. Cramer spoke of Thomas Jeanson completed his eagle scout project by refurbishing the Haines Memorial Bulletin located at Town Hall. The refurbishment consisted of moved holly bush, installation of new shingles, paint, set in concrete and landscaping.

Mayor Lee expressed that any scouting invitations for proclamations etc., should be sent to Town Hall in advance.

Mr. Cramer spoke of received the Recreation Grant for finish the dugouts at Patty Bowker Park.

Mayor Lee mentioned of having dialog with the County and Mr. Cramer regarding some intersections in the Township located at the high school and fourway stop in town because of the traffic.

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

Mr. Lange spoke of having executive session item for discussion; spoke of being notified again from the State Representative for the vacant lot owner on Oak Trail, recalling the last time being raised there was discussion about whether the Township Committee would be willing to accept as a gift as a donation that developable lot; concern of issues regarding its developability as it concerns to new dilution model and requirements of an alternate septic system as well as a partial credit which is what they are demanding from them at the Pinelands. It was discussed that in order to even take it for possession of it there needs to be investigation concerning the nature of the property and its environmental condition. The Township Committee was not likely interested in spending money to take something that had marginal value in the market place, and no particular public purpose in mind. Unless there is a modification in that position, Mr. Lange will communicate that to the State Representative who they have been unsuccessful in finding place to donate it to. There alternative may be to let it go to tax sale.

Mayor Lee received an email regarding a property owner wanting to donate property. Mr. Barton and Ms. Brown agree that unless there is a public purpose, it is preferred it to go to tax sale and have someone else purchase and develop; if it doesn't, then by default, it returns to Township. Ms. Brown suggested the property owner perform and finance the phase 1 environmental process and then proceed once the results are revealed to insure there is no environmental problem. Mr. Franzen surprised it has not sold and is curious as to why.

- Motion by Mayor Lee as a condition for acquisition to offer the property owner to perform and finance the phase 1 of the environmental process and then Township will proceed once the results are revealed to insure there is no environmental problem, was second by Mr. Franzen.

**Roll Call: Brown, Franzen, Lee**

**Ayes: 3**

**Nays: 1 Barton**

**Motion carried**

#### **New Business**

Mayor Lee spoke of the Township Engineer and Township Administrator met with the Pinelands Commission to discuss the potential uses for property in the town, such as the possibility of construction of a new town hall next to the Sequoia. Tabernacle School Board owns the septic line and the Sequoia building, and owns the vacant land next to it. Mayor Lee said that he reached out to Shoemaker and he said the board decided against having any further dialogue with the township about the matter. They have an agreement with the Lenape Regional High School District for usage of until 2022 for the use of that building. Mayor Lee requested a formal letter regarding that matter. Mayor Lee is not sure where to go from this point. Mr. Franzen stated we want to have a new building or have an addition, but we really need to hear from the public to see if that's wanted. Doesn't see the septic tie-in as an issue. I think that if we need it, it has to happen. Mayor Lee stated that we are waiting to from the Tabernacle Board of Education.

Proposed Resolution 2017-86: Mayor Lee brought a proposed resolution that was not included on the regular agenda. The add-on item was to express opposition to proposed rule changes to the Pinelands Commission's Comprehensive Management Plan.

Sam Moore stated that the fire break is used for a described fire but unfortunately from the State Fire Warden and Mr. Moore's supervisor he is not able to comment public and appreciates the NJ Fire support for fire safety and hazard for prescribed fires and how they mitigate hazards.

Mayor Lee explained the changes with the maintenance of firebreaks, which are areas that are cleared of vegetation or maintenance of vegetation, in creating a firebreak. Creating a firebreak of more than 6 feet would now require a permit. Solicitor Lange said firebreaks are currently admitted to be unlimited in their size.



**Executive Session Resolution** Whereas, the Governing Body wishes to discuss the following executive session matters pursuant to N.J.S.A. 10:4-12(B) (7) in a closed session from which the public shall be excluded:

- Litigation matters related to Fran Brooks vs. Township of Tabernacle, Docket No. L-1198-17
- Potential litigation matter in the unsafe structure as it relates to 14 Moore Road

**Be It Resolved**, the public shall be excluded.

- On a motion made by Mr. Franzen, seconded by Mr. Barton, members of the Township Committee went into closed session.

**Roll Call: Barton, Brown, Franzen, Lee**

**Absent: Yates**

**Reopen meeting.** Members returned from closed session to pursue adjournment.

**Adjournment**

On a motion made by Mr. Lee, seconded by Mr. Franzen, the meeting was adjourned at 10:29 p.m.

**Roll Call: Barton, Franzen, Lee**

**Absent: Brown and Yates**

**Ayes: 3**

Respectfully submitted,

La Shawn R. Barber, RMC/CMR  
Township Clerk

Approved: 12/28/2017