

**TABERNACLE TOWNSHIP COMMITTEE
MEETING MINUTES
DECEMBER 8, 2014**

Call to Order: Deputy Mayor Stephen V. Lee, IV called the meeting to order at 8:00 p.m., followed by the Pledge of Allegiance to the flag.

The Township Clerk read the Sunshine Notice Statement as follows:

Sunshine Notice: This meeting is called pursuant to the Open Public Meetings Law. This meeting of **December 8, 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
Joseph W. Barton.....Mayor (Absent)

In attendance:

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

Public Comment on agenda items only.

Fran Brooks, 78 Moores Meadow Road, questioned an item on the bill list regarding the redesign and management for the website and questioned the revised agenda regarding the proposed agreement for volunteer fire company.

John Cooper, Woodside Drive, questioned how the Township Committee intends to fund a fire district once it is dissolved.

Solicitor Lange explains that the statutory mechanisms provide that those funds and budget will become part of the Township's by virtue of the statutory dissolution of the district.

Kathy Burger, 18 Woodside Drive, questioned if the budget transfers is anticipated to cover until the end of the year. Ms. Burger also questioned the governing body's plans to appropriate the money in the budget, specifically if the items will be used for fire things or placed in the budget where it will get lost in other areas and appropriations and not actually fund fire services.

Mr. Henry spoke that the budget transfers being made are for the current coverage, and if there is anything left remaining, it will be done at the end of our close-out meeting.

Deputy Mayor stated a public hearing on the Ordinance would be held and asked Ms. Burger if we could take her question at that time.

No further comments.

Approval of Bills

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

Roll Call: Brown, Franzen, Yates, Lee Ayes: 4 Nays: 0 Absent: 1

Ordinance

(2ND Reading) Public Hearing: ORDINANCE 2014-8: AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING THE DISSOLUTON OF THE TABERNACLE FIRE DISTRICT NO. #1 PURSUANT TO N.J.S.A. 40A:5A-20.

- **Public Comment.**

Kathy Burger, 18 Woodside Drive, questioned how the governing body's plans to allocate the funds and appropriating the money in the budget.

Mr. Henry spoke that for next year's budget we have new budget line items that will cover those items for the fire department. Any money left when it is dissolved from this year automatically comes to the Township as it will go in revenue as a surplus.

Stuart Brooks, 78 Moores Meadow Road, spoke of the ordinance, as submitted, provided for the Township to contract with the rescue squad and questions any plans of the Committee to ever contract with the Tabernacle Rescue Squad in the same or similar manner with this ordinance that calls for the contract with a volunteer fire company.

Mr. Lange spoke that the intent of the Ordinance language is to consolidate management of those contract services with the Township Committee. Part of the issue that arose over the years and part of the issues question of dissolution was relations, management and cooperation and harmony, here you have one authority to manage the contract.

Deputy Mayor Lee responded to Mr. Brooks that the removed section of the modified ordinance is not being considered.

Mr. Franzen spoke of his confusion since the Township already has a contract with the rescue squad to do services.

Mr. Yates expressed his personal views of wanting to someday go over all emergency services.

Ms. Brooks, 78 Moors Meadow Road, questions the intention or interest in providing LOSAP to Tabernacle Squad and questions who will be responsible to handle the paperwork for the fire company which is far more complex than the wash bay log.

John Cooper, 21 Woodside Drive, spoke about the difference of opinion of the Committee regarding the emergency services language in the ordinance. Mr. Cooper questions an available rough draft of proposed agreement with the volunteer fire company contract.

Closed to the public.

- On a motion made by Ms. Brown, seconded by Mr. Franzen, Ordinance 2014-8 on **second reading, Ordinance 2014-8** was offered for adoption. *Motion Carried.*

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

Resolutions

RESOLUTION NO. 2014-166

A RESOLUTION AUTHORIZING THE RELEASE OF TABERNACLE TOWNSHIP COMMITTEE EXECUTIVE SESSION MEETING MINUTES

WHEREAS, The Township of Tabernacle has a history of commitment to 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 dates:

- July 28, 2014

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 dates:

- July 28, 2014
- On a motion made by Ms. Brown, seconded by Mr. Franzen, Resolution 2014-166 was offered for adoption. *Motion carried.*

Roll Call: Brown, Franzen, Yates, Lee Ayes: 4 Nays: 0 Absent: 1

RESOLUTION 2014-167 – Tuckerton Road

RE: A RESOLUTION OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY REQUESTING THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES GRANT PERMISSION TO APPROVE THE INSERTION OF AN ITEM OF SPECIAL REVENUE IN THE 2014 BUDGET ENTITLED "NJDOT FISCAL YEAR 2014 MUNICIPAL AID PROGRAM.

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Tabernacle has received notice of an award of \$195,000.00 from the NJDOT Fiscal Year 2014 Municipal Aid Program, and wishes to amend is 2014 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Tabernacle, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of

revenue in the budget of the year 2014 in the sum of.....\$195,000.00

Which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:

State and Federal Revenues Off-set with Appropriations:

2014 Municipal Aid Program

BE IT FURTHER RESOLVED that the like sum of.....\$195,000.00

be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-Set by Revenues:

2014 Municipal Aid Program

- On a motion made by Ms. Brown, seconded by Mr. Franzen, Resolution 2014-167 was offered for adoption. *Motion carried.*

Roll Call: Brown, Franzen, Yates, Lee Ayes: 4 Nays: 0 Absent: 1

**RESOLUTION 2014-168
RE: BUDGET TRANSFERS**

WHEREAS, N.J.S.A. 40A:4-58 provides for appropriation transfers during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation; and

WHEREAS, the approval of this resolution to be adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to the appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tabernacle that the following transfers be made:

FROM (inside cap)

| | | |
|-----------------|------------------|--------------------|
| 4-01-20-165-204 | Engineering O.E. | 12,000.00 |
| | | |
| Total | | \$12,000.00 |

TO (inside cap)

| | | |
|-----------------|---------------------|--------------------|
| 4-01-20-155-204 | Legal Services O.E. | 12,000.00 |
| | | |
| Total | | \$12,000.00 |

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Chief Financial Officer.

- On a motion made by Mr. Yates, seconded by Ms. Brown, Resolution 2014-168 was offered for adoption. *Motion carried.*

Roll Call: Brown, Franzen, Yates, Lee Ayes: 4 Nays: 0 Absent: 1

New Business Discussions

Proposed agreement with Volunteer Fire Company – Mr. Cramer spoke of meeting on Monday with the Executive Committee of the Medford Farms Volunteer Fire Company and received the following information: They have 40 members and they estimate 30 members willing to respond, initially, under the Township. They also believe that 3 to 4 members will resign when the district is dissolved. I answered questions concerning the funding of the Fire Company and budget. I also

responded to question concerning the new fire truck. I met Wednesday with the Executive Committee of the Tabernacle Fire Company #1 and received the following information: They have 32 members willing to work with the Township and have 24 members with Fire Fighter 1 certificates. I answered questions concerning funding and budget and was given ideas on how expenses could be divided. I also answered questions of the fire truck purchase. Medford Farms Fire Company offers the advantage of slightly higher numbers of fire fighters and the convenience of one less change. The disadvantage of the Medford Farms Volunteer Fire Company is, by their own admission, they are a divided company. They believe that approximately 25% do not want to work under the Township. The minority of their membership have been vocal and hard fast in their dissent. They have aligned themselves with outside individuals who do not wish to move forward in a cooperative spirit to improve all emergency service in Tabernacle Township. Unfortunately, the Medford Farms Volunteer Fire Company has been litigious in the past and given the current outside individual influences on the membership this method may be used again. The Tabernacle Fire Company #1 has slightly fewer members than the Medford Farms Volunteer Fire Company, but has 21 mutual members, which will provide some continuity if they are chosen. Tabernacle Fire Company offers a united company which wishes to work with the Township to move forward and provide a community service approach to fire service. They also have a desire to be part of the emergency service team, which is the approach the Township has promoted. Based on my discussions with both fire companies and the desire of Township Committee to move forward, *my recommendation would be to contract with the Tabernacle Fire Company #1.* This will allow for a clean start and a chance for the membership of the Medford Farms Volunteer Fire Company who wish to work with the Township, a clear direction to show their commitment to move forward by applying to the Tabernacle Fire Company #1 for membership.

Mr. Lee spoke of meeting with both fire companies, Medford Farms Volunteer Fire Company and Tabernacle Fire Company #1. Both companies want to move forward and has a lot of respect for both.

Mr. Franzen spoke about the membership numbers for joint members and questions their commitment of moving to the other company once a decision is made.

Ms. Brown spoke of membership being available.

Mr. Lee spoke of both companies and is aware of the understanding that they would need to contract with the Township.

Mr. Cramer spoke that the contact with Tabernacle Fire Company #1 will mimic the current contract with Medford Farms and the district until we can mutually discuss and see if there are any issues with that contract.

Solicitor Lange spoke of the terms and a condition for the proposed agreement is exactly the same agreement that existed between the Commissioners and the Medford Farms Fire Company. The agreement does not change in any respect. It does not mean that it could not change in the future, but as proposed it is the same as historically in effect. As for a name change standpoint, there would be nothing that would prevent them from changing their name or registering an alternate name.

Mr. Lee and Mr. Franzen both spoke of the discussion takes away their concern of the membership numbers.

- Ms. Brown motioned to approve the agreement with Tabernacle Fire Company #1 based on Mr. Cramer's recommendation and meetings held with Mr. Lee and the fire companies. The motion was seconded by Mr. Franzen. *Motion carried.*

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

**RESOLUTION 2014-169
APPROVING AGREEMENT BETWEEN TABERNACLE TOWNSHIP
AND
TABERNACLE FIRE COMPANY NO. 1 VOLUNTEER FIRE COMPANY**

WHEREAS, NJSA 40A: 14-68a states "In any municipality not having a paid or part-paid fire department and force, the governing body, by ordinance, may contract with a volunteer fire company or companies in such municipality, for purposes of extinguishing fires, upon such terms and conditions as shall be deemed proper. The members of any such company shall be under the supervision and control of said municipality and in performing fire duty shall be deemed to be exercising a governmental function; however, the appointment or election of the chief of the volunteer fire company shall remain the prerogative of the membership of the fire company as set forth in the company's certificate of incorporation or bylaws."

NOW, THEREFORE, It is on this 8th day of December 2014, between the Committee of the Township of Tabernacle, County of Burlington, New Jersey (hereinafter called the "Township") and Tabernacle Fire Company No. 1 Volunteer Fire Company, made, as herein described, an exchange of mutual promises and the parties represent and agree as follows:

1. The Fire Company will extinguish fires within the Township and in such other areas or territories as may be contracted for by the Township and/or pursuant to any mutual aid agreements which have been approved by the Township for a period of one (1) year from the date of publication of Tabernacle Township Ordinance 2014-8 which will be December 11th, 2014. Copies of all such contracts or agreements shall be furnished to the Fire Company for the purposes hereof. The term “extinguish” shall be used in its broadest and most universal sense.
2. Nothing herein shall be construed to increase any liability on the part of the Fire Company to the public for errors or omissions in the performance or non-performance of its duties hereunder or pursuant to any other requirement.
3. The firefighter members of the Fire Company, in performing fire duties, shall be deemed to be exercising a governmental function.
4. For the purpose of the agreement, firefighters shall include “fire police”.
5. The Fire Company will make available to the Township, for review, an up-to-date copy of their By-Laws and SOG’s.
6. The Township must be notified of any disciplinary action to be taken against any member of the Fire Company.
7. The Township will not take any action to direct fire officials or fire fighters at a fire scene or act contrary to the statutory command authority of the fire chief at any fire scene.
8. Any and all firematic and/or emergency response equipment will be purchased by the Township.
9. Any and all firematic and/or emergency response equipment that has been donated or received in grants automatically becomes the property of the Township.
10. The Fire Company will maintain and operate vehicles or equipment furnished by the Township in a safe and secure manner.
11. The Township shall reimburse firefighters for any personal items lost while engaging in fire duty, subject to reasonable proof of the value of such losses.
12. The Township shall provide Worker’s Compensation insurance coverage to all fire fighters of the Fire Company.
13. The yearly LOSAP tally shall be jointly approved by the Township Administrator and the Fire Chief.
14. All duties, obligations and activities of the parties pursuant to this agreement shall be exercised reasonably and in good faith.
15. At the expiration of this agreement, in the absence of a new or replacement agreement, this agreement will continue with the same terms and conditions unless and until termination upon not less than ninety (90) days written notice.

Medford Farms and Medford Park Zoning – Solicitor Lange spoke of the final draft ordinance, which was distributed to Ms. Grogan of The Pinelands Commission for approved changes. This ordinance would modify the zoning to make it crystal clear of all the existing lots for Medford Farms and Medford Park in accordance with the official tax map of the Township of Tabernacle and clarifies that existing lots in Medford Park are not subject to the residential density standards of the Rural Development District Number 1.

Mr. Cramer ask that one last clarification be made before introduction and that would be to indicate to The Pinelands that we will modify the tax maps to draw in those dotted lines and assign each lot a lot number. These subdivisions predate modern zoning and planning and predate our Land board. There is no record in the Township of these subdivisions other than the tax map which references maps which cannot be found at the County. This ordinance just brings clarity and for generations in the future is we had the tax maps as referenced digitized and put it in digital form to be an appendix to the zoning ordinance. Mr. Lange asks that this be listed for first reading at the first meeting in January 2015.

Budd Court: Solicitor Lange spoke of the top coat paving; landscaping issue as it has been many years. We asked Mr. Frank Pagliuso to come in and discuss the issue for completion. There was some quick work needed to be done after receiving a letter from Roma Bank regarding no continuation of letter of credit. The Township began the process of calling on the “Letter of Credit” process. Roma Bank then rescinded the cancelation and honored the “Letter of Credit.” The Township received a letter from Mr. Pagliuso’s Attorney, Patrick McAndrew recognizing the Township’s desire to move this forward, however his client would propose completing the landscaping top coat paving by May 1, 2015, which is less than 5 full months away and which gets us through winter.

Mr. Cramer spoke of Sooy Place Road job is to be competed in the spring, so we can gauge the same time frame.

Ms. Brown would like an update by the Township meeting in April 2015.

Report of Col. William Lowe – Emergency Management Coordinator

Mr. Lowe spoke about the “tree-lighting ceremony” where all the emergency services came together in support for the event with many town organizations, Tabernacle School chorus and bands. The Historical Society and Woman’s Association and PTA were thanked and it was a pleasure.

Mr. Lowe provided members of the Township Committee with a memorandum of understanding of the current status of the CERT (Pinelands Regional Community Emergency Response Team). Names of the qualified individuals and meeting dates were also provided.



Report of the Township Committee



Mr. Franzen spoke of echoing with Col. Lowe spoke about that it was nice to see the cooperating going on between the emergency services units, the Township associations involved and the happiness and joy when Santa Clause came off the fire truck. It was a beautiful event for our Township.

Thank You

On behalf of the Brown Family, Ms. Brown thanked the emergency services for their response to an emergency that was associated with her family.

Deputy Mayor Lee passed out coupons for Free Cancer Screenings for Burlington County Residents: Virtua Fox Chase Cancer Program provides eligibility guidelines.

Mr. Lee also spoke of being amazed by the number of people that came out to tree lighting ceremony on December 5th. This was something we desperately needed as a community, it was a great event.



Public Comment

Mark LeMiere, 32 Washington Way, spoke of the tree lighting event to be an organic gathering and thanked everyone who participated. This was the first time this has been done in Tabernacle, next year should be bigger.

Fran Brooks, Moores Meadow Road, questioned the executive session minutes approved for release. Ms. Brooks questioned the dedication of money of the fire company and if it would use for town hall renovations. Ms. Brooks spoke about people on the fire company list that do not put on a pack and go into burning buildings.

Mr. Franzen spoke that we have not had that discussion but opinioned it would be used for fire equipment.

Mr. Lange spoke of the other executive session minutes are related in their nature to ongoing litigation. They are not appropriate at this time for release.

Mr. Lee spoke that his first priority would be to get a fire truck.

Ms. Brown spoke that we do not have a firm number until the fire district finishes paying their bills and doing business at their last meeting.

John Cooper, Woodside Drive, spoke about the membership numbers concerning the two different fire companies, some are age restricted and cannot go into a building.

Stuart Brooks, 78 Moores Meadow Road, spoke of the number of people from each fire company that do put on packs to go in buildings and questioned the members that met with Mr. Cramer as his concern of being a lot of commonality between them. Ms. Brooks questioned the number of lawsuits the fire company filed against the Township.

Kathy Burger, Woodside Drive, spoke of the executive boards being dual members and the number of mutual members sitting on Medford Farms and Tabernacle. Ms. Burger spoke of wanting to consider an attendance policy for the Committee members.

Adam Golding, 9 Moore Road West, questions when it will be anticipated for the transition and takeover of services.

Ian McDow1, 14 New Road, spoke that the question should have been raised regarding the increased and retired memberships.

No further comments.

Adjournment

Members of the Township Committee adjourned the meeting at 8:55p.m. The motion was made by Mr. Yates, seconded by Mr. Franzen.

Roll Call: Brown, Franzen, Yates, Lee Ayes: 4 Nays: 0 Absent: 1

Respectfully submitted:

La Shawn R. Barber, RMC/CMR
Township Clerk

Approved: 12/29/2014