

TABERNACLE TOWNSHIP COMMITTEE MINUTES OF SEPTEMBER 25, 2017

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

Sunshine Notice: This meeting was called pursuant to the Open Public Meetings Act. This meeting of September 25, 2017 was 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.

A roll call taken of governing body members in attendance

Joseph W. Barton, Township Committee

Kimberly A. Brown, Township Committee

Richard J. Franzen, Township Committee (Absent)

Stephen V. Lee, IV, Mayor

Joseph Yates, IV, Deputy Mayor

Administrative Team

Douglas A. Cramer, CPWM, Administrator

Terry W. Henry, Chief Finance Officer

Dante Guzzi, Township Engineer

La Shawn R. Barber, RMC, Municipal Clerk

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PUBLIC COMMENT ON AGENDA ITEMS ONLY

Mayor Lee opened the meeting for agenda items only and advising three separate public hearings and public comment will be held for Ordinance 2017-7, Ordinance 2017-8 and Ordinance 2017-9. *However at this time public comment will be held only on agenda items.*

- Stuart Brooks, Moores Meadow Road. Would like to know items contained in the Bond Ordinance; questioned the NJDOT/Infrastructure Grant as to what is being considered; spoke about TRS calls outside of the Township for service and questions the portion of the calls received by our neighboring Township who receive service.
- Mr. Cramer spoke about the items in the bond ordinance in detail.
- Mr. Guzzi clarified the Township is applying for the Municipal Aid Grant for Carranza Road.
- Fran Brooks, Moores Meadow Road. Spoke about an article in the Burlington County Times regarding a statement made by TRS representing emergency services and the squad with respect to Ordinance 2017-9
- George Jackson, Chief TRS. Spoke about Ordinance 2017-9 and clarified the statement being wrong about 75 percent of the TRS calls being made out of town is not true according to first and second quarterly wrong; questions if the Township Committee plans to move forward with Ordinance 2017-9 since they do not have a full committee.
- Kathy Burger, Woodside Drive. Question Township Committee's plan regarding Ordinance 2017-9 prior to a public hearing being held and moving forward with emergency services so the proper questions could be asked.
- Jim Jones, Wimbledon Way. Spoke about the billing aspect of Ordinance 2017-9 and questions what the receipts would be used for; commented that he is not convinced this is the right thing to do because the Committee will be taking control of a polished diamond, which is the squad; spoke about recognizing everyone's required qualification requirement and the regulations. Spoke that he hopes he can come back in two years to say he was wrong.
- Michael Callahan, Moore Road West. Spoke that he is not in favor of Ordinance 2017-9 and feels this would be creating a tax increase that the Town does not need by paying a Township employee.

Public Comments. Closed

Approval of Bills

- On a motion made by Ms. Brown, seconded by Mr. Yates, the bills were ordered paid.
Roll Call: Barton, Brown, Yates, Lee Ayes: 4 Nays: 0 Carried.

ORDINANCES

PUBLIC HEARING (SECOND READING) ORDINANCE 2017-7

AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE AMENDING CHAPTER VIII FLOOD DAMAGE PREVENTION HAZARD AREAS OF THE REVISED TOWNSHIP CODE OF ORDINANCES

WHEREAS, the Committee of the Township of Tabernacle after reviewing the existing regulations and pursuant to the recommendation of the Township Engineer and the Township Solicitor, finds that there is a need to modify the Tabernacle Township Code provisions as currently exists under Chapter VII of the Revised Township Ordinances which is applicable to Flood Hazard Areas; and

WHEREAS, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) completed a re-evaluation of flood hazards in the Township of Tabernacle and proposed flood hazard determinations for the Township. As a result, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968.

WHEREAS, The Township Committee finds and determines that the current Tabernacle Flood Hazard Ordinance as it currently exists is not in accordance with the newly established standards;

WHEREAS, The Township Committee further finds and determines that this amendment will promote public health, safety and general welfare of the residents of Tabernacle and amends same as follows.

NOW, THEREFORE, BE IT ORDAINED by the Tabernacle Township Committee that Tabernacle Township Code Chapter VII entitled "Flood Damage Prevention" is deleted in its entirety and replaced with the amended Chapter VII as follows:

8-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

8-1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, *et seq.*, delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Committee of the Township of Tabernacle of Burlington County, New Jersey does ordain as follows:

8-1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Township of Tabernacle are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

8-1.3 STATEMENT OF PURPOSE

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

8-1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this chapter includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

8-2 DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AO Zone - Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone - Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

Appeal - A request for a review of the Township construction official's interpretation of any provision of this chapter or a request for a variance.

Area of Shallow Flooding - A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard - Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood - A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) - The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement - Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development - Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) - the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building - A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the

building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure - Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision - A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction - Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle - A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction - (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance - a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation - The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

8-3 GENERAL PROVISIONS

8-3.1 LANDS TO WHICH THIS CHAPTER APPLIES

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Township of Tabernacle of Burlington County, New Jersey.

8-3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of Tabernacle, Community No. 340533, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Burlington County, New Jersey (All Jurisdictions)" dated December 21, 2017.
- b) "Flood Insurance Rate Map for Burlington County, New Jersey (All Jurisdictions)" as shown on following Index and panel(s) whose effective date is December 21, 2017:

1. 34005C0289F
2. 34005C0294F
3. 34005C0295F
4. 34005C0382F
5. 34005C0384F
6. 34005C0401F
7. 34005C0402F
8. 34005C0403F
9. 34005C0404F
10. 34005C0410F
11. 34005C0415F
12. 34005C0420F
13. 34005C0426F
14. 34005C0430F
15. 34005C0440F
16. 34005C0445F
17. 34005C0510F
18. 34005C0530F

The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at Tabernacle Township, 163 Carranza Road, Tabernacle, New Jersey 08088.

8-3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Tabernacle, from taking such other lawful action as is necessary to prevent or remedy any violation.

8-3.4 ABROGATION AND GREATER RESTRICTIONS

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

8-3.5 INTERPRETATION

In the interpretation and application of this Chapter, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and

- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

8-3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This Chapter shall not create liability on the part of the Township of Tabernacle, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8-4 PERMITS

8-4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 8-3.2. Application for a Development Permit shall be made on forms furnished by the Township of Tabernacle Construction Office and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been flood proofed.
- c) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in section 5.2-2; and
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

8-4.2 DESIGNATION OF THE CONSTRUCTION OFFICIAL

The Township Construction Official is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

8-4.3 DUTIES AND RESPONSIBILITIES OF THE CONSTRUCTION OFFICIAL

Duties of the Construction Official shall include, but not be limited to:

a. PERMIT REVIEW

- 1. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
- 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 8- 5.3 a) are met.

b. USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 8-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 8-5.2a., SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 8-5.2b, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

c. INFORMATION TO BE OBTAINED AND MAINTAINED

- 1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- 2. For all new or substantially improved flood proofed structures:
 - (a.) verify and record the actual elevation (in relation to mean sea level); and
 - (b.) maintain the flood proofing certifications required in section 8-4.1(c).
- 3. Maintain for public inspection all records pertaining to the provisions of this chapter.

d. ALTERATION OF WATERCOURSES

1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

e. SUBSTANTIAL DAMAGE REVIEW

1. After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
2. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
3. Ensure substantial improvements meet the requirements of sections 8-5.2(a) SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 8-5.2(b), SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 8-5.2(c), SPECIFIC STANDARDS, MANUFACTURED HOMES.

f. INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 8-4.4.

8-4.4 VARIANCE PROCEDURE

a. APPEAL BOARD

1. The Land Use Development Board as established by Township Committee shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. The Land Use Development Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this Chapter.
3. Those aggrieved by the decision of the Land Use Development Board, or any taxpayer, may appeal such decision to the Burlington County Construction Board of Appeals, as provided by statute.
4. In passing upon such applications, the Land Use Development Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the factors of section 8-4.4a-1 d) and the purposes of this Chapter, the Land Use Development Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
6. The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

b. CONDITIONS FOR VARIANCES

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items of subsection 8-4.4a4 paragraphs (a) through (k) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - (a.) A showing of good and sufficient cause;
 - (b.) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c.) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 8-4.4a4, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

8-5 PROVISIONS FOR FLOOD HAZARD REDUCTION

8-5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, are required:

a. ANCHORING

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. CONSTRUCTION MATERIALS AND METHODS

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. UTILITIES

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. SUBDIVISION PROPOSALS

1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

2. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

e. ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

8-5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 8-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 8-4.3b, USE OF OTHER BASE FLOOD DATA, the following standards are required:

a. RESIDENTIAL CONSTRUCTION

1. New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;
2. Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

b. NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

EITHER

1. Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
2. Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

OR

3. Be flood proofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
4. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
5. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

c. MANUFACTURED HOMES

1. Manufactured homes shall be anchored in accordance with section 8-5.1a
2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

- a) Be consistent with the need to minimize flood damage
- b) Be constructed to minimize flood damage,
- c) Have adequate drainage provided to reduce exposure to flood damage,
- d) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive and;
- e) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 8-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 8-5.3 a) is satisfied, all new construction and substantial improvements must comply with section 8-5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

BE IT FURTHER ORDAINED that all other provisions of the Township Code currently in effect, are hereby saved from repeal, and shall remain in full force and effect;

BE IT FURTHER ORDAINED that if any provision of any section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon proper passage and in accordance with the law.

Comments

- Mr. Cramer spoke about the Department of Homeland Security Federal Emergency Management Agency (FEMA) has reviewed, reevaluated updated all of the flood maps of Burlington County and have established differences in elevations.
- Fran Brooks, Moores Meadow Road. Spoke about a typo in the Ordinance that should be fixed; spoke of the new rate structure residents should know the impact and Township should educate the residents on the significance of this Ordinance. Spoke about the availability of the flood maps for people to view.
- Madam Clerk Barber stated the maps are present and invited anyone interested to review the maps.
- Mr. Cramer spoke about attending a meeting with Col. Lowe and Mr. Boyd regarding the flood maps at the County Office.
- Stuart Brooks, Moores Meadow Road. Spoke that he would like to review the maps and questions when the current maps were received.
- Mr. Cramer spoke about the maps are also available on the County website; they are side by side. The County maps on line are a better way to view the maps because you would be able to look directly at a particular property.
- Jim Jones, Wimbleton Way. Spoke about his property not being located in the flood zone and thought township should advise residents to take a look at their flood insurance, some may have a change in status in a flood zone.

Seeing no further comments, Mayor Lee closed the public comments.

Mayor spoke about having a meeting with Township Administrator and Township Engineer at the Pinelands Commission tomorrow to talk about other issues as well as this ordinance.

- On a motion made by Ms. Brown, seconded by Mr. Barton, the Ordinance 2017-7, on second reading was offered for adoption.

Roll Call: Barton, Brown, Yates, Lee Ayes: 4 Nays: 0 Carried.

PUBLIC HEARING (SECOND READING) ORDINANCE 2017-8

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN AND FOR THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY; APPROPRIATING THE SUM OF \$355,000.00 THEREFORE; 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 \$337,250; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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 \$355,000;
- (b) The estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$337,250; and
- (c) a down payment in the amount of \$17,750 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 \$337,250, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$17,750, 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 \$337,250 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 \$337,250 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 \$75,000.

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>
Acquisition of Various Heavy Equipment including, but not limited to, Dump Trucks with Plows and Sanders, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$355,000	\$17,750	\$337,250	15 years

Section 8. 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 9. 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 \$337,250 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. 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 rebate-able 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.

Bonds/Notes Authorized: \$ 978,500
Grants (if any) Appropriated: N/A
Section 20 Costs: \$ 200,000
Useful Life: 9.36 years

- **Public Hearing: October 23, 2017 at 7:30 p.m.**
- Mr. Barton spoke that he is not in favor of spending close to a million dollars on road improvement project without having a maintenance plan for roads we currently have. There are things we can do to our roads to maintain them and get more life and would like to see that plan. Not in favor of bonding and increase debt service.
- On a motion made by Mr. Yates, seconded by Mr. Lee, the Ordinance 2017-10, on first reading was offered for adoption.

Roll Call: Ayes: Brown, Yates, Lee

Nays: Barton

Absent: Franzen

Carried.

Resolutions

RESOLUTION 2017-78

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$40,000 OF SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF TABERNACLE; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES

BACKGROUND

WHEREAS, the Local Budget Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Budget Law") authorizes, inter alia, municipalities to adopt ordinances authorizing special emergency appropriations for the preparation and execution of a complete program of revaluation of real property; and

WHEREAS, the Township Committee of the Township of Tabernacle, County of Burlington, New Jersey ("Township"), has duly and finally adopted Ordinance 2013-3 ("Ordinance") appropriating the sum of \$200,000 to fund the revaluation of real property in the Township ("Project"); and

WHEREAS, Section 55 of the Local Budget Law, *N.J.S.A. 40A:4-55*, authorizes the Township to issue special emergency notes to finance the costs of the Project and requires the Township to pay, at maturity, one-fifth of the total amount authorized under the Ordinance; and

WHEREAS, the Township has heretofore issued its Special Emergency Notes of 2016, Series A in the principal amount of \$80,000 to temporarily finance the costs of the Project ("Prior Notes"); and

WHEREAS, the Prior Notes mature on October 31, 2017; and

WHEREAS, it is the desire of the Township to issue its special emergency notes in the principal amount of up to \$40,000, as further described in Exhibit "A", the proceeds of which, together with other available funds of the Township in the amount of \$40,000, will be used to repay the principal of the Prior Notes at maturity; and

WHEREAS, pursuant to the Local Budget Law and the Ordinance, it is the intent of the Township Committee to hereby authorize, approve and direct the issuance and sale of such special emergency notes for the Project as further described in Exhibit "A" attached hereto, to ratify and confirm certain actions heretofore taken by or on behalf of the Township, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF THE MEMBERS THEREFORE AFFIRMATIVELY CONCURRING), PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Budget Law, the issuance of special emergency notes of the Township, to be designated, substantially, "Township of Tabernacle, County of Burlington, New Jersey, Special Emergency Notes of 2017, Series A" ("Notes"), in an aggregate principal amount of up to \$40,000, is hereby authorized, approved, ratified and confirmed.

Section 2. The Chief Financial Officer, with the assistance of the law firm of Parker McCay P.A., Bond Counsel, is hereby authorized and directed to award and sell the Notes at a public or private sale at a price of not less than par, and to deliver the same to the purchaser thereof upon receipt of the payment of the purchase price thereof.

Section 3. At the next meeting of the Township Committee after the sale of the Notes, the Chief Financial Officer is hereby authorized and directed to report, in writing, to the Township Committee, the principal amount, rate of interest and the name of the purchaser of the Notes.

Section 4. The Notes shall be dated the date of delivery thereof and mature no later than one year from said date. The Notes will not be subject to redemption prior to maturity. The Notes may be renewed from time to time, but shall be paid and mature in accordance with the provisions of Section 55(b) of the Local Budget Law, *N.J.S.A. 40A:4-55(b)*.

Section 5. The Notes shall be issued in bearer form in denominations of \$10,000 or greater. The Notes shall be executed in the name of the Township by the manual or facsimile signatures of the Mayor and Chief Financial Officer, and shall be under the corporate seal of the Township affixed, imprinted, or reproduced thereon, and attested by the manual or facsimile signature of the Township Clerk or Deputy Township Clerk.

Section 6. The Notes are ultimately payable from ad valorem taxes that shall be levied upon all taxable real property in the Township without limitation as to rate or amount.

Section 7. The Township hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 8. The Township hereby covenants as follows: (i) it shall timely file, or cause to be filed, 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 (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 9. The Township hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

Section 10. The Township hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Township hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Township during the period from January 1, 2017 to December 31, 2017, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

For purposes of this Section 10, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Township: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 11. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Treasurer, Township Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

Section 12. The Mayor, Chief Financial Officer, Treasurer and Township Clerk are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or Township Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 13. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 14. This Resolution shall take effect immediately upon adoption this 25th day of September, 2017.

- Chief Finance Officer Henry spoke that this \$40,000.00 is part of the re-evaluation that was done in 2012, this is the last note that Township will be issuing. This will be paid off in the 2018 budget.
- On a motion made by Mr. Yates, seconded by Mr. Barton, the Resolution 2017-78 was offered for adoption.
Roll Call: Barton, Brown, Yates, Lee Ayes: 4 Nays: 0 Carried.

**RESOLUTION 2017-79
GRANTING RAFFLE LICENSE TO SENECA EAGLES BAND PARENTS ASSOCIATION, INC**

WHEREAS, the **SENECA EAGLES BAND PARENTS ASSOCIATION, INC.** has filed an application with the Township Committee to conduct raffles and the applicant has paid the proper fees for said licenses; and

WHEREAS, the Township Committee of the Township of Tabernacle believes that said applicant is qualified to conduct the raffle, are bona fide active members of said organization, and that the raffle will be conducted in accordance with the raffle Licensing Law, N.J.S.A. 5:8-24 et seq.; and

WHEREAS, the following Raffle License are requested on the dates listed:

RA: 2017-20 Off-Premise Draw 50 % Cash	Ticket Sale 10/14/2017 9AM to 11/23/2017 11AM	Drawing: 11/23/2017 at 11:00 A.M.
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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 follow:

1. That the Township Committee hereby approves the issuance of the aforementioned Raffle License.
 2. That the Municipal Clerk is hereby authorized to issue said license on behalf of the Township of Tabernacle.
- On a motion made by Ms. Brown, seconded by Mr. Barton, the Resolution 2017-79 was offered for adoption.
Roll Call: Barton, Brown, Yates, Lee Ayes: 4 Nays: 0 Carried.

Motions

Parade Permit: Pine Barons Enduro Riders (PBER) Dual Sport: 11/26/2017

- On a motion made by Ms. Brown, seconded by Mr. Barton, the PBER Dual Sport was offered for approval.
Roll Call: Barton, Brown, Yates, Lee Ayes: 4 Nays: 0 Carried.

PUBLIC HEARING (SECOND READING) ORDINANCE 2017-9

AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY DESIGNATING AND OFFICIALLY CREATING A DEPARTMENT OF PUBLIC SAFETY AND THE POSITION OF PUBLIC SAFETY DIRECTOR IN THE TOWNSHIP OF TABERNACLE

Whereas, The Township Committee recognizes a compelling public safety interest in coordinating the use of emergency personnel, assets, resources and equipment in the Township of Tabernacle; and

Whereas, the Committee finds that the efficient, proficient and effective delivery of emergency services requires cooperation and coordination by and between the volunteer fire and volunteer emergency medical and rescue service entities operating within the Township and the Tabernacle Office of Emergency Management; and

Whereas, NJSA 40:48-2, **other necessary and proper ordinances**, provides that any municipality may make, amend, repeal and enforce such ordinances, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

Whereas, The Township Committee hereby desires to fully designate and officially create a Department of Public Safety and the position of Public Safety Director within the Township of Tabernacle; and

Whereas, the Mayor and Township Committee are granted the authority to recognize and authorize the creation of a Department of Public Safety within the Township of Tabernacle by New Jersey Statute;

Now, Therefore, Be it resolved by the Mayor and Committee of the Township of Tabernacle as follows:

I Department Generally:

There shall be a Department of Public Safety in and for the Township. The Department of Public Safety shall include the Division of Fire, the Division of Emergency Medical and Rescue Services and the Division of Emergency Management.

The head of the Department of Public Safety shall be the Public Safety Director who shall be appointed by the Township Committee and serve at the pleasure of the Township Committee. The Public Safety Director shall be responsible for the organizational and administrative control of the Department of Public Safety and all of its Divisions.

The Public Safety Director shall be responsible for coordination between the Township and the New Jersey State Police for the provision of police services.

All candidates for the position of Public Safety Director shall possess and satisfy training and experience qualifications for the duties of his/her office, as determined, from time to time, by the Township Committee.

The Public Safety Director shall be responsible for providing the Township Committee with quarterly status reports.

The Public Safety Director shall be a civilian position and is not responsible for any tactical (day-to-day) control of any division of the Department of Public Safety.

The Public Safety Director shall be responsible for the dedication and effective, proficient and efficient utilization of all emergency assets, resources and equipment in the Township of Tabernacle.

The Public Safety Director is not authorized to supervise, manage or direct the actual delivery of emergency services during an emergency response by any division of the Department of Public Safety.

The Public Safety Director, subject to the approval of the Township Committee, shall promulgate and from time to time revise and enforce rules and regulations for the control, disposition and discipline of the officers, employees and volunteers of the various volunteer companies delivering firefighting and emergency services in the Township and for their training and efficiency and for the use and care of Township equipment, Township apparatus and Township property real and otherwise.

The Public Safety Director shall be a paid position. The salary for the position of Public Safety Director shall be set forth in the Township's annual Salary Ordinance.

II Division of Fire:

The Division of Fire shall be headed by the Chief of the volunteer firefighting company providing services in the Township. The Chief shall report to and be responsible to the Public Safety Director. The Chief shall come from the volunteer staff and be selected by the volunteer firefighting company's members in accordance with the by-laws of the volunteer fire company.

Fire-protection services shall be provided in accordance with applicable law and pursuant to a contract between the parties as modified from time to time.

The objective of any fire company delivering firefighting services in the Township is the protection and preservation of life and property. The age of active members hereafter joining any fire company operating in the Township shall be above the age of 18 except for junior members who shall not be deemed fully active members but shall serve at the discretion and direction of the chief of the fire company. The Public Safety Director shall have the right to require a doctor's certificate from any current or prospective member at any time as to their physical fitness and ability to fulfill firefighting service responsibilities. Further, all members must comply with any and all federal, state or other rules and regulations pertaining to firefighting service qualifications for membership.

Members, volunteers and employees may not use any tobacco products while on duty or at any time when in Township vehicles, public buildings or during training. "Tobacco product" means smoking and smokeless tobacco.

III Division of Emergency Services:

The Division of Emergency Services shall be headed by the Chief of the volunteer company providing emergency medical services in the Township. The Chief shall report to and be responsible to the Public Safety Director. Emergency and rescue services shall be provided in accordance with applicable law and pursuant to a contract between the parties as modified from time to time.

In addition to such other qualifications as heretofore established by ordinance or by general law, all members of the emergency squads and rescue services providing emergency services in the Township shall be limited to those individuals who meet and maintain those qualifications to provide prehospital emergency care and/or rescue services as established by ordinance or by general law.

The objective of any squad delivering emergency services in the Township is the protection and preservation of life through providing emergency medical and rescue services. The age of active members hereafter joining the squad shall be above the age of 18 except for junior members who shall not be deemed fully active members but shall serve at the discretion and direction of the chief of the volunteer emergency squad. The Public Safety Director shall have the right to require a doctor's certificate from any current or prospective member at any time as to their physical fitness and ability to fulfill emergency medical service responsibilities. Further, all members must comply with any and all federal, state or other rules and regulations pertaining to technical emergency medical service qualifications for membership.

Members, volunteers and employees may not use any tobacco products while on duty or at any time when in Township vehicles, public buildings or during training. "Tobacco product" means smoking and smokeless tobacco.

IV Office of Emergency Management.

Within the Department of Public Safety there shall be a Division of Civil Defense, known as the "Office of Emergency Management," the head of which shall be the Director of Emergency Management, who shall be appointed by the Township Committee from among the residents of the municipality, pursuant to N.J.S.A. App. A: 9-40.1. The Office of Emergency Management and the Director of Emergency Management shall perform all of the functions, powers and duties prescribed by general law, executive order, ordinance or resolution. The Director of Emergency Management shall provide a written report to the Public Safety Director on a quarterly basis.

Within the Office of Emergency Management, there shall be a volunteer Community Emergency Response Team (CERT) consisting of citizens who have completed basic CERT training as recommended by the Federal Emergency Management Agency to be appointed by the Public Safety Director. All individuals seeking to volunteer for the Team shall be required to submit to a mandatory background check. The objective of the Team is to train community members to be able to support emergency services personnel during disasters, emergency events, and special community events. Members of the Team must be 18 years of age or older. Three Team leaders shall be chosen from its members and shall report to the Director of Emergency Management or his designee.

V General Provisions.

The Tabernacle Township Department of Public Safety, in order to support the provision of emergency services and the volunteer companies serving the Township, may bill for ambulance, transportation, fire, rescue, response and other services provided by the emergency service entities operating within the Township in accordance with all applicable State and Federal law and regulation. The rates of such services shall be determined and modified from time to time by the Public Safety Director. These charges shall be billed to the insurance company of the resident or party receiving assistance from the Department of Public Safety. The Public Safety Director shall administrate and ensure the accurate and timely billing for services by the Department.

The Public Safety Director may also act as the Director of Emergency Management and in such case shall provide a written report to the Township Committee on a quarterly basis.

Unless otherwise required by law and then in accordance with all applicable Federal and State regulation, Tabernacle Township, in the case of the Public Safety Director, and the various volunteer companies delivering firefighting and emergency services in the Township, in the case of volunteers, shall conduct a background check on any applicant once an applicant's credentials have been reviewed, it has been determined that the applicant is otherwise qualified for a position, and the applicant has been recommended for hire or membership.

Effective date: This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Public comment

- Mr. Lange summarized what the Township is trying to accomplish by adopting the Ordinance which creates the position of a Public Safety Director and a Public Safety Department whom will be responsible for the administrative and a paid position. This Ordinance does not change the delivery of those services except for reference to billing.
- Ms. Brown indicated that she would prefer to table this matter until Mr. Franzen is present and have a full Committee; spoke of a comment made by a resident that other towns have the same level of home grown volunteers answering calls. Our residents are comfortable with fellow residents as first responders; spoke of being applaud to see memorandum from Township Solicitor that comes from a request from the Committee to find out other ways to provide services to contract with others venues;
- Ms. Brown feels that it is great that the volunteers are hitting every single call, which is a pretty good record and feels that this Ordinance is punishing volunteers for a doing a good job.
- Mayor asked if there was any interest among the members to table the ordinance. There was no interest.
- Ms. Brown spoke that the Township can table a chicken ordinance because of not having a full Committee, but we cannot table an ordinance that deals with the public safety of the residence.
- Mr. Yates spoke that Mr. Franzen is on record stating how he feels about this ordinance in which he is in favor of the public safety director but not the billing; questions what exactly are we taking away from the TRS and spoke that if the Township takes over the billing what is the TRS losing; TRS is probably the best emergency rescue squad in the state doing a fabulous job however concerned over the ownership of the equipment; has issue with not knowing the amount of revenue TRS brings or membership.
- Ms. Brown spoke about the Township should have a contract that would address the equipment issue should they decide dissolve.
- Ms. Brown spoke that Mr. Barton has asked numerous times that he believes that Township should take over the billing.
- Mr. Barton spoke of wanting to see the records of revenue for what TRS does with the billing because they have not been forthcoming. If they have been able to purchase equipment it is imagined to be substantial and do programs. It is no different than the Township dissolving the fire district; that tax money came into the Township 100% of that money has not gone back to the fire company every year; it is used to offset the budget. Township should have a line item for every department for all of emergency services (fire, rescue, and ems, OEM, along with the billing money).
- Ms. Brown spoke of there being a difference, a fire district tax which is money that is paid by the residents; billing is earned off of the volunteers going out and answering calls.
- Mr. Barton feels that money to legally belong to the taxpayers because we have a right to take the billing and that is taxpayer's money.
- Mayor Lee spoke of this being good dialog and opening the meeting for public comment.

Public Comment (3-minutes)

- Mayor Lee reminded everyone to please be respectful and considerate regarding their comments to each other.
- Michael Callahan, Moore Road West. Spoke of not being in favor of Ordinance 2017-9 and creating a tax increase because an assistant may be needed; this is adding another person to the bureaucracy to make decisions, which is ridiculous; Mr. Cramer or a member of the Township Committee can do this, but do not put this the Clerk's Office. We have been getting along FINE without it.
- Mayor Lee asked Mr. Callahan how he felt when Township took over the fire district; Mr. Callahan spoke of it being unnecessary because now you do not know how to find the money at a particular time.
- Kathy Burger, Woodside Drive. Spoke of being opposed to the ordinance for a public safety director and believe that the fire company can report to the Administrator with no problem; should treat them as a separate contract; TRS is a business and they run it well and feels that it should remain in place.
- Fran Brooks, Moores Meadow Road. Agrees with some of the points of what Ms. Burger stated; Committee should take the position and vote without Mr. Franzen; Spoke that the "hub" of the issue is money and a proper contract is needed; no one disputes the competence of TRS.
- Stuart Brooks, Moores Meadow Road. Spoke that the Township Committee needs to get right with the data, its citizens and TRS. The past dealings with squad have been ugly; TRS is successful and have been given the franchise.
- Jennifer Husted, Goose Pond Road. Commented that the Township tabled a chicken ordinance, but not for something with significance; spoke of the Committee was elected to make decisions; questions how the TFC funded; spoke of being concerned there being is no plan in place; spoke that she hopes the residents are being heard.
- Col. William C. Lowe, Hidden Acres Drive. Spoke of being in favor of Public Safety Director; however he is not in favor of the billing; feels the Ordinance should say that this position should come up with a plan in working with the two primary operators. The problem here is the billing and whose personalities are bigger; and this means nothing

about public safety. TRS bills and pay their bills. Contract yes. Take the money aspect out of this discussion of the Ordinance.

- Don Shearer, Sooy Place Road. Spoke about fuming over this Ordinance; disappointed that Col. Lowe has said that he will be resign which actually hurts. Mr. Shearer was appalled by Mr. Barton's comments "we have every right to go in and take the money and take the billing"; does not agree and doesn't want to see that happen.
- Mayor Lee asked Col. Lowe to explain his comment of him resigning.
- Col. Lowe explained that he will continue to be the coordinator of OEM and that he himself should not be a factor on making a decision;
- Mark LeMire, Washington Way. Spoke of being in support of this Ordinance as it is written; Col Low was thanked for all his efforts.
- Ms. Leslie, Oak Shade Road. Spoke that if it isn't broke, don't fix it"; give them a contract and let TRS give back to the Community and let them continue to do so.
- Julia Sailor, South Park Road. Spoke about billing being a full time job and disagrees with Mr. Barton that the Township has a right to the funding; does not agree and not happy that private information being spread throughout the Township, EVER; spoke about being covered under private as a doctor with the HIPPA Laws. She does not want information to become public; billing alone will be a part time staff if not more and it will be a nightmare.
- Jaime Wood, TRS President, Spoke of TRS being a private organization under 501c nonprofit; spoke of willing to pay their own insurance as a private organization; commented that she feels that Township has no legal leg to stand on.
- George Jackson, Chief, TRS. Spoke that TRS had an agreement/contract and it was tabled; spoke about the provision being a list of volunteers which is not pertinent knowledge because first responders are a secondary target in an incident; the financials are always provided every year; the 2016 audit is not complete and is still with the auditor; the goal of TRS is to get the squad to do the billing themselves; reminded everyone the only reimbursement the TRS receives is the hours on the truck; not for the meetings, drills or answering emails. Chief Jackson explained that TRS is paying for their own fuel, which relieves the Township of that service; they will pay the insurance which is covered under the JIF.
- Mayor Lee spoke about wanting to consider the strength of the TRS Organization of which have been built on the tax payers, in addition to the hard work, questions how can Township take advantage of their success and the amount of support that TRS received and have it benefit the residents and share it among the all of the emergency services.
- Chief Jackson spoke that it is illegal for TRS to bill and apply the money elsewhere.
- Mr. Lange spoke of TRS being is the provider and they bill for the service they provide; they are not able to kick back money to the Township (Anti Kick Back Statute).
- Col Lowe, Hidden Acres Drive. Spoke about taking the money aspect out of this proposed Ordinance and wants everyone to remember there are grants and programs available for additional funding; spoke about the target of importance first to be the lives and safety of the residents of Tabernacle.
- Jennifer Husted, Goose Pond Road. How is TFC funded? Township voted to eliminate the fire district and all the money came under general fund. Looks like you are trying to fund other services. Please keep in mind Col. Lowe's comments and think about amending the Ordinance. Mayor Lee stated that the money for the fire company and is ear marked and is tax money; and the TFC contract needs to be modified.
- Judy Sailor, South Park Drive. Commented that paragraph 6 and 7 in the Ordinance contradict each other in its capacity.
- Kathy Burger, Woodside Drive. Questions the line item to appear in the budget and its plan; it is not permissible under DCA guidelines.
- Stephen Cramer, Old Indian Mills Road. Spoke that every year the amount has gone down and a dedicated line in the tax for taking over the fire district in the budget; questions the TRS billing money extra money to be saved.
- Fran Brooks, Moores Meadow Road. Spoke that a contract is needed and questions how monies are allocated; let them pay their insurance;

Mayor Lee closed public comment.

COMMENTS: TOWNSHIP COMMITTEE

Mrs. Brown commented that she supports to remove the paragraph for billing and questioned Mr. Lange who specifically asked him to give him direction place the language of "possible options and out sourcing the Tabernacle Rescue Services." Ms. Brown spoke that permission was not given to him at a Committee meeting; however it was the Committee as a whole because the discussion has always been that Committee was not looking to replace the TRS.

Mr. Yates spoke about many residents stated that we need this contract and it is time that we sit down and discuss the matter further and then finalize contracts.

Mayor Lee suggested the language to be changed to allow Township the availability to bill in the future if needed. Maybe request RFP's to have something to compare and to come to an agreement on billing and funding across the board.

Mayor Lee spoke that he agrees with Col. Lowe and that PSD is not responsible for any tactical control or any division of public safety; and to place people at ease to "may bill."

Mr. Lange suggested that if you change the wording from "shall" to "may bill" it will enable that luxury; therefore, he will prepare an amendment to this Ordinance.

Mr. Barton is in favor of the amendment which answers all of the concerns from everyone tonight and it gives the opportunity to appoint a PSD; the PSD can obtain the financials of all of the organizations so Township can fully understand the true costs.

- On a motion made by Mr. Yates, seconded by Mr. Barton, the Ordinance 2017-9, on second reading was offered for adoption
- Mr. Yates motion was amended for changing the language in the billing to "may bill" and cross out public safety director shall be a civilian position, adding language that PSD not be responsible for any tactical day to day control of any division of the department of public safety. The division of emergency services and volunteer company for transportation, rescue (add fire) response and other services provides by emergency services operating within the Township. Mr. Barton seconded the motion.

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

REPORTS

Report of Emergency Management Coordinator

Col. Lowe spoke about the success of the September 22, 2017 safety picnic and distributed flashlight pens with screwdrivers.

Report of the Township Engineer

Mr. Guzzi gave a reminder that Carranza Road will be on the NJDOT Municipal Aid. A Resolution will be placed next month.

Report of the Township Administrator

Mr. Cramer reported that interviews for Fire Marshal will be conducted. Recommendation will be provided at the October meeting for the position will start January 2018.

Mr. Cramer asked for a motion for the update Road Evaluation Program as previously discussed in which part was to review for the work that Mr. Barton request. Guzzi Engineering provided a cost estimate of \$10,000.00, which is about the same amount paid in 1999 to the previous engineer.

- On a motion made by Mr. Barton, seconded by Mr. Yates, to move forward on the Road Evaluation Program for Guzzi Engineer.

Roll Call: Barton, Brown, Yates, Lee Ayes: 4 Nays: 0 Carried.

Report of the Township Solicitor

None

Report of the Township of Committee

Mr. Barton spoke that he visited the Robert Shin Recycling Center and attended the County Meeting where Douglas Cramer was recognized as the Recycling Coordinator for Tabernacle Township: residents were asked to not put the plastic bags in the recycle cart. Tabernacle recycles!

Ms. Brown suggested that plastic bags be taken to Tabernacle Elementary School and suggests we cut down the time for second public comment because of the late hours of our meetings. Mayor Lee agreed.

Mayor Lee, Mr. Cramer and Guzzi Engineering will be meeting with the Pinelands Commission to discuss the proposed Town Hall building. Mayor Lee read a letter regarding the donation from Eagle Scout Boegley.

Public comment

Stuart Brooks, Moores Meadow Road. Comments on the sidewalk and bench at Town Hall were nicely done; questions the cancellation of the August 2017 meeting; Mayor Lee stated Mr. Yates had a death in his family and the Mayor decided to cancel the meeting and Committee recognizes it was an inconvenience. Mayor Lee confirmed that the cancellation was immediately placed on the website.

Fran Brooks. Moores Meadow Road. Suggested RFP's is good idea; suggests the Township form be updated to comply with the comptroller of the legal services; spoke of the proposed Town Hall discussion and not seeing anything regarding the infrastructure; we need to see specifics.

Adjournment

Seeing no further business the meeting was adjourned at 10:48 p.m. Those in favor: Ayes: 4 Nays: 0

Respectfully submitted,

La Shawn R. Barber, RMC/CMR
Municipal Clerk

Approved: 11/13/2017