

TABERNACLE TOWNSHIP COMMITTEE MINUTES OF AUGUST 24, 2015

The meeting was called to order by Deputy Mayor Richard Franzen at 8:00 p.m. followed by the Flag salute.

Sunshine Notice: This meeting is called pursuant to the Open Public Meetings Act. This meeting of August 24, 2015 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 Those in attendance were:

Governing Body

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

Professionals

Douglas Cramer, CPWM, Administrator
Frank S. Morris, Engineer
Terry Henry, Chief Finance Officer
Peter C. Lange, Jr., Esq. Solicitor
La Shawn R. Barber, Municipal Clerk



PUBLIC COMMENT

Stuart Brooks, 78 Moores Meadow Road, questioned several items on the bill list for payment.

Fran Brooks, 78 Moores Meadow Road, questioned the bill list items for the payment of signs and questions the capital bond request as fits into the 2015 budget and subsequent budgets.

Douglas Cramer, Township Administrator explained the bills, what they were for and why they were being paid.

Terry W. Henry, CFO explained the Bond Ordinance and financing.



APPROVAL OF BILLS

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

Roll Call: Barton, Lee, Yates, Franzen Ayes: 4 Nays: 0 Absent: 1 **Motion carried.**

APPROVAL OF MINUTES

- On a motion made by Mr. Lee, seconded by Mr. Barton, the minutes of August 10, 2015 was approved.
- Roll Call: Barton, Lee, Yates, Franzen Ayes: 4 Nays: 0 Absent: 1 **Motion carried.**

ORDINANCE

SECOND READING : ORDINANCE NO. 2015-10

AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, IN THE COUNTY OF BURLINGTON, NEW JERSEY; PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP, APPROPRIATING \$2,300,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$2,185,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME

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

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Tabernacle, in the County of Burlington, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the respective sums amounting in the aggregate to \$2,300,000,

including the sum of \$115,000 as the down payment for the improvement and purpose required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the several down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$2,185,000, pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued are as follows:

<u>Purpose</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Implementing the 2015 Township Road Program, as more fully described in scope of work on file in Office of the Township Clerk, and including expenses incurred in the planning, design and bidding of such services	\$1,230,000	\$1,168,500	\$61,500	15
Improvements to Township Buildings, including but not limited to improvements and repairs to Pepper House, Public Works Building, Town Hall, Community Center and Fire House and including expenses incurred in the planning, design and bidding of such services	\$750,000	\$712,500	\$37,500	10
Acquisition of Utility Body Truck with plow and lift gate	\$45,000	\$42,750	\$2,250	5
Acquisition of Medium Dump Truck with plow/sander/spray system	\$105,000	\$99,750	\$5,250	5
Acquisition of Large Dump Truck with plow/sander/spray system	\$170,000	\$161,500	\$8,500	5
TOTALS	\$2,300,000	\$2,185,000	\$115,000	11.97826

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes authorized herein is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby

authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the 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 notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or obligations for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 11.97 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate 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. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,185,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$350,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.
- (e) The Township reasonably expects to commence the acquisition of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

RESOLUTION #2015-114

A RESOLUTION OF THE TABERNACLE TOWNSHIP COMMITTEE ADOPTING CHANGE ORDER NO. 1 TO A CONTRACT BETWEEN THE TOWNSHIP OF TABERNACLE AND AMERICAN ASPHALT INC. FOR THE 2014 TUCKERTON ROAD REPAVING.

WHEREAS, Shamong Township and Tabernacle Township collectively have a Shared Service Agreement for the 2014 Tuckerton Road Repaving Project in the amount of \$337,284.25 at which the award of contract went to American Asphalt Inc; and

WHEREAS, Change Orders are regulated by Local Finance Board regulation N.J.A.C. 5:34-4; and

WHEREAS, approval by the Mayor and Committee is required for all Change Orders; and

WHEREAS, The Administrator and Guzzi Engineering Associates, LLC, have recommended that the Mayor and Committee approve Change Order No.1 as described below:

Change Order #1

Description of change in scope of work:

- Amount of Original Contract: \$337,284.25
- Total Change Amount: \$ 77,799.06
- **Adjustment Based on Change Order No. 1:** **\$415,083.31**

WHEREAS, the adjusted amount of this contract based upon Change Order No. 1 is **\$415,083.31**.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Tabernacle in the County of Burlington as follows:

1. Change Order No. 1 to the contract between the Township of Tabernacle and American Asphalt Inc. is hereby authorized by the Township; and
2. The Mayor is hereby authorized and directed to execute Change Order No. 1.

ADOPTION - Motion made by Mr. Barton, seconded by Mr. Lee.

Roll Call: Barton, Lee, Yates, Franzen Ayes: 4 Nays: 0 Absent: 1 **Motion carried.**

RESOLUTION 2015-115

APPROVAL TO SUBMIT A 2016 GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE OAK SHADE ROAD PROJECT

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

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as **SAGE 2016 Municipal Aid application** to the New Jersey Department of Transportation on behalf of Tabernacle Township.

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

ADOPTION - Motion made by Mr. Lee, seconded by Mr. Yates

Roll Call: Barton, Lee, Yates, Franzen Ayes: 4 Nays: 0 Absent: 1 **Motion carried.**

RESOLUTION 2015-116

AUTHORIZE SUBMISSION OF MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS

WHEREAS, the Burlington County Board of Chosen Freeholders has approved the Open Space, Recreation, Farmland and Historic Preservation Trust Fund ("Trust Fund") and established a Municipal Park Development Program ("Program") to provide grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for municipal public park and recreation development purposes; and

WHEREAS, the Governing Body of the **Township of Tabernacle** desires to obtain County Municipal Park Development Program funds in the amount of **\$250,000.00** to fund Tennis and Basketball Court Refurbishment with Shelter & Security Improvements for Pricketts Mill Park, 434 Pricketts Mill Road (Block 803.01, Lots 19 & 19); and

WHEREAS, the **Township of Tabernacle** will be the holder of any interest acquired with County funds; and

WHEREAS, the County will be the holder of any interest acquired through the Program; and

WHEREAS, Tabernacle Township is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY Tabernacle Township Committee THAT:

1. **Kimberly A. Brown, Mayor and Douglas Cramer, Township Administrator** are authorized to (a) make an application to the County of Burlington for Municipal Park Development Program Funds, (b) provide additional application information and furnish such documents as

may be required for the Municipal Park Development Program and (c) act as the municipal contact person and correspondent of the above named municipality.

2. The **Township of Tabernacle** is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program.

3. If awarded a grant by the County of Burlington under the Municipal Park Development Program, the municipality will use the approved funds in accordance with the Municipal Park Development Program Policy and Procedure Manual, and applicable federal, state, and local government rules, regulations and statutes thereto.

4. **Kimberly A. Brown, Mayor and Douglas Cramer, Administrator** are hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Burlington for the approved Funds.

5. This resolution shall take effect immediately.

ADOPTION - Motion made by Mr. Lee, seconded by Mr. Yates

Roll Call: Barton, Lee, Yates, Franzen Ayes: 4 Nays: 0 Absent: 1 **Motion carried.**

RESOLUTION 2015-117

A RESOLUTION OF THE TOWNSHIP OF TABERNACLE CONFIRMING THE FINDINGS OF THE MUNICIPAL ENGINEER AND AUTHORIZING DRAW UPON THE IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER 9101071 ISSUED BY PEOPLES SAVINGS BANK DATED JANUARY 13, 2006

WHEREAS, the Township Committee of the Township of Tabernacle is aware of the action of the Tabernacle Township Land Development Board granting final major subdivision approval on September 1, 2004, as memorialized by Resolution 2004-19 adopted on September 15, 2004 relating to the property designated as 503.01 and 505, Lots 4, 5 and 8 on the tax map of the Township of Tabernacle; and

WHEREAS, the Land Development Board subdivision approval required the installation of certain public improvements subject to the approval and acceptance of same by the Township of Tabernacle; and

WHEREAS, the Township of Tabernacle has received a letter issued by the Township Engineer, Frank S. Morris, indicating that certain items of public improvement have not been installed in accordance with the plan and plat specifications for the subdivision known as Friendship Acres and designated as Blocks 503.01 and 505, Lots 4,5 and 8. See Exhibit "A" attached hereto; and

WHEREAS, the Township Committee believes that it is in the public interest to make a claim under the Performance Bond issued by PEOPLES SAVINGS BANK under Irrevocable Standby Letter of Credit No. 9101071, which was posted as a condition of the filing of the subdivision plat for Blocks 503.01 and 505 Lots 4, 5 and 8 in favor of the Township of Tabernacle in the amount of One Hundred Ten Thousand Two Hundred Ninety Seven Dollars and Eighty Three Cents (\$110,297.83) plus inspection escrow in the amount of Four Thousand Five Hundred Thirty Three Dollars and Twenty Four Cents(\$4,533.24) for a total amount of One Hundred Fourteen Thousand Eight Hundred Thirty One Dollars and Seven Cents (\$114,831.07); and

WHEREAS, the Township has attempted in good faith to insure that the applicant and builder complete the obligations set forth in the Resolution of approval.

NOW, THEREFORE, BE IT RESOLVED, that the Committee of the Township of Tabernacle hereby authorizes, a claim under Irrevocable Standby Letter of Credit No. 9101071 issued by PEOPLES SAVINGS BANK, in the amount of One Hundred Ten Thousand Two Hundred Ninety Seven Dollars and Eighty Three Cents (\$110,297.83) plus inspection escrow in the amount of Four Thousand Five Hundred Thirty Three Dollars and Twenty Four Cents (\$4,533.24), for a total amount of One Hundred Fourteen Thousand Eight Hundred Thirty One Dollars and Seven Cents (\$114,831.07) , which sums are necessary to complete the installation and maintenance of public improvements for the subdivision of Block 503.01 and 505, Lots 4, 5 and 8, commonly known as Friendship Acres.

I certify that the foregoing Resolution was duly adopted at a regular meeting of the Committee of the Township of Tabernacle held on the 24th day of August, 2015.

ADOPTION - Motion made by Mr. Lee, seconded by Mr. Yates

Roll Call: Barton, Lee, Yates, Franzen Ayes: 4 Nays: 0 Absent: 1 **Motion carried.**

RESOLUTION 2015-118

AUTHORIZING TO SOLICIT BIDS FOR COLLECTIN AND DISPOSAL OF MUNICIPAL SOLID WASTE SERVICES.

WHEREAS, Tabernacle trash contract with South Jersey Sanitation shall expire on December 31, 2015; and

WHEREAS, specifications and public advertising for bids on behalf of the Township of Tabernacle shall be made in accordance with NJSA 40A: 11-13; and

WHEREAS, sealed proposals will be received by the Township Clerk on behalf of Tabernacle Township of the Collection and Disposal of Solid Waste Services.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey hereby authorizes the Township Administrator to solicit bids for the collection and disposal of trash on behalf of Tabernacle Township.

BE IT FURTHER RESOLVED that advertisement shall be made in The Star Ledger, The Central Record and Burlington County Times, where sealed bids will be received and opened at Tabernacle Town Hall.

ADOPTION - Motion made by Mr. Lee, seconded by Mr. Barton
Roll Call: Barton, Lee, Yates, Franzen Ayes: 4 Nays: 0 Absent: 1 **Motion carried.**

STATE AGENCY REPORT/ STATE POLICE

The State Police – Trooper of the Red Lion Barracks provided information regarding proactive security measures for residents in the community.

Members of the State Department of Environmental Protection gave an informative presentation to concerned citizens regarding the Motorized Access Plan for Wharton State Forest. The (M.A.P) is designed to make many activities available in the Forest accessible to visitors driving on-road motor vehicles, while also preserving and protecting the Forest's precious and irreplaceable natural environments. The plan includes a detailed map that shows miles of open roads within the Forest and informs both first-time and long-time visitors to the park of the many opportunities to enjoy the environment. The majority of all roads within the Forest will remain open for public motorized access. The non-designated routes will remain open to foot traffic, horseback riding and bicycling. The new Motorized Access Plan is designed to promote responsible recreation in the Forest and protect the natural cultural resources in the Forest, promote access to new visitors and maintain access to kayak and canoe launch sites. This is also designed to improve coordination and access for emergency responses including forest fire, search and rescue operations and severe storm responses.

Sammy Moore, New Jersey Forest Fire Service, spoke about the social media comment regarding this issue and spoke of being in support of this M.A.P because this is good for the public's safety.

Gary Harrison questioned the ability to continue to hunt in the woods. He further spoke of his concern of not being able to shoot in the woods while people are actively in the woods.

Alan Rowles, 4 Waltham Drive, spoke of road that are being use and questioned the statute that gives the state the right to shut down the roads.

Edward Aneberg, 17 Bozarthtown Road, spoke about the public not being provided advanced notice about the State's Plan and wants the map to show foot trails.

Donald Shearer, 218 Sooy Place Road, questioned the safety for the hunters if access will be allowed in the woods.

Joe Boyl, Southampton Township resident spoke about supporting this plan.

Stephen Lee, IV, questioned the funding resources for the State to have the ability to execute their plan.

George Jackson, III, Chief Rescue Squad, spoke about the access problem in the woods and the use of an off-road ambulance.

Joseph Barton spoke of the roads are being closed because of no funding to maintain the roads. He wants a letter to be sent from the Township regarding funding and enforcement of snorkeling vehicles making the ruts in the woods.

Sammy Moore thanked the public for their comments and support.

PUBLIC COMMENT

Ms. Cidnie Richards, 26 Waltham Drive, spoke about the proposed pipeline that seeks to run the controversial 22-mile pipeline along roadways through the pines. She prepared a packet of information for the Committee to review.

There were no further comments.

REPORTS

Office of Emergency Management - Col. Lowe invited the Mayor and Members of the Committee to Tabernacle Township Wellness Day, Friday, September 11, 2015.

Township Engineer – Mr. Morris spoke about Medford Lakes Road Phase II project and Lakeview Drive and Spring Drive paving projects. The Township will receive bids to be awarded at the Monday, September 28, 2015 meeting.

Township Administrator – Mr. Cramer spoke about a request received from Shan McClauslin to retain his fire helmet was denied. However a suggestion was made for him to retain the front shield of the helmet. Motion made by Committeeman Lee, seconded by Committeeman Yates, the front shield of the helmet will be returned to Shane McCausland.

Gypsy Moth Application – The gypsy moth application was sent to the Department of Agriculture to provide a survey.

Fire Company – Mr. Cramer provided information concerning the nature of calls and number of responses received from Tabernacle Fire Company No.1

Patty Bowker Park/Prickett's Mill Park – Mr. Cramer spoke that we are in the process of ordering 100 yards of mulch for the playground; and working to bring both parks in compliance. We have contracted to have vegetation control on the baseball fields;

Brush Pick up – Mr. Cramer reported on the brush from the June 23, 2015 storm, as of Monday, August 24, 2015 the Township collected approximately 1800 yards. Section III and IV had more brush than Section I and II; we have been running three crews with a rented machine;

AZ Tree Service worked in the areas of Summit Drive, Woodside Drive, Lakeview, Hillcrest. We did keep AZ Tree Service within the requirements of the bidding process. We are participating in a Pineland Program with FEMA and hope to recuperate approximately of 85%; which may cover a portion of rented equipment and temporary employees.

Township Solicitor – Mr. Lange continued to keep members of the Committee abreast of the efforts regarding the registration of properties in foreclosure. The registration continues to create additional revenue and it appears that the banks are taking notice of the new Ordinance and the potential penalties which may be assessed upon them.

Demolition Permit: 22 Lee Drive. The demolition may resolve itself with the demolition.

OPRA - The August 20, 2015 letter from the Burlington County Prosecutor's Office regarding alleged violations regarding OPRA was presented to the Mayor and Members of the Committee. The letter indicated that there an investigation and review was conducted by the Special Investigations Unit. Assistant County Prosecutor Drummond by virtue of this August 20, 2015 letter stated: "NONE OF THE COMPLAINTS WERE FOUNDED" and the investigation were officially closed.

Mr. Cramer requested that the Committee make a motion to have necessary bills paid since the September workshop meeting will be cancelled.

- On a motion made by Committeeman Yates, seconded by Committeeman Barton, the bills were ordered paid.

Roll Call: Barton, Lee, Yates, Franzen Ayes: 4 Nays: 0 Absent: 1 Motion carried.

Township Committee – Mr. Lee spoke that he met with Senator Connors and had a very nice discussion regarding OPRA and the litigation it entails.

Deputy Mayor Franzen spoke of Friday, December 4, 2015 is the Christmas Tree Lighting Ceremony and Santa will be making another appearance.

ADJOURNMENT

On a motion made by Mr. Barton, seconded by Mr. Lee, the Meeting adjourned at 10:26 P.M.

Roll Call: Barton, Lee, Yates, Franzen Ayes: 4 Nays: 0 Absent: 1 **Motion carried.**

Respectfully submitted:

La Shawn R. Barber, RMC/CMR
Municipal Clerk

Approved: 9/28/2015