

Tabernacle Township Committee Minutes Town Hall Meeting of February 26, 2018

Mayor Joseph Barton called the regular meeting to order at 7:30 p.m. followed by the Flag Salute.

Moment of Silence

Mayor Barton offered a moment of silence for the following:

- Victims of the mass shooting at the Douglas High School in Florida
- Reverend Billy Graham
- Tabernacle Rescue Squad 439 Member JoAnn Jackson

Sunshine Notice: This meeting was called pursuant to the Open Public Meetings Act. This meeting of February 26, 2018 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.

Roll Call - Governing Body

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

Administrative Team

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

Mayor announced governing body will go into executive session to discuss shared service with adjacent municipalities. Action may or may not be taken.

Public Comment - Agenda Items

Stuart Brooks, Moores Meadow Road, commented on the sale of municipally owned property and spoke of prior discussion concerning adjacent property owner Sean Judy. If the Township has no use for the property, no public purpose; feels the property should be sold to get the value of the sale, annual taxes and remove the burden of maintenance. Also if this is a land locked property should consider offering to adjacent land owners for the assessed value.

Deputy Mayor Lee spoke of Mr. Brooks making a reference to a piece of property that Sean Judy wanted to purchase; as recalled Township did not refuse the sale, did not come to an agreement of a sale.

Ms. Brown and Mr. Yates spoke of Mr. Lee's recollection being correct. Mr. Yates spoke of looking at every piece of Property Township interested in putting up for bid, none appears to be landlocked.

Approval of Bills

- On a motion made by Ms. Brown, seconded by Mr. Yates the bills were ordered paid. Mr. Cramer went over the expenditures listed for emergency vehicles.

Roll Call: Brown, Franzen, Lee, Yates, Barton Ayes: 5 Nays: 0 Carried.

Approval of Minutes

- On a motion made by Mr. Lee, seconded by Mr. Franzen the minutes of January 2, 2018(Reorganization) was of was offered for adoption.

Roll Call: Brown, Franzen, Lee, Yates, Barton Ayes: 5 Nays: 0 Carried.

- On a motion made by Mr. Franzen, seconded by Mr. Yates the minutes of January 22, 2018 was offered for adoption.

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

Resolutions

RESOLUTION 2018-39 RESOLUTION TO DECLARE GYPSY MOTH A PUBLIC NUISANCE

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Tabernacle; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Township Committee of the Township of Tabernacle has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.

NOW THEREFORE BE IT HEREBY RESOLVED by the Township Committee of the Township of Tabernacle that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life there from is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

I, **La Shawn R. Barber**, Municipal Clerk of the Township of Tabernacle, County of Burlington, State of New Jersey, do hereby certify that this Resolution was adopted by the municipal governmental body at an open public meeting which was duly advertised to the citizens of the municipality in accordance with the law, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-9.

I also certify that this municipality has, or will, comply with the notice provisions required by N.J.S.A. 4:7-39.

I further certify the above to be a true and correct copy of a resolution adopted by the Tabernacle_Township Committee at a regular meeting of that body held **February 26, 2018**.

- On a motion made by Mr. Franzen, seconded by Ms. Brown, Resolution 2018-39 was offered for adoption.

Roll Call: Brown, Franzen, Lee, Yates, Barton Ayes: 5 Nays: 0 Carried.

RESOLUTION 2018-40 AUTHORIZING THE APPROVAL TO PLACE A TEMPORARY MOBILE HOME ON PERSONAL PROPERTY

WHEREAS, request was made for permission to place a temporary mobile home on the of property located at Block 2002, Lot 11.01 in Tabernacle Township as the Hall Family renovate their existing residence on the property; and

WHEREAS, the need to place a temporary mobile home trailer on the property would eliminate issues of hardship on the family; and

WHEREAS, the Construction Official has no objections to placing a temporary housing trailer on the site during the course of the reconstruction of the current dwelling; however, request the trailer be removed within 14 days of a Temporary Certificate of Occupancy being issued and that a Certificate of Occupancy will not be issued until removal of the trailer.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby authorize the Hall Family to place a temporary mobile home trailer on the property located at **Block 2002, Lot 11.01** in Tabernacle Township for a time period not to exceed (9) nine month, effective immediately.

- On a motion made by Mr. Lee, seconded by Mr. Yates, Resolution 2018-40 was offered for adoption.

Roll Call: Brown, Franzen, Lee, Yates, Barton Ayes: 5 Nays: 0 Carried.

RESOLUTION 2018-41 AUTHORIZING THE CONTRACT FOR THE PURCHASE OF A 2004 CASE GRADER

WHEREAS, the Township of Tabernacle, pursuant to N.J.S.A. 40A:11-36(2) may, by resolution and without advertising for bids, purchase goods or services from another municipality; and

WHEREAS, the Township of Lakewood is desirous of selling a 2004 Case Grader for \$40,000.00; and

WHEREAS, the Township of Tabernacle is in need of such a case grader; and

WHEREAS, there are sufficient funds available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Committee of the Township of Tabernacle this 26th day of February, 2018, that the Township of Tabernacle enter into a Contract for Sale with the Township of Lakewood, NJ for the purchase of a 2004 Case grader, model # 865 DHP, serial number HBZ022140 for \$40,000.00 for the Township's use

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute the contract for sale, as well as, any other related documents necessary and incidental to the purchase in order to complete said purchase.

CONTRACT FOR SALE OF GOODS

AGREEMENT made this 26th day of February, 2018, **by and between Lakewood Township**, located at 231 Third Street, Lakewood, NJ 08701, (hereinafter referred to as "Seller"); and

The **Township of Tabernacle**, located at 163 Carranza Road, Tabernacle, NJ 08088 (hereinafter referred to as "Buyer").

Whereas the Seller is the owner of a **2004 Case grader, model # 865 DHP, serial # HBZ022140** (hereinafter referred to as the "Property"); and

Whereas, Buyer desires to purchase and Seller desires to sell the Property.

Now, therefore, in consideration of the sum of Forty Thousand (**\$40,000.00**) Dollars and 00 Cents (hereinafter referred to as the "Purchase Price"), the Seller agrees to sell, transfer and convey the Property to the Buyer, free from all liens, encumbrances, or adverse claims upon the following terms:

1. The Property will be delivered on or before March 29, 2018.
2. The Buyer agrees to pay for the Property upon delivery.
3. The Seller shall deliver the Property to, and accepted by the Buyer, at 163 Carranza Road, Tabernacle, NJ.
4. The Seller shall assume the risk of loss from any casualty to the Property, regardless of the cause, until the Property is received and inspected by the Buyer, without being rejected.
5. The Buyer is required to inspect the property upon receipt or waive its right to reject the property. After acceptance the Buyer shall assume the risk of any loss. After rejection, the Seller shall assume the risk of loss, including any loss that may occur in transit while the property is being returned to the Seller. The Buyer must give notice to the Seller of any claim for damages on account of the condition, quality, or grade of the Property to the extent the Property is not in the same condition as when inspection took place. The Buyer must specify in detail the basis of any such claim. If the Buyer does not comply with these conditions this shall constitute an irrevocable acceptance of the Property by the Buyer.
6. The Seller warrants that the Property will be sold and delivered free from any security interest, liens or encumbrances, or claim of title hostile to the rights of the Seller. Seller will provide the Buyer with a Certificate of Title and any and all documents necessary to transfer title to the Property to the Buyer.
7. If the Seller receives notification of a rejection of the Property, the Seller must immediately arrange for the return of the Property to Seller. However, the Seller may have an agent inspect the Property for nonconformity; within 3 days, prior to their return, or after their return. All such returns are to be made to the Seller at Seller's aforementioned address.
8. The Property is being sold "as is" and the seller disclaims all warranties of quality, whether expressed or implied, including the warranties of merchantability and fitness for particular purpose. The Buyer acknowledges that it has not been induced by any statements or representations of any person with respect to the quality or condition of the Property and that no such statements or representations have been made. The Buyer acknowledges that it has relied solely on the investigations,

examinations and inspections as the Buyer has chosen to make and that the Seller has afforded the Buyer the opportunity for full and complete investigations, examinations and inspections.

9. The parties agree and intend that this agreement will be construed and interpreted in accordance with the laws of the State of New Jersey.

10. This agreement terminates and supersedes all prior agreements between the parties, if any. This agreement sets forth the entire agreement between the parties. This agreement may not be changed, altered, or amended except in by a writing signed by both parties.

11. Each person who signs this agreement warrants that he or she does so with the full and legal authority to execute this agreement on behalf of the respective parties to this agreement.

12. This agreement may be signed in one or more counterparts, which together will form a single agreement. This agreement may be signed electronically.

In witness whereof, the parties execute this agreement on the date indicated.

• On a motion made by Mr. Franzen, seconded by Ms. Brown, Resolution 2018-41 was offered for adoption.
Roll Call: Brown, Franzen, Lee, Yates, Barton Ayes: 5 Nays: 0 Carried.

**RESOLUTION 2018-42
GRANTING BINGO AND RAFFLE LICENSE TO TABERNACLE (HSA) HOME AND SCHOOL ASSOCIATION / HSA
TABERNACLE**

WHEREAS, the **HSA TABERNACLE** has filed an application with the Township Committee to conduct BINGOS and 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 bingo and raffle, are bona fide active members of said organization, and that the bingo and raffle will be conducted in accordance with the Bingo and Raffle Licensing Law, N.J.S.A. 5:8-24 et seq.; and

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

RA: 2018-06 On-Premise - Merchandise	March 23, 2018	<u>Time: 7-9:30 PM</u>
RA: 2018-07 On-Premise – 50/50	March 23, 2018	<u>Time: 7-9:30 PM</u>
BA: 2018-08 Bingo	March 23, 2018	<u>Time: 7-9:30 PM</u>

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 Bingo and Raffle License.
2. That the Township 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. Lee, Resolution 2018-42 was offered for adoption.
Roll Call: Brown, Franzen, Lee, Yates, Barton Ayes: 5 Nays: 0 Carried.

Motion: Parade Permit: Approving parade permit for 2018 Curly Fern Enduro – SJ Enduro Riders, Inc. The motion was made by Mr. Franzen, seconded by Mr. Lee.

Roll Call: Brown, Franzen, Lee, Yates, Barton Ayes: 5 Nays: 0 Carried.

Motion: Parade Permit: Approving parade permit for PBER Clock Run – Pine Barons Enduro Riders. The motion was made by Mr. Yates, seconded by Mr. Lee.

Roll Call: Brown, Franzen, Lee, Yates, Barton Ayes: 5 Nays: 0 Carried.

Old Business

Public Safety Director Position Specifications – Public Comment

Mayor Barton spoke about the Public Safety Director Position last year was discussed and would look into an RFP for that position and have a sub-committee to review applicants to make a selection to move forward.

Stuart Brooks, Moores Meadow Road, spoke of reviewing the two draft version documents for the position and commented on the distribution of supervisory duties for OEM, EMS and fire to be a part-time position.

Fran Brooks, Moores Meadow Road, spoke of it being a conflict of combining the positions; it would be better keep separate.

Closed public comment.

Mr. Franzen spoke that the person should report to the Township Administrator; the OEM should be a separate position.

Ms. Brown spoke the draft document prepared by Mr. Cramer with the combined positions of the Emergency Management Coordinator /JIF Safety Coordinator and Public Safety Director because that is what the Committee has asked him to do.

Mr. Yates spoke of keeping the position of the OEM position and keeps it separate; the Public Safety Director should be answering to the Township Administrator because Township Committee oversees the Administrator. Ultimately, everything will come to Township Committee us but there has to be a chain of commands.

Mr. Lee spoke of the position of the Public Safety Director should report to the Township Committee; however Mr. Franzen reporting to the Township Committee.

Members of the Township Committee reviewed the draft document to address basic functions, duties and qualifications for the Public Safety Director as agreed.

- Motion to ask the Township Clerk to advertise request for proposals for this position was made by Mr. Yates, seconded by Ms. Brown.

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

- Mr. Franzen spoke of casting a no vote because he does not agree with the public safety director reporting to Township Committee.
- Mayor Barton spoke about Joe Yates and Stephen Lee were on the public safety committee to review the applications, conduct interview and make recommendation to the Township Committee.
- Mr. Lee spoke of wanting the flexibility to include other members of public that have special interest. There were no objections.

EMS – RFQ/ Contract – Public Comment

Mr. Yates spoke of being fine with public comment; however wants to table discussion with Township Committee to after we pick a public safety director wants the input from them.

Ms. Brown expressed to entering into the contract that has been sitting two years for the squad; there is no time frame for the employment of a public safety director.

Mr. Lee wants the RFP process before a contract and hiring a Public Safety Position.

Mr. Barton spoke of wanting Public Safety Director in place first.

Motion to table the EMS RFQ Contract until a Public Safety Director is in place.

Mr. Franzen spoke of being opposed to the entire RFP process and will be voting against; we had a contract two years ago and did not do it, it should be updated and put in place. If it is postponed tonight it is doing a disservice to all the people that came out here tonight to speak their minds.

Mr. Lee spoke of the rescue squad contract being complicated as a lot of changes since initial discussion and wants to go through an RFP process same as we do for our Township Professionals after we have the hired Public Safety Director.

Ms. Brown spoke about RFP process for professionals, “should not be grouped in the same fashion with the EMS; the fire company is not group in that fashion and Township has a contract, it is the same entity with different services and they are both volunteers. When 911 get called everyone shows up. Ms. Brown does not understand how Mr. Lee can group paid professionals in the same category as our volunteers. It looks like you have no faith in the people that live in your Town that are providing the services. In fairness give some comfort that an RFP is not going out next month and the volunteers have just is fired.” Ms. Brown spoke not being comfortable with the public safety director weighing in on their opinion as if Township hires someone that does not live in Tabernacle.

Mayor Barton spoke of the discussion on Emergency Medical Services will be tabled until after a Public Safety Director is in position.

Subcommittee for Municipal Court Judge

Mayor Barton spoke of the subcommittee for shared services and the resumes received for Municipal Judge.

Mr. Franzen spoke of reviewing some of the resumes and wanting him and Mr. Lee to get together as the deadline is February 28, 2018 to conduct interview; make arrangement to sit in their court room to see how they run their courts.

- On a motion to authorize the Municipal Clerk to authorize to advertise for positions of Chief Finance Officer and position of Emergency Management Coordinator /JIF Safety Coordinator was made by Mr. Lee, seconded by Mr. Franzen

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

New Business

Sale of municipally owned property – Mr. Cramer prepared a list as he received a few inquiries regarding proposed purchases from neighboring property owners for several properties as follows:

1. 10 Richter Road, Block 326, Lot 8
2. 106 Forked Neck Road, Block 1401, Lot 2
3. 67 Richter Road Block 324, Lot 15
4. 32 Woodside Drive, Block 309, Lot 17
5. Goose Pond Road, Block 1502, Lot 5; recommend selling Lots 4.01, 40.2 and 4.03 with Lot 5.
6. 1540 Route 1540, Block 324, Lot 5; (commonly known as the Myers Property); discussion regarding the foreclosure / sale of the lien for property

Mr. Lange would need to prepare an ordinance for consideration.

Sale of municipal tax liens – Mr. Lange spoke about the 9 Worrell property request for municipal tax lien reduction as the home is having difficulties selling;

Public comment was offered by Ms. Long, who is the owner of 9 Worrell Road, spoke of her request of having difficulties making settlement with a prospective buyer. She and her brother spent money cleaning out the house that was previously occupied by her brother, who is now deceased.

There was no objection for Mr. Lange to follow up discussion with Ms. Long and report back to the Township Committee for next month meeting.

Pepper – Knight House window repair/replacement – request was made for repair and replace windows; Mr. Yates suggest the Township Administrator first contact Lenape Regional High School District woodshop for possibility to fabricate new windows with material provided by the Township.

2018 Budget Presentation

Members of the governing body will review the draft 2018 budget material and hold discussion at the next meeting. The budget will need to be introduced by March 16th; adoption must be by April 20th or next regularly scheduled meeting of the governing body.

Report of the Township Engineer

NJDOT Grant - Mr. Guzzi reported Township received \$245,000 for Carranza Road improvements.

Report of the Township Administrator

Gypsy Moth – Mr. Cramer reported the Township will participate in the gypsy moth spraying program

Case Grader – Township approved the purchase of a 2004 Case Grader from Lakewood Township for \$40,000.00.

Report of the Township Solicitor - None

Report of the Township Committee

Ms. Brown spoke that she will not be attending the next meeting; she will be forwarding Municipal Alliance letters to the Township Committee.

Mr. Lee spoke of having tremendous pride in Tabernacle and offered condolences to the family of the passing of our TRS member.

Mayor Barton spoke of supporting legislation that some towns are passing a resolution to reduce telemarketing harassment; Pinelands Commission are making changes to their plans in which we may need to take some action to be in compliance with their changes.

Public Comment

Fran Brooks, Moores Meadow Road, questioned the timeline for the positions to be advertised; spoke of wanting the Committee to be clearer when making motions for tabling discussions; questioned the absence of the executive session minutes of January 22, 2018 for approval; spoke about the quality of Carranza Road and grant money was received; spoke about negative comments she heard being made at the last twp. meeting; spoke of Col. Lowe's inappropriate shocking statement concerning the military not being heroes and that TRS are higher heroes than the people who fight in wars.

Mayor Barton addressed comments by Ms. Brooks in that Col. Lowe gave a report as the OEM Coordinator and also spoke as a resident and that he has a right to speak his mind just as she does.

Douglas Cramer, Vale Drive, spoke of his recollection of Col. Lowes statement was about the people who served in the military during his 30 years of U.S. Army service; also served the Township with heroes being the firefighters and EMS being equal and was not making any negative reference to the military.

Brian Husted, Goose Pond Road, spoke about the public safety director qualification and the timeline of and RFP for EMS that is working without a contract. "Township cannot ask for a better service than the EMS that we currently have. Get the contract signed."

