

## Tabernacle Township Committee Minutes of November 28, 2016

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Mayor Lee called the 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 special meeting of November 28, 2016 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** Those in attendance were:

### **Governing Body**

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

### **Administrative Team**

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

Note: Mrs. Brown has a family emergency to deal with and was not in attendance.

### **Tabernacle Superintendent of Schools**

Mayor Lee introduced the new Superintendent of Tabernacle Schools District, Glenn Robbins who was welcomed by the members of the Township Committee. Committeeman Yates spoke of a goal to have internet access at home for all the children.

### **Public Comment on Agenda Items**

Stuart Brooks, Moores Meadow Road, spoke about the TAA Use License Agreement questioning if it was anticipated if the governing body would be voting on it tonight and if it would be adopted by resolution rather than an ordinance. Mr. Brooks questioned why it would be adopted by resolution and not like the TFC #1 or the TRS adopted by ordinance.

Fran Brooks, Moores Meadow Road, commented on the bill list for payments made to Eileen Baitzel who came in for temporary staff help for Town Hall offices. Ms. Brooks also questioned the purpose for bills with respect to Barnes Brothers Shed for public works; Jersey Pines Overhead Doors repair to the firehouse door; and the purchase of an iPad communication for the municipal court.

### **Approval of Bills**

Motion made by Mr. Barton, seconded by Mr. Yates, to approve the bills. Motion carried.

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

### **Approval of Minutes**

Motion made by Mr. Franzen, seconded by Mr. Yates to approve the meeting minutes of October 24, 2016 as presented. Motion carried.

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

**New Business**

RFPs received for professional appointments for fiscal year 2017 – Mayor Lee spoke of the process the Township went through to advertise for 2017 Professional appointments. Committeeman Barton and Committeewoman Brown will spearhead the process and give a presentation to the Township Committee for an open dialog regarding professionals.

**Resolutions**

**RESOLUTION 2016-115  
ADOPTING CHANGE ORDER NO. 2 TO A CONTRACT BETWEEN THE TOWNSHIP OF  
TABERNACLE AND AMERICAN ASPHALT COMPANY, INC.**

**WHEREAS**, on September 28, 2015 the Township Committee awarded the contract for the 2015 NJDOT MUNICIPAL AID PROGRAM, MEDFORD LAKES ROAD, IMPROVEMENTS, PHASE II in the amount of **\$435,795.70** to American Asphalt Co., Inc., 100 Main Street, W. Collingswood Hgts., NJ 08059; 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 Alaimo Group have recommended that the Mayor and Committee approve Change Order No. 2 as described below:

**Change Order #2**

**Description of change in scope of work:**

- Amount of Original Contract: \$ 435,795.70
- Amount of Change Order No. 1(Reduction) Resolution 2016-156: \$ (28,050.61)
- **Amount of Change Order No. 2 (Reduction) \$ (51,387.60)**
- Extra +: \$ 16,698.89

**WHEREAS**, the adjusted amount of this contract based upon Change Order No. 2 is **\$373,056.38**.

**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. 2 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. 2.

- On a motion made by Mr. Yates, seconded by Mr. Franzen, Resolution 2016-115 was adopted.

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

**RESOLUTION 2016-116  
SUPPORTING SENATE BILL 2663 and ASSEMBLY BILL 4234**

**Whereas**, almost all local units of government and Boards of Education in New Jersey including **Tabernacle Township** secure insurance through governmental entities known as joint insurance funds (hereinafter JIFs); and

**Whereas**, existing law limits JIFs to investments otherwise authorized for local governmental entities and Boards of Education; and

**Whereas**, insurance mechanisms such as JIFs have different cash flow needs than local government and Boards of Education; and

**Whereas**, existing law greatly limits the potential investment earnings, currently less than 1% on investments of approximately \$1 billion; and

**Whereas**, S-2663 and A-4234 would permit JIFs to invest in debt obligations of any governmental entity established under the laws of the State of New Jersey and federal agencies or governmental corporations; and

**Whereas**, while the range of investments permitted by S-2663 and A-4234 is still very conservative, it would save the taxpayers at least \$10 million per year; and

**Whereas**, S-2663 and A-4234 would also reduce interest expense for local units of government and Boards of Education by creating an additional purchaser of their bonds; and

**Whereas**, S-2663 and A-4234 would also permit JIFs to join together and create a joint investment and cash management program further increasing investment income.

**NOW THEREFORE BE IT RESOLVED** by the Township of Tabernacle that:

1. The Legislature is urged to adopt S-2663 and A-4234; and
2. A copy of this resolution shall be sent to all area legislators as well as the Governor, Commissioner of the Department of Banking and Insurance and the Commissioner of the Department of Community Affairs or Department of Education as appropriate.

This Resolution was duly adopted by the Township of Tabernacle at a public meeting held on November 28, 2016.

- On a motion made by Mr. Franzen seconded by Mr. Barton, Resolution 2016-117 was adopted.

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

**RESOLUTION 2016-118**

**RE: SETTING 2016 BOARD OF HEALTH MEETING DATE**

**WHEREAS**, pursuant to the N.J.S.A. 10:4 ET. Seq. of the “*Open Public Meetings Act*” requires the advance notice of all meetings of the Township Committee of Tabernacle Township; and

**WHEREAS**, pursuant to N.J.S.A. 26:3-12, there shall be at least one (1) regular meeting conducted per year; and

**WHEREAS**, Tabernacle Board of Health Meetings shall be incorporated within the Township Committee Meetings at Tabernacle Town Hall, 163 Carranza Road, Tabernacle, NJ 08088.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby sets the 2016 Board of Health Meeting date is as follows: **December 12, 2016**

- On a motion made by Mr. Yates, seconded by Mr. Franzen, Resolution 2016-118 was adopted.

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

**RESOLUTION 2016-119**

**AUTHORIZING EXTENSION OF SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF SHAMONG FOR TAX ASSESSOR SERVICES**

**WHEREAS**, pursuant to the Uniform Shared Services Act, *N.J.S.A. 40A:65-1 et seq.*, any municipality of the State may enter into a contract with any other municipality for the joint provision of any service that any party to the agreement is empowered to render within its own jurisdiction; and

**WHEREAS**, by prior Resolution 2011-44, Tabernacle Township and Shamong Township entered into a dated May 3, 2011 for Tax Assessor services, in an effort to achieve cost savings and benefits for both municipalities; and

**WHEREAS**, by prior Resolution 2013-158 the term of that Agreement was extended to December 31, 2016; and

**WHEREAS**, the Parties have found the Agreement to be successful and mutually beneficial in carrying out the municipalities' obligations under the requirements of N.J.S.A. of *N.J.S.A. 40A:9-146, 26 et seq.*; and

**WHEREAS**, the Parties desire to extend the Agreement for another four year term.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Tabernacle, County of Burlington, State of New Jersey, by passing this Resolution, hereby extends the existing Shared Services Agreement with Tabernacle Township for Tax Assessor Services (which Agreement is incorporated herein by reference) to December 31, 2020.

- On a motion made by Mr. Yates, seconded by Mr. Franzen, Resolution 2016-119 was adopted.  
**Roll Call: Barton, Franzen, Yates, Lee                      Ayes: 4    Nays: 0    Absent: 1**

**RESOLUTION 2016-120  
AUTHORIZING THE APPOINTMENT FOR PUBLIC WORKS LABORER  
DAVID A. NEWMAN**

**WHEREAS**, the Director of Public Works recognizes the need to fill this position of Laborer with a responsible applicant to primarily handle any labor task for the Department of Public Works; and

**WHEREAS**, the Township Administrator and Supervisor of Public Works conducted numerous interviews to find the best candidate to fill these positions; and

**WHEREAS**, the Township Administrator has selected David A. Newman to fill this position on the basis of qualifications and experience; and

**WHEREAS**, funds are available for payment of his salary in the 2016 municipal budget for the rate of \$17.00 per hour.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of Tabernacle Township, County of Burlington, State of New Jersey, approves the Resolution for **David A. Newman** for the Public Works Department, **effective November 18, 2016.**

- On a motion made by Mr. Barton, seconded by Mr. Yates, Resolution 2016-120 was adopted.  
**Roll Call: Barton, Franzen, Yates, Lee                      Ayes: 4    Nays: 0    Absent: 1**

**RESOLUTION 2016-121  
AUTHORIZING THE APPOINTMENT FOR PUBLIC WORKS LABORER  
PHIL M. HOWELL**

**WHEREAS**, the Director of Public Works recognizes the need to fill this position of Laborer with a responsible applicants to primarily handle any labor task for the Department of Public Works; and

**WHEREAS**, the Township Administrator and Supervisor of Public Works conducted numerous interviews to find the best candidate to fill this position; and

**WHEREAS**, the Township Administrator has selected Phil M. Howell to fill this position on the basis of qualifications and experience; and

**WHEREAS**, funds are available for payment of his salary in the 2016 municipal budget for the rate of \$17.00 per hour.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of Tabernacle Township, County of Burlington, State of New Jersey, approves the Resolution for **Phil M. Howell** for the Public Works Department, **effective December 5, 2016**.

• On a motion made by Mr. Yates, seconded by Mr. Franzen, Resolution 2016-121 was adopted.  
**Roll Call: Barton, Franzen, Yates, Lee                      Ayes: 4    Nays: 0    Absent: 1**

**RESOLUTION 2016-122  
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 **\$216,000.00** to fund **Playground Picnic Table Shelters / Dugout Shelters for Patty Bowker and Pricketts Mill Fields (Phase 2)** located at 122 Patty Bowker Road (Block 504, Lot 19) and 434 Pricketts Mill Road (803.01, Lots 18 & 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. **Stephen V. Lee, IV, 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. **Stephen V. Lee, IV, 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.

- On a motion made by Mr. Yates, seconded by Mr. Franzen, Resolution 2016-122 was adopted.

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

#### **RESOLUTION 2016-124**

#### **AUTHORIZING THE APPOINTMENT OF TEMPORARY SNOWPLOW DRIVER / LABORER FOR THE PUBLIC WORKS DEPARTMENT ROBERT RAYMOND FORD**

**Whereas**, the Director of Public Works recognizes the need to fill this position of Temporary Snowplow Driver/Laborer with a responsible applicant to primarily handle the duties involved in removing snow and ice from roadways, sidewalks and municipal parking lots for the Department of Public Works; and

**Whereas**, the Township Administrator and Supervisor of Public Works conducted numerous interviews to find the best candidate to fill this position; and

**Whereas**, the Township Administrator has selected **Robert Raymond Ford** to fill this position on the basis of his qualifications and experience; and

**Whereas**, funds are available for payment of salaries in the 2016 Tabernacle Township budget, rate of \$23.14 per hour.

**Now, Therefore, Be It Resolved**, that the Township Committee of Tabernacle Township, County of Burlington, State of New Jersey, hereby approves this Resolution to appoint **Robert Raymond Ford** as a Temporary Snowplow Driver/Laborer for the Public Works Department, effective immediately.

- On a motion made by Mr. Franzen, seconded by Mr. Barton, Resolution 2016-124 was adopted.

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

#### **RESOLUTION 2016-125**

#### **AUTHORIZING THE APPOINTMENT OF TEMPORARY SNOWPLOW DRIVER / LABORER FOR THE PUBLIC WORKS DEPARTMENT MARK J. DEMPSKY**

**Whereas**, the Director of Public Works recognizes the need to fill this position of Temporary Snowplow Driver/Laborer with a responsible applicant to primarily handle the duties involved in removing snow and ice from roadways, sidewalks and municipal parking lots for the Department of Public Works; and

**Whereas**, the Township Administrator and Supervisor of Public Works conducted numerous interviews to find the best candidate to fill this position; and

**Whereas**, the Township Administrator has selected **Mark J. Dempsky** to fill this position on the basis of his qualifications and experience; and

**Whereas**, funds are available for payment of salaries in the 2016 Tabernacle Township budget, rate of \$23.14 per hour.

**Now, Therefore, Be It Resolved**, that the Township Committee of Tabernacle Township, County of Burlington, State of New Jersey, hereby approves this Resolution to appoint **Mark J. Dempsey** as a Temporary Snowplow Driver/Laborer for the Public Works Department, effective immediately.

- On a motion made by Mr. Franzen seconded by Mr. Barton, Resolution 2016-125 was adopted.  
**Roll Call: Barton, Franzen, Yates, Lee                      Ayes: 4    Nays: 0    Absent: 1**

**RESOLUTION 2016-123  
AUTHORIZE TAX REFUND OVERPAYMENT TO TITLE COMPANY**

**WHEREAS**, payment of \$2,131.01 was made on fourth quarter 2016 taxes by Regional Title Agency on Block 202.02, Lot 6.03; and

**WHEREAS**, Regional Title Agency is requesting refund of overpayment created when Regional Title Agency paid the full billed amount of fourth quarter, after prior owner made a partial payment before selling said property.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby refunds overpayment \$1,451.94 from Block 202.02, Lot 6.03 to Regional Title Agency.

- On a motion made by Mr. Yates, seconded by Mr. Franzen, Resolution 2016-123 was adopted.  
**Roll Call: Barton, Franzen, Yates, Lee                      Ayes: 4    Nays: 0    Absent: 1**

**Old Business**

Discussion: Facility Use/License Agreement by and between Tabernacle Township and Tabernacle Athletic Association (TAA). Mayor Lee spoke of the many discussions held since July 2016 and reason why we have not moved forward on this because Ms. Brown has been unavailable and it was important to have all five members. Mayor Lee spoke that Ms. Brown having every intention of being here this evening; however was unable to due to the family emergency. Mayor Lee spoke of having dialog with Ms. Brown regarding this agreement and that she is in full support.

Township Committee Comments:

Mr. Barton spoke of his concern of the TAA agreement language. Mayor Lee said out of respect for the Township Committee it is important to discuss it as a Committee and hear from the public and ask for a motion after the conclusion of the report and public comments.

**Report of the Township Engineer**

2016 Road Program – Mr. Guzzi provided an update that the work is complete and now down to punch list items and clean up. The bulk of the work has been completed.

The Parks Project (Tennis Courts) At Pricketts Mill - The paving work have been completed however will hold of on the color coding probably until early spring because of the cold temperatures.

Grant Application for the County – The NJDOT has announced their next round of funding for 2017 Transportation Trust Grant application. Mr. Cramer and Mr. Guzzi will put together options and cost estimate. A resolution will be needed sometime next month to authorize the submission of the grant application.

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

JIF- Tabernacle Township received \$10,183 for JIF reimbursement dividend; we usually ask that it is applied against a credit for 2017.

Surplus Equipment – We have completed the surplus equipment auction in which all items were sold. The Township should receive about \$21,000 for the equipment to put back in the bank account. The sale went very well.

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

Haas Sand & Gravel – Mr. Lange spoke about water testing regarding compliance issue and being in touch with Mr. McAndrew, Esq, the representative of Haas, they would like to pursue potentially other uses for the site; it was indicated that water testing would be performed soon within a few weeks.

Mr. Barton had raised issue with respect to statutory consent for the use of municipal right of way as it relates to municipal utilities. South Jersey Gas wants to reestablish their consent in light of expiration next month; Lange will review statute to address coverage issue and spoke of it should be revisited less time of renewed of municipal consent. It was agreeable to the members of the governing body to have it reviewed every (10) ten years. First reading ordinance will be scheduled next month.

Mr. Lange held general discussion regarding the municipal consent for Comcast; it will potentially be explored in the spring.

### **Report of the Township Committee**

Haas – Mr. Barton commented receiving communication on The Pineland Commission letter regarding the possible reuse of the entire Haas mine pit on Carranza Road for solar.

Mr. Lange provided a bit of background; the Haas came to the LDB because they were interested in converting the sand pit on Carranza Road to a solar energy production facility as a principal use. The Pinelands has a promulgated regulation, the CMP to deal with these types of uses, but not in the Preservation Area (Infill District) where it is located. The Township has never adopted any of the CMP's solar regulations. Haas has filed a request for interpretation through the LDB; in which the LDB interpreted the Township ordinance in their quasi-judicial capacity to permit the use as a principal use based on the state statute and the fact it would be on a resource recovery facility. Mr. Liggitt of The Pinelands Commission contacted Mr. Lange after being contacted by the Haas; and have taken the position based on the interpretation they were permitted to go forward with the use; The Pinelands Commission does not agree with the interpretation of the LDB and was asked to put their position in writing.

Mayor Lee said the Township will have further discussion when Committeewoman Brown is available. The Municipal Clerk was advised to have The Pinelands Commission Letter available as a public document.

Mayor Lee reported on attending NJLM conference in Atlantic City last week and spoke to Comcast / Verizon about FIOS and connectivity for Tabernacle and schools.

Chicken Meeting: Mayor Lee reported that he and Mr. Barton, two gentlemen from Rutgers Michael Westendorf of Rutgers – State of New Jersey Department of Animal Science) had a presentation on November 21<sup>st</sup> at Town Hall at 7:00 p.m. to discuss guidelines for chickens and to promote the practice and to also educate residents on the proper handling of chickens. There were members of the public in attendance who raised



good questions. The next Township meeting, December 12, 2016, Mr. Barton and Mayor Lee will present its findings along with consideration of the LDB resolution for the conclusion of the introduced ordinance.



**Tree Lighting – The Annual Community Christmas Tree Lighting will be held at Town Hall on Friday, December 2, 2016 at 7pm.**

Mayor Lee announced that he will be sitting on the National Cranberry Institute Board and will unfortunately not be in attendance of the Tree Lighting Ceremony. Deputy Mayor was advised to go on his behalf.



**Annual Senior Holiday Dinner – Sunday, December 11<sup>th</sup> at 1pm will be held at Tabernacle Fire Company #1.**

Mr. Franzen gave appreciation to all that gave assistance with setting up the tree lighting for the upcoming ceremony. Jack Gordon was singled out for his appreciation. There will be a Santa Mailbox that will be placed outside the night of the event and placed in Town Hall after the event.



Toys for Tots – the Burlington County Sheriff's Department provided Toys for Tots Toy box located down stairs in Town Hall for collection of toys.

Mr. Barton spoke of being a member of the NJ Department of Military and Veterans Affairs and communication provided to Tabernacle Fire Company #1 regarding the Burlington County 200 Club annual dinner and scholarship opportunity for Tabernacle student.

### **Public Comment**

Stu Rubin, Hawkins Road, raised budget questions regarding needed repairs on truck lights which have gone on since October 2014. Mr. Cramer spoke of addressing those concerns when the request is brought to his attention.

Stuart Brooks, Moores Meadow Road, made comments regarding the TAA agreement as to why it is being handled by Resolution and not by ordinance; and need for a thorough review of the agreement; Mr. Brooks spoke of the Shared Service Agreement for the Tax Assessor as it lacks the inspection requirement by Qfarms.

Cheryl Smith, Tabernacle Fire Company #1 announced that breakfast with Santa will be December 17<sup>th</sup> at the fire house between 8:30am – 11pm.

Fran Brooks, Moores Meadow Road, spoke of the TAA Agreement not being discussed with the public; questioned the employee requirement to attend Wellness Day.

### **Closed to the Public.**

TAA Agreement – Mr. Barton spoke of wanting TAA to have the benefit language reviewed every 2-3 years and updated rather terminate the document.

Members of the committee spoke of being comfortable with five years.

Mr. Lange will make the change to read TOWNSHIP shall review the terms and conditions of this license Agreement in consultation with TAA and amend or modify the agreement if deemed necessary by TOWNSHIP not less than every five (5) years after adoption.

Mr. Franzen motioned to make the document available to the public tomorrow, Mr. Barton seconded the motion. Mayor Lee advised the Municipal Clerk to have the document available for the public for further consideration at the next meeting.

**Adjournment**

Motion to adjourn made by Mr. Yates, seconded by Mr. Franzen the meeting was adjourned at 9:14 pm.

Respectfully submitted:

La Shawn R. Barber, RMC  
Municipal Clerk

Approved: 12/12/2016