

REGULAR MEETING MINTUES
TABERNACLE TOWNSHIP COMMITTEE
January 28, 2013

The meeting was called to order by Mayor Stephen V. Lee, IV followed by the flag salute.

Sunshine Notice: This meeting is called pursuant to the Open Public Meetings Law. This meeting of **January 28, 2013** 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:

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

Also In attendance:

Douglas A. Cramer, Township Administrator
La Shawn R. Barber, RMC, Township Clerk
Peter C. Lange, Jr. Township Solicitor (Arrived Late)

- Trooper Andrew Saai, new Station Commander for Red Lion State Police Barracks was in attendance.



Public comments.

Fran Brooks, 78 Moores Meadow Road, questioned if the Township was retiring any bonds and questioned which roads are being considered.

Approval of Bills

- On a motion made by Mr. Franzen, seconded by Mr. Yates, to approve the bills as presented. Upon a roll call, the vote was unanimous and the motion carried.

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

Approval of Minutes

- On a motion made by Mr. Yates, seconded by Mr. Barton, December 27, 2012(regular & executive) was offered for adoption

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

- On a motion made by Mr. Barton, seconded by Mr. Franzen, January 1, 2013(reorganization) was offered for adoption

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

Ordinances

Introduction: **ORDINANCE 2013-1: AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK. (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the **Township Committee** of the **Township of Tabernacle** in the County of **Burlington** finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the **Township Committee** hereby determines that a 1.5 % increase in the budget for said year, amounting to \$37,892 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the **Township Committee** hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the **Township Committee** of the **Township of Tabernacle**, in the County of **Burlington**, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the **Township of Tabernacle** shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$88,415 and that the CY 2013 municipal budget for the **Township of Tabernacle** be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

- **Public Hearing Date: 02/11/2013 at 7:30 P.M.**
- Motion made by Mr. Yates, seconded by Mr. Barton, Ordinance 2013-1, on first reading was offered for adoption.

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

Introduction: **ORDINANCE 2013-2: BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND/OR RESURFACING OF VARIOUS ROADWAYS IN LAND FOR THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,000,000 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 \$1,900,000; 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 \$2,000,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$1,900,000; and
- (c) a down payment in the amount of \$100,000 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 \$1,900,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$100,000, 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 \$1,900,000 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 \$1,900,000 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 \$400,000.

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>
A. Reconstruction and/or Resurfacing of Various Township Roadways and related Drainage Improvements, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the Township Clerk	\$2,000,000	\$100,000	\$1,900,000	10 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 \$1,900,000 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 11. 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 12. 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 13. 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 rebatable 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 14. 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

WHEREAS, approval of this agreement is made by virtue of Land Development Board **Resolution 2013-2**, Awarding Contract for Professional Services, adopted by Tabernacle Land Development Board on January 3, 2013, with **David C. Frank, Esq. and**

WHEREAS, this professional shall provide various legal services for Tabernacle Land Development Board.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey has caused said Agreement be approved and executed by **David C. Frank, Esq, 126 Gilbert Road, Bordentown, New Jersey 08505**, hereinafter referred to as "Land Development Board Solicitor."

BE IT FURTHER RESOLVED that a certified copy of this resolution be forward to the Land Development Board Solicitor.

- On a motion made by Mr. Franzen, seconded by Mr. Barton, Resolution 2013-29 was offered for adoption. Carried.

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

**RESOLUTION 2013-30
APPROVING PROFESSIONAL SERVICE AGREEMENT
FOR THE TOWNSHIP ENGINEER**

WHEREAS, approval of this agreement is made by virtue of **Resolution 2013-9**, Awarding Contract for Professional Services, adopted by Tabernacle Township Committee on January 1, 2013, with **Alaimo Group, 200 High Street, Mt. Holly, NJ 08060; and**

WHEREAS, this engineering firm shall provide various engineering services for the Township of Tabernacle.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey has caused said Agreement be approved and executed by **Alaimo Group**, hereinafter referred to as "Township Engineer."

BE IT FURTHER RESOLVED that a certified copy of this resolution be forward to the Township Engineer.

- On a motion made by Mr. Yates, seconded by Mr. Barton, Resolution 2013-30 was offered for adoption. Carried.

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

**RESOLUTION 2013-31
APPROVING PROFESSIONAL SERVICE AGREEMENT
FOR THE LAND DEVELOPMENT BOARD ENGINEER**

WHEREAS, approval of this agreement is made by virtue of Land Development Board **Resolution 2013-3**, Awarding Contract for Professional Services passed on **January 3, 2013**, with **Dante Guzzi Engineering Associates, LLC, 418 Stokes Road, Medford, NJ 08055; and**

WHEREAS, this engineering firm shall provide various engineering services for the Land Development Board in Tabernacle Township.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey has caused said Agreement be approved and executed by **Dante Guzzi Engineering Associates**. hereinafter referred to as "Land Development Board Engineer."

BE IT FURTHER RESOLVED that a certified copy of this resolution be forward to the Township Solicitor.

- On a motion made by Mr. Franzen, seconded by Mr. Yates, Resolution 2013-31 was offered for adoption. Carried.

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

**RESOLUTION 2013-32
APPROVING PROFESSIONAL SERVICE AGREEMENT
FOR ARCHITECT-OF-RECORD**

WHEREAS, approval of this agreement is made by virtue of Resolution 2013-24, Awarding Contract for Professional Services passed on January 1, 2013, with **Regan, Young, England & Butera, 456 High Street, Mt. Holly, NJ 08060; and**

WHEREAS, this architectural firm shall serve as the Township Architect-of-Record for facility projects within the Township of Tabernacle.

On a motion made by Mr. Franzen, seconded by Mr. Yates the parade permit was offered for approval. Carried.

Roll Call: Barton, Franzen, Yates, Lee

Ayes: 4 Nays: 0



Aerial Mosquito Control – Authorization for Aerial Mosquito Control: Aerial applications of pesticides. On a motion made by Mr. Franzen, seconded by Mr. Barton authorization for Aerial Mosquito Control was offered for approval. Carried.

Roll Call: Barton, Franzen, Yates, Lee

Ayes: 4 Nays: 0

Report of the Township Engineer

Bread and Cheese Run – an estimate was provided to the Administrator for the Bread and Cheese Culvert replacement.

South Jersey Gas – has been working on the County Section of Chatsworth and have not been doing any of the Township openings for a couple of weeks.

Committeewoman Kimberly A. Brown

Arrives at the meeting at 8:22 P.M.

Mr. Franzen asked if SJ Gas has a build out plan or direction in the Township for the next few years. Mr. Morris indicated that they are looking

at 40-60 miles of new gas service within the Township.

Report of the Township Administrator

Mr. Cramer reported on working with Comcast to see what savings they could provide the Township for our phone system.

Recycling – Burlington County Recycling will have drop off for computers and televisions and confidential paper shredding on February 23rd in Westampton between 9am-1pm.

Report of the Township Committee

Ms. Brown apologized for being late and spoke about receiving the first payment for the feral cat program.

Mr. Yates reported on a meeting held with him and Mr. Barton to review the firearm ordinance. At the present time, the State and Federal government are potentially making changes. This issue will be tabled from further discussion until we find out what they do on the State and Federal level.

Mayor Lee spoke that the prescribed burning bill (A-329) clears NJ Assembly Committee. This legislation would encourage the use of the practice by giving landowners, prescribed burn managers and state employee’s protection against liability from damages or injury possibly resulting from a prescribed burn.

Public Comment

Fran Brooks, 78 Moores Meadow Road, questioned if the Township has a timeline policy for vendors to submit bills. At this time, Ms. Brooks commented on her read of the bills.

Mr. Cramer spoke that he would like to see the bills before the end of the year, but it never happens. In some cases there are layovers. The Land Development Board may take longer because of an ongoing application. Mr. Cramer will look into Mr. Frank’s billing.

There were no further comments from the public.

NEW BUSINESS



Discussion - Tabernacle Fire District #1: Commissioner John Burger and Commissioner Jules Krause were in attendance to talk to the Committee about their upcoming election on Saturday, February 16, 2013 between 2pm – 9pm to be held at the firehouse on Route 206 & Hawkins Road.

Mr. Berger spoke that the Commissioners are requesting the purchase of (2) two fire trucks on the ballot. A Class A Pumper Tanker and a Class A Pumper. The tanker will be housed primarily at

