

Minutes of the Tabernacle Township Committee
Town Hall Meeting - February 11, 2013

Call to Order: Mayor Stephen V. Lee, IV called the meeting to order at 7:30 p.m., followed by the Pledge of Allegiance to the flag.

The Township Clerk read the Sunshine Notice Statement as follows:

Sunshine Notice: This meeting is called pursuant to the Open Public Meetings Law. This meeting of February 11, 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
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

Public Comment on agenda items only.

Stuart Brooks, 78 Moores Meadow Road, questioned the reason for the proposed revaluation.

Mr. Lange indicated this matter will be pulled off the agenda and not consider this evening; it is in review. Mr. Lange further explained the Township has an obligation to do a reassessment or a revaluation. The primary reason is the Township is experiencing fluctuating property values in the appeal process and market fluctuations.

Approval of Bills

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

Roll Call: Barton, Brown, Franzen, Yates, Lee

Ayes: 5 Nays: 0

Ordinances

Second Reading: ORDINANCE 2013-1: AN ORDINANCE OF THE TOWNSHIP OF TABERNAACLE 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

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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 Comment. There was no comment**
- **On a motion made by Mr. Franzen, seconded by Mr. Barton, Ordinance 2013-1, on second reading was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.**

Roll Call: Barton, Brown, Franzen, Yates, Lee

Ayes: 5

Nays: 0

Second Reading: ORDINANCE 2013-2: BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND/OR RESURFACING OF VARIOUS ROADWAYS IN AND 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:

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- (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

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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 hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication after final passage.

- **Public comment.**

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Ms. Brooks, 78 Moores Meadow Road, questioned an explanation of the bond affecting our tax rate.

The Chief Finance Officer explained that we have Bond Anticipation notes of 3.8 million and \$850,000 outstanding. We are looking to permanently finance those notes along with \$1.9 million from the bond ordinance that we just introduced. We are going to sell a bond for approx... 6.5 million. The 1996 bond ended last year. The effect of this bond is 3 cents of the (overall) rate will go towards debt service.

- No further comments.
- On a motion made by Mr. Yates, seconded by Mr. Barton, Ordinance 2013-2, on second reading was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Barton, Brown, Franzen, Yates, Lee

Ayes: 5

Nays: 0

Resolutions

**RESOLUTION 2013-35
REDEMPTION OF MUNICIPAL TAX LIEN**

WHEREAS, the Tax Collector has received full payments for Municipal Tax Sale Certificates held by Tabernacle Township; and

WHEREAS, the Tax Collector has recommended that the following Municipal Tax Sale Certificate be cancelled:

Certificate Number	Block/Lot	Payment Received
#12-00023	903/16.01	\$3,545.93

AND;

WHEREAS, the Tax Collector has recommended that this aforementioned tax sale certificates be redeemed as per Township lien placed on the block and lot.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tabernacle, in the County of Burlington, State of New Jersey, that the tax sale certificate be cancelled.

BE IT FURTHER RESOLVED that the Mayor is authorized to sign it, and Township Clerk is authorized to forward a copy of this Resolution to the Tax Collector.

- On a motion made by Ms. Brown, seconded by Mr. Franzen, Resolution 2013-35 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

Roll Call: Barton, Brown, Franzen, Yates, Lee

Ayes: 5

Nays: 0

**RESOLUTION NO. 2013-36
GRANTING RAFFLE LICENSES TO SENECA EAGLES BAND PARENT ASSOCIATION**

WHEREAS, the **Seneca Eagles Band Parent Association** has filed an application with the Township Committee for raffle licenses to conduct raffles and the applicant has paid the proper fees for said licenses; and

WHEREAS, the Township Committee of the Township of Tabernacle believes that said applicant is qualified to conduct the raffles are bona fide active members of said organization and that the raffle will be conducted in accordance with the New Jersey administrative Code 13:47; and

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WHEREAS, the following **raffle licenses** are requested on the dates listed:

RA: 2013-03	Off-Premise Draw 50/50 Cash	Date: Saturday, May 4, 2013	Time 8:15 PM
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tabernacle, in the County of Burlington and State of New Jersey, as follow:

1. That the Township Committee hereby approves the issuance of the aforementioned raffle license.
 2. That the Township Clerk is hereby authorized to issue said license on behalf of the Township of Tabernacle.
- On a motion made by Mr. Franzen, seconded by Mr. Yates, Resolution 2013-36 was offered for adoption. Carried.

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

New Business

Discussion – Request for proposal re-assessment.

- Motion to table made by Ms. Brown, seconded by Mr. Franzen.

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

Report of the Township Administrator

Public Works Department was thanked for a job well done this past week with a little over thirty hours of overtime, in addition to the regular work week for keeping the roads safe.

Report of the Township Solicitor

Mr. Lange reported that he has an executive session matter.

Report of the Township Committee

Master Bike Plan - Mr. Barton reported that Burlington County had a master bike plan where they exhibited the current and future bike paths in Burlington County. Tabernacle seems to get its share of riders. Anyone looking to review the proposed plan, or make suggestions was encouraged to visit their website.

Tabernacle Emergency Preparedness Community Meeting – Mr. Barton and Mr. Cramer attended the meeting on February 7th at the new EMS building, conducted by Col. Lowe. A website is being worked on for folks to report emergency conditions.

Mr. Franzen thanked Mayor Lee for performing a marriage ceremony for a friend of the family at Tabernacle Inn on Saturday.

Mayor Lee thanked the guys at public works for their roadwork during the black ice in town.

State Agriculture Convention - Mayor Lee reported on attending the State agriculture convention last Wednesday in Atlantic City. Discussion was held with respect to federal government and aid for ongoing assistance for disaster relief for homes along the coast and assisting our neighbors in need.

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Mark LeMire, 22 Washington Way, questioned if there is any Township oversight to the Fire District Election Budget and the absentee ballots.

The Township Clerk responded that the Municipal Clerk does not have many dealings with those elections. The fire district is a separate corporate entity whose elections are under the jurisdiction of the Secretary of State and budgets under the jurisdiction of the Department of Community Affairs. This year they will have machines for voting and absentee ballots can be obtained by the County.

Fran Brooks, 78 Moores Meadow Road, spoke that the Fire District and Township are two separate taxing authorities.

Mr. Brooks question if there is a policy regarding legal fees for 501C organizations.

Mr. Lange spoke of decisions made because of each individual circumstance as having never come up before.

Ms. Brooks spoke of her OPRA request and the lack of conformance of the provision in the ordinance that requires the recreation committee to file annual reports.

Mayor Lee made comments of the Township Committee's involvement and the volunteer organization meetings being open to the public. In terms of their reports, we will look into it.

Betsy Piner, 75 Bozartown Road, spoke that she was appointed in 2004 to Chair the volunteer Recreation Committee and sincerely apologizes for this being an oversight. She spoke of reading the ordinance when she first received her appointment; however now understands what is required.

Stuart Brooks, 78 Moores Meadow Road, commented that the ordinance is clear on its requirements.

No further comment

Executive Session Resolution.

EXECUTIVE SESSION RESOLUTION:

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

Whereas, the Governing Body wishes to discuss: litigation matters involving Medford Farms Volunteer Fire Company vs. Township of Tabernacle and Tabernacle Rescue Squad, Inc. Pursuant to NJSA 10:4-12(B) (7) this matter will be discussed in a closed session from which the public shall be excluded. **Closed to the public.**

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE, BE IT RESOLVED, that the public be excluded from this meeting.

- Motion to go into executive session made by Ms. Brown, seconded by Mr. Franzen. Upon a roll call, the vote was unanimous and the motion carried. Motion made by Ms. Brown, seconded by Mr. Franzen.

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Reopen. Motion made by Mr. Barton, seconded by Mr. Franzen.

Ayes: All in favor 5 Opposed 0

Mayor Lee spoke that he addressed the issue with Medford Farms Fire Company vs. Township of Tabernacle and Tabernacle Rescue Squad. In an effort to try to get a resolution with this issue, Mr. Lee and Doug met with the executive committee from the fire company on Monday night and discussed terms of an agreement to settle long standing issues that have been going on with the fire company. We had a lot of enthusiasm from the fire company executive board; they were in favor of moving forward and getting this resolved. Mr. Lee made a commitment to the Township Committee that he would come back and go over the terms of that agreement. At this point, Mayor Lee asked for a motion to ratify this agreement the Township Committee has reviewed in executive session. The details of which will be available from the Township Clerk tomorrow.

- **Motion to ratify the preliminary tentative agreement with Medford Farm Volunteer Fire Company and also indicate Tabernacle Rescue Squad is in support of this agreement as well.**
- **The motion was made by Mr. Barton, and seconded by Mr. Yates.**

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

Adjourn. The motion was made by Mr. Yates and seconded by Mr. Barton to adjourn the meeting at 9:14 p.m.

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

Respectfully submitted,

La Shawn R. Barber, RMC/CMR
Township Clerk

Draft submitted: 03/01/2013 and 03/08/2013

Approved: