
TABERNACLE TOWNSHIP COMMITTEE MINUTES WORKSHOP MEETING OF OCTOBER 14, 2014

The meeting was called to order by Mayor Joseph Barton followed by the flag salute.

Sunshine Notice: This meeting is called pursuant to the Open Public Meetings Law. This meeting of **OCTOBER 14, 2014** 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:

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

Also In attendance:

Terry W. Henry, Chief Finance Officer
Douglas A. Cramer, Administrator
Peter C. Lange, Jr., Solicitor
La Shawn R. Barber Municipal Clerk

Public Comment on agenda items

Fran Brooks, 78 Moores Meadow Road, questioned bill list item charge for Direct Energy.

Approval of Bills

• On a motion made by Mr. Franzen, seconded by Mr. Lee, the bills were ordered paid. Motion carried.
Roll Call: Brown, Franzen, Lee, Barton Ayes: 4 Nays: 0 Absent: Yates

ORDINANCE

PUBLIC HEARING/ SECOND READING: ORDINANCE 2014-7: AN ORDINANCE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING APPENDIX A OF THE REVISED ORDINANCES OF TABERNACLE ENTITLED "FEE SCHEDULE" TO INCLUDE THE COST OF NEW RECYCLING BINS.

BE IT ORDAINED that the Township Committee of the Township of Tabernacle wishes to amend its fee schedule, namely "Administrative Fees, Schedule 1," to include the cost of the comingled recycling containers required to be utilized by the County of Burlington; and

BE IT FURTHER ORDAINED that the following shall apply:

- a) One (1) recycling container per household may be purchased at a cost of \$10.00
- b) Recycling containers will be given to those requesting and paying for same on a first-come-first serve basis
- c) The \$10.00 shall be paid to the Municipal Clerk's office prior to receiving a container
- d) A receipt shall be given to Public Works when the container is picked up by the resident

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon adoption and publications according to law.

- **Public comment. There were no comments from the public.**
- On a motion made by Ms. Brown, seconded by Mr. Lee, Ordinance 2014-7, on second reading was offered for adoption.

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

RESOLUTION NO. 2014-149

A RESOLUTION APPROVING DEER CARCASS REMOVAL AGREEMENT WITH KELLY WINTHROP, LLC.

WHEREAS, there exists a need to continue with deer carcass disposal activity in Tabernacle Township which is currently conducted by Kelly Winthrop, LLC and expires on September 30, 2014; and;

WHEREAS, the Tabernacle Township Committee desires to continue with uninterrupted services for its Township residents for this service.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tabernacle, in the County of Burlington and State of New Jersey hereby extend the Deer Carcass Removal Agreement with Kelly Winthrop, LLC., 110 New Parkview Place, West Palm Beach, FL 33417, effective October 1, 2014 through September 30, 2015.

- On a motion made by Mr. Franzen, seconded by Mr. Lee, Resolution 2014-149, was offered for adoption. Motion carried.

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

RESOLUTION 2014-150

AUTHORIZING THE PLACEMENT OF TEMPORARY SIGNS IN THE PUBLIC RIGHT OF WAY FOR TAA BASKETBALL AND WRESTLING REGISTRATIONS.

WHEREAS, a request has been made for permission to place temporary signage in the public right of way associated with certain Township roads for the week of **October 14, 2014**; and

WHEREAS, the request has been made by Tabernacle Athletic Association in order to promote their upcoming basketball and wrestling registration **which will take place October 6th through November 10th, 2014**; and

WHEREAS, the Township Committee is desirous of assisting the TAA Basketball and Wrestling Programs in promoting this beneficial activity.

NOW, THEREFORE, BE IT RESOLVED, that the Tabernacle Township Committee, in the County of Burlington, State of New Jersey, does hereby temporarily suspend the zoning regulations prohibiting such signage included in Tabernacle revised Ordinances Chapter 17 Section 22.12 "Off Site Commercial Advertising Signs."

The Township Committee further **hereby authorizes the Tabernacle Athletic Association** and/or its representatives to place temporary signage in the public right of way and along Tabernacle public roads to promote this event as aforementioned under the following conditions:

1. All signs shall be placed at least 6' off of any paved road surface and shall be placed in the public right of way with adult supervision.
2. All temporary **signs shall be removed within 5 days** after conclusion of the event.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Construction Official and Director of the TAA Basketball Program.

- On a motion made by Mr. Lee, seconded by Mr. Franzen, Resolution 2014-150, was offered for adoption. Motion carried.

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

RESOLUTION 2014-151
APPROVING SPECIFICATIONS AND AUTHORIZING TO SOLICIT BIDS FOR SOOY PLACE ROAD
IMPROVEMENTS

WHEREAS, it is the desire of the Township of Tabernacle to receive sealed proposals for Sooy Place Road for paving of Sooy Place Road from the Southampton Township line to the Woodland Township line. The base bid includes paving Sooy Place Road from the Southampton Township line to Irick's Causeway Road and the alternate includes paving from Irick's Causeway Road to the Woodland Township line.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Tabernacle, County of Burlington, State of New Jersey, **hereby** approve specifications and authorize the Township Engineer to solicit bids for Sooy Place Road Improvements.

BE IT FURTHER RESOLVED that upon notice of advertisement sealed proposals are to be delivered or mailed to the Township Clerk in Tabernacle Township, where sealed bids will be opened publicly.

- On a motion made by Ms. Brown, seconded by Mr. Franzen, Resolution 2014-151, was offered for adoption. Motion carried.

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

TOWNSHIP OF TABERNACLE, NEW JERSEY
RESOLUTION NO. 2014-152

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING
THE ISSUANCE AND SALE OF UP TO \$160,000 OF SPECIAL EMERGENCY
NOTES OF THE TOWNSHIP OF TABERNACLE; MAKING CERTAIN
COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON
SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING
SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS
MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE
AND SALE OF THE NOTES**

BACKGROUND

WHEREAS, the Local Budget Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Budget Law") authorizes, inter alia, municipalities to adopt ordinances authorizing special emergency appropriations for the contractually required severance liabilities resulting from the layoff or retirement of employees; and

WHEREAS, the Township Committee of the Township of Tabernacle, County of Burlington, New Jersey, has duly and finally adopted Ordinance 2013-3 ("Ordinance") appropriating the sum of \$200,000 to fund the revaluation of real property in the Township ("Project"); and

WHEREAS, Section 55 of the Local Budget Law, *N.J.S.A.* 40A:4-55, authorizes the Township to issue special emergency notes to finance the costs of the Project and requires the Township to pay, at maturity, one-fifth of the total amount authorized under the Ordinance; and

WHEREAS, the Township has heretofore issued its Special Emergency Notes of 2013, Series A in the principal amount of \$200,000 to temporarily finance the costs of the Project ("Prior Notes"); and

WHEREAS, the Prior Notes mature on November 7, 2013; and

WHEREAS, it is the desire of the Township to issue its special emergency notes in the principal amount of up to \$160,000, as further described in Exhibit "A", the proceeds of which, together with other available funds of the Township in the amount of \$40,000, will be used to repay the principal of the Prior Notes at maturity; and

WHEREAS, pursuant to the Local Budget Law and the Ordinance, it is the intent of the Township Committee to hereby authorize, approve and direct the issuance and sale of such special emergency notes for the Project as further described in Exhibit "A" attached hereto, to ratify and confirm certain actions heretofore taken by or on behalf of the Township, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Budget Law, the issuance of special emergency notes of the Township, to be designated, substantially, "Township of Tabernacle, County of Burlington, New Jersey, Special Emergency Notes of 2014, Series A" ("Notes"), in an aggregate principal amount of up to \$160,000, is hereby authorized, approved, ratified and confirmed.

Section 2. The Chief Financial Officer, with the assistance of the law firm of Parker McCay P.A., Bond Counsel, is hereby authorized and directed to award and sell the Notes at a public or private sale at a price of not less than par, and to deliver the same to the purchaser thereof upon receipt of the payment of the purchase price thereof.

Section 3. At the next meeting of the Township Committee after the sale of the Notes, the Chief Financial Officer is hereby authorized and directed to report, in writing, to the Township Committee, the principal amount, rate of interest and the name of the purchaser of the Notes.

Section 4. The Notes shall be dated the date of delivery thereof and mature no later than one year from said date. The Notes will not be subject to redemption prior to maturity. The Notes may be renewed from time to time, but shall be paid and mature in accordance with the provisions of Section 55(b) of the Local Budget Law, *N.J.S.A. 40A:4-55(b)*.

Section 5. The Notes shall be issued in bearer form in denominations of \$50,000 or greater. The Notes shall be executed in the name of the Township by the manual or facsimile signatures of the Mayor and Chief Financial Officer, and

shall be under the corporate seal of the Township affixed, imprinted, or reproduced thereon, and attested by the manual or facsimile signature of the Township Clerk or Deputy Township Clerk.

Section 6. The Notes are ultimately payable from ad valorem taxes that shall be levied upon all taxable real property in the Township without limitation as to rate or amount.

Section 7. The Township hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 8. The Township hereby covenants as follows: (i) it shall timely file, or cause to be filed, 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 (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 9. The Township hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

Section 10. The Township hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Township hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Township during the period from January 1, 2014 to December 31, 2014, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

For purposes of this Section 10, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Township: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 11. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Treasurer, Township Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

Section 12. The Mayor, Chief Financial Officer, Treasurer and Township Clerk are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or Township Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 13. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 14. This Resolution shall take effect immediately upon adoption this 14th day of October, 2014.

Exhibit "A"

Ordinance Number	Notes Authorized	Notes Outstanding	Available Funds	Notes to be Issued
2013-3	\$200,000	\$200,000	\$40,000	\$160,000

- On a motion made by Mr. Franzen, seconded by Mr. Lee, Resolution 2014-152, was offered for adoption. Motion carried.
- Chief Finance Henry spoke of the special emergency note for the revaluation and is coming due in November.
- **Roll Call: Brown, Franzen, Lee, Barton Ayes: 4 Nays: 0 Absent: Yates**

Old / New Business None.

Report of the Township Administrator

Mr. Cramer spoke of a request from the Tabernacle Historical Society and Tabernacle Woman's Association to the Township Committee for a Christmas Tree Lighting Ceremony at the Town Hall Gazebo. The Township Solicitor has already rendered his opinion regarding religious activities and these types of displays in the Township and there were no issues. A certificate of insurance will need to be provided.

 Motion to approve Christmas Tree Lighting Ceremony at the Town Hall Gazebo was made by Ms. Brown, seconded by Mr. Franzen. Motion carried.

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

Report of the Township Solicitor

Mr. Lange reported that he will only have discussion for ongoing abandoned property cases for executive session.

Report of the Township Committee

Committeeman Franzen reported on attending the fire prevention activities at the firehouse last week. Mr. Franzen spoke of appreciating their efforts. As always they put on a very nice display and it was well attended.

Deputy Mayor Lee reported on attending the Boys Scout Troop 439 Court of Honor Ceremony last Saturday night. They have a new scout master. Mr. Lee also reported on attending the "Back to School Night" at the elementary school Patriot Day in which he stepped in for Mayor Barton and presented a proclamation.

Mayor Barton reported that he was asked to meet with Atlantic Electric who is currently going through a merger process right now. He met to determine the benefits for Tabernacle, as they claim they can improve the reliability with tree trimming and other things. They are also guaranteeing that there will be customer investment funds established and shared between New Jersey, Delaware County and District of Columbia. It is believed that New Jersey's share would be about 29 million dollars, which will go to the board of public utilities and they will use it as they see fit.

Mr. Barton reported on an invitation to participate in a Municipal Partners Program hosted by Evesham Township held at Indian Spring Golf Course and was provided a tour of the facility. Communities were invited to participate in the Municipal Partners Program at no cost to our town but offered reduced green fees and other amenities to residents of other municipalities in Burlington County which do not have a municipal golf course of their own. A Municipal Resolution will be circulated for consideration.

Report of the Emergency Management Coordinator

Col. William Lowe reported on receiving the signed agreement between four (4) municipalities and OEM that support the Pinelands CERT: Bass River, Shamong Township, Medford Township, Tabernacle Township. The Pinelands CERT now has 175 members.

Public Comment

Ian McDowell, 14 New Road, spoke about attending a prior Township meetings held on December 16, 2013 and December 30, 2013 and statements made regarding the reduced number of firefighters of Medford Farms Volunteer Fire Company, from 19 members down to 9 members.

Fran Brooks, Moores Meadow Road, spoke that the Township Committee had not provide announcement on the cancelled LFB hearing of October 8th and moved to November 12th.

Sean Vena, 27 Wicklow Drive, advised the Township Committee that the numbers given for the (19 to 9) firefighters can be manipulated. The 19 included squad members.

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 the ongoing abandoned property cases. 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.

- On a motion made by Mr. Franzen, seconded Ms. Brown. **Closed to the public at 7:57 P.M.**
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Ropen. On a motion made by Ms. Brown, seconded by Mr. Franzen, members of the Township Committee returned from executive session at 8:11 P.M.

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

Adjournment

On a motion was made by Mr. Lee, seconded by Mr. Franzen the meeting was adjourned at 8:12 P.M.

Respectfully submitted,

La Shawn R. Barber,
Municipal Clerk

- APPROVED: 10/27/2014