

TOWNSHIP COMMITTEE CLOSE-OUT MEETING AGENDA DECEMBER 30, 2013 * 10:00 A.M.

Call to Order: Mayor Stephen V. Lee, IV called the meeting to order at 10:01 a.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 December 30, 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 (Absent)**
- Stephen V. Lee, IV, Mayor

Also in attendance:

- **Douglas A. Cramer, Township Administrator (Absent)**
- Terry W. Henry, Chief Finance Officer
- Peter C. Lange, Jr. Township Solicitor
- La Shawn R. Barber, RMC, Township Clerk

Approval of Minutes

- On a motion made by Mr. Barton, seconded by Ms. Brown, the minutes of **October 28, 2013 executive session meeting** was offered for adoption.
Roll Call: Ayes: Barton, Brown, Yates, Lee Nays: 0 Abstain: Lee
- On a motion made by Mr. Barton, seconded by Ms. Brown, the minutes of **November 25, 2013 regular session meeting** was offered for adoption.
Roll Call: Ayes: Barton, Brown, Yates, Lee Nays: 0 Abstain: Lee

Resolutions

**RESOLUTION 2013-162
AUTHORIZING THE CLERK'S OFFICE
TO CLOSE OUT PETTY CASH FUND IN THE AMOUNT OF FIFTY DOLLARS**

WHEREAS, N.J.S.A. 40A: 5-21 authorizes the establishment of a Petty Cash Fund for the Clerk's Office of the Township of Tabernacle; and

WHEREAS, said Petty Cash Fund received approval from the Director of Local Government Services many years ago to continue under the control of the Township Clerk; and

WHEREAS, it is the desire of the Township Clerk to receive approval for said fund be **closed-out at the end of fiscal year 2013**; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tabernacle, County of Burlington, State of New Jersey as follows:

1. **La Shawn R. Barber, Township Clerk**, be and is hereby appointed custodian of petty cash and is authorized and permitted close out a Petty Cash Fund **in the amount \$50.00** pursuant to the provisions of N.J.S.A. 40A: 5-21. Said Petty Cash Fund shall be reopened January 1st – December 31, 2014 and will be used by such office or department to pay claims for small miscellaneous expenses not to exceed \$50.00.

2. **La Shawn R. Barber, Township Clerk**, having custody of the Fund is bonded in an amount not less than \$1,000.00 and will maintain said Fund in accordance with the laws and regulations governing its operation.

3. A certified copy of this Resolution shall be sent to the Township Auditor and Chief Finance Officer.

- **Motion:** On a motion made by Mr. Barton, seconded by Mr. Franzen, Resolution 2013-162 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.
Roll Call: Barton, Brown, Franzen, Lee Ayes: 4 Nays: 0 Absent: 1

**RESOLUTION 2013-163
RE: BUDGET TRANSFERS**

WHEREAS, N.J.S.A. 40A:4-58 provides for appropriation transfers during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation; and

WHEREAS, the approval of this resolution to be adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to the appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tabernacle that the following transfers be made:

FROM (inside cap)

3-01-26-300-104	Public Works S&W	24,000.00
3-01-20-155-204	Legal O.E.	19,000.00
3-01-26-310-200	Buildings & Grounds O.E.	10,000.00
3-01-21-180-204	Planning Board O.E.	7,036.17
Total		\$60,036.17

TO (inside cap)

3-01-20-120-101	Clerk	1,336.03
3-01-20-122-101	Registrar	4.04
3-01-20-155-101	Legal Service S&W	183.52
3-01-22-195-101	Construction office S&W	5,512.58
3-01-20-165-204	Engineering O.E.	40,000.00
3-01-26-300-268	Public Works O.E.	12,000.00
3-01-28-370-280	Recreation O.E.	1,000.00
Total		\$60,036.17

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Chief Financial Officer.

- **Motion:** On a motion made by Ms. Brown, seconded by Mr. Franzen, Resolution 2013-163 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.
Roll Call: Barton, Brown, Franzen, Lee Ayes: 4 Nays: 0 Absent: 1

2013-164: RESOLUTION CANCELLING UNEXPENDED APPROPRIATIONS TO SURPLUS.

(See last page)

- **Motion:** On a motion made by Mr. Franzen, seconded by Mr. Barton, Resolution 2013-164 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.
Roll Call: Barton, Brown, Franzen, Lee Ayes: 4 Nays: 0 Absent: 1

RESOLUTION 2013-165

RE: APPROVING STREET OPENING PERMIT FOR SOUTH JERSEY GAS COMPANY.

WHEREAS, South Jersey Gas Company, Rt. 54 Folsom, New Jersey 08034 has applied for a street opening permit for installing gas main at the following location of Tabernacle Township: **64 Hawkins Road (Block 315, Lot 7) and 606 Old Indian Mills Road (Block 316, Lot 4.01); and**

WHEREAS, the Township Engineer reviewed said application and schematic for approval of this installation and recommends that a permit be issued with these following stipulations and this permit will be contingent upon all fees and permits paid and bonds posted as required in Tabernacle Township General Code Ordinances.

WHEREAS, this resolution and the street opening authorized herein are specifically conditioned upon the applicant meeting the following requirements.

1. The Township Engineer shall be notified at least 48 hours in advance on any construction.
2. All asphalt paving openings must be restored with the following specification:
 - a. Two inch (2" thick, Hot Mixed Asphalt (HMA 9.5M64), which replaces the Marshall mix design, top course. All top course paving must be completed 48 hours after installing stabilized base paving.
 - b. Six inch (6" thick, HMA 19M64, stabilized base course
 - c. 20:1 sand/cement subbase
 - d. Provide tack coat on all surfaces before paving
3. All non-asphalt pavement restorations (i.e. lawns, etc. shall be completed within 30 days). All lawns shall be restored with sod. The Township Engineer shall approve all other restorations.
4. Inspection escrow must be posted with the Township before start of construction.
5. The applicant must provide all outside agency approvals, as required.
6. SJG contractor will notify all residents along proposed pipeline path prior to construction start. Along with this notification, homeowners will be asked to notify contractor of any items of

concern that relate to their property (underground private structures such as sprinklers, property markers, septic and wells, etc. along with landscaped areas.

7. SJG Contractor will attempt to meet with residents during the construction project to address concerns they might have.
8. SJG contractor will videotape area where pipeline is to be installed prior to construction start for documentation purposes.
9. Proposed pipeline will be installed by a combination of bore, plow and open-cut methods. Bore and plow are the preferred means of method, but open cutting of trench during construction project will occur, but contractor will make effort to keep at a minimum.
10. SJG contractor will restore all areas disturbed to same conditions and all non-vegetated areas must be reseeded.
11. All Township roads and paved driveways must use bore method of installation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby approves said application of a street opening permit for installation of gas services.

BE IT FURTHER RESOLVED that this resolution and the street opening authorized herein is specifically conditioned upon the applicant installing all pipelines under private paved driveways and public streets by boring under the private paved driveways and public streets. The applicant is not authorized to install pipeline by openly trenching through paved private driveways located in the right of way and/or public utility easement nor through public streets.”

- **Motion:** On a motion made by Mr. Barton, seconded by Mr. Franzen, Resolution 2013-165 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

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

RESOLUTION 2013-166

RE: APPROVING STREET OPENING PERMIT FOR SOUTH JERSEY GAS COMPANY.

WHEREAS, South Jersey Gas Company, Rt. 54 Folsom, New Jersey 08034 has applied for a street opening permit for installing gas main at the following location of Tabernacle Township:

3 Spring Drive (Block 310, Lot 2)	15 Spring Drive (Block 310, Lot 7)	7 Lakeview Drive (Block 311, Lot 11)	17 Lakeview Drive (Block 311, Lot 18)
19 Lakeview Drive (Block 311, Lot 19)	23 Lakeview Drive (Block 312, Lot 4)	27 Lakeview Drive (Block 312, Lot 5)	37 Lakeview Drive (Block 312, Lot 8)
43 Lakeview Drive (Block 312, Lot 11)	45 Lakeview Drive (Block 312, Lot 12)	49 Lakeview Drive (Block 312, Lot 14)	Blank
57 Lakeview Drive, Apt A (Block 312, 17.02		57 Lakeview Drive, Apt B (Block 312, 17.02	

; and

WHEREAS, the Township Engineer reviewed said application and schematic for approval of this installation and recommends that a permit be issued with these following stipulations and this permit will be contingent upon all fees and permits paid and bonds posted as required in Tabernacle Township General Code Ordinances.

WHEREAS, this resolution and the street opening authorized herein are specifically conditioned upon the applicant meeting the following requirements.

1. The Township Engineer shall be notified at least 48 hours in advance on any construction.
2. All asphalt paving openings must be restored with the following specification:
 - a. Two inch (2" thick, Hot Mixed Asphalt (HMA 9.5M64), which replaces the Marshall mix design, top course. All top course paving must be completed 48 hours after installing stabilized base paving.
 - b. Six inch (6" thick, HMA 19M64, stabilized base course
 - c. 20:1 sand/cement subbase
 - d. Provide tack coat on all surfaces before paving
3. All non-asphalt pavement restorations (i.e. lawns, etc. shall be completed within 30 days). All lawns shall be restored with sod. The Township Engineer shall approve all other restorations.
4. Inspection escrow must be posted with the Township before start of construction.
5. The applicant must provide all outside agency approvals, as required.
6. SJG contractor will notify all residents along proposed pipeline path prior to construction start. Along with this notification, homeowners will be asked to notify contractor of any items of concern that relate to their property (underground private structures such as sprinklers, property markers, septic and wells, etc. along with landscaped areas.

7. SJG Contractor will attempt to meet with residents during the construction project to address concerns they might have.
8. SJG contractor will videotape area where pipeline is to be installed prior to construction start for documentation purposes.
9. Proposed pipeline will be installed by a combination of bore, plow and open-cut methods. Bore and plow are the preferred means of method, but open cutting of trench during construction project will occur, but contractor will make effort to keep at a minimum.
10. SJG contractor will restore all areas disturbed to same conditions and all non-vegetated areas must be reseeded.
11. All Township roads and paved driveways must use bore method of installation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby approves said application of a street opening permit for installation of gas services.

BE IT FURTHER RESOLVED that this resolution and the street opening authorized herein is specifically conditioned upon the applicant installing all pipelines under private paved driveways and public streets by boring under the private paved driveways and public streets. The applicant is not authorized to install pipeline by openly trenching through paved private driveways located in the right of way and/or public utility easement nor through public streets.”

- **Motion:** On a motion made by Mr. Barton, seconded by Mr. Franzen, Resolution 2013-166 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.
Roll Call: Barton, Brown, Franzen, Lee Ayes: 4 Nays: 0 Absent: 1

RESOLUTION 2013-167

RE: APPROVING STREET OPENING PERMIT FOR SOUTH JERSEY GAS COMPANY.

WHEREAS, South Jersey Gas Company, Rt. 54 Folsom, New Jersey 08034 has applied for a street opening permit for installing gas main at the following location of Tabernacle Township:
23 Washington Way (Block 1304, Lot 12); and

WHEREAS, the Township Engineer reviewed said application and schematic for approval of this installation and recommends that a permit be issued with these following stipulations and this permit will be contingent upon all fees and permits paid and bonds posted as required in Tabernacle Township General Code Ordinances.

WHEREAS, this resolution and the street opening authorized herein are specifically conditioned upon the applicant meeting the following requirements.

1. The Township Engineer shall be notified at least 48 hours in advance on any construction.
2. All asphalt paving openings must be restored with the following specification:
 - a. Two inch (2" thick, Hot Mixed Asphalt (HMA 9.5M64), which replaces the Marshall mix design, top course. All top course paving must be completed 48 hours after installing stabilized base paving.
 - b. Six inch (6" thick, HMA 19M64, stabilized base course
 - c. 20:1 sand/cement subbase
 - d. Provide tack coat on all surfaces before paving
3. All non-asphalt pavement restorations (i.e. lawns, etc. shall be completed within 30 days. All lawns shall be restored with sod. The Township Engineer shall approve all other restorations.
4. Inspection escrow must be posted with the Township before start of construction.
5. The applicant must provide all outside agency approvals, as required.
6. SJG contractor will notify all residents along proposed pipeline path prior to construction start. Along with this notification, homeowners will be asked to notify contractor of any items of concern that relate to their property (underground private structures such as sprinklers, property markers, septic and wells, etc. along with landscaped areas.
7. SJG Contractor will attempt to meet with residents during the construction project to address concerns they might have.
8. SJG contractor will videotape area where pipeline is to be installed prior to construction start for documentation purposes.
9. Proposed pipeline will be installed by a combination of bore, plow and open-cut methods. Bore and plow are the preferred means of method, but open cutting of trench during construction project will occur, but contractor will make effort to keep at a minimum.

10. SJG contractor will restore all areas disturbed to same conditions and all non-vegetated areas must be reseeded.

11. All Township roads and paved driveways must use bore method of installation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby approves said application of a street opening permit for installation of gas services.

BE IT FURTHER RESOLVED that this resolution and the street opening authorized herein is specifically conditioned upon the applicant installing all pipelines under private paved driveways and public streets by boring under the private paved driveways and public streets. The applicant is not authorized to install pipeline by openly trenching through paved private driveways located in the right of way and/or public utility easement nor through public streets.”

- **Motion:** On a motion made by Mr. Barton, seconded by Mr. Franzen, Resolution 2013-167 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

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

**RESOLUTION NO. 2013-168
GRANTING RAFFLE LICENSES TO THE CHURCH OF THE HOLY EUCHARIST**

WHEREAS, the **Church of the Holy Eucharist** 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

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

RA: 2013-16	Chinese Auction On-Premise Draw	March 23, 2014 Hours: 2-5 P.M.
RA: 2013-17	Daily 50/50 On Premise Draw	March 23, 2014 Hours: 2-5 P.M.

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.

- **Doctrine of necessity was invoked; lack of quorum for those who are majority members are affiliates of the church.**

- **Motion:** On a motion made by Mr. Franzen, seconded by Ms. Brown, Resolution 2013-168 was offered for adoption. Upon a roll call, the vote was unanimous and the motion carried.

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

Approval of Bills

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

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

Public Comment

Kathy Burger, 18 Woodside Drive, questioned if there was a decision on the affidavits that were received regarding the petition. There were 11 that were turned in on the morning of 12/16/2013. Eleven signatures would put the number under a valid petition. Before we have any future meetings regarding the petition we need an answer on that. Also would like to know how long executive session would be for a matter that has not been decided upon yet.

Mayor Lee spoke of learning long time ago not to try to guess on lengths of executive session discussions. Mr. Lange spoke of there being some legal issues presented by the petition which are going to be discussed in executive session. That is the purpose of the executive session.

Fran Brooks, 78 Moores Meadow Road, questioned why there was not a public comment at beginning on agenda item as the practice has always been. Ms. Brooks also spoke of a summary of the Municipal

Clerk's activities provided during a report and questioned why this was done following public a comment that excludes the ability to ask questions on the matter.

Mr. Lange spoke that he does not believe it dismisses the spirit of the act to have some comment or discussion on agenda items after public comment.

Mayor Lee spoke it depends on who is running the meeting and cannot predict what the Committee is going to want to do. This is Committee's meeting. We are the ones that are making the decision in terms of when we want to talk. If there is a comment made after public comment by any member of the Committee and you want to ask a question about a report there is an opportunity for public comment to be made at the next meeting. We have meetings every two weeks. Committee reports are done before public comment. If a member of the Committee forgets something during reports, they should have the opportunity after public comment. In terms of the Township Clerk report, it will be done at the end of the meeting. Public comment and feedback is really important to all of us. We have two opportunities for public comment (excluding the year end meeting).

At this point, Ms. Brooks made suggestions in particular to opra request to include the number of requests that cannot be met within the seven day period and how many requests are needed for extension.

William Lowe, 24 Hidden Acres Drive/Emergency Management Coordinator, spoke about request for review about a project he would like to do regarding the preparedness for our town in any kind of disaster. The proposal is for a resilient community, a holistic emergency management. How to protect, defend, recover and insure the resiliency of the community? It is more than putting out a fire or responding to a traffic accident. It is BIG TIME! We are going to do a thing called, Tabernacle Resilient Community, Engaging the Whole Community. Also consider the creation and appointment of a Public Safety Director who would work for the Township Committee, works with the Township Administrator and has some authority over the emergency response community; all of which would operate quasi-independently in this township and does not respond necessarily to the overall needs of the Township. That is not an indictment of them, it is a perspective.

Jim Jones, Wimbleton Way, commended Doug Cramer and Public Works for all the great work they do to keep this a small town environment. Most of us live here because we like having 7000 people in town spread over 50 square miles. It is fantastic and could not be happier living here. A lot of that is due to the public works people and Committee that has served here for the past years in existence. Wish the Committee well on the hot topic.

Ian McDowel, 14 New Road, spoke of the relationship of the rescue squad and fire department not getting along and the decision the Committee makes may impact it even more when you think about a petition written by a squad member being signed by almost the entire squad. Again, it is the squad verses the fire department. There is too much of a divide and this is just going to add fuel to the fire. You do not want volunteers leaving your town of Tabernacle.

Megan Jones, Horeshoe Court, spoke about the blinking light in front of the schools being on over winter break. There was concern of kids being at risk during all the breaks when kids are not there.

Sean Cooper, 21 Woodside Drive, questioned if there is some legal reason why an executive session must be held for discussion of the fire department and does not feel it meets the criteria for executive session.

Solicitor Lange expressed the matter being discussed in executive session are appropriate as these are the issues surrounding the actual petition itself and the argument that has been submitted by members of the public and fire company that there is infirmity associated with the legality of the petition, how it was collected or how it was certified and there has been threatened litigation by the commissioners as a result of those issues. So, it is those narrow legal issues that will be discussed in executive session. At some point, before making a decision, it will be incumbent upon the Committee to discuss their reasoning and their thoughts and decision making process. The executive session is germane to those legal issues that have been raised about the petition. Your sentiment is correct to the extent that it reflects open discussion about the reasoning and decision making in an open forum.

Anthony Panico, 46 Patty Bowker Road, spoke that he would like to second this gentleman's concerns as he has the same concerns. There is not proof that the dissolution of our fire commission is going to save this town one dollar or make this town safer.

Closed public comments.

Committeemen Franzen made a quick comment on the issue regarding the concerns people are raising are legitimate. This is a difficult time for members of the Township Committee to look at this. I hear and understand what you are saying. No matter what we do, people are going to be unhappy. This Committee will do what it thinks is the right thing to do, we want you to understand that we are trying to do something that is very difficult.

Mayor spoke that we are not planning on taking any action after executive session. This is a decision that is serious and is not something we are doing in short period of time.

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 Township Committee wishes to discuss potential litigation involving the claims of the Tabernacle Fire District concerning the petition for dissolution of the Tabernacle Fire District. Pursuant to NJSA 10:4-12(b) (7) this matter will be discussed in a closed session from which the public will be excluded.

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.

Roll Call: Motion made by Mr. Barton, seconded by Mr. Franzen.

All in favor: 4 Opposed: 0 Absent: 1

Closed to the public.

Reopen. Members of the Township Committee returned from closed session to pursue adjournment. Motion made by Ms. Brown, seconded by Mr. Franzen.

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

Adjournment

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

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

Respectfully submitted:

**La Shawn R. Barber, RMC/CMR
Township Clerk**

- **Approved: 02/24/2014**