

MINUTES OF THE TOWNSHIP COMMITTEE

Town Hall Meeting of February 24, 2014

The meeting was called to order by Deputy 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 **February 24, 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 (Absent) - Medical

Richard Franzen, Township Committee

Stephen V. Lee, IV, Mayor

Joseph Yates, IV, Township Committee

Joseph Barton, Mayor

Present

Also In attendance:

Douglas A. Cramer, Township Administrator

Terry W. Henry, Chief Finance Officer

Eileen Baitzel, Deputy Clerk

La Shawn R. Barber, RMC,CMR Township Clerk

Public comment on agenda items only

Fran Brooks, 78 Moores Meadow Road, questioned if there is an emergency response plan to address a pipe line explosion and whether South Jersey Gas has a plan on file or a periodical to deal with a gas line explosion, as this is a concern for the residents on Moores Meadow Road to get out in case of an emergency.

Col. Lowe has spoken with South Jersey Gas about their emergency procedures but not having a formal plan for protocols. He will follow up with South Jersey Gas about their maintenance plan. Their plan is not something he would post on line to the public, but the public will be welcome to read in his office if they are interested.

Stuart Brooks, 78 Moores Meadow Road, questioned what the amount will be used for with respect to Ordinance 2014-1, an ordinance to exceed budget appropriation limits and to establish as Cap Bank.

Mr. Henry provided clarification of the ordinance which is to establish the dollar amount; it is not intended for anything. The State requires us to do this in order to establish the bank; we do not necessarily have to spend it. If we did not do this we would not be able to use this cap bank in future years.



Approval of Bills

- On a motion made by Mr. Yates, seconded by Mr. Franzen, the bills were ordered paid. *Motion carried.*

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



Approval of Minutes

- On a motion made by Mr. Franzen, seconded by Mr. Lee, minutes of December 16, 2013 (special) was offered for adoption. *Carried.*

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

- On a motion made by Mr. Franzen, seconded by Mr. Lee, minutes of December 30, 2013 (close-out and executive) was offered for adoption. *Carried.*

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

Ordinance

INTRODUCED: ORDINANCE 2014-1: AN ORDINANCE 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 .5% 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 2014 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 **3.0 %** increase in the budget for said year, amounting to \$75,725 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 2014 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 \$88,346 and that the CY 2014 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: 03/10/2014 * 7:30 P.M.**
- On a motion made by Mr. Lee, seconded by Mr. Franzen, Ordinance 2014-1, first reading was offered for adoption. *Carried.*

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



RESOLUTION 2014-48: EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2014 budget and no adequate provision has been made in the 2014 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in 2014 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A 40A:4-20) including this resolution total \$75,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Tabernacle Township Committee, County of Burlington, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A-4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$75,000.00.
2. Said emergency temporary appropriations will be provided for in the 2014 Budget
3. That on certified copy of this resolution be filed with the Director, Division of Local Government Services.

Account #	Description	2014 Emergency Temporary Appropriations
300-241	Public Works O.E.-Heavy Equipment Repairs	10,000.00
300-268	Public Works O.E.-Road Salt & Sand	65,000.00
		\$75,000.00

- On a motion made by Mr. Franzen, seconded by Mr. Yates Resolution 2014-48 was offered for adoption. *Motion carried.*

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

Resolution 2014-49: Re: Extending Tax Quarter Payment Grace Period

WHEREAS, the governing body of Tabernacle Township shall establish a fixed rate of interest to be charged for nonpayment of taxes or assessment on or before the date on which they would become delinquent; and

WHEREAS, delinquency as defined as the sum of all taxes and municipal charges due on a given parcel of property; and

WHEREAS, the grace period for payment of property taxes is established by NJSA 54 ET.SEQ. as 10 days after the due date, i.e., February 10th, May 10th, August 10th, and November 10th; and

WHEREAS, that final day of the grace period may fall on a holiday, weekend or when the municipal building is closed due to an emergency.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle, in the County of Burlington, State of New Jersey, hereby extend the grace period to tax payers to the next business working day when the final day of the grace period falls on a holiday, weekend or Town Hall is closed due to an emergency.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forward to the Tax Collector, Auditor and Treasurer.

- On a motion made by Mr. Yates, seconded by Mr. Lee, Resolution 2014-49 was offered for adoption. *Carried.*

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

**RESOLUTION 2014-50
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 Bishop Road (Block 334, Lot 1)	407 Old Indian Mills Road (Block 334, Lot 6)	409 Old Indian Mills Road (Block 334, Lot 5)	501 Old Indian Mills Road (Block 307, Lot 6)
504 Old Indian Mills Road (Block 315, Lot 3)	505 Old Indian Mills Road (Block 307, Lot 4.02)	4 Moore Road West (Block 307, Lot 7)	5 Moore Road West (Block 334, Lot 4)
6 Moore Road West (Block 307, Lot 8)	7 Moore Road West (Block 334, Lot 3)	8 Moore Road West (Block 307, Lot 9)	9 Moore Road West (Block 334, Lot 2)
12 Moore Road West (Block 307, Lot 11)	14 Moore Road West (Block 307, Lot 12)	18 Moore Road West (Block 307, Lot 14)	Blank

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 the 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 construction, but when open cutting of trenches occurs during construction project, the contractor will make every effort to keep disturbance to 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.”

- On a motion made by Mr. Franzen, seconded by Mr. Lee, Resolution 2014-50 was offered for adoption. *Carried.*

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

RESOLUTION 2014-51

RE: APPROVING STREET OPENING PERMIT FOR KANE COMMUNICATIONS, LLC.

WHEREAS, Kane Communications, LLC, 572 Whitehead Road, Suite 201, Trenton, NJ 08619 has applied for a street opening permit **for the purpose of conduit and fiber installation** at the following location of Tabernacle Township: **New Road**

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. The Contractor will notify all residents along proposed pipeline path prior to construction start. Along with this notification, homeowners will be asked to notify the 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. The Contractor will attempt to meet with residents during the construction project to address concerns they might have.
8. The 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 construction, but when open cutting of trenches occurs during construction project, the contractor will make every effort to keep disturbance to a minimum.
10. The 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 the purpose of conduit and fiber installation on New Road.**

BE IT FURTHER RESOLVED that this resolution and the street opening authorized herein is specifically conditioned upon the applicant purpose of conduit and fiber installation as specified in the application.

- On a motion made by Mr. Lee, seconded by Mr. Franzen, Resolution 2014-51 was offered for adoption. *Carried.*

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

**RESOLUTION 2014-52
APPROVING APPOINTMENT FOR BOND COUNSEL**

WHEREAS, there exists a need for the services of a law firm to serve as Bond Counsel for the Township of Tabernacle; and

WHEREAS funds are available for this purpose and a contract shall be award through a fair and open process in accordance with Tabernacle Township local Ordinance 2005-17 and must be available for public inspection; and

WHEREAS, the Local Public Contracts law further requires that a Notice of the award of the contract be printed as a legal advertisement.

NOW, THEREFORE, BE IT RESOLVED, by the Committee of the Township of Tabernacle this **24th day of February, 2014**, as follows:

1. The law firm Parker McCay of Marlton, New Jersey be and the same is hereby appointed as Bond Counsel for the Township of Tabernacle. The appointment is for a term to expire on December 31, 2014.
2. This contract is awarded as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said contract encompasses a professional service recognized and regulated by law.
3. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Agreement with **Parker, McCay, 9000 Midlantic Drive, Suite 300, P.O. Box 5054, Mount Laurel, New Jersey 08054-1539.**
4. Notice of this action shall be published once as a legal advertisement in the official newspaper of the Township of Tabernacle within ten days of its adoption.

- On a motion made by Mr. Franzen, seconded by Mr. Yates, Resolution 2014-52 was offered for adoption. *Carried.*

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

**RESOLUTION #2014-53
A RESOLUTION OF THE TABERNACLE TOWNSHIP COMMITTEE ADOPTING
CHANGE ORDER NO. 1 TO A CONTRACT BETWEEN THE TOWNSHIP OF
TABERNACLE AND A. E. STONE FOR THE 2013 LOCAL ROAD PROGRAM**

WHEREAS, on August 26, 2013, the Township Committee awarded the contract for the 2013 Local Road Program in the amount of \$794,000.00 to A. E. Stone.; 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, Township Engineer, have recommended that the Mayor and Committee approve Change Order No.1 as described below;

Change Order #1

Description of change in scope of work: See attached Change order #1

The amount of the increase is \$15,320.00; and

WHEREAS, the adjusted amount of this contract based upon Change Order No. 1 is \$809,320.00;

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. 1 to the contract between the Township of Tabernacle and A. E. Stone. is hereby authorized by the Township; and
2. The Mayor is hereby authorized and directed to execute Change Order No. 1.

I certify that the foregoing Resolution was duly adopted at a meeting of the Committee of the Township of Tabernacle held on the **24th day of February, 2014.**

- **Discussion:** Mr. Cramer spoke of meeting with Brian Lafferty, Engineer from Alaimo Group to discuss review of pavement of Flyatt Road, particular between intersection of Route 206 and Old Indian Mills Road.
- On a motion made by Mr. Franzen, seconded by Mr. Lee, Resolution 2014-53 was offered for adoption. *Carried.*

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

Motion

Parade Permit: Pine Barrens Jeep Jamboree – Event: March 27-29, 2014.

- On a motion made by Mr. Yates, seconded by Mr. Franzen, the Pine Barrens Jeep Jamboree parade permit was approved. *Carried.*

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

Report of the Emergency Management / Safety Coordinator

Col. William Lowe reported on new guidance for safety as he spoke about changing the way we think about safety through trust, care, knowledge and communication. A 2014 safety contract through Burlington County Municipal Joint Insurance Fund will be signed by the governing body of the Township of Tabernacle recognizing the important role and effective safety program plays in lowering employee injury rates, reducing lost time accidents, and cutting insurance costs, all of which contribute to greater employee safety and lower tax rates.

Mr. Lowe reported on scheduling a tentative Tabernacle Wellness Day for September 12th, 2014 (Friday).

Mr. Lowe reported on a Basic Operations Plan, Appendix 7 and spoke of plan to execute an example draft letter that will be sent to all residents, persons, departments, agencies and municipalities with the Township of Tabernacle Township to declare a Township wide emergency/disaster.

Report of the Township Engineer

Mr. Morris provided a recap on the weather condition progress for the ongoing projects for the 2013 Local Road Program.

Report of the Township Administrator

Mr. Cramer reported on a request made by the Technical Assistant to obtain her zoning certification and payment of half the cost. While there were no objections among members of the Township Committee, Committeeman Yates expressed his concern for employee commitment once they receive their certification.

Mr. Lange was directed to develop language to be added to the Employee Manual which would permit reimbursement of certain tuition and training costs and require employees to reimburse the Township for tuition and training costs expended by the Committee if the employee voluntary leaves their position.

Ann Drive – Mr. Cramer questions if a decision has been reached regarding the anomaly house numbering for Ann Drive properties since the resident request was made.

Tabernacle Township Committee discussed the anomaly of the house numbering of 32 Anne Drive, and the adjacent undeveloped lot currently assigned with a street address of 30A Anne Drive as a result of a subdivided lot many years ago and **has voted 4/0 to NOT make any changes to the current housing addresses on Anne Drive, specifically 32 Anne Drive.** This address is currently assigned to Mr. and Mrs. Decker and will remain as this motion was carried.

- Mr. Franzen made motion that no change be given to the current residents holding address of 32 Anne Drive. Mr. Lee seconded the motion.

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

Pepper House – Mr. Cramer spoke of meeting with Tabernacle Historical Society and the possibility of obtaining a matching grant from the Burlington County Bridge Commission for a 1972 foundation repair work for the Pepper House to qualify.

- Approval was given to authorize Mr. Cramer to apply for the grant should they qualify. The motion was made by Mr. Lee. Mr. Franzen seconded the motion.
- Mr. Franzen abstained from voting because his wife is an active member of the Historical Society.

Roll Call: Ayes: Lee, Yates, Barton Abstain: Franzen Absent: 1

Road Salt – Mr. Cramer reported the Public Works Department being low on salt.

Report of the Township Solicitor

Mr. Lange reported that he has some minor issues which he will report at the next workshop meeting.

Report of the Township Committee

Forestry Bill - Deputy Mayor Lee reported on forestry bill that went before the Assembly agriculture for wildfires. The two bills are moving forward. The proposed legislation would establish a certification program for prescribed-burn managers and procedures for conducting the burns.

Mayor Barton shared that he attended the mechanics and robotic competition at the Seneca School. There will be a competition in Tabernacle on March 22nd. Hopefully there will be some media coverage.

Public Comment

Susan Throop, 30 Gate Road, reported on residents walking their dogs near the circle and complaints made of pet waste being left around and cars blocking driveways on Gate Road. Further concerns were made of vehicles blocking the road near her home should there be the case for the need of an emergency vehicle.

Joe Volpe, 13 Gate Road, spoke of cars not blocking the circle and the Township should not spend any time thinking about it.

Bob Wolfe, 315 Carranza Road, spoke about being a dog walker and the owner of cars parked on Gate Road. It is not possible to block traffic because garbage trucks have gone around us.

Sean McCausland, 346 Pricketts Mill Road, spoke of being a member of the Volunteer Fire Company and receiving a bill from the Tabernacle Rescue Squad after a motor vehicle accident.

Mayor Barton advised that anyone who has received a bill to take it over to the squad for clarification on their services.

John Cooper, 21 Woodside Drive, questioned if the Township knows what the rescue squad is doing with the money they receive from the insurance companies, since the Township gives the squad \$70,000.

Michael Callagan, spoke about wanting to sign up for South Jersey Gas hook-up.

Bob Wolf, 315 Carranza Road, spoke about snow plows doing a very good job every time and before he had a chance to go repair the mailbox the public works department came and put new screws in his mailbox. Mr. Wolfe expressed that he never had such a good experience with a government agency before.

Adam Goldy, 9 Moore Road West, questioned the engineer to which side of his street the gas main will run.

Shane Lyon, 2 Burr Mill Court, commented that he received a rescue squad bill for his father and himself and also heard of squad members being paid for duty crew.

Fran Brooks, 78 Moores Meadow Road, spoke about documents Jason Litowitz submitted at the last meeting regarding the fire districts and wanted to know if the sub-committee is accepting these documents in consideration regarding the fire district petition to dissolve. There is no basis for the notice and a problem with his submission.

Deputy Mayor Lee spoke that he will not comment on the Fire District dissolution at this time but appreciates the question.

Stuart Brooks, 78 Moores Meadow Road, addressed a comment made at a prior meeting as an afterthought that the announcement of a subcommittee being formed. Mr. Brooks expressed being disturbed by Mr. Lee and Ms. Brook operating behind closed doors and not being transparent with respect to the decision making regarding the dissolution of the fire district.

Jason Litowitz, 5 Horseshoe Court, spoke about the robotic competition will be the entire weekend. He also spoke of the public notice clarification and spoke of various provisions covering the Township ordinances with respect to the fire company and fire firefighters.

Closed to the public. No further comments.

Adjournment

Members of the Township Committee adjourned the meeting. The motion was made by Mr. Franzen, seconded by Mr. Yates.

Respectfully submitted:

La Shawn R. Barber, RMC/CMR
Township Clerk

Approved: 04/28/2014