

**TABERNACLE TOWNSHIP COMMITTEE
WORKSHOP MEETING MINUTES OF APRIL 12, 2021**

CALL TO ORDER

Mayor Brown called the meeting April 12, 2021 to order at 7:30 p.m. and led us into the Flag Salute.

OPEN PUBLIC MEETINGS ACT

Sunshine Notice: This meeting was called pursuant to the Open Public Meetings Act. This meeting of **April 12, 2021** was sent to the Central Record, Burlington County Times, and Courier Post on January 6, 2021. 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, Mayor	Present
Joseph W. Barton, Committee Member	Present
Nancy K. McGinnis, Committee Member	Present
Samuel R. Moore, III, Deputy Mayor	Present
Robert C. Sunbury, Jr., Committeeman	Present

ADMINISTRATIVE TEAM

Douglas A. Cramer, CPWM – Township Administrator	Present
Dante Guzzi, Township Engineer	Present
Rodney R. Haines, Township CMFO	Present
William Burns, Esquire, Township Solicitor	Present
Elaine B. Kennedy, RMC/CMC, Municipal Clerk	Present

PUBLIC COMMENT

Fran Brooks, Moores Meadow Road. Stated that at the March 22 meeting, Ms. McGinnis brought up the sign issue for Murphy’s Market. Ms. Brooks submitted an OPRA request for the letter that was received from Pinelands; however, the letter was not released. She stated that it is impossible for the public to offer any comments on this agenda item as the letter from the Land Development Board attorney was not attached.

Stuart Brooks, Moores Meadow Road, stated that no business owner ever appeared before the committee to explain the sign problems. Mr. Brooks asked why Committee spending time on an issue that the affected a business unwilling to spend any of its own time. Mr. Brooks asked if a business built off Route 206 received a discount on the land that they purchase.

Mayor Brown closed public comment as there were no further comments from the public.

RESOLUTIONS

RESOLUTION 2021-62 ~ ACCEPTANCE OF 2019-2020 FEDERAL FUNDS AS APPROVED BY RESOLUTION 2020-69

MOTION - Mr. Moore made a motion to adopt Resolution 2021-62, seconded by McGinnis. Ayes- Barton, McGinnis, Moore, Brown. Abstain – Sunbury. **Motion carried.**

DISCUSSION ITEMS

DAVID FRANK LETTER TO THE TOWNSHIP COMMITTEE RE: OFF-SITE SIGNAGE

The letter to Township Committee regarding off-site signage dated March 8, 2021 from Land Development Board attorney David C. Frank, was read into the record, and is attached to these minutes.

Mr. Cramer explained that during a Land Development Board meeting it came to the Board’s attention after the vote that there was a conflict of interest for one of the members on the Board. We have the same conflict on the current Township Committee. Mr. Cramer asked Mr. Burns to comment regarding how to move forward.

Mr. Burns explained that there is a conflict of interest of a Township Committee Member and a Land Development Board Member regarding this off-site signage. He stated that the easiest and most efficient way for the committee to address the sign issue and whether it is something that they want to act upon is to wait to see if a business owner, attorney, or any entity who is interested in having a sign submits a formal application to the Township Committee, whether through attendance at a committee meeting or a written application, and at that time the committee can then discuss it and take whatever action they deem necessary.

Mr. Burns reminded the Committee as a whole, that if any member has a conflict with respect to Murphy’s Market or any other business that is seeking a sign, they should not participate in the discussion as a committee person; should remove themselves from the dais during the discussion, and at public comment portion will have the opportunity to speak to the committee as a citizen, not as an elected official.

Mr. Burns suggested that the Township Committee take no action at this time pending any action or comments by any businesses, not just that of Murphy’s Market.

Mr. Barton added that if someone wants a sign, they should apply to the Land Development Board. He was not in favor of moving forward with this issue, with Mr. Sunbury and Mr. Moore concurring.

Mayor Brown asked Mr. Burns to draft a letter to Murphy’s Market stating the options to memorialize the options for their off-site signage needs, to include the responsibilities associated with the application, i.e., fees, professionals, plans. In favor: Mr. Barton, Mr. Moore, Mr. Sunbury, Mayor Brown.

CANNABIS LEGISLATION

Mr. Burns explained impacts of New Jersey’s Legalized Cannabis and its six classes of business licenses in New Jersey.

- Class 1 – Grower (grow, cultivate, and produce marijuana plants and raw materials)
- Class 2 – Processor (manufacture, prepare, and package marijuana items)

- Class 3 – Wholesaler (store, sell, and transfer marijuana items for resale)
- Class 4 – Distributor (transport bulk amounts of marijuana)
- Class 5 – Retailer (sell marijuana to consumers from retail store)
- Class 6 – Delivery Service (home delivery courier for Cannabis Retailers)

Mr. Burns added that there are significant regulatory criteria that must be followed with all these licenses, and a regulatory scheme has not been developed yet. The Township Committee can limit the kind of cannabis businesses and the locations. There are also land use issues which need to be evaluated.

Mr. Cramer explained some of the criteria and to consider what is best for the Community. He advised the Committee the deadline for a decision is August 21, 2021. Otherwise, what is allowed in the State of New Jersey is what will be allowed in Tabernacle. No changes will be allowed for five years. There are tax ramifications to the township.

The existing restrictions are that wholesalers are zoned in an industrial area, and retailers in the commercial zone.

Mr. Barton does not feel any of the six classes should be allowed in Tabernacle Township. His major concern is marijuana consumption in public and prefers to prohibit public consumption.

Mr. Burns explained that the legislation is treating this like vaping or cigarette smoking, but not alcohol. The Committee does not have the right to restrict the use of marijuana. The legislation significantly curtails any enforcement opportunity by the police, meaning that they do not have the opportunity to approach someone just because they are smoking marijuana.

Mr. Sunbury is in favor of prohibiting the consumption of cannabis and/or tobacco products on Township property, and to prohibit the issuance of any New Jersey's Legalized Cannabis within Tabernacle.

All five Governing Body members agreed to prohibit all six elements. Mr. Burns will create the ordinance for distribution;

ALLENWOOD AGE RESTRICTION

Mr. Burns briefly explained the history of the age restricted community and reminded the committee that Mr. Frank wrote a memorandum outlining the recommendations from the Land Development Board. Mr. Sunbury said that it was he who requested the discussion about the ordinance and has since withdrawn any questions and is content to accept the ordinance. Mr. Cramer stated the definition needs to be changed to include the HUD information. Mayor Brown asked the redistribute the information from Mr. Frank.

PUBLIC COMMENT

Fran Brooks, Moores Meadow Road, asked about the personal conflict that was brought up at this meeting and wanted to know the status of the resolution.

Mr. LeMire, Washington Way, asked for the thoughts of Committee for the Memorial Day Parade since we are still under COVID-19 restrictions. Members of the Medford VFW are willing to support this event.

Stuart Brooks, Moores Meadow Road, asked about the letter from Mr. Frank, wanting to identify the date of the letter and to whom.

Being no further comment, Mayor Brown closed public comment.

REPORTS

TOWNSHIP ENGINEER

Mr. Guzzi reported Arawak Paving was on Oak Shade Road working on punch list items. Bid for Oak Shade Road, Phase II will be received on April 14, 2021.

Mr. Guzzi advised the Committee they are waiting for DOT's authorization to go out to bid for Carranza Road, Phase II. Plans were submitted to Burlington County for authorization and approval for the community development block grant project which are for ADA improvements inside the municipal building.

TOWNSHIP ADMINISTRATOR

Mr. Cramer will ask Mr. Frank to forward the letter to the Clerk which Mr. Frank sent to the Pinelands Commission. Mr. Cramer is currently working with Woodland Township on a shared service arrangement for our construction office. Woodland will maintain the office, and they will have their own technical Assistant. Mr. Cramer will keep the Committee up to date on this project. Mr. Cramer has conceptual plans for the Sequoia School and recommendations to be considered such as an easement. The prospective buyer is aware of the Township's interest. Mr. Cramer requested Irick's Causeway discussion. Mr. Cramer is continuing research on township owned property and is looking to provide rough numbers by June.

Ms. McGinnis asked Mr. Cramer if there is anything that the township could do to urge residents to fix up their properties because she has been receiving complaints. Mr. Cramer replied that he knows of the property however, there is a fine line between overgrowth and what is a natural growing area.

Ms. McGinnis also asked for an agenda item to begin a weekly email for residents who would like to receive information about the township news. Mayor Brown replied that Ms. McGinnis can discuss her idea in her Committee report. Mr. Cramer explained that we had a full agenda for the evening, and we presently do not have staff to dedicate the time.

Mr. Barton suggested that Mr. Cramer reach out to Mr. Franzen of the Historical Society and discuss the easement area for the one room schoolhouse.

TOWNSHIP SOLICITOR

Mr. Burns will review the cannabis legislation and finalize the draft ordinance for Allenwood Estates.

Mr. Burns advised the Committee that another lawsuit has been recently filed in the Burlington County Superior Court alleging two OPRA violations. He asked for this matter to be listed for the April 26, 2021 agenda.

EMERGENCY MANAGEMENT

Mr. Sunbury reported that there is an average of three new COVID-19 cases per day in Tabernacle. The Burlington County Farm Fair has officially been cancelled. Mr. Sunbury suggested that the Committee Members follow the same protocol for the Memorial Day Parade as suggested by Burlington County Emergency Management.

Members of the Committee all agreed to not have a formal Memorial Day parade and remain with last year's ceremony of the seven-gun salute and the wreath laying at Town Hall.

CHIEF FINANCIAL OFFICER

Mr. Haines has been delaying introducing the budget because the federal stimulus package money that has been published stated that we are going to receive approximately \$660,000.00. However, there has been no guidance as to how that those funds need to be used and did not want to amend the budget. Mr. Haines is preparing a zero increase in taxes for the 2021 budget. Mr. Haines confirmed that COVID-19 money cannot be used for tax relief.

TOWNSHIP COMMITTEE

Mr. Barton felt the stimulus money should go to the residents as it will have to be paid back in some way.

Mr. Barton asked that the Fire Chief or the Deputy Chief attend the next committee meeting to give a report.

Ms. McGinnis confirmed that she was the conflict of interest on the current Committee regarding Murphy's sign. Ms. McGinnis asked why farmers can put up signs and no one else can. Mr. Barton advised her the farmers were approved long ago. Anyone can now go to the Land Development Board for a sign. Ms. McGinnis questioned why a weekly email would take too much time, to which Mr. Sunbury advised her it would take considerable time to keep it up to date. Ms. McGinnis suggested having a Tabernacle Day in the future.

Mayor Brown explained that staff members attend Tabernacle Day which is known as Community Day. It is held at Seneca High School in October but since COVID-19 it has been cancelled.

Mr. Moore had nothing to report.

Mr. Sunbury had nothing to report.

Mr. Cramer reported that TAA is considering fall soccer outdoors. Mayor Brown asked Mr. Burns if the Township would be liable, to which Mr. Burn responded that they would not be held accountable; however, the township should take extra precautions.

Mayor Brown asked the consensus regarding Memorial Day. Mr. Barton suggested the ride by parade as was done last year with Southampton on the 4th of July. Ms. McGinnis wanted a parade. Mr. LeMire said they could have the 4th of July and have a wreath laying for Memorial Day. Mr. Sunbury suggested house decorating, to which Mr. LeMire said is too short a time to put that together.

Lynn Hedden spoke with Mr. Cramer this week and it is heartbreaking the children cannot have sports. The surrounding towns have opened outdoor sports with Covid waivers. She would like to have fall soccer and the baseball and softball in the spring next year. Soccer would start after Labor Day. All Committee members were in favor of this.

ADJOURNMENT

MOTION – Mr. Moore made a motion to adjourn, seconded by Ms. McGinnis, and unanimously carried. The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Elaine B. Kennedy, RMC/CMC
Municipal Clerk

**RESOLUTION 2021-62
ACCEPTANCE OF 2019-2020 FEDERAL FUNDS AS
APPROVED BY RESOLUTION 2020-69**

WHEREAS, the Township Committee of the Township of Tabernacle applied for the FY 19 Emergency Manage performance Grant FY20-EMPG-EMAA-0335 by Resolution 2020-69 on June 8, 2020; and

WHEREAS, the total amount of the project/Federal Award was \$10,000.

NOW THEREFORE BE IT RESOLVED that the Township of Tabernacle accepts the \$10,000 award to be utilized for emergency management purposed as required under the contract as noted as per the attached Resolution 2020-69.

DATE: April 12, 2021

Elaine B. Kennedy, RMC/CMC/CMR
Municipal Clerk

Kimberly A. Brown
Mayor

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Joseph W. Barton						
Nancy K. McGinnis						
Samuel R. Moore, III						
Robert C. Sunbury, Jr.						
Kimberly A. Brown						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on April 12, 2021.

Elaine B. Kennedy, RMC/CMC/CMR
Municipal Clerk

**RESOLUTION 2020-69
APPROVING ACCEPTANCE OF FEDERAL FUNDS AND
PARTICIPATION IN THE FEDERAL GRANT PROGRAM ADMINISTERED BY
THE STATE OF NJ, DEPARTMENT OF LAW & PUBLIC SAFETY**

WHEREAS, the Office of Emergency Management, Township of Tabernacle, New Jersey has applied for the **FY 19** Emergency Management Performance Grant (EMPG) Program, Emergency Management Agency Assistance (EMMA) – **FY20-EMPG-EMAA-0335 for the subaward period July 1, 2020 - June 30, 2021**; and

WHEREAS, the total amount of the project / **Federal Award is \$10,000.00**; and

WHEREAS, the funds will be used for emergency management purposes as required under the contract; and

WHEREAS, the Office of Emergency Management is an agency of the Township and is both authorized to accept and does accept this Subaward.

NOW, THEREFORE BE IT RESOLVED, that the Township of Tabernacle, County of Burlington State of New Jersey hereby accepts the grant funds for the purpose described in the application, which is to provide Federal funds to states to assist state, local, territorial, and tribal governments in preparing for all hazards, as authorized by Section 662 of the Post-Katrina Emergency Management Reform Act, as amended (6 U.S.C. § 762) and the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §§ 5121 et seq.). Title VI of the Stafford Act authorizes DHS/FEMA to make grants for the purpose of providing a system of emergency preparedness for the protection of life and property in the United States from all hazards and to vest responsibility for emergency preparedness jointly in the Federal Government, states, and their political subdivisions. These funds will be used to enhance Tabernacle Township's Emergency Management Program and that these funds will be used for Emergency Management purposes.

Date: June 8, 2020

KIMBERLY A. BROWN, MAYOR

LA SHAWN R. BARBER, RMC
MUNICIPAL CLERK