

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

DRAFT AGENDA – SUBJECT TO CHANGE

**Tabernacle Town Hall Building
163 Carranza Road
Tabernacle, NJ 08088**



**TOWNSHIP COMMITTEE MEETING
AGENDA**

JULY 12, 2021 - 7:30 PM

Governing Body

Joseph W. Barton, Township Committee
Nancy K. McGinnis, Township Committee
Samuel R. Moore, III, Deputy Mayor
Robert C. Sunbury, Township Committee
Kimberly A. Brown, Mayor

TOWN HALL ADMINISTRATIVE TEAM

Douglas Cramer, C.P.W.M.
Township Administrator
Dante Guzzi
Township Engineer
William Burns
Township Solicitor

Rodney Haines, C.M.F.O.
Chief Finance Officer
Thomas Boyd
Construction Official
Douglas Stuart
Environmental Consultant

Kimberly L. Smith, C.T.C., QPA
Tax Collector
Robert Sunbury
Emergency Management Coordinator
Elaine B. Kennedy, RMC/CMC/CMR
Municipal Clerk

www.townshipoftabernacle-nj.gov

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

TOWNSHIP OFFERS (3) THREE PLATFORMS TO PARTICIPATE IN MEETING

--- PRE-REGISTRATION IS REQUIRED---

<https://attendee.gotowebinar.com/register/2190122025562369803>

All participants will be set in "LISTEN ONLY." Instructions for Using GotoWebinar Meeting.

OPTION 1 – AUDIO: 1. Always use the Registration link provided on the Tabernacle Township Homepage website to Register to attend the meeting. You will then receive an email with a link to join the meeting via computer, the GotoWebinar Android app or the GotoWebinar IOS app.

OPTION 2 – TELEPHONE: If you want to participate by Phone you should still connect to the meeting on your computer to view documents and information shared on the screen. You will be asked if you want to use the computer's audio/microphone or a telephone. If you choose the telephone option you will be given an audio Pin. Call the phone number on your email, enter the meeting ID and then your Audio PIN when prompted followed by the # sign. When asked for Public Comment you can use the key sequence of ***6 to unmute and mute your phone**.

OPTION 3 – MASK UP / SOCIAL DISTANCE WITH MUNICIPAL CLERK AT TOWN HALL,
163 Carranza Road, Tabernacle, NJ 08088 (No registration required)

After registering, you will receive a confirmation email containing information about joining the webinar.

Registration URL

<https://attendee.gotowebinar.com/register/2190122025562369803>

Webinar ID

645-895-547

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

**TABERNACLE TOWNSHIP COMMITTEE
JULY 12, 2021
RESCHEDULED MEETING OF JUNE 28, 2021 AGENDA**

1. **CALL TO ORDER**

2. **FLAG SALUTE**

3. **OPEN PUBLIC MEETINGS ACT STATEMENT**

“The Provisions of the Open Public Meetings Act have been met. Notice of this rescheduled meeting has been transmitted to the Burlington County Times, Central Record, Courier Post, posted on the Bulletin Board of the Municipal Building, posted on the Tabernacle website, given to the Municipal Clerk on June 28, 2021, and given to those having requested and paying for same.”

4. **ROLL CALL:** Mr. Barton, Ms. McGinnis, Mr. Moore, Mr. Sunbury and Mayor Brown

5. **PUBLIC COMMENT** (*Agenda items only*)

ORDINANCES – SECOND READING (*No public hearing on introduction*)

6. **Public Hearing - ORDINANCE 2021-02 – EXCEED CAP**

7. **ADOPTION – ORDINANCE 2021-02 ~ EXCEED CAP**

ORDINANCES – FIRST READING INTRODUCTION

8. **INTRODUCTION ~ ORDINANCE 2021-03 – CANNABIS**

AN ORDINANCE BY THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES

9. **INTRODUCTION ~ ORDINANCE 2021-04**

AN ORDINANCE BY THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY PROHIBITING THE SALE OF MARIJUANA AND MARIJUANA PRODUCTS TO MINORS AND CONSUMPTION OF MARIJUANA AND MARIJUANA PRODUCTS BY MINORS

10. **INTRODUCTION - ORDINANCE NO. 2021-05**

AN ORDINANCE BY THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY PROHIBITING CONSUMPTION OF TOBACCO AND MARIJUANA PRODUCTS

11. **INTRODUCTION ~ ORDINANCE 2021-06**

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

**AN ORDINANCE BY THE TOWNSHIP OF TABERNACLE, COUNTY OF
BURLINGTON, STATE OF NEW JERSEY PROHIBITING CONSUMPTION OF
MARIJUANA PRODUCTS IN MUNICIPAL PUBLIC RIGHT OF WAY**

RESOLUTIONS

12. **RESOLUTION 2021-78 – BUDGET READ BY TITLE**
13. **PUBLIC HEARING – 2021 BUDGET**
14. **RESOLUTION 2021-79 – ADOPTION 2021 BUDGET**
15. **REMOVE FROM TABLE – RESOLUTION 2021-74 RENEWAL ABC LICENSE –
LEISURE TIME t/a TABERNACLE INN**
16. **RESOLUTION 2021-74 - RENEWAL ABC LICENSE – LEISURE TIME t/a
TABERNACLE INN**
17. **RESOLUTION 2021-80 – RENEWAL ABC LICENSE MURPHY’S IN THE PINES**
18. **RESOLUTION 2021-81 – RENWAL ABC LICENSE – VILLAGE PUB**
19. **RESOLUTION 2021-82 – REFUND ESCROW BLOCK 503.01, LOT 1.01**
20. **RESOLUTION 2021-83 – DOT GRANT APPLICATION**
21. **RESOLUTION 2021-84 – AUTHORIZING PAYMENT FOR LOSAP CONTRIBUTION
2020 TABERNACLE FIRE COMPANY \$19,103.00**
22. **RESOLUTION 2021-85 – AWARD OF CDBG CONTRACT TO MJJ CONSTRUCTION**
23. **RESOLUTION 2021-86 – REDUCTION 2021-2022 ABC LICENSES**
 - a. **LEISURE TIME t/a TABERNACLE INN**
 - b. **MURPHY’S IN THE PINES**
 - c. **VILLAGE PUB**
24. **APPROVAL OF BILLS**
25. **APPROVAL OF MINUTES**
 - a) **April 26, 2021- Regular Meeting**
 - b) **April 26, 2021- Executive Session**
 - c) **May 10, 2021 – Workshop Meeting**
26. **PUBLIC COMMENT**
27. **REPORTS**

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

- a) Engineer
- b) Administrator
- c) Township Solicitor
- d) Emergency Management
- e) CMFO
- f) Township Committee

28. **ADJOURNMENT**

**ORDINANCE 2021-02
CALENDAR YEAR 2021**

**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 up to 1% 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 2021 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 2.5% increase in the budget for said year, amounting to \$ 89,035.07 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 2021 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 \$ 124,649.09, and that the CY 2021 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.

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE NO. 2021-03

AN ORDINANCE BY THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by Ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner, and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**TOWNSHIP OF TABERNACLE
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WHEREAS, section 31b of the Act authorizes municipalities by Ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Committee of the Township of Tabernacle has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Tabernacle in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Tabernacle's residents and members of the public who visit, travel, or conduct business in the Township of Tabernacle, to amend the Township of Tabernacle's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Tabernacle; and

WHEREAS, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Tabernacle. This prohibition shall also apply in those parts of the Township of Tabernacle under the jurisdiction and authority of the State of New Jersey Pinelands Commission, New Jersey State Department of Environmental Protection, and/or any other independent state agency, commission or authority, notwithstanding any State law to the contrary.

2. Section 17-93 of the Revised General Ordinances of the Township of Tabernacle is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16.”

3. Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinances of the Township of Tabernacle inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Burlington County Planning Board, and as otherwise provided for by law.

ORDINANCE NO. 2021-04

**AN ORDINANCE BY THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY PROHIBITING THE SALE OF MARIJUANA AND MARIJUANA
PRODUCTS TO MINORS AND CONSUMPTION OF MARIJUANA AND MARIJUANA
PRODUCTS BY MINORS**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act does not preempt municipal authority to regulate the smoking and/or vaping of these items in public areas;

WHEREAS, N.J.S.A. 40:48-2 authorizes the Township to make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of the State of New Jersey or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law;

WHEREAS, the Township Committee of the Township of Tabernacle having reviewed this matter has determined that it is in the best interest of the Township and its inhabitants to prohibit the use and sale of cannabis and related products by minors.

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

Section 3-11.5 Definitions

As used in this Article, the following terms shall have the meanings indicated herein:

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

“Consumption” means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.

“Electronic smoking device” means a nonlighted, noncombustible device that may be used to simulate smoking and that employs a mechanical heating element, battery, or circuit, regardless of shape or size, to produce aerosolized or vaporized nicotine or other substance for inhalation into the body of a person, an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other similar product with any other product name or descriptor. Electronic device is any device that can be used to deliver nicotine, marijuana, marijuana extract, marijuana products or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.”

“Marijuana” and “Cannabis” mean all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product. The terms Marijuana and Cannabis have the same meaning within this section and are used interchangeably.

“Marijuana extract” means a substance obtained by separating resins from marijuana by: (i) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; (ii) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or (ii) Any other process identified by the division by rule.

“Marijuana flowers” means the flowers of the plant genus Cannabis within the plant family Cannabaceae.

“Marijuana items” means marijuana, marijuana products, and marijuana extracts.

“Marijuana leaves” means the leaves of the plant genus Cannabis within the plant family Cannabaceae.

“Marijuana paraphernalia” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

“Marijuana product” means a product containing marijuana or marijuana extracts and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible products, ointments, and tinctures. Marijuana products do not include: (i) marijuana by itself; or (ii) marijuana extract by itself.

“Smoking” means the inhaling, exhaling burning or possession of any lighted cigar, cigarette, pipe, or use of any electronic smoking device including but not limited to the inhaling, exhaling or other ingestion of any vape, vapor or vapor product.

“Vapor product” means “any non-combustible product containing nicotine and/or cannabis/marijuana that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from nicotine and/or cannabis/marijuana in a solution or any form including any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form intended to be used with, or in, any such device.”

Section 3-11.8 Prohibition of Marijuana Sales to Minors

- a. It shall be unlawful to sell marijuana, cannabis, and/or a marijuana product product to a minor, that is, a person under 18 years of age unless said minor presents a medical prescription, prescribing cannabis for medicinal purposes.

**TOWNSHIP OF TABERNACLE
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- b. It shall be unlawful for any person to purchase a marijuana product (a) with funds furnished by a minor or (b) with the intent to sell such product to a minor unless said minor presents a medical prescription, prescribing cannabis for medicinal purposes.
- c. No person directly or indirectly acting as agent or otherwise shall sell, give or furnish to a minor under the age of 18 years any product made of or containing cannabis and/or marijuana or any paraphernalia for the use of the consumption of cannabis, including any rolling paper, or any cannabis, marijuana, and/or marijuana product in any form including, but not limited to, raw cannabis, processed cannabis, smokeless cannabis, oil derived from cannabis, or edible goods containing cannabis, unless said minor presents a medical prescription, prescribing cannabis and/or marijuana for medicinal purposes.
- d. No person who is the parent, legal guardian or other person acting in place of a parent or legal guardian or person who is responsible for the care and welfare of a minor under the age of 18 years shall allow that minor to possess any marijuana products, cannabis and/or marijuana, including but not limited to raw cannabis, processed cannabis, smokeless cannabis, oil derived from cannabis, or edible goods containing cannabis unless said minor presents a medical prescription, prescribing cannabis and/or marijuana for medicinal purposes.

Section 3-11.9 Prohibition of Cannabis Sales to Minors Regulation of Cannabis Vending Machines and Cannabis Vending Machine Sales.

- a. Marijuana products, marijuana and cannabis vending machines and marijuana products, marijuana and cannabis vending machine sales are hereby prohibited within the Township of Tabernacle.
- b. Self-service marijuana products, marijuana and cannabis displays, that are, any racks, freestanding displays or other display devices from which a customer may select marijuana products directly with only payment to be made to the retailer are prohibited.

Section 3-11.10 Penalties.

- a. Unless otherwise provided by law, statute or ordinance, any person violating any provision of this section shall, upon conviction thereof, pay a fine of not less than \$100, nor more than \$500 for each offense. The complaint shall be made in the Municipal Court of the Township of Tabernacle or before such other judicial officer having authority under the laws of the State of New Jersey.
- b. Any second or subsequent conviction for a violation of this section within any two-year period shall be subject to a penalty of not less than \$500 nor more than \$1,000 for each subsequent conviction.
- c. Each sale of a marijuana product, marijuana and/or cannabis to a minor, each day of possession or use of a marijuana product, marijuana and/or cannabis vending machine and each violation of the other prohibitions contained in this section shall constitute a separate violation.
- d. The Board of Health, in addition to the monetary penalties prescribed herein, may suspend the retail food establishment license of any person convicted of a second or subsequent violation of this section within any two-year period for not more than three days, pursuant to the authority of the Health Commission to license and regulate food establishments as provided by N.J.S.A. 26:3-31(c).
- e. Notwithstanding paragraphs a and b above, for a violation of this section, the penalty shall be as determined pursuant to the Code of Juvenile Justice.

**TOWNSHIP OF TABERNACLE
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Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinances of the Township of Tabernacle inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

ORDINANCE NO. 2021-05

**AN ORDINANCE BY THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY PROHIBITING CONSUMPTION OF TOBACCO AND MARIJUANA
PRODUCTS**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act does not preempt municipal authority to regulate the smoking and/or vaping of these items in public areas; and

WHEREAS, N.J.S.A. 40:48-2 authorizes the Township to make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of the State of New Jersey or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Township Committee of the Township of Tabernacle Finds and determines that the smoking of Tobacco and Marijuana Products is a major contributor to indoor air pollution and breathing secondhand smoke is a cause of disease to nonsmokers; and

WHEREAS, the Township Committee of the Township of Tabernacle adopts the finding of the New Jersey Legislature that tobacco is the leading cause of preventable disease and death in the State of New Jersey and the nation and smoke constitutes a substantial health hazard to the nonsmoking majority of the public; and

WHEREAS, consumption of tobacco and marijuana products leads to the inevitable discard of tobacco and marijuana products and a source of litter by those who fail to properly dispose of same; and

WHEREAS, The New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-63) specifically authorizes local restrictions on smoking equivalent to, or greater than, those provided in the NJSFAA for purposes of protecting public health; and

WHEREAS, the Township Committee of the Township of Tabernacle having reviewed this matter has determined that it is in the best interest of the Township and its inhabitants to prohibit the smoking and ingestion of tobacco and marijuana products in certain public areas; and

**TOWNSHIP OF TABERNACLE
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NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Tabernacle, County of Burlington, State of New Jersey as follows:

Section 3-11.11 Definitions

As used in this Article, the following terms shall have the meanings indicated herein:

“Consumption” means the act of ingesting, inhaling, smoking, or otherwise introducing marijuana and/or tobacco into the human body.

“Electronic smoking device” means a nonlighted, noncombustible device that may be used to simulate smoking and that employs a mechanical heating element, battery, or circuit, regardless of shape or size, to produce aerosolized or vaporized nicotine or other substance for inhalation into the body of a person, an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other similar product with any other product name or descriptor. Electronic device is any device that can be used to deliver nicotine, marijuana, marijuana extract, marijuana products or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.”

“Marijuana” and “Cannabis” mean all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product. The terms Marijuana and Cannabis have the same meaning within this section and are used interchangeably.

“Marijuana extract” means a substance obtained by separating resins from marijuana by: (i) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; (ii) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or (ii) Any other process identified by the division by rule.

“Marijuana flowers” means the flowers of the plant genus Cannabis within the plant family Cannabaceae.

“Marijuana items” means marijuana, marijuana products, and marijuana extracts.

“Marijuana leaves” means the leaves of the plant genus Cannabis within the plant family Cannabaceae.

“Marijuana paraphernalia” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

“Marijuana product” means a product containing marijuana or marijuana extracts and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible products, ointments, and tinctures. Marijuana products do not include: (i) marijuana by itself; or (ii) marijuana extract by itself.

“Smoking” means the inhaling, exhaling burning or possession of any lighted cigar, cigarette, pipe, or use of any electronic smoking device including but not limited to the inhaling, exhaling or other ingestion of any vape, vapor or vapor product.

“Tobacco Product” means any product made from the tobacco plant for the purpose of smoking, changing, inhaling, or otherwise consuming, including cigarettes (in any form), cigars, chewing tobacco, pipe tobacco and snuff.

“Vapor product” means “any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from nicotine and/or marijuana or cannabis in a solution or any form

**TOWNSHIP OF TABERNACLE
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including any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of nicotine and/or marijuana or cannabis in a solution or other form intended to be used with, or in, any such device.”

Section 3-11.12 CONSUMPTION OF TOBACCO AND MARIJUANA PRODUCTS PROHIBITED

Consumption of Tobacco Products and Marijuana Products shall be prohibited at all times in all enclosed public places within the Township of Tabernacle, including, but not limited to, the following places:

A. In all Township Buildings and the curtilage thereto whether owned, leased or utilized by the Township including but not limited to:

- a. Municipal Complex (Town Hall, Annex, Public Works and Pepper House)
- b. Emergency Services Building
- c. Fire House
- d. Community Center
- e. Historic School

B. All enclosed areas available to and customarily used by the general public and all areas of business establishments and nonprofit entities generally accessible to the public, including, but not limited to, the public areas of retail stores, banks, offices, movie theaters, laundromats, hotels, motels, sports arenas, and bowling facilities.

C. All outdoor areas within ten linear feet from any and all entrances and exits of any and all enclosed indoor areas where smoking is prohibited, to ensure that smoke and/or vape/vapor does not enter the smoke free indoor areas through entrances, windows, ventilation systems, or any other means.

D. All rest rooms, lobbies, reception areas, hallways, elevators, service lines, and any other common-use areas in enclosed public places.

E. All polling places.

F. All buses, taxis, other means of public transit and waiting areas of public transit depots, and limousine and car services.

G. All private residences that are used as child-care or health-care facilities.

H. All health-care facilities, including but not limited to, clinics, physical therapy facilities, and offices of doctors, dentists, chiropractors, and psychiatrists.

I. All enclosed facilities owned, leased, or operated by the Township of Tabernacle.

J. All museums, galleries, and libraries.

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

K. All auditoriums, stages, performance halls or any venue wherein performances and demonstrations occur.

L. Sports arenas and gymnasiums.

M. Schools.

Section 3-11.13 Smoking and ingestion of tobacco and marijuana products on outdoor grounds of public parks and recreational areas prohibited.

A. No person shall consume tobacco products or marijuana products while on the outdoor grounds of any and all of the public parks, whether owned, leased or utilized by the Township, including recreational areas.

B. Consumption of tobacco products or marijuana products is prohibited at any and all educational facilities.

C. Any entrance or exit areas of any public buildings.

D. Any vehicles owned and/or leased, in part or entirely by the Township of Tabernacle.

Section 3-11.14 Penalties.

a. Unless otherwise provided by law, statute or ordinance, any person violating any provision of this section shall, upon conviction thereof, pay a fine of not less than \$100, nor more than \$500 for each offense. The complaint shall be made in the Municipal Court of the Township of Tabernacle or before such other judicial officer having authority under the laws of the State of New Jersey.

Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinances of the Township of Tabernacle inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

TOWNSHIP OF TABERNACLE

ORDINANCE 2021-06

**AN ORDINANCE BY THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY PROHIBITING CONSUMPTION OF MARIJUANA PRODUCTS IN
MUNICIPAL PUBLIC RIGHT OF WAY**

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act does not preempt municipal authority to regulate the smoking and/or consuming of these items in public areas; and

WHEREAS, N.J.S.A. 40:48-2 authorizes the Township to make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of the State of New Jersey or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, consuming marijuana products leads to the inevitable discard of marijuana products and a source of litter by those who fail to properly dispose of same; and

WHEREAS, the Township Committee of the Township of Tabernacle having reviewed this matter has determined that it is in the best interest of the Township and its inhabitants to prohibit the smoking and ingestion of tobacco and marijuana products in certain public areas; and

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

Section 3-11.15 Definitions

As used in this Article, the following terms shall have the meanings indicated herein:

“Consumption” means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.

“Electronic smoking device” means a nonlighted, noncombustible device that may be used to simulate smoking and that employs a mechanical heating element, battery, or circuit, regardless of shape or size, to produce aerosolized or vaporized nicotine or other substance for inhalation into the body of a person, an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other similar product with any other product name or descriptor. Electronic device is any device that can be used to deliver nicotine, marijuana, marijuana extract, marijuana products or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.”

“Marijuana” and “Cannabis” mean all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink,

**TOWNSHIP OF TABERNACLE
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or other product. The terms Marijuana and Cannabis have the same meaning within this section and are used interchangeably.

“Marijuana extract” means a substance obtained by separating resins from marijuana by: (i) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; (ii) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or (ii) Any other process identified by the division by rule.

“Marijuana flowers” means the flowers of the plant genus Cannabis within the plant family Cannabaceae.

“Marijuana items” means marijuana, marijuana products, and marijuana extracts.

“Marijuana leaves” means the leaves of the plant genus Cannabis within the plant family Cannabaceae.

“Marijuana paraphernalia” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

“Marijuana product” means a product containing marijuana or marijuana extracts and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible products, ointments, and tinctures. Marijuana products do not include: (i) marijuana by itself; or (ii) marijuana extract by itself.

“Municipal Public Right-of-Way” is defined as the area on, below or above a municipal public roadway, street, public sidewalk, alley, waterway, or utility easement in which the Township of Tabernacle has an interest. Municipal Public Right-of-Way does not include areas on, below, or above a State or County public roadway, street, public sidewalk, alley, waterway or utility easement.

“Smoking” means the inhaling, exhaling burning or possession of any lighted cigar, cigarette, pipe, or use of any electronic smoking device including but not limited to the inhaling, exhaling or other ingestion of any vape, vapor or vapor product.

“Vapor product” means “any non-combustible product containing marijuana/cannabis that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from marijuana/cannabis in a solution or any form including any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of marijuana/cannabis in a solution or other form intended to be used with, or in, any such device.”

Section 3-11.16 SMOKING AND CONSUMPTION MARIJUANA PRODUCTS PROHIBITED

Consumption of Marijuana Products shall be prohibited at all times in Municipal Public Right-of-Way in the Township of Tabernacle.

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

Section 3-11.17 **Penalties.**

a. Unless otherwise provided by law, statute or ordinance, any person violating any provision of this section shall, upon conviction thereof, pay a fine of not less than \$100, nor more than \$500 for each offense. The complaint shall be made in the Municipal Court of the Township of Tabernacle or before such other judicial officer having authority under the laws of the State of New Jersey.

Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinances of the Township of Tabernacle inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

RESOLUTION 2021-78

AUTHORIZE READING OF TITLE FOR 2021 MUNICIPAL BUDGET

WHEREAS, pursuant to the Local Budget Law, N.J.S.A. 40A: 4-8 authorized the budget, as advertised, may be read by title only if at least one week prior to the date of the hearing, a complete copy of the approved budget, as advertised is posted in the public place where notices are customarily posted in the principal municipal building of the municipality; and

WHEREAS, copies of said budget are made available to each person requesting the same during said week and during the public hearing; and

WHEREAS, the governing body passes by not less than a majority of the full membership, determines that the budget shall be read by its title and declares that the conditions set forth in the law have been met.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby authorize reading of title for the 2021 Municipal Budget and declares that the conditions set forth in the law have been met.

TOWNSHIP OF TABERNACLE BURLINGTON COUNTY, NEW JERSEY

RESOLUTION 2021-79

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SECTION 2 - UPON ADOPTION FOR YEAR 2021

Be it Resolved by the COMMITTEEPERSONS of the TOWNSHIP of TABERNACLE, County of BURLINGTON, that the budget hereinafter set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 3,129,048.77 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (c) \$ - (Sheet 43) Open Space, Recreation, Familiar and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE
(insert last name)

Ayes	Nays	Absent
Abstained		

SUMMARY OF REVENUES	
1. General Revenues	
Surplus Anticipated	07-00 \$ 1,057,000.00
Miscellaneous Revenues Anticipated	14-09 \$ 1,216,328.53
Rebills from Delinquent Taxes	15-09 \$ -
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6)(b) Sheet 11)	07-50 \$ 3,129,048.77
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:	
Item 6, Sheet 42	07-05 \$ -
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-4)	07-01 \$ -
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY	\$ -
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:	
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-4)	07-01 \$ -
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	
Total Revenues	07-01 \$ - 07-02 \$ 5,412,375.30

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TOWNSHIP OF TABERNACLE BURLINGTON COUNTY, NEW JERSEY

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SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:			
Within "CAPS"		XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent		XXXXXX	XXXXXXXXXXXXXX
		34-201	\$ 3,551,125.00
(c) Deferred Charges and Statutory Expenditures - Municipal		34-209	\$ 188,846.00
(d) Cash Deficit		46-885	\$ -
Excluded from "CAPS"		XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"		34-305	\$ 66,430.09
(b) Capital Improvements		44-599	\$ 440,000.00
(c) Municipal Debt Service		46-599	\$ 1,003,876.00
(d) Deferred Charges - Municipal		46-599	\$ 17,875.00
(f) Judgments		37-440	\$ -
(h) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40A-49-17.1 & 17.3)		28-495	\$ -
(i) Cash Deficit		46-885	\$ -
(k) For Local District School Purposes		28-410	\$ -
(m) Reserve for Uncollected Taxes		98-889	\$ 144,221.21
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A-4-13)		07-85	\$ -
Total Appropriations		34-889	\$ 5,412,375.30

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the _____ day of _____, 2021. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2021 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____ day of _____, 2021, _____ Clerk

Signature

Sheet 42

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

**RESOLUTION 2021-74
RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR
LEISURE TIME INN, INC.**

WHEREAS, Tabernacle Township has received an application for renewal of Plenary Retail Consumption License for the **2021-2022** term for the following license premise:

- 0335-33-001-004 * Leisure Time Inns, Inc. t/a Tabernacle Inn - 1488 Route 206, Tabernacle, NJ 08088

WHEREAS, the law requires that an Alcoholic Beverage Licensee Retail Clearance Certificate must be granted by the Division of Taxation prior to renewal; and

WHEREAS, all fees have been deposited and required paper work filed with the Municipal Clerk having no written objections filed opposing the renewal application.

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

- The Township Committee does hereby find that the applicant is qualified to be licensed according to all statutory, regulatory, and local governing ABC laws and regulations.

BE IT FURTHER RESOLVED, as per Title 33, the Municipal Clerk is authorized to issue said license for the year **2021-2022** and file a certified copy of this Resolution with the New Jersey Division of Alcoholic Beverage Control.

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

**RESOLUTION 2021-80
RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE FOR
MURPHY'S IN THE PINES, LLC**

WHEREAS, Tabernacle Township has received an application for renewal of Plenary Retail Distribution License for the 2021-2022 term for the following license premise:

0335-44-004-001 * Murphy's in the Pines / Murphy's In The Pines, LLC, 381 Medford Lakes Road, Tabernacle, NJ 08088

WHEREAS, the law requires that an Alcoholic Beverage License Retail Clearance Certificate must be granted by the Division of Taxation prior to renewal; and

WHEREAS, all fees have been deposited and required paper work filed with the Township Clerk, and no written objections filed opposing the renewal application.

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

2. The Township Committee does hereby find that the applicants are qualified to be licensed according to all statutory, regulatory, and local governing ABC laws and regulations.

BE IT FURTHER RESOLVED, as per Title 33, the Municipal Clerk is authorized to issue said license for the year **2021-2022** and files a certified copy of this Resolution with the New Jersey Division of Alcoholic Beverage Control.

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

**RESOLUTION 2021-81
RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR PPDA INC.**

WHEREAS, Tabernacle Township has received an application for renewal of Plenary Retail Consumption License for the 2021-2022 term for the following license premise :

- 0335-33-002-006 * VILLAGE PUB & PACKAGE GOODS/ T/A PPDA, INC. 539 CHATSWORTH ROAD, TABERNACLE, NJ 08088

WHEREAS, the law requires that an Alcoholic Beverage Licensee Retail Clearance Certificate must be granted by the Division of Taxation prior to renewal; and

WHEREAS, all fees have been deposited and required paper work filed with the Township Clerk having no written objections filed opposing the renewal application.

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

- The Township Committee does hereby find that the applicants are qualified to be license according to all statutory, regulatory, and local governing ABC laws and regulations.

BE IT FURTHER RESOLVED, as per Title 33, the Municipal Clerk is authorized to issue said licenses for the **year 2021-2022** and files a certified copy of this Resolution with the New Jersey Division of Alcoholic Beverage Control.

**RESOLUTION 2021-82
AUTHORIZING REFUND OF DEVELOPER'S ESCROW ACCOUNT BALANCES**

WHEREAS, the following applicant has posted Escrow Accounts as required by the Land Development Board which is a combined Planning/Zoning Board of Adjustment of the Township of Tabernacle; and

WHEREAS, the Land Development Board has determined that the Project, referenced below, is substantially complete and therefore the balance of the Escrow can be released; and

WHEREAS, the Escrow Account identified below identifies the balance remaining after application of all Professional Review Fees that have been satisfied and there appears no further basis to retain the Escrow Deposits, as follows:

Applicant	Block	Lot	Refund Amount
Nicholas A. Virili	503.01	1.01	\$987.30

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tabernacle that the Escrow balance referenced above be released.

/

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

Township of Tabernacle
Resolution No. 2021-83

**Approval to submit a grant application and execute a grant contract with the New Jersey
Department of Transportation for the Pricketts Mill Road Repaving project**

WHEREAS, there exists a need to repave Pricketts Mill Road from Medford Lakes Road to the Township line; and,

WHEREAS, this project will improve the condition of the road and promote safe transit through the township.

NOW, THEREFORE, BE IT RESOLVED that Committee of the Township of Tabernacle formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2022-Pricketts Mill Road-00430** to the New Jersey Department of Transportation on behalf of the Township of Tabernacle.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Tabernacle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2021-84

**A RESOLUTION AUTHORIZING PAYMENT OF
LOSAP CONTRIBUTION 2020 - TABERNACLE FIRE COMPANY #1 - \$19,103.00**

WHEREAS, Resolution 2015-26, adopted by the Township Committee on January 2, 2015, authorized the continuation of a Length of Service Award Program (LOSAP) and authorized Lincoln National Life Insurance Company as the provider for said LOSAP; and

WHEREAS, it has been determined that 2020 contributions for qualified participants from the Township in the amount of **\$19,103.00** are due to the provider; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Tabernacle, County of Burlington, State of New Jersey hereby authorizes payment for LOSAP Contribution 2020 for Tabernacle Fire Company #1 in the amount of **\$19,103.00**.

BE IT FURTHER RESOLVED, the Chief Financial Officer is hereby directed to authorize payment in the amount of **\$19,103.00** to Lincoln National Life Insurance Company for its contributions to the Township's Length of Service Award Program.

**AUTHORIZE PAYMENT - LOSAP CONTRIBUTION 2020 -
TABERNACLE FIRE COMPANY #1 - \$19,103.00**

CERTIFICATION OF AVAILABLE FUNDS

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

I, RODNEY HAINES, Chief Financial Officer of Tabernacle Township do hereby certify pursuant to the Rules of the Local Finance Board, that thereafter-available adequate fund for the proposed contract between the Township of Tabernacle and Lincoln Financial, P.O. Box 7864, Fort Wayne, IN 46801-7864.

The money of fund said contract is in the amount of **\$19,103.00** and upon approval of the contract, the funds shall be charged to the following line item appropriation or account number: 1-01-25-260-29C.

**RESOLUTION 2021-85
AWARDING CONTRACT FOR 2020 CDBG IMPROVEMENTS PROJECT**

WHEREAS, the Tabernacle Township Committee has received sealed proposals for work to be performed in connection with the **2020 CDBG Improvements Project**; and

WHEREAS, N.J.S.A. 40A:11-4 states that a contract, the cost of which would exceed \$17,500.00 in a fiscal year, shall be awarded only after public advertising for bids and bidding therefore; and

WHEREAS, there has been public advertisement for bids and the Municipal Clerk has received and opened bids on June 16, 2021 at 11:00 P.M. for the purpose of awarding a contract for the aforementioned **2020 CDBG Improvements Project** has advised that a certain entity is the lowest qualified responsible bidder for said contract and has recommended that the Municipality award said contract or reject the bids within sixty (60) days as required by N.J.S.A. 10A: 11-4; and

WHEREAS, the Chief Financial Officer, as required by N.J.A.C. 5:30-1, has certified that there are sufficient funds available for the purpose of awarding a contract to said entity, said certification being attached hereto and made a part hereof.

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 follows:

1. That the Chief Financial Officer, based upon the aforementioned certificate, has declared that there are sufficient funds available for the aforesaid purpose, and the Township Committee hereby directs that the hereinafter expenditure be charged against such funds.
2. That the Township Committee, for the aforementioned reasons, **hereby declares that MJJ Construction, 471 White Horse Pike, Atco, NJ 07004 is the lowest qualified bidder** for the aforementioned contract and hereby awards a contract to the said entity for the aforesaid purpose in the amount of **\$108,000.00** in accordance with the terms and conditions of the Bid Proposal, the Notice to Bidders and Specifications, copies of which are on file in the Office of the Township Clerk and available for public inspection during regular business hours.
3. That the award to **MJJ Construction** is consistent with the legal requirements of the lowest responsible bidder, which conforms, to all specification requirements and applicable statutory provisions.
4. That the Township Committee hereby directs the Municipal Clerk to return the bid securities to the following unsuccessful bidders in accordance with NJSA 40A: 11-4:

1	J.H. Williams, 513 Pleasant Valley Ave. Moorestown, NJ 08057
2	Joseph Poretta Builders 551 Anderson Ave. Hammonton, NJ 08037

5. That the Township Committee does hereby direct the Township Mayor and Clerk to execute any contract documents which are necessary to effectuate the terms of this Resolution which shall be prepared by or reviewed by the Office of the Township Attorney.

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

CERTIFICATION OF AVAILABLE FUNDS

**RESOLUTION 2021-85
AWARD OF CONTRACT 2019 CDBG IMPROVEMENTS PROJECT**

I, **Rodney R. Haines**, Chief Financial Officer of Tabernacle Township do hereby certify pursuant to the Rules of the Local Finance Board, that thereafter-available adequate fund for the proposed contract between the Township of Tabernacle and **MJJ Construction, 471 White Horse Pike, Atco, NJ 07004**.

The money of fund said contract is in the amount of **\$108,000.00** and upon approval of the contract, the funds shall be charged to the following line item appropriation or account number(s): \$78,000.00 in CDBG and \$30,000.00 in Ordinance 2015-10. These funds are not being certified as being available for more than one pending contract.

**RESOLUTION 2021-86
REDUCTION ABC LICENSES FOR THE 2021-2022 LICENSING YEAR**

WHEREAS, the following liquor license holders in Tabernacle did file with ABC and the Township for the renewal of their 2021-2022 licenses in a timely manner; and

- LEISURE TIME t/a TABERNACLE INN
- MURPHY'S IN THE PINES
- VILLAGE PUB

WHEREAS, all these liquor establishments had paid the State fee, as well as, the Municipal fee; and

WHEREAS, the meeting of June 28, 2021 had to be postponed until July 12, 2021; and

WHEREAS, the State ABC advised Tabernacle that each of the three establishments were required to obtain Ad Interim permits to remain open as of July 1, 2021, until the Governing Body could meet to approve the renewals;

WHEREAS, the Township Committee finds that above listed license holders suffered economic consequences as a result of the delay, which was not caused by the license holders; and

WHEREAS, the Township Committee finds that, it is in the interest of justice and inherent fairness, the license holders be made whole.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Tabernacle that there be a reduction in the fees paid to the Municipality by \$135.00 each for the 2021-2022 licensing year.

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**