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

OCTOBER 25, 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
Joseph Gray of Guzzi Eng.
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
You are invited to a Zoom webinar.

When: Oct 25, 2021 07:30 PM Eastern Time (US and Canada)

Topic: TOWNSHIP COMMITTEE MEETING - OCTOBER 25, 2021

Please click the link below to join the webinar:

https://zoom.us/j/94606866989

Or One tap mobile :

US: +131262666799,,94606866989# or +16465588656,,94606866989#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782

THIS MEETING IS ZOOM ONLY.
TOWNSHIP OF TABERNACLE  
BURLINGTON COUNTY, NEW JERSEY  
TABERNACLE TOWNSHIP COMMITTEE  
OCTOBER 25, 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 meeting, Resolution 2021-22, 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 January 6, 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 – INTRODUCTION - ORDINANCE 2021-10 – SOLAR (no public hearing on introduction)

RESOLUTIONS

6. RESOLUTION 2021-107 – 2020 AUDIT

7. RESOLUTION 2021-108 – AWARD CONTRACT FOR SNOW REMOVAL 2021-2022

8. RESOLUTION 2021-109 - APPROVAL OF EMPLOYMENT POLICIES AND PROCEDURES

9. RESOLUTION 2021-110 – TERMINATION OF CONTRACT WITH MJJ FOR HANDICAP ACCESSIBILITY

10. APPROVAL OF BILLS

11. APPROVAL OF MINUTES  
   September 27- Regular Meeting

12. PUBLIC COMMENT

13. REPORTS  
   a) Engineer b) Administrator c) Township Solicitor d) Emergency Management  
   e) CMFO f) Township Committee

14. ADJOURNMENT
TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY

TOWNSHIP OF TABERNACLE

AN ORDINANCE AMENDING CHAPTER XVII, ZONING, OF THE CODE
OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON
AND STATE OF NEW JERSEY
ORDINANCE NO. 2021-10

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

SECTION I.

Purpose: The purpose of this Ordinance is to amend Chapter XVII, Zoning, of the Code of the
Township of Tabernacle to change the zoning district classification of the ten tax lots specified below and
to permit Solar Energy Facilities in the Preservation Area District in accordance with the objectives of the
Pinelands Comprehensive Management Plan.

SECTION II.

The Township Committee of the Township of Tabernacle hereby changes the zoning district
classifications of those lots specified in the following table and amends the Township Official Zoning
Map accordingly.

<table>
<thead>
<tr>
<th>Property</th>
<th>Existing Zoning Classification</th>
<th>Amended Zoning Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block</td>
<td>Lot</td>
<td>Block</td>
</tr>
<tr>
<td>1401</td>
<td>1 Infill Commercial District</td>
<td>1401 Infill Residential District</td>
</tr>
<tr>
<td>1401</td>
<td>2 Infill Commercial District</td>
<td>1401 Infill Residential District</td>
</tr>
<tr>
<td>1401</td>
<td>3 Infill Commercial District</td>
<td>1401 Preservation Area District</td>
</tr>
<tr>
<td>1401</td>
<td>4 Infill Commercial District</td>
<td>1401 Infill Residential District</td>
</tr>
<tr>
<td>1401</td>
<td>5 Infill Commercial District</td>
<td>1401 Infill Residential District</td>
</tr>
<tr>
<td>1401</td>
<td>6.01 Infill Commercial District</td>
<td>1401 Infill Residential District</td>
</tr>
<tr>
<td>1401</td>
<td>6.02 Infill Commercial District</td>
<td>1401 Infill Residential District</td>
</tr>
<tr>
<td>1401</td>
<td>6.03 Infill Commercial District</td>
<td>1401 Infill Residential District</td>
</tr>
<tr>
<td>1401</td>
<td>6.04 Infill Commercial District</td>
<td>1401 Infill Residential District</td>
</tr>
<tr>
<td>1401</td>
<td>7 Infill Commercial District</td>
<td>1401 Infill Residential District</td>
</tr>
</tbody>
</table>

SECTION III.
TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY

Chapter XVII, Zoning, Article II, General District Regulations, is hereby amended by establishing section 17-47E, Solar Energy Facilities, as follows:

17-47E SOLAR ENERGY FACILITIES

a. Solar energy facilities shall be permitted as a principal use in the Preservation Area District, provided that the following standards are met:

1. The solar energy facility shall be located on the parcel of a resource extraction operation and:
   (a) The facility shall be limited to those portions of the parcel comprised of previously mined areas that have not subsequently been restored;
   (b) The maximum acreage of the solar energy facility, including the area of the required firebreak and any actively managed vegetative visual buffer shall not exceed 25 acres; and
   (c) The remainder of the parcel shall be deed restricted in accordance with subsection 17-33.5.b.1 of this chapter.

2. The acquisition and redemption of 0.25 Pinelands Development Credits shall be required for every four acres of the combined land area occupied by the solar energy facility and any actively managed vegetative buffer surrounding the facility permitted by a.6 below.

3. The solar energy facility, including any proposed off-site infrastructure, shall be located and screened with vegetation and by topography (where feasible) to minimize visual impacts as viewed from:
   (a) The wild and scenic rivers and special scenic corridors listed in N.J.A.C. 7:50-6.105(a);
   (b) Publicly dedicated roads and highways;
   (c) Low intensity recreational facilities and campgrounds; and
   (d) Existing residential dwellings located on contiguous parcels.

Vegetated areas for visual screening of the solar facility shall not be less than fifty feet in width and consist of at least three rows of trees with associated understory plants which may include existing vegetation, new plantings, or a combination thereof. New plantings shall be consistent with the requirements of N.J.A.C. 7:50-6.21et seq. and meet the following requirements.
TOWNSHIP OF TABERNACLE  
BURLINGTON COUNTY, NEW JERSEY

(1) Deciduous trees shall be at least 3.5 inch caliper and 14 feet in height at the time of planting;

(2) Evergreen trees shall have a minimum height at planting of six feet;

(3) Trees shall be planted 10 feet on center in staggered rows.

4. If the development of new or expansion of existing on-site or off-site infrastructure be necessary to accommodate the solar energy facility, clearing shall be limited to that which is necessary to accommodate the infrastructure in accordance with subsections 17-35.1(a) and (b) of this chapter. New rights-of-way shall be limited to a maximum width of 20 feet, unless additional width is necessary to address specific safety or reliability concerns.

5. A firebreak fifty feet in width outside of the fenced perimeter of the solar energy facility is required. The firebreak and area within the fenced perimeter of the solar facility may be vegetated with grass species consistent with the requirements of N.J.A.C. 7:50-6.21 et seq., but in no case shall the combined footprint of the solar energy facility and firebreak exceed 25 acres.

6. The owner of the solar energy facility shall mow the grassed areas permitted by a.5 above not less than two times per calendar year and the maximum permitted height above grade of vegetation within such areas shall be 12 inches.

7. The owner of the solar energy facility shall ensure that there is no new tree growth within the footprint of the solar energy facility and 50footwide firebreak, but in no event shall the area of tree maintenance or removal maintenance exceed 25 acres and no maintenance or removal or trees shall be performed in the deed restricted area for the purpose of construction or operation of the solar energy facility.

8. Prior to operation (and periodically upon request), the owner of the solar energy facility shall provide orientation and training to the local fire department and other first responders concerning safe entry and operation within the solar facility for provision of emergency services.

9. The solar energy facility shall be constructed and maintained in accordance with applicable engineering design and manufacturing practices and all applicable fire, electrical and construction codes.
10. In order to minimize offsite impacts of radio frequency emissions, the solar energy facility shall be designed with the following minimum setbacks and standards:
   (a) Solar panels shall be located a minimum 100 feet from the property line;
   (b) Solar inverters shall be located a minimum 150 feet from the property line;
   (c) The facility’s equipment shall be designed, constructed and maintained to assure compliance with the standard set forth in the Code of Federal Regulations (CFR) Title 47 Part 15 Subpart B 15.109.

11. Any solar energy facility shall be decommissioned within 12 months of the cessation of its utilization. Decommissioning shall include:
   (a) Removal of all energy facilities, structures and equipment, including any subsurface wires and footings, from the parcel;
   (b) Restoration of the parcel in accordance with subsections 17-35.1(d)1 through 4 of this chapter, unless restoration is unnecessary because the parcel is to be put into active agricultural use or approved for development in accordance with this chapter within that 12 month period; and
   (c) Any other measures necessary to address ecological and visual impacts associated with the solar energy facility, including the removal of off-site infrastructure and restoration of affected lands.

12. Any solar energy facility in the Preservation Area District shall be enclosed with a fence that adheres with local electrical and building codes. The fence shall be a minimum of seven feet in height with a maximum height of nine feet made of 2” galvanized mesh with top and bottom tension wire, surround the solar facility and prevent unauthorized entry of persons or vehicles into the solar area of the solar array and any of the solar facility’s associated inverters and transformers. A ‘Knox Box’ shall be installed at the site entrance to provide keyed entry to first responders.

SECTION IV

Chapter XVII, Zoning, Article IX, Preservation Area District, Section 17-62, Preservation Area District Regulations, is hereby amended by revising subsection 17-62.1 as follows:

17-62.1 Permitted Principal Uses.

a. - l. (no change.)
m. Solar energy facilities in accordance with Section 17-47E of this chapter.

**SECTION V**

In the event that any Section or part of this Ordinance shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a Court of competent jurisdiction, said Section or part shall, to the extent that it is unconstitutional, invalid or inoperative, be of no force and effect but no such determination shall be deemed to invalidate or affect the remaining Sections or parts of this Ordinance or the Ordinance as a whole.

**SECTION VI**

This ordinance shall take effect immediately upon final passage and publication as provided by law, certification by the Pinelands Commission, and the filing of a copy of this ordinance as certified with the Burlington County Planning Board.
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
RESOLUTION 2021-107

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year (insert fiscal year) has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Tabernacle, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY

RESOLUTION 2021-108
A RESOLUTION AWARDING CONTRACT FOR SNOW AND ICE REMOVAL FROM TOWNSHIP ROADWAYS FOR THE 2019/2020 SEASON PURSUANT TO N.J.S.A. 40A:11-1

WHEREAS, sealed public bids for the removal of snow and ice from the Township roadways from November 1, 2021 through April 30, 2022 were received by the Tabernacle Township Municipal Clerk on October 5, 2021 at 10:00 a.m.; and

WHEREAS, the Township Committee has reviewed the recommendation made by the Township Administrator and Township Solicitor on said bids; and

WHEREAS, B & B Landscaping, Inc. was the lowest, qualified and only bidder and submitted a conforming bid; and

WHEREAS, specifications were drawn to promote maximum competition for the public contract; and

WHEREAS, the Finance Director has determined that sufficient funds are available in accordance with the bid and the costs of the contract for year the 2020/2021 snow removal season.

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Tabernacle, County of Burlington, State of New Jersey that the contract for snow and ice removal from Township roadways for the period commencing on November 1, 2021, be and the same is hereby awarded to B & B Landscaping, Inc. with a bid of $200.00 per hour.
WHEREAS, it is the policy of Tabernacle Township to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Township Committee has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Township Committee that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township of Tabernacle officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township of Tabernacle employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township of Tabernacle shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Township Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Township Administrator and the Township Solicitor shall assist the Municipal Clerk in the implementation of the policies and procedures in this manual.

WHEREAS, the Tabernacle Township Committee received sealed proposals for work to be performed in connection with the 2020 CDGB Improvements Project; and
WHEREAS, N.J.S.A. 40A:1-4 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, on July 12, 2021, the Township Committee for the Township of Tabernacle approved Resolution 2021-85 which, declared MJJ Construction, 471 White Horse Pike, Atco, NJ, 07004, the lowest qualified bidder and awarded a contract to MJJ Construction in the amount of $108,000.00 in accordance with the terms and conditions of the bid proposal, the notice to bidders, and specifications: and

WHEREAS, on or about July 21, 2021, MJJ Construction and the Township of Tabernacle entered into a contract, Contract No. TAB2021-2 (the “Contract’); and

WHEREAS, the Contract incorporates by reference the notice to bidders, instruction to bidders, statement of work, general conditions, general provisions, specifications, proposal, wage rate determinations, and plans, including all modifications into the Contract; and

WHEREAS, at the June 14, 2021, Township Committee meeting the Building Inspector and Construction Code Official shared concerns he had with respect to the structural integrity of Tabernacle Town Hall; and

WHEREAS, as a result of the Building Inspector and Construction Code Official’s concern’s the Township Committee for the Township of Tabernacle, at the June 14, 2021, Committee Meeting, directed and authorized that a facility assessment of Tabernacle Town Hall be completed; and

WHEREAS, the firm of Regan, Young, England, Butera, PC, was appointed to conduct the facility assessment; and

WHEREAS, the firm of Regan, Young, England, Butera, PC, completed the facility assessment of Tabernacle Town Hall on October 13, 2021; and

WHEREAS, and the firm of Regan, Young, England, Butera, PC, found that the Town Hall contains numerous structural issues that require eminent remediation including, but not limited, to the roof, floor structure, foundation stabilization, and reinforcement of the structure to support the chair left; and

WHEREAS, Michael A. Beach and Associates, LLC, consulting structural engineers completed a structural evaluation of Town Hall; and

WHEREAS, Michael A. Beach and Associates, LLC, found that the first floor structure is not safe for occupancy; and

WHEREAS, Michael A. Beach and Associates, LLC, found that the existing roof rafters cannot safely support a minimum roof live load; and
WHEREAS, the unsafe condition of Town Hall has made it impossible for MJJ Construction to complete the work contemplated in the Contract; and

WHEREAS, the unsafe condition of Town Hall has frustrated the purpose of the Contract with MJJ for improvements to Town Hall; and

WHEREAS, the current unsafe condition of Town Hall is an unforeseeable circumstance that prevents both the Township and MJJ Construction from fulfilling the Contract, which qualifies as force majeure;

THEREFORE NOW BE IT RESOLVED for the foregoing reasons and other good cause, the Township Committee for the Township of Tabernacle cancels and terminates the Contract with MJJ Construction, effective as of the passage of this resolution; and

BE IT FURTHER RESOLVED that MJJ Construction is directed to perform no work and to refrain from the expenditure of any funds with respect to the Contract; and

BE IT FURTHER RESOLVED that the Township Solicitor is hereby directed and authorized to do all things necessary and proper with respect to the termination of the Contract.