MINUTESE OF TABERNACLE TOWNSHIP COMMITTEE
TOWN HALL AGENDA OF FEBRUARY 24, 2020

CALL TO ORDER – The meeting was called to order by Mayor Kimberly A. Brown followed by the Flag Salute at 7:30 p.m. The Open Public Meetings Act Statement was read by Municipal Clerk La Shawn R. Barber.

Sunshine Notice: This meeting was called pursuant to the Open Public Meetings Act. This meeting of February 24, 2020 was sent to the Central Record, Burlington County Times and Courier Post. Posted on the bulletin board in Town Hall and has remained continuously posted as the required notices under the statute. In addition, a copy of this notice is and has been available to the public, and is on file in the office of the Municipal Clerk.


PROFESSIONALS IN ATTENDANCE: Township Engineer Dante Guzzi, Solicitor Peter C. Lange, Chief Financial Officer Rodney Haines, Township Administrator Douglas Cramer and Municipal Clerk La Shawn R. Barber.

PUBLIC COMMENT Mayor Brown opened public comment for agenda items only, individuals were allowed three minutes for comment.

Lori Cutts, Oak Lane – 1. Thanked Committee for their service and Committeewoman McGinnis for proposing Resolution 2020-52. 2. Addressed concerns of her second amendment rights being infringed upon along with her daughter’s rights who is a competitive sport shooter; support resolution.

Patricia Jones, Wimbledon Way – 1. Expressed opposition to Resolution 2020-52; spoke of the increased number of guns on the street within walking distance of three schools and spoke of several prior year shootings in Tabernacle Township; do not support Resolution

Gary Cundiff, Patty Bowker -1. Commented on being a retired police officer and presented facts on gun use. 2. Do not support Resolution.

Allen Rowles, Waltham Drive. - 1. Spoke of difficulty obtaining permit and wants the law loosened; supports Resolution

Clifford Toye, Acorn Drive – 1. Spoke about being a purple hear veteran. 2. Advised about other towns that signed on to declaring their town a 2nd Amendment / Lawful Gun owner sanctuary town.

Douglas Cutts, Oak Lane, 1. Spoke of his support for Resolution 2020-52.

Emily Cutts, Oak Lane – 1. Spoke of her support for Resolution 2020-52.

Teresa Hubal, Lake Road – 1. Thanked Committeewoman McGinnis for having support. 2. Advised that Tabernacle has a coalition of Firearm Women that live in town. 3. Spoke of her support for Resolution 2020-52 and added that this does not change state or federal law.

Amanda Williams, Shearer Court. – 1. Commented on her concern for the safety of her kids. 2. Do not support Resolution 2020-52.

Jim Jones, Wimbledon Way. 1. Noted the Township needs to address other issues. 2. Spoke that this should be a ballot question. 3. Do not support Resolution 2020-52.

Megan Jones, Horseshoe Court. 1. Commented on supporting the second amendment. 2. Does not support Resolution 2020-52.

Robert Seeland, Avenue A. – 1. Commented on serving in the military and this being a civil right and should not be a political issue.
Sean Colton, Medford Lakes Road. – 1. Commented on majority of persons has a gun for the right reasons. 2. Spoke that we are a blue-collar farming town and it belongs with the second amendment. 2. Supports Resolution 2020-52.

Paul Fitzpatrick, Stevens Lane. – 1. Thanked everyone for this Resolution. 2. Commented on being confused about the legal process of which some people have when purchasing a firearm legally. 3. Supports Resolution 2020-52.

Raymond McCarty, Tuckerton Road. - 1. Advised of the New Jersey Laws regarding gun ownership and flags. 2. Thanked Committee for taking a stance on for their fundamental rights. 3. Commented on his support for Resolution 2020-52.

Brian Anderson, Stevens Lane. - 1. Commented on the right to gun ownership to protect ourselves. 2. Supports the passage of Resolution 2020-52.


Fran Brooks, Moores Meadow Road. 1. Commented on her support for gun rights and gun safety. 2. Do not support the provision language in Resolution 2020-52 regarding unbiases research. 2. Do not support the language of gun control laws not evidence based. 3. Applaud Ms. McGinnis for bringing up this issue and questions problems in Tabernacle that are being addressed by this Resolution.

Stuart Brooks, Moores Meadow Road. – 1. Commented language in Resolution 2020-52 and spoke of this Committee does not have the authority to change gun laws; it is bad policy to pass a Resolution that suggest that you do. 2. Spoke about firearm data. 3. Do not support Resolution 2020-52.

Joseph Martarese. Carranza Road. – 1. Thanked Committeewoman McGinnis and Township Committee. 2. Commented that guns do not kill people; it is in their heart and mind. 3. Spoke about every changing procedure for being a lawful gun owner. 4. Supports the passage of Resolution 2020-52 and being a resident since 1977.

Constance Martarese, Carranza Road. – 1. Commented on individuals that use firearms and she taking a safety course for using guns; we are all good people it is how you are raised. 2. Support for having the second amendment rights and Resolution 2020-52.

Seeing no other residents wishing to be heard, this of the meeting was closed to the public at 8:43 p.m.

RESOLUTIONS

RESOLUTION 2020-47: CONTINUED APPOINTMENT OF SPECIAL COUNSEL AND THE RE-AWARD OF CONTRACT FOR 2020 PROFESSIONAL SERVICES

WHEREAS, there exists a continued need for a Special Counsel in the Township of Tabernacle; and

WHEREAS, funds are available for this purpose and a contract was awarded to William R. Burns of Malamut and Associates, LLC through a fair and open process in accordance with Tabernacle Township local Ordinance 2005-17; and

WHEREAS, William R. Burns, Esq. was appointed as Special Counsel for the year 2020 on January 2, 2020; and

WHEREAS, a contractual agreement summarizing the services to be performed by William R. Burns, Esq. as Special Counsel was approved, and the execution of the contract was authorized; and

WHEREAS, William R. Burns, Esq. has informed the Township that effective March 2, 2020, he is joining the firm of Carluccio, Leone, Dimon, Doyle & Sacks, LLC whose business address is 9 Robbins St, Toms River, NJ 08753.

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

Section 1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the agreements with William R. Burns, Esq. soon to be of Carluccio, Leone, Dimon, Doyle & Sacks, LLC subject to review of the rate
schedules, receipt of a Certificate of Employee Information Report, New Jersey Business Registration Certificate and Certificate of Liability and approval by the Township Committee as to the respective contracts.

Section 2. As follows:
1. A contractual agreement summarizing the services to be performed by William R. Burns, as Special Counsel is hereby approved and execution of the contract is authorized.
2. The contractual agreement shall include the following rate schedule:
   a. $165.00 per hour for Shareholders/Of Counsel and $150.00 for Associates.
3. A copy of the aforementioned contractual agreement shall be filed in the Office of the Municipal Clerk and made available for public inspection.
4. The Business Entity Disclosure Certification shall be placed on file with this resolution.
5. The Municipal Clerk is hereby authorized to public a “Notice of Award” of said contract in the official newspaper in accordance with the Local Public Contracts Law, within ten (10) days of its passage.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this 24th day of February 2020.


RESOLUTION 2020-48: CONTINUED APPOINTMENT OF CONFLICT COUNSEL AND RE-AWARD OF CONTRACT FOR 2020 PROFESSIONAL SERVICES

WHEREAS, there exists a continued need for Conflict Counsel in the Township of Tabernacle; and

WHEREAS, funds are available for this purpose and a contract was awarded to William R. Burns of Malamut and Associates, LLC through a fair and open process in accordance with Tabernacle Township local Ordinance 2005-17.

WHEREAS, a William R. Burns, Esq. was appointed as Conflict Counsel for the year 2020 on January 2, 2020;

WHEREAS, A contractual agreement summarizing the services to be performed by William R. Burns, Esq. as Conflict Counsel was approved, and the execution of the contract was authorized; and

WHEREAS, William R. Burns, Esq. has informed the Township that effective March 2, 2020, he is joining the firm of Carluccio, Leone, Dimon, Doyle & Sacks, LLC whose business address is 9 Robbins St, Toms River, NJ 08753.

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

Section 1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the agreement with William R. Burns, Esq. soon to be of Carluccio, Leone, Dimon, Doyle & Sacks, LLC subject to review of the rate schedules and approval by the Township Committee as to the respective contract.

Section 2. As follows:
1. A contractual agreement summarizing the services to be performed by William R. Burns, as Conflict Counsel, is hereby approved and execution of the contract is authorized.
2. The contractual agreement shall include the following rate schedule:
   a. $165.00 per hour for Shareholders/Of Counsel and $150.00 for Associates.
3. A copy of the aforementioned contractual agreement shall be filed in the Office of the Municipal Clerk and made available for public inspection.
4. The Business Entity Disclosure Certification shall be placed on file with this resolution.
5. The Municipal Clerk is hereby authorized to public a “Notice of Award” of said contract in the official newspaper in accordance with the Local Public Contracts Law, within ten (10) days of its passage.

MOTION - Mr. Sunbury made a motion to adopt Resolution 2020-48, seconded by Mr. Moore. Ayes - Barton, Brown, Moore, McGinnis, Sunbury. Nays – None. Abstain – None. Motion carried.
RESOLUTION 2020-49: AUTHORIZING FINANCE DEPARTMENT TO REFUND CONSTRUCTION PERMIT FEE FOR BLOCK 802.04, LOT 5

WHEREAS, the Township of Tabernacle accepted initial registration fee for construction permit on Block 802.04, Lot 5 (10 North Drive) for a solar project; and

WHEREAS, a request was made for the cancellation of the installation photovoltaic solar project and refund of fees for Permit No. 20200005; and

WHEREAS, the Construction Official reviewed said request and have no objections to the refund of $494.00 for the permit, minus the Township’s nonrefundable 20% plan review. The State Training Fee is also nonrefundable pursuant to NJAC 5:23, 4.23.

THEREFORE, BE IT RESOLVED, that the Finance Department be directed to draft a refund check totaling the amount of $494.00 payable to the name below:

Sunrun Installation Services, LLC
20 West Stow Road, Site 2
Marlton, NJ 08053


RESOLUTION 2020-50: APPROVING CHANGE ORDER NO. 1 TO A CONTRACT BETWEEN THE TOWNSHIP OF TABERNACLE AND ARAWAK PAVING COMPANY, INC. FOR THE 2018 ROAD PROGRAM

WHEREAS, on October 22,2018, the Township Committee awarded the contract for the 2018 Road Program in the amount of $826,900.00 to Arawak Paving Company, Inc.; and

WHEREAS, Change Orders are regulated by Local Finance Board regulation N.J.A.C. 5:34-4; and

WHEREAS, approval by the Mayor and Committee is required for all Change Orders; and

WHEREAS, The Township Administrator and Dante Guzzi Engineering Associates, LLC have recommended that the Mayor and Committee approve Change Order No.1 as described below;

Change Order #1
Description of change in scope of work:
- Amount of Original Contract: $826,900.00
- Total Change Order No. 1 Amount: $ 15,321.07
- Revised Contract Total: $811,578.93

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Tabernacle in the County of Burlington as follows:

1. Change Order No. 1 to the contract between the Township of Tabernacle and Arawak Paving Company, Inc. is hereby authorized by the Township; and
2. The Mayor is hereby authorized and directed to execute Change Order No. 1.

MOTION - Mr. Moore made a motion to adopt Resolution 2020-50, seconded by Mr. Sunbury. Ayes - Barton, Brown, Moore, McGinnis, Sunbury. Nays – None. Abstain – None. Motion carried.

RESOLUTION 2020-51: GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2020-JUNE 2025

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials,
society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Burlington.

NOW, THEREFORE, BE IT RESOLVED by the Township of Tabernacle, County of Burlington, State of New Jersey hereby recognizes the following:

1. The Tabernacle Township Committee does hereby authorize submission of a strategic plan for the Tabernacle Municipal Alliance grant for fiscal year 2021 in the amount of:
   - DEDR $11,630.00
   - Cash Match $ 2,907.00
   - In-Kind $ 8,723.00

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.


RESOLUTION 2020 – 52: RESOLUTION OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY DECLARING THE TOWNSHIP OF TABERNACLE A 2ND AMENDMENT / LAWFUL GUN OWNER SANCTUARY TOWNSHIP

WHEREAS, the 2nd Amendment to the US Constitution guarantees the Right to Keep and Bear Arms, an individual right affirmed by the US Supreme Court; and

WHEREAS, the Declaration of Independence refers to all being endowed by their Creator with the unalienable right to Life, self-defense is an "original right" referred to by Alexander Hamilton in Federalist 28, and self-defense is recognized as a national and international right; and

WHEREAS, Americans lawfully use firearms hundreds of thousands of times each year, protecting themselves and loved ones from violent criminals; and

WHEREAS, there are an estimated 12 million Americans who lawfully carry concealed firearms; and

WHEREAS, lawfully armed civilians have stopped active shooters and saved law enforcement officers who were under attack; and

WHEREAS, firearms are lawfully used for hunting and sport, on a daily basis, across the country; and

WHEREAS, unbiased research has shown that concealed carry of firearms reduces violent crime, and those benefiting most from firearms in self-defense are women, the elderly and the disabled; and

WHEREAS, abridging the rights of lawful gun owners does not reduce the criminal use of firearms by violent offenders; and
WHEREAS, the Federal and State governments have, for many years, had numerous laws, statutes, and regulations relating to firearms ownership, purchase, transportation, transfer, carry and use; and

WHEREAS, violations of existing laws, statutes and regulations are already criminal offenses, many being felonies; and

WHEREAS, gun control laws, including a plethora of current proposed legislation, are not evidence-based; and

WHEREAS, legislation called "gun safety" legislation or "Red Flag Laws," factually have nothing to do with teaching or promoting the safe and lawful use of firearms.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Tabernacle, County of Burlington, State of New Jersey, as follows: The Tabernacle Township Committee declares Tabernacle Township to be a 2nd Amendment/Lawful Gun Owner Sanctuary Township as defined herein: a. Tabernacle Township supports the rights of lawful gun owners to lawfully use firearms; to defend themselves, their loved ones and other innocents; to lawfully hunt to provide sustenance for their families; and to lawfully participate in shooting sports up to and including Olympic sports. b. Tabernacle Township opposes further interference with, or abridging of, the rights of lawful gun owners. c. Tabernacle Township opposes gun control, "gun safety" legislation, or "red flag laws", State, Federal, or local. d. Tabernacle Township espouses holding accountable the violent criminal offenders, rather than irrational and/or disproven attempts to control lawful tools of self-defense, hunting and sport. This resolution shall take effect immediately.

MOTION - Mr. Moore made a motion to adopt Resolution 2020-52, seconded by Ms. McGinnis. Mr. Barton commented about removing the word unbiased from the Resolution. Mr. Moore motion was amended to remove “unbiased.” Ms. McGinnis seconded is motion. Ayes - Barton, Brown, Moore, McGinnis, Sunbury. Nays – None. Abstain – None. Motion carried.

APPROVAL OF MINUTES

MOTION – Mr. Moore made a motion to approve December 16, 2019, Closeout & Executive Session minutes, seconded by Mr. Barton. Ayes - Barton, Moore, Brown. Nays – None. Abstain – McGinnis and Sunbury.

MOTION – Mr. Barton made a motion to approve January 2, 2020, Reorganization Meeting minutes, seconded by Mr. Moore. Ayes – Barton, McGinnis, Moore, Sunbury, Brown. Nays – None. Abstain – Motion carried.

APPROVAL OF BILLS

MOTION - Mr. Sunbury made a motion to approve the bills as submitted, seconded by Ms. McGinnis. Ayes – Barton, McGinnis, Moore, Sunbury, Brown. Nays – None. Abstain – Motion carried.

PUBLIC COMMENT

Cheryl Smith, Hawkins Road, reported on Tabernacle Fire Company safety receipt of receiving a safety award and having a meeting with Mr. Moore and Mr. Cramer concerning the TFC#1; the 2018 Audit was provided to the Township.

Jim Jones, 16 Wimbledon Way, spoke about the second amendment and expressed that he did not agree with the need for the Tabernacle to adopt the resolution.

Stuart Brooks, Moores Meadow Road, commented on agreeing with what the public has to say; however, disagrees with the Resolution; question the status of putting a fire truck in the ESB.
Fran Brooks, Moores Meadow Road, expressed her unhappiness regarding the agenda and questions the bill for Arawak paving as to what happens to the left-over asphalt.

Joe Buck, Columbus, thanked the Township Committee for remembering the Oath of Office and voting for Resolution 2020-52.

Amanda William, Shearer Court, questioned if the Township Committee has met with the school board officials.

Andy Cunard, TFC#1 Chief, provided a highlighted report in which the budget was submitted to the Township which includes turn out gear and a truck replacement plan and applying for other grants.

Sean Colton, Medford Lakes Road, expressed his unhappiness with TFC# Fire Chief and accountability of monies being used.

Megan Jones, Horseshoe Court, commented on the Oath of the Township Committee and spoke about growing up being raised by a social studies history teacher.

Being none, Mayor Brown closed the public comment portion at 9:18 p.m.

Mayor Brown advised Ms. Brooks that the reason for the resolution being on the agenda tonight, Ms. McGinnis had requested it and it has been on the agenda and website since Friday. As for Arawak, Chief Financial Officer Mr. Haines advised that the Township is only charges for the blacktop used, not everything on the truck. If there is extra on the truck, it is taken back to Arawak.

Mayor Brown advised Ms. Williams the school has not reached out to the Township for a meeting.

Mr. Sunbury advised he attended a school board meeting. He sent a letter to the Governor opposing legislation.

**REPORT OF THE TOWNSHIP ENGINEER**

Mr. Guzzi received bids for the Road Program this week.

**REPORT OF THE CHIEF FINANCIAL OFFICER**

Mr. Haines reported the Township will have a budget discussion at the next workshop meeting.

**REPORT OF THE TOWNSHIP ADMINISTRATOR**

Grant award - Mr. Cramer reported that the newspaper reported the Township had requested $2500 and would be receiving $1500. The request was for $25,000 and the Township would be receiving $15,000. It can be combined with last year’s grant.

**REPORT OF THE TOWNSHIP SOLICITOR**

Proposed Ordinance – Mr. Lange reported on wanting Township Committee to consider reviewing its age restricted housing ordinance at the next workshop meeting.

**REPORT OF THE TOWNSHIP COMMITTEE**

Mr. Sunbury reported he attended the ribbon cutting of the new business 3D Therapy. He wanted to have round table workshops in the future.

Ms. McGinnis spoke about having the round table workshops. She thanked everyone for coming out tonight.
Mr. Moore questioned if the grants for Carranza Road have been resubmitted, to which Mr. Haines advised that they have not announced when they would become available this year.

Mr. Barton advised the Governing Body the Mayor sets the agenda, deciding which items would be discussed at workshop and which would be for the regular meeting. He thanked the people for coming out tonight and spoke about belonging to the 200 Club of Burlington County; it being a charitable nonprofit organization comprised entirely of dedicated volunteers with the mission of providing financial assistance to the families of fallen or injured members of the State Police, County and Municipal Police, Fire or EMS for citizens of Burlington County.

Mayor Brown thanked everyone for coming out tonight and support of our rights.

**EXECUTIVE SESSION RESOLUTION CS 02 242020**

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

1. Discussion of contract negotiation related to Tabernacle Fire Company #1
2. Discussion of litigation matters related to Fran Brooks v. Township of Tabernacle (BUR-L-002065-19)

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires exist, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

BE IT FURTHER RESOLVED, after executive session we will reopen the meeting in which action may or may not be taken.

MOTION - Mr. Moore made a motion to adopt Resolution CS 02 242020, seconded by Ms. McGinnis, and unanimously carried. The Committee, Mr. Lange, Mr. Cramer, and the Municipal Clerk entered executive session at 9:29 p.m.

**RECONVENE TO REGULAR MEETING**

Mayor Brown reconvened the meeting to regular session.

**ADJOURNMENT**

MOTION – Mr. Moore made a motion to adjourn, seconded by Ms. McGinnis, and unanimously carried. Motion carried. The meeting was adjourned.

Date: February 24, 2020

La Shawn R. Barber, RMC
Municipal Clerk

Approved: 04/27/2020