TABERNACLE TOWNSHIP COMMITTEE  
TOWN HALL AGENDA OF AUGUST 26, 2019

The meeting was called to order by Mayor Joseph Barton followed by the flag salute.

Municipal Clerk Barber read the following Sunshine Notice:

**Sunshine Notice:** This meeting was called pursuant to the Open Public Meetings Act. This meeting of August 26, 2019 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.

**Roll Call - Governing Body - Present**
Kimberly A. Brown, Deputy Mayor  
Stephen V. Lee, IV, Township Committee  
**Samuel R. Moore, III, Township Committee** (Absent)  
**Joseph Yates, IV, Township Committee** (Absent)  
Joseph W. Barton, Mayor

**Administrative Team**
Douglas A. Cramer, CPWM, Administrator  
Rodney R. Haines, CMFO, Chief Finance Officer  
Dante Guzzi, Township Engineer  
Peter C. Lange, Jr., Township Solicitor  
La Shawn R. Barber, RMC, Municipal Clerk

**Public comment was opened for agenda items only, except first reading ordinances**

Jim Jones, Wimbledon Way. Confirmed Ordinance 2019-8 / Section 7B applies to the section of the Community Center to Route 206.

Stuart Brooks, Moores Meadow Road  
Suggested that all professionals stay until after the Executive Section to be available for public comment. Will there be a report regarding Carranza Road; and asked when the completion of Carranza Road.

Fran Brooks, Moores Meadow Road  
Noticed that the format of the agenda changed. Asked how long has the Municipal Clerk been acting as the LDB secretary and Office Clerk.

Andy Cunard, Fire Chief  
Was under the impression that the Bond Ordinance would be on this meeting’s agenda and it was not.

No further public comments.

**ORDINANCES**

**EXPLANATORY STATEMENT:** This ordinance creates the position of a purchasing agent.

**2019-6: SECOND READING: AN ORDINANCE TO CREATE THE POSITION OF PURCHASING AGENT IN THE TOWNSHIP OF TABERNACLE**

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

1. There is hereby created the position of Purchasing Agent for the Township of Tabernacle.  
2. The Purchasing Agent shall be appointed by the Township Committee.  
3. The Purchasing Agent is required to possess a valid Qualified Purchasing Agent certificate, as issued by the New Jersey Division of Local Government Services, Department of Community Affairs.
4. The Purchasing Agent shall have, on behalf of the Township Committee of the Township of Tabernacle, the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by state regulatory agencies; and conduct any activities as may be necessary or appropriate to the purchasing function of the Township of Tabernacle.

5. The Township of Tabernacle hereby adopts the contracting unit bid threshold pursuant to N.J.S.A. 40A:11-3 and N.J.A.C. 5:34-5.2.

6. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

7. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

8. This ordinance shall take effect immediately upon final passage and publication as required by law.

- Mayor Barton opens the public hearing at 7:36 p.m.

Public comment
Fran Brooks, Moores Meadow Road, questioned the need and duties for a purchasing agent.

No further public comments.

Chief Finance Officer Haines explained in detail that the QPA absorbs the responsibility of reviewing all purchases and allows to have the bid threshold risen to not have to go out to bid up to $40,000.00; which reduces advertising costs, legal costs and review of bids.

Mayor Barton closes the public hearing at 7:37 p.m.

- Motion to adopt Ordinance 2019-6, on second reading was made by Ms. Brown, seconded by Mr. Lee. There was no further Committee discussion.

Roll Call Vote: Ayes: Brown, Lee, Barton Nays: 0 Absent: Moore, Yates Motion carried.

EXPLANATORY STATEMENT: This ordinance replaces Resolution 2018-90, amends Chapter II to include Section 32 “Executive Session Minutes” and creates the Minutes Review Subcommittee in a proactive attempt to ensure the prompt availability of closed session minutes to the public.

2019-7: SECOND READING  AN ORDINANCE AMENDING CHAPTER II “ADMINISTRATION” BY ADDING SECTION 32 “EXECUTIVE SESSION MINUTES”

WHEREAS, The Tabernacle Township Committee in regular session on the 27th day of August, 2018, resolved to create the Minutes Review Subcommittee in a proactive attempt to ensure the prompt availability of closed session minutes to the public; and

WHEREAS, The Tabernacle Township Committee recognizes the value of open government and is dedicated to the faithful adherence to the extensive rights to inspect and copy public records enjoyed by the public pursuant to the Open Public Records Act, located at N.J.S.A. 47:1A-1.1, and the common law right to know; and

WHEREAS, The Open Public Meetings Act, located at N.J.S.A. 10:4-14, must be interpreted to promote the salutary legislative purpose of requiring governmental bodies to conduct their business in public, and the stated statutory exemptions permitting closure must be strictly construed; and

WHEREAS, even where closure of public meetings is permissible, minutes of the closed meetings, as full as permitted by the nature of the exemption, must be promptly made available; and

WHEREAS, the Committee wishes to modify the Township Ordinances to conform to the above-referenced Resolution.
NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

CHAPTER II “ADMINISTRATION” is hereby amended to include SECTION 32 “EXECUTIVE SESSION MINUTES” to read as follows:

1. Minutes Review Subcommittee. There shall be a minutes’ review subcommittee (MRS) consisting of the Administrator, the Township Attorney and the Township Clerk, whose job shall be to periodically review approved closed sessions of the Township Committee and make further determinations on behalf of the Committee on which previously adopted minutes should be made public. The MRS shall have no power and shall not be a “public body” within the meaning of the Open Public Meetings Act.

2. Meetings of MRS. The MRS shall meet on an as-needed basis. Meetings of the MRS shall be scheduled at the convenience of the MRS members by the Township Clerk and may be conducted electronically.

3. Preparatory staff work. Prior to each meeting of the MRS, the Township Clerk shall prepare a list of all previously approved closed session minutes that have not been made public. The list and the minutes listed shall be made available to the MRS at their meetings.

4. Basis for recommendation. Recommendations to make minutes public shall be on a case-by-case basis, taking into consideration both the interest in maintaining confidentiality set forth in N.J.S.A. 10:4-12 and the interest in prompt disclosure set forth in N.J.S.A. 10:4-14. The applicable guidelines set forth in paragraph 7 of this resolution may be considered as a general standard.

5. Decision. The decision by the MRS to make public the previously approved minutes of any closed session shall be based on a finding, including that of the Township Solicitor on behalf of the Township Committee, that public disclosure of the matters discussed at such closed session will not be detrimental to the public interest. In cases where more than one matter was discussed in closed session, the MRS may elect to make public only the minutes pertaining to certain of those matters, and to keep the rest of the minutes confidential. Should the minutes contain any material entitled to protection [such as, for example, personnel records, see Hughes Exec. Order No. 9, 9/30/63, amended by Byrne Exec. Order No. 11, 11/15/74; Trenton Times Corp. v. BOE City of Trenton. 138 N.J. Super. 357 (App. Div. 1976)], the MRS shall excise such protected matter, provided, that all materials required to be contained in the minutes by N.J.S.A. 10:4-14 shall be set forth.

6. Once public, always public. Minutes which are made public shall not thereafter be treated as confidential, but may be seen and copied by any person in the same manner as minutes of open meetings.

7. Guidelines. The following general guidelines pertaining to the nine purposes for closed meetings set forth in N.J.S.A. 10:4-12. B. may be considered in deciding when to make public minutes of closed sessions:

   a) Matters required by law to be confidential. When the need to preserve the secrecy of the confidential information discussed no longer exists; provided, that material entitled to court protection shall not be disclosed.

   b) Matters affecting the right to receive federal funds. When disclosure would no longer impair the right to receive funds or cause funds already received to be forfeited.

   c) Matters involving individual privacy. Such matters shall not be disclosed except as ordered by a court of competent jurisdiction, or with the written consent of all of the individual(s) concerned. (See South Jersey Publishing Co. Inc. v. N.J. Expressway Auth., 124 N.J. 478 (1991).

   d) Matters relating to collective bargaining agreements. When the collective bargaining agreement has been made and ratified.

   e) Certain matters involving public funds. After the transaction involving the public funds has been made.
(f) Matters affecting public safety and property. When disclosure would no longer impair the safety and property of the public or the conduct of any investigation.

(g) Litigation, contract negotiation and certain privileged matters. As to litigation, when a final decision has been rendered and all rights of appeal are exhausted; as to anticipated litigation, when the statute of limitations has expired or a binding settlement precluding litigation has been made; as to contract negotiation, when either the contract has been made and is binding of all parties or if not made, when negotiation is terminated; as to matters falling within the attorney-client privilege, at such time, if ever, that disclosure would not violate the attorney’s ethical duties.

(h) Employment matters. When the employment decision has been made and all rights to litigate or appeal are exhausted; provided, that material entitled to court protection shall not be disclosed.

(i) Deliberations after hearing in penalty matters. After the decision to impose or not impose the penalty has been made and all rights to litigate or appeal are exhausted; provided, that material entitled to court protection shall not be disclosed.

8. All meeting minutes shall be drafted and approved by the governing body within the time set forth in the Open Public Meetings Act, N.J.S.A. 10:4-8, et seq. ("OPMA") and applicable case law.

9. Except as set forth herein, minutes of meetings of the governing body from which the public has been excluded ("Closed Session Minutes") shall be available to the public upon request duly submitted to the Township redacted or unredacted.

10. With respect to Closed Session Minutes, at the time those minutes are approved, the Township Committee shall determine which portions of the minutes are not appropriate for release to the public under the OPMA or the Open Public Records Act, N.J.S.A. 47:1A-1.1, et seq. ("OPRA") and such minutes shall be reviewed in accordance with paragraph 11 hereof.

11. On a quarterly basis, the MRS shall review Closed Session Minutes to determine what additional portions, if any, shall be released to the public. Release of Closed Session Minutes in response to an OPRA request shall not be delayed by a second review or approval by the Township Committee of Closed Session Minutes that have already been approved. The Township Clerk will continue to put all regular minutes on the Township website promptly upon adoption and approval by the governing body. The Township Clerk will place all executive session minutes on the Township website promptly upon adoption and approval in redacted and unredacted form. The Township Clerk will update the executive session minutes on the Township website promptly upon modification as it concerns any approval to release previously redacted minutes or portions thereof. Such review shall include all Closed Session Minutes approved by the governing body since January 1, 2017.

SECTION 2: All ordinances, resolutions or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon proper passage and in accordance with the law.

ALL OF WHICH IS ADOPTED this 22nd day of July 2019, by the Tabernacle Township Committee.

- Mayor Barton opens the public hearing at 7:42 p.m.
  Fran Brooks, Moores Meadow Road, commented on the explanatory statement in which she does not agree with the word proactive attempt.

Stuart Brooks, Moores Meadow Road, commented on the Ordinance section “as needed basis” and he feels this is conflict.

- No further public comments. Mayor Barton closes the public hearing at 7:44 p.m.
Mr. Lange stated that the Court never found the Township’s practices to be violative of the OPMA or OPRA. In an effort to resolve the matters, the Township agreed to proactively pass a resolution to address the matter to continue to a preferred practice. This matter was proactive in resolving a litigation and no conflict with the consent order. Paragraph 2 states that meetings should be on an “as needed basis” and paragraph 11 states “shall review the minutes on a quarterly basis. ” The two are logically consistent.

Motion to adopt Ordinance 2019-7, on second reading was made by Ms. Brown, seconded by Mr. Barton. There was no further Committee discussion.

Roll Call Vote: Ayes: Brown, Barton Nays: Lee Absent: Moore, Yates Motion carried.

EXEMPLARY STATEMENT: This Ordinance is being introduced on first reading to address our necessary drainage and road repairs in the Township. The roads Laurel Drive and Pine Oak Court are included in this Ordinance because it is cost effective to do the drainage and road improvements at the same time. Fork Neck Road is based on the condition of the road; however, other roads may be considered for substitution after discussion by Township Committee, and possibly discussed further at the next workshop meeting on September 9, 2019 at 7:30 p.m.

Note: any substitution for roads or drainage made by Township Committee would not be a significant change to require re-advertise of the ordinance on first reading. Also included in this ordinance is the purchase of a backhoe with accessories to replace a (25) twenty-five-year-old machine which is used for maintenance of Township stormwater facilities.

2019-8: FIRST READING: BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN AND FOR THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY; APPROPRIATING THE SUM OF $1,130,000 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $1,073,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Township Committee of the Township of Tabernacle, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Tabernacle, County of Burlington, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:
(a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is $1,130,000;
(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is $1,073,500; and
(c) a down payment in the amount of $56,500 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of $1,073,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of $56,500, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed $1,073,500 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed $1,073,500 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting
next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of $225,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the amount of available grants for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<table>
<thead>
<tr>
<th>Purpose/Improvement</th>
<th>Estimated Total Cost</th>
<th>Down Payment</th>
<th>Amount of Obligations</th>
<th>Period of Usefulness</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Reconstruction and/or Resurfacing of Various Township Roadways including, but not limited to, Laurel Drive, Pin Oak Court and Fork Neck Road, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto</td>
<td>$525,000</td>
<td>$26,250</td>
<td>$498,750</td>
<td>10 years</td>
</tr>
<tr>
<td>B. Completion of Various Drainage Projects throughout the Township including, but not limited to, Laurel Drive, Hawkin Road and Eldorado Drive, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto</td>
<td>420,000</td>
<td>21,000</td>
<td>399,000</td>
<td>10 years</td>
</tr>
<tr>
<td>C. Acquisition of Various Heavy Equipment for the Public Works Department including, but not limited to, a Back Hoe, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto</td>
<td>185,000</td>
<td>9,250</td>
<td>175,750</td>
<td>15 years</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,130,000</strong></td>
<td><strong>$56,500</strong></td>
<td><strong>$1,073,500</strong></td>
<td></td>
</tr>
</tbody>
</table>
amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 14. The Township hereby covenants as follows:
(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;
(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;
(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and
(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication after final passage.

Motion to adopt ordinance 2019-8, on first reading was made by Mr. Lee, seconded by Ms. Brown.
Public Hearing Date was scheduled for September 23, 2019 at 7:30 P.M.
There was no further Committee discussion.
Roll Call Vote: Ayes: Brown, Lee, Barton Nays: 0 Absent: Moore, Yates Motion carried.

RESOLUTIONS

RESOLUTION 2019-92
AUTHORIZING SPECIAL EMERGENCY APPROPRIATION / SINK HOLE / ORIOLE WAY

WHEREAS, it has been found necessary to make an emergency appropriation of $7,377.65 to meet certain extraordinary expenses to be incurred, by reason of damage caused by sink hole emergency repair on Oriole Way; and

WHEREAS, N.J.S.A. 40A:4-54 et. seq. provides that it shall be lawful to make such appropriations, which appropriation and/or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least 1/5 of the amount authorized pursuant to this act.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tabernacle, County of Burlington, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-55:

1. An emergency appropriation be and the same is hereby made for appropriation line for Public Works’ Street and Road Materials in the amount of $7,377.65.
2. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
3. That said emergency appropriation shall be provided for by the inclusion of not less than $1,475.53 (at least 1/5 total amount) in each of the next succeeding annual budgets.

4. That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

- Motion to adopt Resolution 2019-92 was made by Mr. Lee, seconded by Ms. Brown.

Roll Call Vote: Ayes: Brown, Lee, Barton Nays: 0 Absent: Moore, Yates Motion carried.

**RESOLUTION 2019-93**

AUTHORIZING TO INCREASE THE BIDDING THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT, PURSUANT TO N.J.S.A. 40A:11-3a AND N.J.A.C. 5:34-5 ET. SEQ.

WHEREAS, the recent changes to the Local Public contracts Law gave local contracting units the ability to increase their bid threshold up to $40,000.00; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contract below the bid threshold; and

WHEREAS, Kimberly L. Smith, CTC/QPA has since met the requirements and possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et. seq.; and

WHEREAS, the Township of Tabernacle desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Tabernacle, in the County of Burlington, State of New Jersey hereby appoints Kimberly L. Smith as the Qualified Purchasing Agent in which funds are available for payment of her salary in the 2019 Tabernacle Township Budget for $192.35 bi-weekly, effective immediately and increases its bid threshold to $40,000.000.

BE IT FURTHER RESOLVED that in accordance with N.J.A.C. 5:34-5.2 the Township Clerk is hereby directed to forward a certified copy of this resolution and a copy of Kimberly L. Smith certification to the Director of the Division of Local Government Services.

- Motion to adopt Resolution 2019-93 was made by Mr. Lee, seconded by Ms. Brown.

Roll Call Vote: Ayes: Brown, Lee, Barton Nays: 0 Absent: Moore, Yates Motion carried.

**RESOLUTION 2019-94**

PRELIMINARY APPROVAL FOR A PROPERTY THAT REQUIRES NO MUNICIPAL COST SHARE

WHEREAS, the Township of Tabernacle is committed to preserving, to the extent possible, farmland within the Township for the benefit of the citizens of the Township of Tabernacle as well as for the County of Burlington and for the State of New Jersey; and

WHEREAS, the Burlington County Agriculture Development Board has accepted the application of the following:

<table>
<thead>
<tr>
<th>Landowner/Applicant</th>
<th>Farm Name</th>
<th>Block / Lot</th>
<th>Township</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>R.T. Eckert Farms, LLC</td>
<td>R.T. Eckert Farms, LLC (East)</td>
<td>903 / 22.01</td>
<td>Tabernacle</td>
<td>54</td>
</tr>
<tr>
<td>R.T. Eckert Farms, LLC</td>
<td>R.T. Eckert Farms, LLC (West)</td>
<td>903 / 14.01</td>
<td>Tabernacle</td>
<td>95</td>
</tr>
</tbody>
</table>

WHEREAS, it is in the best interests of the citizens of the Township of Tabernacle to approve the application of the above farm for consideration in to the 2019 Farmland Preservation Easement Purchase Program.
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tabernacle, County of Burlington, and State of New Jersey that they support preservation of the property listed above through the Burlington County Farmland Preservation Program.

- Motion to adopt Resolution 2019-94 was made by Mr. Lee, seconded by Ms. Brown.

Roll Call Vote: Ayes: Brown, Lee, Barton  Nays: 0  Absent: Moore, Yates  Motion carried.

RESOLUTION 2019-95
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

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 for the year 2018 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 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.

- Motion to adopt Resolution 2019-95 was made by Ms. Brown, seconded by Mr. Lee

Roll Call Vote: Ayes: Brown, Lee, Barton  Nays: 0  Absent: Moore, Yates  Motion carried.
RESOLUTION 2019-96
AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY (COMPUTER EQUIPMENT)

WHEREAS, Tabernacle Township currently owns certain personal property consisting of Computer Equipment previously used by the Tabernacle School District that has exhausted its usable life and is obsolete; and

WHEREAS, the Township of Tabernacle has decided that it is no longer necessary or useful for the Township to retain ownership of the equipment; and

WHEREAS, the Township of Tabernacle has, therefore decided that continued ownership of the equipment is not in the best interest of the Township.

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

Section 1. The Township of Tabernacle finds and declares that the equipment previously used by the Tabernacle School District is no longer useful for the Township purposes and its best interests will be served by the recycling of such computer equipment through a reputable recycling company. [ATTACHMENT “A”]

Section 2. The Township hereby authorizes and directs its Recycling Coordinator to cause the aforementioned equipment to be recycled free of charge and “as is.”

Section 3. This Resolution shall be in full force and effect immediately upon its passage.

COMPUTER INVENTORY

ATTACHMENT “A”

3 DELL COMPUTER MICES

12 DELL COMPUTER POWER CORDS
CN OY4M8K-72438-2BJ-461C

6 HP COMPUTER MICES

1 DELL COMPUTER KEYBOARD / MOUSE WITH USB CONNECTION
CN ODJ331 - 7616 - 09K - 08Z1

3 DELL KEYBOARDS
CN ODJ454 - 71581-45L - 05PL

5 LOGITECH KEYBOARDS
P/N 868026 - 0403

6 COMPAQ COMPUTER SCREENS
S/N CNN 7510ZGQ

1 SAMSUNG COMPUTER SCREEN
S/N 031 – 13H - CKG709111H

5 HP COMPUTER TOWERS
S/N MXL91800ZF

1 DELL OPTIPLEX 330 CP TOWER
S/N GF93TH1

1 DELL OPTIPLEX 3020 CP TOWER
MODEL - D15 M
1 DELL OPTIPLEX 390 CP TOWER
MODEL D07D

1 PANASONIC TV WITH REMOTE
S/N LD13020932

1 APD COMPUTER SERVER
S/N Z008 YG54315627001198700

1 WD COMPUTER SERVER
S/N WCAWZ0017975T

2 “NEW” LENOVO KEYBOARDS
S/N 0789266

5 DELL KEYBOARDS
CN ODI 454–71581–374–051X

2 DELL INSPIRON “SCIENCE LAB” LAPTOPS
LBL P/N NF208 A01

2 DELL AS500 COMPUTER SCREENS
CN 04Y463–48220–4AC - 0271

2 DELL M/N E178 FPC CP SCREENS
CN OTP219 – 64180 – 82E - 3AKS

- Motion to adopt Resolution 2019-96 was made by Mr. Lee, seconded by Ms. Brown

Roll Call Vote: Ayes: Brown, Lee, Barton
Nays: 0
Absent: Moore, Yates

Motion carried.

RESOLUTION 2019-97
AUTHORIZING SUBMISSION OF COUNTY OF BURLINGTON DOCUMENTS FOR
FINAL REIMBURSEMENT OF GRANT FUNDING

WHEREAS, in 2016, the Township of Tabernacle received a Municipal Park Development Program Grant from the County of Burlington in the amount of $103,000.00 to fund Playground Picnic Table Shelters / Dugout Shelters for Patty Bowker and Pricketts Mill Fields (Phase 2) located at 122 Patty Bowker Road, (Block 504, Lot 19) and 434 Pricketts Mill Road (803.01. Lots 18 & 19) in Tabernacle Township, New Jersey; and

WHEREAS, it is the desire of the Township of Tabernacle to include the balance of their 2015 Recreation Grant in the amount of $5,205.00; and

WHEREAS, this contract was awarded to Sussman Enterprises, Inc., P.O. Box 771, Brigantine, NJ 08203 for performance of the work in the 2016 Burlington County Recreation Grant; and

WHEREAS, work under this contract was completed in April 2019. Dante Guzzi Engineering Associates, the Township Engineer inspected and certified that the work was completed in conformance with contract plans, specifications and all other applicable requirements and has authorized final payment to the contractors.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Tabernacle, County of Burlington, State of New Jersey that the scope of work associated with the 2016 Burlington County Park Development Program Grant is complete.

BE IT FURTHER RESOLVED, that the submission to the County of Burlington of the documents necessary to receive final reimbursement of grant funds is hereby authorized.
• Motion to adopt Resolution 2019-97 was made by Ms. Brown, seconded by Mr. Lee
Roll Call Vote: Ayes: Brown, Lee, Barton  Nays: 0  Absent: Moore, Yates  Motion carried.

APPROVAL OF BILLS:  On a motion to approve bills as submitted was made by Ms. Brown, seconded by Mr. Lee, the bills were ordered paid.
Roll Call Vote: Ayes: Brown, Lee, Barton  Nays: 0  Absent: Moore, Yates  Motion carried.

APPROVAL OF MINUTES:  On a motion made by Ms. Brown, seconded by Mr. Lee, the minutes of July 22, 2019 (Regular) was offered for adoption.
Roll Call Vote: Ayes: Brown, Lee, Barton  Nays: 0  Absent: Moore, Yates  Motion carried.

Report of the Township Engineer
Drainage repairs are continuing and bidding is scheduled; a recommendation will be made to award and will get stated immediately. Hopeful get Flyatt Road opened by end of October 2019.

Report of the Township Administrator
• Sink holes are being worked on by the Department of Public Works and to finish by end of August 2019.
• Receiving quotes for the concrete work for gazebo and the erection of the steel.
• Retention pond repairs will be done by the Department of Public Works on Sohn Way beginning September 2019.
• Town Hall ramp replacement to be in compliance with ADA. Replacement begin end of August 2019. The side entrance will be open for public access. Finish target date is end of September 2019.
• CDBG is looking to replace the chair lift. Requirements were not met with the first. Township Administration and Engineering staff was not comfortable with the terms and conditions of the second contractor such as wanting payment in full BEFORE any equipment is ordered. Discussions will be held with the Administration of the Grant Program to seek permission to carry this project another year when a suitable company to install the product.
• Interviewing for the position of LDB Secretary and for Records Management Office Clerk.
• Tabernacle / Woodland Township shared courts are going well.
• Preliminary work has been done with an auction company for the Township property on Hawkin Road. Asking for patience so that we can finish the drainage design for that area.
• The Fire Chief’s vehicle is covered under Bond Ordinance 2018-6.
• The New Jersey Statutes requires that the Municipal Clerk proceed as acting secretary in the event of a vacancy.

Report of the Township Solicitor
Mr. Lange spoke of wanting to research the vote regarding majority of the Township Committee OR the majority of committee members being present. Mr. Lange discussed concern over the passage of Ordinance 2019-7 and would contact the courts.

Report of the Emergency Management Coordinator
Mr. Sunbury request Township Committee’s process to waive the $75.00 permit fees for non-profit annual events for organizations. Ms. Brown explained that waivers are addressed when the organizations submit their applications.

Mr. Sunbury reported on a proposed reimbursement from FEMA in the amount of $97,000.00 from Storm Quinn. Also, Tabernacle will host Burlington County Health Department at Seneca High School for Free Flu shot Clinic on Saturday, November 2nd. All surrounding municipalities are welcome in November 2019.

Report of the Township Committee
Mr. Lee held spoke of the franchise agreement with Comcast and nothing is to prevent Verizon for installing cable TV service on existing fiber lines. There has been progression of the Phases for Verizon is that nothing has been connected at this time.

Mayor Barton acknowledged the new Tabernacle Sun has a new reporter.
Mayor Barton spoke of Carranza Road in that he was not able to meet with the Deputy Commissioner; however, spoke with the Director of Community Affairs and asked if it would be possible to modify the discretionary grant to reach Moores Meadow Road. As of the date of this meeting, Township has not received an answered regarding this matter.

Mayor Barton request all members of the Township Committee to be in attendance at the next workshop on September 9, 2019 to discuss the preliminary steps to best deliver fire services.

EXECUTIVE SESSION RESOLUTION - CS 08 262019

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. Personnel matters involving the terms and conditions of employment and performance of LaShawn Barber, the acting Land Development Board Secretary; and Office Clerk (Records Management)

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, 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.

• On a motion made by Ms. Brown, seconded by Mr. Lee, Resolution CS 08 262019 was offered for adoption.

Roll Call Vote: Ayes: Brown, Lee, Barton Nays: 0 Absent: Moore, Yates Motion carried.

Closed to the public at 8:29 P.M.

Reopen. Members of the Township Committee returned from closed session at 9:12 P.M.

Public comment

Stuart Brooks, Moores Meadow Road, welcomed new chief of the Tabernacle Fire Company; spoke of Bond Ordinance 2019-8 for roads and equipment, urges Committee to review it closely; spoke that he is waiting to hear about the formulation of a plan to possibly bond for Carranza Road and spoke of the language in Ordinance 2019-7 regarding review on as needed basis.

Jim Jones, Wimbledon Way, spoke that he feels it to be a waste of time to advertise the OEM position when the candidate has not been elected to serve on committee. This sets a premature conflict with an advertisement of the OEM position. Stated that Mr. Sunbury is doing an excellent job and this position should not be political.

Robert Sunbury, Sleepy Hollow Drive, spoke that he would not collect pay for two positions and not stay in a position that is detrimental to the community; spoke of being made aware at the last meeting that the Township is losing money for a road grant for failure of votes and asked if it is possible to rethink and retain the money.

Engineer Guzzi stated that a resolution is required to be submitted and within 30 days of the application which the deadline was in the beginning of August 2019. It is a possibility for an extension if Committee would want to reconsider it for NJDOT. However, there is no guarantee.

Fran Brooks, Moores Meadow Road, spoke of Carranza Road has not been paved in 35 years and has the lowest rating on the evaluation. It is time to finish Carranza Road; spoke that she will be at every meeting complaining about that Carranza Road not being done. Spoke of being offended for Township use of the word “proactive” regarding the ordinance.
Public comments close. There being no further public comments.

Discussion: Solicitor Lange addressed the comments regarding the closed session minutes and how Township was proactive on the adoption of the ordinance regarding closed session minutes.

Chief Finance Officer addressed the comments regarding grants used for other municipalities. Mr. Haines explained it as such. A bank would not give you a mortgage to build an addition on your neighbor’s house. This is how the Bond company would perspective this matter.

Mayor Barton explained that he would like to see Carranza Road paved; however, does not believe Tabernacle tax dollars should be used toward the Shamong Township side of the road. If anyone from the public has issue, please attend a Shamong Township meeting and address the repairs with Shamong Township. Most of the State Grant was used to pave both sides of the road already.

RESOLUTION 2019-98
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE OAK SHADE ROAD PHASE II REPAVING PROJECT

WHEREAS, there exists a need to repave Oak Shade 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-2020 Oak Shade Road Phase II–00459 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.

On a motion made by Ms. Brown, seconded by Mr. Barton, Resolution 2019-98 was offered for adoption.

Roll Call Vote: Ayes: Brown, Barton Nays: Lee Absent: Moore, Yates Motion carried.

RESOLUTION 2019-99
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PRICTETS 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-2020-Pricketts Mill Road–00497 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.
• On a motion made by Ms. Brown, seconded by Mr. Lee, Barton 2019-99 was offered for adoption.

Roll Call Vote: Ayes: Brown, Barton  
Nays: Lee  
Absent: Moore, Yates  

Motion carried.

ADJOURNMENT  Members of the Township Committee adjourned the meeting at 9:35 P.M.

Respectfully submitted,

La Shawn R. Barber, RMC  
Municipal Clerk

Approved: 09/23/2019