

## TOWNSHIP OFFERS (3) THREE PLATFORMS TO PARTICIPATE IN THIS MEETING

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OPTION 1 – AUDIO: 1; OPTION 2 – TELEPHONE; OPTION 3 – MASK UP / SOCIAL DISTANCE WITH MUNICIPAL CLERK  
TOWN HALL, 163 CARRANZA ROAD, TABERNACLE, NJ 08088

## TABERNACLE TOWNSHIP COMMITTEE MEETING MINUTES OF NOVEMBER 23, 2020

### CALL TO ORDER

Mayor Brown called the meeting to order at 7:30 p.m. which was followed by the flag salute.

Municipal Clerk Barber read the Open Public Meetings Act Statement.

**Sunshine Notice:** This meeting was called pursuant to the Open Public Meetings Act. This meeting of **November 23, 2020** was sent to the Central Record, Burlington County Times, and Courier Post on January 14, 2020. Posted on the bulletin board in Town Hall and has remained continuously posted as the required notices under the statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

### ROLL CALL

Kimberly A. Brown, Mayor	Present
Joseph W. Barton, Deputy Mayor	Present
Nancy K. McGinnis, Committeewoman	Present
Samuel R. Moore, III, Committeeman	Present
Robert C. Sunbury, Jr., Committeeman	Present

### ADMINISTRATIVE TEAM

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

### PUBLIC COMMENT

None.

### RECESS FOR REPORT OF BURLINGTON COUNTY HEALTH DEPARTMENT

Holly Funkhouser, Director of the Burlington County Health Department, reported year ending reports for Tabernacle Township and health advisements for COVID-19; Weights and Measures Certifications; and Environmental Inspections. etc.

### PUBLIC COMMENT

**Fran Brooks. 78 Moores Meadow Road.**

- Ms. Brooks thanked Ms. Funkhouser for her report.
- Ms. Brooks asked Ms. Funkhouser the status of the home testing kits for COVID and if there were any restrictions on receiving the test.
- Ms. Funkhouser replied that the community may visit <https://www.homecovidtest.org/> for more information on home testing and there are no restrictions on receiving the test kit.

Seeing no further comments from the public; not by audio, not by telephone and not at Town Hall, Mayor Brown closed this portion of Public Comment concerning the Board of Health.

Members of the Township Committee reconvened to the regular meeting by Motion made by Mr. Sunbury and seconded by Ms. McGinnis. All members were in favor of reconvening the regular meeting.

# RESOLUTIONS

## RESOLUTION 2020-102 A RESOLUTION AWARDING CONTRACT FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES PURSUANT TO N.J.S.A. 40A:11-1

**WHEREAS**, sealed public bids for the collection and disposal of solid waste were received by the Tabernacle Township Municipal Clerk on October 15, 2020; and

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

**WHEREAS**, the Township Committee conducted significant discussion and consideration of the matter including a review of the most recent contract for disposal services and the bids submitted pursuant thereto; and

**WHEREAS**, Exclusive Service & Maintenance Co., LLC d/b/a Garden State Removal was the lowest qualified 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 1 and for the subsequent years selected.

**NOW, THEREFORE, BE IT RESOLVED** by the Committee of the Township of Tabernacle, County of Burlington, State of New Jersey that the contract for solid waste collection and disposal services for the selected period commencing on January 1, 2021, be and the same is hereby awarded to Exclusive Service & Maintenance Co., LLC d/b/a Garden State Removal on the following bid:

**Option 1: One-year contract ending December 31, 2021**  
\$221,467.20

**Option 2: Three-year contract ending December 31, 2023**  
Year 1: \$ 221,467.20  
Year 2: 226,255.68  
Year 3: 228,051.36  
  
Total: \$ 675,774.24

**Option 3: Five-year contract ending December 31, 2025**  
Year 1: \$ 221,467.20  
Year 2: 226,255.68  
Year 3 228,051.36  
Year 4 233,438.40  
Year 5 243,015.36  
  
Total \$ 1,152,228.00

I hereby certify the foregoing to be a true copy of a resolution adopted by the Tabernacle Township Committee at a meeting held on November 23, 2020.

### MOTION

Mr. Sunbury made a motion to adopt Resolution 2020-102 with option #3 – 5-year term. Ms. McGinnis seconded the motion.

Ayes: Barton, McGinnis, Moore, Sunbury, Brown      Nays: 0      **Motion carried.**

**RESOLUTION 2020-103**

**A RESOLUTION AWARDING CONTRACT TO JESCO, INC. AND SERVICE THROUGH STATE CONTRACT AND THE ATTACHMENTS THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ)**

**WHEREAS**, the Tabernacle Township Committee located in the County of Burlington and the State of New Jersey is charged with responsibility of maintaining roadway safety, Township stormwater management and the removal of debris from within the Township of Tabernacle; and

**WHEREAS**, in order to fulfill its mandated responsibility as set forth above, the Township Committee finds and determines the need to purchase a John Deere 524L Wheel Loader, under State Contract #17-FLEET-00199 with attachments under The Educational Services Commission of NJ as specified in contract #65MCECCPS, which includes GEM2.25 yard MP Bucket, GEM Construction Fork, 60" Carriage, 72" Tines, and Spare 3 Piece Wheel with hardware; and

**WHEREAS**, the Township Committee is authorized to use a Cooperative Pricing System pursuant to the provisions of N.J.S.A. 40A:11-11(5); and

**WHEREAS**, the Township Committee authorized to purchase through State Contract, as well as, through Resolution 2017-88 a contract with the Educational Services Commission of New Jersey (ESCNJ) 65MCECCPS on November 27, 2017; and

**WHEREAS**, the Township Committee has received information and pricing on a John Deere 524L Wheel Loader, with attachments by Jesco, Inc.; and

**WHEREAS**, the Township Committee has established the entering Cooperative Pricing System cost effective contractual solution for the purchase of the needed Wheel Loader with attachments; and

**WHEREAS**, the Township Committee received from Jesco, Inc., 1790 Route 38 Lumberton, New Jersey all supplemental documentation with establishes compliance with the laws of the State of New Jersey for entities awarded a contract by a public entity under State Contract #: 17-FLEET-00199 and ESCNJ Contract # 18/19-25.

**NOW, THEREFORE, BE IT RESOLVED**, by the Tabernacle Township Committee, County of Burlington, State of New Jersey, that pursuant to said statute, the Township of Tabernacle enter a contract to purchase said equipment in the amount of \$159,184.30 and attachments in the amount of \$17,913.81.

**BE IT FURTHER RESOLVED** that the Mayor be authorized to enter a contract on behalf of the Township Committee and the Municipal Clerk be authorized to attest thereto.

**BE IT FURTHER RESOLVED** that the Township CFO shall certify that sufficient funds are available for said procurement.

**BE IT FURTHER RESOLVED** that the contract entered be available, upon review and approval of the Township Solicitor, at the Township office during normal business hours.

**BE IT FURTHER RESOLVED**, that within the Resolution shall be effective immediately upon passage.

**MOTION** Ms. McGinnis made a motion to adopt Resolution 2020-103. Seconded by Mr. Sunbury.  
Ayes: Barton, McGinnis, Moore, Sunbury, Brown Nays: 0 **Motion carried.**

**RESOLUTION 2020-104**

**A RESOLUTION AUTHORIZING PAYMENT OF LOSAP CONTRIBUTION 2019 - TABERNACLE FIRE COMPANY #1 - \$22,644.00**

**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 2019 contributions for qualified participants from the Township in the amount of **\$22,644.00** 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 2019 for Tabernacle Fire Company #1 in the amount of **\$22,644.00**.

**BE IT FURHTER RESOLVED**, the Chief Financial Officer is hereby directed to authorize payment in the amount of **\$22,644.00** to Lincoln National Life Insurance Company for its contributions to the Township's Length of Service Award Program.

**MOTION** Mr. Moore made a motion to adopt Resolution 2020-104. Seconded by Ms. McGinnis.  
Ayes: Barton, McGinnis, Moore, Sunbury, Brown Nays: 0 **Motion carried.**

**RESOLUTION 2020-105**  
**AUTHORIZE TOWNSHIP ADMINISTRATOR TO ADVERTISE NOTICE OF INTENT TO**  
**AWARD CONTRACT UNDER A NATIONAL COOPERATIVE PURCHASING AGREEMENT**

**WHEREAS**, the Township Administrator desires to provide a Notice of Intent advertisement to award a contract under a National Cooperative Purchasing Agreement for a VERSALIFT SST-40-EIH, as specified under the quote sheet #Q-7727A from VERSALIFT EAST, 2706 Brodhead Road, Bethlehem, PA 18020 under Sourcwell contract #012418-TIM; and

**WHEREAS**, the Notice of Intent advertisement will provide notice that Tabernacle Township will conduct a public comment period and pass a resolution authorizing the purchase from the VERSALIFT EAST pursuant to the Sourcwell contract (formally known as National Joint Powers Alliance).

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Tabernacle, County of Burlington, State of New Jersey, the Township Administrator is authorized to advertise a Notice of Intent to award a contract under a National Cooperative Purchasing Agreement.

**MOTION** Mr. Barton made a motion to adopt Resolution 2020-105. Ms. McGinnis seconded the motion.  
Ayes: Barton, McGinnis, Moore, Sunbury, Brown Nays: 0 **Motion carried.**

**RESOLUTION 2020-106**  
**APPROVING CHANGE ORDER NO. 1 TO A CONTRACT BETWEEN THE**  
**TOWNSHIP OF TABERNACLE AND EARLE ASPHALT COMPANY FOR THE 2020 ROAD PROGRAM**

**WHEREAS**, on April 27, 2020, the Township Committee awarded the contract for the 2020 Road Program in the amount of \$560,613.13 to Earle Asphalt Company; 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: \$560,613.13
- Total Change Order No. 1 Amount: (\$ 29,297.96)
- **Revised Contract Total:** **\$531,315.17**

**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 **Earle Asphalt Company** is hereby authorized by the Township; and
2. The Mayor is hereby authorized and directed to execute Change Order No. 1.

**MOTION** Mr. Sunbury made a motion to adopt Resolution 2020-106. Ms. McGinnis, second the motion.

Ayes: Barton, McGinnis, Moore, Sunbury, Brown

Nays: 0

**Motion carried.**

### **APPROVAL OF BILLS**

**MOTION** Ms. McGinnis made a motion to approve the bills of November 23, 2020 as submitted. Seconded by Mr. Barton.

Ayes: Barton, McGinnis, Moore, Sunbury, Brown.

Nays: 0

**Motion carried.**

### **APPROVAL OF MINUTES**

**MOTION** Ms. McGinnis made a motion to approve minutes. Seconded by Mr. Sunbury.

- a) **September 14, 2020** (executive)
- b) **September 28, 2020** (executive)
- c) **October 13, 2020** (work session)

Ayes: Barton, McGinnis, Moore, Sunbury, Brown

Nays: 0

**Motion carried.**

### **RECREATION COMMITTEE ANNUAL REPORT / MARK LEMIRE, CHAIRMAN**

#### **Tree Lighting Event**

- Mr. LeMire explained that because of COVID, the Tree Lighting events has been cancelled. However, Christmas Tree will be donated by Russo's and will be decorated as has been done annually.
- Mr. LeMire reported that he hopes to engage a house decorating contest. Details will be posted on the Township website.
- Mr. Barton suggested that Mr. LeMire contact Holy Eucharist Church and inquire holding this event in their parking lot as the Church has the outdoor space and traffic accommodations.

#### **Tabernacle Township Athletics (TAA)**

- Mr. LeMire also reported that TAA continues to struggle with the liability to the coaches because of COVID. In the future they will look to the Township Committee for relief of amply the need to have COVID immunity should anyone become ill from COVID.

#### **Recreation Budget**

- The Budget of the recreation committee is \$8,000.00 and as of this date, only \$140.00 has been spent. Cancelled events were the Senior Bus Trips / Memorial Day Parade / Tree Lighting / Senior Holiday Dinner. Future expenditures will incur for December events.

### **PUBLIC COMMENT**

#### **Stuart Brooks. 78 Moores Meadow Road.**

- Mr. Brooks stated that Mr. Moore was inaudible to him throughout the meeting.
- Mr. Brooks commented on approved Township Committee minutes of January 21, 2019 in which she requests be amended; feels that TRS has a bad contract; Mr. Brooks asked if TFC#1 is authorized to provide rescue services if members of TRS are not present and questions if there have been any incidences that TRS has asked TFC#1 to refrain from providing services; Mr. Brooks spoke of not receiving the responses he would like during public comment portion of the meetings.

#### **Fran Brooks. 78 Moores Meadow Road.**

- Ms. Brooks stated that it would be helpful to the public to know which professionals attend the electronic meetings.
- Ms. Brooks asked why the Township is paying for educational costs \$200.00 for a webinar for the part-time CFO and will they be paid in 2021.
- Ms. Brooks asked why the approved minutes were not posted to the website immediately.

Seeing no further comments from the public; not by audio, not by telephone and not at Town Hall, Mayor Brown closed this portion of Public Comment.

## **REPORT OF THE TOWNSHIP ENGINEER - DANTE GUZZI**

- Oak Shade Road Phase I is complete with punch list items remaining which will be completed soon.
- Oak Shade Road Phase II grant and waiting for DOT approval to go out to bid.
- Received a grant for \$240,000 for Carranza Road. Upon approval for specifications we can go to bid early spring 2021.

## **REPORT OF THE TOWNSHIP ADMINISTRATOR – DOUGLAS CRAMER**

### **Telephone System**

- Mr. Cramer reported that the telephone system has been updated to achieve better telephone connection to all departments. He reminded committee that we have moved away from Verizon which has given us connection issues in the past.
- Mr. Cramer reminded Committee that staff is sometimes not available for time so that they may attend webinars which are required for CEUs for multiple positions which are held. He mentioned that we can arrange to hire an additional person at the cost of approximately \$60,000.00 to answer the telephones live.
- Mr. Cramer asked for a motion, as he advised Committee that staff members have vacation time remaining from 2020 because of COVID and he expressed that we will be short staffed during the month of December. Mr. Cramer requested that Committee approve vacation time carried over to 2021 with an expiration of June 2021.

### **Website Update**

- Mr. Cramer reported that the website is in final stages and that training will begin December 7, 2020.
- We have resolved the existing problems of the E-notify feature of the website.

### **Irick's Causeway**

- The property has been offered for sale to the bordering property owners. Two with no response. One with a small monetary offer which was not accepted by Committee.
- Code Enforcement does not have the authorization to "police" as the problem with Irick's Causeway is a traffic matter.
- Mr. Cramer stated there are several options for Irick's Causeway:
  - If Committee wishes to pursue this matter, it is can be brought to the Superior Court level.
  - The street can be vacated, and the necessary steps will be taken for that vacation of street
  - Can be added to a future road program to have the street paved,

### **Brush Collection**

- Brush collection was completed within 13 weeks because of Storm Isaias and regular fall brush collection.

### **Tire Collection**

- Tire collection was completed successfully with also being able to provide some local businesses with extra coverage collection.

### **Storm Water**

- Working on resolving the issue on Inskip. Phase 1 is working. There are no issues during the last three storms. We are working on Phase II.
- Working with Murphy's Market with their retention pond and Michaelson's Woods. The Solicitor and Engineer will inform the residents regarding this project so that Mr. Murphy's contractors will be able to do the required work.

### **Speed Limit Signs**

- Valerie Way speed limit is the responsibility of the contractor. Not sure if they have updated the engineer.
- The speed limit sign has been up at Oak Shade Road.

### **Recycling Yard**

- Approximately 7 to 8 people visited the drop off. Some people were confused with the hazardous waste date.

**MOTION** Mr. Barton made a motion to approve 2020 vacation time to carry over and used by June 2021. Seconded by Ms. McGinnis.

Ayes: Barton, McGinnis, Moore, Sunbury, Brown. Nays: 0 **Motion carried.**

**MOTION** Mr. Barton made a motion to close the Municipal Offices on December 24, 2020 and December 31, 2020. Seconded by Mr. Sunbury.

Ayes: Barton, McGinnis, Moore, Sunbury, Brown Nays: 0 **Motion carried.**

- Mr. Barton asked Mr. Cramer to meet with Mr. Guzzi regarding limitations for truck limits to preserve the integrity of Oak Shade Road.
- Mr. Barton. In the future, he would like to discuss restricting deliveries on Sunday.

#### **REPORT OF THE TOWNSHIP CHIEF FINANCIAL OFFICER – RODNEY HAINES**

- Mr. Haines reported that even though the State approved our budget, we will not be receiving the Garden State Perseveration money. This did not include the additional funds as promised.

#### **REPORT OF THE TOWNSHIP ATTORNEY – PETER LANGE, ESQUIRE**

- Mr. Lange reminded Mr. Cramer and Mr. Barton to coordinate with that Land Development Board to discuss the age restricted mobile home park matter to get this matter to conclusion.
- Wished everyone a Happy Thanksgiving.

#### **REPORT OF THE TOWNSHIP CONFLICTS ATTORNEY – WILLIAM BURNS, ESQUIRE**

- Mr. Burns provided a detailed report regarding recent litigation filed by a resident regarding a violation of OPMA.
  - Argument was held on November 12, 2020 before Judge Jacobson, Superior Court of Mercer County, New Jersey.
    - Denied - Motion to Reconsider filed by the Plaintiff.
    - Denied - Motion to Amend the Complaint filed by the Plaintiff.
    - Granted - Motion for Summary Judgment dismissing the law suit in favor of Tabernacle Township.

#### **REPORT OF THE TOWNSHIP COMMITTEE**

##### **Joseph Barton**

- Mr. Barton thanked Mark LeMire and keeping up with the spirit of Christmas.
- Mr. Barton attended a virtual meeting of the fire company and was surprised to learn that Mr. Sunbury was on the sub-committee. There were concerns of missed out of town calls since the Ordinance / concerns of the transition plan / transfer of funds / continuity of service / tax exempt status / supplies / maintenance etc.
- Wished everyone a Happy Thanksgiving.

##### **Nancy McGinnis**

- Wished everyone a Happy Thanksgiving.

##### **Samuel R. Moore, III**

- Mr. Moore reported that things are moving forward regarding the fire company business.
- Mr. Moore expressed that her would like schedule a special executive session and a special meeting regarding a possible litigation regarding a breach of confidential conversations in executive session and draft executive session minutes and requested that Mr. Burns attend the executive session.

After discussion, the members of the Township Committee agreed on the following meetings:

- Monday, December 14, 2020 at 6:00 p.m. Special Excusive Session Meeting
- Monday, December 14, 2020 at 7:30 p.m. Close out meeting.

**Robert C. Sunbury, Jr.**

- Mr. Sunbury reported that the reason that sub-committee was not on the call with fire company as they were conducting first round of interviews for fire chief and are continuing to perform due diligence.
- The numbers for COVID are rising quickly and have in one week have had 21 additional positives.

**Mayor Kimberly Brown:**

After discussion, the members of the Township Committee agreed on the

following meetings:

- Monday, January 4, 2021 at 7:30 p.m. Reorganization meeting
  - Monday, January 11, 2021 at 7:30 p.m. Workshop meeting
  - Monday, January 25, 2021 at 7:30 p.m. Regular meeting
- Mayor Brown explained that she asked Mr. Sunbury to substitute for her on the subcommittee for in person interviews as she was not available.

**ADJOURNMENT**

**MOTION** Ms. McGinnis made a motion to adjourn. Seconded by Mr. Sunbury, the meeting was adjourned

Ayes: Barton, McGinnis, Moore, Sunbury, Brown Nays: 0 **Motion carried.**

Respectfully submitted,

La Shawn R. Barber, RMC/CMR  
Municipal Clerk

- Approved: 12/14/2020