

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

AGENDA

**TOWNSHIP COMMITTEE MEETING
JULY 27, 2020 - 7:30 PM**

Governing Body

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

TOWN HALL ADMINISTRATIVE TEAM

Douglas Cramer, C.P.W.M. Township Administrator	Rodney R. Haines, C.M.F.O. Chief Finance Officer	Kimberly L. Smith, C.T.C., QPA Tax Collector
Dante Guzzi Township Engineer	Thomas Boyd Construction Official	Robert Sunbury Emergency Management Coordinator
Peter C. Lange, Jr. Township Solicitor	La Shawn R. Barber, RMC/CMR Municipal Clerk	William Burns, Special Counsel

www.townshiptabernacle-nj.gov

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

**TOWNSHIP COMMITTEE MEETING
JULY 27, 2020 - 7:30 PM**

Please register for Twp. Committee Meeting of July 27, 2020 at:
<https://attendee.gotowebinar.com/register/327805506487639051>

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

TOWNSHIP OFFERS (3) THREE PLATFORMS TO PARTICIPATE IN MEETING

--- PRE-REGISTRATION IS REQUIRED---

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

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

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

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

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

Registration URL

<https://attendee.gotowebinar.com/register/327805506487639051>

Webinar ID

837-205-787

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

**TABERNACLE TOWNSHIP COMMITTEE
TOWN HALL AGENDA OF JULY 27, 2020**

I. CALL TO ORDER - FLAG SALUTE - OPEN PUBLIC MEETINGS ACT STATEMENT

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

III. PUBLIC COMMENT (Agenda items only)

IV. ORDINANCE ON SECOND READING

Explanatory Statement: This Ordinance is to increase the municipal budget limits up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions.

2020-1: An Ordinance to Exceed the Municipal Budget Appropriation Limits and Establish A Cap Bank - Public comment.

V. MUNICIPAL BUDGET ON SECOND READING

- Discussion by CFO on Governing Body's consensus on municipal budget
- Public Hearing. Comments

2020-66: Authorize Reading of Title for Municipal Budget

2020-66A: Adoption of 2020 Municipal Budget

VI. APPROVAL OF BILLS: (July 27, 2020)

VII. APPROVAL OF MINUTES

- **a) June 8, 2020** (special)
- **b) June 15, 2020** (special)

VIII. RESOLUTIONS

(Held from last month)

2020-72: Requesting that the Director of DLGS grant permission to approve the insertion of an item of special revenue in the 2020 budget entitled "Emergency Management Performance Grant"

2020-74: Authorizing membership in a Mutual Aid and Assistance Agreement with participating units

2020-75: Authorizing Bond Reduction No.2 - Seneca Woods Phase 2, Block 802.01, Lots 25

2020-76: Approving Change Order No. 1 to a contract between the Township of Tabernacle and Arawak Paving Company, Inc. for the 2019 Road Program

2020-77: Authorizing Refund of Developer's Escrow Account Balance

2020-78: Approving Plenary Retail Consumption License for WWJR, LLC

2020-79: Approving Plenary Retail Distribution License for Murphys In The Pines, LLC

2020-80: Authorizing Tabernacle Township to enter into a Shared Service Agreement with Burlington County for the Entity's Central Communications/911 Calls

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

IX. PUBLIC HEARING

Discussion by DPW on Notice of Intent to Award Contract to Purchase a Vermeer 15” Chipper

- Public Hearing. Comments.

2020-81: Authorize the award of contract to Vermeer North Atlantic through the use of Sourcewell – formally National Joint Powers Alliance – Procurement Process pursuant to N.J.S.A.52:34-6.2 (B)(3)

X. PUBLIC COMMENT (please state your name & address for the record – 3 minutes)

XI. REPORTS

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

XII. EXECUTIVE SESSION (Resolution No. CS 07 272020)

Discuss pending litigation matters, including Fran Brooks v. Township of Tabernacle et al. docket numbers; BUR-L-002065-19, MER-L-001192-20, and AM-000610-19, contract negotiations and matters falling within the attorney-client privilege. Closed to the public.

Reopen

XIII. ADJOURNMENT

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

ORDINANCE 2020-1

CALENDAR YEAR 2020

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Tabernacle in the County of Burlington finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$ 34,441.58 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Tabernacle, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Township of Tabernacle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 120,545.53, and that the CY 2020 municipal budget for the Township of Tabernacle be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: April 27, 2020

Adopted:

**La Shawn R. Barber, RMC
Municipal Clerk**

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

**RESOLUTION 2020-66
AUTHORIZE READING OF TITLE FOR 2020 MUNICIPAL BUDGET**

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Tabernacle Township, in the County of Burlington, State of New Jersey, hereby authorize reading of title for the 2020 Municipal Budget and declares that the conditions set forth in the law have been met.

DATE: JULY 27, 2020

**LA SHAWN R. BARBER, RMC
MUNICIPAL CLERK**

KIMBERLY A. BROWN, MAYOR

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Joseph W. Barton						
Kimberly A. Brown						
Nancy K. McGinnis						
Samuel R. Moore						
Robert C. Sunbury						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on the 27th day of July 2020.

**La Shawn R. Barber, RMC
Municipal Clerk**

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

RESOLUTION 2020-72

CHAPTER 159 - REQUESTING THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES GRANT PERMISSION TO APPROVE THE INSERTION OF AN ITEM OF SPECIAL REVENUE IN THE 2020 BUDGET ENTITLED “EMERGENCY MANAGEMENT PERFORMANCE GRANT.”

WHEREAS, N.J.S.A 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Tabernacle has received notice of a subaward of **\$10,000.00** of a FY19 Emergency Management Performance Grant (EMMA) – FY19-EMAA-0335 from the State of New Jersey Division of Law and Public Safety, and wishes to amend is 2020 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Tabernacle, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of **\$10,000.00** which is now available as revenue from:

Miscellaneous Revenues:
Special with Items of General Revenue Anticipated Prior Written Consent of the Director of the Division of Local Government Services:
State and Federal Revenues Off-set with Appropriations:

Emergency Management Performance Grant \$10,000.00

BE IT FURTHER RESOLVED that the like sum of **\$10,000.00** shall be appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-Set by Revenues:

Emergency Management Performance Grant \$10,000.00

Date: July 27, 2020

La Shawn R. Barber, RMC
Municipal Clerk

Kimberly A. Brown, Mayor

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Joseph W. Barton						
Kimberly A. Brown						
Nancy K. McGinnis						
Samuel R. Moore, III						
Robert C. Sunbury						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on the 27th day of June 2020.

La Shawn R. Barber, RMC
Municipal Clerk

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

Public Safety Services, Office of Emergency Management. Said Office shall serve as the central repository and shall maintain a master listing of all Participating Units to the Mutual Aid and Assistance Agreement.

Date: July 27, 2020

Kimberly A. Brown, Mayor

**La Shawn R. Barber, RMC
Municipal Clerk**

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Kimberly A. Brown						
Joseph W. Barton						
Nancy K. McGinnis						
Samuel R. Moore, III						
Robert Sunbury, Jr.						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on the 27th day of July 2020.

**LA SHAWN R. BARBER, RMC
MUNICIPAL CLERK**

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

THIS AGREEMENT (having a term which expires July 31, 2025) is made between the parties set forth on Schedule A (attached hereto) all of which are either the County of Burlington and all of its departments, municipalities including, but not limited to, municipal police and public works, emergency medical service and/or fire departments, volunteer fire companies, fire districts, emergency management, human services, Community Emergency Response Team (CERT), County Animal Response Team (CART), Medical Reserve Corps (MRC) members or other volunteers and other jurisdictions, authorities, boards, or commissions defined as “local governments” in the Homeland Security Act of 2002. Hereinafter the parties may be referred to as “Participating Units”, “Requesting Units” or “Responding Units.”

WHEREAS, the President in Homeland Security Directive (HSPD - 5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach to Federal, State, local¹ and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq, provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency, and

WHEREAS, the State of New Jersey adopted the "Fire Service Resource Emergency Deployment Act," N.J.S.A. 52:14E-11 et. seq., to establish a mechanism for the coordination of fire service resources throughout the State to facilitate a quick and efficient response to any emergency incident or situation that requires the immediate deployment of those resources in order to protect life and property from the danger or destruction of fire, explosion or other disaster, and

WHEREAS, the Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq, and N.J.A.C. 5:75 A-2.2 specifically requires each municipality or fire district to adopt a local fire mutual aid plan, and

WHEREAS, an emergency responder is defined as anyone employed by, contracted to provide services to or otherwise affiliated with the Participating Units and possessing special skills, qualifications, training, knowledge and experience beneficial to the mitigation of disaster situations. An emergency responder includes, but is in no way limited to, the following: law enforcement officers, fire fighters, emergency medical services personnel, physicians, nurses, other public health personnel, emergency management personnel, public works personnel, those persons with specialized equipment operations skills or training or any other skills needed to provide aid in a declared emergency.

WHEREAS, the Participating Units recognize that entering into an agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property in each individual jurisdiction.

¹ As defined in the Homeland Security Act of 2002, Section 2(10): the term “local government” means “(A) county, municipality, city, town, township, local public authority, school district, intrastate district, council of governments...regional or interstate government entity, or agency or instrumentality of a local government: an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and a rural community, unincorporated town or village, or other public entity.” 6 U.S.C. 101(10)

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

WITNESSETH:

In consideration of the mutual benefits and covenants contained in this agreement, the Participating Units respectively agree as follows:

1. **Mutual Aid and Assistance.** Upon the request as provided herein, the Participating Units shall provide mutual aid and assistance to each other. Mutual Aid and Assistance shall include the following:
 - a. Rendering of aid and assistance, including pre-established immediate response by one or more Participating Units to an emergency scene under the control and/or jurisdiction of another Participating Unit, said emergency may include but not to be limited to fire, civil unrest, major criminal or emergency events, natural and man-made disaster or catastrophe affecting the environment.
 - b. Rendering of aid and assistance by one or more Participating Units to another Participating Unit to serve as supplemental reserve protection in the Requesting Unit's jurisdiction while the Requesting Unit is on an emergency call and/or otherwise currently unable to address the emergency service needs in its jurisdiction.
 - c. Participating in training exercises with other participating units, where the purpose of such training exercises is to coordinate and prepare for fire, civil unrest, major emergency, natural disaster, environmental disaster and/or other emergency situations that are a threat to life or property.
2. **Requests for Mutual Aid and Assistance.** All requests for mutual aid and assistance shall be initiated through the Burlington County Department of Public Safety Services-Division of Central Communications (CENTRAL), the Burlington County Fire Coordinator, the Burlington County EMS Coordinator, the Burlington County Prosecutor or his designee in accordance with all procedures in effect at the time of the request. CENTRAL shall immediately summon Participating Units to the scene of an emergency in accordance with the pre-established policies and procedures in effect at the time of the request.
 - a. Each local jurisdiction shall develop a Municipal Mutual Aid Plan to include mutual aid assistance to the levels they deem acceptable when measured against potential risks. Said information shall be submitted annually to the Burlington County Department of Public Safety Services-Office of Emergency Management for review by the appropriate coordinator prior to the first day of March each year.
 - i. All Local Fire Mutual Aid Plans shall be in compliance with the New Jersey Fire Service Emergency Deployment Rules N.J.A.C. 5:75A et seq, specifically N.J.A.C. 5:75A-2.2.
 - ii. The County Fire Coordinator, the County EMS Coordinator or the County Prosecutor, where appropriate, will implement the Mutual Aid Plan for jurisdictions/agencies failing to submit plans as required in Section 2.a. above.
3. **Tactical Command and Authority at Emergency Scene.** The Incident Commander of the Requesting Unit shall have overall command authority of all Participating Units at the scene of the emergency. Participating Units of the fire service shall operate in compliance with the State Incident Management System N.J.A.C. 5:73-1.6(b).
4. **No Charge for Use of Personnel or Equipment.**
 - a. No Participating Unit shall bill a Requesting Unit for wages, salaries or use of equipment in making mutual aid and assistance responses, except as is provided for by a pre-existing separate agreement and/or as permitted within the regulations of the Stafford Disaster and Emergency Assistance Act, 42 U.S.C. 5121-5206 and the implementing regulations of 44 CFR 204 and 206 in which case reimbursements as permitted therein shall be recoverable as provided within said regulations.

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

- b. If fuel, chemical substances, crowd control gases, water additives, sterilized medical equipment or other disposable goods are used for mitigation of the incident by a Responding Unit at a mutual aid and assistance response which will cause the Responding Unit to incur an expenditure to replace the same, and/or portable equipment requires repair or is lost, the Requesting Unit shall replace or, upon receipt of an appropriate voucher, reimburse the Responding Unit for the expenditure involved. Said reimbursement or replacement shall not be construed as payment or consideration for making the mutual aid and assistance response but only as an effort to compensate a Responding Unit for its actual cost outlay in replacing these expendable materials.
 - c. This agreement does not supersede any agreement either formal or informal between jurisdictions (e.g. state or federal governments) or between Responding Units (e.g. fire departments of different municipalities).
 - d. Participating Units, when possible, will be reimbursed in accordance with the Spill Compensation Control Act (N.J.A.C. 7:1E-5.3/N.J.S.A. 58:10-23.11e).
 - e. This agreement recognizes the provisions as required by New Jersey Civilian Defense & Control Act App.9-33 et seq. and specifically Emergency Medical Services N.J.S.A.26:2K-60.
5. **Limitation of Providing Mutual Aid and Assistance.** Nothing contained in this Agreement shall be construed to require a Participating Unit to make a mutual aid and assistance response if the response will leave the Participating Unit's jurisdiction without sufficient police, fire, ambulance and/or emergency protection.
6. **Death or Disability.** If any member of a Participating Unit suffers injury or death at the scene of a mutual aid and assistance emergency or training exercise, the member or the member's designee or legal representative shall be entitled to all salary, pension rights, worker's compensation and other benefits to which the member would be entitled if injury or death occurred in the performance of duties within the jurisdiction of the Participating Unit in accordance to N.J.S.A.40A: 14-26. Said rights, benefits and compensation shall be paid by the Participating Unit and not by the Requesting Unit. Each Participating Unit shall be individually responsible for providing adequate benefits, coverage and compensation for its members.
7. **Members Authority.** The members of each Participating Unit making a mutual aid and assistance response shall have the same powers and authority as the members of a Requesting Unit at the scene of the emergency in accordance with N.J.S.A. 40A: 14-156.2. Said members of a Participating Unit shall also have, while so acting, such rights and immunities as they would otherwise enjoy in the performance of their normal duties within their own jurisdiction.
8. **Liability Insurance.** Each Participating Unit shall maintain adequate liability insurance, the minimum limits of which shall be \$1 million. Additionally, the Requesting Unit agrees to hold harmless a Participating Unit in the event of any lawsuit arising out of such assistance.
9. **Term; Withdrawal.** This Agreement shall commence upon signing by each of the Participating Units and shall continue in full force and effect through July 31, 2020. Any Participating Unit may withdrawal from this Agreement by providing all other Participating Units, the Burlington County Department of Public Safety Services, the County Fire Coordinator, the County EMS Coordinator, and the County Prosecutor or his designee with sixty (60) days advanced written notice of withdrawal, clearly specifying the applicable date of withdrawal. In the event of withdrawal by any Participating Unit, this Agreement will continue in full force and effect for all remaining Participating Units.
10. **Legal Authority.** This Agreement for mutual aid and assistance is expressly made in accordance with N.J.S.A. 40A: 14-26 and 156.1 et seq.

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

11. **Entire Agreement.** This agreement constitutes the entire understanding between the Participating Units. This Agreement supersedes all communications, representations or prior agreements, oral or written, between Participating Units with respect to the subject matter hereof.

IN WITNESS WHEREOF, County of Burlington and each Municipality, Volunteer Corporation or Fire District representing each Participating Unit has executed this Agreement and affixed its corporate seal on the date indicated. By executing this agreement, each Participating Unit acknowledges that said execution has been duly authorized by proper Resolution, a copy of which is annexed to this agreement.

The Township of Tabernacle has executed this agreement on the
(Fire department, Municipality or Corporation)

27th Day of July, 2020

Authorized Signature: Kimberly A. Brown Official Title Mayor

Authorized Signature: La Shawn R. Barber, RMC Official Title Municipal Clerk

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

RESOLUTION 2020-75

**A PERFORMANCE GUARANTEE REDUCTION NO.2 RESOLUTION OF THE TABERNACLE
TOWNSHIP COMMITTEE PURSUANT TO CHAPTER 16, SECTION 13.1 OF THE
TOWNSHIP'S REVISED ORDINANCE - SENECA WOODS (PHASE 2)**

WHEREAS, the Developer for **Seneca Woods– Phase 2**, a major subdivision, located in Tabernacle Township on **Block 802.01, Lots 25**, has posted an Irrevocable Standby Letter of Credit (#831) pursuant to the requirements of the Tabernacle Township Development Ordinances; and

WHEREAS, the Township's Engineer, Dante Guzzi has inspected the improvements to date on July 1, 2020 and certified the amount of the completed construction pursuant to his report dated July 7, 2020; and

WHEREAS, the Township Engineer has recommended reducing the Irrevocable Standby Letter of Credit consistent with the inspection conducted thereon; and

WHEREAS, pursuant thereto, the Committee finds that the required improvements have been installed, inspected and approved as detailed in the July 1, 2020 inspection report of Dante Guzzi, PE, CME, Principal Engineer.

NOW THEREFORE, be it resolved by the Tabernacle Township Committee that the **Irrevocable Seneca Woods - Phase 2 on Block 802.01, Lots 25 shall be and is hereby reduced to a total amount of \$219,600.00.**

I certify that the foregoing Resolution was duly adopted at a regular meeting of the Township of Tabernacle held on the 27th day of July 2020.

Adopted: July 27, 2020

Attest:

**La Shawn R. Barber, RMC
Municipal Clerk**

Kimberly A. Brown, Mayor

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Joseph W. Barton						
Kimberly A. Brown						
Samuel R. Moore, III						
Nancy K. McGinnis						
Robert C. Sunbury						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on the 27th day of July 2020.

LA SHAWN R. BARBER, RMC
MUNICIPAL CLERK

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

RESOLUTION 2020-76

APPROVING CHANGE ORDER NO. 1 TO A CONTRACT BETWEEN THE TOWNSHIP OF TABERNACLE AND ARAWAK PAVING COMPANY, INC. FOR THE 2019 ROAD PROGRAM

WHEREAS, on October 28,2019, the Township Committee awarded the contract for the 2019 Road Program in the amount of \$561,000.00 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: \$561,000.00
- Total Change Order No. 1 Amount: (\$ 20,608.51)
- **Revised Contract Total: \$540,391.49**

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.

DATE: July 27, 2020

La Shawn R. Barber, RMC
Municipal Clerk

Kimberly A. Brown, Mayor

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Joseph W. Barton						
Kimberly A. Brown						
Samuel R. Moore, III						
Nancy K. McGinnis						
Robert C. Sunbury						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on the 27th day of July 2020.

LA SHAWN R. BARBER, RMC
MUNICIPAL CLERK

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

**RESOLUTION 2020-77
AUTHORIZING REFUND OF APPLICANT'S ESCROW ACCOUNT BALANCE**

WHEREAS, the following applicant has posted an Escrow Account as required by the Land Development Board of the Township of Tabernacle; and

WHEREAS, the applicant has determined to withdraw the proposed Project referenced below and has requested all unused escrow balance be returned; and

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

Applicant	Block	Lot	Refund Amount
DEMARTINI-GUTH	1101	39	\$1084.00

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

Date: July 27, 2020

La Shawn R. Barber, RMC
Municipal Clerk

Kimberly A. Brown, Mayor

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Joseph W. Barton						
Kimberly A. Brown						
Nancy K. McGinnis						
Samuel R. Moore, III						
Robert C. Sunbury						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on the 27th day of July 2020.

La Shawn R. Barber, RMC
Municipal Clerk

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

**RESOLUTION 2020-78
RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE
FOR WWJR, LLC**

WHEREAS, Tabernacle Township has received an application for renewal of Plenary Retail Consumption License for the **2020-2021** term for the following license premise:

**1. 0335-33-003-009 * WWJR, LLC/One More Bar & Grill, 1375 Route 206, Tabernacle, NJ 08088;
and**

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

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

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

2. The Township Committee does hereby find that the applicant is qualified to be license according to all Statutory, Regulatory, and local governing ABC laws and regulations.

BE IT FURTHER RESOLVED, as per Title 33, the Municipal Clerk is authorized to issue said license for the year **2020-2021** and files a certified copy of this Resolution with the New Jersey Division of Alcoholic Beverage Control.

DATE: July 27, 2020

La Shawn R. Barber, RMC
Municipal Clerk

Kimberly A. Brown, Mayor

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Joseph W. Barton						
Kimberly A. Brown						
Samuel R. Moore, III						
Nancy K. McGinnis						
Robert C. Sunbury						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on the 27th day of July 2020.

LA SHAWN R. BARBER, RMC
MUNICIPAL CLERK

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

**RESOLUTION 2020-79
RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE FOR
MURPHYS IN THE PINES, LLC**

WHEREAS, Tabernacle Township has received an application for renewal of Plenary Retail Distribution License for the 2020-2021 term for the following license premise:

- 1. 0335-44-004-001 * Murphy’s in the Pines / Murphy’s In The Pines, LLC, 381 Medford Lakes Road, Tabernacle, NJ 08088**

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

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

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

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

BE IT FURTHER RESOLVED, as per Title 33, the Municipal Clerk is authorized to issue said licenses for the year **2020-2021** and files a certified copy of this Resolution with the New Jersey Division of Alcoholic Beverage Control.

DATE: July 27, 2020

La Shawn R. Barber, RMC
Municipal Clerk

Kimberly A. Brown, Mayor

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Joseph W. Barton						
Kimberly A. Brown						
Samuel R. Moore, III						
Nancy K. McGinnis						
Robert C. Sunbury						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on the 27th day of July 2020.

LA SHAWN R. BARBER, RMC
MUNICIPAL CLERK

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

RESOLUTION NO. 2020-80

A RESOLUTION AUTHORIZING TABERNACLE TOWNSHIP TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF BURLINGTON

WHEREAS, the Burlington County Board of Chosen Freeholders (hereinafter the “Board”) recognizes the need to provide residents of the County and its various townships with appropriate cost savings measures and opportunities for the benefit of all residents of the County; and

WHEREAS, Tabernacle Township has requested that Burlington County, through the Burlington County Department of Public Safety, Division of Central Communications, **allow for routing of Central Communications and “911” calls through the Burlington County Office of Emergency Management** which services are paid for and administered by Burlington County; and

WHEREAS, the County and Tabernacle Township would maintain the mutual responsibilities as detailed in the **attached Shared Services Agreement between the parties for the period through July 31, 2025**; and

WHEREAS, the Township of Tabernacle evidences its desire to enter into such Agreement through passage of this resolution; and

WHEREAS, the County and Tabernacle Township are authorized by the “Shared Services Act”, N.J.S.A. 40A:65-4, et seq. to enter into any contract with joint provision of any service which any party to the agreement is authorized to render within its own jurisdiction; and

WHEREAS, the parties have agreed to participate as documented in the Shared Services Agreement between the County of Burlington and Tabernacle Township establishing the respective rights and obligations of the parties regarding this Shared Services Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Township of Tabernacle that:

1. The attached Shared Services Agreement between Burlington County Department of Public Safety, Division of Central Communications and Tabernacle Township for utilization of the Burlington County Department of Public Safety, Division of Central Communications/911 call service shall be **effective through July 31, 2025**.
2. The Mayor of Tabernacle Township is hereby authorized to sign, seal, execute and witness/attest the Agreement.
3. The Mayor and Municipal Clerk are authorized to take any action necessary to implement the terms of the Shared Services Agreement.
4. The term of this Agreement shall be for a period of five (5) years **terminating July 31, 2025**.
5. All terms, conditions and responsibilities between the parties as detailed in the attached Shared Services Agreement shall remain in full force and effect.

Adopted: July 27, 2020

Attest:

La Shawn R. Barber, RMC
Municipal Clerk

Kimberly A. Brown, Mayor

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Joseph W. Barton						
Kimberly A. Brown						
Samuel R. Moore, III						
Nancy K. McGinnis						
Robert C. Sunbury						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on the 27th day of July 2020.

LA SHAWN R. BARBER, RMC
MUNICIPAL CLERK

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY
SHARED SERVICES AGREEMENT
BETWEEN
THE BOARD OF CHOSEN FREEHOLDERS
OF THE COUNTY OF BURLINGTON
AND
TOWNSHIP OF TABERNACLE**

THIS AGREEMENT made this 31th day of July, 2020, by and between the Board of Chosen Freeholders of the COUNTY OF BURLINGTON, a body corporate and politic of the State of New Jersey, having its principal offices located at 49 Rancocas Road, Mount Holly, NJ (hereinafter referred to as "County") and the **Township of Tabernacle** in the County of Burlington, a municipal corporation of the State of New Jersey, having its principal offices located at 163 Carranza Road, Tabernacle, Burlington County, New Jersey 08088 (hereinafter referred to as "Entity"); and

WITNESSETH:

WHEREAS, the County has assumed responsibility for the Entity's Central Communications/911 Calls through Burlington County, Public Safety Department, Division of Central Communications via Shared Services Agreement authorized by the County on July 8, 2020 via Resolution 2020-00323 with an expiration date of July 31, 2025; and

WHEREAS, it is the intention of the parties to enter into another shared services agreement for the County to continue to assume the above-referenced responsibility for another five (5) year term; and

WHEREAS, the County has determined that a combination of Entity's request will serve as a cost savings measure through this cost sharing arrangement between County and Entity; and

WHEREAS, the County believes that providing this service to Entity will result in no detriment to the County Central Communications system and will ultimately provide a benefit to all residents of Burlington County; and

WHEREAS, the County believes that providing this service to Entity will result in no detriment to the County Central Communications system and will ultimately provide a benefit to all residents of Burlington County; and

WHEREAS, such accommodation can be made to Entity pursuant to these specific terms and conditions of this Agreement; and

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

WHEREAS, it is the desire of the Entity and the County to enter into this agreement in order to clearly define the responsibilities and obligations of the County and the Entity in connection with the project;

WHEREAS, in order to facilitate such Agreement and allow such use, the County received the approval of Entity's participation in this Shared Services Agreement through passage of Entity **Resolution 2020-80** as authorization by Entity on July 27, 2020.

WHEREAS, the Entity has agreed to provide all indemnification and insurance requirements as requested by the County; and

WHEREAS, the County has consented to participate in this Shared Services Agreement as evidenced by the **Freeholder Board's adoption of Resolution No. 2020-00323 as dated July 8, 2020** attached hereto as Schedule "C";

NOW, THEREFORE, and in consideration the County and the Entity agree as follows:

A. ENTITY RESPONSIBILITIES AND OBLIGATIONS

1. Entity shall provide all information and technological services to County as requested.

2. Entity shall, upon request by County, provide at no charge needed facility space (within Entity's borders) to County, on an "as needed" basis, should County decide to rotate amongst facilities for Emergency Management, training, or other exercise purposes.

a. Entity shall, upon request by County, provide at no charge appropriate space on any Entity facility (i.e. roof, co-location on existing tower, water tower, etc.) for location of County equipment (i.e. antennae, dish, etc.) and/or provision of vacant space for construction by County of any needed tower, equipment, dish, etc. Provision of such space shall be made by Entity to County at no cost to County.

3. Entity shall provide such services, on an "as needed" basis to County at no additional cost or expense pursuant to this Agreement.

4. Entity shall indemnify and hold harmless the County from any and all claim, liability or loss suffered by Entity or by County or by third persons arising as a result of the implementation of the County assuming responsibility of Entity's Central Communications/ 911 calls including but not limited to

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

reasonable attorney fees and court costs provided that such claim, liability or loss does not result from the negligent nor tortuous acts or omissions of the County, or its employees, agents or subcontractors.

5. Entity shall provide proof of commercial/general liability showing the limits of Entity's insurance. Such certificate shall be issued to the Burlington County Risk Manager at 49 Rancocas Road, P.O. Box 6000, Mount Holly, New Jersey 08060.

6. The parties hereto may modify and/or amend the obligations and duties set forth in this agreement, by mutual consent, set down in writing and executed by both parties.

B. COUNTY RESPONSIBILITIES AND OBLIGATIONS

The County agrees to:

1. Take any and all actions necessary to assist Township with implementation of the referenced Shared Services Agreement.

2. The County agrees to provide to the Entity routing of Central Communications/911 calls through the County's Office of Public Safety Services which processes shall be coordinated between the parties.

3. The parties hereto may modify and/or amend all obligations and duties set forth in this agreement, by mutual consent, set down in writing and executed by both parties.

IN WITNESS WHEREOF, the parties have caused this agreement to be signed, attested and sealed by their respective and duly authorized officials on the date and year first written above.

(SEAL)

BOARD OF CHOSEN FREEHOLDERS
OF THE COUNTY OF BURLINGTON

Attest: _____

By:

Eve A. Cullinan, County Administrator

(SEAL)

ENTITY

Attest: _____
La Shawn R. Barber, RMC
Municipal Clerk

By:

Kimberly A. Brown, Mayor

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

RESOLUTION 2020-81

**A RESOLUTION AWARDING CONTRACT TO VERMEER NORTH ATLANTIC THROUGH THE
USE OF SOURCEWELL - FORMERLY NATIONAL JOINT POWERS ALLIANCE-
PROCUREMENT PROCESS PURSUANT TO N.J.S.A.52:34-6.2 (B)(3)**

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

WHEREAS, in order to fulfill its mandated responsibility as set forth above, the Township Administrator finds and determines the need to purchase a Vermeer BC1500 – 15” Brush Chipper with Tier 4 Final Engine as specified under Basic Diesel Unit w/o Winch bid sheet from Vermeer Corporation; and

WHEREAS, the Township Committee is authorized to use what is commonly known as an alternative method of procurement (National Cooperative) pursuant to N.J.S.A. 52:34-6.2(B)(3); and

WHEREAS, Sourcewell, formerly National Joint Powers Alliance (NJPA), is a public corporation or agency serving as a municipal contracting agency for government and education agencies, serving member agencies under the legislative authority established and granted by Minnesota Statute 123A.21; and

WHEREAS, the Township Committee, by Resolution 2020-80 dated June 27, 2020 authorized participation in a National Cooperative Purchasing Agreement, and entered into a contract to effectuate same; and

WHEREAS, the Notice of Intent was published to utilize the Sourcewell process and provided a time period for public comment and a public hearing on same; and

WHEREAS, the Township Committee has received information and pricing on a Vermeer BC1500 – 15” Brush Chipper with Tier 4 Final Engine; and

WHEREAS, the Township Administrator conducted a cost analysis and established that entering into an alternate procurement method through Sourcewell would be the most effective contractual solution for the purchase of the needed brush chipper; and

WHEREAS, the Township Administrator received from Vermeer North Atlantic, 7 Maple Avenue Lumberton, N.J. 08048 all supplemental documentation which establishes compliance with the laws of the State of New Jersey for entities awarded a contract by a public entity under Sourcewell Contract #062117-VRM.

NOW, THEREFORE, BE IT RESOLVED, by the Tabernacle Township Committee, that, pursuant to said statute, the Township enter into a contract to purchase said equipment for: **\$62,015.00; and**

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

BE IT FURTHER RESOLVED, that the Township CFO shall certify that sufficient funds are available for said procurement; and

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

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

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

Dated: JULY 27, 2020

**LA SHAWN R. BARBER, RMC, CMR
MUNICIPAL CLERK**

KIMBERLY A. BROWN, MAYOR

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Kimberly A. Brown						
Joseph W. Barton						
Nancy K. McGinnis						
Samuel R. Moore, III						
Robert Sunbury, Jr.						

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Tabernacle at a meeting held on the 27th day of July 2020.

**LA SHAWN R. BARBER, RMC
MUNICIPAL CLERK**

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

DATE: JULY 27, 2020
EXECUTIVE SESSION RESOLUTION
CS 07 272020

WHEREAS, pursuant to N.J.S.A. 10:4-8 Public Body means a commission, authority, board, council, committee or any other group of two or more persons organized under the laws of this State, and collectively empowered as a voting body to perform a public governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person, or collectively authorized to spend public funds including the Legislature, but does not mean or include the judicial branch of the government, any grand or petit jury, any parole board or any agency or body acting in a parole capacity, the State Commission of Investigation, the Apportionment Commission established under Article IV, Section III, of the Constitution, or any political party committee organized under Title 19 of the Revised Statutes; and

WHEREAS, the Tabernacle Township Committee is a public body; and

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

WHEREAS, the Tabernacle Township Committee is of the opinion that such circumstances presently exist; and

WHEREAS, the Tabernacle Township Committee, wishes to discuss: pending or anticipated litigation or contract negotiations in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

WHEREAS, N.J.S.A. 10:4-12(b)(7) permits the exclusion of the public from a portion of a public meeting at which the public body discusses, "pending or anticipated litigation or contract negotiation other than in subsection b.(4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer" N.J.S.A. 110:4-12-(b)7; and

WHEREAS, the Tabernacle Township Committee wishes to discuss pending litigation matters, including **Fran Brooks v. Township of Tabernacle et al.** docket numbers; BUR-L-002065-19, MER-L-001192-20, and AM-000610-19, contract negotiations and matters falling within the attorney-client privilege.

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.

Date: July 27, 2020

La Shawn R. Barber, RMC
Municipal Clerk