WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING NOVEMBER 10, 2011

CALL TO ORDER

Mayor Sam Race called the meeting to order at 7:00 p.m. and stated that in compliance with the "Open Public Meetings Act" this meeting has been advertised in the Star-Gazette, Belvidere, NJ and the Express-Times, Easton, PA; the Agenda has been posted at the Municipal Building.

FLAG SALUTE

The Mayor asked everyone to stand for the flag salute.

ROLL CALL

Present: Mayor Race, Committeeman Herb and Committeewoman Mackey, Attorney Mark Peck (substituting for Brian Tipton) and Clerk Kathleen Reinalda.

ENGINEERING UPDATE

Paul Sterbenz was present to review the following:

■ Buckhorn Drive drainage problem— The road department installed a swale which will redirect the drainage, however, two spots of the road need to be rebuilt to pitch the drainage to the swale. K&A Paving contractors was the only contractor to submit an email quote to the engineer. Motion made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote to award the job to K&A Paving Contractors for \$12,337 subject to a formal written quote detailing the work to be performed. Herb – yes, Mackey – yes, Race – yes. Motion carried.

PUBLIC COMMENTS

Ellen Johnson thanked Mayor Race for his quick action during the snowstorm. Mr. Race kept in constant communication with JCP&L on areas of power outage.

Ellen Johnson also expressed concern regarding the lack of communication between the Open Space Committee and the Township Committee on the PIG Grant submission. It was decided that a joint meeting between the two boards would be appropriate. The clerk was asked to schedule a Special Meeting for December 8th at 6PM. The committee also asked the clerk to meet with Nevitt Duveneck, board member, to review the application on motion by Mr. Herb, seconded by Mrs. Mackey with Mayor Race abstaining. Herb – yes, Mackey – yes, Race – abstain.

Walter Wilson of Green Power Energy gave a brief history of an easement issue on Block 15 Lot 5.11. The homeowner would like to install a ground mounted solar structure on the property, but the necessary easement was never recorded. Mr. Wilson requested the township grant the easement, if they can legally do so. The attorney was asked to research the matter for the December meeting.

ORDINANCES – PUBLIC HEARING

Ord. 2011-6: Motion to open the Public Hearing made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Being no comments, motion to close the Public Hearing made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Motion to adopt the following Ordinance made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Ordinance adopted.

AN ORDINANCE OF THE TOWNSHIP OF WHITE PROVIDING FOR THE APPROPRIATION OF \$15,000.00 FOR 'ROAD DEPARTMENT – SALT SPREADER' FROM THE GENERAL CAPITAL – CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Township Committee of the Township of White, County of Warren, State of New Jersey, as follows:

1. The sum of \$15,000.00 shall be appropriated for the following items, from the Capital Improvements Budget for the year 2011:

Road Department- Stainless Steel Spreader \$15,000.00

- 2. The sum of \$15,000.00 is available in the Capital Improvement Fund
- 3. This appropriation of funds and the financing of same as is provided in this Ordinance shall represent an amendment to the Capital Budget of the Township of White, as included in the 2011 Local Municipal Budget of the Township of White.
- 4. The appropriation herewith does not authorize any debt of the Township of White.
- 5. This Ordinance shall take effect immediately on final passage and publication as provided by law.

Ord. 2011-7: Motion to open the Public Hearing made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Being no comments, motion to close the Public Hearing made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Motion to adopt the following Ordinance made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Ordinance adopted.

AN ORDINANCE OF THE TOWNSHIP OF WHITE PROVIDING FOR THE APPROPRIATION OF \$25,000.00 FOR 'ROAD REPAIRS – BUCKHORN DRIVE' FROM THE GENERAL CAPITAL – CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Township Committee of the Township of White, County of Warren, State of New Jersey, as follows:

1. The sum of \$25,000.00 shall be appropriated for the following items, from the Capital Improvements Budget for the year 2011:

Road Repairs – Buckhorn Drive \$25,000.00

- 6. The sum of \$25,000.00 is available in the Capital Improvement Fund
- 7. This appropriation of funds and the financing of same as is provided in this Ordinance shall represent an amendment to the Capital Budget of the Township of White, as included in the 2011 Local Municipal Budget of the Township of White.
- 8. The appropriation herewith does not authorize any debt of the Township of White.
- 9. This Ordinance shall take effect immediately on final passage and publication as provided by law.

RESOLUTIONS

Res. 2011-53: Motion to adopt the following resolution made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

WHEREAS, the Hoffman Gravel Pit, Block 63, Lot 9, and Block 64, Lot 6, located at Route 46 is presently owned by Charles Hoffman and authorized to operate by permit approved by the Township in January 2011;

- **WHEREAS**, Bill Griffett is the present operator of the Hoffman Gravel Pit, and has operated the Pit for many years;
- **WHEREAS**, the record breaking precipitation in the Township has caused an excessive amount of rain to accumulate in the Pit thereby restricting normal operations and jeopardizing this local business;
- **WHEREAS**, Mr. Griffett made a request to the Township for a waiver from the Pit's existing soil removal and surface mining plan to temporarily mine a limited area of the property within the fifty foot buffer of the neighboring properties of Flowerland Growers LLC and Fuel Rite Petroleum.
- **WHEREAS**, the Township has the authority to grant waivers to soil removal and surface mining plans pursuant to Chapter 254-17;
- **WHEREAS**, the Township also has the authority to classify a waiver request as minor, routine or technical in nature, thereby not requiring a formal hearing and/or notice to neighboring property owners;
- **WHEREAS**, Mr. Griffett and his engineer Jess Symonds, P.E. from Biggs Engineering Associates appeared before the Township on October 13, 2011 with a proposed plan for review and consideration by the Committee and its engineer, attached hereto as Exhibit A;
- **WHEREAS**, testimony was provided that the mining in the fifty (50) foot buffer area would be completed within (60) sixty days, and that the buffer area would be restored to the grades shown on the 2011 surface mine plan with replacement material from the site and at a 2:1 slope as required by ordinance within the same time frame and that a maximum 2:1 slope would be provided to transition the grades from the buffer area to the Pit.
- **WHEREAS**, testimony was provided by neighboring landowner Bryan Vande Vrede that he had no objection to the proposed plans and that Mr. Griffett has been a good neighbor and conscientious operator for all his time at the Pit;
- **WHEREAS**, testimony was provided that the owner of the Pit and owners of Fuel Rite Petroleum have also been notified of the plan and have no objection to same;
- **WHEREAS**, the Township Engineer questioned Mr. Griffett and Mr. Symonds about the restoration plan, to which they assured the Township that the plan would work and welcomed the Township to inspect and monitor the process as it deemed necessary.
- **NOW**, **THEREFORE**, **BE IT RESOLVED**, that the Township finds that the requested relief is minor and technical in nature because of the limited duration of time and temporary disturbance of the buffer area, and therefore does not warrant a formal hearing with legal notice to all neighboring property owners.

BE IT FURTHER RESOLVED, that the Township finds that the requested waiver is granted because of the unique nature of the request, including, the occurrence of an Act of God in the form of record breaking rainfall over the last few months, the limited duration of time for the requested activity, the temporary nature of the invasion to the buffer, the restoration of the grades in the buffer area after the work is completed, the availability of satisfactory fill material on site, the support of the neighboring property owners, and the absence of any adverse impact to the land or any residents of the Township. This approval is granted with the following conditions:

- 1. The (50) fifty foot buffer will be restored to transition from the buffer to the Pit at a 2:1 slope within (60) sixty days of the date that the mining in the buffer area begins.
- 2. The impacted neighboring property owner Fuel Rite Petroleum provides the Township with written notice of no objection to the plan.
- 3. The escrow for the Pit is maintained pursuant to Section 254-5B and satisfactorily to the Township Engineer for necessary inspections and monitoring of the mining.
- 4. Final approval of the restoration of the buffer area is subject to the Township Engineer's review. The applicant shall provide an as-built survey signed and sealed by a licensed surveyor to verify that the buffer area has been restored to the grades on the 2011 surface mining plan. If required by the Township Engineer.

Res. 2011-54: Motion to adopt the following resolution made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

WHEREAS, the tax collector has received a 2010 overpayment of \$1108.52 from Stella Lasher, on a property that was going to tax sale but property owners of Block 18 Lot6 C0030 paid prior to sale on day of sale; and

WHEREAS, the tax collector has requested for the lienholder to be refunded;

THEREFORE, be it resolved that the Township of White refund Stella Lasher in the amount of \$1,108.52 to the following address

Stella Lasher PO Box 83 Milltown, NJ 08850 **Res. 2011-55:** Motion to adopt the following resolution made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

WHEREAS, the tax collector has received a 2010 overpayment of \$3,333.21 from US Bank Cust/Emp IV, Cap One, on a property that was going to tax sale but property owners of Block 52 Lot 37 paid prior to sale on day of sale; and

WHEREAS, the tax collector has requested for the lienholder to be refunded;

THEREFORE, be it resolved that the Township of White refund US Bank Cust/Emp IV, Cap. One in the amount of \$3,333.21 to the following address

US Bank Cust/Emp IV, Cap One 2 Liberty Place, 50 South 16th Street Suite 1950 Philadelphia, Pa 19102-2513

Res. 2011-56: Motion to adopt the following resolution made by Mrs. Mackey, seconded by Mr. Herb with Mayor Race abstaining. Herb – yes, Mackey – yes, Race – abstain. Resolution adopted.

RESOLUTION AUTHORIZING REFUND OF PREMIUM TO OUTSIDE LIENHOLDER

WHEREAS, t he Municipal Tax Sale held on October 25, 2011, a lien was sold on Block 71 Lot 3.06, also known as 22 Tamarack Road for 2010 delinquent taxes; and

WHEREAS, this lien, was sold to US Bank-Cust/Sass MuniVI dtr, for a 0% redemption fee and a \$2,000 premium.

NOW THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$2,000 (premium account) payable to

U.S. Bank-Cust/Sass Muni VI dtr

Tax Lien Services Group 2 Liberty Place 50 South 16th Street-Suite 1950 Philadelphia, Pa 19102

ORDINANCES - FIRST READING

Ord. 2011-8: Motion to introduce the following ordinance on First Reading made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Public Hearing is scheduled for December 8th.

AN ORDINANCE AMENDING THE EXISTING ORDINANCE IN CHAPTER 235 - SEWERS, OF THE TOWNSHIP OF WHITE CODE

WHEREAS, the Committee of the Township of White, County of Warren, State of New Jersey, maintains and administers its public sanitary sewer system and sets forth its fees by Ordinance in Chapter 235;

WHEREAS, the Township has historically charged resident users of the public sanitary sewer system a 10% maintenance fee and 12% administration fee as set forth in Chapter 235-38(D);

WHEREAS, the Township retained the services of Nisivoccia, LLP to conduct a sewer rate study for the period of January 1, 2010 through December 31, 2014 to evaluate the current rate structure;

WHEREAS, Nisivoccia recommended that the Township combine its maintenance fee and administration fee into one single percentage of 12%, effective with the 2012 billing;

NOW THEREFORE, IT IS HEREBY ORDAINED by the Township Committee of the Township of White in the County of Warren and State of New Jersey that the existing Ordinance found in Chapter 235, is amended as follows:

Section 1:

Existing §235-38(D) states as follows:

"The Township of White hereby imposes a maintenance fee of 10% and an administration fee of 12%."

And it shall be amended as follows:

"The Township of White hereby imposes a combined maintenance and administration fee of 12%"

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby

declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

Section 3:

<u>Repealer.</u> Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

<u>Effective Date.</u> This Ordinance shall take effect upon final passage and publication as provided by law.

OLD BUSINESS

Mr. Herb again expressed his displeasure that the governing body still does not have quotes to review for the 2012 insurance policy. The township's risk manager was instructed in June to obtain quotes to give the committee ample time to review them. This will be discussed under "contract negotiations" in Executive Session.

The clerk reported that not all current board members responded to the committee's request for a letter seeking reappointment. Due to the unusual snow storm and its aftermath, the committee decided to extend the response date to the December 8th meeting.

NEW BUSINESS

The committee discussed the need for a computer at the Road Department. The clerk was asked to contact the township's IT support group for options.

PUBLIC COMMENTS

Barry Wessner apologized for comments he made at a previous meeting regarding the Zoning Board. After thorough review by the committee, it was discovered that Mr. Wessner's concerns were without merit.

PRESENTATION OF MINUTES

Motion made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote to approve the October 13, 2011 Regular Meeting Minutes and the October 13,

2011 Executive Meeting Minutes as presented. Herb – yes, Mackey – yes, Race – yes. Motion carried.

PRESENTATION OF VOUCHERS

On motion by Mrs. Mackey, seconded by Mr. Herb, the Committee approved the following list of bills:

Check No.	Amount	<u>Payee</u>
11630	\$ 1,800.00	ARAE Network Solutions, LLC
11631	2,512.22	Belvidere Sand & Gravel
11632	50.00	CenturyLink
11633	636.41	CenturyLink
11634	874.06	C&M Auto Parts
11635	100.00	Comcast
11636	636,813.74	Cty. Of Warren Treasurer's Office
11637	10.00	Culligan
11638	100.00	Cynthia Sturla
11639	17.52	Elizabethtown Gas
11640	62.72	Elizabethtown Gas
11641	3,705.30	Florio, Perrucci, Steinhardt
11642	49.14	Gary W. Gray Trucking
11643	466.00	Gebhardt & Keifer
11644	26.32	Hope Township
11645	294.55	HSBC Business Solutions
11646	1,691.19	JCP&L
11647	29.39	Jesco, Inc.
11648	1,555.00	Key-Tech
11649	2,525.00	Maser Consulting, P.A.
11650	300.00	Mr. John, Inc.
11651	3,242.00	N. Matera & Sons LLC
11652	949.74	NJ American Water Company
11653	138.58	NJN Publishing
11654	400.00	NJN Publishing
11655	200.00	Patricia Mannon
11656	55.00	QC Laboratories
11657	126.76	Ralph Price
11658	61.49	Sanico Inc.
11659	572.08	S&L Equipment Rental, Inc.
11660	23.34	Smith Motor Company
11661	1,108.52	Stella Lasher
11662	514.87	Tilcon New York
11663	100,910.54	Tilcon New York

11664	66,177.14	Treasurer's Office, Warren Cty
11665	50.00	Treasurer, State of NJ
11666	3,333.21	US Bank Cust/Emp IV, Cap One
11667	125.58	Verizon Wireless
11668	1,386.35	Vital Communications
11669	548,495.00	White Twsp Board of Education
11670	750.00	William Gold, Esq.
11671	570.00	Xerox Corporation
11672	47.51	CenturyLink
11673	31.50	Culligan
11674	755.25	Flowerland Growers, LLC
11675	12,358.64	International Salt Co., LLC

Total Paid: \$ 1,395,992.75

CURRENT FUND MANUAL CHECKS

2054	30,314.16	Payroll Account
2055	799.71	Horizon Blue Cross Blue Shield of NJ
2056	1,000.00	Reserve Account
2057	18,400.93	Payroll Account

CAPITAL ACCOUNT

1404	58.68	NJN Publishing
1405	1767.50	Maser Consulting P.A.
1406	298.75	Maser Consulting P.A.
1407	500.00	S&L Equipment Rental

BANK OF AMERICA ESCROW ACCOUNT

2430	320.00	Gebhardt & Kiefer P.C.
2431	284.00	Gebhardt & Kiefer P.C.
2432	2453.75	Maser Consulting P.A.
2433	62.50	Maser Consulting P.A.
2434	31.25	Maser Consulting P.A.
2435	62.50	Maser Consulting P.A.
2436	612.50	Maser Consulting P.A.
2437	826.50	Florio, Perrucci, Steinhardt & Fader
2438	262.50	William Gold, Esq.

SEWER ACCOUNT

50.00 Vital Communications

1176 650.00 Nisivoccia LLP

ANIMAL CONTROL ACCOUNT

1087 \$16.20 NJ Department of Health & Senior Services

TAX PREMIUM ACCOUNT

923558 \$2,000.00 U.S. Bank-Cust/Sass Muni VI dtr

OPEN SPACE ACCOUNT

923559 \$2067.28 The Land Conservancy of NJ

BONDS

923560 \$62.50 Maser Consulting P.A. 634574 \$31.25 Maser Consulting P.A.

GRAVEL PIT ESCROWS

\$250.00 Maser Consulting P.A.
\$125.00 Maser Consulting P.A.

TOTAL ALL FUNDS......\$1,459,300.21

OTHER MATTERS

Mayor Race said he reviewed the stormwater plan that Nature's Choice submitted to the NJDEP. Mayor Race felt the plan was insufficient to deal with the run off problem. He will continue to work with the engineer to provide comments to the NJDEP.

Mayor Race suggested he complete the 13th Annual NJ Mayor's Legislative Priority Survey. The committee was agreeable.

On motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote, the following Resolution was adopted:

RESOLUTION - EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, 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.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of White, as follows:

1. The public shall be excluded from discussion, and action upon the hereinafter specified subject matter, November 10, 2011, 8:40pm.

Contract Negotiations (2012 Insurance Policy)

2. It is anticipated at this time, the above-stated subjects will be made public at such time when the matters discussed are no longer sensitive. Motion passed.

On motion by Mrs. Mackey, seconded by Mr. Herb, the meeting was re-opened to the public at 9:33pm. Motion passed.

OTHER MATTERS

Motion made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable roll call vote to send out a Request for Proposals for the position of Risk Manager for 2012. Herb – yes, Mackey – yes, Race – yes. Motion carried.

ADJOURNMENT

Being no further business to come before the Committee, the meeting was adjourned at 9:35pm on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote.

Respectfully Submitted,

Kathleen R. Reinalda, RMC

Township Clerk