

WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING FEBRUARY 2, 2012

CALL TO ORDER

Mayor Holly Mackey called the meeting to order at 7:00 p.m. and stated 'Adequate Notice of this meeting of February 2, 2012 has been given in accordance with the Open Public Meetings Act by forwarding a notice of the date, time, and location of the meeting to the Star-Gazette and The Express-Times; and by posting a copy thereof on the bulletin board in the Municipal Building and the township website. Formal action may be taken at this meeting. Public participation is encouraged. This agenda is subject to last minute additions and deletions by the White Township Committee'.

FLAG SALUTE

The Mayor asked everyone to stand for the flag salute.

ROLL CALL

Present: Mayor Mackey, Committeemen Herb and Race, Attorney Tipton and Clerk Kathleen Reinalda.

2012 PRELIMINARY BUDGET REVIEW

Dave Evans was present to review the preliminary budget figures. The first draft of the 2012 budget includes a moderate increase, approximately \$21/year to the average residential taxpayer. In order to keep the budget flat, \$60,000 would have to be cut. Mr. Evans recommended keeping the slight increase. If the budget is cut \$60,000, the committee will automatically have to reduce the 2013 budget by that amount. Currently the township is not subject to CAP Law as the local tax rate is under 10 cents. If additional funds are cut from the proposed budget, this may cause the township to exceed the 10 cents in future years.

Mr. Evans also provided an update on the Open Space Trust Account. There is currently a \$95,000 surplus. The remaining funds are set aside to pay debt service. Once the open space bonds become callable, the 1.8 million owed will be paid off entirely with the reserve funds.

PUBLIC COMMENTS

Gary Meddaugh was present to discuss the new legislation allowing for the school election in April to be moved to the November General Election. This move would save the school board approximately \$6200 in election expenses. There was some concern expressed that the new legislation does not provide the voters the opportunity to vote on the school budget. Votes would only be cast for the board members. Motion was made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable vote to support the White Township School Board passing a Resolution to move the school election from April to the November General Election, with the stipulation that the majority of towns follow suit. Herb – yes, Mackey – yes, Race – yes. Motion carried.

Jason Menegus, Chairman of the Open Space Committee, requested the committee's verbal approval to continue using The Land Conservancy of NJ for preservation projects. The Committee was agreeable.

Bob Mackey disagreed with the new school board legislation. He felt that the voters should retain the right to vote on the school budget.

ORDINANCES – PUBLIC HEARING

Ord. 2012-1: Motion to open the public hearing made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable vote. Bob Mackey commented that he felt alternate members could be 'borrowed' from the Planning Board, if needed. Motion to close the Public Hearing made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable vote. Motion to adopt the following Ordinance made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Ordinance adopted.

ORDINANCES 2012-1 AN ORDINANCE AMENDING THE EXISTING ORDINANCE IN CHAPTER 160 – LAND USE – ALTERNATE MEMBER, 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 land use powers by and through Ordinance in Chapter 160;

WHEREAS, the Township has historically provided for only one alternate member on its Board of Adjustment as set forth in Chapter 160-16(A);

WHEREAS, N.J.S.A. 40:55D-69 allows a municipality to have up to four alternate members on its Board of Adjustment;

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 160, is amended as follows:

Section 1:

Existing §160-16(A) states as follows:

“In addition to the foregoing ... one alternate member to the Board shall be appointed ...”

And it shall be amended as follows:

“In addition to the foregoing ... up to four alternate members to the Board shall be appointed ...”

Existing §160-16(B) states as follows:

“Said Alternate should be known as “Alternate No. 1”

And it shall be amended as follows:

“Said Alternates, as appointed, should be known as “Alternate No. 1, Alternate No. 2, Alternate No. 3 and Alternate No. 4 respectively”

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 of this Ordinance shall not be affected thereby.

Section 3:

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

Section 4:

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

RESOLUTIONS

Res. 2012-8: Mayor and Committee discussed appointing Mr. Dan Inscho as the White Township Risk Manager. Mr. Inscho’s Risk Management qualifications were debated at length. Mr. Herb and Mayor Mackey felt that Mr. Inscho’s private insurance experience more than qualified him to represent White Township. Mr. Race cited the Public Alliance Insurance Coverage Fund’s (PAIC) by-laws which require public service experience. Mr. Herb and Mayor Mackey suggested passing the Resolution and allowing the process to play out. PAIC will ultimately decide if Mr. Inscho will qualify for the position. Motion made by Mr. Herb, seconded by Mayor Mackey with Mr. Race opposed to approve the following Resolution. Herb – yes, Mackey – yes, Race – opposed. Resolution adopted.

RISK MANAGEMENT CONSULTANT

WHEREAS, the Bylaws of PAIC require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

WHEREAS, the Bylaws indicate that PAIC shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee;

NOW, THEREFORE, BE IT RESOLVED that the Township of White does hereby appoint Dan Inscho, Inscho Insurance Services, as its Risk Management Consultant in accordance with the Fund's Bylaws.

Res. 2012-12: Motion to adopt the following resolution made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

AUTHORIZATION TO RETAIN PROFESSIONAL SERVICES (LOCAL PUBLIC CONTRACTS LAW)

WHEREAS, N.J.S.A. 40A: 11-1 etc. known as the Local Public Contracts Law, requires that all contracts or agreements for the performance of any work, shall not be made or awarded unless public advertising for bids and bidding therefore is solicited; and

WHEREAS, N.J.S.A. 40A: 11-5 provides that any contract or agreement may be made, negotiated or awarded without public advertising for bids and bidding, therefore, if the subject matter thereof consists of professional services and are rendered or performed by a person authorized by law to practice a recognized profession; and

WHEREAS, the Township of White has need for such professional services, which services will be performed by persons authorized by law to practice a recognized profession.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of White, that in accordance with the provisions of N.J.S.A. 40A: 11-1 et seq. the Mayor and Township Committee shall proceed with the awarding of contracts for the following enumerated services, without the advertising for and the receipt of bids for such work, inasmuch as they are professional services as set forth in said statute:

Bond Counsel
Municipal Attorney
Municipal Engineer
Public Defender

John Draikiwicz (Gibbons P.C.)
Brian Tipton, Esq. (Florio, Perrucci, Steinhardt & Fader)
Paul Sterbenz (Maser Consulting P.A.)
Scott Wilhelm (Winegar, Wilhelm, Glynn & Roemersma)

Municipal Auditor

David Evans (Nisivoccia LLP)

NOW, THEREFORE, BE IT FURTHER RESOLVED that there are no increases in fees of any of the above listed professionals.

BE IT FURTHER RESOLVED, that the clerk is hereby authorized and directed to publish a copy of this resolution in the official newspaper of the Township of White.

Res. 2012-13: Motion to adopt the following resolution made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

RESOLUTION AUTHORIZING ESTABLISHMENT OF 2012 SEWER USER FEES

WHEREAS, T.O 89-42D provides for annual user fees to be charged the various residential and commercial users of the sewer system located in White Township; and

WHEREAS, the Warren County (Pequest River) Municipal utilities Authority (“PRUMA”) has increased certain wholesale rates for commercial users and otherwise adjusted its 2012 costs, to treat sewage generated within the township based on actual 2011 sewer flows; and

WHEREAS, it is necessary to adjust the user fees charged to properties in White Township generating sewage flows treated at the PRUMA facility in order to pay for the utility’s projected 2012 wholesale charges,

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

1. There is hereby imposed for 2012 the following sewer user fees, including the 12% administration and maintenance allowance fee as permitted by T.O. 89-42E and amended in T.O.2011-8, for residential and commercial properties generating sewage in the township:
 - a. Colby Court (per dwelling unit) \$895.89 annually; \$223.97 per quarter
 - b. Brookfield/Brookfield Glen (per dwelling unit): \$618.66 annually; \$154.67 per quarter
 - c. A&P Shopping Center: \$22,060.32 annually; \$5,515.08 per quarter
 - d. Block 28 Lot 2 (Sama Properties): \$9,646.56 annually; \$2,411.64 per quarter
 - e. Block 21 Lot 7.04 C0101 \$337.27 annually; \$84.32 per quarter.
 - f. Block 21 Lot 7.04 C0102 \$356.89 annually; \$89.22 per quarter.
 - g. Block 21 Lot 7.04 C0103 \$1,456.96 annually; \$364.24 per quarter.
 - h. Block 21 Lot 7.04 C0104 \$74.81 annually; \$18.70 per quarter.

- i. Block 21 Lot 7.04 C0105 \$1,052.25 annually; \$263.06 per quarter.
 - j. Block 21 Lot 7.04 C0106 \$389.99 annually; \$97.49 per quarter.
 - k. Block 21 Lot 7.04 C0107 \$31.88 annually; \$7.97 per quarter.
 - l. Brookfield Assisted Living, Block 31 Lot 12.06 \$34,644.96 annually; \$8,661.24 per quarter.
2. There shall be an extended grace period for payment of the first quarter 2012 sewer bills by the owners of the properties set forth above. First quarter 2012 sewer bills shall be payable twenty-five days from date of mailing but, if not paid on or before that date, interest shall be payable in accordance with TO 89-43 from the original date of March 1, 2012.

ORDINANCES – FIRST READING

Ord. 2012-2: Motion to approve the following ordinance on first reading made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Public Hearing will be scheduled for March 8th at 7PM.

ORDINANCE 2012-2 AN ORDINANCE AMENDING THE EXISTING ORDINANCES IN CHAPTERS 76 and 160 – ANIMALS and LAND USE 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 regulations of animals and land use powers through Ordinances in Chapters 76 and 160 respectively;

WHEREAS, the Township regulates kennels and pet shops in the Township as set forth in Chapter 76;

WHEREAS, all of the Township's current land use zones in Chapter 160 do not permit kennels or pet shops;

WHEREAS, the Township determined that both Chapters 76 and 160 should be amended to clarify that grandfathered and variance permitted kennels and pet shops should be regulated, but that such uses are specifically prohibited uses in all zones;

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 Ordinances found in Chapters 76 and 160, are amended as follows:

Section 1:

Existing §76-15 states as follows:

“Any person who keeps or operates or proposes to establish a kennel or pet shop shall apply to the Animal Control Officer for a license entitling him to keep or operate such an establishment.”

And it shall be amended as follows:

“Any person who keeps or operates a grandfathered kennel or pet shop, or has obtained a use variance from the Board of Adjustment for such operation, shall apply to the Animal Control Officer every year for a license entitling him/her to keep or operate such an establishment.”

Existing §76-16 states as follows:

“Any person violating the provisions of this chapter shall, upon conviction thereof, be punished for each offense by a fine not exceeding \$50 or by imprisonment for any term not exceeding 10 days, or both.”

And it shall be amended as follows:

“Any person violating the provisions of this chapter shall, upon conviction thereof, be punished for each offense by a fine not exceeding \$500 or by imprisonment for any term not exceeding 10 days, or both.”

Add the following Definitions to §160-5 as follows:

Kennel

“Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop, or where four or more dogs of licensing age are kept or maintained for any reason in any one place or establishment.

Pet Shop

Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.”

Existing §160-134- Prohibited Uses states as follows:

“Any use other than those uses listed in § 160-133 above is prohibited.”

And it shall be amended as follows:

“Any use other than those uses listed in § 160-133 above is prohibited, including but not limited to Kennels and Pet shops.”

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 of this Ordinance shall not be affected thereby.

Section 3:

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

Section 4:

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

NEW BUSINESS

The clerk explained the need to implement P.L. 2011 Chapter 78, “Health Benefits Reform”. The legislation calls for towns to provide a ‘flexible spending account’ plan (FSA) to its employees. The clerk researched options and was able to reach an agreement with Discovery Health Benefits. The cost is \$5.25 per participant per month or a minimum of \$41.66 per month. The township’s payroll company, R&L, has agreed to offset the cost by lowering the fee for payroll services. This agreement was authorized on motion by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

OLD BUSINESS

Recently enacted legislation requires every town to have its annual tonnage report signed by a certified recycling coordinator. White Township does not currently employ a certified coordinator. The clerk had researched options and discussed having the Hope Township Coordinator provide this service. The agreed upon fee would be \$500 to prepare the tonnage report, sign it as the certified coordinator and send it the state to satisfy the annual requirement. The \$500 fee would be paid from the tonnage grant money received annually. Motion to appoint Linda Gabel as the Certified Recycling Coordinator for the purpose of preparing, signing and sending the annual tonnage report to the NJDEP for a fee of \$500 payable from the grant fund made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

The committee requested the status of the 'Notice of Unsafe Structure' on Block 57 Lot 2. The clerk reported that the homeowner had until today to contact the construction office. Further information will be forthcoming.

The committee discussed the Open Space Secretary position. One applicant was interviewed, Mrs. Tara Andrews. The Open Space Committee made a recommendation to hire Mrs. Andrews at \$100 per meeting. If no meeting is held, no payment will be expected. The \$100 fee includes preparation of minutes, agendas, correspondence, etc. This was approved on motion by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

PUBLIC COMMENTS

None.

CORRESPONDENCE

A letter was received from the US Army Corps. of Engineers regarding an 'Open House' on February 22nd to disseminate information to the public on the results of the Delaware River Basin Comprehensive Interim Feasibility Study for NJ.

PRESENTATION OF MINUTES

Motion made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable vote, to approve the December 27, 2011 Year End Meeting Minutes, January 9, 2012 Special Meeting Minutes and the January 12, 2012 Regular Meeting Minutes as presented. Herb – yes, Mackey – yes, Race – yes. Motion carried. The January 1, 2012 Re-Organization Minutes were tabled for further review.

PRESENTATION OF VOUCHERS

On motion by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable vote, Mayor and Committee approved the following list of bills:

<u>Check No.</u>	<u>Amount</u>	<u>Payee</u>
11788	\$ 45.00	Amsterdam
11789	\$ 680.16	CenturyLink
11790	\$ 107.17	Comcast
11791	\$ 211.50	Computer RX
11792	\$ 150.00	Cynthia Sturla
11793	\$ 3,308.00	Edmunds & Associates, Inc.
11794	\$ 318.90	Elizabethtown Gas
11795	\$ 578.91	Eliazbethtown Gas

11796	\$ 300.00	ERF Contractor
11797	\$ 289.19	Fisher Electrical Contractors
11798	\$ 715.50	Flowerland Growers LLC
11799	\$ 1,656.00	Gebhardt & Keifer
11800	\$ 102.00	Home Depot Credit Services
11801	\$ 264.00	Ilonia Giordano
11802	\$ 1,298.04	JCP&L
11803	\$ 215.45	Kay Printing & Envelope Co.
11804	\$ 1,121.30	Maser Consulting, P.A.
11805	\$ 119.08	Mayberry Sales & Service
11806	\$ 100.00	MCANJ c/o Keith Kazmark
11807	\$ 20.00	Michael Ennis
11808	\$ 290.00	Municipal Clerk's Assc. of NJ
11809	\$ 157.95	New Jersey Law Journal
11810	\$ 310.36	NJN Publishing
11811	\$ 13,812.00	Public Alliance Ins Coverage
11812	\$ 300.00	Patricia Mannon
11813	\$ 245.00	R.J. Lynch
11814	\$ 15.10	Smith Motor Company
11815	\$ 10.00	Star Gazette
11816	\$ 100.00	State of New Jersey
11817	\$ 35.00	TCMCAA
11818	\$ 30.00	TCTA of Sussex and Warren Cty
11819	\$ 1,046.60	The Express-Times
11820	\$ 500.00	Treasurer, State of NJ
11821	\$ 123.05	Verizon Wireless
11822	\$ 550.00	Vital Communications
11823	\$ 583,121.00	White Twsp Board of Education
11824	\$ 862.00	William Gold, Esq.

Total Paid: \$ 613,109.64

CURRENT FUND MANUAL CHECKS

2065	\$25,005.28	Payroll Account
2066	\$265.63	Staples
2067	\$16,888.65	Payroll Account
2068	\$799.71	Horizon Blue Cross Blue Shield of NJ
2069	\$27,197.19	Payroll Account

SEWER ACCOUNT

1184	\$50.00	Vital Communications
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ANIMAL CONTROL ACCOUNT

1089 \$921.00 NJ Dept. of Health & Senior Services

CAPITAL ACCOUNT

1419 \$31.25 Maser Consulting, P.A.

BANK OF AMERICA ESCROW ACCOUNT

2446 \$592.00 Gebhardt & Kiefer P.C.
2447 \$1712.00 Gebhardt & Kiefer P.C.
2448 \$307.50 Maser Consulting P.A.
2449 \$218.75 Maser Consulting P.A.

GRAVEL PIT ESCROWS

182 \$281.25 Maser Consulting
178 \$463.75 Maser Consulting

BONDS

10030 \$31.25 Maser Consulting P.A.

TOTAL ALL FUNDS.....\$687,874.85

OTHER MATTERS

Mayor Mackey announced the 100 year anniversary of White Township will be next year! She asked the committee to begin thinking of celebration ideas.

Mr. Herb asked about the board professional fees. Specifically, do the planning and zoning board professionals get paid a retainer regardless of the amount of meetings or are they compensated only for meeting time. This will be researched with the boards.

ADJOURNMENT

Being no further business to come before the Committee, the meeting was adjourned at 9:45pm on motion by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable vote.

Respectfully Submitted,

Kathleen R. Reinalda, RMC
Township Clerk