

## **WHITE TOWNSHIP COMMITTEE**

## **MINUTES OF MEETING MARCH 28, 2013**

### **CALL TO ORDER**

Mayor Jeff Herb called the meeting to order at 7:00 p.m. and stated ‘Adequate Notice of this meeting of March 28, 2013 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 Express-Times and Star-Gazette; 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 Herb, Committeepersons Mackey and Race, Attorney Tipton and Clerk Kathleen Reinalda.

### **2013 BUDGET INTRODUCTION**

Auditor Dave Evans was present to introduce the 2013 Municipal Budget. The 2013 Municipal Budget includes a \$2 per year increase to the average residential taxpayer.

Motion made by Mr. Race, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Mackey – yes, Race – yes. Motion carried.

### **RESOLUTION 2013-24**

#### **DEFERRED LOCAL DISTRICT SCHOOL TAX**

WHEREAS, the local district school tax for the fiscal year July 1, 2012 to June 30, 2013 was raised in the 2012 tax levy in the amount of \$6,935,798.00; and

WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy or \$3,467,899.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township

of White, that the deferred school tax for the local school district be increased from \$2,960,132.35 to \$3,160,132.35.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Motion made by Mr. Race, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Mackey – yes, Race – yes. Motion carried.

**RESOLUTION 2013-25**  
**SELF-EXAMINATION OF BUDGET RESOLUTION**  
**[as required by DCA]**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of White has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of White that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
  
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on

appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-5.
4. That the pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

#### **CERTIFICATION OF APPROVED BUDGET**

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Motion made by Mrs. Mackey, seconded by Mr. Race and carried by unanimous favorable roll call vote to approve the following ordinance on first reading. Herb – yes, Mackey – yes, Race – yes. Motion carried.

**ORDINANCE 2013-3  
CALENDAR YEAR 2013  
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.A.40A:4-45.1 et. seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% 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 White in the County of Warren finds it advisable and necessary to increase its CY 2013 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 1.5% increase in the budget for said year, amounting to \$20,013 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 White, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of White shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$46,697 and that the CY 2013 municipal budget for the Township of White 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.

Motion to introduce the 2013 Municipal Budget made by Mrs. Mackey, seconded by Mr.

Race and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. A complete copy of the 2013 Municipal Budget is on file in the office of the municipal clerk. Public Hearing is scheduled for April 25<sup>th</sup> at 7PM.

**PUBLIC COMMENTS**

None.

**RESOLUTIONS**

**Res. 2013-23:** Motion to adopt the following resolution made by Mr. Race, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

**RESOLUTION AWARDING CONTRACT FOR STREET SWEEPING OF TOWNSHIP ROADS TO A.B.E. PAVING & SEALCOATING COMPANY FOR 2013**

**WHEREAS**, White Township requires that its roads be swept of grit from winter storm maintenance; and

**WHEREAS**, the following quotes were received from two (2) different contractors:

<u>Contractor</u>	<u>Quote</u>
A.B.E. Paving & Sealcoating Company	\$98.00/hr sweeper \$45.00/hr water truck
J Pip’s Paving Company	\$109.50/hr street sweeper \$100.00/hr water truck

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of White that the street sweeping 2013 contract be awarded to A.B.E. Paving & Sealcoating Company for its lowest responsive, all-inclusive quote as per company estimate received January 22, 2013.

**Res. 2013-26:** Motion to adopt the following resolution made by Mr. Race, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

## **OPPOSING S2364/A3553**

WHEREAS, Senate Bill S-2364 and Assembly Bill A3553 propose to create a system of early voting in the State of New Jersey; and

WHEREAS, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and

WHEREAS, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

WHEREAS, these bills would require for each primary and general election a public facility; except a public school, located in each municipality in an area of a high concentration of population to be open and available to registered voters starting 15 days before an election for early polling, possibly conflicting with if not pushing out other important uses for these buildings, causing inconvenience to residents; and

WHEREAS, these bills require retraining of poll workers and dramatically increased hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training poll workers is already a difficult process; and

WHEREAS, these bills would increase costs to municipalities, including overtime pay for workers; and

WHEREAS, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicated funding, only that which the State Treasurer and the Director of the Division of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and

WHEREAS, the opportunity for "Early Voting" already exists in the State of New Jersey through the Vote by Mail ballot process.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of White in the County of Warren does hereby oppose S2364 and A3553; and

BE IT FURTHER RESOLVED, the governing body of the Township of White does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to the Office of the Governor, Senate President Sweeney, Senators Gill and Whelan, sponsors of S2364, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Beson, Conaway, and Coughlin, sponsors of A3553, our State Senator and Assembly representatives, the County Board of Elections, and

the New Jersey League of Municipalities.

**Res. 2013-27:** Motion to adopt the following resolution made by Mr. Race, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

WHEREAS, NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk, as per the requirements of NJSA 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs: and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand

dollars(\$1,000.00), or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Township of White, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

#### **ORDINANCES – FIRST READING**

**Ord. 2013-4:** Motion made by Mrs. Mackey, seconded by Mr. Race and carried by unanimous favorable roll call vote to introduce the following Ordinance on First Reading. Roll Call: Herb – yes, Mackey – yes, Race – yes. Motion carried.

#### **AN ORDINANCE OF THE TOWNSHIP OF WHITE PROVIDING FOR THE APPROPRIATION OF \$80,000.00 FOR ‘ROAD REPAIRS – MANUNKACHUNK ROAD’ 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 **\$80,000.00** shall be appropriated for the following items, from the Capital Improvements Budget for the year 2013:

Road Repairs– Manunkachunk Road \$80,000.00

2. The sum of \$80,000.00 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 2013 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.

#### **NEW BUSINESS**

Mayor and Committee discussed celebrating White Township’s 100 year anniversary by

hosting a town wide event. It was decided that additional research would need to be done to determine costs and types of activities that could be included in the celebration.

## **OLD BUSINESS**

A quote was received from Signal Control Products, Inc. of Branchburg, NJ to program and provide maintenance on the school zone flashing signals on County Route 519 for 2013-2014. Mayor and Committee approved the quote of \$485 on motion by Mr. Race, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

Mayor and Committee continued discussions on the request for installation of street lights at the Fox Chase development. The planning board secretary and the clerk reviewed the original site plan files and found nothing indicating a street light requirement. The committee asked that the engineer review the files before making a final determination.

## **PUBLIC COMMENTS**

None.

## **CORRESPONDENCE**

A request to utilize the athletic fields was received from the Warren County Women's Softball League. It was approved subject to receiving the league's insurance certificate on motion by Mrs. Mackey, seconded by Mr. Race and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

## **PRESENTATION OF MINUTES**

Motion was made by Mrs. Mackey, seconded by Mr. Race and carried by unanimous favorable roll call vote to approve the March 14, 2013 Regular Meeting Minutes as presented. Herb – yes, Mackey – yes, Race – yes. Motion carried.

## **OTHER MATTERS**

Mr. Race announced the receipt of a \$1500 check from PP&L for use at the Historical Building. The Historical Society requested the funds for improvements to the roof.

A quote of \$750 was received from Heath Care Management to repair the infield of the senior league field. The field was under water for several weeks after Tropical Storm Lee, damaging the turf. Motion was made Mr. Race, seconded by Mrs. Mackey and carried by

unanimous favorable roll call vote to approve the repairs for \$750. Herb – yes, Mackey – yes, Race – yes. Motion carried. It was also noted by the landscape company that ATV's are entering the fields from the railroad tracks and causing significant damage. The DPW will be asked to install a fence across the opening.

Mr. Race questioned the status of the drywell installation on the Mackey property. The drywell was agreed upon last year to alleviate drainage issues onto the neighboring township owned property. The drywell was, in fact, installed recently. Mr. Race will perform an inspection.

Mayor and Committee acknowledged the sad passing of Betty Wysocki, Animal Control Officer. Her husband will continue in the position, but does not wish to perform the duties of Licensing Official beginning in 2014. It was decided that the licensing can be done out of the clerk's office. Mr. Wysocki's salary will be adjusted accordingly in 2014.

## **ADJOURNMENT**

Being no further business to come before the Committee, the meeting was adjourned at 7:56pm on motion by Mr. Race, seconded by Mrs. Mackey and carried by unanimous favorable vote.

Respectfully Submitted,

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Kathleen R. Reinalda, RMC  
Township Clerk