

WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING MARCH 8, 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 March 8, 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.

ENGINEERING UPDATE

Paul Sterbenz reported on the following:

- Nature’s Choice Corporation – The review process of NCC’s stormwater management plan submission to the NJDEP is ongoing. The DEP issued comments similar to White Township’s concerns that the plan was not sufficient to address the run-off problem. NCC is required to re-submit the plan addressing the concerns by March 30th. Mr. Race made a motion to have Mr. Sterbenz prepare a letter to be signed by all three committee members to send to the DEP Commissioner reinforcing the township’s concerns with the current stormwater plan. This was seconded by Mr. Herb and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.
- Nature’s Choice Corporation – A letter was received from Harvest Power, Inc. informing the committee of its acquisition of Nature’s Choice. Attorney Tipton assured the committee that the new company will have to continue to address all of the outstanding issues that Nature’s Choice is currently dealing with.
- Quick Chek Corporation – Attorney Tipton and Mr. Sterbenz completed work with Quick Chek to assure that the township will have no responsibility to maintain the sidewalks scheduled to be installed along Rt. 46 and County Route 519. The agreement (“Undertaking”) was approved on motion by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Motion carried. The “Undertaking” is on file in the Office of the Municipal Clerk.

- Wastewater Management Plan – Mr. Sterbenz has met with the state to update the township’s plan to include areas of Route 46. The state had been reluctant to include Route 46 due to environmental factors. However, they have now agreed to the changes. The plan is due by July 7th. Motion was made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable roll call vote to authorize Mr. Sterbenz to update the township’s wastewater map and file it with the DEP. Herb – yes, Mackey – yes, Race – yes. Motion carried.
- Free Union Road – Mr. Sterbenz met with Mayor Mackey and the Road Department to discuss options for utilizing the remaining DOT grant funds on Free Union Road. Driveway and shoulder improvements were agreed upon. Motion made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable roll call vote to authorize Mr. Sterbenz to prepare RFP’s for the work. Herb – yes, Mackey – yes, Race – yes. Motion carried.
- Township Basketball Court – Mr. Sterbenz reviewed the condition of the township’s basketball court. He suggested crack sealing and the cutting out of an elevated area. This is believed to be a tree root which can be dug out and then patched. The road department can perform the repairs.

PUBLIC COMMENTS

Gary Meddaugh was present to report that the school state aid is actually less than anticipated. The previously proposed budget had no tax increase, but with the lower state aid the budget will now have a .0065 cent increase. No additional cuts will be made.

Jack Shade asked if the committee would consider selling township owned land to adjoining property owners. This was done a few years ago at the request of another resident. Mr. Tipton will review the procedures.

Bob Mackey asked why there is no Preserved Farm sign on the township owned Block 18 Lot 13.03. The township purchased this property several years ago and sold the development rights. The township will research the matter.

ORDINANCES – PUBLIC HEARING

Ord. 2012-2: Motion to open the public hearing made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable vote. Elaine Reichart questioned the township’s breeding policies. This issue is not addressed in the township code. Motion to close the Public Hearing made by Mr. Herb, seconded by Mr. Race. Motion to adopt the following Ordinance made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Ordinance adopted.

**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.

RESOLUTIONS

Res. 2012-14: Mr. Race explained why the Public Alliance Insurance Coverage Fund voted not to allow Mr. Dan Inscho to be the Risk Manager for White Township. Mr. Inscho's Risk Management qualifications were not according to PAIC's standards. He did not possess public entity experience. Motion made by Mr. Herb, seconded by Mayor Mackey with Mr. Race abstaining to approve the following Resolution. Herb – yes, Mackey – yes, Race – abstain. 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 Randy May, Otterstedt Insurance Agency as its Risk Management Consultant in accordance with the Fund's Bylaws.

Res. 2012-15: 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.

BE IT RESOLVED by the Township Committee of the Township of White, that the sum of \$ 1482.00 shall be provided for in a line item of the 2012 White Township Municipal Budget, and said sum represents White Township's share for the participation in the Regional Municipal Alliance Program for 2012.

Res. 2012-16: 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.

RESERVE Transfer Resolution

meeting will replace the March 22nd meeting.

Mr. Race explained that the township continues to work on Highlands compliance. Module 6 is next in line to complete. There may be an opportunity for additional grant funds to fund the work. Motion made by Mr. Race, seconded by Mr. Herb with Mayor Mackey opposed to request additional grant funds from the Highlands Council. Herb – yes, Mackey – opposed, Race – yes. Motion carried.

PUBLIC COMMENTS

Jack Shade mentioned a culvert issue on or near his property. He will provide paperwork so the town can research the matter, if necessary.

CORRESPONDENCE

A letter was received from Harvest Power, Inc. alerting the township to its takeover of Nature's Choice Inc. This was discussed earlier in the meeting.

The committee approved the Warren County Girls Softball request to use the athletic facility for 2012 contingent upon a valid certificate of insurance being provided.

A letter was received regarding a meeting on March 23rd to meet Warren County's new legislators. The meeting will be held at the Blainstown Municipal Building and it will provide an opportunity to raise concerns and issues relevant to White Township.

PRESENTATION OF MINUTES

Motion made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable vote, to approve the January 1, 2012 Re-Organization Meeting Minutes as amended by Mr. Race. Motion made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable vote, to approve the February 2, 2012 Regular Meeting Minutes as presented. Herb – yes, Mackey – yes, Race – yes. Motion carried.

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>
11825	\$ 721.52	CenturyLink
11826	\$ 300.91	C&M Auto Parts

11827	\$ 107.17	Comcast
11828	\$ 50.00	Cynthia Sturla
11829	\$ 74.08	J.C. Ehrlich Co., Inc.
11830	\$ 256.58	Elizabethtown Gas
11831	\$ 599.61	Elizabethtown Gas
11832	\$ 3,349.50	Florio, Perrucci, Steinhardt
11833	\$ 49.14	Gary W. Gray Trucking
11834	\$ 1,195.00	General Code Publishers
11835	\$ 90.00	G.F.O.A. of New Jersey
11836	\$ 34,000.00	Goodwill Fire Company
11837	\$ 91.33	Home Depot Credit Services
11838	\$ 53.10	Hope Township
11839	\$ 5,923.76	International Salt Co., LLC
11840	\$ 1,779.78	JCP&L
11841	\$ 9.88	L.E. Ritter Lumber Company
11842	\$ 7.07	Lin Supply Inc.
11843	\$ 625.00	Maser Consulting, P.A.
11844	\$ 184.16	Michelle Trivigno
11845	\$ 534.25	MRS
11846	\$ 10.00	Nestle Pure Life Direct
11847	\$ 53,160.00	NJ Division of PERS
11848	\$ 1,899.48	NJ American Water Company
11849	\$ 373.43	NJN Publishing
11850	\$ 200.00	NJN Publlishing
11851	\$ 20,718.00	Public Alliance Ins Coverage
11852	\$ 100.00	Patricia Mannon
11853	\$ 459.71	Quill Corporation
11854	\$ 46.50	Randy Bell
11855	\$ 20.99	Rigo's Belvidere Hardware
11856	\$ 70.00	Robert Blease, DVM
11857	\$ 122.98	Sanico Inc.
11858	\$ 318.73	Staples Credit Plan Dept. 31
11859	\$ 215.03	Staples Print Solutions
11860	\$ 25.00	TCTA of Sussex and Warren Cty.
11861	\$ 199.60	The Express-Times
11862	\$ 121.50	Verizon Wireless
11863	\$ 970.61	Vital Communications
11864	\$ 548,495.00	White Township Board of Education
11865	\$ 525.00	William Gold, Esq.
11866	\$ 736.60	Xerox Corporation
11867	\$ 53,160.00	Township of White Payroll Acct.
11868	\$ 300.00	Family Promise of Warren Cty.
Total Paid:	\$ 679,090.00.	

CURRENT FUND MANUAL CHECKS

2070	\$14,612.71	Payroll Account
2071	\$50.00	Treasurer, DCA
2072	\$15,745.66	Payroll Account

SEWER ACCOUNT

1185	\$50.00	Vital Communications
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ANIMAL CONTROL ACCOUNT

1090	\$50.40	NJ Dept. of Health & Senior Services
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CAPITAL ACCOUNT

1420	\$31.25	Maser Consulting, P.A.
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BANK OF AMERICA ESCROW ACCOUNT

2450	\$750.00	Maser Consulting P.A.
2451	\$156.25	Maser Consulting P.A.
2452	\$31.25	Maser Consulting P.A.
2453	\$1562.50	Maser Consulting P.A.
2454	\$31.25	Maser Consulting P.A.

GRAVEL PIT ESCROWS

172	\$62.50	Maser Consulting
179	\$125.00	Maser Consulting
183	\$62.50	Maser Consulting P.A.

BONDS

10086	\$312.50	Maser Consulting P.A.
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TOTAL ALL FUNDS.....\$712,723.77

On motion by Mr. Race, 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, March 8, 2012, 9:10pm:

Pending or Threatened Litigation
(BK 18, Lot 13.03, rental property)

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 Mr. Herb, seconded by Mr. Race, the meeting was re-opened to the public at 9:43pm. Motion passed.

OTHER MATTERS

Motion made by Mr. Herb, seconded by Mr. Race with Mrs. Mackey abstaining, to authorize Attorney Tipton to contact Finelli Consulting Engineers to investigate the complaint brought by Jim Parks against White Township regarding BK 18, Lot 13.03, the property he is currently renting from the township. Herb – yes, Mackey – abstain, Race – yes. Motion carried.

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