

WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING SEPTEMBER 9, 2010

CALL TO ORDER

Mayor Jeff Herb 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 on January 14, 2010, Belvidere, NJ and the Express-Times on January 8, 2010, 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 Herb, Committeeman Race and Committeewoman Mackey, Clerk Kathleen Reinalda and Attorney Tipton.

ENGINEERING UPDATE

Paul Sterbenz was present to review the following with regard to the 2010 road projects:

- Tilcon's invoice for resurfacing Pequest Drive/Orchard Drive totaled \$124,545.73. Mr. Sterbenz recommended \$80,000 be released now and the remainder paid when the results of the core testing are complete and acceptable. This was approved 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. Mr. Sterbenz asked the committee to authorize Key Tech Laboratory to perform the asphalt testing for a price of \$2650.00. This was approved 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.
- South Foul Rift Road overlay is complete, but requires the installation of new DOT compliant guiderails. Mr. Sterbenz received two quotes, Creamer & Sons \$9525 and ML Ruberton \$9275. Mr. Race suggested the Road Foreman speak with ML Ruberton to clarify their pricing. A lower quote was verbalized by ML Ruberton at an earlier time. Clarification and then purchase of the guiderail from ML Ruberton was approved 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. Funds for the guiderail were not appropriated in Capital, therefore, purchase of this equipment will be charged to Streets/Roads O/E. This approach was agreed upon unanimously.
- Mr. Race suggested the committee re-visit appropriating funds for overlay of Castner Road. Mr. Sterbenz approximated the cost of this project to be \$70,000. Mrs. Mackey requested time to drive the road prior to making a verbal commitment. All agreed.

RESOLUTIONS

A. **Res. 2010-40:** Mrs. Mackey recused herself from any action on this Resolution. Mayor Herb requested the committee consider re-tiling the entire lobby area for uniformity. The original specifications called for a “blending” tile approach between the bathroom hallway and lobby area. Mr. Race was fine with re-tiling the entire floor area. The clerk will contact the contractor to make him aware of the change.

Motion to adopt the following resolution made by Mr. Race, seconded by Mayor Herb with Mrs. Mackey recused. Herb – yes, Mackey – recused, Race – yes. Resolution adopted.

RESOLUTION 2010-40

RESOLUTION AWARDING A CONTRACT FOR ADA COMPLIANT MUNICIPAL BUILDING UPGRADES

WHEREAS, White Township solicited quotations for ADA compliant improvements to the municipal building; and

WHEREAS, the following quotations were received from four (4) contractors:

Anviro Contractors	\$12,950.00
Coopersmith Brothers	\$33,750.00
Intermark Building & Design	\$13,900.00
JDG Construction	\$13,500.00

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Committee of the Township of White that the contract for ADA Compliant Municipal Building Upgrades be and hereby is awarded to Anviro Contractors for its lowest responsible, responsive quotation as per company estimate dated 9/2/10.

PUBLIC COMMENTS

None.

ORDINANCES – PUBLIC HEARING

Ord. 2010-6: Motion to open the public hearing made by Mr. Race, seconded by Mrs. Mackey and carried by unanimous favorable vote. After minor clarifying questions, motion to close the Public Hearing made by Mrs. Mackey, seconded by Mr. Race. Motion to adopt the following Ordinance made by Mr. Race, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Ordinance adopted.

ORDINANCE 2010-6

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF WHITE, COUNTY OF WARREN, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Be it ordained and enacted by the Township Committee of the Township of White, County of Warren, State of New Jersey, as follows:

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of White of a general and permanent nature adopted by the Township Committee of the Township of White, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 280, together with an Appendix, are hereby approved, adopted, ordained and enacted as the “Code of the Township of White,” hereinafter known and referred to as the “Code.”

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede the 1977 Code of the Township of White and all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of White by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Township, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to

be incorporated into such Code so that reference to the “Code of the Township of White” shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the Township of White, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Township. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Township. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of White to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$1,250, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter provided.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 9-12-2009.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation

of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- N. All currently effective ordinances relating to or establishing regulations for vehicles and traffic.

§ 1-14. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Township Committee that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)
- C. Nomenclature. Throughout the Code, the following terms are updated as indicated:
 - 1. "State Department of Health" is revised to read "State Department of Health and Human Services."
 - 2. "Magistrate" is revised to read to "Judge."

3. "Building Inspector" is revised to read "Construction Official."
4. "Dog Warden" is revised to read "Animal Control Officer."

Schedule A

Specific Revisions at Time of Adoption of Code

Chapter 12, Court, Municipal.

- A. In § 12-1 the statutory reference to "Revised Statutes of New Jersey, Title 2A: 8-1 et seq." is changed to "N.J.S.A. 2B:12-1 et seq."
- B. In § 12-6 the statutory reference to "Chapter 264 of the Laws of 1948" is changed to "N.J.S.A. 2B:12-1 et seq."

Chapter 23, Environmental Commission.

- A. Section 23-2C is amended to read as follows:

C. In addition to the foregoing regular members of the Commission, two alternate members shall be appointed by the Mayor to serve in accordance with N.J.S.A. 40:56A-1. Said alternates shall be known as "Alternate No. 1" and "Alternate No. 2," and they shall serve for a period of two years and one year, respectively, from the date of his or her appointment, so that the term of not more than one alternate member shall expire in any one year.

(1) An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

(2) An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

- B. The following language is added to the end of § 23-3:

...The Environmental Commission shall have power to study and make

recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna.

Chapter 28, Ethics, Code of.

In § 28-4 the definition of “officer” is amended to read as follows:

OFFICER -- Any person, whether compensated or not, whether part-time or full-time.

Chapter 44, Officers and Employees.

Article II, Chief Financial Officer.

In § 44-10 “a term of one year” is changed to “a term of four years.”

Article III, Public Defender, Municipal.

Section 44-14 is amended as indicated:

“The term of office of the Municipal Public Defender shall be ~~for an initial term, commencing March 1, 1998, and terminating on December 31, 1998. Following expiration of the initial term, the term of office shall be~~ for one year commencing on January 1 and terminating on December 31. The Municipal Public Defender may continue to serve in office pending reappointment or appointment of a successor.”

Article IV, Deputy Chief Financial Officer.

A. Section 44-23 is amended as indicated:

“The Deputy Chief Financial Officer shall be compensated pursuant to the ~~schedule established in the Township’s FY2002 budget~~ Annual Salary Ordinance.”

B. Section 44-24 is amended as indicated:

“The term of office of the position of Deputy Chief Financial Officer, ~~and the budgetary line item created therefor, shall expire on December 31, 2002, unless extended by official act of the Township Committee~~ shall be one year.”

Article V, Deputy Zoning Officer.

Section 44-28 is amended as indicated:

“The Deputy Zoning Officer shall be compensated pursuant to the ~~schedule established in the Township’s FY2002 budget~~ Annual Salary Ordinance.”

Chapter 70, Alcoholic Beverages.

Article I, Licensing.

Original § 42-6, Location restrictions, is deleted.

Article II, Consumption of Alcohol in Unlicensed Premises

In § 70-7:

A. Subsection A is amended as indicated:

“No operator of a restaurant, dining room or other public place where food or ~~liquor~~ liquid refreshments...”

B. In Subsection B the statutory reference to “N.J.S.A. 2A:170-25.21” is changed to “N.J.S.A. 2C:33-27.”

Chapter 76, Animals.

Article I, Dogs, Kennels and Pet Shops.

A. In § 76-1 the definition of “dog warden” is amended as indicated:

~~“DOG WARDEN ANIMAL CONTROL OFFICER~~ -- The person from time to time holding the position of ~~Dog Warden~~ Animal Control Officer in the Township of White pursuant to the certification and other requirements of N.J.S.A. 4:19-15.16a et seq., and any deputy, assistant or helper of such ~~Warden Officer~~, and any person or persons designated from time to time as Acting ~~Dog Warden~~ Animal Control Officer.”

B. Section 76-10 is amended as indicated:

“...the dog has been seized and will be liable to be disposed of or destroyed or offered for adoption if not claimed within seven days after the service of the notice.”

C. Section 76-11A is amended as indicated:

“...the Animal Control Officer may cause the dog to be destroyed in a manner causing as little pain as possible or offered for adoption.”

D. Original § 57-13, Rabies quarantine; muzzling, is deleted.

E. Section 76-16 is amended as indicated:

“Unless otherwise provided in N.J.S.A. 4:19-15.19, 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.”

Chapter 87, Buildings, Numbering of.

Section 87-5 is amended as indicated:

“...No building permit shall be issued for any house, building or structure until the owner has procured from the office of the Township Tax Assessor the official number of the house, building or structure. ~~Final approval of any structure erected, repaired, altered or modified after January 1, 1995, shall be withheld by the Building Inspector.~~ After the issuance of a number, that number shall be used hereafter for the building on that location and no other number shall apply.”

Chapter 92, Buildings, Unfit.

A. Section 92-4D is added to read as follows:

D. Failure to comply with the requirements of the Building Code or the certificate of occupancy.

B. In § 92-5 “10 days” is changed to “seven days.”

C. Section 92-9B is amended as indicated:

“...If the total of the credits exceeds such costs, the balance remaining shall be deposited in the Superior Court by the Construction Official, shall be secured in such manner as may be directed by such court and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor is anything in this section

intended to limit the authority of the enforcing agency or Construction Official under the "State Uniform Construction Code Act," N.J.S.A. 52:27D-119 et seq., or any rules or regulations adopted thereunder. Any owner or party in interest may, within ~~60~~ 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.”

- D. Section 92-10 is amended as indicated:

“...such complaint or order upon such person may be made by publishing the same once ~~every week for two successive weeks~~ in a the official newspaper printed and published in of White Township or alternate publication of White Township or...”

- E. Section 92-12 is added to read as follows:

Any action taken using revenues derived from the local property tax shall be taken only after advertisement for, and receipt of, bids therefor, pursuant to the provisions of the "Local Public Contracts Law," N.J.S.A. 40A:11-1 et seq., unless the action is necessary to prevent imminent danger to life, limb or property.

Chapter 120, Driveways.

- A. In § 120-2 the definition of “standard specifications” is amended to read as follows:

STANDARD SPECIFICATIONS -- The "New Jersey State Department of Transportation Specifications for Road and Bridge Construction, dated 2007," and all amendments thereto.

- B. Section 120-8B is amended to read as follows:

B. All driveways shall be designed in profile grading and location to permit a minimum sight distance of 10 times the posted speed limit of the roadway measured from a point on the driveway 15 feet from the edge of the roadway and measured from a height of eye at 3.50 feet on the driveway to a height of object of 3.50 feet on the roadway, provided that all driveways must have at least 250 feet of sight distance.

- C. Section 120-11A, B, C and D are amended to read as follows:

A. Residential driveways entering unpaved roads: six inches (compacted thickness) of dense graded aggregate base course.

B. Residential driveways entering paved roads:

(1) Base course: four inches (compacted thickness) of dense graded aggregate base course.

(2) Surface course: two inches (compacted thickness) of hot mix asphalt 9.5M64 surface course or approved equal.

C. Commercial driveways:

(1) Base course: four inches (compacted thickness) of dense graded aggregate base course.

(2) Base course: four inches (compacted thickness) of hot mix asphalt 19M64 base course or approved equal.

(3) Surface course: two inches (compacted thickness) of hot mix asphalt 12.5M64 surface course or approved equal.

D. Industrial driveways:

(1) Base course: six inches (compacted thickness) of dense graded aggregate base course.

(2) Base course: six inches (compacted thickness) of hot mix asphalt 19H64 base course.

(3) Surface course: two inches (compacted thickness) of hot mix asphalt 12.5H64 surface course.

Chapter 160, Land Use.

A. In § 160-5:

- (1) The definition of “family” is amended to read as follows:

FAMILY -- One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.

(2) The definition of “residential zones” is amended to delete the reference to the “R-1A District.”

B. Section 160-6A is amended as indicated:

“Class I: the Mayor of the Township or the Mayor's designee in the absence of the Mayor.”

C. The first sentence of § 160-8 is amended as indicated:

“The term of the member composing Class I shall correspond to his official tenure or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure....”

D. Section 160-11 is amended to read as follows:

§ 160-11. Conflicts of interest.

A. No member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter, nor participate in any discussion or decision relating thereto, as a member of the Board.

B. If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-23 or 40:55D-23.1 from acting on a matter due to the member's personal or financial interests therein, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chairman of the Board of Adjustment shall make the choice.

E. Section 160-18 is amended to read as follows:

§ 160-18. Conflicts of interest.

A. No member of the Planning Board or Zoning Board of Adjustment shall be

permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter, nor participate in any discussion or decision relating thereto, as a member of the Board.

B. If the Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chairman of the Planning Board shall make the choice.

F. Section 160-42 is amended as indicated:

“The municipal agency conducting any hearing shall provide for a verbatim recording of the proceedings by either stenographer or mechanical or electronic means. Said municipal agency shall furnish a transcript, or duplicate recording in lieu thereof, on request, to any interested party at his expense, pursuant to ~~§ 71-551 of this chapter~~ Chapter 207, Article I, of this Code....”

G. Section 160-53C(2) is amended as indicated:

“Copies, duplicates or transcripts of record of proceedings furnished to an interested party pursuant to P.L. 1975, c. 291, Section 6f (N.J.S.A. 40:55D-10f); ~~\$0.40 for each folio of original and \$0.10 for each of the copies or the maximum permitted by N.J.S.A. 2A:11-15, whichever is the greater.~~”

H. In § 160-64A(4) the statutory reference to “N.J.S.A. 46:29-94” is changed to “N.J.S.A. 46:23-9.11.”

I. Section 160-79C(2)(a) is amended to delete the reference to the “R-1A District.”

J. In the § 160-81B(2) the reference to “Chapter 90, Soil Erosion and Sediment Control” is changed to “the Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-39 et seq.).”

K. Section 160-84 is amended as indicated:

“The Zoning Map, dated April 22, 2002, and revised February 26, 2004; ~~and~~ May 12, 2004; and February 18, 2010...”

J. In § 160-120 the introductory sentence is amended as indicated:

“Planned residential developments are permitted as conditional uses in the ~~R-1A~~ R-1 and/or R-1B Zone Districts, provided that said conditional uses shall meet all of the following requirements:”

K. Original Art. XI, Official Map, is deleted.

Chapter 223, Road Construction.

Chapter 223 is amended in its entirety to read as follows:

§ 223-1. Purpose.

The purpose of this chapter is to provide and implement minimum construction standards for the construction of roads and streets in White Township.

§ 223-2. Definitions.

The terms and abbreviations in this chapter and the associated meanings of those terms and abbreviations are in accordance with the definitions and abbreviations in N.J.A.C. 5:21-1.4.

§ 223-3. Design standards.

All roadway improvements in the Township, regardless of the location in the Township or the use that will be served by the roadway improvements, shall be designed in accordance with and comply with provisions in N.J.A.C. 5:21-4 et seq., as currently amended.

Chapter 235, Sewers.

Section 235-9 is amended to change the reference to “Article X” to “Article VII.”

Chapter 266, Streets and Sidewalks.

Article I, Street Names.

Original § 33-2, Prior ordinances repealed, and § 33-3, Street names altered, are deleted.

Article II, Excavations.

A. Sections 266-3, 266-8A are amended to change “Zoning Officer” to “Township Engineer.”

B. Section 266-6A is amended as indicated:

“Application for permit must be made on standard forms provided by the ~~Zoning Officer~~ Township Engineer and must be filled out completely in the number of copies specified on the form and filed with the ~~Zoning Officer~~ Township Clerk, along with the required permit fee and other exhibits that may be required either under the terms of this chapter or as outlined on the form.”

C. Section 266-7A is amended to change “Zoning Officer” to “Township Clerk.”

D. Section 266-9 is amended to read as follows:

Except for emergencies, at least 72 hours before the permittee plans to commence work under an opening permit, the permittee will advise the Township Engineer, the Street Superintendent or the Street Commissioner, or such other official of the Township as may be designated by the Township Committee.

E. In § 266-10D the reference to “the Township of White Municipal Soil Erosion and Sediment Control Ordinance” is changed to “the Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-39 et seq.).”

F. Section 266-10E is amended to read as follows:

E. Backfilling. After the required work or construction has been completed in the open excavation, the backfilling shall be done using imported dense graded aggregate base course or other imported materials approved by the Township Engineer. In placing the backfill, the permittee or his contractor shall use a mechanical or vibrating tampering device or machine to place the fill in maximum six-inch compacted lifts.

G. Section 266-10G is amended to read as follows:

G. On improved (bituminous pavement) roads, the backfill shall be brought up to a level within six inches of the top of the original pavement wherein a base course consisting of four inches (compacted thickness) of hot mix asphalt 19M64 base

course and a surface course consisting of two inches (compacted thickness) of hot mix asphalt 12.5M64 base course shall be placed. The material and workmanship for this construction shall be in accordance with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, dated 2007, and all amendments thereto. These requirements shall be considered the minimum for repaving over bituminous paved street and road openings.

H. The last sentence of § 266-10H is amended to read as follows:

Concrete shall be Class B conforming to the requirements in the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, dated 2007, and all amendments thereto.

I. The last sentence of § 266-10J is amended to read as follows:

Curbs, gutters, and sidewalk shall be constructed with Class B concrete conforming to the requirements of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, dated 2007, and all amendments thereto.

J. Section 266-10M is amended as indicated:

“Temporary surfacing. Pending the actual repaving or reconstruction operations stated above, the permittee or his contractor shall provide a temporary pavement or surface over the compacted refilled opening, of such material as shall be ~~directed~~ approved by the Engineer.....such temporary pavement shall be constructed two inches thick of ~~Type SM bituminous concrete~~ hot mix asphalt 9.5M64 surface course or equivalent material approved by the Engineer.”

K. Section 266-11A is amended to read as follows:

Safety precautions. The permittee and his contractor shall keep all openings, all excavated materials, and all other machinery, tools, or other materials properly guarded and shall place and maintain barricades, temporary fencing, guards, or other appropriate warning devices at all times during the progress of the work. The permittee and contractor shall comply at all times with applicable state safety regulations.

L. Section 266-11C is amended as indicated:

“Maintenance of traffic. At all times during the course of construction, at least 1/2 of the traveled way shall be kept open for public vehicular travel, unless the permittee or his contractor provides a suitable detour which is approved in

advance and marked in accordance with the ~~direction of the White Township Police Department~~ approvals granted by the State Police and Township Engineer...”

OLD BUSINESS

A letter was received from the Highlands Council in response to the township’s original correspondence requesting RMP updates and map adjustments. Mr. Race suggested the response be forwarded to the Township Planner and Planning Board for review. The committee agreed.

NEW BUSINESS

Jim Cooper, a Viridian consultant, was present to recommend the township switch to a third party energy provider. Mr. Cooper explained he had reviewed the township’s JCP&L invoices. His research revealed a possible savings of \$100/month if the township were to switch to Viridian. Mr. Cooper went on to explain that there are no long term commitments with Viridian and the township could cancel at any time. Mr. Race motioned to enter into a contract with Viridian. Mrs. Mackey requested additional time to review other third party energy providers. She explained that the rates vary drastically from company to company. Rather than commit to Viridian and possibly switch in a month, the committee agreed to research other rates and make a determination for the October 14th meeting.

A ‘Best Practices Checklist’ was received from the Department of Community Affairs which must be completed and submitted by October 1st. The checklist provides for ‘yes’ or ‘no’ answers to questions relating to township practices. The number of ‘no’ responses may have an impact on the final CMPTRA state aid payment in December. Mr. Race commented that many of the questions do not apply to White Township and, therefore, could be viewed by the DCA as negative responses if the township were to answer ‘no’ rather than ‘N/A’. Mr. Race suggested he draft a letter explaining the township’s concerns. All agreed.

Discussion of the tax appeal filed by Hike Enterprises will be discussed in Executive Session.

The clerk had received quotes for seal coating the municipal/school parking lot ranging from \$9000 to \$11,000. The committee discussed the condition of the parking lot and determined that crack sealing is the only necessary maintenance for 2010. The clerk will get quotes for crack sealing and the low quote will be awarded with joint approval from the school.

CORRESPONDENCE

A letter was received from JCP&L regarding the availability of grants for energy efficient

improvements for public facilities. The clerk was asked to get additional details on the types of improvements that would be considered.

A letter was received from the Warren County (PR) MUA advising the township of a meeting to be held September 15th at 7:30pm at the Pollution Control Financing Authority. The purpose of the meeting is to discuss the proposal of the MUA to switch billing practices from flow based to an EDU (Equivalent Dwelling Unit) System. Mrs. Mackey offered to attend to represent White Township.

PUBLIC COMMENTS

None.

PRESENTATION OF MINUTES

On motion by Mrs. Mackey, seconded by Mr. Race and carried by unanimous favorable vote, the committee approved the August 12, 2010 Minutes of the Regular Meeting. Herb – yes, Mackey – yes, Race – yes. Minutes approved.

PRESENTATION OF VOUCHERS

On motion by Mrs. Mackey, 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>
10918	\$ 72.75	Alfia Schemm
10919	\$ 99.00	AM/PM Services
10920	\$ 735.00	ARAE Network Solutions LLC
10921	\$ 25,000.00	Belvidere Ambulance Corps
10922	\$ 791.72	Belvidere Sand & Gravel
10923	\$ 500.00	BHS Project Graduation
10924	\$ 50.00	CenturyLink
10925	\$ 628.50	CenturyLink
10926	\$ 91.38	C&M Auto Parts
10927	\$ 100.11	Comcast
10928	\$ 20.50	Culligan
10929	\$ 12,461.24	Denville Line Painting Inc.
10930	\$ 71.00	J.C. Ehrlich Co., Inc.
10931	\$ 68.80	Elizabethtown Gas
10932	\$ 2,146.80	Finch Fuel Oil
10933	\$ 49.14	Gary W. Gray Trucking
10934	\$ 1,985.01	JCP&L
10935	\$ 43.37	Jim Flynn's Truck Repair, Inc.
10936	\$ 43.00	Kathleen Reinalda

10937	\$ 97.20	Kay Printing & Envelope Co.
10938	\$ 157.50	Maser Consulting, P.A.
10939	\$ 163.80	MJR Services Inc.
10940	\$ 184.68	Montage Enterprises Inc.
10941	\$ 250.00	Mr. John, Inc.
10942	\$ 150.00	NJ League of Municipalities
10943	\$ 907.06	NJ American Water Company
10944	\$ 508.39	NJN Publishing
10945	\$ 165.00	NJN Publishing
10946	\$ 1,350.53	Office Business Systems Inc.
10947	\$ 212.00	Riverbend Advertiser
10948	\$ 183.00	Robert Blease, DVM
10949	\$ 61.49	Sanico Inc.
10950	\$ 200.00	Winegar, Wilhelm Glynn & Roemersma
10951	\$ 58.57	Seely Equipment
10952	\$ 325.00	S&L Equipment Rental, Inc.
10953	\$ 219.13	Smith Motor Company
10954	\$ 172.40	The Express-Times
10955	\$ 119.98	Tractor Supply Credit Plan
10956	\$ 133.00	Tropicana Casino & Hotel
10957	\$ 101.19	Verizon Wireless
10958	\$ 550.00	Vital Communications
10959	\$ 548,495.00	White Twsp Board of Education
10960	\$ 1,800.00	White Twsp. Historical Society
10961	\$ 570.98	Xerox
10962	\$ 22.61	Hope Township
10963	\$ 190.00	Trump Plaza Accounting Dept.

Total Paid: \$ 602,305.83

CURRENT FUND MANUAL CHECKS

2006	15.00	Warren County Clerk
2007	27,869.86	Payroll Account
2008	15,818.60	Payroll Account
2009	25.00	TCMCAA

ANIMAL CONTROL ACCOUNT

1073	\$12.00	NJ Dept. of Health & Senior Services
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CAPITAL ACCOUNT

1372	\$4,020.41	Maser Consulting, P.A.
1373	\$191.60	The Express-Times
1374	\$36.75	NJN Publishing Company

GRAVEL PIT ACCOUNTS

166	\$97.50	Maser Consulting P.A.
164	\$97.50	Maser Consulting P.A.
162	\$97.50	Maser Consulting P.A.
172	\$97.50	Maser Consulting P.A.
172	\$97.50	Maser Consulting P.A.

BANK OF AMERICA ESCROW ACCOUNT

2321	\$300.00	William Gold, Esq.
2322	\$97.50	Maser Consulting P.A.
2323	\$112.50	William Gold, Esq.

TOTAL ALL FUNDS.....\$651,292.55

On motion by Mrs. Mackey, seconded by Mr. Race 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, September 9, 2010, 9:00pm:

Litigation
(Hike Enterprises – Tax Appeal)

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. Race, the meeting was re-opened to the public at 9:13pm. Motion passed.

OTHER MATTERS

Motion made by Mrs. Mackey, seconded by Mr. Race and carried by unanimous favorable vote to hire Tom Rodriguez Associates (professional services agreement) to perform a preliminary appraisal report of the A&P strip mall as a result of the tax appeal filed by Hike Enterprises. The fee is \$3000 for the initial report.

Mayor Herb questioned the need for RFP's for professional services for 2011. He recommended the RFP's go out immediately if it was the committee's desire to research new professionals for the coming year. It was agreed to send out RFP's (request for proposals) for the engineering, auditing and bond counsel positions for 2011.

ADJOURNMENT

Being no further business to come before the Committee, the meeting was adjourned at 9:44pm on motion by Mrs. Mackey, seconded by Mr. Race and carried by unanimous favorable vote.

Respectfully Submitted,

Kathleen R. Reinalda, RMC
Township Clerk