

## **WHITE TOWNSHIP COMMITTEE**

## **MINUTES OF MEETING SEPTEMBER 24, 2015**

### **CALL TO ORDER**

Mayor Holly Mackey called the meeting to order at 7:00 p.m. and stated ‘Adequate Notice of this meeting of September 24, 2015 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 Mackey, Committeemen Herb and Race, Attorney Brian Tipton (7:30PM) and Clerk Kathleen Reinalda.

### **RESOLUTIONS**

**Res. 2015-49:** Motion made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

#### **RESOLUTION 2015-49**

#### **RESOLUTION APPROVING GENERAL SPECIFICATIONS FOR SUPPLEMENTAL SNOW PLOWING OF THE BROOKFIELD ADULT RETIREMENT COMMUNITY, THE COLBY COURT TOWNHOUSE DEVELOPMENT, AND OTHER AREAS OF WHITE TOWNSHIP AND AUTHORIZING THE MUNICIPAL CLERK TO ADVERTISE TO RECEIVE QUOTES FOR SAID PLOWING**

**WHEREAS**, general specifications for supplemental snow plowing of the Brookfield Adult Retirement Community, the Colby Court Townhouse Development, and other areas of White Township have been drafted, are attached hereto, and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of White that the said specifications be and hereby are approved; and

**BE IT FURTHER RESOLVED** that the municipal clerk is hereby directed to advertise for quotes for said plowing in any appropriate publication(s).

**Res. 2015-50:** Motion made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

### **RESOLUTION 2015-50**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Rutherford Drive Improvement project.

WHEREAS, the NJDOT makes funds available to municipalities and counties for road improvement projects through the municipal aid portion of the New Jersey Transportation Trust Fund;

WHEREAS, the Township Engineer has recommended that the Township Committee apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2016 Municipal Aid Program for the purpose of constructing improvements to Rutherford Drive between Green Pond Road and Mountain Lake Road;

WHEREAS, the Township Committee has considered this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of White, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to submit an electronic grant application identified as MA-2016-White Township-00087 to the New Jersey Department of Transportation on behalf of Township of White.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Township of White and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Township Committee  
On this 24<sup>th</sup> day of September, 2015.

**Res. 2015-51:** Motion made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

PLACE-TO-PLACE TRANSFER

WHEREAS, an application has been filed for a Place-to-Place Transfer of Plenary Retail Distribution License Number 2123-44-013-001, issued to Kurt R. Kalmbach for premises heretofore located at 189 CR 519, Unit 4, White Township, NJ; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW, THEREFORE, BE IT RESOLVED that the White Township Committee does hereby approve, effective September 24, 2015, the Place-to-Place Transfer of the aforesaid Plenary Retail Distribution licensed premises, from its former location at 189 CR 519, Unit 4, White Township, NJ to its new location at 187 CR 519, White Township, NJ, and does hereby direct the Township Clerk/A.B.C. Board Secretary to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to premises located at 187 CR 519, White Township, NJ."

**Res. 2015-52:** Motion made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

#### **RESOLUTION 2015-52**

**WHEREAS**, the Township Committee of the Township of White ("Township") entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

**WHEREAS**, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; and

**WHEREAS**, the Township recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

**WHEREAS**, the Township has determined that it is in the best interests of the citizens of the Township of White to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the Township with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk are hereby authorized to execute the aforesaid Amendment.
3. The Township hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township with Econsult Solutions, Inc.
4. The Township hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township, with the approval of the Township's designated counsel, such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
5. The Township further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the Township with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the Township to appropriate and commit any additional funding for the MSSDA. In the event such changes and actions require the Township to appropriate and commit any additional funding for the MSSDA, the Township shall only be responsible for such funding if it authorizes same.
6. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township.
7. This Resolution shall take effect immediately.

#### **PUBLIC COMMENTS**

None.

#### **OLD BUSINESS**

Interviews for the Risk Manager position were scheduled for October 22<sup>nd</sup> beginning at 6:30PM. Mr. Race noted that, although qualified, a township resident did not apply for the

position because she felt she would not be given serious consideration by the majority of the committee.

The committee reviewed the draft “False Alarm Ordinance” and determined it can be scheduled for First Reading at the October 8<sup>th</sup> Meeting.

## **NEW BUSINESS**

The committee reviewed the proposed “Leh Settlement Agreement”. Mr. Race suggested additional language be added to the Resolution to clearly define the damages sustained to the Leh property approximately ten years ago. The committee agreed. The amended Resolution and Agreement will be presented for action once Mr. and Mrs. Leh review and sign the Agreement.

Attorney Tipton reviewed a new law concerning the marking of fire hydrants as per a request from the Goodwill Fire Company. Effective July 6, 2015, NJ enacted a statute permitting municipalities to install fire hydrant locator poles. The law is discretionary and not mandatory. However, if action is taken the municipality must comply with the rules and regulations established by the Director of the Division of Fire Safety in the Department of Community Affairs. The committee discussed the DPW working with the Goodwill Fire Company to gather additional information on the hydrant locators.

The committee tabled discussion of the Official Newspaper Designation until more information is received from the Planning Board attorney.

Mayor and Committee approved the hiring of Joseph Rossi for the Zoning Officer position 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 following terms apply:

- \$7507.21 annual: 4 hours per week, Thursdays 1pm to 5pm beginning September 10<sup>th</sup>
- Raises subject to governing body approval
- No benefits provided with this position

Mayor and Committee scheduled Plumbing Inspector interviews for October 22<sup>nd</sup> immediately following the Risk Manager interviews.

Mayor and Committee acknowledged receipt from the SADC of ‘green light approval’ on the Terra Bella Farm. Mayor Mackey noted that she would prefer committee members not provide approvals via email on open space matters, or any other township business, without having a majority in documented agreement. The committee agreed.

## **ENGINEERING UPDATE**

Engineer Sterbenz reported on the following matters:

- The DPW Generator Project is now complete. Final payment will be contingent upon an approved maintenance bond and approval of the warranty information. This was made on motion by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable roll call vote. Motion carried.
- Mr. Sterbenz reviewed the Leh drainage situation in the field with the Road Supervisor. An inlet was installed several years ago when this issue first came to light. The inlet diverts the flow of water away from Mr. Leh's property. Once the current settlement agreement is reached, the issue can be closed.
- The township was copied on a letter from A&B Hartrum to Windtryst Apartments regarding an underground seepage pit located between the two properties. The letter was informational and deemed a private property matter requiring no action by the governing body.
- The Chief Financial Officer requested an engineering estimate for the Municipal Building Generator project. The township was awarded a Federal Grant in the amount of \$50,000.00. Mr. Sterbenz suggested an additional \$20,000 be appropriated to cover engineering fees.
- Mr. Sterbenz reported that the owners of Jack's Barn have made significant strides towards achieving Board of Adjustment compliance. A few minor outstanding issues exist and will be completed in the near future.
- Annual Stormwater presentation – Mr. Sterbenz discussed the state's stormwater requirements and the impacts on White Township.

## **ORDINANCES – FIRST READING**

- A. **Ord. 2015-5:** Motion made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable roll call vote to approve the following Ordinance on First Reading. Public Hearing will be scheduled for November 12<sup>th</sup>.

## **AN ORDINANCE AMENDING CHAPTER 160 LAND USE CODE OF THE TOWNSHIP OF WHITE**

WHEREAS, the Committee of the Township of White, County of Warren, State of New Jersey [hereinafter "Township"], regulates land use in the Township through Ordinances in Chapter 160;

WHEREAS, the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-53 permits the Township to adopt and amend ordinances to assure the installation and maintenance of on-tract improvements, including requiring the furnishing of performance guaranties;

WHEREAS, the Ordinances in Chapter 160 of the Township Code requires an applicant, prior to the granting of final site approval, to either install or furnish a performance guaranty for the ultimate installation of improvements in the form and amount acceptable to the White Township Committee;

WHEREAS, the Township Committee has determined that Chapter 160 should be amended to state that an applicant shall only furnish a performance guaranty for those improvements which will ultimately be owned and maintained by the Township of White;

WHEREAS, the Township Committee has determined that Chapter 160 should be amended to state that an applicant shall furnish a restoration guaranty for those improvements which will ultimately be privately owned and not maintained by the Township in order to ensure the restoration of the property to its natural or pre-existing state in the event of a work stoppage on or abandonment of the construction of the improvement; and

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: Section 64 of the Township Land Use Code, entitled “On-tract and on-site improvements”, is hereby amended so that it shall read as follows:

**§ 160-64 On-tract and on-site improvements**

- A. On-tract installation for subdivisions. Prior to the granting of final approval, the applicant shall have installed or furnished performance guaranties for the ultimate installation of the improvements described below or a restoration guaranty for the restoration of property in the event of a work stoppage or abandonment of the construction of an improvement, as set forth in § 160-75. The applicant shall be responsible for posting a performance guaranty only for improvements which will ultimately be owned and maintained by the Township of White following acceptance of the improvement by the Township. The applicant shall be responsible for posting a restoration guaranty, in lieu of a performance guaranty, for any and all other improvements that the applicant plans to construct but will not ultimately be owned or maintained by the Township following completion of the Development. All improvements shall be subject to approval and inspection by the Township Engineer, who shall be notified by the developer at least two weeks prior to the start of construction of any improvement in accordance with the provisions of Chapter 223, Road Construction, of the Code of the Township of White. No underground installation shall be covered until inspected and approved.

- B. On-tract installations for site plans. Prior to the granting of final approval, the applicant shall have installed or furnished performance guaranties for the ultimate installation of any required public on-tract improvements or a restoration guarantee for the restoration of property in the event that the construction of the improvement is stopped or abandoned, as set forth in § 160-75 and as the same are described in § 160-64A. In addition, the Planning Board may require the installation of on-site improvements, as described in Subsection C below, prior to the granting of final approval and which it finds necessary before the issuance of a construction permit. All such improvements shall be subject to approval and inspection of the Township Engineer as provided in Subsection A above.

Section Two: Section 75 of the Township Land Use Code, entitled “Installation of improvements; guaranties; agreements”, is hereby amended so that it shall read as follows:

**§160-75 Installation of improvements; guaranties; agreements  
[Amended 9-5-1986]**

- A. Installation of subdivision and site plan improvements [Amended 7-5-1991]

(1) If an applicant has not installed the improvements required by § 160-64 at the time of filing for final subdivision or final site plan approval, an applicant may elect to post an adequate performance or restoration guaranty, as required by § 160-64, in a form and amount acceptable to the White Township Committee. No final subdivision plats or final site plans will be signed, nor will any zoning permits be issued pursuant to a White Township ordinance, until the performance or restoration guaranty is accepted by the White Township Committee. However, no permanent certificates of occupancy will be issued until all improvements, which will ultimately be owned and maintained by the Township, are installed to the satisfaction of the White Township Engineer and an adequate and acceptable maintenance guaranty is posted with and accepted by the White Township Committee. Temporary or conditional certificates of occupancy may be issued after all improvements, which will ultimately be owned and maintained by the Township, are installed to the satisfaction of the White Township Engineer, with the exception of the following nonessential improvements:

- (a) Pavement surface course as required in § 160-64A(1).
- (b) Sidewalks as required in § 160-64A(2).
- (c) Monuments as required in § 160-64A(4).
- (d) Street signs as required in § 160-64A(5).
- (e) Shade trees as required in § 160-64A(8).
- (f) Landscaping as required in § 160-64C(8).

- D. Performance guaranty. The performance guaranty for the later installation of those improvements referred to in Subsection A shall be fixed by the Planning Board. The furnishing of a performance guaranty in favor of White Township shall be in an amount not to exceed 120% of the costs of installation of improvements, the Planning Board deems

necessary or appropriate. The applicant shall submit its estimated costs of the installation of improvements to the Township Engineer for his review and acceptance. Performance guaranties shall be either an unconditional letter of credit issued by a financial institution acceptable to White Township; all cash; or a bank certification of deposit or savings passbook assigned to White Township with the consent of the issuing institution. In the event that cash is not posted, 10% of the performance guaranty shall be in the form of cash or a certified check made payable to the "Township of White." All proposed forms of guaranty must be entirely acceptable to the White Township Committee. [Amended 7-5-1991].

E. Time of guaranty. The performance guaranty shall run for a term not to exceed 18 months from the date of final approval. With the consent of the principal, the performance guaranty may be extended by the Township Committee upon recommendation by the Planning Board by resolution for an additional period not exceeding 18 months. In the event that an applicant posts a performance guaranty for nonessential improvements as set forth in Subsection A, all nonessential improvements must be completed within 6 months of the posting of the performance guaranty. Additional time to complete the nonessential improvements shall be granted by the Planning Board only upon the showing of exceptional circumstances. [Amended 7-5-1991].

N. Maintenance guaranty.

(1) Upon completion of all improvements and prior to release of the performance guaranty, the applicant shall file a maintenance guaranty bond amounting to 15% of the cost of all improvements, which the applicant was required to submit a performance bond, to guarantee that the completed improvements will be maintained for a stated period not to exceed two years, in accordance with the procedures and requirements of Chapter 223, Road Construction, of the Code of White Township and any other applicable regulations of White Township.

O. Restoration guaranty. A restoration guaranty shall be required for any and all improvements that the applicant plans to construct but will not ultimately be owned or maintained by the Township following completion of the Development. The restoration guaranty for these improvements, also referred to in Subsection A and §160-64, shall ensure the restoration of the property in the event that the construction of the improvement is completely stopped or abandoned for longer than six (6) months. The furnishing of a restoration guaranty in favor of White Township shall be in an amount set forth by the sliding scale below:

<b>Estimated Construction Cost of Required Improvements</b>	<b>Required Amount of Restoration Bond</b>
\$10,000.000 or less	\$2,000.00
\$10,000.01 to \$50,000.00	\$5,000.00

\$50,000.01 to \$100,000.00	\$25,000.00
\$100,000.01 to \$500,000.00	\$50,000.00
\$500,000.01 to \$999,999.99	\$75,000.00
\$1,000,000.00 and above	\$100,000.00

The applicant shall submit its estimated costs of the installation of improvements to the Township Engineer for his review and acceptance. All proposed forms of guaranty must be entirely acceptable to the White Township Committee.

Section Three:

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 Four:

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

Section Five:

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

**PUBLIC COMMENTS**

None.

**PRESENTATION OF MINUTES**

Motion was made by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable roll call vote to approve the August 13, 2015 Regular Meeting Minutes as presented. Herb – yes, Mackey – yes, Race – yes. Motion carried.

Motion was made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable roll call vote to approve the August 13, 2015 Executive Session 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 roll call vote, the Committee approved the following list of bills:

<u>Check No.</u>	<u>Amount</u>	<u>Payee</u>
14100	775.00	Arae Network Solutions LLC
14101	508.38	Belvidere Sand & Gravel
14102	716.17	CenturyLink
14103	225.80	Comcast
14104	72.90	Comcast
14105	1,331.76	Crestline
14106	50.00	Discovery Benefits Inc.
14107	347.00	J.C. Ehrlich Co., Inc.
14108	76.62	Elizabethtown Gas
14109	102.59	Elizabethtown Gas
14110	3,407.17	Florio, Perrucci, Steinhardt & Fader
14111	884.00	Gebhardt & Kiefer P.C.
14112	38.42	Hope Township
14113	344.38	Horizon Blue Cross Blue Shield of NJ
14114	1,416.70	JCP&L
14115	430.71	Jeff Herb
14116	116.43	Kathleen Reinalda – petty cash
14117	203.72	L.E. Ritter Lumber & Company
14118	3,263.25	Maser Consulting P.A.
14119	56.07	Mayberry Sales & Service
14120	550.00	MJR Services Inc.
14121	184.08	Montage Enterprises Inc.
14122	560.00	Mr. John Inc.
14123	242.25	Napa Belvidere
14124	59.72	Nestle Pure Life Direct
14125	3,662.50	Newport Landscaping LLC
14126	62.00	NJ League of Municipalities
14127	36.00	NJ Division of ABC
14128	1,002.80	NJ American Water Company
14129	295.00	NJCM
14130	11.67	NJN Publishing
14131	135.00	Pitney Bowes
14132	138.00	Randy Bell
14133	221.26	Sanico Inc.
14134	200.00	Scott Wilhelm
14135	775.00	Signal Control Products Inc.
14136	51.90	S&L Equipment Rental Inc.
14137	1,651.80	Smith Motor Company
14138	198.86	Staples Credit Plan
14139	143.35	State of NJ

14140	205.00	TGM Services
14141	108.51	Verizon Wireless
14142	1,524.00	Vital Communications
14143	326.48	Warren Materials
14144	115.00	Warren County Assessor's Association
14145	573,011.00	White Township Board of Education
14146	1,800.00	White Township Historical Society
14147	750.00	William Gold, Esq.
14148	11,800.00	Wire's Electrical Shop
14149	519.69	Xerox Corporation
14150	188.00	Resorts Casino Hotel
14151	55.00	NJ League of Municipalities

Total Paid.....\$614,950.94

**BANK OF AMERICA ESCROWS**

2729	232.50	Circle Builders
2730	555.35	Maser Consulting P.A.
2731	65.00	Maser Consulting P.A.
2732	912.85	Maser Consulting P.A.
2733	97.50	Maser Consulting P.A.
2734	1,072.50	Maser Consulting P.A.
2735	527.40	Maser Consulting P.A.
2736	97.50	Maser Consulting P.A.
2737	32.50	Maser Consulting P.A.
2738	130.00	Maser Consulting P.A.
2739	1,056.00	Gebhardt & Kiefer P.C.
2740	752.00	Gebhardt & Kiefer P.C.
2741	112.50	William Gold, Esq.
2742	787.50	William Gold, Esq.
2743	233.00	William Gold, Esq.
2744	112.50	William Gold, Esq.
2745	930.00	Hatch Mott MacDonald
2746	3,534.00	Maser Consulting P.A.

**CURRENT ACCOUNT – MANUAL**

2207	25,410.81	Payroll Account
2208	284.00	Sheraton Hotel
2209	11,315.05	Payroll Account

**ANIMAL CONTROL FUND**

1129                      4.80                      NJ Dept. of Health & Senior Services

**SEWER ACCOUNT**

1281                      150.00                      Vital Communications  
1282                      25,000.00                      White Township Sewer Capital Fund

**OPEN SPACE TRUST FUND**

484365                      1,725.00                      Landmark I Appraisal LLC  
484366                      1,975.00                      Joshua D. Mackoff LLC  
484367                      35.00                      Title Line

TOTAL ALL FUNDS.....\$692,091.20

**OTHER MATTERS**

Mr. Race updated the committee on the insurance claim for field damages that was previously denied. The township recreation fields were vandalized a few months ago requiring the township to pay a contractor \$2000 to repair. The claim was submitted to the township's JIF but it was denied because 'land damages' were not part of the coverage. Mr. Race said the JIF has since reviewed the denial and determined that 'land damages' will be covered in the future up to \$5000, but the township would be reimbursed retroactively minus the deductible.

On motion by Mr. Herb, 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 24, 2015, 8:05pm:

Litigation  
(COAH)

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 8:30p.m. Motion passed. No action was taken in Executive Session.

#### **OTHER MATTERS**

Motion made by Mr. Herb, seconded by Mr. Race and carried by unanimous favorable roll call vote to authorize Engineer Sterbenz to prepare an updated housing plan for use in the COAH litigation. By way of background, town housing obligations have been left up to the courts to determine. This comes as a result of a March 10th New Jersey Supreme Court order that stripped municipalities of the administrative protections afforded by the Fair Housing Act (FHA). Herb – yes, Mackey – yes, Race – yes. Motion carried.

#### **ADJOURNMENT**

Being no further business to come before the Committee, the meeting was adjourned at 8:32pm on motion by Mr. Race, seconded by Mr. Herb and carried by unanimous favorable vote.

Respectfully Submitted,

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Kathleen R. Reinalda, RMC  
Township Clerk