

WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING OCTOBER 11, 2023

Mayor Skoog called the meeting to order at 6:00 p.m. and stated ‘Adequate Notice of this meeting of October 11, 2023 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 Warren County Zone and Star-Ledger; 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

Mayor Skoog, Committeemen Hyndman and Herb, Clerk Kathleen Reinalda, Deputy Clerk Brielle Whitmore, and Attorney Tipton were present for the meeting.

ENGINEERING UPDATE

Paul Sterbenz reported on the following:

- Pickleball Courts – survey work has been scheduled.
- Stormwater Compliance – The next step in the compliance process is to do the mapping of storm drains.
- 2023 Road Improvement Projects – overlay of Tamarack and Mt. Lake Roads is complete. Tilcon’s purchase order is ready for approval. The bid for Settler’s Ridge Phase 2 came in about \$30,000 higher than the engineer’s estimate. All bids were rejected on motion by Mr. Herb, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote. Herb – yes, Hyndman – yes, Skoog – yes. Motion carried.
- various zoning violations – court date scheduled for November 2nd.
- Flood damage remediation work – Most of the repairs to storm damaged areas are complete. The K&A Paving and KDP Developer’s Inc. purchase orders are ready for approval.
- Walking Path Agreement – After further investigation it was agreed that the location of the walking path would serve the public better at the Route 519 NORTH Field rather than the Route 519 SOUTH field. Attorney Bellin will be contacted regarding the change.
- Beckett Developer’s Agreement – The Beckett Developer’s Agreement was approved on

motion by Dr. Hyndman, seconded by Mr. Herb and carried by unanimous favorable roll call vote. Herb – yes, Hyndman – yes, Skoog – yes. Motion carried.

ORDINANCES – ADOPTION

- A. Ord. 2023-07: The Planning Board recommended that the ordinance include language exempting the removal of topsoil less than 5000 square feet. Mr. Sterbenz will prepare an updated ordinance for first reading at the November meeting.

**TOWNSHIP OF WHITE
WARREN COUNTY, NEW JERSEY
ORDINANCE NO. 2023-07**

ORDINANCE TO AMEND THE TOPSOIL PROVISIONS IN CHAPTER 160 OF THE CODE OF THE TOWNSHIP ENTITLED “LAND USE” AND CHAPTER 254 OF THE CODE OF THE TOWNSHIP ENTITLED “SOIL REMOVAL AND SURFACE MINING”

WHEREAS, both Chapter 160 and Chapter 254 of the Code of the Township of White contain provisions for the protection of topsoil; and

WHEREAS, the preservation and protection of topsoil is important as the topsoil layer is where nutrients are delivered to plants, water is absorbed, sunlight is received, and interactions with wildlife and microorganisms occur; and

WHEREAS, the Township of White has highly valuable agricultural lands with nutrient rich topsoil that is a resource to the community; and

WHEREAS, due to the valuable nature of the topsoil in the Township, there is a need to augment the current topsoil protection requirements in Chapters 160 and 254 of the Code.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of White that the topsoil protection provisions in Chapters 160 and 254 of the Code of the Township of White be amended to read as follows:

Section 1 - Section 160-64A (7), of the Code entitled “Topsoil Protection” shall be revised in its entirety to read as follows:

(7) Topsoil Protection

- (a) Removal of Topsoil. No topsoil will be permitted to be removed from the premises unless otherwise approved by the Township Committee.
- (b) Storage of Topsoil. Whenever any owner, developer or excavator removes topsoil from any land in the Township, provision shall be made for the storage of topsoil within the boundary lines of the property.

- (c) Replacement of Topsoil. All topsoil excavated on the premises shall be stored and uniformly replaced over the entire area at a minimum depth of six (6") inches so that the final grades of the replaced topsoil conform to the proposed final grades as shown on the approved subdivision plan or site plan.
- (d) Requirements for Replacement When No or Insufficient Topsoil Exists on the Premises.
- i. Each site, area or premises shall be covered with a minimum of six (6") inches of topsoil upon completion as part of the permanent stabilization of the site.
 - ii. Topsoil as defined in Section 254-1 of the Code of the Township of White shall be brought to the premises from an approved off-tract source where there is not sufficient topsoil material to comply with the requirements in Subsection (7)(c) above. Topsoil shall be placed and fine graded prior to the placement of permanent vegetative cover.
 - iii. Topsoil shall be friable and loamy, free of debris, objectionable weeds and stones and contains no toxic substance that may be harmful to plant growth, APH range of 5.0-7.5 is acceptable. Soluble salts shall not exceed five hundred (500) ppm.
 - iv. Topsoil shall be tested by a recognized testing laboratory, U.S. Department of Agriculture or Rutgers University Soil Testing Laboratory, with test results submitted to the Township Engineer for approval prior to import and placement.
- (e) Site Preparation.
- i. Grade as needed, to conform to the final contours on the approved subdivision plan or site plan.
 - ii. Subsoil shall be tested for lime requirement and limestone, if needed, shall be applied to bring soil pH to 6.5 and incorporated into the soil as nearly as practical to a depth of four (4") inches.
 - iii. Immediately prior to topsoil distribution, the surface shall be scarified to provide a good bond with the topsoil.
 - iv. Erosion control practices such as diversions, grade stabilization structures, berms, channel stabilization measures, desilting basins and waterways shall be implemented while topsoil is being placed and stabilized.
- (f) Applying Topsoil.
- i. Topsoil shall be handled only when it is dry enough to work without damaging soil structure.
 - ii. A uniform application to a depth of six (6") inches (unsettled) is required.

Section 2 - Section 254-3 of the Code of the Township of White entitled "Transportation of Topsoil" shall be retitled "Topsoil Protection" and be revised to read as follows:

254-3 Topsoil Protection.

All entities performing surface mining in the Township of White in accordance with a Surface Mine Permit issued in accordance with the provisions in Chapter 254 of the Code of the Township of White shall comply with the topsoil protection provisions in Section 160-64A(7) of the Code of the Township.

Section 3 – Portions of the Code not set forth above shall remain unchanged.

Section 4 - This ordinance shall take effect upon adoption by the Township Committee in accordance with the law.

Section 5 - Any section, subsection or portion of this ordinance that may be found to be invalid by a competent court of jurisdiction shall not invalidate any other section, subsection or portion of this ordinance.

RESOLUTIONS

Res. 2023-38: Motion made by Mr. Herb, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Hyndman – yes, Skoog – yes. Resolution adopted.

RESOLUTION 2023-38

RESOLUTION AWARDING A CONTRACT FOR SUPPLEMENTAL SNOW PLOWING IN THE BROOKFIELD ADULT RETIREMENT COMMUNITY AND THE COLBY COURT DEVELOPMENT

WHEREAS, White Township requires supplemental snow plowing of the Brookfield Adult Retirement Community* located on Route 519 (across from Mackey’s Orchards) and the Colby Court Townhouse Development* located on Route 519 (across from the Pizza Mia Strip Mall) as may be required upon request by the Department of Public Works Supervisor for the winter months of 2023-2024 to supplement the plowing of the White Township Road Department.

WHEREAS, White Township desires to enter into a contract (attached) with Yellowstone Landscape for supplemental snow plowing of the Brookfield Retirement Community and the Colby Court Townhouse Development; and

WHEREAS, Yellowstone Landscape has already contracted with the Brookfield Board of Directors for snow removal of the private areas (driveways and sidewalks), and

WHEREAS, the Road Department Liaison, The Road Supervisor and the Qualified Purchasing Agent have met with Yellowstone Landscape and feel that by having one company provide all the services that it will streamline the process and ultimately provide a higher quality of service to the residents of Brookfield and Colby Court; and

WHEREAS, the Township employs a Qualified Purchasing Agent which allows a bid threshold of \$44,000.00; and

WHEREAS, if supplemental snow plowing services should exceed \$44,000.00, the Township understands that a different contractor will need to be hired and / or the Township will need to utilize its own employees.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of White that the contract for supplemental snow plowing for the Brookfield Adult Retirement Community and the Colby Court Development be and hereby is awarded to Yellowstone Landscape.

Res. 2023-39: Motion made by Mr. Herb, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Hyndman – yes, Skoog – yes. Resolution adopted. The Agreement is on file in the Office of the Municipal Clerk.

RESOLUTION 2023-39

RESOLUTION APPROVING A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF WASHINGTON, COUNTY OF WARREN AND THE TOWNSHIP OF WHITE, COUNTY OF WARREN

NOW, THEREFORE, BE IT RESOLVED that the attached agreement, made this 1st day of January 2024, by and between the Borough of Washington, Warren County, a municipal corporation of the State of New Jersey and the Township of White is hereby approved for Animal Control Services for five (5) years.

ORDINANCES – FIRST READING

- A. Ord. 2023-09: Motion made by Dr. Hyndman, seconded by Mr. Herb and carried by unanimous favorable roll call vote to introduce Ordinance 2023-09 on first reading. Herb – yes, Hyndman – yes, Skoog – yes.

TOWNSHIP OF WHITE WARREN COUNTY, NEW JERSEY ORDINANCE NO. 2023-09

ORDINANCE AMENDING SECTION 160-53 OF THE LAND USE ORDINANCE ENTITLED “SCHEDULE OF FEES”

WHEREAS, the Township of White Planning Board has recommended that the Township of White Land Use Ordinance be updated to increase certain fees and escrow deposits for land use applications.

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

SECTION I. Section 160-53(A)(1) of the Code of Township of White, entitled "Schedule of Fees," is amended as follows (additions noted in in bold italics *thus* and deletions noted in strikethrough ~~thus~~):

§ 160-53. Schedule of fees.

A. All applicants for development to a municipal agency shall pay the following fees:

(1) Filing fee, to cover normal services required for processing all applications for development and to be paid at the time an application is filed:

(a) Minor subdivision:

[1] ~~Two lot~~ *Minor* subdivision: \$150 + *\$100 per additional lot*; review *escrow deposit* fee: ~~\$400~~ *\$500* per lot.

~~[2] Three lot subdivision: \$250; review *escrow deposit* fee: \$400 per lot.~~

~~[3] Four lot subdivision: \$350; review *escrow deposit* fee: \$400 per lot.~~

~~[4]~~*[2]* Lot line adjustment: \$150; review *escrow deposit* fee: ~~\$300~~ *\$8500*.

(b) Major subdivision:

[1] Preliminary plat: *\$500* ~~\$100~~, plus ~~\$150~~ *\$200* for each lot in the proposed subdivision; review *escrow deposit* fee: ~~\$300~~ *\$500* per lot.

[2] Final plat: *\$500* ~~\$100~~, plus ~~\$1200~~ for each lot in the proposed subdivision; review *escrow deposit* fee: ~~\$150~~ *\$200* per lot.

[3] Conditional use in conjunction with subdivision application: \$200 plus subdivision application fee; review escrow deposit: \$1,000 plus subdivision escrow deposit.

(c) Site plan:

[1] Change of use: \$150; review *escrow deposit* fee: \$200.

[2] Minor site plan: *\$500* ~~\$250~~; review *escrow deposit* fee: ~~\$800~~ *\$1,500*.

[3] Major (preliminary) site plan: *\$1,500* ~~\$350~~; review *escrow deposit* fee: \$7,000 up to 10 acres; ~~\$100~~ *\$200* per acre over 10 acres.

[4] Major (final) site plan: *\$500* ~~\$250~~; review *escrow deposit* fee: ~~\$1,000~~ *\$800*.

[5] Conditional Use in conjunction with site plan application: \$200 plus site plan review fee; review escrow deposit: \$1,000 plus site plan review escrow deposit

[6] Variance in conjunction with site plan application (N.J.S.A. 40:55D-70c): \$200 per variance; review escrow deposit: \$500 per variance.

(d) *Rezoning Request Zone change* (fees include Master Plan *and / or ordinance* amendment *as necessary*): ~~\$500~~ *\$1,000*; review *escrow deposit* fee: ~~\$2,500~~ *\$5,000*.

(e) Conceptual *subdivision and / or site* plan: \$200; review *escrow deposit* fee: ~~\$400~~ *\$1,000*.

(f) General development plan: ~~\$800~~ *\$1,000*; review *escrow deposit* fee: ~~\$100~~

\$200 per acre.

(g) Special meetings: ~~\$500~~ **\$1,000 per meeting plus the cost of advertisement**; review *escrow deposit* fee: N/A.

(h) Board of Adjustment fees ~~shall be charged on a per meeting basis as follows~~:

[1] Conditional use (N.J.S.A. 40:55D-67): ~~\$250~~ **\$100**; review *escrow deposit*: **\$1,000**. *These fees and deposits are in addition to any fees and deposits required for site plan and subdivision applications.*

[2] Appeal of *Decision of Zoning Official* (N.J.S.A. 40:55D-70a): ~~\$250~~ **\$200**; review *escrow deposit* fee: ~~\$500~~ **\$1,000**.

[3] Interpretation (N.J.S.A. 40:55D-70b): ~~\$250~~ **\$200**; review *escrow deposit* fee: ~~\$500~~ **\$1,000**.

[4] Variance (N.J.S.A. 40:55D-70c): ~~\$250~~ **\$200** per variance; review *escrow deposit* fee: ~~\$500~~ **\$1,000** per variance. *These fees and deposits are in addition to any fees and deposits required for site plan and subdivision applications.*

[5] Use variance (N.J.S.A. 40:55D-70d): ~~\$500~~ **\$200** per variance; review *escrow deposit* fee: ~~\$1,500~~ **\$2,000** per variance. *These fees and deposits are in addition to any fees and deposits required for site plan and subdivision applications.*

[6] *Permission to build where lot does not abut a public street* Building permit appeal (N.J.S.A. 40:55D-36): ~~\$100~~ **\$100**. *These fees and deposits are in addition to any fees and deposits required for site plan and subdivision applications.*

[7] Appeal to governing body (N.J.S.A. 40:55D-17): ~~\$100~~ **\$500**.

[8] Application to Board of Adjustment for certification of preexisting use of structure pursuant to N.J.S.A. 40:55D-68 and White Township Code § 160-85B: ~~\$75~~ **\$250**.

(i) Exempt development in the I-Industrial District in accordance with § 160-62A: ~~\$150~~ **\$250**.

(j) Grading plan review.

[1] Application fee: ~~\$300~~ **\$150**.

[2] Review *escrow deposit* and inspection fee: \$600.

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.

OLD BUSINESS

Motion made by Mr. Herb, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to hire Clint McEvoy as a part-time snow plow driver at \$30.00 per hour. Herb – yes, Hyndman – yes, Skoog – yes. Motion carried.

A response has not been received from the Warren County Commissioners regarding the White Township vacant seat on the Warren County PRMUA. The clerk was asked to write another letter urging the commissioners to appoint Mayor Skoog to the seat.

NEW BUSINESS

Mayor and Committee regrettably accepted the resignation of Ralph Price, Building Official. Mr. Price indicated he would stay on until the township makes a decision on the direction of the department.

On motion by Dr. Hyndman, seconded by Mr. Herb and carried by unanimous favorable roll call 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, October 11, 2023, 7:02 pm:

Pending or Threatened Litigation
(JAINDL)
(5 Acres)

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 Dr. Hyndman, the meeting was e-opened to the public at 7:55 p.m. Motion passed. No action was taken in Executive Session.

CORRESPONDENCE

Residents of Brass Castle Road signed a letter requesting the committee take action to

have the dilapidated house located at 661 Brass Castle Road torn down. The committee suggested sending the building official to assess the structure.

PUBLIC COMMENT

Frank Panetta, Tamarack Road, continues to suggest that the berm installed along his driveway is not sufficient to re-direct water from his property. The committee assured Mr. Panetta that the township engineer, road supervisor and Tilcon all agreed that the berm was installed properly.

PRESENTATION OF MINUTES

Motion to approve the August 9, 2023 Regular Meeting Minutes, August 9, 2023 Executive Session Meeting Minutes, September 13, 2023 Regular Meeting Minutes and September 13, 2023 Executive Session Meeting Minutes made by Dr. Hyndman, seconded by Mr. Herb and carried by unanimous favorable roll call vote. Herb – yes, Hyndman - yes, Skoog – yes. Motion carried.

PRESENTATION OF VOUCHERS

On motion by Dr. Hyndman, seconded by Mr. Herb and carried by unanimous favorable roll call vote, the Committee approved the following list of bills:

<u>Check Number</u>	<u>Payee</u>	<u>Amount</u>
18197	VOID	
18198	Horizon Blue Cross Blue Shield	388.32
18199	State Treasurer	50.00
18200	ARAE Network Solutions	5,992.35
18201	Belvidere Ambulance Corps.	60,000.00
18202	Brightspeed	72.85
18203	BRT Technologies LLC	1,523.28
18204	Bug King Pest Solutions	399.00
18205	Colliers Engineering	13,271.31
18206	Comcast	836.44
18207	Rentokil	106.47
18208	Florio, Perrucci, Steinhardt	3,390.00
18209	G Smith Services LLC	836.00
18210	Genserve LLC	1,130.00
18211	Home Depot Credit Services	432.58
18212	JCP&L	1,704.42
18213	K&A Paving Contractors LLC	86,060.37
18214	KDP Developers Inc.	175,861.35
18215	Marshall Machinery Inc.	456.00
18216	Mt. Lake Fire Company	29,500.00
18217	NJ American Water Company	1,354.70

18218	NJ Advance Media	417.12
18219	NJ Landscape Contractors LLC	8,063.75
18220	PCFA	330.60
18221	Eurofins Environment Testing	267.50
18222	Rigo's General Hardware	30.63
18223	Sanico Inc.	227.26
18224	Steven P. Gruenberg Attorney	618.00
18225	Swift Print Solutions LLC	550.00
18226	Tilcon New York Inc.	134,595.46
18227	Verizon Wireless	145.17
18228	Warren Materials	1,896.67
18229	White Township Board of Education	668,264.00
18230	White Township YAA	6,000.00
18231	Xerox Corp.	528.63
18232	JCP&L	53.50
18233	Constance C. Pryslak	2,489.61
18234	NJ Registrar's Association	25.00

TOTALS.....\$1,207,868.34

Gravel Pit Escrows

264	Colliers Engineering	85.00
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Capital Account

1597	Colliers Engineering	7,494.85
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Dog Trust

1217	NJ Dept. of Health & Senior Services	224.40
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Sewer Account

1407	Warren County PRMUA	78,564.00
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Developers Escrows

1552	Bright View Engineering	633.75
1553	Suburban Consulting Engineers	3,170.50
1554	Suburban Consulting Engineers	193.75
1555	Suburban Consulting Engineers	193.75
1556	Gebhardt & Kiefer P.C.	1,353.00
1557	Gebhardt & Kiefer P.C.	1,947.00
1558	Gebhardt & Kiefer P.C.	148.50
1559	Gebhardt & Kiefer P.C.	148.50
1560	Gebhardt & Kiefer P.C.	99.00
1561	Colliers Engineering	1,599.00
1562	Colliers Engineering	42.50
1563	Colliers Engineering	85.00

1564	Colliers Engineering	42.50
1565	Colliers Engineering	1,534.94
1566	Colliers Engineering	1,108.99
1567	Colliers Engineering	212.50
TOTAL ALL FUNDS.....		\$1,306,749.77

ADJOURNMENT

Being no further business to come before the Mayor and Committee, the meeting was adjourned at 8:27 PM on motion by Mr. Herb, seconded by Dr. Hyndman and carried by unanimous favorable vote.

Respectfully Submitted,

Kathleen R. Reinalda, RMC
Township Clerk