

WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING JANUARY 12, 2017

CALL TO ORDER

Mayor Race called the meeting to order at 7:00 p.m. and stated ‘Adequate Notice of this meeting of January 12, 2017 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 Race, Committeeman Herb, Committeewoman Mackey, Attorney Brian Tipton and Clerk Kathleen Reinalda.

PUBLIC COMMENTS

Daniel Bloch, 32 Titman Road, discussed the condition of the Five Acres Flea Market. He feels the new owner has made changes to the property and the market hours which would require the zoning board of adjustment to grant relief for an expansion of use. Mr. Bloch’s request will be reviewed by Attorney Tipton prior to any action.

RESOLUTIONS

Res. 2017-8: Motion made by Mrs. Mackey, 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 AUTHORIZING REFUND OF PREMIUM TO OUTSIDE LIENHOLDER

WHEREAS, the Municipal Tax Sale held on a lien was sold on Block 16 Lot 15 also known as 662 Brass Castle Road for 2014 delinquent taxes; December 17, 2015 and

WHEREAS, this lien, known as Tax Sale Certificate No. 15-00058 was sold to FWDSL for a 0% redemption fee and a \$10,500.00 premium.

NOW THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a

check in the amount of \$10,500.00 (premium account) payable to FWDSL & ASSOCIATES LP
17 W Cliff St. Somerville, NJ 08876

Res. 2017-9: Motion made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE
RUTHERFORD DRIVE IMPROVEMENT PROJECT

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-00189 to the New Jersey Department of Transportation on behalf of the Township of White,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the 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.

Res. 2017-10: Motion made by Mrs. Mackey, 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.

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Committee of the Township of White, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren;

NOW, THEREFORE, BE IT RESOLVED by the Township of White, County of Warren, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the White Municipal Alliance grant for fiscal year 2018 in the amount of:

DEDR	\$ 5,392.00
Cash Match	\$ 1,618.00
In-Kind	\$ 4,044.00

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Res. 2017-11: Tabled.

Res. 2017-12: Motion made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES – MUNICIPAL AUDITOR

WHEREAS, the Township of White has a need to acquire a municipal auditor as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Nisivoccia LLP has submitted a proposal, indicating they will provide the auditing services for the anticipated fee of \$18,700.00; and,

WHEREAS, Nisivoccia LLP has completed and submitted a Business Entity Disclosure Certification which certified that Nisivoccia LLP has not made any reportable contributions to a political or candidate committee in the Township of White in the previous one year, and that the contract will prohibit Nisivoccia LLP from making any reportable contributions through the term of the contract; and,

WHEREAS, the required certificate for the availability of funds has been filed by the chief financial officer providing that legally appropriated balances are available to cover the

amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned auditing and non-auditing services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of White, the Mayor and Clerk are authorized to enter into a contract with Nisivoccia LLP as described herein as auditors on and in behalf of the Township of White for the year 2017; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in a legally designated publication.

Political Contribution Disclosure. This contract has been awarded to Nisivoccia LLP based on the merits and abilities of Nisivoccia LLP to provide the goods and services as described herein. This contract was not awarded through a “fair and open” process pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Nisivoccia LLP, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c. 19. Affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the municipality when the contract is awarded.

Exhibit “A” (Mandatory Affirmative Action Language), Exhibit “B” (Employee Information Report), Exhibit “C” (Business Registration Certificate), Exhibit “D” (Business Entity Disclosure Certification), Exhibit “E” (Political Contributions Disclosure Certification), and Exhibit “F” (Insurance) are attached to and made a part of this contract.

Res. 2017-13: Motion made by Mrs. Mackey, 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 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES – TOWNSHIP ENGINEER

WHEREAS, the Township of White has a need to acquire a township engineer as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Maser Consulting P.A. has submitted a proposal, indicating they will provide the engineering services for the anticipated fee of \$136.00/hour or approximately \$50,000.000/annual; and,

WHEREAS, Maser Consulting P.A. has completed and submitted a Business Entity Disclosure Certification which certified that Maser Consulting P.A. has not made any reportable contributions to a political or candidate committee in the Township of White in the previous one year, and that the contract will prohibit Maser Consulting P.A. from making any reportable contributions through the term of the contract; and,

WHEREAS, the required certificate for the availability of funds has been filed by the chief financial officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned engineering services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of White, the Mayor and Clerk are authorized to enter into a contract with Maser Consulting P.A. as described herein as Township Engineer on and in behalf of the Township of White for the year 2017; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in a legally designated publication.

Political Contribution Disclosure. This contract has been awarded to Maser Consulting P.A. based on the merits and abilities of Maser Consulting P.A. to provide the goods and services as described herein. This contract was not awarded through a “fair and open” process pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Maser Consulting P.A., its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c. 19. affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political

party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the municipality when the contract is awarded.

Exhibit "A" (Mandatory Affirmative Action Language), Exhibit "B" (Employee Information Report), Exhibit "C" (Business Registration Certificate), Exhibit "D" (Business Entity Disclosure Certification), Exhibit "E" (Political Contributions Disclosure Certification), and Exhibit "F" (Insurance) are attached to and made a part of this contract.

Res. 2017-14: Motion made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES – MUNICIPAL ATTORNEY

WHEREAS, the Township of White has a need to acquire a municipal attorney as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Florio, Perrucci, Steinhardt and Fader LLC has submitted a proposal, indicating they will provide the attorney services for the anticipated fee of \$34,800.00/annual retainer with an additional hourly rate for matters of litigation. The total contract is not anticipated to exceed \$50,000.00 ; and,

WHEREAS, Florio, Perrucci, Steinhardt and Fader LLC has completed and submitted a Business Entity Disclosure Certification which certified that, Florio, Perrucci, Steinhardt and Fader LLC has not made any reportable contributions to a political or candidate committee in the Township of White in the previous one year, and that the contract will prohibit Florio, Perrucci, Steinhardt and Fader LLC from making any reportable contributions through the term of the contract; and,

WHEREAS, the required certificate for the availability of funds has been filed by the chief financial officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned attorney services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of White, the Mayor and Clerk are authorized to enter into a contract with Florio, Perrucci, Steinhardt and Fader LLC as described herein as attorneys on and in behalf of the Township of White for the year 2017; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in a legally designated publication.

Political Contribution Disclosure. This contract has been awarded to Florio, Perrucci, Steinhardt and Fader LLC based on the merits and abilities of Florio, Perrucci, Steinhardt and Fader LLC to provide the goods and services as described herein. This contract was not awarded through a “fair and open” process pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Florio, Perrucci, Steinhardt and Fader LLC, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c. 19. Affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the municipality when the contract is awarded.

Exhibit “A” (Mandatory Affirmative Action Language), Exhibit “B” (Employee Information Report), Exhibit “C” (Business Registration Certificate), Exhibit “D” (Business Entity Disclosure Certification), Exhibit “E” (Political Contributions Disclosure Certification), and Exhibit “F” (Insurance) are attached to and made a part of this contract.

Res. 2017-15: Tabled.

OLD BUSINESS

On December 8, 2016, the committee discussed sending a letter regarding the Route 46/Upper Sarepta Road intersection and Route 519/Route 46 intersection. The intersections have become increasingly difficult to navigate safely as traffic has picked up over the years. The clerk received a response from the Department of Transportation advising the township that a 25% cost share commitment resolution would need to be prepared, authorized and forwarded to the state. This was approved on motion by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

NEW BUSINESS

Kathryn Windsor, representing Verizon Wireless, was present to discuss getting approval for Verizon to operate in the public rights-of-way. This is needed to increase the quality of service by installing additional equipment on existing poles. This will serve to decrease the strain on the current network. The following Resolution was approved by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WHITE

No. 2017-16

Date of Adoption January 12, 2017

WHEREAS, Allentown SMSA Limited Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Township of White; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WHITE, COUNTY OF WARREN, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of White, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall

obtain any applicable permits that may be required by Township of White.

- C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of White, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of White.
- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Township of White as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Township of White nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Township of White by the Township Committee of the Township of White and attested to by the Township of White Clerk who shall affix the Township of White Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Township of White by parties that have the lawful right to maintain such poles.

A letter was received from the State of New Jersey, Division of Purchase and Property, requesting the township officially appoint a Public Agency Compliance Officer (P.A.C.O.). The appointed officer ensures compliance with Equal Opportunity Employment regulations. Kathleen Reinalda, Clerk was appointed on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable roll call vote. Herb – yes, Mackey - yes, Race – yes. Motion carried.

The committee discussed creation of a township facebook page. A resident had suggested this in the hopes that the page would be a way that the community could become better informed regarding township activities and events. This was approved on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

The township received notice from Bank of America that it would no longer provide banking services for the township’s developer’s escrow accounts. The clerk will contact various banks in order to get proposals.

The collector requested an increase in the tax clerk’s hourly rate. The committee felt that further discussion would be necessary regarding the performance of the collection office. The collector and tax clerk will be ‘Rice’ noticed for an upcoming meeting.

PUBLIC COMMENTS

None.

CORRESPONDENCE

Josh Stanley Jr. requested a ‘payment plan’ as he cannot pay his tax bill on time. Attorney Tipton suggested he research the legality of this request.

OTHER MATTERS

Mr. Herb informed the committee that a resident had contacted him regarding the noise coming from the PP&L plant across the river in Pennsylvania. Attorney Tipton said the Freeholder Board had looked into this and never received a response from PP&L. He further explained that this is not White Township’s jurisdiction. Attorney Tipton suggested he contact the resident to let her know of his findings.

On motion by Mrs. Mackey, 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, January 12, 2017, 8:21pm:

Potential or Threatened Litigation
(Zoning Complaint)

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. Herb, the meeting was re-opened to the public at 8:50p.m. Motion passed. No action was taken in Executive Session.

ADJOURNMENT

Being no further business to come before the Committee, the meeting was adjourned at 8:51 p.m. on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable roll call vote.

Respectfully Submitted,

Kathleen R. Reinalda, RMC
Township Clerk