

**WHITE TOWNSHIP COMMITTEE**

**MINUTES OF MEETING  
DECEMBER 29, 2020**

**CALL TO ORDER**

Mayor Herb called the meeting to order at 4:00 p.m. and stated ‘Adequate Notice of this ZOOM meeting of December 29, 2020 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 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 Herb, Committeewoman Collom, Clerk Kathleen Reinalda and Attorney Tipton. Committeeman Race was absent.

**RESOLUTIONS**

**Res. 2020-62:** Motion made by Mrs. Collom, seconded by Mayor Herb and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Collom – yes, Race – absent. Resolution adopted.

**RESOLUTION 2020-62  
TRANSFER RESOLUTION**

**BE IT RESOLVED** by the Township Committee of the Township of White, County of Warren, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2020 balances in the Current Fund Budget. Includes Human Resources O/E, Municipal Clerk S/W, Audit Services, Computerized Data Processing, Tax Collector O/E, Engineering O/E, Construction Official S/W, Plumbing Subcode S/W, Solid Waste Collection O/E, Buildings & Grounds O/E, Environmental Services O/E and Animal Control O/E.

**WHEREAS**, the following accounts have sufficient excess funds to meet such demands: Streets and Roads O/E.

**BE IT RESOLVED**, that in accordance with the provisions of R.S. 40A:4-58 the Chief Financial Officer is hereby authorized to make the following transfers:

TO:	Human Resources O/E	2,600.00
	Municipal Clerk S/W	5,500.00

Audit Services	9,800.00
Computerized Data Processing	21,000.00
Tax Collector O/E	1,100.00
Engineering O/E	10,000.00
Construction Official S/W	33.00
Plumbing Subcode S/W	511.00
Solid Waste Collection O/E	302.00
Buildings & Grounds O/E	4,700.00
Environmental Services O/E	40.00
Animal Control O/E	<u>8,600.00</u>
	64,186.00

FROM: Streets & Roads O/E 64,186.00

**Res. 2020-63:** Motion made by Mrs. Collom, seconded by Mayor Herb and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Collom – yes, Race – absent. Resolution adopted.

**RESOLUTION #2020-63**

**RESOLUTION TO PROVIDE FOR THE RENEWALS OF PLENARY RETAIL CONSUMPTION LICENSES FOR 2020-2021 IN THE TOWNSHIP OF WHITE, COUNTY OF WARREN, STATE OF NEW JERSEY.**

**WHEREAS**, proper applications and appropriate fees have been received by the White Township Clerk;

**WHEREAS**, Clearance Certificates have been received from the New Jersey Division of Taxation, verifying compliance with Chapter 161, Laws of N. J., by the applicants.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of White, County of Warren, State of New Jersey, that the following Plenary Retail Consumption Licenses in the Township of White, are hereby renewed for the 2020-2021 licensing year, said renewal effective December 29, 2020:

2123-33-010-004 Al's Pizza & Restaurant Inc.

**Res. 2020-64:** Motion made by Mrs. Collom, seconded by Mayor Herb and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Collom – yes, Race – absent. Resolution adopted.

**RESOLUTION 2020-64**  
**RESOLUTION OF THE TOWNSHIP OF WHITE,**  
**COUNTY OF WARREN, STATE OF NEW JERSEY**  
**TO REFUND OVERPAYMENTS FOR BLOCK 71 LOT 3.18.**

**WHEREAS**, the Township of White has received a double payment for the fourth quarter for Block 71 Lot 3.18 which now has an overpayment; and

**WHEREAS**, the overpayments totaling \$2,357.64 due to an overpayment made for fourth quarter 2020:

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of White hereby authorizes the refund of \$2,357.64 to:

CHRISTIPHER & TARA BALLANTYNE  
5 CHRISTIE CT  
BELVIDERE, NJ 07823

**Res. 2020-65:** Motion made by Mrs. Collom, seconded by Mayor Herb and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Collom – yes, Race – absent. Resolution adopted.

**RESOLUTION 2020-65**  
**RESOLUTION OF THE TOWNSHIP OF WHITE,**  
**COUNTY OF WARREN, STATE OF NEW JERSEY**  
**TO AUTHORIZE THE REFUND OF REDEMPTION MONIES TO OUTSIDE**  
**LIENHOLDER OF TAX SALE CERTIFICATE #20-00008 ON BLOCK 18 LOT 6 C0026.**

**WHEREAS**, at the White Township Municipal Tax Sale held November 13, 2020, a lien was sold on Block 18 Lot 6 C0026, also known as 26 Colby Court for delinquent 2019 sewer; and

**WHEREAS**, this lien known as Tax Sale Certificate No 20-00008 was sold to CC1 NJ II LLC for a premium of \$1,500.00; and

**WHEREAS**, the property owner, made the full payment on Certificate No 20-00008 in the amount of \$588.87 and,

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of White hereby authorizes the Chief Financial Officer to issue a check in the amount of \$1,500.00 for the Premium to:

CC1 NJ II LLC  
PO BOX 123800  
DALLAS, TX 75312

**Res. 2020-66:** Motion made by Mrs. Collom, seconded by Mayor Herb and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Collom – yes, Race – absent. Resolution adopted.

**RESOLUTION 2020-66  
RESOLUTION OF THE TOWNSHIP OF WHITE,  
COUNTY OF WARREN, STATE OF NEW JERSEY  
TO CANCEL TAX SALE CERTIFICATE #2016-00002 FOR BLOCK 16, LOT 14.**

**WHEREAS**, the Township of White has reviewed this taxpayer’s account known as Block 16 Lot 14 and has determined this tax sale certificate was redeemed by the property owner with the former tax collector and was not cancelled at that time; and,

**WHEREAS**, the Township wishes to cancel Tax Sale Certificate 2016-00002 associated with this error; and

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of White hereby authorizes the Township Tax Office to cancel Tax Sale Certificate 2016-00002.

**Res. 2020-67:** Motion made by Mrs. Collom, seconded by Mayor Herb and carried by unanimous favorable roll call vote to approve the following resolution. Herb – yes, Collom – yes, Race – absent. Resolution adopted.

**RESOLUTION 2020-67  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WHITE  
AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY  
BY  
PLANET NETWORKS, INC.**

**WHEREAS**, Planet Networks Inc (“Planet Networks”) is a provider of telecommunications services that tis authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunication services throughout New Jersey; and

**WHEREAS**, Planet Networks has petitioned the municipality for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

**WHEREAS, the Federal Communications Commission has held that that “an effective prohibition [under the Telecommunication Act of 1996] occurs where a state or local legal requirement materially inhibits a provider’s ability to engage in any of a variety of activities related to its provision of a covered service... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services.” Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and**

**WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and**

**WHEREAS, N.J.S.A 48:3-19 provides that” [t]he consent of the municipality shall be obtained for the use by a person of the poles of -another person unless each person has a lawful right to maintain poles in such street, highway or other public place;” and**

**WHEREAS, N.J.S.A 27:16-6 provides, in part that ‘[t]he board chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality unless the governing body of the municipality...shall consent thereto;” and**

**WHEREAS, N.J.S.A 46:17-8 provides that ‘[a]ny telegraph or telephone company organized under laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same.”**

**WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of the local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunication companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and**

**WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.**

**NOW THEREFORE BE IT RESOLVED THAT:**

**1)That the governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:**

**a) Planet Networks shall adhere to all applicable federal, State, and local laws in**

connection with its use of the public right- of- way

b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;

c) Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of the Planet Network's use of the public right-of -way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.

d) Planet Networks shall procure and maintain, at its cost and expense, 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 and shall include the municipality as an additional insured on said insurance policy.

e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.

f) Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to the consent.

g) That the TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WHITE is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of the resolution.

**STATEMENT:** This resolution authorizes and consents to Planet Networks, Inc installation of fiber optic cables and related facilities on new and existing utility poles and conduits with public rights-of-way.

## **NEW BUSINESS**

2021 appointments will be discussed in Executive Session.

## **OLD BUSINESS**

Attorney Tipton researched the request from Chris Pozarycki, regarding amending the CC Zone in order to proceed with his liquor license application. The application included licensed areas of the property for which Jack's Barn does not have zoning approval. As stated at the last meeting, Mr. Pozarycki explained that his attorney suggested the township consider altering the zone to allow serving of liquor rather than coming back in front of the Board of Adjustment to obtain the necessary approvals. Attorney Tipton said the committee could amend the CC Zone rather than sending Mr. Pozarycki back to the Board of Adjustment. Motion made by Mrs. Collom, seconded by Mayor Herb and carried by unanimous favorable roll call vote to authorize Engineer Sterbenz and Attorney Tipton to prepare an ordinance to amend the CC Zone to allow the serving of liquor. Collom – yes, Herb – yes, Race – absent. Motion carried.

**PUBLIC COMMENTS**

None.

**PRESENTATION OF VOUCHERS**

On motion by Mrs. Collom, seconded by Mayor Herb 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>
16910	500.00	BHS Project Graduation
16911	71.44	CenturyLink
16912	50.00	Computer Images Web
16913	88.40	Comcast
16914	90.00	J.C. Ehrlich Co., Inc.
16915	235.12	Elizabethtown Gas
16916	176.84	Elizabethtown Gas
16917	2,525.00	Gebhardt & Kiefer
16918	2,087.63	JCP&L
16919	15,544.86	Maser Consulting P.A.
16920	223.50	Michelle Trivigno
16921	29,500.00	Mt. Lake Fire Co.
16922	135.85	Ready Refresh by Nestle
16923	8,580.00	Nisivoccia LLP
16924	1,105.70	NJ American Water Co.
16925	334.44	NJ Advance Media
16926	84.55	Staples Credit Plan
16927	464.00	TGM Services
16928	175.00	Treasurer, State of NJ
16929	1,000.00	US Postal Service
16930	420.00	Vital Communication
16931	286.72	Warren Materials
16932	1,800.00	White Twsp. Board of Education
16933	500.00	White Twsp. PTO
16934	605.99	Maser Consulting P.A.
16935	2,357.64	Christipher & Tara Ballantyne

TOAL.....\$68,942.68

**DEVELOPER'S ESCROWS**

1262	132.00	Gebhardt & Kiefer
1263	1,270.50	Gebhardt & Kiefer
1264	363.00	Gebhardt & Kiefer

1265	247.50	Gebhardt & Kiefer
1266	2,112.00	Gebhardt & Kiefer
1267	412.50	Gebhardt & Kiefer
1268	3,434.65	Suburban Consulting Engineers Inc.
1269	2,591.25	Brightview Engineering
1270	1,317.00	Maser Consulting P.A.
1271	981.12	Maser Consulting P.A.
1272	229.14	Maser Consulting P.A.
1273	187.50	Maser Consulting P.A.

**GRAVEL PIT ESCROWS**

241	2,239.69	Maser Consulting P.A. (for BS&G)
238	1,275.74	Maser Consulting P.A. (for HS&G)

**SEWER ACCOUNT**

1370	1,310.00	Maser Consulting P.A.
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**DOG ACCOUNT**

1184	5.40	NJ Dept. of Health & Human Services
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TOTAL ALL FUNDS.....\$87,051.67

On motion by Mrs. Collom, seconded by Mayor 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, December 29, 2020, 4:39 pm:

Personnel Matters  
(2021 Appointments)



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. Collom, seconded by Mayor Herb, the meeting was re-opened to the public at 5:04p.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 5:05 p.m. on motion by Mrs. Collom, seconded by Mayor Herb and carried by unanimous favorable roll call vote.

Respectfully Submitted,

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Kathleen R. Reinalda, RMC  
Township Clerk