

## WHITE TOWNSHIP COMMITTEE

## MINUTES OF MEETING MAY 10, 2023

Mayor Skoog called the meeting to order at 5:30 p.m. and stated ‘Adequate Notice of this meeting of May 10, 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, Deputy Clerk Brielle Whitmore and Attorney Tipton were present for the meeting. Clerk Kathleen Reinalda was absent.

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, May 10, 2023, 5:30 pm:

Litigation  
(JAINDL)

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 Dr. Hyndman, seconded by Mr. Herb, the meeting was e-opened to the public at 5:40 p.m. Motion passed. No action was taken in Executive Session.

## **2023 BUDGET INTRODUCTION**

Township Auditor, John Mooney was present to introduce the 2023 municipal budget. No increase in the municipal tax rate.

Motion to adopt the following resolution made by Mr. Herb, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote. Herb – yes, Hyndman – yes, Skoog – yes. Resolution adopted.

### **SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of White has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of White that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly

- stated,
- b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Motion to introduce the COLA Ordinance on first reading made by Mr. Herb, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote. Herb – yes, Hyndman – yes, Skoog – yes. Motion carried.

**CALENDAR YEAR 2023  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of White in the County of Warren finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$55,369.34 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of White, in the County of Warren, a majority of the full authorized membership of this

governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of White shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$55,369.34 and that the CY 2023 municipal budget for the Township of White be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion made by Dr. Hyndman, seconded by Mr. Herb and carried by unanimous favorable roll call vote to introduce the 2023 Municipal Budget on first reading. A complete copy of the budget is available for public inspection in the office of the municipal clerk. Herb – yes, Hyndman – yes, Skoog – yes. Motion carried. Public Hearing scheduled for June 14<sup>th</sup> at 6PM.

## **ENGINEERING UPDATE**

Paul Sterbenz reported on the following:

- Route 46 Sewering –cost estimates for the Beckett force main will be prepared for the June 14<sup>th</sup> meeting.
- Stormwater Management Grants – \$25,000 has been received from the State of NJDEP as the initial grant to comply with Tier A requirements. The remaining \$50,000 will be awarded once the State approves the township’s Stormwater Pollution Prevention Plan.
- Topsoil Protection Ordinance – Mr. Sterbenz provided a draft of the amended topsoil protection ordinance. It will be presented for first reading June 14<sup>th</sup>.
- A&P Redevelopment Plan – the owner of the old A&P site has decided to have a marketing study done. The Redevelopment Plan will be tabled until the results of the marketing study are complete.
- Recreation Grant – The township received a grant for pickleball courts in the amount of \$82,000.00. Mr. Sterbenz will provide a cost estimate for the entire project for the June 14<sup>th</sup> meeting.
- 2023 Road Improvement Projects – funds have been earmarked in the 2023 budget.

Waiting for adoption on June 14<sup>th</sup> in order to proceed.

- 5 Acres Request for Site Plan – Mr. Accetturo has not filed the requested site plan application to the Board of Adjustment. The committee requested a firm deadline of June 1<sup>st</sup>. Mr. Sterbenz will contact Mr. Accetturo’s attorney.
- NJ Highlands Council Presentation – Ben Spinelli and Corey Piasecki were present to discuss grant funding available through the Highlands Council for stormwater compliance. The Highlands Council feels that providing grant funds will aid in good planning for NJ towns regardless of their compliance status with Highlands rules and regulations. Mr. Sterbenz cautioned that the Council will want to review all planning and zoning board applications. No action was taken.

## **RESOLUTIONS**

Res. 2023-23: Tabled for CFO review.

## **ORDINANCES – ADOPTION**

- A. Ord. 2023-02: Public Hearing was held April 12<sup>th</sup>. Motion to adopt the following Ordinance after public hearing made by Dr. Hyndman, seconded by Mr. Herb and carried by unanimous favorable roll call vote. Herb -yes, Hyndman – yes, Skoog – yes.

### **ORDINANCE 2023-02**

#### **SECTION 1. PURPOSE OF THE ORDINANCE**

The Township hereby grants to Comcast of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Township of a cable television and communications system. This consent is subject to the terms and conditions of this Ordinance and upon the condition that the Company accepts the provisions of this Ordinance and confirms that it shall comply with the commitments contained herein.

#### **SECTION 2. DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Township" or "Municipality" is White Township, County of Warren, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Northwest New Jersey, LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Cable Service" means the one-way transmission to subscribers of (i) video programming or (ii) other programming service, and subscriber interaction, if required for the selection or use of such video programming or other programming service.
- h. "Application" is the Company's Application for of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

### **SECTION 3. STATEMENT OF FINDINGS**

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of the Company to receive this consent, and the representations of the Company that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

### **SECTION 4. DURATION OF FRANCHISE**

The non-exclusive Municipal Consent granted herein shall expire 10 years from the Effective Date.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

### **SECTION 5. FRANCHISE FEE**

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Township two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for Cable Service in the Township or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

#### **SECTION 6. FRANCHISE TERRITORY**

The consent granted under this Ordinance for the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

#### **SECTION 7. EXTENSION OF SERVICE**

The Company shall be required to proffer Cable Service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application. For purposes of this section and the Company's implementation of the LEP, a home shall only be counted as a "dwelling unit" if such home is within two hundred seventy-five (275) feet of the public right of way.

#### **SECTION 8. CONSTRUCTION REQUIREMENTS**

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as reasonably good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the City shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the City, shall remove, re-lay or relocate its equipment, at the expense of the Company.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

#### **SECTION 9. CUSTOMER SERVICE**

In providing Cable Service to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to**

**regulatory agencies and notification of same to customers.**

**b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.**

- c. Nothing herein shall impair the right of any subscriber or the Township to express any comment with respect to telephone accessibility to the Complaint Officer or impair the right of the Complaint Officer to take any action that is permitted under applicable law.

## **SECTION 10. MUNICIPAL COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the Complaint Officer for the Township pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Township shall have the right to request copies of records and reports pertaining to complaints by Township customers from the OCTV.

## **SECTION 11. LOCAL OFFICE**

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving local complaints regarding the quality of service, equipment malfunctions, and similar matters.

## **SECTION 12. PERFORMANCE BONDS**

During the life of the franchise the Company shall give to the municipality a performance bond in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

## **SECTION 13. SUBSCRIBER RATES**

The rates of the Company shall be subject to regulation as permitted by federal and state law.

## **SECTION 14. COMMITMENTS BY THE COMPANY**

a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet to each qualified existing and future school in the Township, public and private, elementary, intermediate, and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service.

b. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet to every to the Municipal building and each qualified existing and future municipal building, in the Township provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus



labor basis by the Township.

c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Township a one-time PEG Access Capital Grant in the amount of \$15,000 to meet the PEG Access capital needs of the community.

d. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

## **SECTION 15. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS**

- a. The Company shall continue to make available a system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Company's published public access rules.
- b. The Company shall continue to provide a system-wide leased access channel maintained by the Company for the purpose of cablecasting commercial leased access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.
- c. The Company shall not exercise editorial control over any educational or governmental use PEG Access channels, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.
- d. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.

## **SECTION 16. EMERGENCY USES**

- a. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the Municipality is unable to make full use of the cable television system as contemplated herein.

## **SECTION 17. LIABILITY INSURANCE**

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

**SECTION 18. INCORPORATION OF THE APPLICATION**

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

**SECTION 19. COMPETITIVE EQUITY**

Should the Municipality grant a franchise or other authorization to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

**SECTION 20. SEPARABILITY**

If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**SECTION 21. THIRD PARTY BENEFICIARIES**

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

**SECTION 22. NEW DEVELOPMENTS**

The Municipality shall endeavor to exercise reasonable efforts to require developers and utility companies to provide the Company with at least fifteen (15) days advance notice of an available open trench for the placement of necessary cable.

**SECTION 23. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon issuance of a Certificate of Approval from the BPU.

**ORDINANCES – FIRST READING**

**A. Ord. 2023-05:** Motion made by Mr. Herb, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to introduce Ordinance 2023-05 on first reading. Herb – yes, Hyndman – yes, Skoog – yes.

**AN ORDINANCE ESTABLISHING THE SALARY RANGES OF TOWNSHIP OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WHITE, COUNTY OF WARREN, STATE OF NJ 2023**

Ordinance 2023-05

Section 1: Retroactive to January 1, 2023, the annual salary ranges and hourly wage ranges of the officials and other employees

hereinafter named shall be as follows:

Position	2023 Salary Range			Pay Frequency	
	(-15%) Low	Mid	(+15%) High		
Committee	\$3,297.15	\$3,879.00	\$4,460.85	***	Annual
Committee	\$3,297.15	\$3,879.00	\$4,460.85	***	Annual
Committee	\$3,297.15	\$3,879.00	\$4,460.85	***	Annual
Municipal Clerk, QPA, Registrar	\$71,700.00	\$84,353.00	\$97,006.00	*	Annual
Deputy Clerk; Dog Licensing Official; Webmaster; Dep Registrar	\$54,183.00	\$63,745.00	\$73,307.00	**	Annual
Land Use Secretary, Construction Secretary					
Clerical Assistant; Alternate Registrar	\$17.00	\$20.00	\$23.00		Hourly
CFO	\$25,624.00	\$30,147.00	\$34,670.00	*	Annual
Deputy CFO (Deputy Treasurer)	\$33.00	\$48.00	\$63.00	*	Hourly
Tax Collector	\$14,983.00	\$17,628.00	\$20,273.00	*	Annual
Tax Clerk	\$19.00	\$23.00	\$27.00	*	Hourly
Sewer Utility Clerk	\$9,989.00	\$11,752.00	\$13,515.00	*	Annual
Tax Assessor	\$24,650.00	\$29,000.00	\$33,350.00	*	Annual
Assessment Search Officer		\$500.00		*	Annual
Building Inspector	\$16,150.00	\$19,000.00	\$21,850.00	**	Annual
Clerical Assistant to the Construction Office	\$8,500.00	\$10,000.00	\$11,500.00	*	Annual
Electrical Inspector	\$8,500.00	\$10,000.00	\$11,500.00	**	Annual
Plumbing Inspector	\$5,950.00	\$7,000.00	\$8,050.00	**	Annual
Board of Adjustment Secretary	\$5,100.00	\$6,000.00	\$6,900.00	**	Annual
Planning Board Secretary	\$10,200.00	\$12,000.00	\$13,800.00	**	Annual
Planning Board Secretary - Special Meetings		\$200.00		as billed	Per Occurance
Environmental Commission Secretary		\$100.00		as billed	Per Occurance
Open Space/Ag Committee Secretary		\$100.00		as billed	Per Occurance
Emergency Management Coordinator	\$4,250.00	\$5,000.00	\$5,750.00	***	Annual
Deputy Emergency Management Coordinator	\$850.00	\$1,000.00	\$1,150.00	***	Annual
Road Supervisor	\$32.00	\$38.00	\$44.00	*	Hourly
Assistant Road Supervisor	\$28.05	\$33.00	\$37.95	*	Hourly
Truck Driver/Laborer	\$24.65	\$29.00	\$33.35	*	Hourly
Laborers	\$18.70	\$22.00	\$25.30	*	Hourly
Building Maintenance Worker	\$14.45	\$17.00	\$19.55	*	Hourly
Seasonal DPW Laborer	\$25.50	\$30.00	\$34.50	*	Hourly

Section 2: The following is the schedule of payment of the above-stated wages and salaries:

\* Bi-Weekly    \*\*Monthly    \*\*\* Quarterly

Section 3: This ordinance shall take effect immediately on final passage and publication as provided by law.

Section 4: This ordinance shall repeal all other ordinances or portions of ordinances inconsistent herewith.

## **OLD BUSINESS**

Mayor and Committee finalized amendments to the ordinance combining the Environmental Commission/Open Space Committee/Agricultural Advisory Boards. Motion made by Mr. Herb, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to introduce the following ordinance on first reading. Public Hearing scheduled for June 14<sup>th</sup>.

### **ORDINANCE 2023-06**

## **ORDINANCE OF THE TOWNSHIP OF WHITE, COUNTY OF WARREN, STATE OF NEW JERSEY TO REPEAL AND REPLACE CHAPTER 33 – FARMLAND PRESERVATION AND OPEN SPACE TRUST FUND AND TO REPEAL CHAPTER 23 ENVIRONMENTAL COMMISSION FOR THE CODE OF THE TOWNSHIP OF WHITE**

**WHEREAS**, the Township Committee of White has examined both Chapter 33 and Chapter 23 to consider combining the Committee and Commission to one Committee; and

**WHEREAS**, the Township Committee has determined that combining the Committee and Commission would be more effective and efficient for such bodies to carry out their respective duties and obligations; and

**NOW, THEREFORE, BE IT ORDAINED** by the Committee of the Township of White, County of Warren, State of New Jersey that Chapter 33 the Code of the Township of White shall be repealed and replaced as follows and Chapter 23 shall be repealed in its entirety:

### Section 1:

#### **ARTICLE I**

### **Farmland Preservation and Open Space Trust Fund**

#### **§ 33-1. Establishment; purpose.**

- A. There is hereby established a reserve in the Other Trust Fund which shall be known and designated as the "Farmland Preservation and Open Space Trust Fund." A special bank account shall be opened and maintained for this purpose. Funds from the Farmland Preservation and Open Space Trust Fund may, as directed by the Township Committee, be utilized to acquire by gift, purchase or by eminent domain, vacant land, easements other than development easements, and land which has improvements upon it at the time of acquisition. Development easements shall be acquired only by purchase pursuant to contract with the landowner. The principal purpose of the acquisition shall be for any or all of the following purposes, or any combination thereof:

- (1) The purchase of property, easements or development rights within the Township of White for the preservation of farmland, active and passive recreation, or the protection of drinking water sources;
- (2) Acquisition of lands or easements for recreation and conservation purposes;
- (3) Development of lands acquired for recreation and conservation purposes;
- (4) Payment of debt service on indebtedness issued or incurred by the Township of White for any of the purposes set forth in Subsection A(1) through (3) above.

B. Any such land or improvements purchased hereunder shall be held by White Township in trust for the benefit of Township residents.

### **§ 33-2. Apportionment and allocation of funds.**

The Township Committee, after reviewing any recommendations of Open Space Committee and the holding of a public hearing thereon, shall apportion and allocate the monies from the Farmland Preservation and Open Space Trust Fund.

### **§ 33-3. Funding.**

The Farmland Preservation and Open Space Trust Fund shall be funded through the dedication to the fund of an amount of \$0.02 per \$100 of assessed valuation of each annual tax levy commencing with the tax and budget year 1999. The fund shall also be permitted to accept donations and testamentary bequests. The accumulated receipts and deposits within the fund may be utilized for the purposes set forth in § 33-1 herein. Any and all interest accruing shall be retained in and used for the same purposes as established in accordance with § 33-1 herein.

## ARTICLE II **Open Space Committee**

### **§ 33-4. Establishment.**

There is hereby established an Open Space Committee comprised of Township residents appointed by the Mayor with the consent of the other members of the Township Committee each year at the annual Township reorganizational meeting. The Open Space Committee shall consist of three regular members and two alternate members.

### **§ 33-5. Term of office; duties.**

Three of the members shall be Township residents actively engaged in farming and owning at least a portion of the land they farm. The Open Space Committee shall have, within the appropriations which may be established by the Township Committee, the following duties:

- A. In cooperation with the landowners, identify farmland and open space suitable for preservation;
- B. Establish guidelines for the preservation of farmland and open space;
- C. Establish an application process for the landowners interested in preserving farmland and open space;

- D. Educate the public about farmland and open space preservation programs, and the compensation therefor;
- E. Evaluate and recommend to the Township Committee, with the cooperation and approval of landowners, specific properties and projects for inclusion in the Farmland Preservation and Open Space Trust Fund program, and the amount of public funds needed to be expended therefor;
- F. Evaluate and recommend to the Township Committee appropriate funding mechanisms for the preservation of farmland and open space;
- G. The Open Space Committee is established for the protection, development or use of natural resources, including water resources, located within the territorial limits of the Township of White. The Open Space Committee shall have power to conduct research into the use and possible use of the open land areas of the Township and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the Planning Board plans and programs for inclusion in the Master Plan and the development and use of such areas. The Open Space Committee 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.
- H. Advise the Township Committee on stormwater management concerns and issues throughout the Township existing or related to development in the Township.
- I. Meet on a regular basis in order to properly discharge its functions herein, subject to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.;
- J. Provide written monthly reports to the Township Committee and Planning Board on the status of all farmland preservation and open space acquisition efforts;
- K. Keep and maintain, in an appropriate place in the municipal building, comprehensive records of its proceedings and all the studies and reports it has generated or received in connection with its work.

#### **§ 33-6. Review and report.**

In the event that no property or easements are acquired under this chapter for a period of five consecutive years, then the Township Committee shall review the activities of the Open Space Committee and issue a report with recommendations and conclusions concerning the continuation of the fund.

#### **§ 33-7. Agriculture Advisory Committee; appointment; term; duties. [Amended 12-26-2003 by Ord. No. 2003-27]**

There is hereby created a committee known as the "Agriculture Advisory Committee." The Agriculture Advisory Committee shall be comprised of three members, all of whom shall be actively engaged in farming and owning at least a portion of the land they farm. In addition, the Agriculture Advisory Committee may have two alternate members. The members of the Agriculture Advisory Committee shall be appointed by the Mayor with the consent of the other members of the Township Committee at the annual reorganizational meeting. The term of office for all members shall be for three years. The duties of the Agriculture Advisory Committee shall be as follows:

- A. Provide expertise and advice regarding farmland preservation to the Open Space Committee, the Township Committee, and the Township Planning Board.
- B. Comply with the New Jersey Planning Incentive Grant ("PIG") program, N.J.A.C. 2:76-17.1, et seq.
- C. Meet on a regular basis in order to properly discharge its functions herein, subject to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.
- D. File periodic reports with the Township Planning Board as required by N.J.A.C. 2:76-17.4(a)1, and provide copies of same to the Township Committee and to the Open Space Committee.
- E. Perform those mediation duties set forth in § 217-4A and B of the Township Code.
- F. Keep and maintain, in an appropriate place in the municipal building, comprehensive records of its proceedings and all studies and reports it has generated or received in connection with its work.

**§ 33-8. Secretaries; funding. [Amended 2-5-2004 by Ord. No. 2004-1; 5-6-2004 by Ord. No. 2004-9]**

There is hereby created the position of Secretary, White Township Open Space Committee and White Township Agriculture Advisory Committee. One individual shall serve both Committees. Said positions shall be funded within the limits appropriated by the Township Committee by ordinance.

**ARTICLE III  
Sale of Property**

**§ 33-9. Authorization required.**

No property acquired with the funds from the Farmland Preservation and Open Space Trust Fund shall be leased or sold unless action has been authorized by the Township Committee pursuant to law.

**§ 33-10. Disposition of property acquired.**

The Township Committee, after at least one public hearing thereon, and upon a finding that the purposes of this chapter might otherwise be better served or that any land acquired by White Township pursuant to this chapter is required for another public use, may, by ordinance, convey

through sale, exchange, transfer or other disposition, title to or a lesser interest in that land, provided that White Township shall replace any land conveyed under this section by land of at least equal fair market value and of reasonably equivalent usefulness, size, quality and location to the land conveyed. Any money derived from the conveyance shall be deposited into the fund created herein.

### **§ 33-11. Compliance with other laws.**

Any conveyance made pursuant to this section shall be made in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. In the event of conveyance by exchange, the land or improvements thereon to be transferred to the trust shall be at least equal in fair market value and of reasonably equivalent usefulness, size, quality and location to the land or improvements transferred from the trust.

#### 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.

Brielle Whitmore updated the committee on the County of Warren Bicentennial Cultural & Heritage Affairs Historic Marker Grant Program Meeting she and the clerk attended on April 29<sup>th</sup>. The County is seeking participation by all towns to identify a historic place, person, event, etc. that will be marked with a sign with a brief description of what makes that place in the township historic. The deadline for participation is August.

The meeting scheduled for Monday, April 17<sup>th</sup> with representatives from the NJDOT, Assemblyman Dimaio, Engineer Sterbenz and Senator Steinhardt to discuss the Rt. 46 and Rt. 519 intersection congestion was postponed.

### **NEW BUSINESS**

Road Supervisor, Ron Smith was in attendance. He offered Clay McEvoy the DPW Laborer position at a starting salary of \$61,000.00. Mr. McEvoy has not yet officially accepted the position.

The committee reviewed a proposal from Common Sense for Animals to charge a



monthly 'retainer' of \$200. Numerous questions were debated as this fee has never been charged before. The deputy clerk will contact Common Sense for more information.

### **PRESENTATION OF MINUTES**

Motion to approve the April 12, 2023 Regular Meeting Minutes, April 12, 2023 Executive Session Meeting Minutes, April 26, 2023 Regular Meeting Minutes, April 26, 2023 Executive Session Meeting Minutes and May 5, 2023 Special Meeting Minutes as presented 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 Mr. Herb, seconded by Dr. Hyndman 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>
18002	State Treasurer	50.00
18003	ABE Paving LLC	7,693.29
18004	ARAE Network Solutions LLC	8,003.50
18005	Brightspeed	74.09
18006	C&M Auto Parts	200.67
18007	Colliers Engineering & Design	7,791.41
18008	Comcast	784.27
18009	Delaware Valley Septic	1,250.00
18010	Econo Signs	384.64
18011	Edmunds GovTech	7,167.51
18012	Rentokil	97.68
18013	Elizabethtown Gas	211.79
18014	Florio, Perrucci, Steinhardt & Fader	2,900.00
18015	Fred Beans Ford of Washington	147.37
18016	Garden State Highway Products	299.50
18017	GenServe Inc.	1,450.00
18018	Home Depot Credit Services	569.43
18019	Horizon Blue Cross Blue Shield of NJ	386.38
18020	JCP&L	841.38
18021	L.E. Ritter Lumber Company	977.65
18022	Linda Gabel	500.00
18023	Mayberry Sales & Service	911.95
18024	Montage Enterprises Inc.	256.00
18025	North East Parts Group LLC	215.10
18026	ReadyRefresh by Nestle	98.73
18027	Nisivoccia LLP	10,000.0
18028	NJ American Water Company	1,354.70
18029	NJ Advance Media	12.80
18030	NJ Landscape Contractors	6,898.75

18031	Eurofins Environment Testing	267.50
18032	Rigo's Hardware	55.24
18033	R.R. Donnelly	99.00
18034	Staples Credit Plan	125.97
18035	State Treasurer	100.00
18036	Tractor Supply Credit Plan	89.82
18037	Treasurer's Office Warren CTY	990,166.40
18038	U.S. Municipal	342.18
18039	Verizon Wireless	227.07
18040	Vital Communications	840.00
18041	White Twsp. Board of Education	655,161.00
18042	Xerox Corporation	554.74
18043	United Presbyterian Church	1,000.00
18044	Horizon Blue Cross Blue Shield of NJ	386.38

TOTALS.....\$1,710,943.89

Developer Escrow Account

1522	Suburban Consulting Engineers	510.00
1523	Colliers Engineering & Design	165.38
1524	Suburban Consulting Engineers	170.00
1525	Bright View Engineering	390.00

Dog Account

1214	NJ Dept. of Health & Senior Services	10.20
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Gravel Pit Escrows

261	Colliers Engineering & Design	255.00 (for HS&G)
256	Colliers Engineering & Design	325.00 (for Hoffman)

Sewer Account

1401	Colliers Engineering & Design	85.00
1402	Edmunds GovTech	3464.46

Current Fund – Manual

2441	Payroll Account	17,342.94
2442	Payroll Account	23,934.37
2443	Payroll Account	17,805.79

TOTAL ALL ACCOUNTS.....\$1,775,402.03

**PUBLIC COMMENT**

Frank Panetta asked the status of the proposed electronic sign to be cost shared with the school. Mr. Herb said the township’s budget will be adopted June 14<sup>th</sup>. Further discussion can proceed upon adoption.

**OTHER MATTERS**

Mr. Herb said he had heard that Mr. Godfrey would be resigning from the Warren County PRMUA. He requested a letter be sent to the County Commissioners requesting appointment of a governing body member.

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:

3. The public shall be excluded from discussion, and action upon the hereinafter specified subject matter, May 10, 2023, 8:30 pm:

Litigation  
(JAINDL)

4. 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 Dr. Hyndman, seconded by Mr. Herb, the meeting was e-opened to the public at 8:33 p.m. Motion passed. No action was taken in Executive Session.

**ADJOURNMENT**

Being no further business to come before the Mayor and Committee, the meeting was adjourned at 8:34 PM on motion by Mr. Herb, seconded by Dr. Hyndman and carried by unanimous favorable vote.

Respectfully Submitted,

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Kathleen R. Reinalda, RMC  
Township Clerk