

# WHITE TOWNSHIP COMMITTEE

# MINUTES OF MEETING SEPTEMBER 14, 2017

## CALL TO ORDER

Mayor Race called the meeting to order at 7:00 p.m. and stated ‘Adequate Notice of this meeting of September 14, 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.

## ENGINEERING UPDATE

Engineer Sterbenz reported on the following:

- The Planning Board reviewed and adopted the Housing Element and Fair Share Plan. The township will have affordable housing protection until 2025.

Motion made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote to adopt the following Resolution. Herb – yes, Mackey – yes, Race – yes.

### RESOLUTION 2017-42

#### A RESOLUTION OF THE TOWNSHIP OF WHITE ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN

**WHEREAS**, in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), the Township of White filed an action for declaratory judgment requesting that the Court declare that the Township has complied with its constitutional obligation to provide a realistic opportunity for the development of housing that is affordable to low- and moderate-income families and individuals; and

**WHEREAS**, the Township entered into a Settlement Agreement with the Fair Share Housing Center dated December 8, 2016, which was reviewed by the Court at a Fairness Hearing held on March 9, 2017, and

**WHEREAS**, following the Fairness hearing, the Court entered an Order dated June 23, 2017, determining that the Settlement Agreement adequately protects, and is fair and reasonable to, low and moderate income households in the Township and its housing region; and

**WHEREAS**, the Court Order dated June 23, 2017 ordered the Township to prepare and adopt an amended Housing Element and Fair Share Plan and ordinances necessary to implement the Settlement Agreement; and

**WHEREAS**, per the terms of the Court Order dated June 23, 2017 and Settlement Agreement, the Township's Planner prepared a Housing Element and Fair Share Plan, which was reviewed by the Township of White Planning Board, and is attached hereto as Attachment A; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Township of White Planning Board held a public hearing and adopted the Housing Element and Fair Share Plan on July 11, 2017 and passed a Resolution memorializing the adoption of the Housing Element and Fair Share on August 8, 2017; and

**WHEREAS**, the Township Committee desires to endorse the Housing Element and Fair Share Plan, and seek approval of the Housing Element and Fair Share Plan from the Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Committee of the Township of White, County of Warren, State of New Jersey as follows:

That it hereby endorses the Housing Element and Fair Share Plan, which is attached hereto as Attachment A, as adopted by the Township of White Planning Board.

That it authorizes and directs its professionals to file with the Court:

The Housing Element and Fair Share Plan; and

Any additional documents the professionals deem necessary or desirable to demonstrate compliance with the Settlement Agreement.

That it authorizes its professionals to seek Court approval of the Housing Element and Fair Share Plan at a properly noticed Compliance Hearing.

That it reserves the right to amend the Housing Element and Fair Share Plan, should it be necessary.

This Resolution shall take effect immediately.

- Motion made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous

favorable roll call vote to approve Engineer Sterbenz to submit the 2018 DOT Grant Application (Res. 2017-41) for Hope Crossing Road. Herb – yes, Mackey – yes, Race – yes. Motion carried.

- Mr. Sterbenz reported that Geo Peak would like to get started on the solar project located on the DSM property. A decommissioning plan is required, however, it is not in place yet. Geo Peak is seeking approval to start without the decommissioning plan. 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.
- Engineer Sterbenz gave the annual stormwater educational presentation. White Township continues to hold its Tier B status, however, the requirements may become more stringent over the next couple of years. Mr. Sterbenz will keep the township informed.

#### **PUBLIC COMMENTS**

Sharon Haggerty commented that she heard there was consideration being given to pave Spring Lane. She said she would like it to remain dirt.

Chanda Collum requested the letters previously sent to the County and the State regarding the safety conditions located at Rt. 519 and Rt. 46 and Rt. 46 and Upper Sarepta Rd. be re-sent to bring attention to this matter.

#### **ORDINANCES – PUBLIC HEARING**

Motion made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable roll call vote to open the public hearing on the following ordinance. Being no comments, motion to close the public hearing made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable roll call vote. Motion to adopt the following ordinance made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Ordinance 2017-3 adopted.

#### **ORDINANCE No. 2017- 3**

#### **AN ORDINANCE AMENDING SECTION 160-121 ENTITLED “ECHO HOUSING UNITS” OF THE CODE OF THE TOWNSHIP OF WHITE**

**WHEREAS**, Elder Cottage Housing Opportunities (“ECHO”) units are small, removable modular cottages put on a concrete slab or treated wood foundation in a back or side yard of a home; and

**WHEREAS**, these units are specifically designed to permit seniors or people with

disabilities to live independently, but close to family members and care givers; and

**WHEREAS**, Section 160-121 of the Code of the Township of White (“Township Code”) permits ECHO units as conditional uses on property improved with a single-family residential home; and

**WHEREAS**, previously ECHO units were managed and provided for through a variety of government programs and Section 160-121 of the Township Code required that ECHO units be owned or provided by a government agency; and

**WHEREAS**, currently there are no government programs operating in Warren County providing ECHO units, therefore, it is impossible for residents to comply with all conditions of Section 160-121 of the Township Code; and

**WHEREAS**, the Township Planning Board recognizes the importance of allowing residents to provide ECHO housing to elderly or disabled family members and recommends that the Township continue to allow the placement of ECHO units despite the termination of government programs supporting ECHO units; and

**WHEREAS**, the Township Committee agrees with the recommendation of the Planning Board and desires to amend its ordinances accordingly.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Committee of the Township of White that Section 160-121 entitled “ECHO Housing Units” of the Code of the Township of White (“Code”) is hereby amended, in part, as follows:

**Section 1.** Delete subsection (f) in its entirety. The remaining subsections in Section 160-121 shall be re-lettered accordingly.

**Section 2.** Portions of the Code not set forth above shall remain unchanged:

**Section 3.** This ordinance shall take effect upon adoption by the Township Committee in accordance with the law.

**Section 4.** 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**

**Resolution 2017-39:** Motion made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote to adopt the following resolution. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

**RESOLUTION 2017-39  
RESOLUTION IN SUPPORT OF THE {F.O.P.}  
FIBRODYSPLASIA  
OSSIFICANS PROGRESSIVA AWARENESS INITIATIVE**

**WHEREAS, Fibrodysplasia Ossificans Progressiva { FOP } is a rare genetic condition in which the body makes additional bone in locations where bone should not form, such as within muscles, tendons, ligaments, and other connective tissues, which in time produces a ' second skeleton ' that immobilizes the joints of the body; and**

**WHEREAS, one in every seven Americans suffer from musculoskeletal impairment causing physical disability and severe long-term pain; and**

**WHEREAS, the symptoms of FOP usually begin in the first or second decade of life, with the majority of patients diagnosed by the age of 10 depriving children of normal development; and**

**WHEREAS, FOP is considered an orphan disease whereby it affects so few people and there are less than 12 diagnosed cases in New Jersey and approximately 250 in the nation; and**

**WHEREAS, musculoskeletal research is close to achieving major breakthroughs that likely will change and simplify the way bone and joint disorders are treated and prevented throughout the world; and**

**WHEREAS, there is a need for greater awareness of this disorder, its symptoms and the obstacles faced by persons and families affected by this disorder.**

**NOW, THEREFORE, BE IT RESOLVED that the White Township Mayor and Committee, in the County of Warren and State of New Jersey, hereby applaud and recognize Gary W. Whyte as an outstanding individual for his tenacious drive to support and help so many within the community for the awareness of Fibrodysplasia Ossificans Progressiva { FOP } and urge the medical community to continue researching for treatment and a cure for this rare genetic disorder.**

**I hereby certify that the foregoing is a true copy of the resolution passed by the Mayor and Committee at the meeting held on the 14th day of September, 2017.**

**Resolution 2017-40:** Motion made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote to adopt the following resolution. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

**RESOLUTION 2017-40**

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

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

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

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

### **NEW BUSINESS**

Motion made by Mrs. Mackey, seconded by Mayor Race with Mr. Herb abstaining to authorize the ‘Agreement to Sell Development Easement – DeBoer Farm’ and to receive quotes for survey and title work. Herb – abstain, Mackey – yes, Race – yes. Motion carried.

The animal control officer recommended an ordinance amendment to clarify ‘dogs running at large’ in the township. Attorney Tipton will draft the ordinance for first reading in October.

### **OLD BUSINESS**

Mr. Herb requested research be done to see if the township’s insurance provider could offer any cost savings to the Youth Athletic Association. Mayor Race said he would follow up.

### **PUBLIC COMMENTS**

None.

### **ORDINANCES – FIRST READING**

Ord. 2017-04: Motion to introduce the following ordinance on First Reading made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Motion carried. Public Hearing will be scheduled for October 12<sup>th</sup>.

**ORDINANCE 2017-04**  
**AN ORDINANCE AMENDING SECTION 107 (FENCES AND RETAINING WALLS), OF ARTICLE XIII (GENERAL ZONING PROVISIONS), OF CHAPTER 160 (LAND USE) OF THE CODE OF THE TOWNSHIP OF WHITE**

**WHEREAS**, the Committee of the Township of White, County of Warren, State of New Jersey (“Township”), regulates land use in the Township through Ordinances

set forth in Chapter 160 of the Township Code;

**WHEREAS**, the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-65 permits the Township to adopt and amend ordinances regulating buildings and structures;

**WHEREAS**, the Township Committee has determined that Chapter 160 should be amended to state that a building permit shall be required for any fence or retaining wall or bulkhead in excess of 72 inches, instead of 48 inches, in order to coincide with the Uniform Construction Code, N.J.A.C. 5:23-2.14(b)(9);

**WHEREAS**, it is in the Township and public's best interest to increase the height for which a building permit to erect a fence, retaining wall, or bulkhead is required.

**NOW, THEREFORE, BE IT ORDAINED**, by the Committee of the Township of White, County of Warren, State of New Jersey, as follows:

Section One: Chapter 160 of the Town Code, entitled Land Use, Section 107(A)(2), entitled Fences and Retaining Walls, is hereby amended so that it shall read as follows:

(A)(2): A building permit shall be required for any fence or retaining wall or bulkhead in excess of 72 inches in height.

Section Two:

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 Three:

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

Section Four:

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

Ord. 2017-05: Motion to introduce the following ordinance on First Reading made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable roll call vote. Herb – yes, Mackey – yes, Race – yes. Motion carried. Public Hearing will be scheduled for October

12<sup>th</sup>.

**ORDINANCE 2017-05**  
**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, CHAPTER 160 (LAND USE) OF THE TOWNSHIP OF WHITE CODE, FOR THE PURPOSE OF CHANGING THE DESIGNATION OF CERTAIN RESIDENTIAL PROPERTIES LOCATED ON TITMAN ROAD FROM HIGHWAY DEVELOPMENT TO RESIDENTIAL-1**

**WHEREAS**, the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1 et seq., grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings, and structures thereon, and

**WHEREAS**, in 2014, the Planning Board of the Township of White completed its periodic general re-examination of the Master Plan of the Township pursuant to N.J.S.A. 40:55D-89 of the Municipal Land Use Code; and

**WHEREAS**, as a result of and as contained in that re-examination, the Planning Board of the Township of White recommended certain amendments to the Land Use Ordinance of the Municipal Code of the Township of White, specifically that existing developed residential properties along both sides of Titman Road to either side of Bridgeville Road, specifically Block 43, Lots 10, 11, 12, 13, and 14, and Block 46, Lots 1, 2, 3, 4, 5, 5.01, and 6, which are designated as Highway Development in the 2004 Master Plan, be removed from this designation and instead be designated for residential use consistent with this existing use; and

**WHEREAS**, the Committee of the Township of White is in accord with and accepts this recommendation.

**NOW, THEREFORE, BE IT ORDAINED**, by the Committee of the Township of White, County of Warren, State of New Jersey, as follows:

**Section One:**

Chapter 160 of the Town Code, entitled Land Use, Section 84, entitled Zoning Maps, Schedule of Requirements, District Boundary Lines, is hereby amended to reflect that the residential properties identified as Block 43, Lots 10, 11, 12, 13, and 14, and Block 46, Lots 1, 2, 3, 4, 5, 5.01, and 6, located on both sides of Titman Road to either side of Bridgeville Road, to be designated as R-1 District.

**Section Two:**

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 Three:

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

Section Four:

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

**CORRESPONDENCE**

- A. There will be a kick-off meeting of the Warren County Governing Officials Association on September 25<sup>th</sup> at 6PM located at the White Township branch of the Warren County Library. Mayor Race said he would attend.

**PRESENTATION OF MINUTES**

Motion made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable roll call vote to approve the August 10, 2017 Regular Meeting minutes and the August 10, 2017 Executive Session Meeting Minutes as presented. Herb – yes, Mackey – yes, Race – yes. Motion carried.

**PRESENTATION OF VOUCHERS**

On motion by Mrs. Mackey, seconded by Mr. 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>
15198	60.04	CenturyLink
15199	560.46	Comcast
15200	56,966.21	Warren County Treasurer
15201	2,555.00	CR Shotwell Landscape Mgmt.
15202	50.00	Discovery Benefits
15203	658.51	Edmunds & Associates Inc.
15204	86.00	J.C. Ehrlich Co., Inc.
15205	49.94	Elizabethtown Gas
15206	57.12	Elizabethtown Gas
15207	288.40	Fisher Electrical Contractors
15208	6,364.32	Florio, Perrucci, Steinhardt & Fader
15209	86.85	Francotype-Postalia, Inc.
15210	413.00	Gebhardt & Kiefer P.C.
15211	5,767.50	GTM Turf Management
15212	2,692.95	JCP&L

15213	138.95	Jersey Mail Systems LLC
15214	1,543.50	Maser Consulting P.A.
15215	560.00	Mr. John Inc.
15216	7.40	Napa Belvidere
15217	106.87	ReadyRefresh by Nestle
15218	2,750.00	Nisivoccia LLP
15219	7.00	NJ League of Municipalities
15220	1,037.30	NJ American Water Company
15221	1,265.03	NJ Advance Media
15222	126.00	Q.C. Eurofins Inc.
15223	40.86	Rigo's General Hardware
15224	1,163.00	Rutgers, The State University
15225	110.63	Sanico, Inc.
15226	522.50	S&L Equipment Rental Inc.
15227	136.93	Smith Motor Co.
15228	170.00	Swift Print Solutions
15229	188.25	Tilcon New York Inc.
15230	1,036,357.52	Treasurer's Office, Warren County
15231	175.00	Treasurer, State of NJ
15232	54.38	Verizon Wireless
15233	420.00	Vital Communications
15234	500.00	Warren County 4H Leaders Assc.
15235	313.06	Warren Materials
15236	584,471.00	White Township Board of Education
15237	616.39	Xerox Corporation
15238	100,000.00	White Township
15239	232.02	Kathleen Reinalda – petty cash
15240	225.63	Kathleen Reinalda – petty cash
15241	354.73	Horizon Blue Cross Blue Shield of NJ

TOTALS.....\$1,810,250.61

**CURRENT FUND – MANUAL**

2272	29,201.20	Payroll Account
2273	16,794.65	Payroll Account

**ANIMAL CONTROL ACCOUNT**

1149	38.40	NJ Dept. of Human Services
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**DEVELOPER ESCROWS**

1014	963.00	Maser Consulting P.A.
1015	68.00	Maser Consulting P.A.
1016	132.00	Gebhardt & Kiefer P.C.
1017	33.00	Gebhardt & Kiefer P.C.

1018                      136.00                      Maser Consulting P.A.

**GRAVEL PIT ESCROWS**

215	603.00	Maser Consulting P.A. (for Hoffman)
216	201.00	Maser Consulting P.A. (for Hoffman)
220	199.50	Maser Consulting P.A. (for BS&G)
221	167.00	Maser Consulting P.A. (for BS&G)
210	199.50	Maser Consulting P.A. (for HS&G)
211	167.00	Maser Consulting P.A. (for HS&G)
211	167.00	Maser Consulting P.A. (for Tilcon)
212	466.00	Maser Consulting P.A. (for Tilcon)

**TOTAL ALL FUNDS....\$1,859,786.86**

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, September 14, 2017, 8:25 pm:

Contract Negotiations  
(North Warren Municipal Court)

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 Mrs. Mackey, the meeting was re-opened to the public at 9:02p.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

9:03p.m. on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable roll call vote.

Respectfully Submitted,

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Kathleen R. Reinalda, RMC  
Township Clerk