

WHITE TOWNSHIP COMMITTEE

**MINUTES OF MEETING
APRIL 28, 2011**

CALL TO ORDER

Mayor Sam Race called the meeting to order at 7:00 p.m. and stated that in compliance with the "Open Public Meetings Act" this meeting has been advertised in the Star-Gazette, Belvidere, NJ and Express-Times, Easton, PA and posted on the bulletin board.

FLAG SALUTE

The Mayor asked everyone to stand for the flag salute.

ROLL CALL

Present: Mayor Race, Committeeman Herb and Committeewoman Mackey, and Clerk Kathleen Reinalda. Attorney Tipton was absent.

2011 BUDGET ADOPTION

COLA Ordinance: Motion made Mrs. Mackey to open the Public Hearing, seconded by Mr. Herb and carried by unanimous favorable vote. Being no comments, motion to close the Public Hearing made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Motion to adopt the COLA Ordinance made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

**CALENDAR YEAR 2011
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 2.0% 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 2011 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 \$20,040 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 2011 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 \$46,760 and that the CY 2011 municipal budget for the Township of White be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, 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.

2011 BUDGET – PUBLIC HEARING

Motion made by Mr. Herb to open the Public Hearing, seconded by Mrs. Mackey and carried by unanimous favorable vote. After minor comments, motion made by Mr. Herb to close the Public Hearing, seconded by Mrs. Mackey and carried by unanimous favorable vote. Motion to adopt the 2011 Municipal Budget made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried. A complete copy of the 2011 Municipal Budget is on file in the office of the Municipal Clerk.

ORDINANCES – PUBLIC HEARING

Ord. 2011-1: Motion made by Mr. Herb to open the Public Hearing, seconded by Mrs. Mackey and carried by unanimous favorable vote. After minor clarifying questions, motion

made by Mr. Herb to close the Public Hearing, seconded by Mrs. Mackey and carried by unanimous favorable vote. Motion to adopt Ordinance 2011-1 made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

**AN ORDINANCE AMENDING THE EXISTING ORDINANCE
IN CHAPTER 110,
OF THE TOWNSHIP OF WHITE CODE**

WHEREAS, the Committee of the Township of White, County of Warren, State of New Jersey, maintains its own Construction Department and sets forth its fees by Ordinance in Chapter 110;

WHEREAS, the New Jersey Department of Community Affairs has established a fee schedule for construction within its jurisdiction, including fees for new commercial farm construction at .0001 per cubic foot of volume;

WHEREAS, the White Township Construction Department has made a recommendation to the Committee to amend its fee schedule to adopt the NJDCA's fees for new commercial farm construction, and the Committee finds such recommendation to be reasonable and appropriate for White Township;

IT IS HEREBY ORDAINED by the Township Committee of the Township of White in the County of Warren and State of New Jersey that the existing Ordinance found in Chapter 110, is amended as follows:

Section 1:

Existing §110-2 (A)(3)(a) states as follows:

New construction fees: \$0.035 per cubic foot of volume for all use groups, provided that the minimum fee shall be \$46; except that the minimum fee for Use Groups A-1, A-2, A-3, A-4, F-1, S-1 and S-2 shall be \$100; and the fee shall be \$0.008 per cubic foot of volume for structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), used exclusively for the storage of food or grain, or the sheltering of livestock, with the maximum fee for such structures on farms not to exceed \$750, provided that the minimum fee shall be \$46.

And it shall be amended as follows:

New construction fees: \$0.035 per cubic foot of volume for all use groups, provided that the minimum fee shall be \$46; except that the minimum fee for Use Groups A-1, A-2, A-3, A-4, F-1, S-1 and S-2 shall be \$100; and the fee shall be **\$0.001** per cubic foot of volume for

structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), used exclusively for the storage of food or grain, or the sheltering of livestock, with the maximum fee for such structures on farms not to exceed \$750.00, provided that the minimum fee shall be \$46.

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.

PUBLIC COMMENTS

Elaine Reichart asked the committee to review zoning laws for the township businesses that deal in soil removal and/or composting. She suggested uniform rules for all such businesses.

Bob Mackey commented that if soil is removed from White Township, there should be a fee paid to the township.

OLD BUSINESS

The committee reviewed correspondence from FEMA regarding floodplain management regulations. The Attorney and Engineer are currently working on a draft ordinance to comply with the new regulations.

Mayor Race announced the township's request for additional grant monies from the Highlands Council was approved. The \$6420 will be reimbursed for work already accomplished. Mayor Race also noted that the township must continue to work towards compliance with the Highlands legislation regarding the Preservation Area. No action has been taken on the Planning Area. Mr. Herb agreed, but Mrs. Mackey was opposed. Motion made by Mr. Herb, seconded by

Mayor Race with Mrs. Mackey opposed to submit the Environmental Resource Inventory as prepared by the Planning Board. Herb – yes, Mackey – opposed, Race – yes. Motion carried.

NEW BUSINESS

Motion was made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote to appoint Elaine Reichart to the recently vacated (Mike Grossman resigned) Board of Adjustment seat. Ms. Reichart's term will expire 12/31/11.

Motion was made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote to appoint Barry Wessner to the Alternate #1 position on the Board of Adjustment. Mr. Wessner's term will expire 12/31/11.

Mayor Race suggested in the future, the township require resumes from potential board/commission members. The committee agreed. Mrs. Mackey further suggested that expiring board/commission members submit a resume as well. The committee agreed.

The committee reviewed the Township Code section regarding appealing a Board of Adjustment decision to the Governing Body. Mr. Herb suggested the committee consider deleting this from the books. He reasoned that anyone appealing a decision can go through the Superior Court rather than the governing body second guessing the Zoning Board. Both Mrs. Mackey and Mayor Race disagreed. Mayor Race explained that a corporation could go through the Superior Court, but keeping this option on the books could help an average citizen seeking relief. No further action was taken.

The committee briefly reviewed the Board of Adjustment Annual Resolution. No action was taken at this time, but further consideration will be given at a later date.

Mayor and Committee reviewed the Buildings & Grounds recommendations from the township's insurance carrier. New playground swings, mulch and bleachers were recommended. It was also suggested that the PEOSHA records of the Road Department be reviewed for compliance. The clerk purchased 2 new baby swings and received quotes for 60 CY of playground mulch. Ben Schaefer & Associates provided a state contract quote of \$1548 including delivery. This was approved on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried. No action was taken on the new bleachers recommendation.

PUBLIC COMMENTS

Elaine Reichart had various questions on the Clean Jersey Solar settlement agreement. Attorney Tipton was not present to comment.

CORRESPONDENCE

A letter was received from Craig Spencer expressing his interest in volunteering on the Environmental Commission. He was appointed on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried. Mr. Spencer's term will expire 12/31/13.

Mayor and Committee approved Chanda Collum's request to use the recreational facilities on June 18th on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

PRESENTATION OF MINUTES

Motion made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote to approve the April 14, 2011 Regular Meeting Minutes and the April 14, 2011 Executive Session Meeting Minutes as amended. Herb – yes, Mackey – yes, Race – yes. Motion carried.

OTHER MATTERS

Motion was made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote to authorize the clerk to contact Rodata, Inc. for infield mix for the recreation area. Rodata's owner had previously offered to donate the mix when the township was ready to receive it. Herb – yes, Mackey – yes, Race – yes. Motion carried.

Mayor Race suggested the committee review the proposal submitted by Dave Evans to provide the township with a sewer rate analysis. This will be placed on the May agenda.

ADJOURNMENT

Being no further business to come before the Committee, the meeting was adjourned at 9:00pm on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote.

Respectfully Submitted,

Kathleen R. Reinalda, RMC
Township Clerk