

WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING MAY 12, 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 the Express-Times, Easton, PA; the Agenda has been posted at the Municipal Building.

FLAG SALUTE

The Mayor asked everyone to stand for the flag salute.

ROLL CALL

Present: Mayor Race, Committeeman Herb and Committeewoman Mackey, Attorney Douglas Steinhardt (substituting for Brian Tipton) and Clerk Kathleen Reinalda.

SOLAR PROJECT – BOARD OF EDUCATION

Frank Panetta, Board of Education member was present to discuss a possible solar project with Hope Township and Hope Township Elementary School. Greg Somjen of Parette Somjen Architects LLC further explained the concept. If all entities got together to have solar panels installed on publicly owned property, there could be reduced electrical costs to all groups. The project has to be large enough to attract a solar developer. This would require more thorough review, so Mr. Somjen suggested the township provide him with a list of publicly owned lands, buildings, etc.

RESOLUTIONS

Res. 2011-26: Tabled for Brian Tipton's arrival.

Res. 2011-27: Motion to adopt the following resolution made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

WHEREAS, the Developer, Quick Chek, is the owner of a property located at Block 62, Lots 4 & 5 on Route U.S. 46 and intends to develop the property as a retail motor vehicle station and convenience store;

WHEREAS, the Board of Adjustment approved Quick Chek's application for a variance, and preliminary and final site plan approval in the Matter of Quick Chek Corporation #446;

WHEREAS, the NJ DOT requires Quick Chek to get the Township to pass a Resolution prohibiting left turns from Route U.S. 46 eastbound into the easterly Quick Chek driveway, and prohibiting left turn from the westerly Quick Chek driveway onto Route U.S. 46 eastbound;

WHEREAS, the prohibited traffic turns are recommended by the Board of Adjustment, and will make the project safer for public access to the site than not imposing the restrictions;

NOW, therefore, be it resolved, that the Township hereby supports the prohibition of left turns from Route U.S. 46 eastbound into the easterly Quick Chek driveway, and left turns from the westerly Quick Chek driveway onto Route U.S. 46 eastbound.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Township at its regular meeting of May 12, 2011.

Res. 2011-28: Motion to adopt the following resolution made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

WHEREAS, the tax collector has received an overpayment of 2011 taxes in the amount of \$3,586.35 from William F Decoons, property owner of Block 30 Lot 10 C4003; and

WHEREAS, the sewer collector has received an overpayment of 2011 sewer taxes in the amount of \$310.76 William F. Decoons, property owner of Block 30 Lot 10 C4003; and

WHEREAS, the property owners have requested the payments be refunded;

THEREFORE, be it resolved that the Township of White refund William F. Decoons the following \$3,586.35 from the Treasurer's Account & \$310.76 from the Sewer Collectors Account.

Res. 2011-29: Motion to adopt the following resolution made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

WHEREAS, NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk, as per the requirements of NJSA 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs: and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars(\$1,000.00), or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Township of White, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

Res. 2011-30: Motion to adopt the following resolution made by Mrs. Mackey, seconded by Mr. Race and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

A RESOLUTION TO CANCEL STALE DATED CHECKS

WHEREAS, checks are considered stale dated after a period of six months; and

WHEREAS, the following checks have remained outstanding according to the Treasurer's Account Reconciliation of the Township of White.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of White that the following checks be considered void and the cumulative total in the amount of \$13,442.11 be added back to the appropriate balances of the Treasurer's Account of the Township of White.

<u>Check#</u>	<u>Amount</u>
4548	1581.50
1048	2472.53
1074	50.00
1445	25.00
1146	291.00
5006	20.00
5075	100.00
5102	150.00
5116	5660.90
5916	2643.80
1328	9.50
9886	250.00
1533	187.88

Res. 2011-31: Motion to adopt the following resolution made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

WHEREAS, the tax collector has received an overpayment of 2011 taxes in the amount of \$1,729.82 from Mr. Thomassen, property owner of Block 54 Lot 6.05; and

WHEREAS, the property owners have requested the payments be refunded;

THEREFORE, be it resolved that the Township of White refund Mr. Thomassen the following \$1,729.82 from the Treasurer's account.

PUBLIC COMMENTS

Frank Panetta requested the committee work with the school to get the parking lot crack

sealed and re-stripped. The committee agreed. The clerk will get quotes.

Charlie Duffy questioned the Brookfield sewer rate. Mayor Race explained the township will be engaging the auditor to perform a study of township sewer billing.

ORDINANCES – FIRST READING

Ord. 2011-2: Motion to introduce the following ordinance on First Reading made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Public Hearing is scheduled for June 9th.

AN ORDINANCE OF THE TOWNSHIP OF WHITE PROVIDING FOR THE APPROPRIATION OF \$35,000.00 FOR ‘ROAD IMPROVEMENTS – TAMARACK ROAD’ FROM THE GENERAL CAPITAL – CAPITAL IMPROVEMENT FUND

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

1. The sum of **\$35,000.00** shall be appropriated for the following items, from the Capital Improvements Budget for the year 2011:

Road Improvements – Tamarack Road \$35,000.00

2. The sum of \$35,000.00 is available in the Capital Improvement Fund
3. This appropriation of funds and the financing of same as is provided in this Ordinance shall represent an amendment to the Capital Budget of the Township of White, as included in the 2011 Local Municipal Budget of the Township of White.
4. The appropriation herewith does not authorize any debt of the Township of White.
5. This Ordinance shall take effect immediately on final passage and publication as provided by law.

Ord. 2011-3: Motion to introduce the following ordinance on First Reading made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Public Hearing is scheduled for June 9th.

AN ORDINANCE ESTABLISHING THE SALARY RANGES OF TOWNSHIP OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WHITE, COUNTY OF WARREN, STATE OF NEW JERSEY, 2011

BE IT ORDAINED by the Township Committee of the Township of White, County of Warren, State of New Jersey:

Section 1: Retroactive to January 1, 2011, the annual salary ranges and hourly wage ranges of the officials and other employees hereinafter named shall be as follows:

Position	2011 Salary Range			Pay Frequency	
	(-15%) Low	Mid	(+15%) High		
Committee	\$3,296.81	\$3,878.60	\$4,460.39	***	Annual
Committee	\$3,296.81	\$3,878.60	\$4,460.39	***	Annual
Committee	\$3,296.81	\$3,878.60	\$4,460.39	***	Annual
Municipal Clerk	\$48,872.12	\$57,497.14	\$66,121.79	*	Annual
Clerical Assistant	\$17.00	\$20.00	\$23.00	*	Hourly
CFO	\$18,109.98	\$21,306.26	\$24,502.36	*	Annual
Deputy CFO (Deputy Treasurer)	\$39.20	\$46.12	\$53.03	*	Hourly
Municipal Judge	\$11,353.74	\$13,356.75	\$15,360.38	**	Annual
Municipal Prosecutor	\$5,511.92	\$6,484.94	\$7,457.42	**	Annual
Court Administrator	\$25,500.00	\$30,000.00	\$34,500.00	*	Annual
Court Call Outs		\$100.00			as billed Per Occurrence
Sergeant-At-Arms		\$100.00			as billed Per Occurrence
Tax Collector	\$18,700.00	\$22,000.00	\$25,300.00	**	Annual
Sewer Utility Clerk	\$3,400.00	\$4,000.00	\$4,600.00	**	Annual
Tax Assessor	\$20,287.80	\$23,868.00	\$27,448.20	*	Annual
Assessment Search Officer		\$500.00		*	Annual
Building Inspector	\$15,021.20	\$17,672.00	\$20,322.80	*	Annual
Technical Assistant to Building Inspector	\$18.60	\$21.88	\$25.16	*	Hourly
Electrical Inspector	\$8,500.00	\$10,000.00	\$11,500.00	**	Annual
Plumbing Inspector	\$3,988.20	\$4,692.00	\$6,310.75	**	Annual
Zoning Officer	\$6,056.11	\$7,124.56	\$8,193.62	**	Annual
Zoning Officer - Additional Hours	\$18.85	\$22.17	\$25.50	*	Hourly
Board of Adjustment Secretary	\$3,532.46	\$4,155.90	\$4,778.90	**	Annual
Planning Board Secretary	\$8,074.81	\$9,500.15	\$10,925.18	**	Annual
Planning Board Secretary - Special Meetings		\$200.00			as billed Per Occurrence
Environmental Commission Secretary	\$21.25	\$25.00	\$28.75	**	Hourly
Open Space/Ag Committee Secretary	\$21.25	\$25.00	\$28.75	**	Hourly
Emergency Management Coordinator	\$2,744.29	\$3,228.06	\$3,711.74	***	Annual
Deputy Emergency Management Coordinator	\$653.45	\$769.32	\$884.71	***	Annual
Animal Control Officer	\$6,725.47	\$7,912.73	\$9,099.54	**	Annual
Road Supervisor	\$24.59	\$28.93	\$33.27	*	Hourly
Assistant Road Supervisor	\$21.69	\$25.53	\$29.35	*	Hourly
Mechanic / Equipment Operator	\$21.11	\$24.83	\$28.56	*	Hourly
Laborer	\$15.57	\$18.32	\$21.07	*	Hourly
Building Maintenance Worker	\$13.42	\$15.79	\$18.15	*	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.

Ord. 2011-4: Motion to introduce the following ordinance on First Reading made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Public Hearing is scheduled for June 9th.

AN ORDINANCE OF THE TOWNSHIP OF WHITE PROVIDING FOR THE APPROPRIATION OF \$15,000.00 FOR ‘ROAD IMPROVEMENTS – FREE UNION ROAD’ FROM THE GENERAL CAPITAL – CAPITAL IMPROVEMENT FUND

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

1. The sum of **\$15,000.00** shall be appropriated for the following items, from the Capital Improvements Budget for the year 2011:

Road Improvements – Free Union Road \$15,000.00

6. The sum of \$15,000.00 is available in the Capital Improvement Fund
7. This appropriation of funds and the financing of same as is provided in this Ordinance shall represent an amendment to the Capital Budget of the Township of White, as included in the 2011 Local Municipal Budget of the Township of White.
8. The appropriation herewith does not authorize any debt of the Township of White.
9. This Ordinance supplements a NJ Department of Transportation Grant in the amount of \$150,000.00.
10. This Ordinance shall take effect immediately on final passage and publication as provided by law.

OLD BUSINESS

Motion made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote to authorize Nisivoccia LLP to perform a sewer rate analysis at a cost not to exceed \$5500.00. Herb – yes, Mackey – yes, Race – yes. Motion carried. This will be funded from the Sewer Operating Fund.

NEW BUSINESS

A soliciting application was received for operation of a mobile ice cream truck from Kora Vending Inc. This was approved with the stipulation that no vending will occur at the Township

Recreation Areas or on Sundays on motion by Mr. Herb, seconded by Mayor Race with Mrs. Mackey abstaining (owns ice cream stand). Herb – yes, Mackey – abstain, Race – yes. Soliciting Permit approved. The permit will be good for one year.

CORRESPONDENCE

A letter was received regarding Belvidere's National Night Out to be held August 2nd. Committeeman Herb confirmed he would be happy to attend the event.

A request to use the pavilion on July 3rd was received from Rosette Inscho. A copy of the Inscho's homeowner's policy was attached to the request, however, the committee questioned whether the township has to be listed as an additional insured. The request was approved subject to the township's risk manager advising the clerk of the need to have the township listed as an additional insured on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried.

The Warren County Planning Department is having a meeting on May 17th to discuss 'state plan issues' and is requesting a committeeperson to attend. Both Mr. Herb and Mayor Race said they would coordinate on who would attend as the meeting date approaches.

The committee regretfully accepted the resignation of Eileen Greason, Environmental Secretary. Motion was made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote to send a letter to Ms. Greason thanking her for her years of service. Herb – yes, Mackey – yes, Race – yes. Motion carried. Filling the position was discussed briefly but will require further review.

PRESENTATION OF MINUTES

Motion made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote to approve the April 28, 2011 Regular Meeting Minutes as amended. Herb – yes, Mackey – yes, Race – yes. Motion carried.

Attorney Tipton arrived (8:45PM)

Res. 2011-26: Attorney Tipton provided a summary of the events leading up to consideration of this Resolution. Mr. Ivan Somyk appealed the decision of the Board of Adjustment regarding the Clean Jersey Solar case. The appeal originally was before the township committee, but later became a settlement negotiation between the two parties. The parties were able to agree and have brought their negotiations before the township committee for final approval. Both the attorney's for Clean Jersey Solar and Mr. Ivan Somyk were present. Resolution 2011-26 includes a Developer's Agreement and Conservation Easements which are on file with the township.

Motion to adopt the following resolution made by Mrs. Mackey, seconded by Mayor Race with Mr. Herb abstaining. Herb – abstain, Mackey – yes, Race – yes. Resolution adopted.

The following comments were offered:

Mrs. Mackey commended Mr. Somyk and the neighbors for pursuing this matter. She explained that she wished more care had been taken in the process earlier on to satisfy the concerns of the residents. Mayor Race agreed and offered a few similar additional comments. Mr. Herb said he felt that the committee should not be placed in the predicament of being a judge and jury of its own board members.

RESOLUTION 2011-26

WHEREAS, the White Township Zoning Board of Adjustment (hereinafter “the Board”) did, on October 21, 2010, adopt a application of Clean Jersey Solar, L.L.C. (hereinafter “CJS”) memorializing use variance approval, bulk variance approval, design waivers and preliminary and final site plan approval(hereinafter the “Site”) which Resolution authorizes, with conditions, the installation of solar, photovoltaic panels for purposes of generating electricity in accordance with the plans submitted (hereinafter “the Approved Plans”) which Resolution was memorialized in Case No. 447; and

WHEREAS, Mr. and Mrs. Ivan Somyk (hereinafter “Somyk”) residing at 12 Hope Crossing Road, White Township, did, on November 1, 2010, file an Appeal (hereinafter “the Appeal”) of the Resolution to the White Township Committee (hereinafter “Township Committee”) which Appeal was filed pursuant to White Township Zoning Ordinance Section 160-54 (prior Code reference 7-56) (hereinafter “Ordinance”); and

WHEREAS, the Township Committee thereafter scheduled a hearing on the Appeal for December 7, 2010 at 7:00 P.M. which date was subsequently adjourned; and

WHEREAS, in anticipation of this matter being heard by the Township Committee, briefs were filed by counsel for Somyk and CJS (for Somyk by David Burton Brady, Esquire of the firm of Brady & Correale, L.L.P. and for CJS by Kenneth L. Pape, Esquire of the firm Heilbrunn, Pape & Goldstein, L.L.C.) and

WHEREAS, the the hearing scheduled for December 7, 2010 was thereafter adjourned and rescheduled for January 18, 2011 at 7:00 PM; and

WHEREAS, Somyk and CJS have reviewed the Approved Plans and have agreed to the plan changes and other elements in this Resolution related to the application of CJS and the issues raised in the Appeal filed by Somyk; and

WHEREAS, Somyk and CJS have submitted to the Township Committee a schedule of revisions to the Approved Plans which Somyk and CJS jointly have requested the Township Committee accept and incorporate in its Resolution adjudicating the Appeal; and

WHEREAS, the Township Committee has carefully reviewed the arguments of Somyk and CJS together with the record and exhibits before the Board;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee does hereby adopt the following Resolution, make the following findings and affirm, with the conditions set forth below, as permitted by the Ordinance and N.J.S.A. 40:55D-17(d) the Resolution of the Board, Case No. 447, dated October 21, 2010 for use variance approval under N.J.S.A. 40:55D-70(d), bulk variance approval, design waivers and preliminary and final site plane approval.

1. Somyk and CJS have agreed to certain modifications to the Approved Plans which will be placed on revised site plan drawings prepared by CJS and submitted to the White Township engineer and planner for review and approval. The plan changes are to be deemed further conditions of the Resolution of Approval and are as follows:
 - a. The setback and buffer area (hereinafter referred to collectively as “buffer area”) depicted on the Approved Plans shall be increased to 70 feet in width between the Solar Facility and the following adjacent residential properties: Block 62, Lots 21, 22, 23, 27, 24.01, 24.02, 24.03 and 25 (hereinafter the “Residential Properties”). No structures or improvements shall be placed in the structures or improvements shall be placed in the buffer area except for berms, landscaping and the driveway to the Site and any associated access security devices.
 - b. The landscaped berm depicted on the Approved Plans near the Residential Properties shall be located or relocated as the case may be such that it is within the buffer area and immediately adjacent to the 70 foot buffer depth. Where no landscaped berm is depicted adjacent to the Residential Properties in the Approved Plans, the plans shall be revised to include one.
 - i. Solar panels shall be removed from a 30 foot wide swath in order to form a wildlife corridor (hereinafter “the Corridor”) to permit the free and unrestricted movement of wildlife between Beaver Brook located on the northerly side of Hope Crossing Road and the marsh pond wetlands are located in the south central portion of CJS’s property. The Corridor shall be in the vicinity of a hedge row running near Lot 27. The security fencing around the Solar Facility shall be revised so as to remove any obstructions to the potential movement of wildlife in the Corridor. The fence shall run along the edge of the solar array to provide security but not block the Corridor. The Corridor shall remain as undisturbed and natural as is reasonable provided the same will not interfere with the security and operation of the Solar Facility . The access drive to the Solar Facility shall be permitted to cross the Corridor at roughly a right angle.

CJS shall consult with a wildlife/environmental expert to locate and design the Corridor. CJS shall provide to Somyk the report of the expert. Somyk shall respond within seven (7) calendar days when contacted by the CJS consultant.

- e. The performance and maintenance guarantees required by the Township for the development of the Solar Facility shall include a specific line item bonding the installation of all landscape materials and also the replacement of the same, if necessary, within two years after completion of the project.
 - f. CJS or its successors in interest shall be required to remove the solar panels if the Solar Facility is abandoned, which requirement shall be included in a Developer's Agreement with White Township.
 - g. Prior to any disturbance of Block 62, Lot 24, CJS shall install a silt fence or other appropriate barrier outlining the limits of disturbance as approved by the local Soil Conservation District and the 70 foot buffer line and the Wildlife Corridor established above. The same shall be inspected by the Township engineer and shall be maintained as appropriate until the project is constructed.
 - h. CJS shall appoint a liaison (hereinafter "the Liaison☺ who shall act as a point of contact for inquiries and concerns of residents and public officials during both construction and afterward. The name, phone number, e-mail address and similar information of the Liaison shall be kept current and on file with the White Township Clerk so that it is available to the public and the Township.
 - i. Construction on the Site shall only take place from 7:00 a.m. to 7:00 p.m., Monday to Friday, 8:00 a.m. to 5:00 p.m., Saturday and in no case on Sundays or Legal Holidays, except for emergencies.
 - j. CJS's pending application at the Board for an amendment to the Resolution requesting changes to fencing and seeking permission to install barbed wire, shall be dismissed, with prejudice, by CJS.
2. The Township Committee notes that the application to the Board was for a use variance under N.J.S.A. 40:55D-70(d)(1) ("use variance") as solar power generated facilities are not a permitted use at the Site under the White Township Zoning Ordinance. Apparently, thereafter the Board attorney advised the Board to consider the matter as a "public utility" needing only a conditional use variance for a gravel driveway under N.J.S.A. 40:55D-70(d)(3). The briefs filed in this Appeal focus, in part, on the statutory bases and standards for the relief required. Given the resolution of the Appeal by this Resolution, the record made before the Board, the proofs addressed below and the strong legislative policy in favor of solar power generated facilities, and as Somyk and CJS have resolved site design issues raised on Appeal, the Township Committee wishes to resolve the issue raised by the parties and find that the use variance under N.J.S.A. 40:55D-70(d)(1) requested can be and is deemed granted. As the Board found in its Resolution, solar power generated facilities are deemed inherently beneficial uses by recent amendment to N.J.S.A. 40:55D-4, and by recent amendment to N.J.S.A. 40:55D-2n the promotion and utilization of renewable

energy resources are part of the intent and purpose of the Municipal Land Use Law. The positive criteria for a use variance are, therefore, met.

CJS provided testimony that there would be no negative impact by Traffic, environmentally, or otherwise. The buffer adjacent to residential uses is being enhanced and other conditions mitigating impact on the residential properties are set forth above. It is clear that the requested relief can be granted without violation the negative criteria in J.J.S.A. 40:55D-70, whether balanced against the benefits of the approval or applied independently.

- 3. The variance relief granted by the Board pursuant to N.J.S.A. 40:55D-70(d) shall be deemed amended to provide that said relief which permits the use of the property as a solar photovoltaic energy facility is also granted pursuant to N.J.S.A. 40:55D-70(d)(1). As stated, the standard of review required for that determination is met in by the proofs provided to the Board at its public hearing on September 15, 2010 which proofs are supplemented by the modifications to the site plan and terms of approval as outlined above in this Resolution.
- 4. CJS/s pending application at the Board for an amendment to the Resolution specifically requesting amendments to fencing and seeking permission to install barbed wire, shall be dismissed with prejudice by CJS.

All other terms and conditions of the Board’s Resolution in Case Bi, 447 except as modified or clarified herein, shall remain in full force and effect.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Appellant, Mr. and Mrs. Ivan Somyk, a copy to be provided to the Respondent, Clean Jersey Solar, L.L.C. and that the Appellant shall cause to be published in the newspaper of general circulation, the Star Gazette, a notice of same.

PRESENTATION OF VOUCHERS

On motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote, Mayor and Committee approved the following list of bills:

<u>Check No.</u>	<u>Amount</u>	<u>Payee</u>
11315	\$ 2,922.00	ABE Parking Lot Stiping Co.
11316	\$ 1,200.00	ARAE Network Solutions LLC
11317	\$ 278.00	Ben Shaffer & Associates Inc.
11318	\$ 193.36	CCP Industries Inc.
11319	\$ 50.00	CenturyLink
11320	\$ 647.35	CenturyLink

11321	\$	121.86	C&M Auto Parts
11322	\$	100.11	Comcast
11323	\$	110,591.18	County of Warren Treasurer
11324	\$	20.50	Culligan
11325	\$	50.00	Cynthia Sturla
11326	\$	3,586.35	DeCoons, William
11327	\$	71.00	J.C. Ehrlich Co., Inc.
11328	\$	202.91	Elizabethtown Gas
11329	\$	258.36	Elizabethtown Gas
11330	\$	3,359.37	Florio, Perrucci, Steinhardt
11331	\$	49.14	Gary W. Gray Trucking
11332	\$	26.06	Hope Township
11333	\$	727.68	Horizon Blue Cross Blue Shield
11334	\$	1,628.64	JCP&L
11335	\$	73.96	Jesco, Inc.
11336	\$	91.50	Jim Flynn's Truck Repair, Inc.
11337	\$	1,263.75	Maser Consulting, P.A.
11338	\$	135.72	Mr. John, Inc.
11339	\$	8,350.00	Nisivoccia & Company
11340	\$	949.74	NJ American Water Company
11341	\$	44.35	NJN Publishing
11342	\$	36,300.00	Oxford Volunteer Fire Dept.
11343	\$	32,075.00	Oxford Emergency Squad
11344	\$	200.00	Patricia Mannon
11345	\$	75.27	Quality Propane
11346	\$	147.60	Quill Corporation
11347	\$	700.00	Reserve Account
11348	\$	61.49	Sanico Inc.
11349	\$	72.35	Signs & Safety Devices LLC
11350	\$	1,068.00	S&L Equipment Rental, Inc.
11351	\$	43.50	Smith Motor Company
11352	\$	460.45	Staples Credit Plan Dept. 31
11353	\$	1,729.82	Mr. Thomassenn
11354	\$	17.17	Thomas Bocko
11355	\$	152.91	Tilcon New York
11356	\$	901,324.16	Treasurer's Office, Warren Cnty
11357	\$	25.00	Treasurer, State of NJ
11358	\$	101.53	Verizon Wireless
11359	\$	101.93	Verizon Wireless
11360	\$	550.00	Vital Communications
11361	\$	349.17	Warren Materials
11362	\$	48,495.00	White Twsp Board of Education
11363	\$	375.00	William Gold, Esq.
11364	\$	570.98	Xerox Corporation
11365	\$	33.93	Mr. John, Inc.

11366	\$ 1,000.00	Bradford R. Day
Total Paid:	\$ 1, 663,023.15	

CURRENT FUND MANUAL CHECKS

2033	23,458.34	Payroll Account
2034	17,024.50	Payroll Account
2035	15,497.30	Payroll Account

CAPITAL ACCOUNT

1393	4626.25	Maser Consulting, P.A.
1394	923.50	Maser Consulting P.A.

BANK OF AMERICA ESCROW ACCOUNT

2378	187.50	William Gold, Esq.
2379	387.64	Estate of E. Herbert
2380	139.35	Bryan Vande Vrede

GRAVEL PIT ESCROWS

170	31.25	Maser Consulting P.A.
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GRADING PLAN ESCROWS

847944	20.97	Bryan Vande Vrede
847942	26.19	Salvatore Scrocco

ANIMAL CONTROL ACCOUNT

1081	\$57.00	NJ Department of Health & Senior Services
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SEWER UTILITY FUND

1159	310.76	William DeCoons
1160	3500.00	Nisivoccia LLP
1161	50.00	Vital Communications

TOTAL ALL FUNDS.....\$1,729,263.70

PUBLIC COMMENTS

Brian Duckworth thanked the Somyk's for their efforts to come to the settlement agreement with Clean Jersey Solar.

Barry Wessner suggested the committee ask the Open Space Secretary if she would be interested in filling the Environmental Secretary vacant position.

OTHER MATTERS

The committee reviewed a draft letter by the township engineer to the DEP regarding sewer service areas. Mayor Race suggested stronger language. The committee was agreeable.

Committeeman Herb suggested the Planning/Zoning Secretary include an adjournment time in her minutes. The committee agreed.

On motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable 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 12, 2011, 9:34pm.

Contract Negotiations
(Board Attorney Fees)

Litigation
(Castle Ridge)

2. It is anticipated at this time, the above-stated subjects will be made public at such time when the matters discussed are no longer sensitive. Motion passed.

On motion by Mrs. Mackey, seconded by Mr. Herb, the meeting was re-opened to the public at 10:33pm. Motion passed.

OTHER MATTERS

Mayor Race informed the committee that an alternate must be appointed to attend Warren

Morris Council of Governments meetings if he is unable to attend. Committeeman Herb was appointed.

ADJOURNMENT

Being no further business to come before the Committee, the meeting was adjourned at 10:36pm on motion by Mrs. Mackey, seconded by Mayor Race and carried by unanimous favorable vote.

Respectfully Submitted,

Kathleen R. Reinalda, RMC
Township Clerk

