

The regular monthly meeting of the Township Council of the Township of Pohatcong was called to order on Tuesday, March 20, 2018 at 7:04 p.m. in the Municipal Building. Mayor Kern being in the Chair, Councilman Babinsky, Councilman Oertel and Councilman Slack were present. Attorney Kevin Benbrook, Township Engineer, Tim O'Brien and the Township Clerk were in attendance. Councilman Vangeli was absent.

The Chair announced that adequate notice of the meeting was given the Express Times and the Star Gazette satisfying the requirements of the Open Public Meetings Act.

Mayor Kern led us in a silent prayer and a salute to the flag.

### **Approval of bills**

Councilman Oertel moved that the payment of all bills presented in proper form, signed by the Director of each department, approved by the majority of members, and listed on the bill list be approved. Seconded by Kern, the motion carried 4-0 (ayes: Babinsky, Oertel, Slack and Kern, nays: none, absent: Vangeli).

### **Public Comments:** (pertaining to agenda items)

None.

### **Attorney's Report** –Kevin Benbrook

Attorney Benbrook advised that we have executed the Fair Share Housing agreement and the hearing is scheduled for April 19<sup>th</sup>. The clerk has gotten our notice published and he has served notice to everyone on the service list. We should be getting a report in the next few weeks from our court appointed master, Frank Banisch.

Benbrook informed Council that he understands that not everyone is thrilled with Service Electric but we do have statutory deadlines and we are actually beyond them so we need to advertise for a public hearing for renewal of the Service Electric cable franchise. There must be 45-days' notice minimum prior to the hearing. He thought to have the public hearing at our May meeting. In response to the Mayor's question, Benbrook replied that it would have to be a minimum 5- year renewal because the ascertainment period starts 36 months before the franchise expiration. They want a 15- year franchise agreement. There was further discussion about what can be done during the ascertainment period. Benbrook explained that most municipalities don't go through the ascertainment because they are not equipped for it and that we really have no alternatives. However, the franchise is non-exclusive and we do get a franchise fee from them. Councilman Oertel asked if it would be legal to notice our meetings and information on the cable network. Benbrook advised that it would not be legal at this point though there has been talk of changing the publication requirements.

Mayor Kern informed Council that he would like to schedule a special meeting for the first Tuesday in April to review the budget and there is a motion on tonight's agenda to approve that.

### **Engineer's Report** –Tim O'Brien

Mr. O'Brien informed Council that he recently received notification from the NJDOT regarding the 2018 grant applications submitted. Our first priority application was for guide rail improvements for which we requested \$617,000 and received a grant in the amount of \$300,000. Priority 2 was for Parkside Chip and Seal and was not approved.

They issued a street opening permit to Elizabeth Town Gas for a gas service in Shimer Manor and are also in the process of reviewing a driveway permit application on River Road.

Mr. O'Brien advised that they had coordinated with the DPW and drafted the letters to the trash haulers to move trash pick up from the specified alleys for Council's review. They have also reviewed capital projects with DPW Supervisor, Don Grube, to provide an update on the status. In terms of capital projects, we have the 2017 Phase 1 guide rail project. They have issued the cost estimates, plans and specifications for Council's

review and consideration and provided the same for the paving improvements to address the drainage issue on Pennsylvania Avenue for the one resident.

The Aldi's store is making progress and are in compliance with the approved plans. Mr. O'Brien further advised that they are assisting a resident with a flood damage prevention permit for an addition on their property.

Mayor Kern said he had just signed the letters to the trash haulers and they would be mailed.

Benbrook told Mr. O'Brien that he didn't forget about his suggested revisions for the street opening permit ordinance and would work on that after his knee surgery. He also told Council that the state will no longer require building permits for a bunch of things like roofs and other improvements so there will be a serious dent to the local permit fees. Luckily that will not affect us since we turned our construction department over to the state.

### **Township Council Reports**

**Babinsky, Director of Public Works** –reported that from February 20<sup>th</sup> through today the DPW has been plowing snow, salting and pressure washing the equipment after each event.

**Oertel, Director of Administration** – reported for the month of February that our Municipal Court disposed of 220 traffic complaints and 18 criminal complaints which deposited \$7,474.56 into the municipal treasury. With our shared service agreement with Greenwich, they disposed of 359 traffic complaints and 35 criminal complaints to deposit \$4,584.57 into our municipal treasury.

**Slack, Director of Public Safety** – advised that he and Councilman Oertel had conducted interviews with the two applicants for the Tax Assessor position. Tonight, they also conducted an interview with a woman for the Senior Clerk Typist position in the Clerk's Office and the applicant was then interviewed by members of the Land Use Board for the LUB secretary position.

The Environmental Commission has been quiet. He reported that the Land Use Board meeting was cancelled because Tesla did not appear at their last meeting. He verified with LUB secretary, Wendy Acevedo, that they were scheduled to attend the first meeting in April.

Councilman Slack hoped we fair better with the snow storm forecasted for tonight into tomorrow and that we don't have residents without power again. Mayor Kern added that he had been providing updates as he received them from the last storm. We had about 60 people without power for a significant amount of time. He said that Stan Prater, JCP&L area representative, was in constant contact and was doing everything he could to get power restored. The Mayor added that Governor Murphy's office was very responsive and called him three times to see what we needed and to offer assistance. They did a good job and deserve credit for that.

**Vangeli, Director of Public Welfare/Health** – absent.

**Mayor Kern** – informed Council that he was contacted by the mayor of Knowlton asking that we adopt a resolution opposing the NJDOT Route 80 rock wall project. He noted the cost is estimated to be \$55-\$58 million dollars which effects all taxpayers in New Jersey and could be better spent elsewhere in Warren County. It would ruin one of the national treasures.

On the agenda is a motion to appoint a new Tax Assessor. Councilmen Oertel and Slack and our Tax Collector, Carrie Emery, interviewed the candidates. Slack said Mr. Brotons also works in Phillipsburg and Washington Township and has both the commercial and farmland experience. He thinks he'll be a good fit. The Mayor also advised Council that they will have to reluctantly approve the motion to accept Wendy Acevedo's resignation since her house has sold. Councilman Oertel jokingly said what if we don't? Mayor Kern said that he and township Council want to

thank her for all her time here. It will be very difficult, they won't replace her but just the position. There is a Land Use Board meeting next week. The LUB will have some hiccups as they will be getting busy and will probably need to consult her by phone.

Councilman Babinsky said they will need to hire a Deputy OEM and 911 Coordinator. They had met with two candidates. Mayor Kern replied that there will be a brief Executive Session to discuss.

Mayor Kern also addressed the proposal to put the Shimer School up for public auction. We had someone interested in purchasing it. It will not bind us to accept a price but will give us an idea of what we can get. It's a healthy exercise. Benbrook advised Council that if they approve the resolution to authorize Max Spann to put the school up for auction, they should table the second resolution authorizing a preliminary investigation of the Shimer School for possible redevelopment. He further explained that there is a motion to execute a professional service agreement with Max Spann for auction services. He noted that per his discussion with Max Spann, the resolution which the clerk will publish would set an auction date of May 23<sup>rd</sup>. There will be no cost to the township at all, even for the advertisement. The Township Council has the right to reject all bids. In addition, Mr. Spann recommended that we not set a reserve in order to generate interest. The premium for the auction is paid by the buyer. There was further discussion.

The following seven (7) resolutions were introduced for adoption:

### **RESOLUTION**

#### **AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE TOWNSHIP OF POHATCONG TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE TOWNSHIP IS A REDEVELOPMENT AREA BLOCK 1, LOTS 1.01 and 1.02**

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Township of Pohatcong ("Township") is authorized to direct the Land Use Board of the Township of Pohatcong ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Township would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

**WHEREAS**, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain ("Condensation Redevelopment Area"); and

**WHEREAS**, the Township of Pohatcong does not intend to use all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Township of Pohatcong will not use eminent domain; and

**WHEREAS**, the Mayor and Council desire the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Township, more specifically identified as Block 1, Lots 1.01 and 1.02, as shown on the Official Tax Map of the Township of Pohatcong (the "Property"); and

**WHEREAS**, the Mayor and Council of Lopatcong Township also endeavor to conduct preliminary investigation of properties within Lopatcong Township which together with the properties identified above constitute a tract of land known as the "Phillipsburg

Mall”, more specifically identified as Block 102, Lots 9.01, 9.02, 9.03 and 9.04 as shown on the Official Tax Map of the Township of Lopatcong (the "Property"); and

**WHEREAS**, the two Townships that share the tract known as the Phillipsburg Mall have agreed to work cooperatively on studying redevelopment possibilities, with the Township of Pohatcong’s professional team taking the lead on investigation and planning, working in concert with Lopatcong’s professional team.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Pohatcong, they being the Governing Body thereof, as follows:

1. The Township of Pohatcong agrees to work cooperatively with the Township of Lopatcong on studying redevelopment possibilities for the Phillipsburg Mall, including preparation of a Preliminary Investigation and ultimately a Redevelopment Plan, should the area investigated be found to qualify as an area in need of redevelopment. It is further agreed that Pohatcong Township’s Planner will lead the planning effort, working in concert with Lopatcong’s Township Planner.
2. The Land Use Board of the Township of Pohatcong is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5;
3. The Land Use Board of the Township of Pohatcong is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and
4. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.

**BE FURTHER IT RESOLVED** that this resolution shall take effect immediately.

**RESOLUTION**

**AUTHORIZING AND DIRECTING THE LAND USE BOARD  
OF THE TOWNSHIP OF POHATCONG TO UNDERTAKE  
A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A  
CERTAIN AREA WITHIN THE TOWNSHIP IS A REDEVELOPMENT AREA  
BLOCK 44, LOT 1 and BLOCK 45.02, LOT 13  
(TABLED)**

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Township of Pohatcong ("Township") is authorized to direct the Land Use Board of the Township of Pohatcong ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Township would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

**WHEREAS**, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (“Non-Condernation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain (“Condernation Redevelopment Area”); and

**WHEREAS**, the Township of Pohatcong does not intend to use all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Township of Pohatcong will not use eminent domain; and

**WHEREAS**, the Mayor and Council desire the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Township, more specifically identified as Block 44, Lot 1, and Block 45.02, Lot 13, as shown on the Official Tax Map of the Township of Pohatcong (the "Property"); and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Pohatcong, they being the Governing Body thereof, as follows:

1. The Land Use Board of the Township of Pohatcong is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Land Use Board of the Township of Pohatcong is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in NJ.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.

**BE FURTHER IT RESOLVED** that this resolution shall take effect immediately.

**Tabled**

### **RESOLUTION**

#### **AUTHORIZING THE ADVERTISING FOR BIDS TO PURCHASE CERTAIN LAND OWNED BY THE TOWNSHIP OF POHATCONG**

**WHEREAS**, Block 44, Lot 1, commonly known as the Shimer School, owned by the Township of Pohatcong is not needed for public purposes; and

**WHEREAS**, it is in the best interest of the Township of Pohatcong to advertise this property for public sale to the highest bidder;

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

1. The above property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 *et seq.*) subject to the following conditions:

(a) Bids shall be received by the Mayor or other Township official designated by the Mayor on or about May 23, 2018 at 11:00 a.m., in the manner of a public auction to be conducted on behalf of the Township by Max Spann Auctions Co., a licensed New Jersey Real Estate Broker and Certified Auctioneer, with a business mailing address of 1325 Route 31 South, Annandale, NJ 08801, is hereby designated as the auctioneer.

(b) One or more open houses shall be held at the property on dates and at times to be established and advertised by the auctioneer such as to maximize interest in the subject property. In addition, any bidder may contact the auctioneer to request an individual inspection at a different date.

(c) All bids shall be referred to the Township Council for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Township of Pohatcong reserves the right to accept the highest bid or to reject any and all bids, including the highest bid, and shall make its decision known by Resolution not later than the next regular meeting following the sale. In the absence of a Resolution accepting the highest bid, all bids shall be deemed to have been rejected.

(d) The highest bidders shall make payment as follows:

Certified check in the amount of \$10,000.00 payable to the Township of Pohatcong within fifteen minutes of the close of bidding; plus

Certified check payable to the Township of Pohatcong in an amount equivalent to 10% of the successful bid, less the initial \$10,000.00 deposit upon execution and delivery of the Contract of Sale as provided in subparagraph (e) below; plus

Balance by certified check payable to the Township of Pohatcong at closing.

(e) Within ten (10) days of written notice of the Township's acceptance of the bid, the successful bidder shall execute a Contract of Sale to purchase the property at the bid price, which said Contract shall include the terms and conditions specified in this Resolution and other relevant provisions. A copy of the proposed form of Contract shall be made available to interested bidders prior to the public sale.

(f) Title shall be good and marketable, insurable at regular rates issued by a title insurance company licensed to do business in the State of New Jersey, and conveyed by Bargain and Sale Deed, CVG, with final payment to be made as described in (d) above at a closing to be arranged between the purchaser and the Township of Pohatcong pursuant hereto, said closing to occur within forty-five (45) days of the Township Council's acceptance of the bid, said closing to be TIME OF THE ESSENCE.

(g) At closing of title purchaser shall be responsible for the payment of a 10% commission to the auctioneer, recording fees, realty transfer fees, if applicable, and all other expenses incurred by the bidder, including title insurance and attorney's fees.

(h) The property shall be sold in AS IS, WHERE IS condition subject to easements and restrictions of record, applicable zoning, and such facts as may be demonstrated by accurate survey. The Township shall expressly disclaim all warranties, express or implied, with respect to the condition of the property and the purchaser shall expressly indemnify and hold the Township harmless from any claims arising out of or

relating to the condition of the premises.

(i) Failure to comply with any of the above requirements or to close by the TIME OF THE ESSENCE date to be established in the Contract shall entitle the Township of Pohatcong to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

2. This Resolution shall constitute and serve as the public notice to be published in a newspaper circulating in the Township at least once a week for two consecutive weeks, the last publication being not earlier than seven days prior to the date set forth for the public sale.

### **RESOLUTION**

#### **100% DISABLED VETERAN BLOCK 115, LOT 14.02 110 ROUTE 627**

**WHEREAS**, the Tax Assessor has granted exempt status on 1/18/2018 to property owner Michael Standifer for Block 115, Lot 14.02;

**WHEREAS**, if the Mayor and Council of the Township of Pohatcong agree with the above effective date the property taxes in the amount of \$3,144.60 for the 2018/2<sup>nd</sup> quarter will be exempt and once we have a certified tax rate for 2018 the 2018/1<sup>st</sup> quarter will be prorated accordingly;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Pohatcong on this 6th day of March 2018 that the above referenced property is tax exempt and the Tax Collector is hereby authorized to make the necessary adjustments to reflect this.

### **RESOLUTION**

#### **OPPOSING NJDOT ROUTE 80 ROCK MITIGATION PROJECT THROUGH THE DELAWARE WATER GAP**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) intends to build a series of high industrial fences and a 60-foot concrete pyramid called a “rockfall berm” along Route 80 through the Delaware Water Gap; and

**WHEREAS**, the proposed Route 80 Rockfall Mitigation will be built on lands located in Knowlton and Hardwick Townships and the Delaware National Water Gap Park; and

**WHEREAS**, stakeholders Knowlton Township and Hardwick Township have formally opposed the project, and have not given their permission for this project within their boundaries; and

**WHEREAS**, construction of the Route 80 fence is slated to begin in 2020, may last two years, and will cost between \$55 and \$58 million dollars according to NJDOT estimates; and

**WHEREAS**, the stated intent of the fence and concrete berm is to prevent rockfall; and

**WHEREAS**, the NJDOT’s Concept Development Report acknowledges that “NJDOT provided limited rockfall event data, and the actual frequency of rock activity is unknown” for this project; and

**WHEREAS**, there are no documented rockfall events nor any recollections of significant rockfall events over the last ten years within Area “D” portion of the project where the concrete pyramid is to be placed; and

**WHEREAS**, there are 70 to 80 motor vehicle accidents on Route 80 in this section of Route 80 annually due to speed and poor road conditions yet this project involves no road improvements; and

**WHEREAS**, two years of construction on Route 80 will have significant negative impact on residents and on emergency personnel's ability to get to nearby hospitals; and

**WHEREAS**, the Delaware Water Gap is a nationally prominent scenic wonder and a gateway to the one of the most widely used National Parks in the nation; and

**WHEREAS**, the proposed project will directly impact the viewshed of the Appalachian Trail, which has an entrance at the Delaware Water Gap Park; and

**WHEREAS**, in 2016, 3.7 million visitors to the Delaware National Water Gap park spent \$126.3 million in communities within 60 miles of the park and supported 1887 jobs\*; and

**WHEREAS**, tourism to the Delaware Water Gap and the scenic value of Northwest New Jersey will likely be negatively impacted by the proposed fence; and

**WHEREAS**, the millions of dollars appropriated for this non-essential project could be better directed to creating a safe passageway on Route 80 itself through the Delaware Water Gap.

**NOW, THEREFORE, BE IS RESOLVED** on this 20<sup>th</sup> day of March, 2018, the Township Council of the Township of Pohatcong opposes the current NJDOT Route 80 Rockfall Mitigation Project and requests the assistance of the following elected representatives in halting the current NJDOT project.

- 1) U.S. Congressman Josh Gottheimer
- 2) U.S. Senator Cory Booker
- 3) U.S. Senator Bob Menendez
- 4) State Senator Steven Oroho
- 5) State Assemblyman Parker Space
- 6) State Assemblyman Harold Wirths
- 7) Warren County Freeholders Ed Smith, Jason Sarnoski, and Rick Gardner

**BE IT FURTHER RESOLVED**, that the Warren County Governing Officials Association encourages the NJDOT to continue Route 80 rock mitigation under the conditions that:

- a) Rock mitigation occurs in a manner that does not harm the viewsheds of the nationally recognized Delaware Water Gap and Appalachian Trail; and
- b) The project includes measures that address the speeding and/or dangerous road conditions causing far more accidents annually than rockfall.

\*Data obtained from *NPS Annual Visitor Spending Analysis for 2016*, page 22. [https://www.nps.gov/nature/customcf/NPS\\_Data\\_Visualization/docs/2016\\_VSE.pdf](https://www.nps.gov/nature/customcf/NPS_Data_Visualization/docs/2016_VSE.pdf)

## **RESOLUTION**

### **REDEMPTION OF TAX CERTIFICATE #2017-018**

**WHEREAS**, the Tax Collector of the Township of Pohatcong advised Mayor and Council that the following property has been redeemed and the money due thereon paid to the Township of Pohatcong Tax Collector;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Pohatcong this 20th day of March 2018 that refunds are made to the certificate holder as noted:

<b>CERTIFICATE HOLDER</b>	<b>BLK/LOT</b>	<b>CERT#</b>	<b>AMOUNT</b>
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FWDSL & Associates, LP  
17 West Cliff Street  
Somerville, NJ 08876

70/4

2017-018

\$688.24

**RESOLUTION**

**REDEMPTION OF TAX  
CERTIFICATE #2017-003**

**WHEREAS**, the Tax Collector of the Township of Pohatcong advised Mayor and Council that the following property has been redeemed and the money due thereon paid to the Township of Pohatcong Tax Collector;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Pohatcong this 20<sup>th</sup> day of March 2018 that refunds are made to the certificate holder as noted:

<b>CERTIFICATE HOLDER</b>	<b>BLK/LOT</b>	<b>CERT#</b>	<b>AMOUNT</b>
US Bank Cust for PC6, Sterling National Tax Lien Services 50 South 16 <sup>th</sup> Street, Suite 2050 Philadelphia, PA 19102	9.02/7	2017-003	\$1,626.68

**Motion:**

Councilman Babinsky made the motion to adopt six (6) of the foregoing seven resolutions and table the second one. Seconded by Slack, the motion carried 4-0 (ayes: Babinsky, Oertel, Slack and Kern, nays: none, absent: Vangeli).

In reviewing the motions, Mayor Kern asked to table the fourth one.

**Motion(s):**

**Motion:** (to accept Wendy Acevedo's resignation as Senior Clerk Typist and Deputy Registrar of the Municipal Clerk's Office effective March 30, 2018)

**Motion:** (to authorize the clerk to make an employment offer to Angeline Kasharian for the part-time Municipal Court Office Assistant position at a rate of \$12/hr. – Hours: Monday, Tuesday, Wednesday and Friday 12:30 p.m. to 4:30 p.m. Thursdays 9:00 a.m. to 4:4:30 p.m. not to exceed 23 hours per week with a start date March 26, 2018)

**Motion:** (to appoint Craig Brotons to the Tax Assessor position effective April 2, 2018 Four (4) Year- Term July 1, 2018 – June 30, 2022 – Annual Salary \$22,742.22 - Office Hours: Fridays – 2:00 – 4:00 p.m.)

**Motion:** (to amend Bryan Courter, Administrative Assistant to Finance Officer, work hours to accommodate his spring course schedule. Hours: M, W, F- 3:00 -7:00 p.m. Saturdays or Sundays in coordination with CFO (3 hours) - **Tabled**)

**Motion:** (to authorize the Mayor and Clerk to execute a professional service agreement with Max Spann R.E. & Auction for auction marketing services)

**Motion:** (to hire Warren Septic Service, LLC to provide portable rest rooms for the parks)

**Motion:** (to hire LMR for Spring Clean Up – Friday, May 11<sup>th</sup> and Saturday May, 12<sup>th</sup>) and authorize the clerk to execute the Service Agreement)

**Motion:** (to approve the proposal from Newtech Recycling to provide a 20' Trailer for E-Waste during the Spring Clean Up – cost \$350.00 plus \$0.35/lb.)

**Motion:** (Community Yard Sale – Saturday, May 5<sup>th</sup> and Sunday, May 6<sup>th</sup>)

**Motion:** (Spring Clean Up – May 11<sup>th</sup> and 12<sup>th</sup>)

**Motion:** (to approve 4 raffle applications for the Huntington Volunteer Fire Department Association)

**Motion:** (to schedule a special Township Council meeting for Tuesday, April 3, 2018 at 7:00 p.m.)

Mayor Kern made the motion to approve eleven (11) of the twelve (12) foregoing motions and table the fourth. Seconded by Slack, the motion carried 4-0 (ayes: Babinsky, Oertel, Slack and Kern, nays: none, absent: Vangeli).

### **Lawn Mowing and Trimming Proposals**

Attorney Benbrook addressed the lawn mowing and said the clerk did a great job in soliciting proposal for lawn mowing as she always does. Interestingly enough, some of the contractors had questions about the height of the cut. Next year, if Council wants to expand on the specs we can do that. He read the three proposals received for the parks: \$14,504, \$16,240 and the low bid of \$12,350 from Lazier Landscaping There were four for the municipal properties: \$27,290, \$9,960, \$9,800 and low bid \$8,650 from Lazier Landscaping. Lazier Landscaping did both for us last year.

### **Motion:**

Councilman Babinsky moved to award the bid for lawnmowing to Lazier Landscaping, for Municipal Parks \$12,350 and Municipal Properties \$8,650. Seconded by Slack, the motion carried 4-0 (ayes: Babinsky, Oertel, Slack and Kern, nays: none, absent: Vangeli).

Mayor Kern addressed Chief Robb about an email he had sent regarding an ordinance 206-21 stop sign violations. The Chief replied that he should send another email because he was just advised that the AOC does not want them issuing for the local ordinance anymore and will require us to refund fines if they find we are. He has directed his department to no longer write tickets under the local ordinance but write it as Title 39 and had discussed the same with Judge Mellinger.

The Mayor spoke about the people who are hired to stand along Route 22 advertising sales for some of the big box stores. Chief Robb suggested that they should also have to file for a permit to solicit their business. It is also a traffic safety issue. The Chief and Benbrook will look into that.

Councilman Babinsky asked what we can do about all the trash collecting along New Brunswick Avenue, plastic bags, bottles and cans. The Mayor said we had tried to schedule volunteers to clean up that area last year and it snowed both times. Chief Robb said that the county CLAP program won't do it because it's a safety concern with the fence there should someone get caught or injured. He will reach out to NORWESCAP and the NJ Corps. Group and the Boy Scouts to see if they can assist. Mr. O'Brien said that area is NJDOT right of way.

### **Public Comments:**

Reni Melvin of Winters Road said they have an issue with the Environmental Commission that should have been resolved 7 or 8 months ago and she knows that some of them are aware of the issue. She wanted to speak to Benbrook about it because she cannot get a clarification on the status of Sharon Smith and what her position is with the township. She has been their secretary but has had numerous health issues and has not been able to provide them with her service for probably 10-11 months now. While they have been having meetings, Dominick Agiesta had said he'd take over and did in September or October. She understood that this is a yearly appointment but was told by Wanda and others that she is on the payroll. Mrs. Melvin said that Sharon wants to come back but doesn't have a way to get here and can barely walk. She was supposed to come to the last meeting but didn't come and didn't call. Mrs. Melvin didn't think Sharon wants to give it up completely but doesn't think she's capable of doing it and they need someone to serve as the secretary. The clerk said that Council had appointed Dominick Agiesta at the

alternate secretary at the last meeting so he could submit a voucher to be paid and that she had also spoken to Sharon to ask if she wanted to resign and was told that she plans to continue in both her secretarial positions. Benbrook added that he and the clerk had discussed this and that for some reason, her positions were not listed on the Re-Org agenda as an annual appointment for the last few years. The clerk said it was because she had been told it was a hire not an appointment. He added that this Council could appoint someone to this position annually. Mrs. Melvin said that they'd received an email from her asking if the next meeting is April 2<sup>nd</sup> and if she's still the secretary. They do not want to respond in any way that may harm the township or isn't legal. Benbrook suggested that this would be a Mayor's appointment with advice and consent of Council.

**Mayor's Appointment with advice and consent of Council:**

Dominick Agiesta                      Environmental Commission Secretary  
One (1) year term (12-31-2018)

**Motion:**

Mayor Kern made the motion to approve the foregoing appointment, Oertel seconded. The motion carried 3-0 (ayes: Babinsky, Oertel and Kern, nays: none, absent: Vangeli, abstain: Slack).

Mrs. Melvin thanked Mayor and Council.

Kevin Melvin asked if the fair share housing agreement has been reached. Benbrook replied it has and it has been signed. Benbrook provided more details of the agreement to Mr. Melvin. In response to his question about the auction of the Shimer School, Benbrook said that the Council has the right to reject all bids and there is no reserve.

Mr. Melvin asked Mr. O'Brien when the Aldi's was expected to be completed. Mr. O'Brien said they are looking at a June opening instead of May because of the bad winter. Benbrook added that they had paid their COAH fee in the amount of 2.5%; we got half that payment at permit and the balance at C/O.

Mayor Kern announced that Council would adjourn to Executive Session to discuss a personnel matter for approximately 15 minutes. Action will be taken upon their return to the regular meeting.

**Executive Session:**

***RESOLUTION AUTHORIZING EXECUTIVE SESSION***

**WHEREAS**, Section 8 of the Open Public Meeting 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.  
The public shall be excluded from the discussion of any action upon the hereinafter specific subject matter.

The general nature of the subject matter to be discussed is:

- a) Personnel

It is anticipated at this time that the above stated subject matter will be made public at the conclusion of the litigation. The motion carried with the following roll call vote.

**Motion:**

Councilman Slack moved to adjourn to Executive Session at 7:46 p.m. Seconded by Babinsky, the motion carried 4-0 (ayes: Babinsky, Oertel, Slack and Kern, nays: none, absent: Vangeli).

**Motion:**

Councilman Babinsky made the motion to adjourn Executive Session and return to the regular meeting 8:24 a.m. Seconded by Slack, the motion carried – all were in favor.

Upon returning to the regular meeting, Attorney Benbrook advised that Council had discussed a budget and personnel issue with Chief Robb. Council also discussed the Deputy OEM and 911Coordinator positions. He worded the following motion for Council’s consideration.

**Motion:** (to designate Chief Robb as the township’s Deputy OEM and 911 Coordinator)

Benbrook stated that Chief Robb graciously offered to take on these responsibilities for no additional compensation.

Councilman Oertel moved to approve the foregoing motion as stated. Seconded by Babinsky, the motion carried 4-0 (ayes: Babinsky, Oertel, Slack and Kern, nays: none, absent: Vangeli).

Attorney Benbrook added that Council discussed filling the position in the clerk’s office but don’t have a candidate they wish to take action on yet.

**Old Business:**

None.

**New Business:**

Mayor Kern announced that the Governor had just declared a state of emergency due to the winter storm starting tonight through tomorrow.

**Correspondence**

Copies of all correspondence were distributed, action taken where necessary and filed for further perusal.

**Adjourn**

There being no further business to come before Council at this time, on motion by Slack, seconded by Babinsky, this meeting adjourned at 8:25 p.m.

Wanda L. Kutzman, RMC  
Township Clerk

/wlk