

ALEXANDRIA TOWNSHIP COMMITTEE MEETING

Minutes

November 12, 2014

This meeting was advertised in the Hunterdon County Democrat, notice posted in the Alexandria Township Municipal Offices and the Alexandria Township Website, (www.alexandria-nj.us) as required by the Open Public Meetings Act. Meeting Called to order at 7:44 PM.

ROLL CALL: Committeeman Swift (via phone), Committeeman Pfefferle, Mayor Abraham and Attorney Dragan were present.

FLAG SALUTE

INTRODUCTION OF NEW COMMITTEEMAN

Mayor Abraham introduced the newest member of the Township Committee Chris Pfefferle to those in attendance. Comm. Pfefferle was sworn in on Friday, November 7th at the municipal offices.

Comm. Pfefferle made a motion, seconded by Comm. Swift to move to Executive Session. **Roll Call: Comm. Pfefferle, yes; Comm. Swift, yes and Mayor Abraham, yes.**

Open Public Meetings Act RESOLUTION- Executive Session

WHEREAS, N.J.S.A. 2:4-12, Open Public Meetings Act, 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 of Alexandria, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - A confidential or excluded matter under Federal or State Law or Court Rule.
 - A matter involving information that may impair the Township's rights to receive funds from the United States Government.
 - A matter constituting an unwarranted invasion of an individual's privacy rights.
 - Collective Bargaining Agreement or negotiation of the Agreement.
 - Matters involving the purchase, lease or acquisition of real property with public funds which it could adversely affect the public interest if discussion were disclosed.
 - Tactics and techniques to protect the safety and property of the public, including investigations of violations or potential violations of the law.
 - Pending or anticipated litigation or contract negotiations in which the public body is or may become a party.

Tax Appeal for John Lionetti

___ Matters falling within the attorney-client privilege.

___ Personnel matters involving a specific employee or officer of the Township.

___ Deliberations of the Township occurring after a public hearing that may result in the imposition of a specific penalty or suspension or loss of a license or permit.

3. It is anticipated at this time that the above matter will be made public: at the conclusion of the litigation and at such time as attorney client confidentiality is no longer needed to protect confidentiality and litigation strategy.
4. The executive session minutes will be placed on file in the township clerk's office, and will be available to the public as provided for by New Jersey law.
5. This Resolution shall take effect immediately .

MOTION TO RETURN TO PUBLIC SESSION:

Comm. Pfefferle made a motion, seconded by Comm. Swift to return to Public Session. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

EXECUTIVE SESSION:

- **Pending Litigation/Contract Negotiations-Tax Appeal for John Lionetti**

A tax appeal settlement was discussed regarding John Lionetti, 143 Woolf Road, B-8, L-33. Mr. Lionetti filed an appeal on his 2010, 2011, 2012, 2013, and 2014 tax assessments. Tax Appeal Atty. Martin Allen discussed with the Township Committee various market value appraisals that were obtained by both Mr. Lionetti and the Township. A settlement has been accepted which results in a dismissal of the 2010 tax appeal and a reduction of the 2011, 2012, 2013 and 2014 tax assessments. Comm. Pfefferle made a motion, seconded by Comm. Swift to approve Resolution 2014-068. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

RESOLUTION 2014- 68

TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP SPECIAL TAX APPEAL ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT FOR TAX APPEALS CAPTIONED JOHN LIONETTI VS. ALEXANDRIA TOWNSHIP, DOCKET NOS. 010807-2010, 004545-2011, 006230-2012, 000253-2013 AND 000855-2014.

WHEREAS, John Lionetti (“Taxpayer”), was the owner and taxpayer of the property located at 143 Woolf Road, Block 8, Lot 33 on the Township of Alexandria’s Tax Assessment Maps (the “Property”), and he filed an Appeal of his 2010, 2011, 2012, 2013 and 2014 tax assessments in the Tax Court of New Jersey, Docket Nos. 010807-2010, 004545-2011, 006230-2012, 000253-2013 AND 000855-2014; and

WHEREAS, the Mayor and Township Committee met and considered the aforesaid tax appeals and the recommendations of its Tax Assessor and Special Tax Appeal Attorney; and

WHEREAS, the property was assessed at a total tax assessment of \$6,841,800 in 2010 and 2011, \$6,569,500 in 2012 and 2013, and \$5,758,800 in 2014; and

WHEREAS, the ratio of assessed to true value for the Township in the 2010 tax year was 94.07%; the 2011 tax year was 97.95%; the 2012 tax year was 103.29%; the 2013 tax year was 105.39%; and the 2014 tax year was 100%; and

WHEREAS, the Taxpayer obtained and supplied an appraisal opining that the market value of the property for the 2010 and 2011 tax years was only \$3,500,000; for the 2012 tax year was only \$3,200,000; and for the 2013 tax year was only \$3,000,000; and

WHEREAS, the Township obtained an appraisal report opining that the market value for the 2010 tax year was \$9,000,000; the 2011 tax year was \$9,200,000; and the 2012 and 2013 tax years was \$9,500,000; and

WHEREAS, the Taxpayer sold the Property on or about March 31, 2014 for a deed consideration of \$3,850,000; and

WHEREAS, acceptable settlements of the aforesaid tax appeals have been negotiated which settlement results in a dismissal of the 2010 tax appeal, and a reduction of the 2011, 2012, 2013 and 2014 assessments, all as more specifically set forth in the Stipulation of Settlement reviewed by the Mayor and Committee; and

WHEREAS, the settlement results in the 2011 total tax assessment being reduced from \$6,841,800 to \$5,625,000; the 2012 and 2013 total tax assessments being reduced from \$6,569,500 to \$5,000,000; and the 2014 total tax assessment being reduced from \$5,758,800 to \$4,250,000; and

WHEREAS, the Taxpayer has agreed to waive the payment of interest on any refunds, and to accept partial credits in lieu of refunds in part against other properties owned by the Taxpayer in 2015, and in part against the subject Property in 2015, all as more specifically set forth in the Stipulation of Settlement reviewed by the Mayor and Committee; and

WHEREAS, the reduction in assessments will result in a reduction in taxes by credits and refunds in the total amount of \$127,508.75, of which sum the Taxpayer will accept a credit in lieu of refunds in the amount of \$24,000 against other properties owned by the Taxpayer in 2015, and will accept a credit in lieu of refunds in the amount of \$25,090 against the subject Property in 2015, and the balance of the refunds in the amount of \$78,418.75 shall be paid by refund check to the "Attorney Trust Account of Smith Curley, LLC for John Lionetti;" and

WHEREAS, the Taxpayer acknowledges that the Township may be required, in its reasonable discretion, in order to fund the refund, to secure a Bond from the Local Finance Board; and

WHEREAS, as a result of the possible need to obtain a Bond to finance the refund amount of \$78,418.75, that amount shall be payable as soon as practicable after the issuance and fund of the said Bond, if bonding of said amount is reasonably necessary; and

WHEREAS, if reasonably necessary, the Township will promptly make application and all reasonable efforts to expeditiously process the bonding of the aforesaid refund amount; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Township because of the aforesaid specific fact situation; and

WHEREAS, the Township will make this settlement with John Lionetti, without prejudice to its dealings with any other Township taxpayer's request for tax assessment reduction;

WHEREAS, the Mayor and Committee have reviewed a copy of the proposed Stipulation of Settlement in this matter;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Alexandria, County of Hunterdon, State of New Jersey, as follows:

1. The Township's Special Tax Appeal Attorney is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of John Lionetti, Docket Nos. 010807-2010, 004545-2011, 006230-2012, 000253-2013 AND 000855-2014; which settlement is more specifically described in the annexed Stipulation of Settlement.
2. The settlement outlined above shall be without prejudice to the Township of Alexandria's dealings with any other Township taxpayers' request for tax assessment reductions.
3. The Tax Assessor is directed to allocate the settled amounts of the assessments between land and improvements in a manner which is in the best interests of the Township of Alexandria.

4. A certified copy of this Resolution and the Annexed Stipulation of Settlement shall be provided to the Chief Financial Officer, Tax Assessor and Special Tax Appeal Attorney.

Attest:

Paul Abraham, Mayor

Michele Bobrowski, RMC
Township Clerk

CERTIFICATION

I, Michele Bobrowski, RMC, Township Clerk of the Township of Alexandria, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted at a meeting on November 12, 2014.

Michele Bobrowski, RMC

MUNICIPAL BUILDING UPDATE:

Mayor Abraham noted that the superior walls for the foundation are complete. The floor will be finished tonight. There are 14 footings for the beams to hold up the municipal building. The basement is approximately 3600 ft. The Township received a timeline from Mobilease with projected dates from when the building will be delivered until completion. Mobilease is hoping to receive a Temporary Certificate of Occupancy on or around January 28, 2015. The bid spec stated that the municipal building needed to be completed from start to finish within 150 days. March 9, 2015 will be the 150 day deadline for the municipal project before penalties of \$250.00 a day set in for Mobilease.

- **Recording System:**

Meeting room will be approximately 600 sq ft. for 40 people. Room will not have acoustic problems due to the size and lower ceilings. Two quotes were received for a new recording system. The first quote was from Office Business Solutions (OBS). OBS broke down their quote into two options. The first option was a recording system with a sound system in the amount of \$9,680.00. The second option was a recording system without a sound system in the amount of \$7,650.00. The second quote received was from Gramco. Gramco is offering a Marantz recording system in the amount of \$1,295.00. Both recording systems will require an additional purchase of laptops.

Comm. Pfefferle made a motion, seconded by Comm. Swift to purchase the Marantz recording system from Gramco in the amount of \$1,295.00. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

- Mini Blinds

Mobilease quoted mini blinds as an option in the bid in the amount of \$1,962.00 which breaks down to \$108.00 per window. There are 19 windows in the new municipal building. Budget Blinds is quoting:

Premium Blinds: \$80.00 each for 30 x 54 windows, \$68.00 each for 30 x 27 windows

Basic Blinds: \$56.00 each for 30 x 54 windows, \$52.00 for 30 x 27 windows

\$5.00 per window installation

Comm. Pfefferle made a motion, seconded by Comm. Swift to have Budget Blinds install premium blinds at the cost of \$80.00 each for 30 x 54 windows, \$68.00 for 30 x 27 windows, and \$5.00 per window installation. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

OLD BUSINESS:

- 2nd Reading of Ordinance 2014-08 An Ordinance Amending the Alexandria Township Land Use Ordinance to Update Public Notice and Submission Requirements and Incorporate Highlands Council Call-Up Provisions for Applications for Development in the Highlands Preservation Area

Comm. Swift made a motion, seconded by Comm. Pfefferle to open public hearing for Ordinance 2014-008. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes. Public Comment:** There was no public comment. Comm. Swift made a motion, seconded by Comm. Pfefferle to close public hearing. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.** Comm. Swift made a motion, seconded by Mayor Abraham to adopt Ordinance 2014-008. **ROLL CALL: Comm. Pfefferle, abstain; Comm. Swift, yes; and Mayor Abraham, yes.**

TOWNSHIP OF ALEXANDRIA HUNTERDON COUNTY, NEW JERSEY

Ordinance No. 2014-08

AN ORDINANCE AMENDING THE ALEXANDRIA TOWNSHIP LAND USE ORDINANCE TO UPDATE PUBLIC NOTICE AND SUBMISSION REQUIREMENTS AND INCORPORATE HIGHLANDS COUNCIL CALL-UP PROVISIONS FOR APPLICATIONS FOR DEVELOPMENT IN THE HIGHLANDS PRESERVATION AREA

WHEREAS, the Highlands Water Protection and Planning Act ("Highlands Act," N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in

particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

WHEREAS, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

WHEREAS, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

WHEREAS, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

WHEREAS, the Plan Conformance Guidelines provide an overview of the Highlands Act’s bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires that municipalities must revise and conform their local master plan and development regulations for that portion of their lands within the Preservation Area, as related to development and use of said lands, with the goals, requirements and provisions of the Regional Master Plan within 15 months of the effective date of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Plan Conformance Guidelines detail the requirements for Plan Conformance including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources; and

WHEREAS, the Plan Conformance Guidelines require conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region; and

WHEREAS, the Plan Conformance Guidelines include the adoption of a Development Application Checklist Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted by

the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan; and

WHEREAS, the Township of Alexandria is located in the Highlands Region with lands lying within both the Preservation Area and the Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Township of Alexandria, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Township lands located within the Preservation Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council proposed amendments to the municipal planning program, including amendments based on Highlands Council models, to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which were intended to achieve conformance with the Regional Master Plan; and

WHEREAS, due to the extremely limited development potential of the Preservation Area in the Township of Alexandria (resulting from both the application of NJDEP Preservation Area Rules to the particular characteristics of Preservation Area lands in the Township and the existence of extensive areas of already preserved lands), the Governing Body and the Highlands Council together have determined that the adoption of the complete Master Plan Highlands Element and Highlands Preservation Area Land Use Ordinance based on Highlands Council models, is not necessary to implement Plan Conformance standards in the Township; and

WHEREAS, the Governing Body and the Highlands Council together have determined that the adoption of revised submission requirements pertinent to Applications for Development provides a more efficacious means to ensure that development within the municipality achieves compliance with the standards and protections required under the Highland Regional Master Plan; and

WHEREAS, an immediate level of protection to the resources located within the Highlands Region by adoption of revised submission requirements pertinent to Applications for Development therein is required by the Plan Conformance Guidelines; and

WHEREAS, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Preservation Area of the municipality, eligible for application of the provisions of the Highlands Act at N.J.S.A. 13:20-22 and N.J.S.A. 13:20-24 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Alexandria that the Land Use Ordinance of the Township of Alexandria be and is hereby amended to incorporate the following provisions:

SECTION 1. APPLICABILITY

This Ordinance shall apply to any Application for Development involving lands located within (or partially within) the Township Highlands Preservation Area (as illustrated in Exhibit 1, "Township

of Alexandria Highlands Preservation Area”) that seeks approval of a site plan, subdivision, or change in use, where approval of such Application would: a) result in the ultimate disturbance of one (1) acre or more of land; b) produce a cumulative impervious surface area of one-quarter (¼) acre, or more; c) in the case of residential development, create three or more dwelling units; or d) introduce or expand on any of the following land uses/facilities:

- A. Landfills;
- B. Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
- C. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
- D. Industrial treatment facility lagoons; or
- E. Any Major or Minor Potential Contaminant Source (as identified in Appendix A and Appendix B of this Ordinance, respectively) on lands located within 200 feet of the wellhead of any public community well or public non-community well, as these are defined at Section 6 below.

For purposes of this Ordinance, the phrases “Application for Development,” “Highlands Area,” “residential development,” “ultimate disturbance,” and “cumulative impervious surface area” shall be defined as provided at Section 6 below.

SECTION 2. ADMINISTRATIVE COMPLETENESS

A. **CONSISTENCY DETERMINATIONS REQUIRED.** No Application for Development included in Section 1 above, shall be deemed complete or considered for review by the applicable Land Use Board until and unless the Applicant has obtained and provided a copy of:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Section 2.B below.

B. **FINDINGS OF INCONSISTENCY.** Where a Highlands Council Consistency Determination indicates that an Application for Development is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the applicable Land Use Board, until or unless the Applicant has obtained from the professional(s) responsible for preparation of the Applicant’s plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the application has, since review by the Highlands Council, been revised to achieve consistency with the Highlands Regional Master Plan, and specifically describing the revisions made to achieve such consistency.

C. **CHECKLIST WAIVER.** The Township may issue a waiver from the provisions of this Section where it can be established by the Applicant and can be verified by the designated representative(s) of the Township that:

1. The activity, improvement or development proposed by the subject Application for Development has not yet been formally determined to be exempt from the Highlands Act (see Section 5.B, below), but eligibility for an exemption has been sufficiently established by the Applicant; or
2. The activity, improvement or development proposed in the Application for Development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The Applicant's professional(s) responsible for preparation of the Applicant's plan shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.

D. **HIGHLANDS COUNCIL CALL-UP.** All municipal waivers or findings of application completeness issued pursuant to this Section shall be issued in writing, inclusive of a statement indicating the rationale for the determination. All such determinations shall be subject to Highlands Council call-up review, and shall include conditions requiring same consistent with this paragraph. The municipality shall within five (5) calendar days of issuance of all such determinations, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following its receipt of same. Upon determining to exercise this authority for call-up review, the Highlands Council shall transmit notice to the Applicant and the municipality. Absent any such notification from the Highlands Council within that timeframe, the application shall be considered complete, with the date of the waiver or finding of application completeness to be as of the date of first issuance by the municipality.

SECTION 3. NOTICE REQUIREMENTS

The provisions of this section shall apply in addition to all requirements concerning public notice for Applications for Development as provided under the MLUL and required pursuant to the underlying municipal land use ordinances.

A. **NOTICE TO HIGHLANDS COUNCIL OF APPLICATION.** The applicant for any Application for Development shall provide notice to the Highlands Council at least ten (10) days prior to the date on which the application is scheduled for consideration by the local Board. A copy of the complete application shall accompany such notice regarding any Application for Development involving the potential disturbance of two (2) acres, or more, or a cumulative increase in impervious coverage of one (1) acre, or more. The applicant shall provide copies of any subsequent revisions to such applications to the Highlands Council at the same time these are provided to the reviewing Board. If such plans or plats have been prepared in digital form, they shall be provided to the Highlands Council in a digital format that meets Highlands Council standards for such submissions.

B. **NOTICE OF DECISION REQUIRED.** The reviewing Board shall provide a certified copy of the fully-executed resolution memorializing its final decision regarding any Application for Development to the Highlands Council within ten (10) days of its adoption. This provision shall apply in all cases, whether the Board approves the Application for Development, denies it, or approves it with conditions.

SECTION 4. HIGHLANDS COUNCIL CALL-UP PROVISIONS

All Board decisions pertaining to Applications for Development involving the ultimate disturbance of two (2) acres or more of land or a cumulative increase in impervious surface by one (1) acre or more, are subject to call-up and subsequent review by the Highlands Council in accordance with procedural requirements and timeframes established pursuant to the Highlands Act. The Highlands Council may, on notice to the applicant within 15 calendar days of receipt of the memorializing resolution of the reviewing Board, review and require a public hearing on the application. In that case, subsequent to the hearing the Highlands Council may approve the Application for Development, deny it, or issue an approval with conditions.

The following conditions of approval shall be attached to any Application for Development approved pursuant to the MLUL which involves lands within or partially within the Highlands Preservation Area.

A. **NO LAND DISTURBANCE.** No land disturbance approved in connection with an Application for Development involving the ultimate disturbance of two (2) acres or more of land or a cumulative increase in impervious surface by one (1) acre or more, shall occur until and unless, either:

1. The Highlands Council call-up period has expired without issuance of a notice seeking review of the application by the Highlands Council; or
2. The Highlands Council has issued notice, and has reviewed the approval pursuant to N.J.S.A. 13:20-17(a)1 and has determined not to deny or modify the approval.

B. **AMENDMENTS.** In the event that Highlands Council review of an approved Application for Development pursuant to this Section results in a finding that the plans must be modified, the applicant shall amend the application accordingly and submit the amended application to the reviewing Board for approval. Such submissions shall include the written findings and notice of decision of the Highlands Council and any subsequent approval by the Land Use Board shall incorporate any conditions imposed by the Highlands Council.

C. **APPROVALS CONDITIONED ON STATE APPROVALS.** All approvals shall be subject to the approval of any and all State agencies or other authorities having jurisdiction over any aspect or aspects of the approved Application for Development.

D. **AS-BUILT SURVEYS REQUIRED.** Prior to issuance of any final Certificate of Occupancy or Approval, or to the release of any performance bonding held in relation to the approved Application for Development, the applicant shall provide an “as-built” survey depicting the final site conditions.

E. **SUBMISSION OF FINAL PLANS/PLATS TO HIGHLANDS COUNCIL.** The applicant shall provide a copy of any final site plan or subdivision plat to the Highlands Council. If such plans or plats have been prepared in digital form, they shall be provided to the Highlands Council in a digital format that meets Highlands Council standards for such submissions in lieu of copies printed on paper.

SECTION 5. EXCLUSIONS AND EXEMPTIONS

A. EXCLUSIONS. The following specific improvements and related applications shall be excluded from the provisions of this Ordinance:

1. The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
2. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.
3. Any Agricultural or Horticultural Use or Development that would not result in either:
 - a. An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) to the total land area of a Farm Management Unit. Solar panels shall not be included in any calculation of agricultural impervious cover (all terms as defined in Section 6, below); or
 - b. Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

B. EXEMPTIONS. Any activity, improvement or development project listed and demonstrated to constitute a Highlands Act exemption shall be exempt from the provisions of this Ordinance. Formal demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Preservation Area shall consist of one of the following:

1. *State Agency Determination.* State Agency Determinations shall consist of a Highlands Applicability Determination (HAD) issued by the NJDEP indicating that the proposal qualifies as a Highlands Act Exemption.
2. *Municipal Determination.* Pursuant to Township Ordinance **#2014-09**, entitled "Township of Alexandria Highlands Area Exemption Ordinance," effective as of _____ for any application under this Ordinance involving Highlands Act Exemptions #4, #6, #7, or #8, the applicant may request and shall be deemed to have satisfied the evidentiary requirement by obtaining a Municipal Exemption Determination issued by the Municipal Exemption Designee, provided such Determination indicates that the proposal qualifies as a Highlands Act Exemption. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent and with the same protections as would apply in the case of a HAD issued by the NJDEP.

SECTION 6. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Agricultural or Horticultural Development – means construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

Agricultural or Horticultural Use – means the use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

Agricultural Impervious Cover – means agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings.

Applicant – means a developer submitting an Application for Development.

Application for Development – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permits pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

Disturbance – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Disturbance, Ultimate – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Farm Management Unit – means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Applicability Determination (HAD) – means the determination made by the NJDEP of whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan.

Highlands Area – means that portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands Regional Master Plan, specifically in the context of this Ordinance, the Township of Alexandria Highlands Preservation Area.

Highlands Region – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Impervious Surface – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

Impervious Surfaces, Cumulative – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Major Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see Appendix A).

Minor Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see Appendix B).

Municipal Land Use Law (MLUL) – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

NJDEP – New Jersey Department of Environmental Protection

NJDEP Preservation Area Rules – means the regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 *et seq.*

Planning Area – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Public Community Well – means a well that provides water to a public water system serving at least 15 service connections used by year-round residents or regularly serving at least 25 year-round residents.

Public Non-Community Well – means a well that is not a public community well and that provides water to a public water system regularly serving at least 25 individuals for at least 60 days in any given calendar year.

Regional Master Plan (RMP) – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Solar Panel – means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq, as amended.)

Structure – means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

SECTION 7. All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

SECTION 8. This ordinance supersedes any ordinances, sections or portion(s) of the Land Use or any other Township ordinance inconsistent herewith.

SECTION 9. If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 10. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its publication, following final adoption, as provided by law.

ATTEST:

THE TOWNSHIP OF ALEXANDRIA

Michele Bobrowski, RMC, Twp. Clerk

By: _____
Paul Abraham, Mayor

- 2nd Reading of Ordinance 2014-09 An Ordinance Supplementing the Land Use Ordinance of Alexandria Township Setting Forth Procedural and Substantive Requirements by Which Alexandria Township Can Issue Highlands Act Exemption Determinations

Comm. Swift made a motion, seconded by Comm. Pfefferle to open public hearing for Ordinance 2014-009. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes. Public Comment:** There was no public comment. Comm. Swift made a motion, seconded by Comm. Pfefferle to close public hearing. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.** Comm. Swift made a motion, seconded by Mayor Abraham to adopt Ordinance 2014-009. **ROLL CALL: Comm. Pfefferle, abstain; Comm. Swift, yes; and Mayor Abraham, yes.**

**TOWNSHIP OF ALEXANDRIA
HUNTERDON COUNTY, NEW JERSEY**

Ordinance No. 2014-09

**AN ORDINANCE SUPPLEMENTING THE LAND USE ORDINANCE OF
ALEXANDRIA TOWNSHIP SETTING FORTH PROCEDURAL AND
SUBSTANTIVE REQUIREMENTS BY WHICH ALEXANDRIA TOWNSHIP
CAN ISSUE HIGHLANDS ACT EXEMPTION DETERMINATIONS**

This document is based on a model Highlands Area Exemption Ordinance prepared and provided to Highlands municipalities by the New Jersey Highlands Water Protection and Planning Council.

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TITLE, PURPOSE, SCOPE

TITLE

This Ordinance shall be known and cited as the “Alexandria Township Highlands Area Exemption Ordinance.”

PURPOSE

The purpose of this Ordinance is to set forth the procedural and substantive requirements by which the municipality will issue Highlands Act Exemption Determinations. Such determinations pertain only to Highlands Act Exemptions 1, 2, 4, 5, 6, 7, and 8. Highlands Act Exemption Determinations indicate whether proposed activities, improvements or development projects affecting lands located within the Alexandria Township Highlands Preservation Area are exempt from the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.), and are therefore exempt from the Highlands Water Protection and Planning Council’s (“Highlands Council”) Regional Master Plan, the New Jersey Department of Environmental Protection’s (NJDEP) Highlands Water Protection and Planning Act Rules (“Preservation Area Rules,” N.J.A.C. 7:38-1 et seq.), and from any amendments to Alexandria Township’s master plan, development regulations, or other regulations adopted pursuant to the approval of Alexandria Township’s Petition for Plan Conformance by the Highlands Council.

SCOPE/APPLICABILITY

The provisions of this Ordinance pertain to activities, improvements and development projects involving lands located within the Alexandria Township Highlands Preservation Area. The Highlands Area comprises that portion of the municipality for which the applicable provisions of the Alexandria Township Master Plan, land use ordinances and other pertinent regulations have been deemed by the Highlands Council to be in conformance with the Highlands Regional Master Plan (RMP) (see § 3.1.1). The provisions of this Ordinance shall not be construed to alleviate any person or entity from the provisions and requirements of any other applicable ordinances, rules, or regulations of the municipality, or from any other applicable law, regulation, or requirement of any county, state, or federal authority having jurisdiction. Nor shall the provisions of this Ordinance deprive any person or entity from seeking a Highlands exemption determination from the NJDEP or the Highlands Council.

STATUTORY AUTHORITY

This Ordinance is adopted under the authority of the Highlands Act and the New Jersey Municipal Land Use Law (“MLUL”, N.J.S.A. 40:55D-1 et seq.). In the Highlands Act, the Legislature identified numerous categories of activities that are exempt from the Act, the RMP, the Preservation Area Rules, and any amendments to a master plan, development regulations, or other regulations adopted by a local government to conform them with the RMP. See N.J.S.A. 13:20-28. The Legislature granted the Highlands Council the authority to administer the plan conformance process and to approve, reject, or approve with conditions municipal plan conformance petitions. See N.J.S.A. 13:20-14, -15. The Legislature, through the MLUL, granted authority to New Jersey municipalities to govern land use and development within their borders and, through the Highlands Act, established requirements for Highlands municipalities to conform their land use and development regulations with the RMP. In a July 19, 2012 Memorandum of Understanding (MOU) between the Highlands Council and the NJDEP, the Council and the NJDEP recognized the circumstances in which it would be appropriate for conforming, Highlands Council-certified municipalities to make determinations regarding specified Highlands Act exemptions.

SECTION 1.5. All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

SECTION 1.6. This ordinance supersedes any ordinances, sections or portion(s) of the Land Use or any other Township ordinance inconsistent herewith.

SECTION 1.7 If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 1.8. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its publication, following final adoption, as provided by law.

ATTEST:

THE TOWNSHIP OF ALEXANDRIA

Michele Bobrowski, RMC, Twp. Clerk

Paul Abraham, Mayor

DEFINITIONS

WORD USAGE

Terms used in the body of this Ordinance which are defined by the Highlands Act (N.J.S.A. 13:20-3) are intended to have the same definitions as provided in the Highlands Act. Unless expressly stated to the contrary or alternately defined herein, terms which are defined by the MLUL are intended to have the same meaning as set forth in the MLUL. For purposes of this Ordinance, the terms “shall” and “must” are indicative of a mandatory action or requirement while the word “may” is permissive.

DEFINITIONS

For purposes of this Ordinance the following definitions shall apply:

Agricultural or Horticultural Development – Construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3.)

Agricultural or Horticultural Use – The use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3.)

Agricultural Impervious Cover – Agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings. (N.J.S.A. 13:20-3.)

Applicant – Any entity applying to the Board of Health, Planning Board, Zoning Board of Adjustment, Zoning Officer, Construction Official or other applicable authority of the municipality for permission or approval to engage in an activity that is regulated by the provisions of this Ordinance.

Application for Development – The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

Building Permit – Used interchangeably with the term “Construction Permit;” see definition below.

Construction Permit – A permit issued pursuant to the New Jersey Uniform Construction Code, Chapter 23 of Title 5 of the New Jersey Administrative Code (N.J.A.C. 5:23-1 et seq.), providing authorization to begin work subject to the conditions and requirements established under the provisions therein.

Development – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or

other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the MLUL. (N.J.S.A. 13:20-3; N.J.S.A. 40:55D-4.)

Disturbance – The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation. (N.J.S.A. 13:20-3.)

Disturbance, Ultimate – The total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Environmental Land Use or Water Permit – A permit, approval, or other authorization issued by the Department of Environmental Protection pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.). (N.J.S.A. 13:20-3.)

Farm Management Unit – A parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise. (N.J.S.A. 13:20-3.)

Forest Management Plan – A written guidance document describing the forest resources present on a property, the landowner's management goals and objectives, and the recommended practices or activities to be carried out over time on the land. This tool is used to evaluate a forest land's current state and provide a management process which, over time, meets the landowner's objectives, while maintaining health and vigor of the resource. Forest Management Plans are typically written for a ten year period. (RMP, Glossary.)

Farmsite – A Farm Management Unit as defined above.

Highlands Applicability Determination – A determination made by the NJDEP (pursuant to N.J.A.C. 7:38-2.4) indicating whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan

Highlands Area – That portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands RMP.

Highlands Preservation Area Approval (HPAA) – An approval issued by the NJDEP pursuant to 7:38-6 pertinent to a regulated activity in the Highlands Preservation Area, and including an HPAA that contains a waiver pursuant to N.J.S.A. 13:20-33b.

Immediate Family Member – A spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage, or adoption. (N.J.S.A. 13:20-3.)

Impervious Surface – Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. (N.J.S.A. 13:20-3.)

Impervious Surfaces, Cumulative – The total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Major Highlands Development – Except as otherwise provided pursuant to subsection a. of section 30 of the Highlands Act (“Exemptions”): (1) any non-residential development in the Preservation Area; (2) any residential development in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the Preservation Area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a state entity or local government unit in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands Development shall not include any agricultural or horticultural development or agricultural or horticultural use. Solar panels shall not be included in any calculation of impervious surface. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq., as amended.)

Master Plan – For purposes of this Ordinance, all references to the “Alexandria Township Master Plan,” “master plan,” or “Master Plan,” refer to the municipal master plan, as defined in the MLUL (N.J.S.A. 40:55D-5), as adopted by the Alexandria Township Planning Board.

Master Plan, Highlands Regional (RMP) – For purposes of this Ordinance, all references to the Highlands Regional Master Plan (RMP), shall be by use of the words “Highlands Regional Master Plan,” “Highlands RMP,” “Regional Master Plan,” or “RMP.”

Municipal Land Use Law (MLUL) – The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

NJDEP – New Jersey Department of Environmental Protection

NJDEP Preservation Area Rules – The regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 et seq.

Planning Area – Lands within the Highlands Region that are not located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b). For purposes of this Ordinance, this terminology shall also be used to refer to Planning Area lands located solely within the Alexandria Township.

Preservation Area – Lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b). For purposes of this Ordinance, this terminology shall also be used to refer to Preservation Area lands located solely within Alexandria Township.

Solar Panel – An elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (N.J.S.A. 13:20-3.)

Structure – A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

GEOGRAPHIC AREA OF APPLICABILITY

HIGHLANDS PLANNING AREA AND PRESERVATION AREA

The Highlands Act establishes the Preservation Area and Planning Area of the Highlands Region. It describes the varied attributes of each and sets forth the major land use planning goals that pertain to the lands located within each. The Act defines the geographic extent of the Highlands Region to include the aggregated land area making up its constituent municipalities (N.J.S.A. 13:20-7a). It provides a physical delineation of the Preservation Area by use of a specific metes and bounds description (N.J.S.A. 13:20-7b), designating all remaining lands within the Highlands Region as the Planning Area.

Highlands Area

The Alexandria Township Master Plan incorporates the Highlands Preservation Area, inclusive of the goals applicable to it, as an integral component of the planning and land use policies of the municipality. For purposes of this Ordinance, this Area is designated as the Alexandria Township Highlands Area. A map of the Alexandria Township Highlands Area appears in Exhibit 1.

Applicability Specified

This Ordinance applies specifically and solely to lands designated as the Alexandria Township Highlands Area, as delineated in Exhibit 1, and is limited to Highlands Preservation Area lands.

HIGHLANDS ACT EXEMPTION DETERMINATIONS

HIGHLANDS ACT EXEMPTIONS

Section 30 of the Highlands Act identifies as exempt, specific activities, improvements and development projects affecting lands within the Highlands Region. Such activities, improvements and projects may be proposed as a component of any type of land use application submitted to the municipality for approval, including but not limited to zoning permit applications, building permit applications, and Applications for Development (as defined at § 2.2). Any such qualifying activity, improvement or development project is exempt, with regard specifically to that activity, improvement or development project, from the requirements of the Highlands Act, the Highlands RMP, the NJDEP Preservation Area Rules, and any amendments to Alexandria Township's master plan, development regulations, or other regulations adopted pursuant to the approval of Alexandria Township's Petition for Plan Conformance by the Highlands Council. Such an exemption specifically applies to any Highlands Area land use ordinance adopted by Alexandria Township pursuant to the Highlands Council's approval of Alexandria Township's Petition for Plan Conformance.

Where any application submitted to the municipality for approval proposes to rely upon a Highlands Act Exemption, the applicant must, as a condition of application completeness, and prior to review or approval of the application by the applicable municipal authority, provide sufficient evidence that the proposed activity, improvement, or development project in fact qualifies as a Highlands Act Exemption. Such evidence shall consist of either a State Agency Exemption Determination or a Municipal Exemption Determination (see § 4.1.1 or § 4.1.2 below) indicating that the proposed activity, improvement, or development project qualifies for a Highlands Act Exemption.

State Agency Exemption Determination

State Agency Exemption Determinations shall consist of either, a Highlands Applicability Determination issued by the NJDEP for a Preservation Area proposal, or a Highlands Exemption Determination issued by the Highlands Council for a Planning Area proposal. State Agency Determinations may be requested with regard to any Highlands Act Exemption, however for applications involving any exemption not identified at § 4.2 below, a State Agency Exemption Determination is required. Any applicant seeking a formal exemption determination for a capital or other project of any State entity or local government unit, or for any other publicly-owned or controlled land or facility, also must request a State Agency Exemption Determination.

Municipal Exemption Determination

For an application involving any of the specific exemptions listed in Section 4.2 below, the applicant may request a Municipal Exemption Determination. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent as would apply to an exemption determination issued by the Highlands Council or the NJDEP.

HIGHLANDS ACT EXEMPTIONS ELIGIBLE FOR MUNICIPAL DETERMINATION

Effective as of the date on which the municipality receives written authorization from the Highlands Council to proceed, an applicant may seek a Municipal Exemption Determination for the Highlands Act Exemptions listed hereunder.

- *Exemption 1.* The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of the Highlands Act (August 10, 2004) or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.
- *Exemption 2.* The construction of a single family dwelling on a lot in existence on the date of enactment of the Highlands Act (August 10, 2004), provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.
 - A Municipal Exemption Determination indicating that an applicant qualifies under Highlands Act Exemption 2 shall require approval and filing of a Deed Notice along with a site plan delineating the total exempt area and the extent of the disturbance recognized in the Municipal Exemption Determination (see 4.4 below). Municipal Exemption Determinations in such instances shall not take effect until the applicant has provided proof of filing of the approved Deed Notice.
- *Exemption 4.* The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.
 - For purposes of this Ordinance, this exemption shall not be construed to permit multiple 125% footprint expansions, but rather, to permit one or more reconstruction activities cumulatively resulting in a maximum 125% increase in the footprint of the impervious surfaces lawfully existing on the site, provided they do not cumulatively exceed the one-quarter acre limitation. Any determination of whether the expansion of impervious cover meets the statutory criteria for the exemption must account for the preexisting impervious cover, and for the Preservation Area, such expansion must be contiguous to the location of the existing impervious cover. See *In re August 16, 2007 Determination of NJDEP ex rel. Christ Church*, 414 N.J. Super. 592 (App. Div. 2010), certif. denied, 205 N.J. 16 (2010).
 - For Preservation Area determinations, the applicable date of lawful existence shall be August 10, 2004, the date of enactment of the Highlands Act. For Planning Area determinations, the date of lawful existence shall coincide with the effective date of the municipally-adopted Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier.
- *Exemption 5.* Any improvement to a single family dwelling in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.
- *Exemption 6.* Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment

of the Highlands Act (August 10, 2004), including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

- *Exemption 7.* An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of the “Farmland Assessment Act,” P.L.1964, c.48 (C.54:4-23.3) or a forest stewardship plan approved pursuant to section 3 of P.L.2009, c. 256 (the “State Park and Forestry Resources Act,” C.13:1L-31), or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester.
- *Exemption 8.* The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

EXEMPTION DESIGNEE(S)

Municipal Exemption Determinations regarding Highlands Act Exemptions shall be issued by the Alexandria Township Planner, Engineer, and/or Zoning Officer. The Exemption Designee shall be authorized to issue Municipal Exemption Determinations on behalf of the municipality, and shall only begin to do so, after satisfactory completion of a Highlands Council training class for which the individual has received formal certification from the Highlands Council.

Updates to Training Certification

In the event of programmatic changes, updated information, or modifications to procedures, updated training certification may be required of Exemption Designees in order to maintain qualifications for providing Municipal Exemption Determinations. The Highlands Council will provide training modules on an as-needed basis, to provide base training to new employees, and/or to further the expertise of already-certified individuals. Exemption Designees and the municipalities they serve will be advised of any need for upgraded training, which will be provided and funded by the Highlands Council.

Interim Determinations

For the duration of any period during which the municipality is without a qualified Exemption Designee(s) due to changes in personnel or other extenuating circumstances, applicants seeking Highlands Act Exemption Determinations shall be referred to the NJDEP or the Highlands Council, for a State Agency Determination pursuant to § 4.1.1, above.

APPLICATION PROCEDURES

Municipal Exemption Applications

Requests for Municipal Exemption Determination shall be submitted on forms provided by the Alexandria Township Planning/Zoning Board Secretary or Zoning Official and shall be accompanied by sufficient information and documentary evidence to demonstrate whether the proposed activity, improvement or development project qualifies for the applicable exemption. Required submission materials applicable to each exemption, appear at § 4.7, below.

Completeness Determination

The Exemption Designee (Planner, Engineer, and/or Zoning Officer) shall review the application and all accompanying materials to determine whether sufficient information has been submitted to make a determination on the application. In the event of a finding that the application is incomplete,

the Exemption Designee shall, within fifteen (15) calendar days of receipt, issue such findings in writing to the applicant, indicating what information is required to properly consider the application.

Time for Determination

The Exemption Designee shall issue Municipal Exemption Determinations within thirty (30) calendar days of receipt of a complete application. The Exemption Designee may consult with the Executive Director (or applicable designee) of the Highlands Council as needed in making any exemption determination, however. In such circumstance, the Exemption Designee shall seek such assistance within the 30-period and shall issue the determination within at least ten (10) calendar days of receiving the requested guidance. In no case shall failure to meet this date constitute approval of the exemption.

Determinations

All Municipal Exemption Determinations shall be provided in writing, shall certify to the applicability or inapplicability of the exemption, and shall include a statement of the rationale for the decision. Any Municipal Exemption Determination certifying to the applicability of Highlands Act Exemptions #2 shall be contingent upon submission of proof of filing of the required Deed Notice, as set forth at § 4.4.5, below.

Notice of Determination Required

The Exemption Designee shall provide copies of all Municipal Exemption Determinations including a copy of the full application, to the Highlands Council and for decisions regarding lands in the Highlands Preservation Area, to the NJDEP, in either case, within ten (10) business days of issuance.

Deed Notice for Exemption #2

Any Municipal Exemption Determination that certifies to the applicability of Highlands Act Exemption #2 (§ 4.2 above), shall be issued conditionally, pending fulfillment of the requirement that a deed notice be recorded in the office of the County Clerk or Register, as applicable, indicating the extent of the exemption that has been consumed. The deed notice shall incorporate each of the components listed below and the applicant shall provide a copy of the filed Deed Notice to the Highlands Council within five (5) business days of filing.

- A. Clear identification of the name(s) and address(es) of the owner(s) in fee of the property;
- B. Designated tax block and lot number(s), street address(es), municipality and county of location of the property;
- C. Reference to the Municipal Exemption Determination (by date, numbering if applicable) issued and under which the deed notice is being filed;
- D. Description of the approved area of ultimate disturbance and the impervious surface area, with verification that these remain below the statutory limits;
- E. For properties of one acre or more in area, metes and bounds delineation indicating the portion of the property for which the ultimate disturbance has been authorized;
- F. Agreement to abide by the ultimate disturbance and impervious surface limits imposed, any furtherance thereof rendering the Municipal Exemption Determination null and void; and
- G. Notice that the owner(s) and subsequent owner(s) and lessees shall cause all leases, grants, and other written transfers of interest in the property to contain provisions expressly requiring all holders thereof to take the property subject to the limitations therein set forth.

APPEAL OF MUNICIPAL EXEMPTION DETERMINATION

A Municipal Exemption Determination may be appealed by any affected person/entity by filing a notice of appeal within twenty (20) calendar days of issuance or receipt of said determination, whichever is later, specifying the grounds therefor. Appeals must be filed with the NJDEP in the case of any Preservation Area Exemption. All appeals shall be copied to the Exemption Designee, who shall immediately transmit to the NJDEP, copies of the notice of appeal, the Municipal Exemption Determination Application, and all supplemental materials constituting the record that the Exemption Designee relied upon in issuing the Municipal Exemption Determination. Where the Municipal Exemption Determination deems an activity, improvement or development project exempt, the filing of an appeal to the NJDEP or the Highlands Council shall stay all proceedings in furtherance of its approval by the municipality.

EFFECT OF CERTIFIED EXEMPTION

Issuance of a Municipal Exemption Determination that certifies to the applicability of a Highlands Act exemption shall recognize the applicant's exemption from the provisions of the RMP, NJDEP Preservation Area Rules, and any municipal ordinances and requirements adopted under the authority of the Highlands Act to achieve Highlands Plan Conformance. The exemption is restricted solely to the extent of the specified activity, improvement, or development project as described in the language of the Highlands Act exemption, or to any lesser activity, improvement, or development project as proposed and certified through a Municipal Exemption Determination Application. Any activity, improvement, or development project, or any part thereof, that is not specifically listed as an exemption or exceeds the limits of an exemption, remains subject to all of the above regulatory programs to the full extent of the respective applicability of each. Issuance of a Highlands Exemption Determination shall not relieve the applicant from securing all other required federal, state, or local approvals.

APPLICATION FEES (OPTIONAL)

A non-refundable application fee of \$300.00 shall be submitted with an application for Alexandria Township to review and process the requested Municipal Exemption Determination.

SUBMISSION REQUIREMENTS

All applications shall be accompanied by the Municipal Exemption Determination Application Form, the applicable fees, and the information listed below, as applicable to the particular exemption or exemption(s) being sought by the applicant. All references to professional preparers indicated herein shall be construed to include any and all qualified individuals licensed, certified, or otherwise eligible and authorized to complete such work, in accordance with the applicable laws and legal requirements of the State of New Jersey including but not limited to the MLUL (N.J.S.A. 40:55D-1 et seq.) and Title 13 of the New Jersey Administrative Code, Law and Public Safety. Where the Exemption Designee finds that any submission item is not necessary to address the evidentiary requirements that must be satisfied for issuance of an Exemption Determination, either because alternate items have been provided by the applicant, or the relevant information is readily available through records, maps, or any other documents on file in the offices of the municipality, the Exemption Designee may waive the applicant's obligation to submit such information..

A. Exemption 1.

1. A copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant on or before August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address;
2. If the applicant did not own the lot, a copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed; and
3. A certification by the applicant stating that the single family dwelling proposed for construction on the lot specified and described therein by tax lot and block, municipality and county of location, and street address, is intended for the applicant's own use or the use of an immediate family member as identified therein by name and relationship to the applicant.

B. *Exemption 2.*

1. A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004 or proof of subdivision approval on or before August 10, 2004;
2. A property survey certified by a licensed New Jersey Professional Land Surveyor indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any;
3. A parcel plan certified by a licensed New Jersey Professional Engineer showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, and including the calculations supporting the claim that impervious surfaces and areas of disturbance are within the limits necessary for Exemption 2; and
4. A metes and bounds description of the area of the lot to be disturbed, limited to less than one acre and a draft conservation restriction or deed notice (pursuant to § 4.4.5, above) to cover the balance of the lot.

C. *Exemption 4.*

1. A parcel plan certified by a licensed New Jersey Professional Engineer depicting:
 - a) All existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, lawfully existing on the site as of August 10, 2004;; and
 - b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading; and
2. A copy of any official documentation of the original date of construction of the building or otherwise establishing the lawfulness of existing impervious surfaces.

D. *Exemption 5.*

1. A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004;

2. A description of the proposed improvement; and
3. A certification from the applicant that the property and all improvements will continue to be used for single family dwelling purposes.

E. *Exemption 6.*

1. A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004;
2. For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non-profit status;
3. A site plan certified by a licensed New Jersey Professional Engineer depicting:
 - a) All existing property improvements including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site on August 10, 2004; and
 - b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. *Exemption 7.*

1. For a private landowner with an approved woodland management plan or forest stewardship plan:
 - a) A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq., if applicable;
 - b) A brief description of the total area of woodlands that is the subject of the approved woodland management plan or forest stewardship plan;
 - c) A brief description of the length of time that the area to be managed has been in use for woodland management or forest stewardship plan; and
 - d) A copy of the approved woodland management plan or forest stewardship plan.
2. For the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester:
 - a) A brief description of the total area where the normal harvesting of forest products occurs;
 - b) A brief description of the length of time that the area to be managed has been in use for normal harvesting of forest products; and
 - c) A copy of a forest management plan or forest stewardship plan approved by the State Forester.

G. *Exemption 8.*

1. A site plan certified by a licensed New Jersey Professional Engineer showing the proposed trail construction with details including the location, and width of existing and proposed trails and those off-site trails to which they connect, if any;
2. A written description of the non-impervious materials to be used; and
3. For privately owned property, a copy of a deed for the property and the conservation or recreational use easement on the property.

- 2nd Reading of Ordinance 2014-14 Donation Bins

Comm. Swift made a motion, seconded by Comm. Pfefferle to open public hearing for Ordinance 2014-14. Mayor Abraham noted that the Township will benefit in tonnage grant monies from recycling with this Ordinance. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes. Public Comment:** There was no public comment. Comm. Swift made a motion, seconded by Comm. Pfefferle to close public hearing. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.** Comm. Swift made a motion, seconded by Mayor Abraham to adopt Ordinance 2014-14. **ROLL CALL: Comm. Pfefferle, abstain; Comm. Swift, yes; and Mayor Abraham, yes.**

ORDINANCE 2014-14

AN ORDINANCE PROVIDING FOR CLOTHING AND/OR DONATION BINS WITHIN THE TOWNSHIP OF ALEXANDRIA

WHEREAS, the regulation of clothing and/or donation bins by the Township of Alexandria is appropriate in order to inform donors of the likely destination and possible beneficiaries of their donated items; and

WHEREAS, many clothing and/or donation bins are not regularly collected, overflow and become depositories for discarded items or other uncollected refuse; and

WHEREAS, Township registration of clothing and/or donation bins is necessary and appropriate in order to protect the public interest; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.60 et seq. the Township of Alexandria is authorized to regulate the placement of clothing and/or donation bins within the Township.

NOW BE IT THEREFORE ORDAINED by the Township Committee of the Township of Alexandria, County of Hunterdon, State of New Jersey, as follows:

SECTION 1. The Code of the Township of Alexandria is hereby amended to add a new Chapter entitled “Clothing and/or Donation Bins” to read as follows:

SECTION 2.

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a clothing and/or donation bin within the Township for solicitation purposes unless all of the following requirements are met:

- A. The clothing and/or donation bin is owned or sponsored by a charitable organization registered pursuant to P.L. 1994, c. 16 (N.J.S.A. 45:17A-18 et seq.)
- B. The registered charitable organization has obtained a permit, valid for a twelve-month period, from the Township Clerk in accordance with the following:
 - 1) In its application for such a permit, the registered charitable organization shall indicate:
 - a. The location where the bin is currently situated or proposed to be situated;
 - b. The manner in which the charitable organization anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed and the method by which the proceeds of collected donations would be allocated or spent;
 - c. The name and telephone number of the bona fide office of the charitable organization and any entity which may share or profit from any clothing or other donations collected via the bin; and
 - d. Written consent from the property owner to place the bin on his and/or her property.
 - 2) The Township Clerk shall not grant an application for a permit to place, use, or employ a clothing and/or donation bin if it determines that the placement of the bin could constitute a safety hazard. The Township Clerk shall consult with the Police Department regarding any potential safety hazards. Such hazards shall include, but not be limited to, the placement of a clothing and/or donation bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.

- 3) No clothing and/or donation bins shall be placed within 100 yards of school owned property (District, Regional, or privately owned schools).
- 4) No clothing and/or donation bins shall be placed anywhere that is determined to be a safety hazard by the Police Department, including but not limited to road easements and traffic entrance or entrance sight lines.
 - a. No clothing and/or bins shall be placed within 75ft of a public roadway.
 - b. Clothing and/or donation bins must be constructed of noncombustible material.
- 5) The Township Clerk shall impose a fee for such application, in the amount of \$25.00 annually for each bin to offset the costs involved in enforcing this Chapter.
- 6) An expiring permit for a clothing and/or donation bin may be renewed upon application for renewal and payment of the applicable annual fee. Such application for renewal shall include information detailing:
 - a. The location where the bin is situated, and, if the person intends to move it, the new location where the bin would be situated after the renewal is granted and written consent from the property owner to place the bin on its property;
 - b. The manner in which the charitable organization has used, sold, or dispersed any clothing or other donations collected via the bin; the method by which the proceeds of collected donations have been allocated or spent; and any changes the charitable organization anticipates it may make in the processes during the period covered by the renewal; and
 - c. The name and telephone number of the bona fide office of the entity which shared or profited from any clothing or other donations collected via the bin and of any entities which may do so during the period covered by the renewal.
- 7) The permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the clothing and/or donation bin in addition to the information required pursuant to Section D of this section.

- C. The registered charity, and any other entity which may share or profit from any clothing or other donations collected via the bin, maintains a bona fide office where a representative of the charitable organization or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the charitable organization or other entity. For the purposes of this subsection, an answering service unrelated to the charitable organization does not constitute a bona fide office.
- D. The following information shall be clearly and conspicuously displayed on the exterior of the clothing and/or donation bin:
- 1.) The name and address of the registered charitable organization that owns or is the sponsor of the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;
 - 2.) The registered charitable organization's charitable registration number;
 - 3.) The telephone number of the registered charitable organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin.
 - 4.) In cases when any entity other than the entity which owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared or given entirely to, an entity other than the entity which owns the bin, and identifying all such entities which may share or profit from such donations; and
 - 5.) A statement, consistent with the information provided to the Township in the most recent permit or renewal application indicating the manner in which the entity anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

SECTION 3. Duty to Maintain and Service Bins.

It shall be the duty of each registered charitable organization issued a permit hereunder to properly maintain and service any clothing and/or donation bin placed within the Township so as to prevent such bin from creating any nuisance, hazardous or unsafe condition.

SECTION 4. Enforcement and Limitation on Licenses.

The Zoning Officer or other person designated by the Township Committee as a person authorized to enforce the provisions of this section shall, upon receipt of a complaint by a local resident or any other person that a clothing and/or donation bin is causing a nuisance, hazardous or unsafe condition, investigate such complaint and take such enforcement action as is permitted pursuant to N.J.S.A. 40:48-2.62 and N.J.S.A. 40:48-2.63.

SECTION 5. Violations, Penalties and Revocation of License.

Any licensee who violates any provision of this section and fails to cure such violation within 48 hours of notice of such violation shall be subject to the following penalties, in addition to those penalties and remedies set forth in N.J.S.A. 40:48-2.62 and 40:48-2.63:

- (1) For the first offense: \$100.00 per day.
- (2) For the second offense: \$250.00 per day.
- (3) For the third offense: revocation of permit and pay costs associated with the removal of bin and contents.

SECTION 6. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 7. The Ordinance shall take effect upon final passage, approval and publication as provided by law.

SECTION 8. To the extent that any part or parts of this ordinance are repealed or otherwise modified or voided by the State Statute or case law, the remaining sections of this ordinance shall remain in full force and effect.

ATTEST:

THE TOWNSHIP OF ALEXANDRIA

Michele Bobrowski, RMC, Twp. Clerk

Paul Abraham, Mayor

- Park Barn Fire Violations-Letter from Fire Prevention Officer

Committee reviewed letter from Mike Giannone, Fire Official for Alexandria Township responding to an extension for repairs by the Park & Rec Commission. Mr. Giannone will be granting an extension up until January 15, 2015. Park & Rec Chair Mary Jo Tufaro noted that there was a Park & Rec meeting last night and Park & Rec approved a quote for electrical repairs to be performed by Mt. Salem Electric in the amount of \$2,600.00. One quote has been received so far for the construction repairs. Need two additional quotes.

- PennEast Pipeline Update

Environmental Commission Chair Michelle Garay has been attending various meetings throughout the County on behalf of the Township. Penn East has posted updated maps and links on their website. Alexandria Township has been provided aerial maps of the proposed pipeline route by Hopewell Township. The proposed route in Alexandria Township hasn't changed. The proposed route comes in off of Stamets Road, crosses approximately four parcels of land, comes to Route 519 by Valley View Nursing Home and goes across road into Kingwood Township. Tomorrow evening Penn East will be holding an open house at South Hunterdon High School. The open house is a requirement by FERC. The open houses are not an opportunity to voice concerns. The public will visit stations and speak to representatives one on one. Once the open houses are done then the scoping process is performed by FERC. Preserved farms will not benefit financially. Most of funding will go to the State due to the development right being purchased by them.

NEW BUSINESS:

Resolution 2014-063 Consenting to the Proposed Water Quality Management (WQM) Plan Amendment

Comm. Swift made a motion, seconded by Comm. Pfefferle to approve Resolution 2014-063. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

RESOLUTION 2014-063 TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT

ENTITLED "Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMO)"

WHEREAS, the Board of Chosen Freeholders of Hunterdon County desires to provide for the orderly development of wastewater facilities within **Hunterdon County**; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and

wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on October 20, 2014 for the above Amendment has been prepared by the Hunterdon County Planning Department;

NOW, THEREFORE, BE IT RESOLVED on this 12th day of November, 2014, by the governing body of Alexandria Township that:

- 1.) The Alexandria Township Committee hereby consents to the amendment entitled “Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP)”, and publicly noticed on October 20, 2014, prepared by the Hunterdon County Planning Department, for the purpose of its incorporation in the applicable WQM plan(s).
- 2.) This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

I do hereby certify that the foregoing is a true copy of a Resolution passed by the Alexandria Township Committee at a meeting duly held on November 12, 2014.

Michele Bobrowski, RMC
Township Clerk

- Resolution 2014-064 Expressing the Importance to Recognize the Strength of Local Pension Funding in regards to Recommendations from Gov. Christie’s Pension & Health Benefit Study Commission
Comm. Pfefferle made a motion, seconded by Comm. Swift to approve Resolution 2014-064. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

RESOLUTION 2014-064 TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY EXPRESSING THE IMPORTANCE TO RECOGNIZE THE STRENGTH OF LOCAL PENSION FUNDING

**IN REGARDS TO RECOMMENDATIONS FROM GOVERNOR
CHRISTIE’S PENSION & HEALTH BENEFIT STUDY COMMISSION**

WHEREAS, State actuaries confirm by the latest Valuation Report the pension and benefit reform enacted in 2010 and 2011, coupled with the consistent pension payments made by employees and local governing bodies, have resulted in the savings; and

WHEREAS, the fiscal health of “Other Than State” public pension systems, report a distinction between local commitments, and the commitments which are a State government’s responsibility; and

WHEREAS, according to the latest Valuation Reports, local government Public Employees Retirement System (local PERS) and local Police and Fire Retirement System (local PFRS), are more sound, due to the fact municipalities and counties have funded full employer contributions as required for over a decade, with local PERS currently funded (comparing assets to liabilities) at 73.9% and local PFRS is currently funded at 76.9%, according to the experts; and

WHEREAS, the State PERS, on the other hand, is currently funded at 48.1%, and State PFRS is, at 50.8% and both will go lower for lack of payment; and

WHEREAS, the Officers of the League of Municipalities have submitted a statement to Governor Christie’s Pension and Health Benefit Study Commission, urging that the Final Report and Recommendations of that Study Commission not weaken the vitality of the local pension plans;

NOW, THEREFORE, BE IT RESOLVED by the Alexandria Township Committee, County of Hunterdon, State of New Jersey according to the following:

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
Abraham	X								
Swift	X								
Pfefferle	X								
X · Indicates Vote.			NV · Not Voting				Ab · Absent		

This is to certify that this is a true copy of a resolution adopted by the Alexandria Township Committee November 12, 2014.

Michele Bobrowski, Municipal Clerk

1. The Alexandria Township Committee urges State policy-makers to recognize the deficit issues are State Funding problems, and reject any recommendations that would threaten municipal budgets and property taxpayers; to share the cost.
2. We recognize the State's budget problems and are anxious to see results but cannot permit a shifting of the State burdens to our property taxpayers.
3. The Pension and Health Benefits commission must also address State mandated requirements which drive up the cost of funding health benefits insurance by property tax payers.
4. A certified copy of this Resolution is to be forwarded to Governor Chris Christie, State Treasurer Andrew Sidamon-Eristoff, Senator Michael Dougherty, Assemblyman John DiMaio and Assemblyman Erik Peterson and to the New Jersey League of Municipalities.

CERTIFICATIONS:

Paul Abraham, Mayor

Township Attorney

- Resolution 2014-065 Directing the Undertaking of a Continuing Disclosure Review and Authorizing Participation in the “Municipalities Continuing Disclosure Cooperation” Initiative of the Division of Enforcement of the US Securities Exchange Commission

Comm. Swift made a motion, seconded by Comm. Pfefferle to approve Resolution 2014-065. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

RESOLUTION 2014-065 OF THE TOWNSHIP OF ALEXANDRIA IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY DIRECTING THE UNDERTAKING OF A CONTINUING DISCLOSURE REVIEW AND AUTHORIZING PARTICIPATION IN THE “MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION” INITIATIVE OF THE DIVISION OF ENFORCEMENT OF THE U.S. SECURITIES EXCHANGE COMMISSION

WHEREAS, the Township of Alexandria in the County of Hunterdon, New Jersey (the "Issuer") has previously issued one or more series of bonds and or notes, including in the past five (5) years pursuant to one or more preliminary and final official statements (collectively, the "Bonds"); and

WHEREAS, in connection with the issuance of such Bonds, the Issuer covenanted with Bondholders to provide certain secondary market information on an annual basis to the Nationally Recognized Municipal Securities Information Repositories (pre-2009) and to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access Data Port (2009 to present) ("EMMA"), including, but not limited to, audited financial statements, budgets, other financial and operating data and ratings changes; and

WHEREAS, the Securities and Exchange Commission (the "SEC") has recently focused attention on what it alleges is widespread failure of local government issuers across the nation to meet their continuing disclosure obligations and misrepresentation

through material misstatements in an official statement (innocently, inadvertently or otherwise) of past compliance with continuing disclosure obligations; and

WHEREAS, in an effort to remedy these perceived issues, the SEC has implemented the Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC"), a limited-time program ending at 12:00 a.m. on December 1, 2014, that encourages issuers of municipal bonds, including the Issuer, to self-report possible material misstatements or omissions, made in the past five (5) years in an official statement regarding compliance with prior continuing disclosure obligations; and

WHEREAS, by participating in the MCDC, issuers agree to accept certain non-monetary penalties, in lieu of unknown, and, potentially significant monetary and non-monetary penalties the SEC has threatened on issuers that do not participate in the MCDC, should the SEC determine that an issuer has made material misstatements in an official statement regarding compliance with prior continuing disclosure obligations; and

WHEREAS, by participating in the MCDC, issuers agree to accept the following penalties, if imposed by the SEC (i) compliance with a cease and desist order in which the issuer neither admits nor denies the findings of the SEC, (ii) implementation of policies, procedures and training regarding continuing disclosure obligations, (iii) compliance with all existing continuing disclosure undertakings, (iv) cooperation with any further SEC investigation, (v) disclosure of settlement terms in any final official statement issued within five years of the date of institution of the proceedings, and (vi) production to the SEC of a compliance certificate regarding the applicable undertakings on the one year anniversary of the proceedings; and

WHEREAS, the Issuer desires to conduct a disclosure review which will (i) summarize the results of the Issuer's prior compliance with its secondary market disclosure obligations and (ii) compare those results to the statements made by the Issuer in its official statements regarding past compliance (the "Disclosure Review"); and

WHEREAS, the Issuer further desires to retain the services of disclosure specialist to conduct the Disclosure Review; and

WHEREAS, based on the results of the Disclosure Review, and weighing the known, non-monetary penalties that may come through the Issuer's participation in the MCDC versus the unknown, and, by all accounts, potentially significant monetary and non-monetary penalties the SEC has threatened on issuers that do not self-report, the Issuer further desires to delegate to the Chief Financial Officer, in consultation with the Issuer's general counsel, bond counsel, auditor and other finance professionals, the power to prepare and submit all documentation required to enter the Issuer's Bond issues into the MCDC, as necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ISSUER, AS FOLLOWS:

Section 1. The Issuer hereby authorizes completion of the Disclosure Review.

Section 2. The Issuer hereby authorizes the Chief Financial Officer to engage the services of a disclosure specialist to complete the Disclosure Review; provided that the award of any contract in connection therewith meets the requirements of Issuer's applicable public contracting laws.

Section 3. In the event the Disclosure Review reveals that the Issuer **may** have made a material misstatement regarding the Issuer's compliance with prior continuing disclosure undertakings, the Issuer hereby authorizes and directs the Chief Financial Officer to prepare and submit all documentation necessary to enter the Issuer's applicable Bond issues into the MCDC.

Section 4. Any action taken by the Chief Financial Officer or any other officer of the Issuer, with respect to the Disclosure Review, the engagement of a disclosure specialist and participation in the MCDC is hereby ratified and confirmed.

Section 5. This resolution shall take effect immediately.

Paul Abraham, Mayor

Attest:

Michele Bobrowski, RMC, Township Clerk

- Resolution 2014-066 Requesting FERC to Conduct Formal Scoping Meetings in lieu of an Open House Format (PennEast Pipeline Resolution)
Comm. Swift made a motion, seconded by Comm. Pfefferle to approve Resolution 2014-066. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

RESOLUTION 2014-066 OF THE TOWNSHIP OF ALEXANDRIA IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY REQUESTING THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) TO CONDUCT A FORMAL SCOPING MEETING IN LIEU OF AN OPEN HOUSE FORMAT

WHEREAS, the natural gas pipeline proposed by PennEast Pipeline Company LLC is presently the only proposed pipeline route in the State of New Jersey that is not in compliance with New Jersey policy of co-location in an existing Right of Way; and

WHEREAS, the construction of the proposed PennEast pipeline will, therefore, certainly cause irreparable harm to the environment and resources of Alexandria Township; and

WHEREAS, due to PennEast LLC not co-locating the proposed pipeline route, as a result it is absolutely necessary to take steps to assure alternatives including co-location will be fully evaluated and then ordered as is prescribed by the United States National Environmental Policy Act (NEPA); and

WHEREAS, the express Congressional purpose of NEPA is: "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation;" (National Environmental Policy Act, 42 U.S. Code § 4321); and

WHEREAS, the National Environmental Policy Act requires that:

"(2) all agencies of the Federal Government shall—

...

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

...

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;(42 U.S. Code § 4322); and

WHEREAS, to date PennEast LLC scheduled only one (1) Open House meeting for a two (2) hour period for all stakeholders and the public in New Jersey, and as the Open House meetings do not offer a reasonable opportunity for stakeholders and the public to provide specific information to PennEast LLC for use in preparing the required environmental resource review materials for submission to FERC; and

WHEREAS, given the short timeline of the FERC review process it is critical to provide fair and reasonable opportunities for all stakeholders and the public to identify all relevant issues for this major pipeline project, pursuant to the National Environmental Policy Act; and

WHEREAS, Scoping is the process of defining and refining the scope of an environmental impact statement (EIS) and the alternatives to be investigated pursuant to the FERC rules; and

WHEREAS, in order to assure timely and relevant information is provided to FERC by PennEast LLC, a reasonable and sufficient number of Scoping meetings should be held with at least two weeks advance written notice provided to all stakeholders and to the public within the communities that are or may be impacted by this proposed pipeline; and

WHEREAS, the proposed route is expected to change a number of times between this date and when PennEast may decide to file a formal application with FERC; and

WHEREAS, all route changes will impact and irreparably harm previously unidentified lands, and Scoping meetings may not have addressed the environmental impacts to lands on newly proposed routes; and

NOW THEREFORE BE IT RESOLVED on this 12th day of November, 2014, by the Township Committee of the Township of Alexandria, County of Hunterdon, State of New Jersey that the Township Committee shall hereby take all steps necessary to insure that all PennEast Pipeline proposed routes be reviewed in detail and in full compliance with the fundamental public policies and directives for the protection of environmental resources and for the implementation of alternatives when unresolved

conflicts arise as set forth in the National Environmental Policy Act, U.S. Code § 4332(E); and

BE IT FURTHER RESOLVED that the Township Committee hereby finds and urges that because of our significant environmental resources - including but not limited to Category 1 surface waters, environmentally sensitive lands, preserved open space, preserved farmlands, organic farmlands, public parklands, and lands protected with conservation easements - that will be irreparably harmed if the PennEast pipeline is constructed as proposed, a complete Environmental Impact Statement (EIS) be conducted in accordance with the National Environmental Policy Act; and

BE IT FURTHER RESOLVED that the Township Committee hereby urges FERC to give due and careful consideration to the overall cumulative impact of building a completely new pipeline through the Township's significant environmental resources and to the State policy of co-location in existing Right of Ways; and

BE IT FURTHER RESOLVED that the Township shall take all necessary steps to ensure that a sufficient and reasonable number of Scoping meetings shall occur with at least two weeks written notice to all stakeholders and the public in all impacted communities regarding any and all proposed routes and route changes with the goal of ensuring that the EIS will include accurate, detailed, and complete documentation and analysis of all environmental resources along all proposed routes including the "final" route at least two weeks in advance of PennEast LLC filing any formal application with FERC; and

BE IT FURTHER RESOLVED that a copy of this Resolution be distributed to Governor Chris Christie, U.S. Senator Robert Menendez, U.S. Senator Cory Booker, Congressman Rush Holt, Congressman Leonard Lance, Senator Shirley K. Turner, Assemblywoman Bonnie Watson Coleman, Assemblyman Reed Gusciora, Senator Christopher Bateman, Assemblyman Jack M. Ciattarelli, Assemblywoman Donna Simon, Senator Michael J. Doherty, Assemblyman Erik C. Peterson, Assemblyman John DiMaio, Mercer County Board of Chosen Freeholders, Hunterdon County Board of Chosen Freeholders, Affected Municipalities in Hunterdon and Mercer Counties in New Jersey, Affected Municipalities in Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania and the New Jersey State League of Municipalities.

Date Adopted: November 12, 2014

Paul Abraham, Mayor

Attest:

Michele Bobrowski, RMC, Township Clerk

- Trial Balance and Statement of Revenue Review as of September 30, 2014
Committee reviewed the above that was prepared by CFO Rees. The purpose of this financial statement is to present a status of the Township finances on an unaudited basis for the period ending September 30, 2014.

- Resolution 2014-069 Tax Refund for B-555, L-1 United Telephone Company
The Committee at the request of Tax Appeal Atty. Marty Allen will table this Resolution.

- Alexandria Equestrian Association (AEA) Presentation to Committee
Peter Tucker spoke on behalf of the AEA. Mr. Tucker chaired the barn tour that was held in October. The barn tour was a fundraising event led by the AEA and was very successful with 150 tickets sold. AEA feels that barns are a heritage to the township and a disservice is done by not recognizing the 7 barns that were selected for this tour. AEA presented the Township Committee with a check for the net proceeds of this fundraiser to be dedicated in a separate account for a new roof for the barn in the amount of \$3,500.00.

- Hunterdon Land Trust Donation
The Open Space Commission is requesting a donation in the amount of \$500.00 to the Hunterdon Land Trust to help with administrative costs with various projects in the Township. The Township Committee will speak with CFO Rees as to the legalities of taking money from Open Space for this donation. Comm. Swift made a motion, seconded by Comm. Pfefferle to make a donation of \$500.00 to the Hunterdon Land Trust. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

- Resolution 2014-070 Budget Appropriation Transfer
Comm. Pfefferle made a motion, seconded by Comm. Swift to approve Resolution 2014-070. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

RESOLUTION 2014 – 070 TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR BUDGET APPROPRIATION

TRANSFERS

WHEREAS, various 2014 bills have been presented for payment in the year 2014, which represent obligations of the fiscal year 2014, and were not covered by sufficient funds in certain budget accounts and there being excess funds in certain budget accounts in the 2014 Budget in the last two months of 2014; and

WHEREAS, IT IS THE RECOMMENDATION OF THE Chief Financial Officer that transfer be made as of 11-12-2014 to cover the various accounts

WHEREAS, N.J.S. 40A:4-58 transfers to be made from unexpended balances to those which are expected to be insufficient during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Alexandria, in the County of Hunterdon, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers as listed in the resolution be made between the 2014 Budget Appropriation as follows:

		<u>FROM</u>	<u>TO</u>
Engineering Services	O/E	6,000.00	
Municipal Clerk	O/E		2,000.00
Building and Grounds	O/E		2,000.00
Street Lighting	O/E		2,000.00
Total		6,000.00	6,000.00

ATTEST: November 12, 2014

Paul Abraham, Mayor

Michele Bobrowski, RMC Township Clerk

I, Michele Bobrowski, Township Clerk of the Township of Alexandria, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee on November 12, 2014.

Michele Bobrowski, RMC
Township Clerk

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		ABRAHAM	X			
	X	SWIFT	X			
X		PFEFFERLE	X			

- Resolution 2014-071 Requesting the County of Hunterdon Reserve and “Bank” Alexandria Township’s Funds for Future Years Consideration
Comm. Pfefferle made a motion, seconded by Comm. Swift to approve Resolution 2014-071. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

RESOLUTION 2014 – 071 TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR REQUESTING THE COUNTY OF HUNTERDON RESERVE AND “BANK” ALEXANDRIA TOWNSHIP’S 2014 FUNDS FOR FUTURE YEARS CONSIDERATION

WHEREAS, the Hunterdon County Open Space Trust Fund Program requires that municipalities must submit a Governing Body Resolution requesting that its 10% Open Space Funds be reserved and “banked” for future years,

WHEREAS, if a municipality fails to do so, the Hunterdon County Board of Freeholders may reallocate those unused funds for any purposes consistent with County’s Open Space, Farmland and Historic Preservation Trust Fund Plan.

THEREFORE, BE IT RESOLVED, by the Township Committee, Township of Alexandria, County of Hunterdon, State of New Jersey does hereby request that the County of Hunterdon reserve and “bank” Alexandria Township’s total 2014 funds of \$23,347.89 for year 2014 consideration. Furthermore, the Township plans to use the total balance of these funds on one or several of the properties that have farmland preservation applications pending in the current round.

I Michele Bobrowski, Municipal Clerk, hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Township Committee of the Township of Alexandria at a regular and duly convened meeting held on November 12, 2014.

In witness thereof, I have set my hand and affixed the seal of the Township of Alexandria this 12th day of November 2014.

*Michele Bobrowski, RMC
Municipal Clerk, Alexandria Township*

COMMITTEE REPORTS:

- ENVIRONMENTAL COMMISSION REPORT: No report from the Environmental Commission. Mayor Abraham appointed Mike Flynn to the Environmental Commission. Township Clerk Michele Bobrowski swore Mike Flynn in.
- FARMLAND/OPEN SPACE: Floyd Evans was present on behalf of the Open Space Commission and read the following report:
 - 1.) Kappus-Easement for agriculture vehicles is still outstanding but language for it has been drafted and waiting on SADC approval and signatures from the Kappus's. A building that needed to be removed has been taken care of. The Commission can move forward with preservation since these two outstanding issues have been taken care of. Kappus 2 has been removed from preservation;
 - 2.) Hahola North- awaiting final approval from SADC;
 - 3.) Reid Farm-No Change;
 - 4.) Yelencsics-No Change. Comm. Pfefferle heard that there was a death in the family and asked if that could affect the purchase. Atty. Dragan will look into;
 - 5.) Zander-No Change;
 - 6.) Associated Tree Movers Farm-No Change;
 - 7.) Papazian-No Change;
 - 8.) Jacobson-Awaiting review of Appraisals;
 - 9.) Diocese of Metuchen-Received an appraisal and the market value of the property is \$960,000.00
 - 10.) Grefe-Application has been submitted. Some issues at the County and State level but they are being worked on.
- PARK & RECREATION REPORT: Chair Mary Jo Tufaro was present. Park & Rec met last night. Mary Jo reported that rec basketball starts next week and approximately 89 kids are registered this year. That is approximately 25 less than last year. The check for water testing is ready. Snack shack roof has been replaced, AEA has a bunch of rentals coming up and Sherri Shapiro is stepping down next year which will create an opening on the Commission. Looking to do something regarding a cross walk at the park due to an inattentive driver almost hitting a pedestrian. Voted and approved \$2600.00 for electric repairs on the park barn due to violations written up by Mike Giannone, Alexandria Twp. Fire Official. Two more quotes are needed for the rest of the repairs.
- ROAD CHAIRMAN'S REPORT: Mayor Abraham noted that Glenn has saved the Township money by the DPW doing the excavation work for the foundation of the municipal building. The

savings was over double what was expected. The Township came in \$12,000.00 below from bid cost. The DPW installed the security fence. Top soil excavated was more than anticipated and almost a foot of top soil was unearthed to be used in other jobs. Salt shed has been filled with last year's price. Current price is approx. \$18.00 higher than last year. Mayor Abraham read report prepared by DPW Foreman Glenn Griffith:

- 1.) Municipal Building:
 - a.) Installed 6' high chain link security fence
 - b.) Removed and stock piled top soil
 - c.) Dug hole for the foundation
 - d.) Installed 3/8" stone for the foundation and concrete floor
 - e.) Installed foundation drain, 4" H.P.D.E double wall, smooth inside
 - f.) Installed fabric over foundations drain, ready for backfill
 - g.) Picked up two 1000 gallon seepage tank
- 2.) Graded gravel section of Goritz, Mt. Salem, Whitehall Road plus added 200 tons of D.G.A on Goritz Road
- 3.) Roadside mowing, 95 % complete on final round
- 4.) Installed new stop sign at the intersection of Gallmeier and Stamets Road
- 5.) Asphalt repairs on Gallmeier, Kappus, Sweet Hollow and Myler Road (small sections)
- 6.) General Equipment Maintenance
 - a.) Mike Hammerstone rebuilt the floor of the 2001 Sterling, completely removed the whole floor and replaced with new metal, at one point he had the body off the truck, all back together and ready for work
- 7.) Park Maintenance plus planted 5 new spruce trees
- 8.) Hauled 22 loads of tree stumps to Green Rock to be recycled

ENGINEER'S REPORT: The following report was received from Township Engineer, Robert O'Brien and Mayor Abraham read the following report:

1.) Municipal Building Site Plan

10/31 Superior walls, Inc. on-site to set foundation walls

12/2-12/3 Set Building on Foundation

2.) Hog Hollow Road

No Change

3.) Garage Site Remediation/LSRP-HMM

No Change

5.) Pepe Property

No Change

6.) Municipal Stormwater Regulation Program

No Change

7.) Alexandria Estates (Toll Brothers) Road Condition

10/27/14 Core Results are attached. The existing pavement thicknesses are in compliance with the road cross-section detail provided on the approved subdivision plans.

11/07/2014 Carmine Merlucci updated me on the status of the inlet repair. Carmine estimates the cost to repair 30 inlets at \$21,000.00. The cost is still under review by the Toll Brothers Executive Board. Carmine anticipates a response next week.

TOWNSHIP PLANNER REPORT: None

APPROVAL OF BILL LIST: Comm. Pfefferle made a motion, seconded by Mayor Abraham to approve the payment of the bills as listed. **Roll Call: ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

Current Fund

1.) Budget and Appropriations Reserves \$648,683.29

Other Trust Fund:

1.) Reserves 2,147.23

2.) Grants 5,635.90

General Capital Fund

Ordinances 36,038.99

COAH 4,446.25

Farm Preservation

Budget and App. Reserves 127,176.54

Dog Fund 24.60

Developers Escrow

1.) Bank of America

2.) Fulton Bank

3.) Hopewell Valley 8,445.50

TOTAL: \$ 832,598.30

Other disbursements

Wire to DTC Principal and Interest 116,293.75

Local School 1,092,379.00

Regional School 829,330.00

County Taxes 723,129.75

2,761,132.50

Total Payments Presented to Township Committee \$3,593,730.80

Total payments presented to the Township Committee \$199,146.11

APPROVAL OF MINUTES:

- October 8, 2014 Township Committee
- October 8, 2014 Executive Session

Comm. Swift made a motion, seconded by Comm. Pfefferle to approve the above Township Committee and the above Executive Session minutes with a wording change

on the executive session minutes from “approved” to “discussed”. **ROLL CALL: Comm. Pfefferle, abstain; Comm. Swift, yes; and Mayor Abraham, yes.**

COMMENTS FROM THE FLOOR:

- Resident asked about the Lionetti tax appeal and about a dedication of the new municipal building. Mayor Abraham noted that a dedication will be done for the municipal building.

CORRESPONDENCE/ANNOUNCEMENTS:

- Dumpster Day is Saturday, November 15, 2014 at the Alexandria Twp. DPW Garage from 9 AM until Noon.
- The Alexandria Township Municipal Offices will be a drop off location for the 2014 Children’s Holiday Fund. 2014 marks the eighth year for the Children’s Holiday Fund which is a combined effort of the Frenchtown American Legion, the Frenchtown Lions, and the Frenchtown Masons Darcy Lodge #37. Over the past 7 years gifts have been provided to nearly 385 families and 970 individuals who would not have been able to enjoy the holiday season as a result of their economic resources. Please consider dropping off an unwrapped gift to the municipal offices from November 27th through December 17th for many of the needy children and families in our area.
- On December 6th the Frenchtown American Legion, the Frenchtown Loins Club, and the Frenchtown Masons Darcy Lodge #37 are sponsoring a Children’s Christmas Party for children newborn to 10 years of age. The party will be from 12 PM-3PM at the Darcy Lodge located at 39 Everittstown Road (Route 513) in Frenchtown. There will be a magician, face painting, music, snacks, and of course a visit from Santa. There is no admission charge!

ADDITIONAL BUSINESS:

- Perc Test Witness

Mayor Abraham appointed Harry Fuerstenberger as a Perc Witness. Comm. Swift made a motion, seconded by Comm. Pfefferle to appoint Harry Fuerstenberger as a Perc Witness.

ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes.

Comm. Swift made a motion, seconded by Comm. Pfefferle to move to Executive Session. **Roll Call: Comm. Pfefferle, yes; Comm. Swift, yes and Mayor Abraham, yes.**

NOTE: At this time Comm. Swift disconnected his call from the meeting.

Open Public Meetings Act RESOLUTION- Executive Session

WHEREAS, N.J.S.A. 2:4-12, Open Public Meetings Act, 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 of Alexandria, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:
- A confidential or excluded matter under Federal or State Law or Court Rule.
 - A matter involving information that may impair the Township's rights to receive funds from the United States Government.
 - A matter constituting an unwarranted invasion of an individual's privacy rights.
 - Collective Bargaining Agreement or negotiation of the Agreement.
 - Matters involving the purchase, lease or acquisition of real property with public funds which it could adversely affect the public interest if discussion were disclosed.
 - Tactics and techniques to protect the safety and property of the public, including investigations of violations or potential violations of the law.
 - Pending or anticipated litigation or contract negotiations in which the public body is or may become a party.
 - ARC
 - COAH-3rd Round
 - Alexandria Overlook
 - Diocese of Metuchen
 - Matters falling within the attorney-client privilege.
 - Personnel matters involving a specific employee or officer of the Township.
 - Deliberations of the Township occurring after a public hearing that may result in the imposition of a specific penalty or suspension or loss of a license or permit.
3. It is anticipated at this time that the above matter will be made public: at the conclusion of the litigation and at such time as attorney client confidentiality is no longer needed to protect confidentiality and litigation strategy.
4. The executive session minutes will be placed on file in the township clerk's office, and will be available to the public as provided for by New Jersey law.
6. This Resolution shall take effect immediately .

MOTION TO RETURN TO PUBLIC SESSION:

Comm. Pfefferle made a motion, seconded by Mayor Abraham to return to Public Session. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, absent; and Mayor Abraham, yes.**

Comm. Pfefferle made a motion, seconded by Mayor Abraham authorizing a letter of engagement be sent by Township Atty. Dragan regarding the Diocese of Metuchen property. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, absent; and Mayor Abraham, yes.**

Comm. Pfefferle made a motion, seconded by Mayor Abraham authorizing Township Atty. Dragan to seek bids for a second appraisal for the Diocese of Metuchen. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, absent; and Mayor Abraham, yes.**

- Resolution 2014-067 Designating Administrative Agent for Certain Affordable Housing Units

Comm. Pfefferle made a motion, seconded by Mayor Abraham to approve Resolution 2014-067. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, absent; and Mayor Abraham, yes.**

RESOLUTION 2014 – 67 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY DESIGNATING ADMINISTRATIVE AGENT FOR CERTAIN AFFORDABLE HOUSING UNITS

WHEREAS, Township of Alexandria (“Township”) previously entered into an agreement with and conveyed property known as Block 14, Lots 15.01 and 15.02 to The Arc of Hunterdon County, Inc. for the purpose of constructing group homes for on those lots pursuant to the Township’s affordable housing and fair share plan; and

WHEREAS, New Jersey Council on Affordable Housing (“COAH”) rules and regulations require that the Township select an administrative agent to administer the affordability controls on the properties; and

WHEREAS, N.J.A.C. Sec. 5:80-26.14 of the COAH rules provide that affordability controls may be administered by an administrative agent acting on behalf of the Township; and

WHEREAS, the Township Committee finds that it would be appropriate to designate The Arc of Hunterdon County, Inc. as the administrative agent for the homes it is building on Block 14, Lots 15.01 and 15.02 and has prepared an agreement for this purpose.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Alexandria, County of Hunterdon and State of New Jersey, on this day of November 12, 2014 as follows:

1. The Arc of Hunterdon County, Inc. is selected as the Administrative Agent for the administration of the affordable housing units on Block 14, Lots 15.01 and 15.02 on behalf of the Municipality provided it shall comply with all applicable COAH rules and regulations governing the affordable units.

2. The Township Committee approves the administration agreement with The Arc of Hunterdon County, Inc., and authorizes, as applicable, the Mayor, Deputy Mayor,

Township Clerk and/or Township Attorney to finalize and sign same.

3. A copy of this Resolution and the Administration agreement shall be forwarded to the New Jersey Council on Affordable Housing in accordance with the rules and regulations governing same.

4. This Resolution shall take effect immediately.

ATTEST:

Paul Abraham, Mayor

Michele Bobrowski, RMC
Township Clerk

EXECUTIVE SESSION

The following matters were discussed in Executive Session:

- Contract Negotiations/ARC Draft Agreement

Township Committee reviewed the draft agreement prepared by Township Atty. Dragan. Arc will be the administrative agent that will be responsible for finding and qualifying residents to live in group homes and for ensuring that this done in accordance with COAH rules.

- Contract Negotiations/Resolution 2014-067 Designating Administrative Agent for Certain Affordable Housing Units

Township Committee reviewed Resolution. Motion to approve Resolution will be made in Open Session

- Contract Negotiations/B-15, Lot 15.03-Alexandria Township COAH property
Comm. Pfefferle will speak with Jeff Mattison, Executive Director of the Arc about purchasing B- 14, Lot 15.03.

- Contract Negotiations/The Diocese of Metuchen

Township Atty. Dragan recommends a second appraisal be done. Township Atty. Dragan will write a letter stating that the Township is interested and will be seeking a second appraisal.

- Pending Litigation/COAH-3rd Round Rules

Memo prepared by Township Planner David Banish was reviewed by Township Committee. The State of New Jersey didn't meet their deadline. Township will watch how the Courts will proceed.

- Pending Litigation/Alexandria Overlook

Township Atty. Dragan is researching this matter.

MOTION TO ADJOURN

Comm. Pfefferle made a motion, seconded by Mayor Abraham to adjourn. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, absent; and Mayor Abraham, yes. Meeting Adjourned at 10:25 PM**

**Respectfully Submitted:
Michele Bobrowski, RMC, CMR
Township Clerk**

I hereby certify that I have reviewed these Minutes of the Township Committee Meeting of November 12, 2014 and certify that said Minutes were approved unanimously by the Township on the 10th day of December 2014.

Paul Abraham, Mayor

Dated: _____