

ALEXANDRIA TOWNSHIP COMMITTEE MEETING
Minutes
November 13, 2019

This meeting was advertised in the Hunterdon Democrat, and notice posted in the Alexandria Township Municipal Offices and the Alexandria Township Website, (www.alexandrianj.gov) as required by the Open Public Meetings Act.

Meeting Called to order at 7:46 PM.

ROLL CALL:

PRESENT: Mayor Garay, Committeeman Pfefferle, Committeeman Kiernan, Township Attorney Dragan

ABSENT: None

FLAG SALUTE:

Mayor Garay led the flag salute.

TOWNSHIP COMMITTEE OVERSIGHT REPORTS:

Environmental Commission (EC):

No report

Open Space/Farmland Preservation Commission:

Chair Evans reported the following:

- Kappus Farm should be receiving their cost share numbers in December.
- Surveying will begin in December for the Airport Road Farm Preservation.
- All members on the Committee have agreed to continue to serve for 2020. There currently are no vacancies but if someone is interested in serving then current members can assist in transitioning new members.
- Application process has been streamlined.
- Members will follow up with residents who did not attend the Open Space/Farmland Presentation

Aging Coordinator Report:

Mayor Garay noted the following:

- Meet at Iron Bound
- November 22nd is Mahjong
- Future outing is being planned for Wind Creek

Finance Update/Comm. Pfefferle:

Comm. Pfefferle noted the following:

- Worked with COAH Atty. Drill and Twp. Planner Banisch on Spending Plan required for Affordable Housing.

DPW/Park & Rec-Comm. Kiernan:

Comm. Kiernan noted there is no report for Park/Rec and read the following report prepared by DPW Foreman Heiser:

Roads:

Rearranged the fence and gate at the entrance.
Brush grinding with R.T.G.
Worked on and paved around catch basins in Shy Creek.
Completed roadside mowing with ½ interstate mower
Boom mowing is continuing when we have time
Clean catch basins off after the rains
Remove limbs from the road after winds
Grade dirt roads after rains.
Clean out inlet and outlets on dirt roads.

Park:

Helped with stakes and ropes at Autumn Fest. Both set up and clean up.
Part-time worked 43.5 Hrs. mowing
Full-time 11 Hrs. mowing
 3 Hrs. garbage
 3 Hrs. brush hogging
 9 Hrs. at Autumn Fest

Maintenance:

Got a newer old body on truck #52.
Replaced a couple tires on the roadside mowers.
Received 5 tires and rims for our older 550. Kudos to them.
Starting our winter prep on the trucks and equipment

Administrator Report:

Clerk/Administrator Bobrowski reported the following:

- Letter sent to Frenchtown Care Home in regard to potential Zoning Violations
- Worked on commercial vehicle complaint on 513
- Researched salaries of Municipal Housing Liaisons in the County for comparisons to Deputy Clerk Houck's position as Municipal Housing Liaison
- Starting to gather information for 2020 budget discussions
- Working with Deputy Clerk Houck on a purchasing policy
- Working with Deputy Clerk Houck on a terms/conditions policy
- Deputy Clerk Houck will begin the 1st of the year overseeing bills and purchase orders prior to being sent to the finance department for payment.
- Advertised for Seasonal Snowplow Operator on the Township website, Hunterdon Democrat and Express Times. Only one application received.
- Met with NJ DEP officials in regard to well water contamination on Senator Stout Road
- Provided a budget analysis to all departments with an 11/27 deadline for budget requests.
- Staff attending the League of Municipalities to earn CEU's for their licensing.
- Working on Court Personnel matters
- Worked on a DPW complaint on Rick and Hartpence Roads
- Assisting Zoning with Salvation Army complaint
- Looking for a plumber to repair the urinal in the men's bathroom and possibly replacing the system currently being used for the urinal.

OLD BUSINESS:

- Barn Roof Discussion

Mayor Garay noted that the barn roof is eligible for a County grant. There is approximately \$414,000.00 dollars in place for the Township to use. The roof quote came in at \$240,000.00. Mayor Garay is not sure how much money is eligible to be used towards the roof. The next step is to secure a planner to determine the uses of the barn. The subcommittee will submit a grant in 2020 to the County Economic Development Department for a planner.

- Auction of Township Properties

Township Attorney still reviewing the titles.

- Solid Waste Bid

To be discussed in Executive Session

- **2nd Reading**-Ordinance 2019-11 ESTABLISHING AN ELECTRIC AGGREGATION PROGRAM

Comm. Pfefferle made a motion, seconded by Mayor Garay to open public comment for Ordinance 2019-011.

Roll Call: Aye: Garay, Pfefferle

Nay: Kiernan

Abstain: None

Motion Carried

Comm. Pfefferle made a motion, seconded by Mayor Garay to close public comment for Ordinance 2019-011.

Roll Call: Aye: Garay, Pfefferle

Nay: Kiernan

Abstain: None

Motion Carried

Comm. Pfefferle made a motion, seconded by Mayor Garay to adopt Ordinance 2019-011.

Roll Call: Aye: Garay, Pfefferle

Nay: Kiernan

Abstain: None

Motion Carried

**ALEXANDRIA TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY**

ORDINANCE NO. 2019-011

**AN ORDINANCE OF ALEXANDRIA TOWNSHIP
ESTABLISHING AN ELECTRIC AGGREGATION PROGRAM**

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, the Township is interested in ensuring that a greater percentage of energy provided by the Program comes from renewable energy sources, and will therefore include provisions for the inclusion of renewable energy in the proposals for energy aggregation services; and

WHEREAS, the purchase of renewable energy will reduce the dependence on fossil fuels and under the aggregation process the residential and non-residential ratepayers will likely receive a direct reduction in their electric bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents and non-residents of Alexandria Township (“Township”); and

WHEREAS, the Township hereby finds that it is in the best interests of residential and non-residential ratepayers for the Township to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric rates.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Alexandria Township in the County of Hunterdon and the State of New Jersey, duly assembled in public session, as follows:

1. The Township publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, **N.J.S.A.** 48:3-91.3 to -98, and implementing regulations.
2. The Township will utilize approved vendors, Commercial Utility Consultants, Inc. and its subcontractor Concord Engineering Group dba Concord Energy Services pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire.
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
5. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
6. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

- **2nd Reading**-Ordinance 2019-12 Acquisition of Computers and Software for the Municipal Offices

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to open public comment for Ordinance 2019-012.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to close public comment for Ordinance 2019-012.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to adopt Ordinance 2019-012.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

**TOWNSHIP OF ALEXANDRIA
COUNTY OF HUNTERDON
ORDINANCE NO. 2019- 12**

A FULLY FUNDED ORDINANCE APPROPRIATING TEN THOUSAND DOLLARS FROM THE CAPITAL FUND BALANCE ACCOUNT IN THE TOWNSHIP OF ALEXANDRIA CAPITAL ACCOUNT FOR THE ACQUISITION OF COMPUTERS, AND RELATED HARDWARE AND SOFTWARE TO BE USED WITHIN THE TOWNSHIP OF ALEXANDRIA MUNICIPAL OFFICES, COUNTY OF HUNTERDON, STATE OF NEW JERSEY

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

SECTION ONE: The sum of Ten Thousand Dollars (\$10,000.00) is hereby appropriated from the Capital Fund Balance account for the acquisition of computers, and related hardware and software to be used in the municipal offices of the Township of Alexandria.

SECTION TWO: The period of usefulness of the upgrades and improvements, as defined by N.J.S.A. 40A:2-22, is at least 5 years.

SECTION THREE: The gross debt of the Township of Alexandria, as defined by N.J.S.A. 40A:2-43 will not be increased by this ordinance.

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

NEW BUSINESS:

- Ordinance 2019-013 Amending the Salary Ordinance to Include the Position of Municipal Housing Liasion-**1st Reading**

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Ordinance 2019-013 on 1st Reading. **Public Hearing is scheduled for December 11, 2019.**

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

ORDINANCE # 2019-013 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR THE INCLUSION OF THE POSITION OF MUNICIPAL HOUSING LIASION AND AMENDING THE SALARY OF DEPUTY CLERK

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

SECTION 1. The schedule of salaries for the various officers and employees of the Township shall be as follows:

SALARY RANGE		
TITLE		
Township Committeemen	0	10,000.00
Township Clerk	40,000.00	70,000.00
Deputy Clerk	10,000.00	50,000.00
Chief Financial Officer	25,000.00	45,000.00
Assistant to the CFO	10,000.00	30,000.00
Tax Assessor	25,000.00	40,000.00
Tax Collector	25,000.00	40,000.00
Zoning Officer	7,000.00	12,000.00
Registrar of Vital Statistics	1,000.00	3,000.00
Deputy Registrar	100.00	500.00
Percolation Test Witness	PER FEE SCHEDULE	
Land Use Board Recording Clerk	20.00 Per Hour	30.00 Per Hour
Land Use Board Recording Clerk	200.00 Per Meeting	300.00 Per Meeting
Board of Health Secretary	1,000.00	2,500.00
Emergency Mgmt. Coordinator/911 Coordinator	2,000.00	4,000.00

Deputy Emergency Mgmt. Coordinator	400.00	900.00
Fire Prevention Official	6,000.00	10,000.00
Clerical Help	10.00 Per Hour	25.00 Per Hour
Dept. of Public Works Personnel		Per signed Contract
Recycling/Dumpster Attendant	2,000.00	6,000.00
Construction Official	30.00 Per Hour	60.00 Per Hour
Building Dept. Technical Assistant	15.00 Per Hour	25.00 Per Hour
Plumbing Sub Code Official	30.00 Per Hour	60.00 Per Hour
Electrical Sub Code Official	30.00 Per Hour	60.00 Per Hour
Electrical Inspector	30.00 Per Hour	60.00 Per Hour
Fire Code Official	30.00 Per Hour	60.00 Per Hour
Fire Sub Code Official	30.00 Per Hour	60.00 Per Hour
Municipal Housing Liaison	1,000.00	5,000.00
Municipal Court Judge	9,000.00	20,000.00
Municipal Court Administrator	10,000.00	60,000.00
Deputy Court Administrator	20.00 Per Hour	30.00 Per Hour
Municipal Court Prosecutor	3,000.00	10,000.00
Public Defender	750.00	2,500.00
Court Security	20.00 Per Hour	30.00 Per Hour
Court Runner	10.00 Per Hour	20.00 Per Hour
Senior Working Foreman	10.00 Per Hour	\$100.00 Per Hour
Seasonal Snow Plow Operator	\$20.00	\$35.00
Park/Rec Seasonal Employee	\$10.00	\$25.00
Dog Warden		Per Contract
Custodial	5,000.00	10,000.00
Housing Administrator	0	5,000.00
Township Administrator	10,000.00	20,000.00
Municipal Clerk Special Meetings	200.00 Per Meeting	300.00 Per Meeting

All authorized township officials or employees of the township while on official business for the township, when a sworn voucher is approved by the Township Committee, shall be paid per IRS publication per mile for use of their own personal vehicle.

Section 2: Health benefits are paid for full-time employees with scheduled work hours over 32 hours per week, with state mandated employee contributions per N.J.S.A. Chapter 78 P.L.211

Section 3: This Ordinance shall take effect immediately upon final adoption and publication according to law.

- Resolution 2019-092 Governor's Council on Alcoholism Grant Cycle July 2020-June 2025

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-092.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2019-092 TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2020-JUNE 2025

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Committee of the Township of Alexandria, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Township of Alexandria, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Delaware Valley Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$ 16,863.00
Cash Match	\$ 4,215.75
In-Kind	\$ 12,647.25

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Township Committee further acknowledges that the Hunterdon County Educational Services Commission shall act as Fiscal Agent to all Hunterdon County Municipal Alliance Consortiums to provide a streamlined process for the reimbursement of expenditures.

- Resolution 2019-093 Appropriation Transfer #1

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-093.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2019-093 FOR THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR 2019 APPROPRIATIONS TRANSFERS

WHEREAS, various 2019 bills have been presented for payment in the calendar year of 2019, which represent obligations of the fiscal year 2019 and insufficient balances exist in the appropriate budget accounts to cover the cost of these charges and / or anticipated costs prior to year end, and

WHEREAS, excess fund balances exist in other budget accounts in the 2019 Budget in the last two months of the calendar year of 2019; and

WHEREAS, IT IS THE RECOMMENDATION OF THE Chief Financial Officer that transfer be made to cover the expenses and anticipated needs of various areas of operation, and

WHEREAS, N.J.S. 40A:4-58 allows 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 2019 Budget Appropriation as follows:

		<u>FROM</u>	<u>TO</u>
Liability Insurance	O/E	3,750.00	
Emp Group Insurance	O/E	3,500.00	
Workers Comp Insurance	O/E	4,000.00	
Road Maintenance	S&W	20,000.00	
Municipal Clerk	S&W		20,000.00
Municipal Clerk	O/E		5,000.00
Celebration of Pub Events	O/E		3,500.00
Buildings & Grounds	S&W		250.00
Buildings & Grounds	O/E		1,500.00
Fire Prevention	O/E		1,000.00
		<u>31,250.00</u>	<u>31,250.00</u>

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		Garay	X			
X		Pfefferle	X			
	X	Kiernan	X			

- Resolution 2019-094 Appointing Jennifer Houck as the Municipal Housing Liaison Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-094.

Roll Call: Aye: Garay, Pfefferle, Kiernan
Nay: None
Abstain: None

Motion Carried

RESOLUTION 2019-094 FOR THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY APPOINTING A MUNICIPAL HOUSING LIASION

WHEREAS, the Township of Alexandria requires the services of a Municipal Housing Liaison as per Chapter 53. Affordable Housing, Article V Section 53-24, and

WHEREAS, there are sufficient funds available in the COAH account to pay for this employee, and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, Township of Alexandria in the County of Hunterdon, State of New Jersey that Jennifer Houck be appointed as the Municipal Housing Liasion at a rate of \$1,250.00 year and will be eligible for reappointment for a 1 year term at the Re-organizational meeting of the Township Committee each succeeding year.

- Resolution 2019-095 Reimbursing Township Clerk Bobrowski For Out Of Pocket Expenses On Behalf Of Alexandria Township

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-095.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2019-095 FOR THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY REIMBURSING TOWNSHIP CLERK BOBROWSKI FOR OUT OF POCKET EXPENSES ON BEHALF ON ALEXANDRIA TOWNSHIP

WHEREAS, the Township of Alexandria needs to purchase goods and services on behalf of the Township and such goods and services can't be paid for by a Purchase Order, and

WHEREAS, Township Clerk Bobrowski has had to make the following out of pocket purchases on the behalf of the Township:

- 1.) October 18, 2019- NJ Department of Motor Vehicles for a Duplicate Title for a DPW truck- a personal check in the amount of \$60.00 was made payable to the NJ DMV
- 2.) November 5, 2019-Shop Rite- Election Breakfast for Township poll workers for the General Election-a personal check in the amount of \$30.10 was made payable to Shop Rite of Clinton
- 3.) November 13, 2019-.GOV Domain annual fee for the domain name of the Township for Township emails and website hosting-A charge in the amount of \$400.00 was made by debit card
- 4.) Reimbursement of cell phone that is used throughout the year to stay in touch with outside professionals, employees, and Township Committee outside of normal working hours in the amount of \$557.88

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, Township of Alexandria in the County of Hunterdon, State of New Jersey that Township Clerk Bobrowski be reimbursed for the above expenditures in the amount of \$1,047.98 as this is out of pocket money incurred by Township Clerk Bobrowski on behalf of the Township

and that the Chief Finance Officer has attached his signature certifying the availability of funds are available for this reimbursement.

- Resolution 2019-096 Calling for Study Commission to Review the Open Public Records Act

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-096.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2019-096 FOR THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT

WHEREAS, Alexandria Township strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, Alexandria Township has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, Alexandria Township received and responded to 64 OPRA requests in 2017, 92 OPRA requests in 2018, and to date has received and responded to 114 OPRA requests as of September 1, 2019; and

WHEREAS, Alexandria Township municipal staff has spent approximately 62 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 80 hours since 2017; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of Alexandria Township appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblyman Erik Peterson and Assemblyman John DiMaio, Senator Michael Dougherty, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

- Resolution 2019-097 Releasing Maintenance Guarantee for Pond View Estates Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-097.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2019-097 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY RELEASING MAINTENANCE GUARANTEE FOR POND VIEW ESTATES

WHEREAS, the Township Committee of Alexandria Township accepted a maintenance guarantee in the form of Letter of Credit #174102001 issued by Fulton Bank of New Jersey in the amount of \$24,588.26 and cash in the amount of \$2,732.03 posted by Kiser Enterprises, LLC (“Developer”) in connection with improvements made as part of the residential subdivision development approved for construction on property in the Township known as Block 10 Lot 17, also known as Pond View Estates; and

WHEREAS, the two-year maintenance period has run and the Township Engineer has inspected the maintenance items, and issued a letter dated October 25, 2019 stating that all items have been addressed and recommending that the guarantee be released; and

WHEREAS, there exists the amount of \$750.00 which is being held in escrow for engineering inspections in conjunction with the Pond View Estates Development.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Alexandria, County of Hunterdon, State of New Jersey, on this 13th day November 2019 as follows:

1. Prior to release of the cash portion of the guarantee, it shall be confirmed that all outstanding engineering or other professional fees and escrows for inspection and review of the development and this request have been paid in full.

2. Letter of Credit# 174102001 issued by Fulton Bank of New Jersey posted by Kiser Enterprises, LLC in the amount of \$24,588.26 for the subdivision improvements made to the property known as Block 10 Lot 17 (Pond View Estates Development) is hereby released. Upon receipt of the confirmation of the items listed in paragraph 1 above, the cash portion of the maintenance guarantee shall be released and may be returned to the developer, together with any interest earned thereon. The improvements subject to the maintenance bond are hereby deemed acceptable by the Township Committee, based on the recommendation of the Township Engineer. However, as originally contemplated in the Planning Board Resolution approving the Pond View Estates development and as set forth in the Common Driveway Access and Maintenance Agreement recorded by the developer/owner on May 6, 2004 in the Hunterdon County Clerk’s office in Deed Book 2091 Page 442, et seq., the common driveway and all utility and other improvements/installations shall remain private and maintenance, repair or replacement of same shall not be the responsibility of the Township, but shall be the responsibility of the property owners.

3. This resolution shall take effect immediately.

- Resolution 2019-098 2019 COAH Spending Plan

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-098.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2019-098 FOR THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY APPROVING THE 2019 AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

A RESOLUTION OF THE ALEXANDRIA TOWNSHIP COMMITTEE APPROVING AN AMENDED SPENDING PLAN FOR THE ALEXANDRIA TOWNSHIP AFFORDABLE HOUSING TRUST FUND CONSISTENT WITH P.L. 2008, C.46, COUNCIL OF AFFORDABLE HOUSING REGULATIONS AND THE SETTLEMENT AGREEMENT ENTERED INTO BETWEEN ALEXANDRIA TOWNSHIP AND FAIR SHARE HOUSING CENTER AND REQUESTING THE APPROVAL OF THE COURT IN ACCORDANCE WITH ALEXANDRIA TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING SETTLEMENT AGREEMENT .

WHEREAS, in accordance with applicable Council on Affordable Housing ("COAH") regulations, the New Jersey Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26., et seq.), and the terms of a Settlement Agreement between the Township of Alexandria and Fair Share Housing Center ("FSHC"), which was entered into as part of the Alexandria Township's Declaratory Judgment action entitled In the Matter of the Application of the Township of Alexandria County of Hunterdon, Docket No. HNT-L-300-15, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), the Township of Alexandria is required to adopt an Affordable Housing Spending Plan; and

WHEREAS, the Township of Alexandria currently has an approved Development Fee Ordinance and Affordable Housing Trust Fund in place; which includes development fees, interest and other income including repayments from affordable housing program loans, recapture funds, and/or funds collected in connection with the Township's affordable housing program; and

WHEREAS, the Township requires approval of an Amended Spending Plan in order to utilize any of the funds within its Affordable Housing Trust Fund; and

WHEREAS, the Township of Alexandria has prepared an Amended Spending Plan consistent with P.L. 2008, c. 46, Council on Affordable Housing ("COAH") regulations and the Settlement Agreement entered into between the Township and FSHC and the Township desires to submit its Amended Spending Plan to the Court for review and approval.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Alexandria, County of Hunterdon, State of New Jersey, hereby approves the Amended Spending Plan that was previously dated February 14, 2014 and approved by COAH on June 23, 2014, and is now revised pursuant to Alexandria Township's Order by the Court Approving Settlement Agreement and, Preliminarily, Fair Share Compliance Plan entered January 2, 2018 by The Honorable Thomas C. Miller, P.J.Cv. which amended Spending Plan is attached hereto, and requests the Court review and approve the Township's Amended Spending Plan, so that it can expend funds in its Affordable Housing Trust Fund; and

BE IT FURTHER RESOLVED that the appropriate Township officials are to take any and all actions to effectuate this Resolution and that this Resolution shall take effect pursuant to law.

- Resolution 2019-099 Appointing David Banisch Township Planner as the Administrative Housing Liaison

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-099.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2019-099 FOR THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY APPOINTING AN ADMINISTRATIVE HOUSING LIAISON

WHEREAS, the Township of Alexandria requires the services of an Administrative Housing Liaison as per Chapter 53. Affordable Housing, Article V Section 53-24, and

WHEREAS, there are sufficient funds available in the COAH account to pay for this individual, and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, Township of Alexandria in the County of Hunterdon, State of New Jersey that David Banisch, Township Planner be appointed as the Administrative Housing Liaison at an hourly rate of \$150.00 and will be eligible for reappointment for a 1 year term at the Re-organizational meeting of the Township Committee each succeeding year.

- Christmas Eve/New Year's Eve Half Day Off Approval
Comm. Pfefferle made a motion, seconded by Comm. Kiernan to have the municipal offices close on Christmas Eve and New Years Eve at 12 Noon.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

- Township Website/Email Domain Dues
Township Clerk/Administrator Bobrowski needs to use a personal credit card every year to pay for the domain name of the Township in the amount of \$400.00. Comm. Pfefferle indicated that he called the company to see if there was another way to pay this invoice but was advised that the only form of payment is by credit card.
- Airport Road Right of Way-Farmland Preservation
The Township Committee will defer the request to Township Engineer Decker to determine if a right-of-way maybe needed for the Township.

ENGINEER'S REPORT:

Township Committee approved the attached report for the month of November prepared by Township Engineer Decker.

APPROVAL OF MINUTES:

- September 11, 2019 Township Committee Meeting
- September 11, 2019 Township Executive Session
- September 25, 2019 Workshop Meeting
- October 9, 2019 Township Committee Meeting
- October 9, 2019 Township Executive Session
- October 23, 2019 Workshop Meeting

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve the above meeting minutes.

Roll Call: Aye: Garay, Kiernan, Pfefferle

Nay: None

Abstain: None

Motion Carried

PUBLIC COMMENT ON GENERAL MATTERS:

- Township Resident Bill Fritsche noted that the Alexandria Equestrian Association (AEA) was asked by a previous Township Committee to match \$100,000.00 that the Township put to the side for demolition of the barn. The AEA has not raised the amount needed therefore the Township should not be looking into replacing the roof until the matching funds have been raised. Mr. Fritsche stated that he doesn't pay open space taxes to have that money used on a project that doesn't benefit the majority of the residents.
- Township Resident Floyd Evans questioned who handles the rentals of the AEA barn. Mr. Evans was advised that the AEA collects some money and the Township Clerk collects some as well.
- Fire Chief Patkochis noted that the change of service to the Quakertown Fire Department from Quakertown EMS has been good. Residents affected by the change in coverage were mailed fliers. No members of Quakertown EMS transferred over to Quakertown Fire. There has been positive feedback from the Hunterdon County Office of Emergency Management as well as Hunterdon County Communications.

CORRESPONDENCE/ANNOUNCEMENTS:

- Alexandria Township received a thank you letter from Presbyterian Church of Milford for a donation of 200 pounds of food for their food bank in correlation with Food Stock that is organized by Bob Swishers of Suplee Clooney & Co. The Village Food Pantry opened its doors on March 31, 2019 and is currently serving 58 families.
- Correspondence was received from Hunterdon County in regard to the homeless population in Hunterdon County. A recent annual homelessness Point-in-Time-Count done did not report any Hunterdon County municipalities with a documented homeless population of at least 10 unsheltered homeless which is the threshold that initiates a municipal responsibility for a Code Blue homeless warming station under state law. No municipalities in Hunterdon County met that threshold this year. The Hunterdon County Freeholders recognize that there is a homeless community in the County and will provide daytime warming facility for homeless persons at both County Library facilities for several years and will continue to do so this winter.

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to go into Executive Session. (9:01 PM)

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

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.
Delaware River Tubing
Penn East Pipeline Co. LLC v. Kroese, et. al.
RFP for Township Attorney
- Matters falling within the attorney-client privilege.
Beneduce Vineyards
Solid Waste Bid
- 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.

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to return to Public Session **(10:04 PM)**.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

BILL LIST:

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve the November 11, 2019 bill list.

Roll Call: Aye: Garay, Kiernan, Pfefferle

Nay: None

Abstain: None

Motion Carried

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-100.

Roll Call: Aye: Garay, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2019-100 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, NEW JERSEY IN CONNECTION WITH THE BIDS REQUESTED FOR SOLID WASTE HAULING AND DISPOSAL SERVICES FROM THE ALEXANDRIA TOWNSHIP DEPARTMENT OF PUBLIC WORKS GARAGE

WHEREAS, the Township of Alexandria ("Township") publicly advertised for bid proposals for certain Solid Waste Hauling and Disposal Services from the Alexandria Township Department of Public Works Garage (hereinafter referred to as "the Garbage Bid"); and

WHEREAS, on September 25, 2019, the Township Administrator/Clerk conducted the bid opening whereupon the total number of bidders for the Garbage Bid was one (1), submitted by Republic Services of New Jersey (hereinafter "Republic" or the "Bidder"); and

WHEREAS, upon review of the bid, the Township Attorney determined that the proposal submitted by Republic contained a sheet with several proposed revisions to the Township's form contract which was included with the bid specifications. The proposed changes included, among other things, conditions of the terms of payment, liability and rights of termination. Such changes to the terms of the contract constituted an unacceptable counteroffer to the Township's specifications which, if even if found acceptable, would have given an advantage to Republic over other potential bidders, thus creating an un-level playing field; and

WHEREAS, the Township's specifications stated that the bid would be awarded to the "lowest responsible bidder", which according to the New Jersey Local Public Contracts law, N.J.S.A. 40A:11-2(27) means the lowest bidder who is both "responsive" and "responsible"; and

WHEREAS, N.J.S.A. 40A:11-2 defines "responsive" as conforming in all material respects to the terms, conditions, specifications, legal requirements and other provisions of the request; and

WHEREAS, to permit a bidder to ignore the requirements of the specifications with respect to a material item (in this case the contract) would give it an advantage over others and may open the door to fraud and favoritism and defeat the statutory purpose of protection to the taxpayer; Meadowbrook Carting Co., 138 N.J. 323, quoting Tufano v. Borough of Cliff Side Park, 110 N.J.L. 370, 373 (Sup. Ct. 1932); and

WHEREAS, in addition to the reasons set forth above, under N.J.S.A. 40A:11-13.2, the Township may also reject all bids if it wishes to substantially revise the specifications for the goods or services,

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ALEXANDRIA AS FOLLOWS:

1. The Township Committee hereby rejects the bid submitted by Republic Services of New Jersey for the Solid Waste Hauling and Disposal Services from the Alexandria Township Department of Public Works Garage as non-responsive, for the reasons set forth in the preamble above. In addition, the Township finds that waiving the requirements of its form contract and accepting the additional conditions submitted by Republic contract would deprive the Township of its assurances that the contract would be entered into, performed and guaranteed according to the Township's specified requirements and that the waiver of its contractual requirements as specified would place the Bidder in a position of advantage over other potential bidders; this would work to undermine the necessary common standard of competition. Meadowbrook Carting, 138 N.J. at 315 and would therefore violate the purposes of the Local Public Contracts Law. N.J.S.A. 40A:11-13.2

2. In addition to the above, the Township wishes to substantially revise the specifications for the goods or services set forth in the bid and rejects the bid for this reason, as well.

3. This resolution shall be effectively immediately.

4. The Township Administrator/Clerk is authorized to notify the Bidder of this decision.

5. The Township Administrator/Clerk is authorized to rebid same, as well as to revise the specifications. The Garbage Bid shall be re-advertised so that all notification provisions of the Local Public Contracts Law are complied with.

I hereby certify that this resolution was adopted by the Township Committee of Alexandria Township at a public meeting held on November 13, 2019 by a vote of 3 for 0 and against.

The following matters were discussed in Executive Session:

- Delaware River Tubing (DRT)

Consent Order from Superior Court has given DRT until January to come before the Land Use Board in regard to their site plan.

- Penn East

No Update

- Beneduce Vineyards

Meeting with the CADB has been rescheduled for December 12, 2019.

- Solid Waste Bid

Twp. Atty. Dragan went through the one bid proposal received. A counteroffer was made by the bidder. The Township can reject bid due to a change of terms/not responsive bid. The Township can continue on a month to month basis or change bid where a performance guarantee is not required.

- Personnel

Matter to Stay in Executive Session

Twp. Atty. Dragan left meeting at 9: 37 PM so that the Township Committee could discuss the RFP's received for Township Attorney.

- Township Attorney RFP

Five RFP's were received. Interviews to be set up for December 4th beginning at 5:00 PM. Two Attorneys will be interviewed.

MOTION TO ADJOURN

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to adjourn at 10:05 PM.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

Meeting Adjourned at 10:05 PM.

Respectfully Submitted:
Michele Bobrowski, CMC/RMC
Township Clerk

I hereby certify that I have reviewed these Minutes of the Township Committee Meeting of November 13, 2019 and certify that said Minutes were approved unanimously by the Township Committee on the 11th day of December 2019.

Michelle Garay, Mayor