

**ALEXANDRIA TOWNSHIP COMMITTEE MEETING
MINUTES
October 9, 2019**

This meeting was advertised in the Hunterdon County Democrat, and notice posted in the
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 7:35 PM.

ROLL CALL:

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

ABSENT: None

FLAG SALUTE:

Mayor Garay led the flag salute.

Mayor Garay read the following statement:

“Recent social media posts by a local business owner have targeted the integrity of a valued township employee, Michele Bobrowski

These were personal attacks on the character of our employee who is bound by Alexandria's social media policy and therefore unable to respond.

Alexandria Township supports our employees in the performance of their duties and finds the accusations to be malicious in nature.”

TOWNSHIP COMMITTEE OVERSIGHT REPORTS:

Environmental Commission (EC):

Members have been assisting in Autumnfest.

Open Space/Farmland Preservation Commission:

Chair Evans noted that on October 2nd the Open Space/Farmland Preservation Commission had an outreach presentation for residents who are interested in preserving their farms. Stefanie Miller from the State Agriculture Development Board (SADB) and Bob Hornby from the Hunterdon County Agriculture Development Board (CADB) were also present. Mr. Hornby has targeted 54 farms in Alexandria Township for preservation. Chair Evans thanked Mayor Garay and Township Clerk/Administrator Bobrowski for their assistance in this presentation. Chair Evans noted that 11 people were in attendance which equates to a 20% turn out. Chair Evans recommends that the Township spend about \$500.00 for a new television in the meeting room for presentations.

Aging Coordinator Report:

Mayor Garay noted the following:

- Next meeting is October 16th at 6:00 PM
- A tent will be set up at Autumnfest to display artwork of seniors.
- Golf outing will be postponed until the Spring

Finance Update/Comm. Pfefferle

Comm. Pfefferle noted the following:

- Finance Department is currently going through the Best Practices worksheet.
- The Finance Department is looking at how to pay for items for Autumnfest.
- Comm. Pfefferle spoke to the Finance Department regarding the Basketball Program and Purchase Orders that are being requested for payment.
- The Township can do a fully funded Ordinance for computers for the Township along with Windows software.

DPW/Park & Rec-Comm. Kiernan:

Comm. Kiernan read the following report prepared by DPW Foreman Heiser:

September Road Report 2019

Roads:

Paving was completed on the following roads

Creek Rd.

Myler Rd.

Schaaf Rd.

Sweethollow Rd.

Shop Parking Area

Park:

The D.P.W. placed certified mulch on playground area (it was spread by some lacrosse players and some boy scouts with their coaches, mentors and parents). I would like to give them a big THANK YOU!!

Fields 1-4 were slice seeded and will soon be fertilized.

New benches were put out, as were a few new garbage cans.

Weed whacking 6 Hrs.

Mowing part-time 44.25 Hrs.

Mowing full-time 16 Hrs.

Garbage 6 Hrs.

Last week of the month there was no mowing in the park.

Maintenance:

Replaced floor in the old loader

Started replacing body on truck #52

Preventive Maintenance on miscellaneous equipment

Starting to think about winter-

Administrator Report:

Municipal Clerk/Administrator Bobrowski noted the following:

- Visited the Mt. Salem Church during the painting restoration on September 21st
- Addressing computer issues
- Dealing with personnel matters

- Attended the Open Space/Farmland Preservation Presentation for approximately an hour on 10/2
- Assisted the DPW on road complaints for Goritz Road, Schaaf Road, and Colt Road

OLD BUSINESS:

- Barn Roof Discussion

A quote was received for the barn roof which includes gutters and replacing plywood in addition to a 30-year warranty. The quote is for \$240,000.00 and valid for 60 days. The Barn Ad Hoc Committee is exploring uses of the barn as well as applying for a grant from the Hunterdon County Economic Development Director to hire a professional to determine uses for the barn and its sustainability. The Township was awarded a grant this year by the County to help pay for Township Planner Banisch in writing a Special Events Ordinance for the Township. Hunterdon County Economic Development Director Marc Saluk informed the Ad Hoc Committee to postpone applying for another grant until January 2020 as the Ad Hoc Committee will have a better chance of being awarded another one. Mayor Garay noted that the key in making this project successful is finding the correct consulting group to assist the Township. A member of the Alexandria Equestrian Association recommended that the Township speak with Bill Millett from the County in securing additional County grants for park projects. AEA Member Judy Tucker provided the Township Committee with copies of the AEA's CD and rental totals from 2014 to 2018. Currently, the AEA has \$44,802.00 towards a new barn roof. Comm. Kiernan requested documents from Judy Tucker in regard to the barns usage and events that are held. Mr. Tucker indicated that she does have that information and will forward to the Township Committee. Mayor Garay would like to have a mailer sent out to residents as to what they would like to see at the park barn facility.

- Auction of Township Properties

Twp. Dragan noted that the research requested on the titles has come in and she needs to review the information.

- **2nd Reading**-Ordinance 2019-8 To Provide For The Acceptance Of An Affordable Housing Restriction On Property Known As Block 18, Lot 39 In The Township Of Alexandria, County of Hunterdon From Frenchtown Care Home, Inc.

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to open public comment for Ordinance 2019-008.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

Township Resident Judy Tucker asked what the Ordinance was in regard to. Mayor Garay noted that the Ordinance pertains to the Township's affordable housing requirements. Township Resident Harry Fuerstenberger noted that the property is in disrepair. Mayor Garay indicated that the Land Use approval states that some of the buildings have to demolished. Comm. Pfefferle made a motion, seconded by Comm. Kiernan to close public comment for Ordinance 2019-008.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to adopt Ordinance 2019-008.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

AN ORDINANCE TO PROVIDE FOR THE ACCEPTANCE OF AN AFFORDABLE HOUSING RESTRICTION ON PROPERTY KNOWN AS BLOCK 18, LOT 39 IN THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON FROM FRENCHTOWN CARE HOME, INC.

Ordinance # 2019-008

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

Section 1. The Township of Alexandria authorizes and shall accept, for the purposes of providing affordable housing in accordance with its Housing Element and Fair Share Plan adopted on March 29, 2018, a deed restriction on property known as Block 18, Lot 39 in the Township of Alexandria and owned by Frenchtown Care Home, Inc. The property to be deed-restricted for these purposes consists of forty (40) low, very low and/or moderate-income residential units on the aforesaid property, with not less than ½ of the units available to very low-income or low-income persons, with no fewer than six (6) of the units to be occupied by persons qualifying as very low-income, as more particularly set forth in the proposed Deed Restriction from Frenchtown Care Home, Inc. on file in the office of the Alexandria Township Clerk, at the Alexandria Township Municipal Building, 242 Little York-Mt Pleasant Road, Milford, N.J. 08848.

Section 2. On behalf of the Township Committee of the Township of Alexandria, the Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as appropriate, are authorized to accept and execute the aforementioned Deed Restriction and any other documents necessary to effectuate same.

Section 3. Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall

not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance is enacted pursuant to N.J.S.A. 40A:12-1, 12-4 and 12-5, et seq., and any other applicable law. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged to be invalid by any court of competent jurisdiction, such Order of Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 5. Effective Date.

This ordinance shall take effect immediately upon final adoption and publication according to law, and upon recording of the Deed Restriction. A copy of this ordinance shall also be recorded in the Hunterdon County Clerk's office.

NEW BUSINESS:

- Resolution 2019-088 Amending the Township Attorney Sharon Dragan, Esq. Professional Contract Service Award

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-088.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2019-088 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AMENDING PROFESSIONAL CONTRACT SERVICE AWARD TO TOWNSHIP ATTORNEY SHARON DRAGAN, ESQ.

WHEREAS, on January 2, 2019 the Alexandria Township Committee appointed Sharon Dragan, Esq. of Mason, Griffin & Pierson for a one-year appointment from January 1, 2019 to December 31, 2019 as the Township Attorney; and

WHEREAS, on January 2, 2019 the Alexandria Township Committee approved a budgeted amount not to exceed of \$40,000.00 in account number 01-201-20-155-027 for services to be rendered by Township Professional Sharon Dragan, Esq. of Mason, Griffin & Pierson, 101 Poor Farm Road, Princeton, NJ 08540.

WHEREAS, the Township Committee budgeted a total of \$73,440.00 for legal services (not out-of-pocket expenses) by the Township Attorney for 2019 and bills submitted by Township Attorney Dragan so far for the year are \$ 54, 177.36 not including out-of-pocket expenses.

NOW THEREFORE, BE IT RESOLVED by the Township of Alexandria as follows:

1. Resolution 2019-088 is amended to revise the “not to exceed number” and the Alexandria Township Chief Financial Officer shall certify that that the amount of, not to exceed \$73, 440.00 set by the Township Committee is available in an account numbered 01-201-20-155-027.

Attest: October 9, 2019

Michelle Garay, Mayor

Michele Bobrowski, CMC/RMC, Township Clerk

I, Michele Bobrowski, certify the above to be a true copy of a Resolution adopted by the Township Committee of the Township of Alexandria at a meeting held on October 9, 2019.

Michele Bobrowski, CMC/RMC, Township Clerk

1. Resolution 2019-088 the Alexandria Township Chief Financial Officer certifies that the additional monies of \$33,440.00 from the original \$40,000.00 allotted are available per the 2019 Township Budget.
2. These funds are available to be released to the professional out of Account # 01-201-20-155-027.

Ulrich Steinberg, CFO

Dated: _____

- Resolution 2019-089 Opposing PennEast Pipeline Company’s Permit Application to the NJDEP

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-089.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

**RESOLUTION 2019-089 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW
JERSEY
OPPOSING PENNEAST PIPELINE COMPANY'S PERMIT APPLICATIONS TO THE NJDEP**

WHEREAS, the PennEast Pipeline Company on August 8, 2019 submitted new applications for environmental permits to the New Jersey of Department of Environmental Protection (NJDEP), having had a prior submission by the corporation rejected by the NJDEP in January 2018, and

WHEREAS, the members of the Alexandria Township Committee believe it is imperative that the Township go on record objecting to the renewed applications to the NJDEP for for the Freshwater Wetlands Permit, a Water Quality Certificate under Section 401, and various Flood Hazard Permits, among other submissions, and recommend that the NJDEP reject the applications for permits for the following reasons:

- 1.) NJDEP has sufficient information to determine that this pipeline cannot be constructed in a manner that meets the stringent environmental standards required under state law and regulations;
- 2.) The New Jersey Conservation Foundation advises that research has found that open-cut, isolated, and horizontal directional drilling (HDD) stream-crossing methods for pipeline construction, which is planned for this project, have damaged channel formation, water quality, and aquatic life, and habitats. Any of these stream crossing methods will result in unacceptable impacts to protected waterways and wildlife;
- 3.) The planned open cut trenching causes numerous forms of measurable harm to a creek, including, but not limited to: loss of vegetative buffer, changes in temperature that threaten fish, changes in stream biota and habitat that can harm macro invertebrates and long tailed salamanders, sedimentation, reduction in water quality as a result of storm water and erosion, and aesthetic changes, as well as a reduction in recreational values.
- 4.) Many of these creeks are tributaries to the Delaware River and feed the Delaware and Raritan Canal. Open cut trenching will clearly result in unacceptable impacts to protected waterways and wildlife;
- 5.) The pipeline will add new impervious surface to local watersheds, exacerbating sediment-loading in the D&R Canal – threatening a drinking water source for millions of central New Jersey residents; and
- 6.) The planned pipeline route disturbs a fifty-three acre well service area in Holland Township and over 2,000 acres of Hunterdon County farmland and conservation easements for which the taxpayers have paid millions of dollars to preserve.

NOW, THEREFORE, BE IT RESOLVED by the Alexandria Township Committee of the County of Hunterdon, State of New Jersey that the Township calls on the NJDEP to withhold approval of the application for a Freshwater Wetlands Permit by the Penn East pipeline due to the above stated reasons.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Phil Murphy, NJDEP Commissioner Catherine R. McCabe, and as an official comment to NJDEP Division of Land Use Regulation, P. O. Box 420, Code 501-02A, Trenton, NJ 08625.

- Resolution 2019-090 For the Purchase of a 2021 Western Star 4700SB Single Axle Dump Truck

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-090.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2019-090 TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR THE PURCHASE OF A 2021 WESTERN STAR 4700SB SINGLE AXLE DUMP TRUCK

WHEREAS, the Township of Alexandria passed a supplemental Ordinance 2019-007 Funded from the Capital Improvement Fund 04-215-56-975-001 for the acquisition of a dump truck for the Alexandria Township Department of Public Works and;

WHEREAS, the Acquisition of Public work Equipment account 04-226-55-000-003 will be utilized for the remaining amount and;

WHEREAS, the amounts of the Body, plow and spreader; Frame and cab; and warranties are to be paid for in three separate Purchase Orders and;

WHEREAS, the Township of Alexandria has sufficient funds to pay for the following under the first Purchase Order:

- 1.) Western Star 4700SB Single Axle Dump Truck frame in the amount of \$103,073.10 to be purchased as specified under the ESCNJ Co-op contract confirmation Number CH-171B.
- 2.) Specifications of the truck frame and cab are attached to this resolution

WHEREAS, the Township of Alexandria has sufficient funds to pay for the following under a second Purchase Order where appropriate quotes have been acquired:

- 1.) Western Star 4700SB Single Axle Dump Truck Body, Plow, and Spreader in the amount of \$76,128.00 to be purchased as specified under the Sourcewell Co-op contract.
- 2.) Specifications for the Body, Plow and Spreader are attached to this resolution.

WHEREAS, the Township of Alexandria has sufficient funds to pay for the following under the third Purchase Order:

- 1.) Western Star 4700SB Single Axle Dump Truck Warranties in the amount of \$6,899.00. Additional quotes were attempted and attached.
- 2.) Specifications for the warranties are attached to this resolution.

WHEREAS, the Township's Chief Financial Officer has certified that there are funds in place to purchase said truck.

NOW THEREFORE BE IT RESOLVED, that the Alexandria Township Committee approves the purchase of a 2021 Western Star 4700SB Single Axle Dump Truck frame, cab and warranties from Hoover Truck and Bus Centers, the body, snowplow, and salt spreader and all appurtenances from Henderson Products Inc.

Michelle Garay, Mayor

ATTEST:

Michele Bobrowski, /CMCRMC
Township Clerk

3. Resolution 2019-090 the Alexandria Township Chief Financial Officer certifies that monies of \$186,100.10 are available for this purchase.

Ulrich Steinberg, CFO

Dated: _____

- Resolution 2019-091 Overpayment Refund B-10.01/L-6
Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2019-091.

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

Motion Carried

**RESOLUTION 2019-091 TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE
OF NEW JERSEY OVERPAYMENT REFUND FOR B-10.01, L-6**

WHEREAS, a payment for third quarter taxes of \$2,031.12 from Evident Title Agency, Inc. on behalf of Tobi Francine Indyke and Machiel Willem Cornelisse was applied to Block 10.01 Lot 6 on August 9, 2019;

WHEREAS, an additional electronic file payment from Lereta Tax & Flood Services was processed on August 14, 2019 creating an over payment on the third quarter of 2019 in the amount of \$2,031.12; and

WHEREAS, the overpayment has been researched by the Tax Collect and confirmed to be due to Lereta Tax & Flood Services, 1123 Park View Drive, Covina, CA 91724;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Alexandria, County of Hunterdon and the State of New Jersey that the Chief Financial Officer be authorized to refund Lereta Tax & Flood Services, 1123 Park View Drive, Covina, CA 91724, in the amount of \$2,031.12.

- Autumnfest – Alexandria PTO Fundraising Event

Discussion ensued as to monies the Township would contribute towards the PTO's Autumnfest. Comm. Pfefferle noted that after speaking with the Finance Department there is currently \$3,400.00 in a Special Events Budget Line Item pending any outstanding bills. The stage rental is \$5,400.00 and table, chair, and tent rentals will be approximately \$1,700.00. The table, chair, and tent rentals will come from the Park/Rec Fund Account. The Township has also used approximately \$1,200.00 from the Recycling Grant for garbage cans, clean-up after the event, etc. Comm. Pfefferle noted that there has been issues with insurance requirements. Individual insurance policies for bands are approximately \$125.00 to \$175.00. Comm. Pfefferle noted that he feels the Risk Manager is going overboard with insurance requirements causing a lot of insurance related problems and that the Township Committee has the right as a business decision to waive the insurance requirements for bands. Comm. Pfefferle recommended a sit down meeting with all parties involved to discuss the process after the Autumnfest event.

Comm. Pfefferle made a motion, seconded by Mayor Garay to waive insurance requirements for the bands performing at Autumnfest and authorize hold harmless agreements for band members for the Mayor to oversee.

Roll Call: Aye: Garay, Pfefferle

Nay: Kiernan

Abstain: None

Motion Carried

- Solid Waste Bid

Sold Waste Bids were received on September 30th. Only one bid was received by Republic Services. The Township Committee has 60 days to award the bid contract. Mayor Garay has concerns with the Township Committee moving forward with Republic

Services due to ongoing issues that residents are experiencing. Twp. Atty. Dragan noted that the Township can reject the bid based on 4 reasons which are:

- 1.) The lowest bid substantially exceeds the cost estimate for the goods or services;
- 2.) The lowest bid substantially exceeds the contracting unit's appropriation for the goods and services;
- 3.) The governing body body decides to abandon the project;
- 4.) The governing body wants to substantially revise the specifications for the goods and services

Twp. Atty. Dragan recommended that the Township Committee invite a representative from Republic Services to speak with them at the next Township Committee meeting. Twp. Atty. Dragan needs to review the bid documents for completeness. The Township Committee has until November 30th to award the contract.

- Frenchtown Home Care Property Maintenance

Mayor Garay received a complaint from a neighbor because a tree fell onto their property from the Frenchtown Home Care property. The property has several rundown buildings. Township Clerk/Administrator Bobrowski asked Mayor Garay to have the neighbor file a complaint against the property so that the Township can enforce the Abandon Properties Ordinance requiring the property owner to board up windows and doors, post "No Trespassing" signage, and to make sure the grass is being maintained. Mayor Garay recalls that the Land Use Board is requiring one of the structures to be demolished. Township Clerk/Administrator Bobrowski will ask Land Use Secretary Gronau to forward a copy of the Resolution to the Township Committee to review the resolution requirements from the Land Use Board.

- Reimbursement of Park/Rec Monies for the Basketball Program

Several bills from the Alexandria Township Basketball Program were paid out of pocket by members of the program rather than follow the purchasing procedure laws. Park/Rec Member BJ Farrow is requesting that those that paid the outstanding balances out of pocket be reimbursed. The Township did not pay the bills as there was missing correspondence to confirm the validity of the payment. Park/Rec Member Farrow has been advised to provide all the necessary documentation so that a draft resolution of the repayment to members can be considered by the Township Committee.

ENGINEER'S REPORT:

No report

APPROVAL OF MINUTES:

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

The approval of minutes have been tabled until the November 9th meeting.

BILL LIST:

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve the October 9, 2019 bill list. Quakertown EMS check to be withheld as the amount equating to 75% for services rendered for 2019 was not factored into the check amount.

Roll Call: Aye: Garay, Kiernan, Pfefferle

Nay: None

Abstain: None

Motion Carried

PUBLIC COMMENT ON GENERAL MATTERS:

PTO President Jay Arancio noted that he needs a letter from the Township Committee that they do not object to helicopter rides and landings at the park for Autumnfest. Mr. Arancio noted that the helicopter rides will be from \$35.00 to \$45.00 a person. OEM Harding asked where the helicopter would be landing, taking off, how many landings, NJ DOT approval, etc. Mr. Arancio noted that he was not aware of how many landings or take offs would be happening. Mr. Arancio has the Certificate of Insurance but not the NJ DOT approval yet. The Township Committee will not move forward with helicopter rides during Autumnfest.

Resident Bill Fritsche congratulated the DPW on roadside mowing. Mr. Fritsche noted that the DPW should look at the Brunner Bridge as there is some stone being washed away. Additional stone maybe needed.

Resident Harry Fuerstenberger questioned why equipment is sitting along the roadside in front of Lester D. Wilson on Route 513 for so long. Mr. Fuerstenberger noted that the equipment sitting there poses safety and security issues in front of the school. Mr. Fuerstenberger was informed that the property owner was instructed to remove the equipment in August and he has refused. A summons will be going out to address the matter.

CORRESPONDENCE/ANNOUNCEMENTS:

- The Alexandria PTO will be holding Autumnfest at the Alexandria Park from 12 PM to 8:00 PM. There will be a beer garden, hard cider, wine hut, cornhole, and a card gaming lounge, live music, vendors, food, fireworks, and much more.

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to go into Executive Session. (9:15 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.

X 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.**

X Matters falling within the attorney-client privilege.

Beneduce Vineyards

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

Qualified Purchasing Agent

___ 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 (10:11 PM).

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to authorize items totaling \$8,100.00 to come out of the Park/Rec Trust Fund and Special Events Budget Line Item for the rental of a sound stage, tables, chairs and tents for the PTO Autumnfest.

Roll Call: Aye: Garay, Kiernan

Nay: None

Abstain: None

Motion Carried

The following matters were discussed in Executive Session:

- Delaware River Tubing (DRT)

Twp. Litigation Attorney Tauriello will be going to Superior Court on October 21st with DRT in regards to the Order to Show Cause and site plan violations. Summonses that have been issued for site plan violations along with tickets issued by Kingwood Township and Frenchtown Boro have been sent up to the State to address. Twp. Litigation Attorney Tauriello and Twp. Eng. Decker met with DRT and Guy DeSapio, Esq. on September 27th to discuss the outstanding site plan violations. DRT is looking to go back to the Land Use Board in regards to their site plan.

- Penn East

Penn East made a motion to have the Circuit Court of Appeals hear the appeal as a full bench panel.

- Beneduce Vineyards

Comm. Pfefferle noted that he visited homes throughout the Shy Creek Development. Many owners he spoke with indicated they do not hear anything out of Beneduce's on the weekends except for one homeowner. Comm. Pfefferle noted that on a recent visit with Twp. Atty. Dragan that the facility is clean and that it appears that the sound system faces away from Shy Creek Development which maybe the reason so many don't hear the music on the weekends. Twp. Atty. Dragan noted that the property has AR/Airport Business zoning. Four issues that the Township wishes to have addressed are:

- 1.) Excessive celebratory events
- 2.) Sound mitigation
- 3.) Amend handicap parking
- 4.) Better signage visibility to deter visitors from driving through the Shy Creek Development

- Qualified Purchasing Agent

The Township will not move forward with hiring a Qualified Purchasing Agent. Comm. Pfefferle noted that he spoke with CFO Steinberg and former CFO Rees about the Township hiring a QPA. Both indicated to Comm. Pfefferle that the Township would not benefit from a QPA as goods and services purchased by the Township are in frequent over the quote and bid thresholds.

MOTION TO ADJOURN

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to adjourn at 10:21 PM.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

Meeting Adjourned at 10:21 PM.

Respectfully Submitted:

Michele Bobrowski, CMC/RMC

Township Clerk

I hereby certify that I have reviewed these Minutes of the Township Committee Meeting of October 9, 2019 and certify that said Minutes were approved unanimously by the Township Committee on the 13th day of November 2019.

Michelle Garay, Mayor