

**MINUTES OF THE REGULAR MEETING OF THE ALLAMUCHY TOWNSHIP COUNCIL HELD
SEPTEMBER 28, 2017 AT 6:00 P.M.**

1. The meeting was called to order at 6:05 P.M. by Mayor DeTombeur.
2. At this time, the Pledge of Allegiance and a moment of silence was held.
3. Mayor DeTombeur advised that this meeting was held in accordance with the Open Public Meetings Act as prescribed by State Statute.
4. **PRESENT:** Mayor DeTombeur, Councilman Koppel, Councilman Lomonaco, Councilman Ochwat and Councilman Quinoa.
5. **APPROVAL OF MINUTES:**

- a. Regular Meeting – 08/24/2017 as corrected:

Page 2017-74 - 4. Councilman Koppel was present at the August 24, 2017 Township Council meeting.

At this time there were comments regarding the revised minutes from the Township Council.

Attorney McBriar recommended that motions be made to allow for discussion of the revisions to the August minutes.

Motion by Councilman Ochwat, seconded by Councilman Lomonaco, carried to approve the August 24, 2017 Township Council minutes as revised.

At this time, discussion occurred regarding the minutes.

Page 2017-76 - Item f. :

Mayor DeTombeur stated that for the record he wanted to clarify his comment to read "he would like to see families of younger children participate and to get fresh people and ideas involved. He stated that it was not his intent to offend anyone.

Councilman Quinoa advised that he had revisions that needed to be addressed. He stated that there were revisions to the original minutes that were sent out and he was concerned that there has to be some consistency to the contents of the minutes.

At this time, Councilman Quinoa reviewed the revisions to the minutes with the Township Council.

Councilman Lomonaco and Councilman Koppel requested a recess.

Motion by Councilman Lomonaco, seconded by Councilman Koppel, carried to recess at 6:15 P.M. There was a consensus from the Township Council to recess.

Motion by Councilman Quinoa, seconded by Mayor DeTombeur, carried to go back on the record at 6:23 P.M. Roll call vote: **AYES** – Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

Motion by Councilman Ochwat, seconded by Councilman Quinoa, carried to table the approval of the August 24, 2017 Township Council minutes and to continue discussion at a future meeting. Roll call vote: **AYES** – Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

Councilman Lomonaco thanked Mayor DeTombeur for allowing a recess and advised that any further discussion of the level that just occurred will not be tolerated. He stated that he will excuse himself from the meeting entirely if it continues.

Councilman Koppel concurred with Councilman Lomonaco and advised that he too will also leave the meeting if necessary.

6. **MAYOR'S REPORT/CORRESPONDENCE:**

- a. Approval of Flag quote with Township Logo – 3 Flags - \$345.35 – Westpy Marketing Services.

Motion by Councilman Ochwat, seconded by Councilman Quinoa, and approved on Roll call vote: **AYES** – Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- b. Approval of Municipal Building Carpet Cleaning – Stanley Steamer - \$1,286.19.

Motion by Councilman Quinoa, seconded by Councilman Koppel, and approved on roll call vote: **AYES** – Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- c. Mayor DeTombeur advised that he had received a call from two Land Use Board Members. There is a Saturday meeting scheduled and these members serve as volunteers. The Mayor advised that there are disparaging remarks posted on the internet and it is not right. This behavior will not be tolerated and full support is given to those volunteers who serve on the municipal boards/commissions.

7. **TOWNSHIP COUNCIL REPORTS:**

- a. Councilman Quinoa stated that there is a discrepancy between the Township Code and PVPOA regulations with regard to parking. He would like to have Mr. Begley, PVPOA General Manager, meet with the Municipal Engineer and Municipal Attorney to review the ordinance and discuss this matter.

Paul Sterbenz, Municipal Engineer, was present and stated that he has received an email from Mr. Begley regarding this matter. There are two ordinances in the code book – one which has not been approved by the State of New Jersey – Department of Transportation and one which has been approved. The one ordinance not approved by the DOT will be removed from the code book. It was approved in conflict with the original ordinance. All these issues will be addressed in the recodification process.

Motion by Councilman Quinoa, seconded by Councilman Ochwat, carried to authorize Engineer Sterbenz, Attorney McBriar and the Ordinance Committee to meet with Mr. Begley to review the ordinance revisions as discussed by the Municipal Engineer. Roll call vote: **AYES** – Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur. (Councilman Quinoa advised that he is acting as a representative of the Township Council and not a member of the PVPOA).

- b. Councilman Ochwat stated that he would like to see the Welcome Signs lighted at night. He had received a lot of calls complementing the signs and a lot of calls concerning the installation of the signs specifically with the appearance of one sign being crooked.

Mr. Sterbenz advised that three Welcome Signs have been installed. The first sign is located by Tranquility Farms. The second sign - Sign # 2 is located at the Route 80/Route 517 Interchange. He stated that Sign # 2 is level. Sign # 3 is closer to Rutherford Hall and is slightly out of plumb and the right hand post may be slightly sitting on rock. The sign in question - Sign # 2- has a very interesting topography and may appear crooked but it is level. All the signs have been installed per federal guidelines.

Engineer Sterbenz advised that the Mayor had reached out to him regarding the landscaping areas around the signs. He stated that he will look at possible landscape options. With regard to the lighting, the Route 80 interchanges could possibly have a solar mounted light instead of dealing with electrical issues and wiring.

Councilman Ochwat stated that he wanted to go on record to commend Engr. Sterbenz for obtaining a road grant for Gibbs Road in the amount of \$150,000.00. This is a significant savings to the Township and he credited the engineer with doing a tremendous job.

- c. Councilman Lomonaco stated that there is a personnel item that needs to be discussed and action required. He requested that the October workshop meeting be advertised as an action meeting.

Councilman Lomonaco advised that the fence and the posts are being installed at the dog park. The hydrants have been installed and there is an additional step that needs to be taken before the hydrant installation is complete. The seeding will be done next – 100 pounds of seed has already been donated.

Councilman Quinoa advised that PVPOA will also be donating 100 pounds of seed as well.

- d. Councilman Koppel advised that the municipality has submitted plans to the State of NJ - DEP with regard to the use of peracetic acid to disinfect the utility system. This chemical has been used in other municipalities and the State has approved its' use.

Councilman Koppel advised that township logos have been placed on the water/sewer vehicles.

The hydrant flushing will be taking place in October.

Councilman Koppel stated that the Fire Department will be losing one member. This member will be going into the army and will be leaving shortly.

Councilman Quinoa advised that PVPOA approved a donation to the Fire Department in the amount of \$500.00.

Councilman Ochwat questioned if the Fire Department would consider the Township logo on their vehicles.

Councilman Koppel advised that this matter could be discussed with the Department.

8. ENGINEER'S REPORT:

- a. COAH compliance hearing will be held on 10/23/17.
- b. Truck Parking Area Elimination - Route 517 - Two proposals were received. The lowest quote received was from H. Burd and Sons in the amount of \$12,680.00.
- c. Authorize Final Payment to Tilcon New York LLC for the milling/resurfacing of Rydell Road and part of Bear Creak Road in the amount of \$126,302.50 (Resolution).
- d. 2018 Municipal Aid Application – Shades of Death Road (Resolution).
- e. Performance Guarantee Reduction Request – Baker Residential - Mountain Ridge (Resolution).
- f. Radar Feedback Installation in Village – proposals are due 09/29/17 and this matter will be further discussed at the October workshop meeting.

Engr. Sterbenz advised that he had reached out to Mr. Robert Carragino to schedule a meeting with him to discuss the retaining wall. Mr. Carragino indicated that he does not want to meet. The Municipal Attorney will also reach out to attempt to set up a meeting.

Engr. Sterbenz stated that proposals for the DPW lot resurfacing and inlet repairs are due 10/24/2017.

9. ATTORNEY'S REPORT:

- a. Final compliance hearing on Coah litigation will be held 10/23/2017 before Judge Miller.
- b. State of NJ -DEP acknowledges the use of the peracetic acid by the Allamuchy Water and Sewer Utility and is under review. This method is less costly and has been very effective.

10. **PUBLIC SESSION**

Motion by Councilman Mayor DeTombeur, seconded by Councilman Ochwat, carried to open the meeting to the public. Roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- a. Betty Schultheis, 25 Sandpiper Drive, was present and stated that the Warren County Economic Development will hold their next field meeting on October 12, 2017 at the Senior Center on Firth Street in Phillipsburg at 7:30 P.M. The guest speaker will be Diane Umbinger who is in charge of the State Office of Business Banking. She will present what the State could offer in the event there is any economic development proposed for a municipality.

Ms. Schultheis stated that the Economic Development Committee has received a request from someone who wants to have a distillery. There is a piece of property in Allamuchy Township that is being considered. The property will be looked at by the committee and the realtor representing the individual. There are a total of 8 properties being considered throughout the County.

Ms. Schultheis stated that there is an article in the NJ Monthly magazine regarding Rutherford Hall. It is a great article and the magazine should be purchased.

- b. Reinert Putz, Panther Valley, was present and questioned how the Land Use Board came up with a Saturday meeting date for the Rehab Application.

Mayor DeTombeur advised he was not sure. The decision was made amongst the LUB and the applicant.

Attorney McBriar stated that adequate notice will be given and publicly noticed.

- c. Lisa Strutin, 119 Dogwood Way, sent an email to the Mayor and a few of the items have been addressed.

She questioned how much bond money was left in the maintenance bond for Bowers Glen and how much of that money was for the basin.

Engr. Sterbenz advised that there is \$103,820.25. It is not exclusive to walls 19 and 20. It covers various improvements such a sidewalks and street improvements. It is a two year bond and the expiration date is May 28, 2018.

Attorney McBriar advised that the governing body would have to be briefed before any decisions are made with regard to the release of the bond.

Ms. Strutin advised that work was being done at the moment on the basin.

Engr. Sterbenz stated that he was aware of the work. The work being done is to repair a small section of wall that collapsed.

Ms. Strutin wanted to make sure that the work is being overseen and plans are being followed.

Ms. Strutin stated that the bus depot property on Johnsonburg Road is overgrown and is in need of attention. She questioned who is responsible for this area.

Mayor DeTombeur stated that he will look into it and will address the concerns.

- d. Rich Peter, Rutherford Road, was present and stated that he did look at Welcome Sign # 2 and it is 13" askew off the road. The posts are plumb but perhaps the difference could be split between the two posts.

Mr. Peter credited the Engineer and the Township for obtaining a \$150,000.00 grant for Gibbs Road.

- e. Charles Fineran, Open Space Director, wanted to thank the Buildings and Grounds/DPW Department for keeping the trail and the freight depot in such great shape.

Mr. Fineran stated that with regard to the bus depot, the Township is allowing the school to use that property and the Township installed the fence for the school. The school should be maintaining the property, mowing the grass and taking care of the overgrowth.

There being no further comments, the public session was closed.

11. RESOLUTIONS:

- a. Refund Overpayments - 3rd Quarter 2017 Property Taxes (**ATTACHMENT 1**).

Motion by Mayor DeTombeur, seconded by Councilman Koppel, and approved on roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- b. Redemption of Tax Sale Certificate #15-10 - 143 Old Farm Drive - \$227.92 (**ATTACHMENT 2**).

Motion by Councilman Ochwat, seconded by Mayor DeTombeur, and approved on roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- c. Authorize final payment to Tilcon New York, Inc. - Milling and Paving work - Rydell Road and a portion of Bear Creek Road (**ATTACHMENT 3**).

Motion by Mayor DeTombeur, seconded by Councilman Quinoa, and approved on roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- d. Authorize the reduction of the Performance Guarantees - Phase 2 - Mountain Ridge at Panther Valley (**ATTACHMENT 4**).

Motion by Councilman Quinoa, seconded by Councilman Koppel, and approved on roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- e. Approval of Agreement with Phoenix Advisors, LLC - Continuing Disclosure Agent - Independent Registered Municipal Advisor (**ATTACHMENT 5**).

Motion by Councilman Ochwat, seconded by Councilman Koppel, and approved on roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- f. Approval to Dispose of DPW unused items as scrap metal (**ATTACHMENT 6**).

Motion by Mayor DeTombeur, seconded by Councilman Quinoa, and approved on roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- g. Approval of Person-to-Person Liquor License Transfer - Panther Pub, LLC to Panther Restaurant Group, LLC. (**ATTACHMENT 7**).

Motion by Mayor DeTombeur, seconded by Councilman Koppel, and approved on roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- h. Approval of the filing of 2018 State Aid Application for Shades of Death Road Improvement Project (**ATTACHMENT 8**).

Motion by Councilman Ochwat, seconded by Mayor DeTombeur, and approved on roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

12. **OTHER/NEW BUSINESS:**

- a. Approval of Junkyard License - Allamuchy Auto Recycling, Gibbs Road, Allamuchy, NJ. (The property was inspected by the Zoning Officer and approved).

Motion by Councilman Ochwat, seconded by Councilman Koppel, and approved on roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

- b. The Municipal Clerk advised that a dividend check was received from the Public Alliance Insurance Fund in the amount of \$3,753.00. This is a check that is received as a result of excess monies in the fund which is distributed amongst all the municipalities that belong to the fund.

13. **APPROVAL OF BILL LIST AND ADD-ON LIST (ATTACHMENT 09).**

The Municipal Clerk requested that the bill for Warren County Locksmith be added to the bill list. The amount of the bill is \$115.00 for lock repair to 269 Old Farm Drive.

Motion by Councilman Ochwat, seconded by Councilman Koppel, carried to approve the bill list and add-on list as discussed. Roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

14. **EXECUTIVE SESSION - 7:38 P.M. (ATTACHMENT 10).**

Motion by Councilman Ochwat, seconded by Councilman Koppel, and approved on roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

15. Motion by Councilman Ochwat, seconded by Mayor DeTombeur, carried to go out of executive session at 8:00 P.M. Roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

16. **ADJOURNMENT - 8:00 P.M.**

Motion by Councilman Ochwat, seconded by Mayor DeTombeur, carried to adjourn at at 8:00 P.M. Roll call vote: **AYES** - Councilpersons Koppel, Lomonaco, Ochwat, Quinoa and Mayor DeTombeur.

Respectfully Submitted,

Anne Marie Tracy, Municipal Clerk

Keith A. DeTombeur, Mayor

