

September 20, 2007

7:30 P.M.

Stewartsville, NJ

The Township Committee of the Township of Greenwich held a regular meeting on the above date with the following members present: Mayor William Kanyuck, Committeeman Visconti, Committeeman Gurneak, Committeewoman Elaine Emiliani, Township Attorney James Pfeiffer, Township Engineer Michael Finelli, Chief Financial Officer Gregory Della Pia and Township Clerk Kimberly Viscomi. Absent from the meeting: Committeeman Blaszk

The Flag Salute was repeated

- **Sunshine Law**

"Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by: 1. Mailing a schedule of this meeting of the Township Committee to the Express-Times, Newark Star Ledger newspapers 2. Posting a copy thereof on the Township Bulletin Board, and 3. Filing a copy thereof with the Township Clerk".

- **Consent Agenda**

"All matters listed below under the Consent Agenda are considered to be routine by the Township Committee and will be enacted by one motion in the form listed below. There will not be discussion on these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately".

1. Receive, and File Monthly Reports:

<i>Tax Collector</i>	<i>Planning Board</i>
<i>Municipal Court</i>	<i>Treasurer</i>
Police	

Committeeman Visconti made a motion, seconded by Committeeman Gurneak to approve the monthly reports

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszk

MOTION CARRIED

2. Receive, Charge to Various Accounts, and Pay Monthly Bills

Committeeman Gurneak made a motion, seconded by Committeeman Blaszk to approve the payment of monthly bills.

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Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
Absent: Blaszka

MOTION CARRIED

• **PUBLIC COMMENT PERIOD**

Committeeman Gurneak made a motion, seconded by Committeeman Visconti to open the public comment period

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
Absent: Blaszka

MOTION CARRIED

As there was no public comment, Committeeman Visconti made a motion, seconded by Committeeman Gurneak to close the public comment period

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
Absent: Blaszka

MOTION CARRIED

RESOLUTION

2007-56 Release of Cash Bond P & M Land Group, LLC., Four Paws
Playground, Inc.

Committeewoman Emiliani made a motion to approve resolution 2007-56, seconded by Committeeman Visconti.

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
Absent: Blaszka

MOTION CARRIED

Mayor Kanyuck

- Police Department
 - Canine Presentation of Donor Awards - TABLE
 - Authorization to hire part-time Crossing Guard (Substitute)

Committeeman Gurneak made a motion, seconded by Committeeman Visconti to hire a part time crossing guard to be utilized as a substitute.

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Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszk

MOTION CARRIED

□ Resolution 2007-53

Resolution of the Township of Greenwich urging the State of New Jersey to take financial responsibility for the cost of a State wide Gypsy Moth Control

Committeeman Visconti made a motion, seconded by Committeeman Gurneak to approve resolution 2007-53

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszk

MOTION CARRIED

□ Resolution 2007-54

Resolution Authorizing the Advertisement for the Receipt of Bids for Emergency Sewer Utility Repair Services

Committeewoman Emiliani made a motion, seconded by Committeeman Gurneak to approve resolution 2007-54

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszk

MOTION CARRIED

□ Resolution 2007-55

Resolution Authorizing Procurement of Emergency Services for Sewer Lateral Repair Work Under Adams Drive

Committeewoman Emiliani made a motion, seconded by Committeeman Visconti to approve resolution 2007-55

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszk

MOTION CARRIED

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- ❑ Redevelopment Plan
 - Motion to appropriate funding for Redevelopment Plan
 - Motion to have Township prepare Redevelopment Plan or Planning Board.NO ACTION TAKEN

- ❑ Community Facilities Plan
 - Motion to require Planning Board to develop Facilities ElementNO ACTION TAKEN

- ❑ Open Space
 - First Reading of Ordinance 2007-14 – 20-acre carve out for municipal purposes to be repaid back to the open space fundNO ACTION TAKEN

Committeewoman Emiliani

- ❑ Community Day Update

Committeewoman Emiliani informed that Community Day is scheduled for Saturday, September 29th with a rain date of Sunday, September 30th. Doris and Joe Rayna will be honored this year. The ad journal was a huge success with Jim Adams taking the reins on this. Tanya Segal has been working with all the vendors and organizing the events for the day.

TOWNSHIP ATTORNEY

**Second Reading / Public Hearing
ORDINANCE 2007-15**

**AN ORDINANCE ESTABLISHING A PROCEDURE AND CORRESPONDING
CHECKLIST FOR THE ISSUANCE OF CERTIFICATES OF OCCUPANCY**

Committeeman Gurneak made a motion, seconded by Committeeman Visconti to open the public hearing on Ordinance 2007-15

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszk

MOTION CARRIED

Committeeman Visconti made a motion, seconded by Committeeman Gurneak to close the public hearing on ordinance 2007-15

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Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszk

MOTION CARRIED

Committeeman Gurneak made a motion, seconded by Committeeman Visconti to adopt Ordinance 2007-15

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszk

MOTION CARRIED

First Reading

ORDINANCE 2007-16

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES FOR THE TOWNSHIP OF GREENWICH PERTAINING TO PARKING ON MUNICIPAL PROPERTY

Committeewoman Emiliani made a motion, seconded by Committeeman Gurneak to approve for first reading Ordinance 2007-16

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszk

MOTION CARRIED

TOWNSHIP ENGINEER REPORT

1. STRYKER'S ROAD

- A follow-up meeting between myself, Dave Hicks and the Rath's was held on May 23, 2007 at the Rath's Deli site. At that meeting, the Rath's agreed to eliminate the previously proposed egress from their property to Route 519. This change is a benefit to many parties, including the Township and the County as it minimizes the overall cost of the project by eliminating the new traffic signal while also improving the ingress/egress to the Rath's facility by isolating it solely to one (1) driveway on Stryker's Road. Subsequent to this meeting and the revised scheme being approved by County Engineer Hicks, our office has now completed the required revisions to the plans to reflect the various changes as outlined herein as per the May 23, 2007 meeting.
- We have recently developed the revised plans and new parking lot configuration for Rath's Deli resulting from the changes noted above. We have met with Dave Hicks

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who has generally endorsed our plan. I met with the Rath's on August 2, 2007 where our revised plan was reviewed and found to be satisfactory and to their liking. We will continue to proceed towards finalizing the plans which will then be forwarded to Dave Hicks and Warren County for incorporation into the Stryker's Road realignment and reconstruction plans being administered by the Warren County Engineering Department.

- As previously reported to the Committee, Dave Hicks felt the project would be going to bid in the Spring of 2007 with construction going through the Summer of 2007. At this juncture, it appears the project is clearly behind schedule. I will continue to keep the Committee apprised as timelines become more defined and established.
- The Township received a letter from the NJDOT, dated October 3, 2006, which officially rescinded the previous three (2001, 2003, 2004) Municipal Aid allotments for this project which total \$478,000.00. It is important to note that the NJDOT simultaneously approved an equivalent allotment of \$478,000.00 to the County of Warren for this project.

2. WYNDHAM FARM

- The previous litigation has now been settled and the project and associated improvements are presently covered under the maintenance bond as per the settlement agreement between the Township and MRC. Our office is still involved with this project from an overall administrative standpoint with regards to such items as sinkhole remediation and the maintenance bond release administration and follow-up. Sinkholes continue to arise within the development, but, at this juncture, as the maintenance bond for sinkhole remediation has expired, the Township is now the responsible party for sinkhole remediation.
- Since our maintenance bond default punchlists have been received by M. Rieder's bonding company in advance of the expiration date, it is my understanding that the maintenance bonds will remain in full force and effect until final acceptance and release of same is authorized by our office.
- MRC presented a proposal to the Township Committee at the November 9, 2006 Committee Meeting where it was agreed that MRC would post \$1,500 cash for tree planting and address the vast majority of items within our punchlist with the one (1) exception of the replacement of inlet castings. As of the date of this report, no additional work has been performed by M. Rieder towards addressing our maintenance bond release punchlist.
- On another matter related to the Wyndham Farm development, our office has been preparing deeds of dedication for the various items (i.e. ROWs, easements, open space lots, etc.). This has become a very laborious task due to the magnitude of deed descriptions which were required to be prepared. As of the date of this report, we are approximately 95+% complete.

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- Please note that our office has completed the deed descriptions for the open space parcels which were previously forwarded to Brent Carney for his use in completing the title conveyance (i.e. deeds) for these lots. Our office has now been coordinating with Attorney Pfeiffer on this matter. As of the date of this report, our office is unaware of the status as it relates to the actual final conveyance of these properties to the Township.

3. NEW JERSEY STATE STORMWATER MANAGEMENT REGULATIONS

- The regulations have been long-since adopted and were effective as of February 2, 2004. The Township had previously received their Municipal Stormwater Regulation Program Requirements package from the NJDEP. We have received our approved stormwater general permit from the NJDEP. Our permit # is NJPDES: NJG0153842/PI ID#: 198015. Our Effective Date of Permit Authorization (EDPA) was April 1, 2004.
- Joe Nalio from our office has been and will continue to be the designated liaison between the Township and the NJDEP on this matter. Mr. Nalio attended a meeting with the NJDEP and Township representatives on May 14, 2007 in conjunction with the NJDEP's annual review and follow-up of our municipal permit. We have recently received a report from the NJDEP as a follow-up to their compliance inspection of May 14, 2007. The report concluded that all required items are presently in compliance. We will continue to administer this permit on behalf of the Township.

4. NEW FIRE HOUSE

- Our office has completed considerable work on the Site Plan development phase of the project. At this juncture, our office has ceased work on the project until the budgetary issues associated with the entire project have been resolved.

5. RICHLINE ROAD RAILROAD CROSSING

- On June 12, 2007, our office and the Township received a copy of an ORDER issued by Todd Hirt, NJDOT, regarding the authorization to install the proposed flashing warning lights at the railroad crossing. Section B of the ORDER requires the completion of three (3) action items being performed by the Township in conjunction with this project. One (1) of the items (a detour plan) would be best addressed by our office, while the other two (2) items (warning signage and pavement markings) would be best addressed by the Township DPW.
- At the June 21, 2007 meeting, the Township Committee authorized our office to proceed with the development of the detour plan and to coordinate with the Township DPW regarding the signage and pavement marking work. Our office has recently completed the detour plan which was forwarded to the NJDOT on July 19, 2007 in

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order to secure their approval. As of the date of this report, we have not received any response from the NJDOT. We have also been coordinating with John Howell and the Township DPW regarding the adequacy of the existing signage and the requirement for both additional signage and pavement markings per the Order from the NJDOT. We will continue to keep the Committee apprised as this project moves forward.

- On September 18, 2007, a pre-construction meeting for this project was held at the Township Municipal Building. Various NJDOT, Railroad and Municipal Officials were present. The preparatory work associated with the project is slated to commence on October 22, 2007 and should be completed by the end of that same week or October 26, 2007, conditions permitting. The Committee should be advised that the installation of the warning signal will not occur at that time, but is slated to be installed and completed by the end of the year.

6. PHILLIPSBURG REGIONAL WASTEWATER MANAGEMENT PLAN (WMP)

- Our office has previously completed our portion of this project and forwarded all of the required mapping to Kupper Associates. The Township has previously given their approval for the submission of the WMP as required per the Court Order. Kupper Associates met the June 7, 2006 deadline for the submission of the plan to both the NJDEP and the Town of Phillipsburg.
- It is important to note that our office received a copy of a review letter from the NJDEP, dated February 27, 2007. The Sewer Subcommittee reviewed this letter at their March 22, 2007 and April 26, 2007 meetings. I attended a meeting at the NJDEP on May 10, 2007 representing the Township of Greenwich. The meeting consisted of engineers for the five (5) affected municipalities along with WMP representatives from the NJDEP. I have advised the Sewer Subcommittee of the results and issues discussed at this meeting.
- The Township should be aware that a revision to the Township WMP will be required to be submitted to the NJDEP and Phillipsburg as a consequence of the adoption of the 2006 Township Master Plan and resulting ordinances and zoning. Kupper Associates and our office have commenced work on this and will continue to move forward towards completion of the revised and amended WMP. I will continue to keep the Committee apprised of the status of the amended WMP as Kupper Associates and our office proceed. Based upon receipt of the NJDEP review letter referenced above, Kupper Associates has instructed our office to stop work on any amendments to our WMP. As a result of the May 10, 2007 meeting with the NJDEP, I believe that work will resume on the Township WMP in the near future.
- On August 13, 2007, our office received two (2) revised plans from Remington and Vernick, the Phillipsburg Sewage Authority consulting engineer, which were forwarded for our review and as a follow-up from the May 10, 2007 joint meeting with the NJDEP. These regional maps will be reviewed for consistency with the

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Township's Wastewater Management Plan and discussed with the Township's Sewer Subcommittee. I am sure that either Attorney Carney, Engineer Pryor or I will keep the full Township Committee apprised as we move forward with this project.

7. TOWNSHIP CERTIFICATE OF OCCUPANCY (C.O.) RELEASE PROCEDURE

Township Committee Action Required

- Our office previously completed the development of a "draft" checklist. We originally forwarded an electronic copy of the draft checklist to each Township Committee Member for their review.
- As requested by the Township Committee at the May, 2007 meeting, our office re-forwarded the draft C.O. checklist to all Committee Members and Attorney Pfeiffer and Clerk Viscomi on June 8, 2007. This was discussed at the July 19, 2007 meeting where the Committee authorized Attorney Pfeiffer to proceed with the development of an ordinance implementing this checklist. Ordinance 2007-15 was introduced at first reading at the August 16, 2007 meeting. I suspect second reading and potential adoption of the ordinance will occur at the September 20, 2007 meeting.

8. GREENWICH HILLS NORTH

- As previously recommended by Attorney Carney and as subsequently authorized by the Township Committee, our office has prepared a "30-day notice" letter, dated December 5, 2006, which was sent to the bonding company in accordance with the provisions of the maintenance bond. As of the date of this report, no response has been received from the bonding company. Since the beginning of this year, 2007, our office has been coordinating with Attorney Pfeiffer's office on this matter.

9. FUTURE SINKHOLE REMEDIATION AND REPAIR

Possible Township Committee Action Required – Approval of Contractor's Invoice

- The second bid opening occurred on June 21, 2007 at the Municipal Building. Our office previously forwarded a recommendation of award letter to the Township Committee Members in advance of the June 21, 2007 meeting. Based upon Attorney Pfeiffer's approval of the bond and the adoption of Resolution 2007-53 at the July 19, 2007 meeting, this contract was awarded to HC Constructors. The contract documents have been executed by all involved parties. On August 9, 2007, I held a "kick-off" meeting with the contractor to discuss the contract terms and the general protocol in the event that their services would be needed to remediate a sinkhole.
- They have been working towards remediating a number of sinkholes within the Township, some of which have been "open" for a number of months. Our office will be coordinating with the contractor as they work towards remediating these sinkholes and any future sinkholes determined to be beyond the scope of our Township DPW. The contractor has recently forwarded us their first invoice which we are reviewing

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and which will be presented for the Township Committee's review and approval at the September 20, 2007 meeting.

**10. THE BARBARA HAMLIN ESTATE (CYNTHIA MARIE BOWMAN)
SADC BOUNDARY SURVEY**

- Our office was previously authorized to commence work on a boundary survey for the above-referenced property (Block 20, Lot 18). We will continue to coordinate this project through Attorney Pfeiffer, the Morris Land Conservancy and the Township. As of the date of this report, the survey map has long since been completed and was previously forwarded to all necessary parties.

11. NJDOT SAFE ROUTES TO SCHOOL (SRTS) GRANT PROGRAM

Possible Township Committee Action Required

- The Township Committee endorsed the application at the December 21, 2006 meeting for the North Main Street sidewalk extension, the Willow Grove Road sidewalk extension and the Greenwich Street sidewalk extension. Our office submitted the application to the NJDOT on December 27, 2006.
- As discussed at the July 19, 2007 meeting, an official grant award notification letter was received from the NJDOT indicating that the Township was the recipient of a \$150,000 grant. A motion may be in order to authorize our office to commence the required field survey and design work in order to move this project forward in as expeditious a manner as possible. As discussed at the July meeting, monies for the survey and design phase of this project have been budgeted by the Township in their 2007 engineering budget. I will wait for the Committee's authorization prior to proceeding.
- As per the Township Committee and CFO's request from the August 16, 2007 meeting, our office prepared a detailed memo regarding the anticipated total budget for this project. This memo was sent out via e-mail to everyone on September 7, 2007. We are recommending a total project budget of \$225,000 which would include the construction of all three (3) sections of sidewalk and all other soft costs. As referenced above, our office will await authorization from the Township Committee prior to proceeding with the initial phase (field survey and base mapping) of work on this project.

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12. NJDOT LOCAL BIKEWAY PROGRAM

- Our office received a letter from Kris Kolluri, Commissioner, NJDOT, dated April 12, 2007. The letter makes reference to a 2007 bikeway program grant being administered through the NJDOT. Applications through this program are due to be submitted on or before June 29, 2007. At the April 19, 2007 meeting, the Township Committee authorized our office to submit an application through this program to the NJDOT. Our office completed the application which was signed by the Mayor at the June 21, 2007 meeting. Our office forwarded the completed application to the NJDOT on June 27, 2007. We will keep the Committee apprised regarding any notice of award we may receive on this project.

13. RAINBOW RASCALS CHILD DEVELOPMENT CENTER

- Solely in an effort to advise the Township Committee of the status of the proposed daycare center within the Greenwich Chase development, please be advised that the project is very near ready to begin construction. I suspect that some of the Township Committee Members may receive phone calls subsequent to the initial mobilization and groundbreaking at the site, so I wanted to alert you to the status of this project in that event.
- Surprisingly, construction on this project has not started to date. I am unaware of any delays or reasons that the project will not be proceeding, but I would have expected this project to have commenced construction prior to the date of this report.

14. MISCELLANEOUS AND NUMEROUS MUNICIPAL IMPROVEMENT REPAIRS

- As requested by the Township, our office forwarded a list of the various sinkholes and other structure remedial work to the Committee Members on June 8, 2007 via e-mail. We also forwarded a fax copy of the list to John Howell. John H. and the Township DPW has addressed a number of the items contained on our list.
- Our office solicited and has received two (2) separate quotes for the long outstanding required repair to a drainage structure which is located within Greenwich Chase behind the homes on Megan Circle. The two (2) proposals were distributed at the August 16, 2007 meeting. Based upon the two (2) proposals received, it was my recommendation to award the contract for this work to Willever Excavating in the amount of \$13,500.00 as per their July 26, 2007 proposal. The affected homeowner has been very patient and is anxiously awaiting this work to commence. Subject to confirmation from Greg Della Pia, CFO, that funds are available to award this project, it remains my recommendation to award this contract as soon as possible and hopefully at the September 20, 2007 meeting since no action was taken at the August meeting.

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Committeewoman Emiliani made a motion, seconded by Committeeman Gurneak to authorize Willever excavating to repair drainage structure behind Megan Circle in the amount of \$13,500

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszk

MOTION CARRIED

15. NJDOT TRANSPORTATION TRUST FUND GRANT APPLICATIONS

- This year's applications were due on August 24, 2007. Based upon coordination with the Township DPW, we developed two (2) separate applications, one (1) for Willow Grove Road and one (1) for Beatty's Road. These applications were approved at the August 16, 2007 meeting and were submitted to the NJDOT on August 20, 2007. I will keep the Township Committee apprised relative to any potential award notification regarding either of our application candidates, but do not expect any notification until towards the end of this year.

16. TOWNSHIP SIGN: PRESERVED FARMLAND

- A preliminary and initial "example" sign was previously distributed to all Committee Members for their review, information and possible comment. At the August 16, 2007 meeting, the Township Committee authorized our office to secure two (2) quotes from different sign vendors regarding the cost of one (1) sign. As of the date of this report, we have only received one (1) quote, but are expecting the second prior to the September 20, 2007 meeting. I will hopefully be in a position to present both quotes at the September 20, 2007 meeting.

PUBLIC COMMENT PERIOD – no public comment

EXECUTIVE SESSION RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Greenwich, County of Warren and State of New Jersey as follows:

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1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed as follows: Contract negotiations, Pending Litigation, Land Acquisition and Personnel
3. It is anticipated at this time that the above stated subject matter will be made public at: When a decision has been rendered.
4. This Resolution shall take effect immediately.

Mayor Kanyuck made a motion, seconded by Committeeman Visconti to adopt the foregoing Resolution and enter into Executive Session.

Voting in favor: Gurneak, Emiliani, Visconti, Kanyuck

Opposed: None

Absent: Blaszka

MOTION CARRIED

Committeeman Blaszka arrived at the meeting during Executive Session

Committeeman Gurneak made a motion, seconded by Committeeman Visconti to come out of executive session and reopen the meeting to the public

Voting in favor: Gurneak, Blaszka, Emiliani, Visconti, Kanyuck

Opposed: None

MOTION CARRIED

As there was no further business, Mayor Kanyuck made a motion, seconded by Committeeman Gurneak to adjourn the meeting at 10:25 P.M.

Voting in favor: Gurneak, Blaszka, Emiliani, Visconti, Kanyuck

Opposed: None

MOTION CARRIED

Kimberly Viscomi, RMC
Township Clerk

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