

**February 15, 2007
Stewartsville, NJ
7:30 P.M.**

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

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>
<i>Police</i>	

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

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

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

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

February 15, 2007
Stewartsville, NJ
7:30 P.M.

Voting in favor: Blaszk, Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
MOTION CARRIED

• **PUBLIC COMMENT PERIOD**

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

Voting in favor: Blaszk, Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
MOTION CARRIED

Committeewoman Emiliani made a motion, seconded by Committeeman Gurneak to close the public comment period

Voting in favor: Blaszk, Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
MOTION CARRIED

Mayor Kanyuck

□ Fire Company

Blue Light – Rawson Wyant & Brad Polizzi

Committeewoman Emiliani made a motion, seconded by Committeeman Gurneak to approve the above listed blue lights

Voting in favor: Blaszk, Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
MOTION CARRIED

□ Resolution 2007-32: Safe & Secure Grant Application

Committeewoman Emiliani made a motion, seconded by Committeeman Gurneak to approve Resolution 2007-32

Voting in favor: Blaszk, Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
MOTION CARRIED

□ Marriage and Civil Unions

Mayor Kanyuck informed the Township Committee that under the newly adopted laws regarding Civil Unions he will not be performing any marriages under his authority as

Mayor. Deputy Mayor Visconti informed that he will be performing both marriages and civil unions.

Committeeman Blaszk

- Budget Requests
 - Historical - \$700
 - American Legion Hall Rental for Senior Group - \$1,000
 - Economic Development - \$800
 - Shared Service Meetings - \$1,000

Committeeman Blaszk informed the Committee that he would like the Committee to approve the above listed requests to be included in the 2007 budget.

- Sewer Subcommittee Update

Committeeman Blaszk informed that the sewer subcommittee report has been included in the agenda packet. He requested the Committee to review this report and if anyone had any questions to contact him.

- Resolution 2007-33:
 - Resolution Conditionally Authorizing the Issuance of Notices Under Ordinance 2003-10 (as Amended by Ordinance 2005-02) for the Repurchase of 547 G.P.D. of an Unused Sewer Allocation in Connection with the Application of Phillipsburg-Easton Honda

Committeeman Gurneak made a motion, seconded by Committeewoman Emiliani to approve Resolution 2007-33

Voting in favor: Blaszk, Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
MOTION CARRIED

- COAH Update

Committeeman Blaszk informed that today a motion was filed for a stay on the ruling from the Appellate Division. He made a recommendation to not make any changes to the growth share ordinance and to possibly consider amending the development fee ordinance.

Committeeman Gurneak

- Update of Musconetcong Watershed Workshop held on 2/10/07

Committeeman Gurneak informed the Committee that he attended this meeting. He informed that the river flows through 27 municipalities. The concerns raised at this

**February 15, 2007
Stewartville, NJ
7:30 P.M.**

meeting were regarding the septic systems from the people that live along the river and the pollution to the water. They discussed how to extend the life of a septic system.

Committeewoman Emiliani

She questioned the article that was written in the Greenwich Gazette from the Fire Department. She wanted to know why the Fire Department bought a second jaws of life when the Emergency Squad already has this piece of equipment. Chief Mecsey responded on why they bought the equipment and also informed that they will be joining the FAST Team which will be throughout the County.

TOWNSHIP ATTORNEY

**First Reading
ORDINANCE 2007-02**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES FOR THE TOWNSHIP OF GREENWICH TO PROHIBIT PARKING OF COMMERCIAL VEHICLES IN PUBLIC OR PRIVATE PARKING LOTS

Committeeman Blaszka made a motion, seconded by Committeeman Gurneak to approve for first reading Ordinance 2007-02

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

**First Reading
ORDINANCE 2007-03**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES FOR THE TOWNSHIP OF GREENWICH TO PROVIDE FOR PROCEDURES AND FEES ASSOCIATED WITH PUBLIC RECORDS REQUESTS

Committeeman Gurneak made a motion, seconded by Committeewoman Emiliani to approve for first reading Ordinance 2007-03

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

Township Engineer Report for February

1. STRYKER'S ROAD

- As previously reported to the Committee, I spoke with Dave Hicks and, as per that conversation, Mr. Hicks felt the project would be going to bid in the Spring of 2007 with construction going through the Summer of 2007. I will continue to keep the Committee apprised as timelines become more defined and established.
- The Committee should be aware that our office continues to be involved on this project, but in a much more limited role than previously. We are still involved in various coordination efforts with Warren County and also relative to securing some additional ROW along the frontage of the Rath's Deli property.
- Please note that the current design plan which was submitted to the NJDOT includes both a left turn at Stryker's Road onto CR 519 North and a relocated "exit-only" driveway from Rath's Deli to a reconfigured four-way traffic signal directly across from Dumont Road. This design was the culmination of numerous meetings and reviews by the Warren County Engineering Department.
- As you may be aware, the Township recently 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 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 and we continue to coordinate with MRC regarding the remediation of same.
- To remind the Township Committee, per our settlement agreement with M. Rieder, the maintenance bond for the majority of the site improvements (excluding sinkholes) was due to expire on March 15, 2006. However, 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.

February 15, 2007

Stewartsville, NJ

7:30 P.M.

- The Township Committee should be advised that the second phase of the maintenance bond for this project, as it relates solely to sinkholes and sinkhole remediation, is set to expire on March 15, 2007.
- The required remedial work associated with our maintenance bond release punchlist was recently started, but no work has been conducted over the last month ±. I attended a meeting on November 2, 2006 with Brent Carney, Michael Rieder and Ken Pape, MRC's attorney, to review our punchlist and establish a program towards the completion of the outstanding work within the development. MRC's proposal was presented 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, very little work has been performed by M. Rieder towards addressing our maintenance bond release punchlist.
- Our office received a fax copy of a letter from Ken Pape, Esq. to Brent Carney on January 11, 2007. The letter seeks confirmation on the Township Committee's agreement relative to their maintenance bond remediation proposal. At this juncture, our office has been coordinating with Attorney Pfeiffer relative to finalizing the details and terms of this agreement per the general parameters previously agreed upon by the Township Committee.
- 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 85% complete. Please note that our office has completed the deed descriptions for the open space parcels and have previously forwarded same to Brent Carney on November 7, 2006 for his use in completing the title conveyance (i.e. deeds) for these lots in the very near future. Our office will now coordinate with Attorney Pfeiffer on this matter. As of the date of this report, our office is unaware of the status of this matter as it relates to the actual final conveyance of these properties to the Township.
- At the November 9, 2006 Committee Meeting, the Committee, per the suggestion of Attorney Carney, authorized our office to obtain title searches on the eight (8) "open space" lots in question. Our office received the title report for these properties on January 10, 2007. The information seems to indicate that the properties are free of any liens or encumbrances, but I will leave that final determination to our legal counsel. The title report was forwarded to both Attorneys Carney and Pfeiffer on January 10, 2007.

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

February 15, 2007

Stewartsville, NJ

7:30 P.M.

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.

- It is important to bear in mind that the Township will need to continue to move forward relative to full compliance with their SWM permit, including the preparation of a build-out analysis and SPPP. Via transmittal from our office, dated August 7, 2006, these documents were forwarded to the NJDEP.
- The Township Committee should be reminded of the fact that the Township, by virtue of its designation as a Tier A Municipality, will be required to do certain upgrades to the Township's "salt/de-icing material shed." The deadline for completion of this task is April 1, 2007. Monies will need to be budgeted for this work within the 2007 Municipal Budget. Joe Nalio has previously been coordinating this matter with John Howell. At the January 18, 2007 Committee Meeting, it was indicated that John Howell has solicited a proposal for this work in the amount of \$21,600.00. I trust that the Committee will move forward with this project for 2007.

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

- As previously directed by the Township Committee and subsequent to the 2006 fatality, our office has been coordinating with both Norfolk Southern Railroad and the NJDOT regarding the timing, feasibility and cost associated with a warning signal of some type at this location.
- At the November 9, 2006 Committee Meeting, our office was authorized to forward a letter to the NJDOT to officially request, on behalf of Greenwich Township, that the NJDOT conduct a "diagnostic team review" of this crossing. Our office has completed this letter, dated December 15, 2006, which has been sent to the NJDOT.
- Subsequent to the receipt of our letter by Todd Hirt from the NJDOT, Mr. Hirt contacted our office and provided the following summary of the sequence of events which would typically occur per a request such as ours.
- He received the letter and has applied to the Federal Government for money. They have 30 days to respond. The funding comes from the Federal Government and the NJDOT.

February 15, 2007
Stewartville, NJ
7:30 P.M.

- Once he gets a job number from the Federal Government, he will get back to us to set up the “diagnostic team review.”
- The “team” will consist of Todd, NJDOT, Norfolk Southern, Township Engineer, someone from the Freeholder's office, and a list of others. He will get back to us to review who should attend.
- The team meets and visits the site. Then it discusses the reasonable options for the crossing with an eye on budget constraints. He indicated to me that he has no objections to flashing lights at the crossing but we'll see how the discussion goes.
- As of the date of this report, our office has had no response or additional follow-up from the NJDOT from our December 15, 2006 letter.

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 has met the June 7, 2006 deadline for the submission of the plan to both the NJDEP and the Town of Phillipsburg. At this juncture, we are waiting for a response from the NJDEP and possibly the Town of Phillipsburg regarding their review of our WMP.
- 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.

7. NEW TOWNSHIP FIRE TANKER
(Possible Township Committee Action Required)

- Our office has prepared an equipment specification for a new Township Fire Tanker Pumper. The project was advertised and is currently “out to bid” as of the date of the preparation of this report. The bid opening is scheduled for February 13, 2007. We hope to be in a position to make an award recommendation at the February 15, 2007 Committee Meeting.

Committeewoman Emiliani made a motion, seconded by Committeeman Gurneak to award to Pierce for the new Township Fire Tanker in the amount of \$159,777, contingent upon Attorney Pfeiffers recommendation after review of all bid documents.

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

8. 2004 WARREN COUNTY CONSERVANCY TRUST FUND GRANT

- As you may be aware, Committeewoman Emiliani is a member of the 2006 Warren County Conservancy Committee. Ms. Emiliani previously advised me of an inconsistency relative to the Township's prior 2004 application to the County Trust Fund Committee, which was brought to her attention by another current member of the County Trust Fund Committee. This application was originally prepared by Morris Land Conservancy (MLC). You may recall that this application was to secure additional funding associated with the Township's acquisition of the Hamlen property. The inconsistency in question relates to the 20 Ac. exception area where the future fire house and other potential municipal facilities are slated to be located. This 20 Acres is now "cast in stone" as it has been excluded as part of our prior Green Acres application and approval. The total area of the tract is 114 Acres±. The 2004 County Conservancy Grant excluded a 15 Acre portion of the overall parcel for a total acquisition area of 99 Acres. Therefore, the correct area on the application should have been 94 Acres, not 99 Acres.
- I have spoken with Bob Resker, Director of the Warren County Land Preservation Office, who has suggested that a simple explanatory letter be supplied by the Township. The Township Committee previously authorized our office to prepare a correspondence to forward to Mr. Resker's attention for action by the County Conservancy Committee (CCC). Our office, on behalf of the Township, prepared a letter, dated March 31, 2006, which was sent out under Mayor Kanyuck's signature to Mr. Resker. I believe all Township Committee Members should have received a copy of this letter. No response of any type has been received to date from Mr. Resker or the CCC. I recently forwarded another copy of the letter to Mr. Resker for potential action and discussion by the CCC at their next meeting.
- As per Elaine Emiliani, the CCC has requested that a representative of the Township Committee attend one of their meetings in order to explain this previous application inconsistency. I would request that Committeewoman Emiliani update the Township Committee on the status of this matter in order to finally conclude this issue.

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

- Our office has completed the development of a "draft" checklist. We previously forwarded an electronic copy of the draft checklist to each Township Committee Member for their review in advance of the August, 2006 Township Committee Meeting. Subsequent to some brief discussion, it was agreed that Kim Viscomi

February 15, 2007
Stewartsville, NJ
7:30 P.M.

would forward the checklist to other involved Township Officials for their review and comment. I would request that Kim Viscomi update both myself and the Township Committee on the responses which have been received to date regarding the “draft” C.O. checklist.

10. GREENWICH HILLS NORTH

- As authorized by the Township Committee at the June 15, 2006 meeting, our office has completed a maintenance bond default notice and release punchlist. This document was sent to Greg Weinstein and his bonding company via correspondence from our office dated July 7, 2006. All Township Committee Members were copied on this correspondence. No response has been received to date.
- As recommended by Attorney Carney and as previously 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.

11. FUTURE SINKHOLE REMEDIATION AND REPAIR

- As we draw closer to the ultimate conclusion of our responsibilities towards the Wyndham Farms project, it is likely that the Township will be faced with more and more sinkhole remediation and repair work. The Township DPW is both qualified and experienced in “typical” sinkhole remediation. However, with larger sinkholes and pavement repair, the Township DPW is sometimes not able to do the work whether it be a function of time available or extent of repair. Based upon all these factors, the Township Committee may wish to consider hiring a “special” sinkhole remediation contractor. This would be similar to the recently awarded Sanitary Sewer emergency repair contract. I will look for direction from the Township Committee in this matter, should you potentially wish to proceed with some type of action or “special” contract.
- The Township Committee authorized our office to prepare a project specification for this work at the January 18, 2007 meeting. We will continue to update the Committee as we move forward towards the completion of this specification and any future contract award.

12. 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). It is our understanding that there will be two (2) separate exception parcels depicted within this survey. We will coordinate this matter through Attorney Pfeiffer, the Morris Land Conservancy and the Township as we continue to move forward. As of the date of this report, the

February 15, 2007

Stewartsville, NJ

7:30 P.M.

survey and map are approximately 90% complete. We are now coordinating with Attorney Pfeiffer on certain issues related to the exception parcels which will need to be resolved prior to the completion of our survey.

- On February 8, 2007, Attorney Pfeiffer and I met with the owners of the subject property in an effort to discuss and ultimately resolve the recent question of the location of the second exception parcel on the property. The owners will be deciding on the new location and will relay their results to us in the near future. If the Committee would like more details, I would be happy to expand upon this in Executive Session.

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

- 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 of the date of this report, we have received no response.

14. SPOILERS AUTO SPA BOND RELEASE

(Possible Township Committee Action Required)

- Our office has been coordinating with the owners of this facility relative to the release of a permanent C.O. and the subsequent release of their License and Permit Bond previously issued to the Township in the amount of \$20,000.00. I would request that this matter be placed on the Committee's February 15, 2007 agenda for action. Our office will be shortly forwarding a separate correspondence to all involved parties in regards to this matter.

Committeewoman Emiliani made a motion, seconded by Mayor Kanyuck to approve the bond release of \$20,000 per the recommendation of Township Engineer Finelli

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

Opposed: None

MOTION CARRIED

PUBLIC COMMENT PERIOD

Committeewoman Emiliani made a motion, seconded by Committeeman Gurneak to open the meeting to the public

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

**February 15, 2007
Stewartsville, NJ
7:30 P.M.**

Opposed: None
MOTION CARRIED

Joe Schiller of Daniel Drive – Complimented the Township Committee and everyone involved with investigating all options of cost savings regarding the fire tanker and he is pleased with the outcome of the purchase of this new tanker.

Committeewoman Emiliani made a motion, seconded by Mayor Kanyuck to close the public comment period.

Voting in favor: Blaszk, Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
MOTION CARRIED

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:

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.

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

Voting in favor: Blaszk, Gurneak, Emiliani, Visconti, Kanyuck
Opposed: None
MOTION CARRIED

Committeeman Gurneak made a motion, seconded by Committeewoman Emiliani to come out of Executive Session and reopen the meeting to the public

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

February 15, 2007
Stewartsville, NJ
7:30 P.M.

Opposed: None
MOTION CARRIED

As there was no further business, Committeeman Blaszka made a motion, seconded by Committeeman Gurneak to adjourn the meeting.

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

Kimberly Viscomi, RMC
Township Clerk/Administrator

EXECUTIVE SESSION

ADJOURN

February 15, 2007
Stewartville, NJ
7:30 P.M.