

MINUTES OF MEETING OF JANUARY 18, 2012

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, January 18, 2012 and was called to order at 7:30 p.m. by Mayor Charles.

SUNSHINE LAW STATEMENT:

Under the provisions of the Open Meetings Act, adequate notice of this meeting was provided by posting notice on the Township bulletin board and by e mailing notice to the New Jersey Herald and the Express-Times.

ROLL CALL:

Those present were: Mayor Thomas Charles, Deputy Mayor Frank Desiderio, Committeeman Dale Durling, Committeeman David Boynton, Committeeman Alan DeCarolis, Attorney Edward Wacks and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of December 21, 2011 were approved as amended on motion made by Boynton, seconded by Desiderio. All were in favor. The minutes of the executive session of December 21, 2011 were approved as amended on motion made by Durling, seconded by Boynton. All were in favor. The minutes of the reorganization meeting of January 3, 2102 were approved as amended on motion made by Durling, seconded by Boynton. All were in favor.

ORDINANCES:

AN ORDINANCE (#2012-01) TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS TO ESTABLISH A CAP BANK (N.J.S.A.40A-45.14). Motion was made by Durling, seconded by Desiderio to open the meeting to public for discussion on this ordinance. All were in favor. Spoke were: Marty Connor who asked how the cap bank works and Jean Smolha who asked if we have to specify why we are going above the cap. Motion was made by Boynton, seconded by Durling to close the public portion. All were in favor. Motion was made by Boynton, seconded by Durling to adopt said ordinance. Roll call vote: Durling-yes, Desiderio-yes, Charles-yes, Boynton-yes, DeCarolis-yes.

AN ORDINANCE (#2012-02) OF THE TOWNSHIP OF THE FRELINGHUYSEN AMENDING CHAPTER 2-40 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING THE FRELINGHUYSEN TOWNSHIP FARMLAND PRESERVATION ADVISORY COMMITTEE was offered for introduction on motion made by Durling, seconded by Boynton. Roll call vote: Charles-yes, Boynton-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

RESOLUTIONS:

#2012-09 (Recycling resolution)

WHEREAS, the mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Frelinghuysen Township Committee to the efforts undertaken by the municipality and requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Donna Zilberfarb as recycling coordinator for the year 2011 to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling fund to be used solely for the purpose of recycling.

Motion was made by Boynton, seconded by Desiderio to adopt said resolution. Roll call vote: DeCarolis-yes, Boynton-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2012-10 (Emergency Management Coordinator)

WHEREAS, the Township of Frelinghuysen, in order to comply with New Jersey Emergency Management Directive #102, directing a minimum three year appointment for the Emergency Management Coordinator and Deputy Emergency Management Coordinator hereby makes the following appointment; and

WHEREAS, the Mayor has with the advice and consent of the Township Committee of the Township of Frelinghuysen appointed Nicholas Pachnos to the position of Emergency Management Coordinator for a period of three years from January 1, 2012 and ending December 31, 2014; and

WHEREAS, the Mayor and Committee has concurred with Mr. Pachnos appointment of Ralf Irizarry to the position of Deputy Emergency Management Coordinator for a term concurrent with the term of the Emergency Management Coordinator.

NOW, THEREFORE BE IT RESOLVED, that the appointment of Nicholas Pachnos as Emergency Management Coordinator for the Township of Frelinghuysen and Ralf Irizarry as Deputy Emergency Management Coordinator for the Township of Frelinghuysen is hereby confirmed by the Township Committee of the Township of Frelinghuysen.

Motion was made by Boynton, seconded by Durling to adopt said resolution. Roll call vote: Boynton-yes, Durling-yes, DeCarolus-yes, Charles-yes, Desiderio-yes.

#2010-11 (Transfer resolution)

WHEREAS, there are insufficient funds to meet the demands necessary for the 2011 budget in Financial Admin OE; Legal Services OE, Zoning Board of Adjustment OE, Fuel Oil, Telephone, Diesel, Engineering Services OE and Emergency Management S&W; and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: General Admin S&W, Mayor and Council OE, Employee Group Insurance, Road Maintenance, Planning Board S&W, Recreation OE, Celebration of Public Events OE, Building Sub-code Official S&W, Recycling OE, Unemployment Insurance, Environmental Health Services OE, Electricity, Tax Assessment OE, and Rev Admin OE.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that in accordance with the provisions of R.S. 40:4-48, the Chief Finance Officer is hereby authorized to make the following transfers:

To:

Financial Admin OE	\$ 310.00
Legal Service OE	2,200.00
Zoning Board of Adjustment OE	400.00
Fuel Oil	710.00
Telephone	500.00
Diesel	730.00
Engineering Services OE	2,000.00
Emergency Management S&W	<u>10.00</u>
	\$6,860.00

From:

General Admin S&W	500.00
Mayor and Council OE	400.00
Employee Group Insurance	1,000.00
Road Maintenance OE	2,270.00
Planning Board S&W	200.00
Recreation OE	370.00
Celebration of Public Events	500.00
Building Sub-code Official S&W	200.00
Recycling OE	300.00
Unemployment Insurance	240.00
Environmental Health Service	280.00
Electricity	300.00
Tax Assessment OE	150.00
Rev Admin OE	<u>150.00</u>
	\$6,860.00

Motion was made by Boynton, seconded by Durling to adopt said resolution. Roll call vote: Desiderio-yes, Durling-yes, Charles-yes, DeCarolis-yes, Boynton-yes.

2012-12: (Amend resolution 2011-92)

WHEREAS, on December 21, 2011 resolution #2011-92 was adopted for a special emergency resolution to meet certain extraordinary expenses incurred by Tropical Storm Lee; and

WHEREAS, the emergency appropriation was adopted in the amount of \$9,313.50; and WHEREAS, after meeting with the FEMA representative the emergency appropriation is now \$16,209.17 and the resolution must be amended to reflect the added project amount of \$6,895.58.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that the total emergency appropriation for Tropical Storm Lee is in the amount of \$16,209.17.

Motion was made by Boynton, seconded by Desiderio to adopt said resolution. Roll call vote: DeCarolis-yes, Durling-yes, Boynton-yes, Desiderio-yes, Charles-yes.

#2012-13 (Approval of vouchers)

WHEREAS, the Finance Committee of the Township of Frelinghuysen has reviewed the bills submitted to the Township of Frelinghuysen for the above named month; and WHEREAS, they find the bills to be in order and approve them to be paid by the Chief Finance Officer.

NOW, THEREFORE BE IT RESOLVED, that all bills submitted for the month are reasonable and proper claims against the Township and are to be paid from its appropriate account.

Motion was made by Boynton, seconded by Desiderio to adopt said resolution pending Mr. Durling's review. Roll call vote: Boynton-yes, Charles-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

OLD BUSINESS:

The proposed grading ordinance is still under review and a draft copy should be completed before the next meeting.

The annual letter from the Warren County Mosquito Commission to begin treating mosquito areas was approved on motion made by Boynton, seconded by Desiderio. All were in favor.

NEW BUSINESS:

A letter received from Darlene Jay of Maser Consulting was reviewed by the Committee. Ms. Jay, on behalf of the Planning Board prepared a letter and scope of work for the Township to ask the Highlands Council for grant monies to prepare a Sustainable Economic Development Plan. This would allow the Planning Board to study the zoning, specifically the zoning along Route 94 for free. It would also allow a review of the entire Township's zoning and other various items. Motion was made by Desiderio,

seconded by Boynton authorizing Darlene Jay to formulate a proposal to the Highlands Commission for funding at no cost to the township and that if funding becomes available, the Committee reserves the right to act on the proposed request from Maser Consulting to serve in that capacity. All were in favor.

Martin Connor was appointed as alternate #2 to the Zoning Board of Adjustment on motion made by Desiderio, seconded by Boynton. All were in favor.

OPEN MEETING TO THE PUBLIC:

Motion was made by Boynton, seconded by Desiderio to open the meeting to the public. Spoke were:

Jean Smolha who asked if recyclables could be taken to Balbi's in Blaiirstown.

Marty Connor who asked if the letter to Service Electric Cable TV has been sent to Michael Lavery.

Robin Randolph who thanked the Committee for the township dinner and asked when the monthly checks get mailed.

Motion was made by Durling, seconded by Boynton to close the public portion. All were in favor.

BILLS-see attached.

DEPARTMENT REPORTS:

Motion was made by Desiderio, seconded by Durling to approve the department reports number 1 through 10 on a consent agenda motion. All were in favor.

Mayor Thomas Charles report:

Mayor Charles suggested that we look into another payroll company since Lakeland Bank is no longer picking up the costs and the monthly charge is getting costly. The Mayor asked about the extended warranty on the GEO pump and whether it is necessary. The Mayor asked for volunteers to post signs on the recent acquisitioned property on Route 94 and Lincoln Laurel Road. The fire on South Street brought up the problem of communication between Sussex County and Warren County, the Mayor asked for approval to contact 9-1-1 coordinator Michael Burns to rectify the situation. The Mayor brought up the letter from DCA exempting the township from the requirement to appoint a principal public works manager. This exemption will terminate December 2, 2016. Lastly, Mayor Charles asked the attorney if two committeemen could serve on the Environmental Commission-he was advised that nothing in the ordinances prohibit this.

Deputy Mayor Frank Desiderio's report:

Deputy Mayor Desiderio advised that the town is losing approximately \$4,000.00 a year on the recycling container and there are about 40 people who are using the center; however, most of them have pickup at their home. Balbi is opening a recycling center in Blairstown which will be open to Warren County residents. The options would be to either close the center or get a larger container. Motion was made by DeCarolis, seconded by Durling that we eliminate the recycling center on March 1st. The motion was amended that letters would be sent to the 40 people advising them that we will be charging them for the use of the center if they decided they want to continue. All were in favor.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis stated that in Mr. Gill's report, Mr. Weidner was denied farmland assessment; however, Mr. DeCarolis found goats on the property. Mr. Wacks will bring this to Mr. Gill's attention. Mr. DeCarolis informed the Committee that the Farmland Board has the same chair and they are going over the target list.

Committeeman David Boynton's report:

Committeeman Boynton reported that the Municipal Alliance will be meeting for a reorganizational meeting on Thursday. He asked if the walking trail would be on target for the spring.

Committeeman Dale Durling's report:

Committeeman Durling clarified that with regard to the purchase of the Green Township Fire truck we agreed to pay the \$10,000 when the truck is delivered. The generator is hooked up and Mr. Desiderio is looking into purchasing propane tanks.

Attorney Edward Wacks report:

Mr. Wacks reported on a meeting he had with the township engineer and 4 situations were discussed consisting of: 1) the Bear Creek Road discharging of water onto the road is going to be rectified by the owner discharging the water across the street by going under Bear Creek Road; 2) on the street vacations, Mr. Wacks made three copies-one for Mr. Sterbenz. A description is now needed which will be prepared for the March meeting.3) the water situation at the Charter school has been sent to the engineer and 4) Lanning Road will be worked out between himself and Frank. Motion was made by Desiderio, seconded by Boynton authorizing Mr. Wacks to prepare rules and regulations for Open Space. All were in favor.

Municipal Clerk's report:

The Municipal Clerk asked if the Committee would like to sell the Bomford mower. It was decided that it would be kept for parts.

Recreation Committee:

Mr. Desiderio reported that a list of recommendations for the property on Route 94 and Lincoln Laurel Road was received from Open Space and will be taken under consideration. The Mayor asked that signs for no hunting and no trapping be erected.

Open Space Committee's report:

Ms. Randolph reported that she is getting the PIG letter together along with looking into the Stern's property, property on Camp Wasigan and Grzelak's property. A public hearing will be held shortly.

CORRESPONDENCE:

Annual report of Frelinghuysen Township Zoning Board of Adjustment

Open Space 2011 accomplishments

NJ DEP RE: Radon

PSE&G Re: SR alternate routes

NJDOT Re: Public notice for wetlands permit

NJDEP Re: Copy of amendment to Green Acres agreement

NJDEP Re: Reimbursement check from State Forest Services (\$6,950.00)

NJDCA Re: Local Finance Notice-LFN2011-38 & 39

NJDCA Re: Approval for exemption to appoint a Principal Public Works Manager

NJ Dept of Labor Re: Six public hearings on draft state strategic state plan

NJ Highlands R: ERI Submission (mod 4)

Morris County Municipal JIF Re: Loss control report

Municipal Excess Liability JIF Re: 201 MEL annual report

Warren County Planning Board Re: Warren Co. development review revision

Thank you note from Jean Verbeke for gift

New Jersey State League of Municipalities Re:

1. Mayors Newline
2. Bills of interest before the Assembly
3. Three Issues:
 - a. Survey created by NJ Child fatality & near fatality review board
 - b. League professional development seminar-budget updates
 - c. Legislative recap
4. Four Issues:
 - a. Guidance on CY 2012 transitional aid process
 - b. Mayors wellness campaign
 - c. CEU tracking system for conference sessions
 - d. January grant page posted
5. Two Issues:
 - a. Update on recent council on local mandates case
 - b. Recreational trails program
6. Four Issues:
 - a. Governor signs transitional aid restoration bill
 - b. Sustainable Jersey "bootcamp webinar"
 - c. Mayors Legislative day
 - d. League seminar-budget updates

7. Two Issues:
 - a. NJLM's 2012 state legislative priorities
 - b. Legislative alert-bills on the Governor's desk
8. Three Issues:
 - a. Governor conditionally vetoed (CV) legislation
 - b. State of State address postponed
 - c. Bills on Governor's desk
9. Correction to link for S-463/A-915
10. Federal road sign standards update

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC