

## **MINUTES OF MEETING OF FEBRUARY 15, 2012**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, February 15, 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 January 18, 2012 were approved as amended on motion made by Boynton, seconded by Durling. All were in favor. The minutes of the meeting of January 26, 2012 were approved as amended on motion made by Durling, seconded by Boynton. All were in favor. The minutes of the meeting of February 2, 2012 were approved as amended on motion made by Boynton, seconded by Durling. All were in favor.

### **ORDINANCES:**

Before the meeting was opened to the public, the Mayor asked that the title of the ordinance be amended to delete "Mayor and Committee. The attorney advised that this should not be part of the ordinance and it was removed. AN ORDINANCE (#2012-02) OF THE FRELINGHUYSEN TOWNSHIP AMENDING CHAPTER 2-40 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING THE FRELINGHUYSEN TOWNSHIP FARMLAND PRESERVATION ADVISORY COMMITTEE. Motion was made by Boynton, seconded by Durling to open the meeting to the public. There was no public discussion and motion was made by Boynton, seconded by Durling to close the meeting to the public. All were in favor. Motion was made by Durling, seconded by Boynton to adopt said ordinance. Roll call vote: Charles-yes, DeCarolis-yes, Durling-yes, Desiderio-yes, Boynton-yes.

AN ORDINANCE (#2012-03) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY FIXING THE SALARIES FOR THE YEAR 2012 was introduced on motion made by Boynton, seconded by Durling. Roll call vote: Boynton-yes, DeCarolis-yes, Desiderio-yes, Charles-yes, Durling-yes. The public hearing will be held March 21, 2012.

**RESOLUTIONS:**

#2012-14 (transfer resolution)

WHEREAS, there are insufficient funds to meet the demands necessary for the 2011 budget in Planning Board O/E, Employee Group Insurance, Buildings and Grounds O/E, Welfare/Admin. of Public Service O/E and Recreation O/E ; and

WHEREAS, the following account has sufficient excess funds to meet such demands: Road Maintenance O/E.

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:

Planning Board O/E	\$ 100.00
Employee Group Insurance	200.00
Buildings and Grounds	300.00
Welfare/Admin of Public Service O/E	100.00
Recreation O/E	<u>400.00</u>
	\$1,100.00

From:

Road Maintenance O/E	\$1,100.00
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Motion was made by Boynton, seconded by Durling to adopt said resolution. Roll call vote: Desiderio-yes, Charles-yes, DeCarolis-yes, Boynton-yes, Durling-yes.

#2012-15 (school election)

WHEREAS, P.L. 2011, c. 202 authorizes changing the election date of school board members from the third Tuesday in April to the first Tuesday after the first Monday in November (the General Election); and

WHEREAS, Such action requires the adoption of a resolution by a school district or the municipality or municipalities constituting such district, as set forth in P.L. 2011, c. 202; and

WHEREAS, P.L. 2011, c. 202 requires that the change to a November election remain in effect for four years; and

WHEREAS, P.L. 2011, c. 202 eliminates the annual voter referendum on the proposed general fund tax levy (i.e. the base budget which is at or below the statutory tax levy cap) in school districts where board of education members are elected at the General Election; and

WHEREAS, P.L. 2011, c. 202 requires that an additional general fund tax levy proposal (i.e., for an expenditure in excess of the tax levy cap) be presented to voters as a separate question at the General Election; and

WHEREAS, The Frelinghuysen Township Committee believes that the financial interest of its constituents is safeguarded by the state's tax levy cap and the thorough review of the proposed school budget by the Executive County Superintendent and the Executive County School Business Administrator; and

WHEREAS, The Frelinghuysen Township Committee believes that more citizens will participate in the selection of school board members at the General Election than on the third Tuesday in April and that the higher level of participation will foster positive interest in our public schools; and

WHEREAS, The Frelinghuysen Township Committee is committed to the non-partisan status of school board membership and the non-partisan conduct of school elections, and believes this principle will not be compromised by conducting board member elections in November.

NOW, THEREFORE BE IT RESOLVED, That, pursuant to P.L. 2011, c. 202, the Frelinghuysen Township Committee changes the annual election date for school board members from the third Tuesday in April to the November General Election, beginning in 2012.

BE IT FURTHER RESOLVED, that, pursuant to P.L. 2011, c. 202 the annual organization meeting of the Frelinghuysen Township Board of Education will take place in the first week of January following the November General Election and that the board of education's next organization meeting will take place in the first week of January 2013.

BE IT FURTHER RESOLVED that, pursuant to P.L. 2011, c. 202, members of the Frelinghuysen Township Board of Education whose terms would have expired by May 2012 will continue to serve in office until the January 2013 organization meeting.

BE IT FURTHER RESOLVED, That this resolution be transmitted to the County Clerk; the Warren County Board of Elections and/or Superintendent of Elections, the Frelinghuysen Township school board secretary, the North Warren Regional school board secretary; the Department of State, Division of Elections; the Department of Education's Executive County Superintendent; and the Department of Community Affairs, Division of Local Government Services.

BE IT FURTHER RESOLVED that a copy of this resolution also be provided to the New Jersey School Boards Association and New Jersey State League of Municipalities.

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

#2012-16 (Open Space fund appropriations)

WHEREAS, pursuant to Section 2-39.1 (c) of the Frelinghuysen Township Code, the Township of Frelinghuysen maintains and Open Space and Farmland Preservation Fund, the purposes of which include "maintenance of lands acquired for recreation and conservation purposes;" and

WHEREAS, the ball field complex is a facility owned by the Township and used for recreation purposes; and

WHEREAS, the sum of approximately \$20,800.00 is required to maintain the complex for the period running from March 1, 2012 through December 31, 2012 for items including liming, mulching, weed control, fertilizer, paint, fence repair, clay and mowing.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen that the sum of \$20,800.00 may be appropriated from the Open Space and Farmland Preservation Fund, to be used for the maintenance of the ball field complex.

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

2017-17 (approval of vouchers)-on hold for budget meeting of February 16, 2012.

## **OLD BUSINESS:**

Bill Raferty, Chief of the Green Township Fire Company gave a presentation on the fire company. Mr. Raferty asked for an increase from the \$8,000.00 donation to \$30,000.00. The Mayor advised that this will be taken under consideration at the budget meetings.

Debra Natyzak Osadca submitted a letter with her concerns of the recycling bin. Due to her not having the letter to the Clerk within the time frame the letter will be held to the March meeting. The attorney will review the letter and have his comments in March.

## **NEW BUSINESS:**

A letter to Green Acres seeking additional Planning Incentive Funding through the upcoming 2012 round for the Township was brought to the attention of the Committee. No action is needed as it meets the committee's approval.

A letter of proposal for professional services from Maser Consulting for the conceptual design of drainage improvements on Lincoln Laurel Road will be held over for the budget meeting.

A letter of proposal for professional services from Maser Consulting to evaluate the feasibility of changing the vertical geometry of State Park Road to alleviate road closures that occurred in August and September will be held over for the budget meeting.

James Swentzel appeared before the Committee for a solution to a lighting problem he is having with his neighbor. It was decided that Committeeman Durling would act as an arbitrator between the two neighbors. The Clerk was instructed to schedule a date for the meeting.

A letter requesting the use of the Town Hall for a Girl Scout function on May 19<sup>th</sup> was approved on motion made by Boynton, seconded by Desiderio. All were in favor.

## **OPEN MEETING TO THE PUBLIC:**

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

Nancy Predale who asked when her ball field driveway will be repaired. Committeeman Desiderio advised when the weather dries out.

Loren Greco who asked what time the budget meeting starts.

Debra Natyzak-Osadca who asked what the breakdown of the PIG was.

Roman Osadca who asked if communications in case of power outages, etc. have improved. The Mayor advised that the EOM is preparing a report and recommendations will be submitted in the near future.

Loren Greco who asked if the committee is working with Green Township on the new fire truck and what would happen if they don't agree with the cost.

Dawn McPeek who wants the result of the meeting with the arbitrator. Ms. McPeek mentioned that these lights were motion detector lights and has been up for 15 years.

Motion was made by Boynton, seconded by Durling to close the meeting to the public.

**BILLS**-held over for the budget meeting.

### **DEPARTMENT REPORTS:**

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

#### Mayor Thomas Charles report:

The Mayor advised that he contacted the Warren County Communication center with regard to South Street fire issue and they are now set up with a push button instead of phone calls. The Mayor met with the Emergency Management Coordinator and they are working on revising the Emergency Management Plan. Lastly, there is a need for line striping and road signs for Southtown Road

#### Deputy Mayor Frank Desiderio's report:

Deputy Mayor Desiderio reported on the letters sent to individuals who used the recycling center asking if they would like to pay for the use of the center. Few responses were received and the closing on March 1<sup>st</sup> is being held to. The attorney reported that there is no obligation that the township provided recycling. Deputy Mayor Desiderio represented the Mayor with a certificate from the New Jersey State League of Municipalities for over 20 years of service. The Deputy Mayor also thanked Committeeman Boynton for having his crew paint the office area, oil tank and ramp at no cost to the township.

#### Committeeman Alan DeCarolis report:

Committeeman DeCarolis wished to thank the Green Township Fire Company along with Deputy Mayor Desiderio and the road department for the response and service when he had a fire at his home.

#### Committeeman Dale Durling's report-none

#### Committeeman David Boynton's report:

Committeeman Boynton mentioned that the painting of the offices will continue until finished and then he would like to clean the carpeting. He also mentioned that Robin Randolph was the recipient of 3<sup>rd</sup> place for a science project and he would like to do a proclamation on this.

Attorney Edward Wacks report:

Mr. Wacks reported that he received a telephone call from Judge Santini who received a tort claim from an individual who claims that the township issued an improper arrest warrant that resulted in a false arrest and false imprisonment and would like the township to get involved. Mr. Wacks reported that part of the court agreement is that we have no involvement. With regard to the road abandonments, he and the engineer will start working on them shortly.

Municipal Clerk's report:

Mrs. Kleber asked the Committee for approval for Donna Zilberfarb to attend a Clean Communities seminar for a cost of \$100.00. Motion was made Boynton, seconded by Durling approving the request. All were in favor.

Recreation Committee report:

Chairman Kimball reported that basketball is finishing up and some teams will enter the tournaments. By using the camp facilities the cost was \$1600.00 which will increase in 2012. The older children cannot use the gym at the school as other teams will not play there due to the size of the gym. Baseball and softball sign ups have gone out. Casino Night will be March 24<sup>th</sup>. He and Charles Marra cleared a trail on the Frelinghuysen Forest Preserve property.

**CORRESPONDENCE:**

Open Space Advisory Committee Re: Updated target property evaluation sheet

Dept. of Land Preservation Re: Frelinghuysen's PIG application

Frelinghuysen School Re: Copy of election resolution

NJ DCA Re: Local Finance Notice 2014-4

ANJEC Re: 2012 Sustainable Land Use Planning grants

Economic Development Advisory Council Re: Advisory Council

Cramer Ecological Services Re: General permit on Block 201, Lot 8.01

NJ DEP Re:

- a. Court challenge to NJ clean air act petition
- b. Remedial action type for underground storage tank
- c. Hazardous substance discharge notice

Warren County Health Dept. Re: Johnsonburg Inn

L.J. Brill & Assoc. Re: Abandoned/vacated old roads in Frelinghuysen

Municipal Excess Liability JIF Re: Bulletin MEL 12-01

New Jersey State League of Municipalities Re:

- a. Input sought on draft on-farm direct marketing AMP
- b. Decision in State v. Heine and how it affects municipal inspections
- c. Flawed decisions could inflate local pension bills
- d. A-1338 extends and expands permit extension act of 2008
- e. Mayor's Newslines
- f. Urgent action-reports needed for clean communities council grants

- g. Deadline to introduce CY 2012 budget extended
- h. Summary of recently enacted legislation
- i. New law permits moving of school board elections
- j. Two Issues:
  - 1. Changes to the DLGS website
  - 2. Executive training
- k. NJ Public Water Supply Fluoridation Act

**ADJOURNMENT:**

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC