

MINUTES OF MEETING OF MAY 16, 2012

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, May 16, 2012 and was called to order at 7:30 by Deputy Mayor Frank Desiderio.

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

MINUTES:

The minutes of the meeting of March 21, 2012 were approved as corrected on motion made by Durling, seconded by DeCarolis. All were in favor. The minutes of the meeting of April 18, 2012 were approved on motion made by DeCarolis, seconded by Durling. All were in favor.

ORDINANCES:

A BOND ORDINANCE (#2012-04) PROVIDING FOR VARIOUS 2012 CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$382,650 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$180,000) AND AUTHORIZING THE ISSUANCE OF \$193,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF. Motion was made DeCarolis, seconded by Durling to open the meeting to the public. All were in favor. Due to no audience participation motion was made by Durling, seconded by DeCarolis to close the meeting to the public. All were in favor. Motion was made by Durling, seconded by DeCarolis to adopt said ordinance. Roll call vote: DeCarolis-yes, Durling-yes, Desiderio-yes.

AN ORDINANCE (#2012-05) AUTHORIZING THE TOWNSHIP OF FRELINGHUYSEN TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES. Motion was made by DeCarolis, seconded by Durling to open the meeting to the public. All were in favor. Due to no audience participation motion was made by Durling, seconded by DeCarolis to close the meeting to the public. All were in favor. Motion was made by DeCarolis, seconded by Durling to adopt said ordinance. Roll call vote: Durling-yes, Desiderio-yes, DeCarolis-yes.

RESOLUTIONS:

#2012-29 is on hold for further discussion.

#2012-35 (Oppose S-1914)

WHEREAS, S-1914, would subject certain “user fees for traditional municipal services” to be included within the 2% cap; and

WHEREAS, the definition of “traditional municipal services” in S-1914 is open-ended, leaving municipalities and State regulators unsure on its application and, therefore, unable to properly plan for future years; and

WHEREAS, user fees for traditional county and school services would not be subject to any of the provisions of S-1914, although they have greater impact on the local property tax bill; and

WHEREAS, it is at times more appropriate to fund some services by user fees, especially those services for which a recipient and a cost can be clearly and accurately calculated; and

WHEREAS, if municipalities are prohibited from charging user fees, they may be forced to discontinue the service, forcing residents to obtain the service from a private provider, often times at a higher cost than the user fee; and

WHEREAS, as municipalities struggle to meet the 2% levy cap, without the full effects of the management reforms and the continued diversion of energy receipt taxes, officials are forced to re-examine their budget and priorities; and

WHEREAS, in order to deliver the services that their residents expect and want local officials have been making structural changes to their budget, including how programs are funded; and

WHEREAS, municipalities must retain the financial flexibility to address their own unique fiscal issues and meet the demands and expectation of their residents;

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Township of Frelinghuysen strongly urges the legislature to oppose S-1914; and

BE IT RESOLVED, that a copy of this Resolution be forwarded to the sponsor of S-1914, Senator Sweeney, Assembly Speaker Oliver, Senator Steven V. Oroho, Assemblyman Gary Chiusano, Assemblywoman Alison McHose, the New Jersey State League of Municipalities and the Office of the Governor.

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

#2012-36 (Raffle License approval)

WHEREAS, the Frelinghuysen Township Booster Club has applied for a raffle license to conduct an Off-Premises 50/50 raffle license for June 2, 2012 with a rain date of June 3, 2012 consisting of application #2012-02; and

WHEREAS, the Findings and Determination by the Municipal Clerk as determined that the organization is qualified to conduct such raffle.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Frelinghuysen Township Booster Club raffle application #2012=02 is hereby approved.

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

#2012-37 (Approval of bills)

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 Durling, seconded by DeCarolis to adopt said resolution. Roll call vote: DeCarolis-yes, Durling-yes, Desiderio-yes.

#2012-38 (Setting Executive Session)

WHEREAS, it is necessary to discuss items dealing with Land Acquisition in private or executive session; and

WHEREAS, under the Open Public Meetings Act (number 5) of the permitted exceptions to the requirements that a public body hold its meetings in public it is permissible that such matters be discussed in executive or private session.

NOW, THEREFORE BE IT RESOLVED, on this 16th day of May 2012 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned. Results or portions of that discussion will be made known in a reasonable length of time.

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

OLD BUSINESS:

Deputy Mayor Desiderio reported an e mail from Freeholder Jason Sarnoski on the CR 519/612 intersection and a letter from Assistant County Engineer Barth Johnson that the County is aware of the recent accidents and an investigation to determine if additional improvement can be made will be done. Once the investigation is complete the township will be notified of their findings.

Fire Chief Bill Rafferty of the Green Township Fire Department appeared before the Committee with regard to the purchase of a new fire truck. Green Township has gone out for bidding on a new pumper truck. The old truck, which has problems, is being turned in for a new truck in the amount of \$150,000.00. The fire department is asking the township for \$50,000 toward the new truck. Motion was made by Durling, seconded by DeCarolis to agree to reimburse Green Township for the truck in an amount to not exceed \$50,000.00 and the money is to come out of the 2013 budget. All were in favor.

The Clerk reported that at last month's meeting a question as to whether there will be a fall clean up will be determined by the number of people who have applied for a voucher for the landfill. The Clerk reported that as of 4:00 pm on Wednesday there were 89 residents plus 35 senior/handicap pickups. Due to the number of vouchers given out, motion was made by Durling, seconded by DeCarolis to not have a fall clean up. All were in favor.

NEW BUSINESS:

A letter of resignation received from Jed Carter from the Recreation Committee was accepted with regret on motion made by Durling, seconded by DeCarolis. All were in favor. The Clerk was instructed to send a letter of appreciation.

A letter of resignation received from Nancy Nicholoff from the Sustainable Jersey Green Team was accepted with regret on motion made by Durling, seconded by DeCarolis. All were in favor. The Clerk was instructed to send a letter of appreciation.

A letter of resignation received from Wendy Buttgerit from the Sustainable Jersey Green Team was accepted with regret on motion made by Durling, seconded by DeCarolis. All were in favor. The Clerk was instructed to send a letter of appreciation.

The Clerk advised she received an application for a taxi driver from Morristown who will pick up and drop off people in Frelinghuysen. The town ordinances state that this vehicle must be inspected and found to be clean, sanitary and mechanically safe by the Frelinghuysen Township Department of Public Works. The Committee felt that this should not be done by the DPW and authorized the attorney to review the ordinance and amend it so that taxi drivers who have a license in other towns can just keep on file their licenses.

An e mail from Webmaster John Jurena asking to create a "community announcement" webpage with disclosure for the website. Since wording is needed for this, the attorney will present samples at the next meeting.

OPEN TO THE PUBLIC:

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

Jean Smolha who asked Mr. Desiderio to look at the work that was done on State Park Road as she is not happy with the results.

Christopher Funkhauser who stated that he liked the signs for bike awareness on the roads.

Marty Connor who advised he liked the paving that was done on Lincoln Laurel Road.

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

DEPARTMENT REPORTS:

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

Deputy Mayor Frank Desiderio's report:

Mr. Desiderio reported that Tilcon paved portions of Lincoln Laurel, Lanning Road, Bear Creek Road and Greendell Road for less than \$70.00 a ton. The walking path is still ongoing and work will begin on the parking lot.

Committeeman Dale Durling's report-none

Committeeman Alan DeCarolis report:

Mr. DeCarolis commented that he took a load of stumps from the tree row for the walking path at no charge and will also donate the use of his equipment.

Attorney Edward Wacks report:

Mr. Wacks passed out a memo on the comparison of Warren County tax rates and found that the township is actually benefiting, rather than being harmed, by keeping up with reassessments. Mr. Wacks went over a matter he and the zoning officer had where a resident wants to construct a barn on property without a principal structure. The question is the height. In this case, the barn would be the principal structure since there will be apartments on the 2nd floor. Mr. Wacks advised the zoning officer that a letter be sent that they need to adhere to the requirements of a principal structure. The last matter is the fire company's accountability. There are no statutes that require the fire companies to file an annual accounting; however, they have to account for how they are spending the money that we have given to them. The Clerk was instructed to send a letter to the three fire companies asking for accountability.

Municipal Clerk's report:

The Clerk stated that the Tax Collector/CFO/Planning Board secretary's lap top is in need of replacement. A quote in the amount of \$808.00 was received for a refurbished desktop package. The Attorney advised that he knows a computer person who will give a quote on a new package.

Recreation Committee report:

Mr. Kimball announced that they are half way through softball/baseball season .and are getting ready for soccer. He wished to thank Mr. Desiderio for his work on the fields.

Environmental Commission:

Christopher Kuhn reported on the E Waste Day held on April 22nd. 76 cars dropped off electronics and 8620 pounds was collected.

Farmland Preservation Board:

Christopher Kuhn reported that the Linz property will be closing soon

Open Space Committee:

Christopher Kuhn reported that the Open Space is reviewing the Open Space and Recreation Plan update.

EXECUTIVE SESSION:

Motion was made by Durling, seconded by DeCarolis to enter into Executive Session with regard to the Grzlak land acquisition. All were in favor. Upon returning to public session it was announced that there will be no report at this time.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC