

MINUTES OF JUNE 20, 2012

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, June 20, 2012 and was called to order at 7:30 p.m. 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: Mayor Thomas Charles (arriving at 7:50), Deputy Mayor Frank Desiderio, Committeeman David Boynton, Committeeman Dale Durling, Committeeman Alan DeCarolis, Attorney Edward Wacks and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of February 16, 2012 was approved on motion made by Boynton, seconded by Durling. All were in favor. The minutes of the meeting of May 16, 2012 were approved as corrected on motion made by Durling, seconded by DeCarolis. All were in favor except Boynton and Charles who abstained. The minutes of the executive session of May 16, 2012 were approved on motion made by Durling, seconded by DeCarolis. All were in favor except Boynton and Charles who abstained.

ORDINANCES:

A BOND ORDINANCE (#2012-06) AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2012-04 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP ON MAY 16, 2012 ENTITLED, "BOND ORDINANCE 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" TO INCREASE THE APPROPRIATION THEREIN BY \$9,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$180,000 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF was offered for introduction on motion made by Boynton, seconded by Durling to introduce said ordinance. Roll call vote: Charles-yes, Boynton-yes, Durling-yes, Desiderio-yes, DeCarolis-yes.

AN ORDINANCE (#2012-07) OF FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE AMENDING SECTION 4-4 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING TAXICABS AND LIVERY VEHICLES was offered for introduction on motion made by Durling, seconded by Boynton to introduce said ordinance. Roll call vote: Boynton-yes, Durling-yes, Desiderio-yes, DeCarolis-yes, Charles-yes.

RESOLUTIONS:

#2012-29 Motion was made by Durling, seconded by Desiderio to put on hold indefinitely. All were in favor.

#2012-39 (Green Township Fire Department pumper)

WHEREAS, the Green Township Volunteer Fire Department provides fire protection services to Frelinghuysen Township and its residents, in return for which Frelinghuysen Township contributes toward the expenses incurred by the Green Township Volunteer Fire Department; and

WHEREAS, at the June 11, 2012 regular meeting the Green Township Committee awarded a contract to Pierce Fire and Safety Services, Ltd for a pumper in the net amount of \$150,000.00; and

WHEREAS, the Green Township Volunteer Fire Department provides fire protection to a portion of Frelinghuysen Township, which portion makes up one third of the total coverage area serviced by the said Fire Department, and as such, it is appropriate for Frelinghuysen Township to contribute one third of the cost of the pumper and the bonding for same, i.e., \$50,000; and

WHEREAS, it is in the best interest of the Township to make this contribution in order to assure the continued protection and service provided by the Green Township Volunteer Fire Department.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Frelinghuysen hereby authorizes and approves the contribution of \$50,000 to Green Township, to be used toward the purchase and bonding costs of the pumper purchased by the Green Township Volunteer Fire Department.

BE IT FURTHER RESOLVED that the Township of Frelinghuysen will make this contribution in installments as follows: (a) the first \$10,000 payment on or before July 1, 2013; (b) the second \$10,000 payment on or before July 1, 2014; (c) the third \$10,000 payment on or before July 1, 2015; (d) the fourth \$10,000 payment on or before July 1, 2016, and (e) the fifth and final \$10,000 payment on or before July 1, 2017.

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

#2012-40

WHEREAS, The Township Committee of the Township of Frelinghuysen desires to abolish the Local Assistance Board and the position of Welfare Director; and

WHEREAS, the Warren County Division of Temporary Assistance and Social Services has agreed to assume the duties of the Local Assistance Board and Welfare Director.

NOW, THEREFORE BE IT RESOLVED, by the Township of Frelinghuysen, County of Warren, that the Warren County Division of Temporary Assistance and Social Services is appointed to assume the duties of the Local Assistance Board and Welfare Director as of August 2012.

BE IT FURTHER RESOLVED, that the Municipal Clerk of Frelinghuysen Township shall forward a certified copy of this resolution to the Warren County Division of Temporary Assistance and Social Services.

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

#2012-41 (Renewal of Liquor Licenses)

WHEREAS, an application have been received from the following licenses for renewal of their respective Plenary Retail Consumption Liquor License for the year 2012-2013:

<u>Number</u>	<u>Licensee</u>	<u>Address</u>
2106-33-003-008	Sweet Jane's Café and Bar	Main St., Johnsonburg, NJ

WHEREAS, two applications have been received from the following licenses for renewal of their respective Plenary Retail Consumption Liquor License for the year 2012-2013 and are considered to be pocket licenses:

<u>Number</u>	<u>Licensee</u>	<u>Address</u>
2106-33-005-005	John & Nancy Predale	Route 519, Blairstown, NJ
2106-33-004-001	Katharina Reay	Route 94, Blairstown, NJ

WHEREAS, an application has been received from the following licensee for renewal of their respective Plenary Distribution Liquor License for the year 2012-2013:

<u>Number</u>	<u>Licensee</u>	<u>Address</u>
2106-44-002	Gerald Chrusz	Main St., Johnsonburg, NJ

WHEREAS, the above license applications were accompanied with the proper municipal fee and the proper fee for the Division of Alcohol Beverage Control; and

WHEREAS, Clearance Certificates have been received from the New Jersey Division of Taxation, verifying compliance with Chapter 161, Laws of New Jersey by the above applicants.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen on this 20th day of June, 2012 that the renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses are granted for the year 2012-2013.

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

#2012-42-Resolution in support of S-302 sponsored by Senator Joe Pennacchio-The "Transparency in Government Act" which would codify and expand on the state public finance website was not supported on motion made by Desiderio, seconded by Durling. All were in favor.

#2012-43 (Support of phased-in funding restoration)

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, State budget makers have diverted funding from Energy Taxes to fund State programs; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has overwhelmed local efforts to reduce property taxes; and

WHEREAS, S-1900, sponsored by Senators Paul Sarlo and Linda Greenstein, and A-2921, sponsored by Assemblyman Troy Singleton, would phase-in, over five years, the restoration of \$331 million in municipal property tax relief funding, and ensure that each municipality will be restored to the 2007 (SFY 2008) ETR/CMPTRA level; and

WHEREAS, the sponsors agree that the time has come to begin to restore to local budgets the millions that were cut to meet State needs in FY 2009, 2010 and 2011; and WHEREAS, the restoration of \$66.2 million this year is a great first step, which should be easily manageable in a budget that is slated to grow to \$32.15 Billion in the coming year; and the restoration of \$331 million, in 20% increments, over five years will make a big difference in municipalities all around New Jersey; and

WHEREAS, the bill would apply the protection of the 'poison pill' to the SFY 2012 distribution of CMPTRA funding, which will prevent further shifts of CMPTRA funding; and which will help to further restrain the appetites of future State policy makers for these municipal property tax relief resources.

Committee salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation.

NOW, THEREFORE BE IT RESOLVED, that the Frelinghuysen Township Committee salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation.

BE IT FURTHER RESOLVED, that we enthusiastically support S-1900/A-2921, together with any refinements that may be needed to account for any recent changes in the statutes governing local budgets in order to provide municipalities with appropriate budgetary flexibility.

BE IT FINALLY RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, Department of Community Affairs Acting Commissioner Richard Constable, our State Senator Steven Oroho, our Assemblyman Gary Chiusano, our Assemblywoman Alison Littell McHose, and to the New Jersey League of Municipalities.

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

#2012-44 (Approval of vouchers)

WHEREAS, the finance Committee of the Township of Frelinghuysen has reviewed the bills submitted to the Township of Frelinghuysen for the month of June; 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 their appropriate account.

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

OLD BUSINESS:

Deputy Mayor Desiderio asked to go forward with the subdivision on the Route 94 property along with looking into preserving the property through the Farmland Preservation Committee. Motion was made by Boynton, seconded by Durling to go forward with the subdivision and authorized Mr. Desiderio to obtain quotes for the

survey. All were in favor. Mr. Wacks read from the Land Use book that the municipality does not need to appear before the Planning board for the subdivision.

Deputy Mayor Desiderio asked how the Lincoln Laurel Road drain pipe project would be funded. Mr. Wacks advised that the cost of the easement would be covered by his retainer. Motion was made by Boynton, seconded by Durling instructing Mr. Desiderio to come up with a budget figure. All were in favor.

Deputy Mayor Desiderio asked what the next step was in completing the road vacations for Stage Coach Road, Kerr Road and Camp Weaqua Road. Mr. Wacks stated that he needs formal descriptions in order to start the ordinances. Motion was made by Boynton, seconded by Durling to get a proposal from Maser Consulting for the metes and bounds. All were in favor.

NEW BUSINESS:

Donna Zilberfarb was appointed as a member of the Recreation Committee replacing Jed Carter on motion made by Durling, seconded by DeCarolus. All were in favor.

Doreen Schaffer gave a presentation on Sustantial Jersey and advised that we remove ourselves as it is part of the Agenda 21 United Nations program. Mayor Charles suggested that we put this on hold until we can hear from someone in Sustainable Jersey in order to hear both sides.

Craig Dana, Chairman of the Warren County College Board introduced Dr. William Austin, President of the college who gave an annual report of the college.

An e mail received from Planner Darlene Jay was read asking for a letter to the Highlands advising that the township is opting out. Mr. Wacks was directed to write the letter on motion made by Boynton, seconded by Durling. All were in favor.

A budget for construction received from Maser Consulting in the amount of \$304,753.63 was submitted which evaluates changing the vertical geometry of State Park Road along a 600 linear foot roadway segment south of Heller Road to address flooding caused by an adjacent pond that has resulted in road closures. The Mayor suggested that since this is a flood mitigation problem, it belongs to the State's emergency management. Motion was made by Durling, seconded by Boynton to direct Maser Consulting to contact flood mitigation for possible funding. All were in favor. It was decided that before we direct Maser Consulting, we obtain a quote from them on the cost to contact them. This was done by motion made by Boynton, seconded by Desiderio. All were in favor.

OPEN MEETING TO THE PUBLIC:

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

Martin Connor who asked if we had heard anything from Service Electric with regard to the cable franchise.

Jean Smolha who asked how high State Park Road would be raised if the work was done as per Maser's report.

Jeff Fiedler advised the Committee that they are now a real estate brokerage appraisal and consulting agency and would like to be considered for appraisals.

Christopher Kuhn asked the committee if they knew of a bill (S-589) that revises farmland assessments.

Motion was made by Durling, seconded by Boynton 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.

Recreation Committee report:

Chairman Cliff Kimball reported that there was a successful baseball and softball season with the 7th and 8th graders winning the league championship. The boy's baseball team came in 3rd place. The Founders Day picnic was also a success and there were no issues with parking. There will be a summer soccer clinic held the 3rd week of July and the walking trail has been on hold due to the baseball/softball games but should be started shortly.

Environmental Commission:

Chris Kuhn reported that the Commission is wrapping up the ERI and will be forwarded to the Planning Board. The Environmental Commission had a table at Founders Day where they handed out brochures on Storm water Management and bear awareness.

Farmland Preservation Board-none

Open Space Committee:

Chris Kuhn reported that the Open Space and Recreation Plan update has been finalized.

Mayor Thomas Charles report:

The Mayor advised that he handed out four scholarships at North Warren School on behalf of the township, booster club and school PTO; the South Street project will be finalized once Maser, the Mayor and Mr. Desiderio meets with one homeowner and lastly the Mayor thanked everyone for a successful Founders Day and was sorry he was too sick to attend.

Deputy Mayor Frank Desiderio's report:

Mr. Desiderio congratulated Chris Kuhn and Chris Stracco on winning the primary election. He reported on meeting with Maser Consulting on State Park Road and that sticks need to be cleaned up and the road re-rolled so that it doesn't wash out. Lastly, he thanked DPW worker Dan Harmann, Loren Greco and JBR rentals for all the help and work on the area for Founders Day.

Committeeman Alan DeCarolis report:

Mr. DeCarolis asked if there is a deadline on when the farmland assessment paperwork needs to be mailed out. The Clerk was instructed to contact Mr. Gill on the date they will be mailed.

Committeeman David Boynton's report:

Mr. Boynton reported on Municipal Alliance and that Trooper Drew gave drug awareness for the 6th grade class. Municipal Alliance also had a table at Founders Day.

Committeeman Dale Durling's report-none

Attorney Edward Wacks report:

Mr. Wacks submitted sample ordinance on littering to the Committee for their review

ADJOURNMENT:

There being no further business, motion was made by Durling, seconded by Boynton to adjourn the meeting. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC