

MINUTES OF MEETING OF JULY 18, 2012

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, July 18, 2012 and was called to order at 7:30 p.m. by Mayor Thomas 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 Alan DeCarolis, Attorney Edward Wacks and Clerk Brenda Kleber. Committeeman David Boynton was absent.

MINUTES:

The minutes of the meeting of June 20, 2012 were approved with corrections on motion made by Durling, seconded by DeCarolis. All were in favor.

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 THEREFORE (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 opened to the public on motion made by Desiderio, seconded by DeCarolis. All were in favor. Due to no audience participation, motion was made by Durling, seconded by Desiderio to close to the public. All were in favor. Motion was made by Desiderio, seconded by Durling to adopt said ordinance. Roll call vote: DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

AN ORDINANCE (#2012-07) OF THE FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE AMENDING SECTION 4-4 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING TAXICABS AND LIVERY VEHICLES was opened to the public on motion made by Durling, seconded by DeCarolis. All were in favor. Due to no audience participation, motion was made by Durling, seconded by DeCarolis to close to the public. All were in favor. Motion was made by Durling, seconded by Desiderio to adopt said ordinance. Roll call vote: Charles-yes, Desiderio-yes, Durling-yes, DeCarolis-yes.

AN ORDINANCE (#2012-08) OF FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE AMENDING SECTION 3-2 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING LITTERING was offered for introduction on motion made by Durling, seconded by Desiderio. Roll call vote: Durling-yes, DeCarolis-yes, Charles-yes, Desiderio-yes.

RESOLUTIONS:

#2012-45 (Kerrs Corner Road)

WHEREAS, the Township of Frelinghuysen improved an approximate 2600± linear foot segment of Kerrs Corner Road beginning at the Lanning Road Intersection and extending eastward in 2011; and

WHEREAS, the improvements were constructed in conjunction with the first phase of the Kerrs Corner Road Improvement Project; and

WHEREAS, the Phase 1 improvements were to have extended to the Mill Road/Mott Road intersection; and

WHEREAS, the Township was not able to appropriate the necessary funds in 2011 to cover the entire Phase 1 limits; and

WHEREAS, the Township was able to appropriate the funds in 2012 to complete the Phase 1 improvements in conjunction with the construction of Phase 2 improvements in August 2012;

WHEREAS, the Township plans on utilizing Tilcon New York, Inc. ("Tilcon"), M.L. Ruberton Construction Company, Inc. ("Ruberton"), and Denville Line Painting, Inc. ("Denville Line") through its membership in the Morris County Cooperative Pricing Council ("MCCPC") to perform the required milling, paving, guide rail work, and striping work on Kerrs Corner Road within the balance of Phase 1; and

WHEREAS, Tilcon, Ruberton, and Denville Line are qualified contractors and have been found to be in compliance with the contract documents and technical specifications; and

NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE of the Township of Frelinghuysen, that the Township shall utilize Tilcon, Ruberton, and Denville Line, through its membership in the MCCPC, to perform the following work:

1. HMA Milling, 3" or Less at \$3.00/SY for a total of \$1,800.00 (Tilcon);
2. Hot Mix Asphalt 9.5M64 Surface Course at \$63.88/Ton for a total of \$54,553.52 (Tilcon);
3. Hot Mix Asphalt 19M64 Base Course at \$68.88/Ton for a total of \$8,265.60 (Tilcon);
4. Beam Guide Rail at \$37.50/LF for a total of \$34,237.50 (Ruberton);
5. Tangent Guide Rail Terminal at \$1,400.00/Unit for a total of \$22,400.00 (Ruberton); and
6. Traffic Stripes, Long Life, Epoxy Resin, 4" Wide at \$0.28/LF for a total of \$1,526.00 (Denville Line).

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

#2012-46 (Kerrs Corner Road)

WHEREAS, the Township of Frelinghuysen plans to improve a section of Kerrs Corner Road between Ramsey Road (CR 661) and the Mott Road/Mill Road Intersection; and WHEREAS, the Township has obtained a grant from the municipal aid portion of the Transportation Trust Fund to help fund the project; and

WHEREAS, the Township has appropriated the funds and plans on constructing the improvements in August 2012; and

WHEREAS, the Township plans on utilizing Tilcon New York, Inc. ("Tilcon"), M.L. Ruberton Construction Company, Inc. ("Ruberton"), and Denville Line Painting, Inc. ("Denville Line") through its membership in the Morris County Cooperative Pricing Council ("MCCPC") to perform the required milling, paving, guide rail work, and striping work on Kerrs Corner Road; and

WHEREAS, Tilcon, Ruberton, and Denville Line are qualified contractors and have been found to be in compliance with the contract documents and technical specifications; and

NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE of the Township of Frelinghuysen, that the Township shall utilize Tilcon, Ruberton, and Denville Line, through its membership in the MCCPC, to perform the following work:

1. HMA Milling, 3" or less at \$3.00/SY for a total of \$1,800.00 (Tilcon);
 2. Hot Mix Asphalt 9.5M64 Surface Course at \$63.88/Ton for a total of \$86,238.00 (Tilcon);
 3. Hot Mix Asphalt 19M64 Base Course at \$68.88/Ton for a total of \$7,232.40 (Tilcon);
 4. Beam Guide Rail at \$37.50/LF for a total of \$37,500.00 (Ruberton);
 5. Tangent Guide Rail Terminal at \$1,400.00/Unit for a total of \$22,400.00 (Ruberton);
 6. Beam Guide Rail Post, 8' Long, at \$30.00/Post for a total of \$900.00 (Ruberton);
- and
7. Traffic Stripes, Long Life, Epoxy Resin, 4" Wide at \$0.28/LF for a total of \$2,380.00 (Denville Line).

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded to the N.J.D.O.T.'s Bureau of Local Government Services.

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

#2012-47 (Amend capital budget)

WHEREAS, the Township of Frelinghuysen, County of Warren, desires to amend the 2012 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown in such budget for the following reason:

Kerrs Corner Road Work

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Frelinghuysen of the County of Warren, as follows:

Section 1. the 2012 Capital Budget of the Township of Frelinghuysen is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT NO. 2
CAPITAL BUDGET OF THE
TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN
Projects Schedules for 2012
Method of Financing

| <u>PROJECT</u> | <u>ESTIMATED COST</u> | <u>GRANT</u> | <u>CAPITAL IMPROV. FUND</u> | <u>GENERAL NOTES/BONDS</u> |
|-------------------|-----------------------|--------------|-----------------------------|----------------------------|
| As Listed Above - | \$180,000 | -0- | \$9,000 | \$171, 0000 |

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2012 Capital Budget, to be included in the 2012 Capital Budget as adopted.

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

#2012-48 (Refund double payment)

WHEREAS, a resolution is required by the Tax Collector to refund a double payment of 2012 2nd quarter taxes, two different mortgage companies paid the 2nd quarter and one of the payments must be reimbursed (erroneous payment) as listed below:

| Block | Lot | Pay to: | Amount |
|-------|-----------|---------|------------|
| 902 | 1 & Q0308 | Chase | \$2,690.78 |

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the Treasurer is hereby authorized to refund the above double paid property tax.

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

#2012-49 (Special Emergency resolution)

WHEREAS, an emergency has arisen with respect to an emergency appropriation to meet certain extraordinary expenses incurred by Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, NJS 40A:4-46 provides that it shall be lawful to make such appropriation, which appropriation and/or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmative concurring) that in accordance with the provisions of the NJS 40A:4-55:

1. An emergency appropriation is hereby made for Municipal Excess Liability Joint Insurance Fund in the amount of \$12,832.05.
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$2,566.40.

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

#2012-50:

WHEREAS, the Finance Committee of the Township of Frelinghuysen has reviewed the bills submitted to the Township of Frelinghuysen for the month of July; 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 accounts.

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

OLD BUSINESS:

Paul Sterbenz of Maser Consulting reported that he is working on the storm water management report to be filed; a plan to install drainage on Lincoln Laurel Road was prepared; a plan to raise the road at a cost of \$305,000 on State Park Road was prepared. In order to offset the costs of this construction, motion was made by Desiderio, seconded by Durling authorizing Mr. Sterbenz to prepare and submit an application for a NJDOT local aid grant for a fee not to exceed \$1000.00. All were in favor. Lastly, Mr. Sterbenz asked for authorization to prepare the metes and bounds for vacating 3 roads, Mr. Desiderio advised that Bob Berry has the descriptions and will obtain copies to be sent to Mr. Wacks.

The Clerk advised that there are 3 board members who have not complied with the filing of the financial disclosure statements. Each committee member volunteered to contact these people.

NEW BUSINESS:

Mr. Durling brought up the possibility of combining the Planning Board and Board of Adjustment and making a Land Use Board due to the fact that it would save money. After discussion it was decided to have a joint meeting with both boards in October.

OPEN MEETING TO THE PUBLIC:

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

Martin Connor who wanted to inform the Committee that the ponding location on Lincoln Laurel Road is located in front of #182 not #191 as mentioned.

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

DEPARTMENT REPORTS:

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

Recreation Committee:

Soccer clinic and soccer sign ups are going on. Soccer will be joining the Warren County league as Blairstown has also joined; with regard to the walking trail, trees need to be cut along the neighbor's property. Mr. Desiderio advised that he bartered the cutting of the trees with Aspen by giving them a sign.

Environmental Commission:

Christopher Kuhn advised that the Planning Board accepted the Environmental Resources Inventory update.

Mayor Thomas Charles report:

The Mayor mentioned that there is money in the Small Cities account and it should be opened up for residents, who are eligible, to apply for funds to repair their homes

Deputy Mayor Frank Desiderio report:

Mr. Desiderio mentioned that Camp Wasigan Road tunnel has been repaired by the NJDOT. With regard to Lincoln Laurel Road it was paved in conjunction with Knowlton Township. Laura Brill is asking where the subdivided 9 acres should be placed. She was told that this is in the preliminary stage and she is needed to set the corners. Ms. Brill advised that the survey would cost between \$1200 and \$1500 depending on whether the Committee requires a map. Motion was made by Desiderio, seconded by Durling authorizing Ms. Brill to survey the property and provide a map at a cost of \$1500. All were in favor.

Committeeman Alan DeCarolis report:

Mr. DeCarolis mentioned that COAH is in limbo and that he would not be attending the next committee meeting in August.

Committeeman Dale Durling's report:

Mr. Durling also mentioned that he would not be able to attend the August meeting.

Attorney Edward Wacks report:-none

Municipal Clerk's report:-none

CORRESPONDENCE:

Maser Consulting Re: Kerr's Corner Road Improvement project (Phase 2)
Green Township Re: Resolutions #2012-106 & 2012-107
Warren County Dept. of Human Services Re: GA program consolidation
Warren County Dept. of Land Preservation Re: Hendricks, Crazy Moon Farm
Notice of Sustainable Jersey Small grants deadline
Charles Peterson Re: Copy of letter to Johnsonburg Presbyterian Camp
Pollution Control Financing Authority of Warren County Re: PCFA Investigation report
Courter, Kobert & Cohen Re: COAH trust fund deadline of July 17th
New Jersey Legislature Re: Thank you for copies of resolutions
New Jersey Highlands Re: Introduction of new director
New Jersey State League of Municipalities Re:
1. Legislative bulletin No. 4
2. Three Issues:
a. League shared services advisory service
b. League files brief to protect Municipal Housing Trust Funds
c. Workshop on clean energy offers free CEU credits
3. Urgent Alert-Affordable Housing Trust funds

4. Assembly approves A-2921
5. Washington watch advisory
6. New content on DLGS web site
7. Senate approves A-2921
8. Housing trust fund extension heads to the Governor
9. Property tax relief restoration next steps
10. Six Issues:
 - a. A-2921/S-1900 Energy receipt taxes
 - b. S-2011/A-2950 COAH trust funds
 - c. S-743/A-1338 permit extension
 - d. S-1566/A-2168 foreclosure transformation act
 - e. S-533 Common sense shared services act
 - f. S-1534 special status for private colleges and universities
11. Housing trust funds court issues temporary injunction
12. Decision rendered in Verizon v. Hopewell
13. Solar renewable energy credits (SREC)
14. Nine Issues:
 - a. Deadline nears for transportation bill
 - b. House fast-tracking transportation and spending bill
 - c. Senate committee approves FY 2013 labor, HHS, Educ. Approv.
 - d. Senate passes 2012 farm bill
 - e. EPA releases framework for managing storm water & wastewater
 - f. NLC calls for flexibility, local role in public safety broadband grants
 - g. FHFA issues proposed rule on PACE programs
 - h. Federal agencies continue regulatory reviews
 - g. WEBINAR: the future of water infrastructure funding
15. OPRA & OPMA bills released without recommendations

ADJOURNMENT:

There being no further business the meeting was adjourned on motion made by Desiderio, seconded by Durling. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC