

MINUTES OF MEETING OF AUGUST 15, 2012

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, August 15, 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 David Boynton, Attorney Richard Beilin, and Clerk Brenda Kleber. Committeeman Alan DeCarolis was absent.

MINUTES:

The minutes of the meeting of July 18, 2012 were approved with corrections on motion made by Durling, seconded by Boynton. All were in favor with Boynton abstaining.

ORDINANCES:

AN ORDINANCE (#2012-08) OF FRELINGHUYSEN TOWNSHIP, MAYOR AND COMMITTEE AMENDING SECTION 3-2 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING LITTERING was opened to the public on motion made by Boynton, seconded by Desiderio. All were in favor. Due to no audience participation, motion was made by Durling, seconded by Boynton to close to the public. All were in favor. Motion was made by Boynton, seconded by Desiderio to adopt said ordinance. Roll call vote: Boynton-yes, Desiderio-yes, Durling-yes, Charles-yes.

AN ORDINANCE (#2012-09) RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS CAMP WEAHQUA ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, AND STATE OF NEW JERSEY was offered for introduction on motion made by Desiderio, seconded by Boynton. Roll call vote: Charles-yes, Durling-yes, Desiderio-yes, Boynton-yes.

AN ORDINANCE (#2012-10) RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS KERR ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY was offered for introduction on motion made by Durling, seconded by Boynton. Roll call vote: Charles-yes, Durling-yes, Boynton-yes, Desiderio-yes,

AN ORDINANCE (#2012-11) RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS OLD STAGE ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, AND STATE OF NEW JERSEY was offered for introduction on motion made by Durling, seconded by Boynton. Roll call vote: Desiderio-yes, Charles-yes, Boynton-yes, Durling-yes.

RESOLUTIONS:

#2012-51 (raffle license)

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct an On Premises 50/50 raffle license for November 28, 2012 consisting of application #2012-03; and

WHEREAS, the Findings and Determination by the Municipal Clerk has 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 PTO raffle application #2012-03 is hereby approved.

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

#2012-52 (cancel uncollectable taxes)

WHEREAS, a resolution is required by the Tax Collector to cancel 2012 taxes deemed uncollectible; and

WHEREAS, the following properties have 2012 taxes that must be canceled of record:

Block	Lot	Owner	Amount
201	31 Q0147	Frelinghuysen Township	\$593.01
402	16	Frelinghuysen Township	97.72
1703	11 Q0104	State of New Jersey	224.32
1703	15 Q0101	State of New Jersey	2.22

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the above taxes be canceled of record as they are uncollectible.

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

#2012-53 Opposing A-323/S-2074-not adopted

#2012-54 (approval of vouchers)

WHEREAS, the Finance Committee of the Township of Frelinghuysen has reviewed the bills submitted to the Frelinghuysen Township Committee for the month of August; 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, by the Frelinghuysen Township Committee that all bills submitted for the above named month are reasonable and proper and are to be paid from their appropriate account.

Motion was made by Durling, seconded by Boynton. All were in favor with Charles abstaining from the Green Township invoice.

#2012-55 (Sustainable Jersey)-on hold for September meeting

#2012-56 (Enter into Executive Session)

WHEREAS, it is necessary to discuss a matter falling within the attorney-client privilege and concerning the employment of current employees in private or executive session; and

WHEREAS, under the Open Public Meetings Act (number 4) 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 15th day of August, 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 in a reasonable length of time.

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

OLD BUSINESS:

Deputy Mayor Desiderio went over the following items: 1) The New Jersey Forestry update plan is due. The NJ Forester Mr. Alpaugh will be contacted to help with the plan. There is a \$25,000 grant available to remove hazardous trees and will be applied for. The 3 members need to attend the conference at \$100.00 each for their CEU's. Motion was made by Boynton, seconded by Durling approving the attendance at the conference. 2) The Warren County Engineer advised that a four way stop will be put up at the 519/612 intersection as the number of accidents do not merit a blinking light. He asked if the Committee had any issues with this. There were none. 3) Mr. Desiderio met for a preconstruction conference on the Kerrs Corner Road project. This should be done before school starts. When the striping is done on Kerrs Corner Road, Greendell road and Bear Creek road will also be done. Tilcon will also pave the walking trail while they are in the area. 4) Mr. Desiderio would like a policy that any actions and information from any boards or committees comes to the township committee 10 days prior to the meeting so that the committee can make an informed decision. Motion was made by Boynton, seconded by Desiderio instructing the attorney to prepare this policy. All were in favor.

NEW BUSINESS:

An application received from Amy Winfield was accepted for a position on the Open Space Committee on motion made by Desiderio, seconded by Boynton. All were in favor.

A request to connect with public drain from neighbor Bruce Barbour was discussed. Mr. Barbour is requesting permission to explore any acceptable way to make a connection to the street drain between his property and the town hall. He would like to connect a 4-6 inch subsurface pipe into the drain box and run it under the fence to a grate at ground level. Since the committee is unsure what would be in the water, motion was made by Desiderio, seconded by Durling to have the attorney notice both he and the neighbor on the other side of the town hall who has a pipe pumping into the town's driveway that they cease and desist. All were in favor. The subject came up of Mr. Barbour not maintaining his section of the sidewalk as grass is growing through the stone. Mr. Beilin will send a letter that per the agreement the sidewalk has to be maintained.

OPEN MEETING TO THE PUBLIC:

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

Loren Grecco who asked where people are suppose to pump their water.

Fran Muller who suggested we get Mr. Barbour's request in writing.

Loren Grecco who asked if Mr. Desiderio and Mr. Durling were going to appeal the decision of the State's ethical board who found that they were not ethical in their decision to send out and pay with township funds the Open Space postcard and fined them \$100.00 of which was waived. The attorney advised that it wouldn't make any sense to appeal it under the circumstances.

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

DEPARTMENT REPORTS:

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

Recreation Committee:

Mr. Desiderio went over the upcoming soccer program. The township had to join the league as there was no one to play against since Blairstown also joined the league.

Environmental Commission-none

Open Space Committee:

Ms. Randolph went to a presentation at the county on the Grzelak property. \$75,000 is being committed by Green Acres, \$63,750 from the County and the township will pick up the remainder. Decision will be known in October. Ms. Randolph asked the Committee to consider Ms. Winfield for the Open Space Committee.

Mayor Thomas Charles report:

The Mayor reported that the new tanker for the Green Township Fire Company will arrive next week. The Fire Company thanks the Committee for their support. Mr. Charles also reported that the courts decided that the COAH monies will be kept in the township.

Deputy Mayor Frank Desiderio's report:

The Deputy Mayor reported that Lincoln Laurel Road has been patched and paved through shared services, the propane tank for the generator is being worked on and a vent is needed. Mr. Desiderio asked if the DPW sees a violation do they need to fill out a complaint form. It was decided that inter-departments do not need to complete the form. A policy will be done by the attorney on this.

Committeeman David Boynton's report- none

Committeeman Dale Durling's report- none

Attorney Richard Beilin's report- none

Municipal Clerk's report:

Mrs. Kleber received a request for use of the meeting room from the Tiger cub scouts. Motion was made by Boynton, seconded by Desiderio authorizing the use conditional upon receipt of a certificate of insurance. All were in favor. The fee was waived.

CORRESPONDENCE:

Frelinghuysen Township Tax Collector Re: Affidavit of tax bill mailing

Maser Consulting Re: Copy of transmittal letter to NJDOT

COAH Re: Municipal Affordable Housing Trust Fund current balance

Warren County Dept. of Land Preservation Re: Hendricks

Warren County Mosquito Control Comm. Re: Abandoned swimming pools

Warren Co. Prosecutor's office Re: Residency restrictions for convicted sex offenders

State of New Jersey DEP Re:

1. Underground storage tank system
2. Waiver rule

State of New Jersey Office for Planning Advocacy Re: Public hearings

New Jersey State League of Municipalities:

1. Appellate division decision regarding trust funds
2. Improper participation in the pension system report
3. Contractor's registration act
4. Important decision regarding the Open Public Meetings Act
5. Affordable Housing-Trust funds-State begins process to seize funds
6. League's annual audit statement
7. Four Issues:
 - a. Utilize State's museum's 911 commemorative resources
 - b. Ethics, Conflicts of Interest & the Open Public Records Act seminar
 - c. Taking the mystery out of applying for grants seminar
 - d. Labor Negotiations seminar
8. Affordable Housing Trust Funds

9. Five Issues:
 - a. House holds a hearing on Marketplace Equity Act
 - b. House subcommittee moves FY2013 labor, HHS, Educ. Spending
 - c. House agriculture committee passes farm bill
 - d. Legislation to require FEMA to consider impact on smaller local units
 - e. NLC prepares to head to the National Political Conventions
10. DEP Waiver rule
11. Affordable housing trust funds-update
12. Mayor's Newslines-August 2012
13. Judges & Justices health care and pensions
14. Affordable Housing Trust funds

EXECUTIVE SESSION:

Motion was made by Boynton, seconded by Durling to enter into Executive Session with regard to Personnel Matters. All were in favor. Motion was made by Boynton, seconded by Durling to return to public session. All were in favor. Upon returning the attorney stated that potential personnel matters were discussed and it was agreed that there is additional research that needs to be done before any action is taken.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC