

MINUTES OF MEETING OF SEPTEMBER 19, 2012

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, September 19, 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, Committeeman David Boynton, Attorney Edward Wacks and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of August 15, 2012 were approved as amended on motion made by Boynton, seconded by Durling. All were in favor with DeCarolis abstaining. The minutes of the executive session were approved on motion made by Boynton, seconded by Durling. All were in favor with DeCarolis abstaining.

ORDINANCES:

The Mayor announced that Ordinances 2012-09, 2012-10 and 2012-11 are being carried.

RESOLUTIONS:

#2012-57 (Sustainable Jersey)-on hold

#2012-57 (Municipal Alliance)

WHEREAS, the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren.

NOW, THEREFORE BE IT RESOLVED, by the Township of Frelinghuysen, County of Warren, State of New Jersey recognizes the following:

1. The Township Committee does hereby authorize submission of an application for the Frelinghuysen Township Municipal Alliance grant for the calendar year 2013 in the amount of \$3,548.00.
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

#2012-58 (Sale of mower)

WHEREAS, the Township of Frelinghuysen has in its possession a BomFord Trim Master, Model Number 90-184-33, Serial No. 1989N/02; and

WHEREAS, the Township of Frelinghuysen has determined that it no longer needs the BomFord Trim Master, Model No. 90-184-33; and

WHEREAS, the Township of Hardwick has a need for the BomFord Trim Master, and has determined that the purchase price of \$1,700.00 for the mower belonging to the Township of Frelinghuysen would benefit the Township of Hardwick.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that the sale of the BomFord Trim Maser, Model Number 90-184-33, Serial No. 198N/02 belonging to the Township of Frelinghuysen shall take place as soon as it is mutually convenient for both parties. Said sale of equipment shall constitute the entirety of the purchase with monetary consideration.

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

#2012-59 (State Park Road NJDOT project)

WHEREAS, the New Jersey Department of Transportation makes funds available to municipalities and counties for road improvement projects through the municipal aid portion of the New Jersey Transportation Trust Fund;

WHEREAS, the Township Engineer has recommended that the Township Committee apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2013 Municipal Aid Program for the purpose of constructing State Park Road Reconstruction for Flood Mitigation Project;

WHEREAS, the Township Committee has considered this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Frelinghuysen, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Frelinghuysen Township-00148 to the New Jersey Department of Transportation on behalf of the Township of Frelinghuysen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Frelinghuysen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

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

#2012-60 (Refund tax overpayment)

WHEREAS, a resolution is required by the Tax Collector to refund an overpayment of 2012 taxes for one property (assessment was reduced due to the property going into farmland assessment-1st quarter was paid as billed) as listed below:

Block	Lot	Pay to:	Amount
1401	17Q0034	DVI-Data Ventures Inc.	\$844.30

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

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

#2012-61 (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 September; 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 Boynton, seconded by DeCarolis to adopt said resolution. Roll call vote: DeCarolis-yes, Durling-yes, Charles-yes, Boynton-yes, Desiderio-yes.

2012-62 (Executive session)

WHEREAS, it is necessary to discuss items dealing with Possible Litigation In private or executive session; and

WHEREAS, under the Open Public Meetings Act (number 3) 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 19th day of September 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 Desiderio, seconded by Durling to adopt said resolution. Roll call vote: Boynton-yes, Durling-yes, Desiderio-yes, Charles-yes, DeCarolis-yes.

OLD BUSINESS:

Executive director of Sustainable Jersey appeared before the Committee and explained that Sustainable Jersey is a municipal certification program that seeks to help towns identify new funds and sources of support and does not have anything to with Agenda 21. After his presentation, the meeting was opened to the public for questions and spoke were: Mark Quick and Richard Matrisciano. It was decided to have another speaker appear in the future before any decisions are made.

Nick Pachnos, EOM coordinator appeared before the Committee for a status report. He has completed the renewal records reflecting changes and once approved by the county, signatures will be gotten. Plans will be kept at the municipal building and anyone can review them. A drill will be conducted at the end of the year.

NEW BUSINESS:

A letter of resignation from the Recreation Committee received from Charles Marra was accepted with regret on motion made by Durling, seconded by Boynton. All were in favor. The Clerk was instructed to send a letter of thanks for his service.

A letter received from neighbor's Mr. & Mrs. Zierer who request that the township construct a fence around their property due to the loss of privacy with the ball field. It was decided on motion made by Boynton, seconded by Durling authorizing Deputy Mayor Desiderio to talk to Mr. & Mrs. Zierer. All were in favor with Desiderio abstaining.

A letter received from the Open Space Committee requesting that the Committee implement changes to the accounting methods associated with the Open Space Trust Fund and the collected Open Space tax. The Mayor addressed each concern. Motion was made by DeCarolis, seconded by Boynton authorizing the Mayor and Committeeman Durling to meet and come up with a solution. All were in favor.

A letter received from the Warren County Department of Land Preservation advising that they are submitting an application to the Farmland Preservation County Planning Incentive Grant Program 2014 round removing from final approval to preserved farmland the Linz property Block 1803, Lot 12 consisting of 122.87 acres and asked if the township has any comments. Motion was made by Desiderio, seconded by Boynton for a letter of support to be sent. All were in favor.

OPEN MEETING TO THE PUBLIC:

Motion was made by Desiderio, seconded by DeCarolis to open the meeting to the public. Spoke were: John Hauck, Jean Smolha, Doreen Rutherford, Debra Natyzak and Roman Osadca.

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

DEPARTMENT REPORTS:

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

Recreation Committee report:

Chairman Cliff Kimball reported that we joined a new soccer league which is working out good. Basketball signups are started. The walking trail has been started thanks to Mr. Desiderio.

Mayor Thomas Charles report:

Mayor Charles also thanked Mr. Desiderio for his participation in having the walking trail paved when Tilcon was paving Kerrs Corner Road. It was suggested that there be a walking trail dedication. Motion was made by Boynton, seconded by Durling dedicating the trail during the hay ride on October 27th. All were in favor. There are reports of mosquito's carrying West Nile disease in the township. A four way stop has been approved by the Freeholders. He reported on a meeting he attended in Trenton with the Board of Utilities on storm damage. Lastly, the Mayor reported that he has reviewed the revenue and expenditures of the budget and we are in great shape.

Deputy Mayor Frank Desiderio:

Deputy Mayor Desiderio reported that he attended a 200 anniversary party at the Vass House in Hardwick. The walking trail needs to be connected through the parking lot. Mr. Desiderio asked for authorization to pave approximately 170 feet of blocks to be installed in the parking lot. Motion was made by Boynton, seconded by Durling authorizing the purchase and not to exceed \$10,000.00. Mr. DeCarolis advised he will donate 10 of the blocks.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis asked if dogs were allowed in the recreation fields and playground. Motion was made by Boynton, seconded by Durling to prohibit animals on the recreation property. All were in favor. Mr. DeCarolis stated that if an animal is seen on the property he is to receive a call and will follow up.

Committeeman David Boynton's report:

Committeeman Boynton reported that everything is fine with the insurance; the school was hit by lightning in July and will cost about \$2,500.00 to repair.

Committeeman Dale Durling-no report

Attorney Edward Wacks report:

Mr. Wacks reported that Kids Camp withdrew their Board of Adjustment application and appeal completely. This case has been closed. A letter was sent to the two neighbors with regard to the water situation. A communications policy was given to the committee members and will be on next month's agenda.

Municipal Clerks report:

Mrs. Kleber also reported on the 4 way stop which should be implemented on October 10, 2012. A request for participation at a meeting with Senator Oroho, Assemblyman Chiusano and Assemblywoman McHose that will be held in Blairstown at 10:00 am on Wednesday, September 26, 2012. Lastly, an e mail was received asking for support of a program titled Enough Abuse. The Committee asked that this be put on next month's agenda so they can review it.

CORRESPONDENCE:

- New Jersey Governor's office Re: State budgets
- New Jersey DOT Re: 2013 state aid program
- New Jersey DEP Re: Suspected hazardous discharge notification
- New Jersey DEP RE: Sign up to reduce air pollution
- New Jersey Transit Re: Public hearing notice
- New Jersey Highlands Re: Thank you for correspondence on discontinuing
- New Jersey Highlands Re: Request to submit invoices
- Project Graduation 2012 thank you letter
- Maser Consulting Re: Freshwater wetlands & Flood hazard area application
- Maser Consulting Re: Preconstruction conference minutes on Kerrs Corner Road
- Maser Consulting Re: Replacement of bridge over Ackerson Road
- Michael Staufenberger Re: Thank you for Charles E. Rydell scholarship
- Warren County Engineer Re: 2011 crash data and road safety assessment
- Warren County Mosquito Commission Re: Press release
- JCP&L Re: Public hearing notice
- New Jersey State League of Municipalities Re:
 1. DCA develops new budget reporting tool
 2. Mayor's advisory
 3. Three Issues:
 - a. League opposes A-2405/S-1651
 - b. League seminar
 4. Urgent alert regarding COAH
 5. Four Issues:
 - a. Nominations for 11th annual innovation in Governance awards

- b. Updated guidance on Affordable Housing Trust Fund dollars
 - c. League seminar
 - d. League professional development program
6. Trial court decision in Gannett v. Raritan
 7. Two Issues:
 - a. Comptroller issues an alert on saving sin Workers Comp. programs
 - b. Division of pensions offer certifying officers & supervisor training
 8. Three Issues:
 - a. Your input on an exclusive line of league merchandise
 - b. Hiring our Heroes-Mega job fair
 - c. New content on DLGS website
 9. Corrected copy of two issues:
 - a. Accident victim's privacy protections (S-199/A-789)
 - b. Appointments of unemployed Federal Firefighter to local fire dept.
 10. Updated CEU list for the league's 97th annual conference sessions
 11. BPU issues report & recommendations to prevent inordinate utility service disruptions due to natural disasters.
 12. Mayor's Newline-September issue
 13. Affordable Housing Trust Funds Update
 14. Eight Issues:
 - a. COAH-Affordable Housing Trust Fund update
 - b. Energy tax receipts update
 - c. S-1451 & S-1452 Amendments to OPRA and OPMA
 - d. S-1534/A-2586 Private colleges exemptions to MLUL
 - e. S-2 Senator Sweeny's shared service bill
 - f. Removal of statute of Limitations for certain civil actions
 - g. A-323/S-2074 Permits "Agricultural Tourism" Activities farmland
 - h. League Amicus update

EXECUTIVE SESSION:

Motion was made by Desiderio, seconded by Durling to enter into Executive Session with regard to Possible Litigation. All were in favor. Motion was made by Desiderio, seconded by Boynton to return to public session. All were in favor. Upon returning, the attorney announced that the Committee discussed the various road dedications and easements that will be necessary. Mr. Wacks was instructed to research the issues and rewrite the ordinances so that easements are reserved and none of the property owners are landlocked. Motion was made by Boynton, seconded by Desiderio to authorize Mr. Wacks to modify the three ordinances for introduction at the October meeting. All were in favor. Motion was made by Desiderio, seconded by Boynton authoring Maser Consulting to prepare a report preliminarily assessing the costs to improve Kerr Road, Old Stage Road and Camp Weahqua Road to the appropriate Residential Site Improvement Standards (RSIS) at a cost not to exceed \$2500.00. All were in favor.

ADJOURNMENT:

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

Respectfully Submitted,

Brenda J. Kleber, RMC

