

MINUTES OF MEETING OF FEBRUARY 20, 2013

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, February 20, 2013 and was called to order at 7:30 p.m. by Mayor David Boynton.

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 David Boynton, Deputy Mayor Christopher Kuhn, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Committeeman Christopher Stracco, Attorney Edward Wacks and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of January 7, 2013 were approved on motion made by Stracco, seconded by Kuhn. All were in favor. The minutes of the meeting of January 16, 2013 were approved as amended on motion made by DeCarolis, seconded by Stracco. All were in favor. The minutes of executive session of January 16, 2013 were approved on motion made by DeCarolis, seconded by Kuhn. All were in favor. The minutes of the meeting of January 23, 2013 were approved as corrected on motion made by Stracco, seconded by DeCarolis. All were in favor. The minutes of the meeting of January 30 were approved on motion made by Kuhn, seconded by DeCarolis. All were in favor. The minutes of the meeting of February 13, 2013 were approved on motion made by Desiderio, seconded by Stracco. All were in favor.

ORDINANCES:

AN ORDINANCE (#2013-01) TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-45.14). Motion was made by DeCarolis, seconded by Stracco to open to the public. All were in favor. Due to no audience participation, motion was made by Stracco, seconded by DeCarolis to close to the public portion. All were in favor. Motion was made by Desiderio, seconded by Stracco to adopt the ordinance. Roll call vote: Desiderio-yes, Kuhn-yes, Stracco-yes, Boynton-yes, DeCarolis-yes.

AN ORDINANCE (#2013-02) CREATING CHAPTER, ADMINISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FRELINGHUYSEN, 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 MUNICIPAL OFFICERS, EMPLOYEES AND APPOINTEES. Motion was made by DeCarolis, seconded by Stracco to open to the public. All were in favor. A question from Jean Smolha was answered that there are no exceptions. Motion was made by Stracco, seconded by DeCarolis to close to the public. All were in favor. Motion was made by Desiderio, seconded by Stracco to adopt the ordinance. Roll call vote: Kuhn-yes, Stracco-yes, Boynton-yes, DeCarolis-yes, Desiderio-yes.

AN ORDINANCE (#2013-03) OF THE TOWNSHIP OF FRELINGHUYSEN AMENDING CHAPTER 700, LAND DEVELOPMENT ORDINANCE OF THE CODE OF THE TOWNSHIP OF FRELINGHUYSEN. Motion was made by DeCarolis, seconded by

Stracco to open to the public. All were in favor. Mark Quick asked if this was more protection for the township. Mr. Wacks advised it was the same functions. Motion was made by Stracco, seconded by DeCarolis to close to the public. All were in favor. Motion was made by Desiderio, seconded by Kuhn to adopt the ordinance. Roll call vote: Stracco-yes, Boynton-yes, DeCarolis-yes, Desiderio-yes, Kuhn-yes.

AN ORDINANCE (#2013-04) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, AND STATE OF NEW JERSEY FIXING THE SALARIES FOR THE YEAR 2013. Motion was made by DeCarolis, seconded by Stracco to open to the public. All were in favor. Jean Smolha asked the percentage of the increase. Motion was made by Stracco, seconded by DeCarolis to close to the public. All were in favor. Motion was made by Desiderio, seconded by Stracco to adopt the ordinance. Roll call vote: Boynton-yes, DeCarolis-yes, Desiderio-yes, Kuhn-yes, Stracco-yes.

RESOLUTIONS:

(#2013-15 Recycling Resolution)

WHEREAS, the mandatory Source Separation and Recycling Act., P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs;

WHEREAS, it is the intent and the spirit of the Mandatory source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Frelinghuysen Township Committee to the efforts undertaken by the municipality and requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Donna Zilberfarb as recycling coordinator for the year 2012 to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling fund to be used solely for the purpose of recycling.

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

#2013-16 will be revised for meeting of February 27, 2013

#2013-17 (Approval of vouchers)

WHEREAS, the Finance Committee of the Township of Frelinghuysen have reviewed the bills submitted by the Municipal Clerk to the Frelinghuysen Township Committee for the month of February; and

WHEREAS, the Finance Committee find the bills to be in order and recommend to the Township Committee that they 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 DeCarolis, seconded by Kuhn to adopt said resolution. Roll call vote: Desiderio-yes, Kuhn-yes, Stracco-yes, Boynton-yes, DeCarolis-yes.

PROCLAMATION:

A proclamation promoting reading was approved on motion made by Desiderio, seconded by Stracco to concur with the mayor's proclamation. All were in favor.

OLD BUSINESS:

A state trooper from the Hope Barracks asked if there were any concerns the committee and/or the public had. He also asked if the new four way stop at the intersections of Route 612 and 519 was working.

The status of the easement for Lincoln Laurel Road is on hold for the March meeting.

The following appointments were made to the new Land Use Board:

Mayor's designee-Christopher Stracco

Class II member-Robin Randolph

Class III member. At this time, a nomination was made by Kuhn to appoint Alan DeCarolis. Another nomination for Frank Desiderio was made by Stracco. A straw vote was taken with three votes for Alan DeCarolis, two votes for Frank Desiderio.

Six citizens are: Donna Eitner, Howard Jungkind, Jim Simonetti, Don Soisson, Russell Walters, and Robert Young,

Alternate #1-Martin Connor

Alternate #2-David Boynton, II

Alternate #3- Max Klein

Alternate #4-Kevin Bailey

The Mayor brought up the issue of an outdoor furnace that recently held up the closing due to not having the proper permits. He asked if there should be a grandfather clause in the ordinance. The attorney advised that there is an automatic clause as per state law.

The Mayor asked the committee members to contact the Clerk to solicit quotes for various projects. A policy will be put in place by the attorney that if future quotes are needed they are to go to the clerk. Mr. Wacks advised that there are 3 levels of quotes. The first level is if it is less than \$2,500.00 three quotes can be solicited, the second level is that if the quote is more than \$2,500.00 three quotes are needed and a resolution will be needed. If more than the threshold of \$21,500.00 sealed bids are needed. Mr. Wacks will prepare the policy.

NEW BUSINESS:

Mayor Boynton asked that Christopher Stracco take over the Recreation Committee liaison position as he has younger children.

A request for a donation to help defray the cost of project graduation was approved in the amount of \$500.00 on motion made by Desiderio, seconded by Kuhn. All were in favor.

A letter from the Warren County Mosquito Commission asking for a signature to authorize the Warren County Mosquito Extermination Commission to perform aerial applications within Frelinghuysen Township was approved on motion made by Desiderio, seconded by DeCarolus. All were in favor.

A professional planning service contract for the preparation of a Master Plan consistency review memo regarding the proposed zoning changes to Route 94 and the preparation of a zoning map for the township was discussed. Motion was made by Kuhn, seconded by Stracco to authorize Maser Consulting to do the Master Plan Consistency review with the ordinance that Mr. Wacks has created not to exceed \$660.00. All were in favor.

A draft letter to the New Jersey Department of Environmental Protection regarding the bear hunt was discussed. Committeeman Desiderio thought that the sentence referring to the members of the public be deleted. Motion was made by Desiderio to not send the letter; motion was made by Stracco to send as modified. Mr. Desiderio's motion was seconded by Kuhn. Mr. Desiderio, Mr. DeCarolus and Mr. Kuhn voted to not send the letter, Mr. Stracco opposed and Mr. Boynton abstained.

Mark Quick came before the Committee and would like them to start considering what to spend the taxpayer's money on. An example is two years ago a new truck was purchased for the DPW and he now understands that another truck would like to be purchased. He feels that a new truck is not necessary and would like the DPW to stagger the purchases of the trucks. Second, the township is looking into a new building. He asked if this is necessary as it would raise taxes. The Mayor replied that none of these items are being considered for this year. Mr. Kuhn replied that the Committee is very conservative on spending. Mr. Stracco also replied that it's nothing that is going to happen soon. The next issue Mr. Quick asked about is time clocks and whether the DPW has one. Mr. Desiderio replied that the Committee felt that none was needed. The last concern of Mr. Quick's is smoking on township property and in township vehicles. Mr. Desiderio will look into this.

OPEN MEETING TO THE PUBLIC:

Motion was made by DeCarolus, seconded by Desiderio to open the meeting to the public for 15 minutes. All were in favor. Spoke were:

*Jean Smolha who recommended that a checklist be complied by the township to be available to a homeowner who is selling their house. She was told that the realtor has this list.

*Loren Greco who asked why we are rezoning Route 519 and not the whole town. Mr. Stracco advised that the reason is that a variance was sought for a nursery which would have brought in revenue. The neighbor challenged the decision of the Board of Adjustment and it was overturned. The thought was that the new zone would be adjusted to allow additional conforming uses. Mr. Kuhn replied that there hasn't been much demand for Professional Offices but there has been for neighborhood commercial. Mr. Grecco stated that the drain pipes on Route 591 are sinking and even though this is a county road could the township committee follow up on this.

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

DEPARTMENT REPORTS:

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

Recreation Committee report:

Casino Night is March 23rd, Baseball & Softball registrations are coming in; the recreation committee will meet with the Open Space members the next four Sunday's to put the up the No Trespassing signs. There are concerns about the catch basins of which permits will be applied for.

Environmental Commission:

The Commission and Farmland Board moved to 6 meetings a year.

Open Space Committee:

Fifteen people cleared the trail on the FFP property.

Mayor David Boynton report:

Mayor Boynton reminded Mr. Desiderio and Mr. Stracco that they need to coordinate a meeting with residents on Old Stage Road, Camp Weahqua Road and Kerr Road; Mr. Stracco thought that an executive session would be needed to further discuss this. This will be set up for March. The State has approved the Kerr's Corner Road project and the township will be receiving approximately \$70,000.00. The Clerk was asked if she followed up on the missing sign on Route 612. She advised that the County has no knowledge of this sign. It was decided that the Clerk would ask a couple of the residents in the area where the sign was if they have seen it.

Deputy Mayor Christopher Kuhn's report:

Deputy Mayor Kuhn advised that he achieved his goal in having a 10% reduction from the Land Conservancy agreement. There was a meeting he and Committeeman DeCarolis had with Stillwater Township Building Dept. for shared services; the Open Space and Farmland Preservation Committee at their next joint meeting is going to look at the Route 94 property for preservation options and site locations for future uses such as a recreation center or town garage. There is another site that has potential for these uses that should be considered; the economic development of Frelinghuysen Township on the Route 94 project that will eliminate the PO zone and add the neighborhood commercial zone was discussed. The next step is if this change is consistent with the Master Plan is to submit it to the Land Use Board

Deputy Mayor Kuhn and Committeeman DeCarolis went around the town and looked at the drainage items that was discussed in the budget meeting and feels that a road maintenance plan should be prepared so that these roads can be brought up to spec in time and outline what needs to be done and the cost. Lastly, Mr. Kuhn felt that the recreation committee should form a sub-committee with members from the environmental commission, open space and farmland to make a plan on the FFP property.

Committeeman Alan DeCarolis report:

Mr. DeCarolis agreed with Deputy Mayor Kuhn when it comes to the roads as it is a safety issue especially Lanning Road. Mr. DeCarolis addressed the littering issue on Kerrs Corner Road where a summons was issued on February 11th. On the walking trail, dogs are being walked and advisory signs have been ordered.

Committeeman Frank Desiderio's report-none

Committeeman Christopher Stracco's report:

Committeeman Stracco reported on the website committee he attended. He would like to have different pictures and an introduction on the home page from the Mayor. Lastly, the website committee suggested a Honeywell system for town alerts.

Attorney Edward Wacks report:

Mr. Wacks will prepare a policy on quotes and bids. With regard to smoking on township property the smoking area has to be posted. There is nothing in statutes that say you can't smoke in township vehicles.

Municipal Clerk's report-none

CORRESPONDENCE:

Warren County Freeholder Re: Resolution concerning indebtedness
Warren County Land Preservation Re: Preservation Day at White Lake on 5/18/13
Copy of police report on littering
Table of equalized valuations
Middlesex County Re: New legislation introducing early voting in NJ
FEMA-extends deadline to register for Hurricane Sandy assistance
Municipal Excess JIF Re: Legislative alert on Assembly 1196
Warren County College Re: FOCUS Newsletter
NJDEP Re: 3 letters regarding discharge of a hazardous substance
NJDEP Re: Permit for county to replace culvert on Ackerson Road
Frelinghuysen Township PTO Re: Thank you letter
Service Electric Cable TV Re: Receipt of franchise fees
New Jersey State League of Municipalities Re:

1. Four Issues:

- a. Supreme Court punts on business personal property tax relief
- b. Special recognition ceremony & networking event
- c. House passes Sandy emergency relief funding bill
- d. Grants-NJLM's online resource for locating grants

2. Four Issues:
 - a. Law permits blanket bonds for certain municipal positions
 - b. League professional development program
 - c. Invitation to attend the 21st annual mayor's legislative day
 - d. League professional development program
3. Mayor's newslines-January & February
4. BPU order mandates timetable for specific utility reforms
5. User friendly budget update
6. U.S. Senate passes Sandy funding bill
7. League analysis on line: State government and your local property taxes
8. Senate held the OPRA and OPMA bills
9. Two Issues:
 - a. Sustainable state funding source for Open Space & Farmland
 - b. Request for REMA's public assistance grant extended
10. Two Issues:
 - a. Health Commissioner asks Mayor to help promote cleanup precautions molds & asbestos danger
 - b. 5th annual WIMG Day

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:57 p.m. on motion made by Desiderio, seconded by Kuhn. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC