

MINUTES OF MEETING OF AUGUST 21, 2013

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, August 21, 2013 and was called to order at 7:30 p.m. by Mayor David Boynton.

SUNSHINE LAW STATEMENT:

Under the provisions of the Open Public 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 July 17, 2013 were approved as amended on motion made by Mr. DeCarolis, seconded by Mr. Desiderio. All were in favor with Mr. Boynton and Mr. Stracco abstaining.

ORDINANCES:

AN ORDINANCE (#2013-10) TO AMEND CHAPTER VI OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING HOURS OF SALE OF ALCOHOLIC BEVERAGES was offered for introduction on motion made by Mr. Kuhn, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-yes, Mr. Stracco-yes, Mr. DeCarolis-abstain, Mr. Desiderio-yes, Mr. Kuhn-yes.

AN ORDINANCE (#2013-11) TO AMEND SECTION 800 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING CHECKLISTS FOR LAND USE APPLICATIONS was offered for introduction on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. Roll call vote: Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Kuhn-abstain, Mr. Boynton-yes, Mr. Stracco-yes.

RESOLUTIONS:

#2013-41 (Two new pumper trucks for Green Township)

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 ("GTVFD") in a sum proportionate to the amount of GTVFD's coverage area that is located within Frelinghuysen Township; and

WHEREAS, the cost of the new pumper-truck has been determined to be \$145,923.35, thereby making the Township's contribution \$48,641.12; and

WHEREAS, Resolution #2012-39 needs to be revised to reflect the new yearly contribution to be \$48,641.12; and

WHEREAS, the cost of the second pumper truck and loose equipment for the GTVFD has been determined to be \$349,058.23, thereby making the Township's contribution \$116,352.74; and

WHEREAS, the annual contribution to GTVHD from Frelinghuysen Township will be \$116,352.74; and

WHEREAS, the total contributions will be \$164,499.86; and

WHEREAS, it is in the best interest of the Township and its residents 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 of Frelinghuysen will make ten annual contributions toward the two pumper trucks and loose equipment to Green Township in installments as follows: (a) the first \$16,499.39 on or before July 1, 2013, (b) the second \$16,499.39 on or before July 1, 2014, (c) the third \$16,499.39 on or before July 1, 2015, (d) the fourth \$16,499.39 on or before July 1, 2016, (e) the fifth \$16,499.39 on or before July 1, 2017, (f) the sixth \$16,499.39 on or before July 1, 2018, (g) the seventh \$16,499.39 on or before July 1, 2019, (h) the eighth \$16,499.39 on or before July 1, 2020, (i) the ninth \$16,499.39 on or before July 1, 2021 and the tenth and final \$16,499.39 on or before July 1, 2022.

GTVFD Fire Trucks			
	Total Value	Ammortization Years	Annual Payment
Truck 1	\$48,641.12	10	\$4,864.11
Truck 2	\$116,352.74	10	\$11,635.27
	\$164,993.86		\$16,499.39

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

#2013-42 (Emergency Resolution)

WHEREAS, an emergency has arisen with respect to the unbudgeted salary for the Board of Health Secretary and no adequate provision was made in the 2013 budget for the aforesaid purpose and NJS 40:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS the total amount of the emergency appropriation created, including the appropriation to be created by this resolution is \$671.00 and three (3) percent of the total operating appropriation in the budget for 2013 is \$ 37,750.32 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2013,

NOW, THEREFORE, BE IT RESOLVED (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for *Public Health Services S&W* in the amount of \$671.00
2. That said emergency appropriation shall be provided for in full in the 2014 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c (1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

BE IT FURTHER RESOLVED, that the Treasurer be and is hereby authorized and directed to make the above emergency appropriation.

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

#2013-43 (Green Communities grant-Forestry Management plan)

The governing body Frelinghuysen Township desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project: 2013 Green Communities Grant-Community Forestry Management Plan.

THEREFORE, the governing body resolves that David C. Boynton, or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

#2013-44 (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 July; 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 Mr. Desiderio, seconded by Mr. DeCarolis to adopt said resolution. Roll call vote: Kuhn-yes, Boynton-yes, DeCarolis-yes, Desiderio-yes, Stracco-yes.

#2013-45 (Windkissed Farm survey)

WHEREAS, on October 19, 2011 the Frelinghuysen Township Committee approved payment in the amount of \$6500.00 to the Ridge and Valley Conservancy for the cost of securing a survey of property to be purchased known as Windkissed Farm located on Block 902, Lot 1; and

WHEREAS, after a delay in acquiring the property, the transfer is progressing and the funds are now needed for the survey and for the closing which has been scheduled;

NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that the Chief Finance Officer is authorized to disburse \$6,500/00 to the Ridge and Valley Conservancy from the Open Space and Farmland Trust Fund, subject to the issuance of a certificate of availability of funds.

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

#2013-46 (Bank account balance consolidations)

WHEREAS, there appears that Bank account balances exist that were originally high interest bearing accounts; and

WHEREAS, these Bank Accounts no longer bear adequate interest rates and can be merged with other active Bank Accounts earning more interest and reducing redundancy; and

WHEREAS, it is the desire of the Governing body to close these Bank Accounts and move the balances to the appropriate active corresponding Bank Accounts.

NOW, THEREFORE BE IT RESOLVED, by the Committee of the Township of Frelinghuysen that the CFO be authorized to close the following Bank Accounts and move the balances to the appropriate active Bank accounts with Lakeland Bank.

State of NJ Cash Management-Current Fund	xxx-134430-xxx
State of NJ Cash Management-Open Space	xxx-134449-xxx
State of NJ Cash Management-Accum Sick Pay	xxx-134503-xxx
State of NJ Cash Management-Driveway Bond	xxx-134473-xxx

State of NJ Cash Management-Tax Premium

xxx-134481-xxx

State of NJ Cash Management-Dog Trust

xxx-134457-xxx

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

#2013-47 (expend affordable housing trust monies for rehabilitation)

WHEREAS, the Township of Frelinghuysen, Warren County as prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A.40:55D-1 et seq.), the Fair Housing Act (N.J.S.A.52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:97-1 et seq. and N.J.A.C.5:96-2 et seq.); and

WHEREAS, a development fee ordinance creating a dedicated revenue source for affordable housing was approved by the Department on March 20, 2009 and adopted by the municipality in May 20, 2009. Said ordinance established the Township of Frelinghuysen affordable housing fund; and

WHEREAS, the Department approved the Township of Frelinghuysen's Spending Plan on March 25, 2009. This Spending Plan provides for the expenditure of funds for the rehabilitation of homes within the municipality.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Committee of the Township of Frelinghuysen in the County of Warren and in the State of New Jersey hereby authorizes and directs the Chief Finance Officer to transfer the sum of \$20,000. to the Warren County Housing Improvement Program in exchange for the County to rehabilitate two homes within the Township.

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

#2013-48 (Purchase of development easement)

WHEREAS, the Warren County Agriculture Development Board (WCADB) has determined that the property known as the Cooke Farm, owned by Patricia Cooke on Block 3200 lot 300 in Hope Township and Block 701 Lots 1 & 1.03 in Frelinghuysen Township consisting of approximately 48.41 net acres, has available for purchase a development easement in accordance with the requirements of the farmland preservation program; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on November 8, 2012 it was determined by the State Agriculture Development Committee (SADC) that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11 on May 23, 2013 the State Agricultural Development Committee has certified a development easement value of \$3,700 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$3,700 per acre based on zoning and environmental regulations in place as of the current valuation date of January 23, 2103 with an estimated total value of \$179,117; and

WHEREAS, the New Jersey Conservation Foundation (NJCF) has obtained a maximum grant of \$99,500 from the USDA Natural Resources Conservation service (NRCS) Federal Farm and Ranch Land Protection (FRPP) on said tract; and

WHEREAS, the FRPP grant contribution via NJCF is up to 50% of the estimated current easement value of \$3,700 per acre pending Federal Certification from an appraisal which recognizes the impervious surface restriction and which current easement value may change based on new evaluation date; and

WHEREAS, the property is part of the approved Warren County Planning Incentive Grant application and is funded by the Warren County Open Space, Farmland, Recreation and Historic Preservation Trust Fund; and

WHEREAS, the tract would encourage the survivability of production agriculture in Hope and Frelinghuysen Townships, and said tract falls within a predetermined County Agricultural Development Areas and is in the North West Project Area and property is located in the Highlands Planning Area; and

WHEREAS, on August 14, 2013, the Hope Township Committee by resolution voted to approve the owner's application for sale of the development easement but is not participating financially in the easement purchase; and

WHEREAS, the purchase of the development easement on the property will encourage the survivability of the productive agriculture in Hope and Frelinghuysen Townships and Warren County; and

WHEREAS, the pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to non-agriculture uses; and

WHEREAS, preliminary approval for the purchase of development rights on this farm has been granted by the State Agricultural Development Committee; and

WHEREAS, the SADC is expected to grant final approval for funding amount on said application at its November 14, 2013 meeting; and

WHEREAS, the NJCF FRPP grant funds of \$89,558.50 will be applied to the County's and SADC's cost share, and the County's cost share shall be \$0 with the FRPP Grant applied; and

WHEREAS, in the event the NJCF FRPP grant funds become unavailable, the County's cost share shall be \$52,282.80 including a 3% buffer for final surveyed acres; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 19, 2013, the Warren County Agriculture Development Board is expected to approve the funding for the development easement with estimated cost share with no cost share contribution by Hope or Frelinghuysen Townships as follows: SADC \$89,558.50, NJCF FRPP Grant \$89,558.50, Warren County \$0; and

WHEREAS, the WCADB approval will include the following conditions:

- a. No existing dwellings on premises
- b. No existing agriculture labor housing on premises
- c. One barn and one shed on existing premises
- d. Three exception areas:
 - 1) One non-severable exception area of 1 acre for future single family residence restricted to one residential unit located on Bl. 3200 L 300 Hope Township
 - 2) One severable exception area of 6 acres that includes 5.9 acres of Bl. 3200 L 300, in Hope Township and .1 acre of entire Bl 701 L 1.03 in Frelinghuysen Township for future single family residence restricted to one residential unit
 - 3) One severable exception area of 6 acres for existing single family residence restricted to one residential unit located on Bl 701 Lot 1.03 Frelinghuysen Township
- e. No Residual Dwelling site Opportunities (RDSO's)
- f. No preexisting non-agricultural uses on premises
- g. Access easement on Bl 3200 L 300, Hope Township
- h. No proposed trails

- i. Maximum impervious surface limitation of 4% available for impervious cover on the lands being preserved outside of the exception areas.
- j. Warren County is requesting SADC funding for a 3% buffer on the final surveyed acreage.

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

The Township Committee hereby grants permission for the development easement by the County of Warren under the Farmland Preservation Act as set forth above and will not be participating in cost share.

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

#2013-49 (Cancel 2013 taxes)

WHEREAS, a resolution is required by the Tax Collector to cancel 2013 taxes deemed uncollectible, and

WHEREAS, the following properties have 2013 taxes that must be canceled of record:

Block	Lot	Owner	Amount
201	31Q0147	Frelinghuysen Township	\$ 627.72
402	16	Frelinghuysen Township	\$ 103.44

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

#2013-50 (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 August; 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 accounts.

Motion was made by DeCarolis, seconded by Desiderio to adopt said resolution based upon Mr. Kuhn's final review of the vouchers. Roll call vote: Desiderio-yes, Kuhn-yes, Stracco-yes, Boynton-yes, DeCarolis-yes.

OLD BUSINESS:

Engineer Paul Sterbenz advised the Committee that the topo surveying has been done on South Street and he now needs to do the property boundary surveying for the easements which will cost anywhere from \$3500.00 to \$4000.00. Motion was made by Mr. Kuhn, seconded by Mr. Desiderio authorizing the expenditure to not exceed \$5000.00. All were in favor. Lastly, Mr. Sterbenz related that the railroad bridge over Mill Road has been bought up to safety standards. The NJDOT removed the railroad ties along with some trees and put in riff-rap stoning.

An e mail list from Deputy Mayor Kuhn on the following items was addressed. 1) Permitting gas stations in the new NC zone will be taken care of at the September meeting; 2) farm lane driveway exits onto township roads will be further discussed at the work meeting in September 3) the driveway flooding easement needed from Kids Camp was authorized for the attorney to prepare on motion made by Mr. Kuhn, seconded by Mr. Desiderio. All were in favor. 4) the road vacations on Kerr Road, Camp Weahqua and Stage Road will be further discussed at the work meeting in September.

Mr. Stracco brought to the attention of the Committee the critical areas map as referenced in section 603 of the zoning ordinances. . The map is now obsolete. The choices are to redo the ordinance taking out the map reference or do a verbal definition. Since there will not be any detriment to the township this will be tabled until the master plan is revisited.

The Swift911 service agreement was discussed. Since Green Township has now contracted with them, the Clerk was asked to contact Green Township as to whether we can partner with them. This will be further discussed at the work meeting.

Deputy Mayor Christopher Kuhn was authorized to draft a letter to the County school board asking for the North Warren school funding formula to be reviewed. The letter will be brought to the September regular meeting.

NEW BUSINESS:

A bike tour scheduled for September 15, 2013 requested written concurrence for the tour to go through Frelinghuysen. The Committee asked the Clerk to find out what roads will be impacted. Approval will be given at the work meeting.

OPEN MEETING TO THE PUBLIC:

Motion was made by Mr. DeCarolis, seconded by Mr. Kuhn to open the meeting to the public. All were in favor. Since there was no audience participation, the meeting was closed to the public on motion made by Mr. DeCarolis, seconded by Mr. Stracco. All were in favor.

DEPARTMENT REPORTS:

Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to approve the department reports 1-9 on a consent agenda motion. All were in favor.

Recreation Committee:

Mr. Desiderio reported that background checks will now be required for the volunteer coaches. A policy will be needed for who accesses the information and notifies the recreation committee should a person fail. The FFP sub-committee met and their comments will be reviewed at the recreation meeting in September. Mr. Desiderio reported that he purchased soil for the ball field and rebar for the soccer posts. Clay will be needed for Rydell field. Lastly, the well pump test was done and there is plenty of water, therefore, a new well is not needed

Environmental Commission-no report

Farmland Preservation Committee-no report

Open Space Committee-no report

Mayor David Boynton's report-Mayor Boynton reported that the deficiencies at the Town garage have been taken care of and the State has been advised of this.

Deputy Mayor Christopher Kuhn's report-Deputy Mayor Kuhn reported that there is a little disconnect with the Green Township Fire Department as they feel we owe them an additional \$4,000.00. This year we have paid Green Township \$14,734.00 for fire department reimbursements and \$16,449.39 for the trucks. To the fire department we have paid \$4,000.00 for the annual contribution and \$4,335.00 is in the capital account for Jaws of Life equipment. Mr. DeCarolis and Mr. Kuhn will meet with the Fire Chief to work this out. Next there was confusion over the scholarship awards at North Warren when Mr. Kuhn was told that he did not mention recreation in the presentation. He stated that recreation was mentioned and that he and other township committee members will be attending the recreation committee meeting in September to clarify. Next, Mr. Kuhn stated that he and Mr. DeCarolis had met with the new CFO and is pleased with the progress. Lastly, he asked that the lead in signs for Sweet Jane's be removed since they have closed. The Clerk will advise the Zoning Officer of this request.

Committeeman Alan DeCarolis report-Mr. DeCarolis also reported that he is pleased with the new CFO. He asked if anything could be done about the writing on the roads from bicyclist. Mr. DeCarolis asked the Mayor if he met with the surrounding Mayor's on the increase of the library taxes. Lastly, he reported that the deputy clerk would like to attend clerk classes which start next month. The cost would be \$1500.00 a year for a total of \$3,792.00. Motion was made by Mr. DeCarolis, seconded by Mr. Desiderio authorizing Ms. Zilberfarb to take the classes. All were in favor.

Committeeman Frank Desiderio's report-Mr. Desiderio reported that the tar and chipping of the various roads will be done shortly. He is meeting with Tilcon on the paving of the roads and the parking signs on Main Street have been installed

Committeeman Christopher Stracco's report-Mr. Stracco reported that SHPO will be at the September meeting.

Attorney Edward Wacks report-Mr. Wacks was asked if anything had been done on the exemption of Kids Camp. He requested that a letter be sent to the Tax Assessor for a determination as to whether their exemption is valid.

Municipal Clerk's report-none

CORRESPONDENCE:

Affidavit from Tax Collector of tax bill mailing
Warren County Dept of Human Services Re: Notice of public hearing
JCP&L Re: Notice of filing and public hearing
NJ Dept of Law & Public Safety Re: Emergency operation plan
NJ Dept of Labor and Workforce Re: Abatement of hazards/violations
NJDOT Re: Response to letter regarding slope stability on Mill Road
NJDOT Re: 2014 state aid program
NJDEP Re: Suspected hazardous substance discharge notification
NJ Dept of state Re: Reimbursement for expenses for special primary

Project Graduation Re: Thank you for donation

Arturi, D'Argenio, Guarglardi & Meliti Re: Service Electric Cable TV

Frelinghuysen's 2013 tax rate data

Frelinghuysen Building Dept. Re: Alex Cornell-69 Mott Road

Frelinghuysen Zoning Officer Re: Kids Camp Activities

New Jersey State League of Municipalities Re:

1. Reimbursement for special election expense
2. Legislative bulletin No. 3
3. League's annual audit statement
4. Mayor's advisory-S-2324/A-3393
5. Mayor's advisory-Governor signs NJ Safe Act
6. Affordable care act (ACA) guidance
7. Membership advisory on 2013 league conference
8. Governor vetoes S-1778-Public safety workers' compensation bill
9. Grants-NJLM's online resource for locating grant opportunities
10. "Not in New Jersey Municipal Bankruptcy Advocates-California Dreamin'"
11. S-2340 expands ability of court order attorney fees & frivolous filings
12. Governor signed a package of gun-control related bills
13. Six Issues:
 - a. Cluster development
 - b. Exemption to development regulations for raising certain structures
 - c. Establishes the disaster relief financing program
 - d. EMT and Mobile intensive care paramedic certification
 - e. Creation of craft distillery license
 - f. Cable television service outage compensation
14. Governor creates pension fraud and abuse unit by executive order
15. Your help is needed to protect municipal bonds
16. Three Issues:
 - a. Affordable care act fee on line information session scheduled
 - b. A-3730-extending certain deadlines in the Interest arbitration process
 - c. 2013 league conference

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:10 on motion made by Mr. Kuhn, seconded by Mr. Stracco. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC