

MINUTES OF MEETING OF SEPTEMBER 18, 2013

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, September 18, 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 August 21, 2013 were approved on motion made by Mr. Desiderio, seconded by Mr. Stracco. All were in favor.

ORDINANCES:

AN Ordinance (#2013-10) TO AMEND CHAPTER VI OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING HOURS OF SALE OF ALCOHOLIC BEVERAGES was opened to the public on motion made by Mr. Desiderio, seconded by Mr. Kuhn. All were in favor. Since there was no public input, motion was made by Mr. Desiderio, seconded by Mr. Stracco to close to the public. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. Kuhn to adopt said ordinance. Roll call vote: Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-abstain, Mr. Boynton-yes, Mr. Kuhn-yes.

AN ORDINANCE (#2013-11) TO AMEND SECTION 800 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING CHECKLISTS FOR LAND USE APPLICATIONS was opened to the public on motion made by Mr. Desiderio, seconded by Mr. Kuhn. All were in favor. Since there was no public input, motion was made by Mr. Desiderio, seconded by Mr. Stracco to close to the public. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. Stracco to adopt said ordinance. Roll call vote: Mr. DeCarolis-yes, Mr. Kuhn-yes, Mr. Boynton-yes, Mr. Stracco-yes, Mr. Desiderio-yes.

AN ORDINANCE (#2013-12) TO AMEND SECTION 404 OF THE FRELINGHUYSEN TOWNSHIP CODE, TO ESTABLISH SERVICE STATIONS WITH ALTERNATE ENERGY SOURCES AS PERMITTED USES IN THE "NC" NEIGHBORHOOD COMMERCIAL ZONE was offered for introduction on motion made by Mr. Desiderio, seconded by Mr. Stracco. Roll call vote: Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Desiderio-yes, Mr. Boynton-yes, Mr. DeCarolis-yes.

RESOLUTIONS:

#2013-53 (Tax Lien)

WHEREAS, Park Finance, LLC acquired a lien against Block 1601, Lot 12 at the Tax Sale held on October 20, 2009 (certificate #2009-02), Norris Anderson, for the owner of said property has paid the amount to redeem the lien.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to issue a check in the amount of \$28,037.50 to Park Finance, LLC.

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

#2013-54 (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 September; 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: Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Boynton-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes.

#2013-55 (Approval of raffle)

WHEREAS, the Frelinghuysen Township PTO has applied for a raffle license to conduct an On-Premises 50/50 raffle license for December 4, 2013 consisting of application #2013-03; 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, State of New Jersey that the Frelinghuysen Township PTO raffle application #2013-03 is hereby approved.

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

#2013-56 (setting executive session)

WHEREAS, it is necessary to discuss items dealing with Personnel matters in private or executive session; and

WHEREAS, under the Open Public Meetings Act (number 8) 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 18th day of September 2013 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.

#2013-57 (Approval of raffle)

WHEREAS, Antler Ridge Wildlife Sanctuary, Inc. has applied for a raffle license to conduct an On-Premises 50/50 raffle license for October 13, 2013 consisting of application #2013-04; 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, State of New Jersey that the Frelinghuysen Township PTO raffle application #2013-04 is hereby approved.

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

OLD BUSINESS:

A proposal in the amount of \$300.00 from The Land Conservancy of New Jersey for creating a critical areas map will be sent to the Land Use Board for their determination.

A request from Mr. Cornella to correct the July 17th meeting minutes will not be changed on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. Roll call vote: Mr. Boynton-abstain, Mr. Desiderio-no, Mr. Stracco-abstain, Mr. DeCarolis-yes, Mr. Kuhn-yes. The minutes will not be changed.

NEW BUSINESS:

Andrea Tingey, of the Dept. of Environmental Protection Historic Preservation Office explained the SHPO guidelines for an historical community and grants that are available

A request from Project Self-Sufficiency for permission to tie 6 foot pink ribbons on the trees and lamp posts in the downtown areas was denied.

A letter welcoming the participation of the committee members to a meeting being held in Blairstown with Assemblywoman McHose, Assemblyman Space and Senator Oroho was given to the committeemen.

The State requires that each municipality complete a Best Practices Inventory to determine how much of each municipality's final 5% allocation of CMPTRA and ETR aid will be disbursed based on the results. The Chief Finance Officer and Clerk completed the inventory which resulted in a 90% score with 0% withheld. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis approving the inventory. Roll call vote: Mr. Boynton-yes, Mr. Stracco-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Kuhn-abstain.

The Governor's Council on Alcoholism and Drug Abuse selected Ronnie Schwartz as the Warren County volunteer of the Year. A congratulatory card is to be sent.

A letter of resignation received from Donna Zilberfarb resigning from the Recreation Committee was accepted with regret. The Clerk was instructed to send a letter of appreciation to Ms. Zilberfarb. The Mayor advised that he is going to appoint Mark Saalfeld to the recreation comm. as replacement of Mrs. Kleber who resigned in July.

The Committee asked the attorney if the Zoning Officer should be certified. It was decided to make his reappointment conditional upon him completing the required course and the Township would pay for this.

OPEN MEETING TO THE PUBLIC:

Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to open the meeting to the public. All were in favor. Mr. Greco asked about the ordinance changing the hours for liquor establishments and when can the establishment be open. Debra Natyzak asked Mr. Kuhn if the Master Plan Historic Preservation plan was updated and carried over. The meeting was closed to the public on motion made by Mr. Desiderio, 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.

Attorney Edward Wacks report:

Mr. Wacks reported on a case law in Mount Olive where a person sustained injuries while visiting the dog park. A complaint was filed alleging that the township failed to adequately enforce its own posted rules and regulations at the dog park one of which was to keep dogs under voice control in the park. The decision was that the township never undertook to supervise dog owners control over their dogs

Mr. Wacks completed the agreement for the three property owners on South Street with regard to the drainage issues. These agreements need signatures before the work can begin.

With regard to Kids Camp, the non-profit status paperwork will be returned to the tax assessor and a letter will be approved in October that will be sent to the tax assessor.

Recreation Committee:

Mr. Desiderio advised that the annual Hayride will be October 26th this year, basketball registrations are going out and fall ball is underway. The FFP subcommittee met and if the recreation committee gives Mr. Desiderio approval he will file for a driveway opening permit on Lincoln Laurel road.

Environmental Commission report-none

Farmland Preservation report-none

Open Space Committee report-none

Mayor David Boynton's report:

Mayor Boynton thanked the road department along with Mr. Desiderio in the great job they did in cleaning up after the storm on the 12th.

Deputy Mayor Christopher Kuhn's report:

Deputy Mayor Kuhn reported that he and the CFO are still working on securing an additional \$40,000 needed for the roads.

Committeeman Alan DeCarolis report:

Mr. DeCarolis offered the use of his outbuildings located next to the garage for storing the township vehicles. Mr. DeCarolis and Mr. Desiderio will meet on this.

Committeeman Frank Desiderio's report:

Mr. Desiderio reported that he and the road crew worked until 3:00 am on September 13 cleaning up after the storm, the paving will begin the second week of October and the brake job is done on the international.

Committeeman Christopher Stracco's report:

Mr. Stracco reported on the missing welcome to Frelinghuysen, a clean community sign on Route 612. It was decided that Mr. Desiderio would check with the county on installing a new sign.

Municipal Clerk's report:

Mrs. Kleber read an e mail that was received from Mr. Tony Bell, a resident of South Street stating that he feels the township has a responsibility to maintain the trees along South Street and that they should be proactive in trimming back the limbs in this area. It was decided that a letter should be sent to Mr. Bell that the trees are the utilities responsibility and if there are any dangerous tree in the right-of-way the township will take care of them. The Clerk solicited three quotes for the cleaning of the rugs. One from Chem. Dry of Allentown, PA for \$455.68 (with a \$199.00 coupon), the second from Service Assoc, Hackettstown, NJ for \$412.96 and the third from Spotless Carpet, Hackettstown, NJ for \$447.00. Motion was made by Mr. Desiderio, seconded by Mr. Kuhn approving the quote from Chem. Dry. All were in favor. The last item was approval for Antler Ridge to use the meeting room on September 21st for an appreciation dinner. Approval was given on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor.

EXECUTIVE SESSION:

Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to enter into executive session with regard to personnel matters and property issues. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to return to public session. All were in favor. Upon returning the attorney advised that the committee talked in terms of some personnel issues and an offer was made to some employees which is not yet approved and therefore is not available for public discussion and will be by the October meeting. The Committee also discussed some issue with regard to one particular property and the tax assessor's opinion on its exemption which will be turned back to the assessor for his determination.

CORRESPONDENCE:

Dept. of Land Preservation Re: County annual PIG submission

Morris County JIF Re: Claims review

JCP&L Re: Public hearing for basic generation service charges

JCP&L Re: notice of proposed increase in societal benefits charge

Warren County Engineer Re: Warren County crash data & road safety assessment

Nick Pachnos Re: response to OEM letter dated Aug. 14, 2013

Dorsey & Semrua Re: Claim for injuries at a dog park disposition

New Jersey State League of Municipalities Re:

1. August 19 senate recap
2. Governor takes action on six bills
3. Two Issues:
 - a. New content on DLGS web site
 - b. Labor negotiations primer seminar
4. A-3764 snow removal trust funds

5. Three Issues
 - a. Property tax history pamphlet revised and updated
 - b. Two upcoming league seminars
6. Two Issues:
 - a. A-248/S-2458 Defeated school budget deadline
 - b. Updated version of the 98th annual conference league
7. Public health update-list of persons no longer eligible to work as ACO
8. Governor signs five bills
9. Notice to all employees under the Affordable care act
10. Funding for hepatitis B shots available-Oct. 4, 2013 deadline
11. Public health reminder-West Nile virus season
12. September Mayors newsline
13. Best Practices checklist issued
14. Seven Issues-Action takes action on various bills
15. Two Issues:
 - a. 2013-2014 newly elected officials handbook
 - b. League professional development program

ADJOURNMENT:

There being no further business, motion was made at 10:15 p.m. by Mr. Desiderio, seconded by Mr. Kuhn to adjourn the meeting. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC