

MINUTES OF MEETING OF OCTOBER 23, 2013

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, October 23, 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 Meeting 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. Note: The meeting was moved to the 23rd due to the special senate election held on October 16, 2013.

ROLL CALL:

Those present were: Mayor David Boynton, Deputy Mayor Christopher Kuhn, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Committeeman Christopher Stracco (arriving at 7:37), Attorney Edward Wacks and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of September 18, 2013 were approved on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor. The executive session minutes were approved on motion made by Mr. DeCarolis, seconded by Mr. Desiderio. All were in favor. The corrected minutes of August 21, 2013 were approved on motion made by Mr. Desiderio, seconded by Mr. Kuhn. All were in favor. The minutes of the work meeting of October 17, 2013 were approved on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor.

ORDINANCES:

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 opened to the public on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. Since there was no public input, motion was made by Mr. Stracco, seconded by Mr. Desiderio to close the meeting to the public. All were in favor. Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to adopt said ordinance. Roll call vote: Mr. Stracco-yes, Mr. Desiderio-yes, Mr. Boynton-yes, Mr. DeCarolis-yes, Mr. Kuhn-yes.

AN ORDINANCE (#2013-13) TO MODIFY SECTION 14-1.13 "HOURS OF OPERATION" was offered for introduction on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. Roll call vote: Mr. Boynton-yes, Mr. DeCarolis-yes, Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Desiderio-yes.

AN ORDINANCE (#2013-14) TO REPEAL SECTION 14-1.19 was offered for introduction on motion made by Mr. Desiderio, seconded by Mr. Stracco. Roll call vote: Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Kuhn-yes, Mr. Boynton-yes, Mr. Stracco-yes.

RESOLUTIONS:

#2013-58 (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 23rd day of October, 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.

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

#2013-59 (Capital account resolution)

WHEREAS, it is the desire of the Committee of the Township of Frelinghuysen to review and update the line items within each open Capital Ordinance; and

WHEREAS, after review it is decided to transfer Budgeted amounts within each ordinance to better serve the purposes of the allotted capital expenditures and to move dollars to alleviate line items that have small or overspent balances within each ordinance:

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Frelinghuysen that the following Budget transfers be recorded by the CFO

Description	ORIGINAL BUDGET	10/23/13 BUDGET ADJUSTMENT	ADJUSTED BUDGET
Ord 2012 Various Projects	18,650.00	-16,550.00	2,100.00
Roads Engineering	3,500.00	-418.75	3,081.25
Road Vacations	1,500.00	2,528.75	4,028.75
Green Fire Pump	6,000.00	10.00	6,010.00
Green Bunker gear	4,000.00	377.40	4,377.40
Green SCBA Air Packs	6,000.00	-387.40	5,612.60
Hope Bunker Gear	4,000.00		4,000.00
Roads Lanning -Lincoln Laurel -others	60,000.00	20,358.68	80,358.68
Roads - Kerrs Corner	180,000.00	-26,518.68	153,481.32
Additional Overlay		20,600.00	20,600.00
Ord 2013 Various Projects	0.00	1,050.00	1,050.00
Road Imp - Crack Fill	10,000.00	-0.19	9,999.81
Road Imp - Chip & Tar	32,000.00	-758.30	31,241.70
Office Equip -			
Recorder/Computer	2,000.00		2,000.00
Municipal Facilities - Garage	3,000.00		3,000.00
Municipal Facilities - Septic	10,000.00	-10,000.00	0.00
Municipal Facilities - Well	10,000.00	-9,691.51	308.49

Green Twp - Jaws of Life			
Future Truck	10,000.00		10,000.00
Future Rec Facility	10,000.00		10,000.00
Additional Overlay		19,400.00	19,400.00
Ord#2010 Various projects	0.00	1,159.00	1,159.00
Truck	140,000.00	-3,384.00	136,616.00
Road Surface	15,000.00	2,225.00	17,225.00

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

#2013-60 (Approval of raffle)

WHEREAS, Antler Ridge Wildlife Sanctuary has applied for a raffle license to conduct an On-premises 50/50 raffle license for December 7, 2013 consisting of application #RA2013-06; 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 Antler Ridge application #2013-06 is hereby approved.

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

#2013-61 (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 October; 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 Mr. Kuhn, seconded by Mr. Desiderio to adopt said resolution. Roll call vote: Mr. Kuhn-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Boynton-yes.

#2013-62

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 #RA2013-07; 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 application #2013-07 is hereby approved.

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

OLD BUSINESS:

There was a question on why the no parking within 100' road sign was placed where it is as the sign is more than the 100' away. After discussion it was decided to leave as is.

The question of to whom the letter for stating our opposition to the school formula should sent to was asked of the attorney. There were some questions on what should be in the letter and background was needed before the letter could be drafted. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis instructing the Clerk to OPRA the school formula from the North Warren Regional School, County Superintendent and the New Jersey Board of Education. Once the information has been received approval was given for Mr. Stracco and Mr. Wacks to draft a letter. All were in favor.

Mr. & Mrs. John Unangst came before the Committee on the South Street drainage easement agreement. They were uncomfortable with the wording and asked why the easement doesn't start at the top of the pond instead at the Lurz property and why his property is the only driveway with this easement. After the attorney explained to Mr. & Mrs. Unangst satisfaction the agreement was signed. It was asked that a 24 hour notice be given to the three affected landowners.

Mr. David Hocking and Mr. Tim Pender came before the Committee complaining about the hours of the rock removal company. The company is starting work by 5:30 am and is creating a lot of noise with the dropping of rocks into the truck bed. It was decided to change the hours and remove a section of the ordinance (see ordinances #2013-13 and #2013-14).

NEW BUSINESS:

Proposals for the drainage work on South Street were received from All Terrain Excavating in the amount of \$18,800.00 and from Dabor Excavating in the amount of \$21,750.00. It was decided that the work would be done in house. A letter informing the two companies of the decision will be sent.

A letter from the Frelinghuysen Building Inspector asking for the Committee's thoughts on issuing a zoning permit for all stand by generators was referred to the Land Use Board for their input.

Due to four members of the committee attending the New Jersey State League of Municipalities conference on November 20th the regular meeting will need to be rescheduled. It was decided to hold the meeting on Monday November 18th.

Dan Carson appeared before the Committee to ask that the ordinance on outdoor wood burning stoves be reviewed. Mr. Carson would like to put in a wood burner but has a problem with the location and feels there should be exceptions for large property owners. This will be reviewed by the Land Use Board.

OPEN MEETING TO THE PUBLIC:

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

Jean Smolha who asked what type of generators the building inspector was referring to.

Dan Kohuth had a comment on the rock removal. He complained several years ago about the rock removal across the street from him and there was nothing done. He also had a concern on the South Street project charges and asked how the town was going to recoup the money.

Tim Pender was in the audience with regard to the rock removal stated that this operation is not rock picking but strip mining.

David Hocking stated he will hound the soil conservation district every day about the rock removal.

Motion was made by Mr. Stracco, seconded by Mr. Desiderio to close the public portion of the meeting. All were in favor.

DEPARTMENT REPORTS:

Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to approve the department reports 1-8 on a consent agenda motion. All were in favor.

Zoning Officer-asked for the update on the rock removal discussion.

Recreation Committee-Mr. Desiderio advised that the Hay ride will be Saturday, October 26th and the fall ball softball girl's team came in 4th place.

Environmental Commission-they are moving forward with critical areas map with The Land Conservancy.

Farmland Preservation Committee-had a joint meeting with Open Space and talked about target areas.

Open Space-no report

Mayor David Boynton-advised there have been break ins in the area. He spoke with the police who advised that 2 men had been caught. The next issue is solar panels on roof tops; if there is a fire they could explode causing injury to the firemen and there should be a requirement that there be a turn off switch. Mr. Desiderio informed everyone that the panels are still generating electric. Lastly, he went over a meeting he had with the engineer Paul Sterbenz on the yellow house at the corner of Main Street and Route 612 spur and converting the property into a parking lot. The engineer thought it was a good idea and will work on some plans.

Deputy Mayor Christopher Kuhn-no report

Committeeman Christopher Stracco-advised that we are now on facebook and twitter.

Committeeman Alan DeCarolis-no report.

Committeeman Frank Desiderio reported that the overlay was done on Dutch Hill Road, Camp Wasigan Road and Greendell Road. He suggested speed limits on Pippen Hill Road, Camp Weahqua Road, Stage Road and Kerr Road. The engineer will work on this. A low bridge sign is needed on Mill Road so that trucks do not have to back up as they can't make it through the tunnel. The engineer will work on this.

Municipal Clerk-a request to use the meeting room on December 7th by Antler Ridge was approved.

EXECUTIVE SESSION:

Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to enter into Executive Session with regard to personnel matters. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to return to public session. All were in favor. Mr. Wacks announced that a discussion on a personal matter was resolved and an agreement will be entered into. Once the agreement is signed it will become public record.

CORRESPONDENCE:

The Land Conservancy of New Jersey Re: Critical Areas Map
State of New Jersey Re: Hazardous substance discharge notification
Municipal Excess Liability JIF RE: 2014 MEL property program renewal changes
NJDCA Re: RREM program

Paul Sterbenz Re:

1. Status of Lackawanna Drive Improvement project
2. Request for proposal-South Street

Thank you e mail from Lisa Pachnos Re: Road repair

Maser Consulting Re: Status update of Rehabilitation program

Township of Hardwick Re: Ordinance #2013-12

State of New Jersey Re: 2013 Certification of the table of Equalized valuations

New Jersey State League of Municipalities

1. Notice of proposed membership dues
2. NJLM's magazine
3. Mayor's newslines
4. Two Issues:
 - a. SHBP approves mental health parity plan
 - b. Recent NJ Supreme court case on charitable tax exemption
5. NJ Supreme Court decision-COAH third round rules
6. Flood hazard mitigation-executive order
7. Supreme Court affordable housing decision
8. Constitutional issues involving holiday displays
9. Three issues:
 - a. Bank correspondence about Affordable Housing
 - b. Important conference sessions
 - c. Upcoming league seminar
10. Two Issues
 - a. S-2/A-1171-Shared services amendments weaken management reforms
 - b. FEMA extends flood insurance filing deadline
11. A-2586 & S-1534 exempts private institutions of higher education from MLUL Regulations

12. IRS issues rule proposal on reporting by employers under the ACA
13. DLGS news update
14. Governor signs the Common Sense Shared Service Pilot program into law

ADJOURNMENT:

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

Respectfully Submitted,

Brenda J. Kleber, RMC