

MINUTES OF MEETING OF JANUARY 15, 2014

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, January 15, 2014 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 Richard Beilin and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of December 18, 2013 were approved on motion made by Mr. Kuhn, seconded by Mr. Desiderio. All were in favor. The minutes of the executive session of December 18, 2013 were approved on motion made by Mr. Kuhn, seconded by Mr. Desiderio. All were in favor. The minutes of the reorganization meeting of January 2, 2014 were approved on motion made by Mr. Desiderio, seconded by Mr. Kuhn. All were in favor.

ORDINANCES:

AN ORDINANCE (#2014-01) TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.a:4-45.14) was offered for introduction on motion made by Mr. Desiderio, seconded by Mr. Kuhn. Roll call vote: Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Kuhn-yes, Mr. Stracco-yes, Mr. Boynton-yes.

AN ORDINANCE (#2014-02) AMENDING SECTION 7-11 OF THE FRELINGHUYSEN TOWNSHIP CODE TO ESTABLISH SPEED LIMITS ON CERTAIN ROADS WITHIN FRELINGHUYSEN TOWNSHIP (State Park Road) was offered for introduction on motion made by Mr. Desiderio, seconded by Mr. Kuhn. Roll call vote: Mr. DeCarolis-yes, Mr. Kuhn-yes, Mr. Stracco-yes, Mr. Boynton-yes, Mr. Desiderio-yes.

AN ORDINANCE (#2014-03) ACCEPTING THE CONTINUATION OF LACKAWANNA DRIVE AS A PUBLIC ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY was offered for introduction on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. Roll call vote: Mr. Kuhn-yes, Mr. Stracco-yes, Mr. Boynton-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes.

RESOLUTION:

#2014-12 (Amend resolution #2013-64)

WHEREAS, resolution #2013-64 authorized an agreement with William Crone and Brenda Kleber for their unused sick time; and

WHEREAS, in accordance with the agreement with the settlement payment was to be made prior to December 31, 2013; and

WHEREAS, in accordance with the agreement the settlement payment was not to be deemed as salary; and

WHEREAS, due to unforeseen circumstances the settlement payment will be made on January 30, 2014, and will therefore be paid subject to applicable taxes, including FICA/Medicare taxes, as well as the municipality being subject to any employer applicable taxes then due and owing.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey as follows:

1. The Frelinghuysen Township Committee authorizes, in accordance with the agreement, that the Chief Finance Officer provide for a monetary settlement for William Crone and Brenda Kleber on January 30, 2014.
2. The Frelinghuysen Township Committee authorizes, in accordance with the agreement, that the Chief Finance Officer provides for a monetary settlement for William Crone and Brenda Kleber to be paid out of the dedicated payroll account.
3. This Resolution shall take effect according to law.

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

#2014-14 (Risk Management consultant)

WHEREAS, Robert La Salla/Tri State Insurance Agency (hereinafter referred to as the CONSULTANT) has offered to Frelinghuysen Township (hereinafter referred to as AUTHORITY) professional risk management consulting services as required in the bylaws of the New Jersey Utility Municipal Joint Insurance Fund; and

WHEREAS, the AUTHORITY desires these professional services.

NOW, THEREFORE BE IT RESOLVED, that the parties in consideration of the mutual promises and covenants set forth herein, agrees as follows:

1. For and in consideration of the amount stated herein the CONSULTANT shall:
 - a. Assist the AUTHORITY in identifying its insurable Property & Casualty exposures and to recommend professional methods to reduce, assume or transfer the risk or loss.
 - b. Assist the AUTHORITY in understanding the various coverage's available from the New Jersey Utility Authority Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund.
 - c. Review with the AUTHORITY any additional coverage's that the CONSULTANT feels should be carried but are not available from the FUND and subject to the AUTHORITY's authorization, place such coverage's outside the FUND.
 - d. Assist the AUTHORITY in the preparation of applications, statements of values, and similar documents requested by the FUND, it being understood that this agreement does not include any appraisal work by the CONSULTANT.
 - e. Review Certificates of Insurance from contractors, vendors and professionals when requested by the AUTHORITY.
 - f. Review the AUTHORITY's assessment as prepared by the FUND and assist the AUTHORITY in the preparation of its annual insurance budget.
 - g. Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Also, attend no less than one (1) safety objectives and goals of the AUTHORITY and the FUND.
 - h. Assist where needed in the settlement of claims, with the understanding that the scope of the COSULTANT's involvement does not include the work normally done by a public adjuster.

BE IT FURTHER RESOLVED, that in exchange for the above services, the CONSULTANT shall be compensated in the following manner:

- a. The CONSULTANT shall be paid by the AUTHORITY a fee as compensated for services rendered, an amount equal to six percent (6%) of the AUTHORITY's annual assessment as promulgated by the FUND's. Said fee shall be paid to the CONSULTANT within thirty (30) days of payment of the AUTHORITY's assessment.
- b. For any insurance coverage's authorized by the AUTHORITY to be placed outside the FUND, the CONSULTANT shall receive as compensated the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee outlined in 2 (a).
- c. If the AUTHORITY shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the AUTHORITY a fee at the rate of \$0 per hour, in addition to actual expenses incurred.

BE IT FURTHER RESOLVED, shall be one (1) year. However, this agreement may be terminated by either party at any time by mailing to the other written notice, certified mail return receipt, calling for termination, at not less than thirty (30) days thereafter. In the event of termination of this agreement, the CONSULTANT's fees outlined in 2 (a) above shall be prorated to date of termination.

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

#2014-15 (Tax matters)

WHEREAS, a resolution by the Township Committee of the Township of Frelinghuysen is required in order for the Township Attorney to represent the Township before the Warren County Board of Taxation, and to sign documents relating to tax appeals and other real property tax matters before such board;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren and State of New Jersey that Edward Wacks, the Township attorney, and the firm of Edward Wacks & Associates, or any other attorney authorized to represent Frelinghuysen Township before the Warren County Board of Taxation, in connection therewith to sign and file petitions of appeal or counter-petitions, to sign and file answers, to make motions and to sign motion papers, to sign stipulations, including stipulations of settlement, and to take all other actions and sign all other documents appropriate to the representation of Frelinghuysen Township before the Warren County Board of Taxation and New Jersey Court, as applicable.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be supplied to the Warren County Tax Board, Belvidere, New Jersey, and to the Frelinghuysen Township Tax Assessor.

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

#2014-16 (Executive Session)

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

WHEREAS, under the Open Public Meetings Act (number 7 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 15th day of January, 2014 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned and results or portions of that discussion will be made known in a reasonable length of time.

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

#2014-17-on hold

#2014-18 (Transfer resolution)

WHEREAS there appears to be a surplus in the following account over and above the amount deemed necessary to fulfill the purpose of the appropriation for the balance of the year 2013:

From: Electric OE	\$	1,274.00
Finance OE	\$	95.00
Legal OE	\$	106.00
Cleb Public Events	\$	350.00
BOH S&W	\$	335.00
BOH OE	\$	100.00
Gas	\$	600.00
Road OE	\$	1,700.00
Public Defender OE	\$	181.00

WHEREAS there appears to be insufficient funds in the following account to meet the demands thereon for the balance of the year 2013:

To: General Admin OE	\$	239.00
Engineering OE	\$	424.00
Tax Asses OE	\$	355.00
Road OE	\$	887.00
B&G OE	\$	392.00
Telephone	\$	242.00
Group Health Insurance	\$	1,700.00
Diesel	\$	502.00

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-59 the surplus in the accounts heretofore mentioned by and same is hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient to meet the current demands and therefore this resolution shall take effect.

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

OLD BUSINESS:

A letter received from Courter, Kobert & Cohn enclosing a copy of the revised draft ordinance for Service Electric Cable was accepted on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. Roll call vote: Mr. Desiderio-yes, Mr. Boynton-yes, Mr. Kuhn-no, Mr. DeCarolis-yes, Mr. Stracco-abstain.

NEW BUSINESS:

Robert Canace approached the Committee requesting that the township consider holding a conservation easement on Block 104, Lot 2 which is being donated to Ridge and Valley Conservancy. If the Township were to hold the easement, RVC would perform all the legal work necessary. Motion was made by Mr. Kuhn, seconded by Mr. DeCarolus approving this request. All were in favor.

Lowell Forbes along with residents of Saddle Ridge Road came before the Committee to discuss emulsion and chipping versus paving Saddle Ridge Road. The Committee explained that the cost to do the one mile paving would be over \$100,000.00 and the emulsion and chipping would be around \$30,000.00. It was decided that Mr. Desiderio would obtain figures to crack seal the road along with getting the cost of renting a roller from the county and purchasing the materials for the DPW to do.

An aerial mosquito control form from the Warren County Mosquito Commission was approved on motion made by Mr. Desiderio, seconded by Mr. Kuhn. All were in favor.

A letter from the Frelinghuysen Township CFO stating that when the two special elections were held, it was implied by the State that municipal employees would receive overtime pay for any hours outside the normal working day and be reimbursed by the State. After all payments were made and the reimbursements were sent to the State, the State made an edict that if the municipal clerks were never paid for these two special elections, the municipalities would not be reimbursed. As the payment had already been made the choice would be to let the payment remain paid out of the municipal budget or request payback to the town from the employee. Motion was made by Mr. Desiderio, seconded by Mr. Kuhn to leave as is. All were in favor.

A letter of resignation from David Cross from the Open Space and Environmental Commission was accepted with regret on motion made by Mr. Kuhn, seconded by Mr. Desiderio. All were in favor.

A copy of a resolution adopted by the Township of Pohatcong urging our legislature to implement a water tax to fund the loss of land equity for property owners in the Highlands Region was tabled for the February meeting on motion made by Mr. Kuhn, seconded by Mr. Desiderio. All were in favor.

Jacqueline Espinoz, liaison for JCP&L explained the new technology to enhance outage communications along with the new MyTown municipal web pages.

New Jersey State Police Trooper Hawkswell explained to the public that there had been 3 break ins in Frelinghuysen since October 2013. There had been many more in Hope Township and Knowlton Township but people have now been arrested.

OPEN MEETING TO THE PUBLIC:

Motion was made by Mr. Desiderio, seconded by Mr. Kuhn to open the meeting to the public. All were in favor. Spoke was:

Mr. Robert Canace who stated that the township meetings were run very effective and well run.

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

DEPARTMENT REPORTS:

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

Recreation Committee-Mr. Desiderio reported that they are getting set up for Casino Night on March 22nd and that basketball had started.

Environmental Commission-no report

Farmland Preservation Committee-Mr. Kuhn advised that the Committee had reorganized and various farmlands were reviewed as requested by the Township Committee.

Open Space-Mr. Kuhn reported that they also reorganized and spoke about target areas.

Mayor David Boynton reported on a meeting he and Mr. Desiderio had with a representative of the State on Jenny Jump State Park. The Mayor has asked the State to contribute toward the paving of the road through the park.

Deputy Mayor Christopher Kuhn-no report

Committeeman Alan DeCarolis-no report

Committeeman Christopher Stracco-Mr. Stracco reported that the Land Use Board had reorganized.

Committeeman Frank Desiderio-no report.

Attorney Richard Beilin-no report

Municipal Clerk-no report

CORRESPONDENCE:

Warren County Clerk's Office Re: Senate bill 2086 regard school board candidates

Hardwick Township Re: Ordinance #2013-14

Courter, Kobert & Cohen Re: Service Electric

Warren County Planning Dept. Re: Amendment to the Solid Waste Management Plan

First Energy Re: 2013 equipment upgrades

The Land Conservancy of New Jersey Re: Copy of PIG for FY2015

Wacks & Hartmann Re: North Warren Properties

Dale Glynn Re: Thank you for tuition reimbursement

NJDCA Re:

1. CY2014 budget matters

2. Local Finance Notice 2014-01

New Jersey State League of Municipalities Re:

1. Efforts advance to clarify the Status of volunteers under the Affordable Care Act

2. Six Issues:
 - a. User Fee bill
 - b. Snow removal trust fund bill
 - c. Competing Open Space Funding Initiatives Advance
 - d. Consolidation Facilitation Bill amended to address league concerns
 - e. Commercial development fee suspension advances
 - f. Historic hotel liquor licenses
3. New content on DLGS web site
4. Defeated school budget review remedy signed into law
5. Two Issues:
 - a. Action needed on Verizon business personal property tax issue
 - b. Lame Duck issues
6. Two Issues:
 - a. Important PERC decision Re; Step increases
 - b. Notice from the New Jersey Office of Homeland Security

EXECUTIVE SESSION:

Motion was made by Mr. Kuhn, seconded by Mr. Desiderio to enter into executive session with regard to contract negotiations. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. Kuhn to return to public session. Upon returning, the attorney announced that there was a question about contract negotiations and involved attorney privilege conversations.

Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to enter into executive session with regard to land acquisition. All were in favor. Motion was made by Mr. Kuhn, seconded by Mr. Desiderio to return to public session. Upon returning, motion was made by Mr. Desiderio, seconded by Mr. Kuhn to go forward with the 30 acre property owned by the Township on Block 201, Lot 31 as per The Land Conservancy's plan dated November 11, 2013. Roll call vote: Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Boynton-yes, Mr. DeCarolis-no, Mr. Desiderio-yes. The next motion was made by Mr. Kuhn, seconded by Mr. DeCarolis that the township will be willing to be the owner of Kids Camp property if the funding is developed by The Land Conservancy. Roll call vote: Mr. Kuhn-yes, Mr. Boynton-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:40 pm by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC