

MINUTES OF MEETING OF FEBRUARY 19, 2014

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, February 19, 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 Edward Wacks and Clerk Brenda Kleber.

MINUTES-minutes are on hold for the February 20, 2014 meeting.

ORDINANCES:

AN ORDINANCE (#2014-01) TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40a4-45.14) was opened to the public on motion made by Mr. Desiderio, seconded by Mr. Kuhn. All were in favor. There being no questions from the public, motion was made by Mr. Desiderio, seconded by Mr. Kuhn 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. Kuhn-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Boynton-yes.

AN ORDINANCE (#2014-02) AMENDING SECTION 7-11 OF THE FRELINGHUYSEN TOWNSHIP CODED TO ESTABLISH SPEED LIMITS ON CERTAIN ROADS WITHIN FRELINGHUYSEN TOWNSHIP (State Park Road) was opened to the public on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. There being no questions from the public, motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to close to the public. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to adopt said ordinance. Roll call vote: Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Boynton-yes, Mr. Kuhn-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 opened to the public on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. There being no questions from the public, motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to close to the public. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to adopt said ordinance. Roll call vote: Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Boynton-yes, Mr. Kuhn-no, Mr. Stracco-yes.

AN ORDINANCE (#2014-04) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY FIXING THE SALARIES FOR THE YEAR 2014 was offered for introduction on motion made by Mr. Kuhn, seconded by Mr. Desiderio. Roll call vote: Mr. DeCarolis-abstain, Mr. Boynton-yes, Mr. Kuhn-yes, Mr. Stracco-yes, Mr. Desiderio-abstain.

AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE TV OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIPS OF HOPE, HARDWICK, KNOWLTON, AND FRELINGHUYSEN, COUNTY OF WARREN, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATIONS AND USE OF SAID SYSTEM was offered for introduction on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. Roll call vote: Mr. Boynton-yes, Mr. Kuhn-no, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes.

RESOLUTIONS:

Resolutions 2014-20, 2014-21, 2014-23, 2014-24 and 2014-25 were approved on a consent agenda motion made by Mr. Desiderio, seconded by Mr. Kuhn. Roll call: Mr. Desiderio-yes, Mr. Kuhn-yes, Mr. Boynton-yes, Mr. DeCarolis-yes, Mr. Stracco-yes:

#2014-20 (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; and

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 2013 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.

#2014-21 (Municipal Alliance)

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Frelinghuysen Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Frelinghuysen Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey hereby recognizes the following:

1. The Frelinghuysen Township Committee does hereby authorize submission of a strategic plan for the Frelinghuysen Township Municipal Alliance grant for fiscal year 2014-2015 in the amount of:

DEDR	\$3,536.00
Cash Match	\$1,061.00
In-Kind	\$2,652.00

2. The Frelinghuysen Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

#2014-22 (Honor Jamie Greene)

WHEREAS, while playing Lenape Valley on January 30, 2014, Jamie Greene of Frelinghuysen Township reached a milestone in her basketball career by making her 1000 point; and

WHEREAS, Jamie Greene a four year starter, is the 27th girl from Warren County to reach this milestone.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Frelinghuysen, Warren County honors Jamie Greene for achieving 1000 points in her North Warren Regional High School career.

#2014-23 (Lien redemption)

WHEREAS, US Bank Cust for Pro Cap II< LLC acquired a lien against Block 103, Lot 11.01 at the Tax Sale held December 18, 2013 (certificate #2013-03). Richard Keiling, Esq. for the Hanula Est. 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 \$6,488.24 to US Bank Cust for Pro Cap II.

#2014-24 (Mutual Aid and Assistance Agreement)

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, fire departments, EMS organizations and Fire Districts are permitted pursuant to N.J.S.A.40A:14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5) directed the Secretary of the Homeland Security to develop and administer a National Incident Management System (NJMS), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, "The New Jersey Civilian Defense and Disaster Control Act" App. N.J.S.A.9-33 et. seq, provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the "Fire Service Resource Emergency Deployment Act, " N.J.A.C.52:14E-11 et. seq., commonly referred to as the "Fire Service Resource Emergency Deployment Regulations" N.J.A.C.5:75A et. seq., and

WHEREAS, it is deemed to be in the best interests of the residents of this municipality to enter into a mutual aid and assistance agreement with the County of Warren and other municipalities including, but not limited to, municipal police, fire departments and EMS organizations to provide additional protection against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation damage or destruction to person and property, in those situations when outside aid and assistance is needed.

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

A. That the Township of Frelinghuysen is hereby authorized and directed to enter into the Warren County Mutual Aid and Assistance Agreement between participating units, a copy of which is attached hereto and made part hereof, on the terms and conditions contained herein.

B. That the Mayor and Municipal Clerk of the Township of Frelinghuysen are hereby authorized and directed to execute said Mutual Aid and Assistance Agreement on behalf of Township.

C. That the Municipal Clerk is hereby authorized and directed to forthwith file a certified copy of this resolution and an executed copy of the Agreement with the Warren County Department of Public Safety, Office of Emergency Management. Said office shall serve as the central repository and shall maintain a master listing of all participating units to the Mutual Aid and Assistance Agreement.

#2014-25 (Support of realigning the Warren County ADA)

WHEREAS, in order to enhance the agriculture industry in Frelinghuysen Township and promote the viability same through farmland preservation, the township Committee supports the realignment of the Warren County Agriculture Development Area (ADA) within Frelinghuysen Township. The proposed change will add approximately 314.13 acres of contiguous farmland assessed property to the County ADA.

The proposed area includes the following properties:

Block 201, Lot 17.02	(Sue DeCamp)	34.71 ac.
Block 201, Lot 17	(Heath Hill Farm)	63.68 ac.
Block 201, Lot 21	(Robert Canace)	5.81 ac
Block 201, Lot 22	(IHM Realty)	18.19 ac
Block 201, Lot 23	(IHM Realty)	88.28 ac.
Block 201, Lot 31	(Frelinghuysen Twp)	58.90 ac.
Block 201, Lot 32.06	(Charles Muller)	3.09 ac.
Block 201, Lot 32.07	(Charles Muller)	4.23 ac.
Block 201, Lot 32	(Charles Muller)	42.02 ac.
Block 201, Lot 33	(Muller Road, LLC)	13.41 ac.

The impetus for this modification was a request by the Frelinghuysen Township Preservation Committee with interest in preserving a number of the above referenced properties. The Farmland Preservation Committee is currently reaching out to these landowners for possible applications to the State Agriculture Development Committee (SADC) Farmland Preservation Program. In order to proceed with this application, however, the property must be added to the County ADA.

THEREFORE BE IT RESOLVED, that Frelinghuysen Township hereby adopts this resolution in support of adding the above referenced properties to the Warren County ADA.

#2014-26-on hold

#2014-27 (Executive Session)

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

WHEREAS, under the Open Public Meetings Act (number 5 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 February 19 , 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. Desiderio, seconded by Mr. Kuhn to adopt said resolution. Roll call vote: Mr. DeCarolis-yes, Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Desiderio-yes, Mr. Boynton-yes.

#2014-28 (Conservation easement)

WHEREAS, N.J.S.A. 40A:12-4(a) authorizes a municipality to acquire interests in real property, including easements; and

WHEREAS, Ridge and Valley Conservancy (“RVC”) holds a Deed of Conservation Easement (the “Conservation Easement”) on real property known as Block 104, Lot 2 in the Township of Frelinghuysen, consisting of approximately three acres (the “Property”), which Conservation Easement is recorded in the Office of the Warren County Clerk at Deed Book 1691, page 116 *et seq.*; and

WHEREAS, the owner of the Property, Carol McDonald, has offered to donate the Property to RVC; and

WHEREAS, the Property possesses significant natural value in the form of unique flora and fauna, natural spring seeps and scenic value; and

WHEREAS, RVC desires to accept the conveyance of the Property in order to ensure

that its conservation values are protected in perpetuity, and seeks to prevent the possible extinguishment of the Conservation Easement by merger, which could occur if RVC was both the title owner and the grantee of the Conservation Easement; and WHEREAS, the Township of Frelinghuysen is qualified to hold the Conservation Easement and ensure compliance with its terms and conditions, and it is in the best interest of Frelinghuysen Township and its residents for the Township to hold the Conservation Easement; and

WHEREAS, the Township Attorney has reviewed the Conservation Easement and the Assignment of Conservation Easement and has approved same.

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

1. The Township of Frelinghuysen is hereby authorized to accept an Assignment of Conservation Easement from RVC, in a form approved by the Township Attorney.
2. The Mayor and Township Clerk are authorized to execute any documents reasonably necessary in order to effectuate the acceptance of the Assignment of Conservation Easement.
3. This Resolution shall take effect according to law.

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

OLD BUSINESS:

Engineer Paul Sterbenz was in attendance to explain road maintenance especially on Saddle Ridge Road. He met with Road Supervisor Frank Desiderio to review two matters on the road; one the condition and the other was to evaluate the road which is showing signs of wear. He gave the Committee five options: 1) the road department doing the work for the most distressed area along with replacing pavement where alligator areas are (cost approx. \$1,980.) 2) repair pot holes and seal cracks (cost approx. \$1980 plus \$4480. totaling \$6680). 3) micro surfacing which will add 5-7 service life (cost \$6680 plus \$21,707. totaling \$28,707. 4) mill and resurface (cost \$15,000). and 5) oil and chip of which Mr. Sterbenz doesn't recommend. He noted that a NJDOT grant could not be applied for as this is a subdivision roadway and doesn't connect to a state road. The meeting was opened to the public for questions of Mr. Sterbenz on motion made by Mr. Kuhn, seconded by Mr. Desiderio. All were in favor. Spoke were: Mr. Dan George who asked how long a cadillac paving would last and would it be feasible to do sections. Mr. Sterbenz answered that the paving would last 20-25 years and yes it would be feasible to do in sections. Mr. Lowell Forbes stated that the road measured 30x5200 feet not the 24x3700 as stated. The public portion was closed on motion made by Mr. Kuhn, seconded by Mr. Desiderio. All were in favor. Motion was made by Mr. Kuhn, seconded by Mr. Desiderio to allow Maser Consulting to measure the road properly. All were in favor.

The resolution from Pohatcong Township urging our legislature to implement a water tax is on hold.

The appointment of the Municipal Alliance members is on hold.

NEW BUSINESS:

The contract received from Space Farms for removal of deer carcasses from municipal road right a ways at a fee of \$40.00 per deer payable monthly was approved on motion made by Mr. DeCarolis, seconded by Mr. Desiderio. All were in favor.

A letter from resident Sue Mattos requesting use of the meeting room for a pony club meeting was approved on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. Motion was made by Mr. Kuhn, seconded by Mr. Desiderio to waive the fee. All were in favor.

The interlocal agreement from the Warren County Pollution Control Commission for 2014 clean up week was approved on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. The dates will be coordinated by the road foreman and Clerk.

A letter of resignation was received from CFO Amy Maronpot was accepted with regret on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor. Mr. DeCarolis will contact the second person interviewed.

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. Spoke were:

Debra Natyzak who asked why the CFO was resigning.

Dan Kohuth who asked why the resolution on recycling was adopted when the recycling has been taken away. He asked why the bill list was not on the agenda. After discussion, it was decided that a courtesy copy will be attached. Lastly, he asked why the township plowed the snow on the island at the intersection so high you can't see around it. He was told this was done by the county.

Motion was made by Mr. Desiderio, seconded by Mr. Stracco to close the meeting to the public. 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 informed the public that Casino Night was scheduled for March 22nd.

Enviromental Commission-no report

Farmland Preservation Committee-no report

Open Space Committee-no report

Deputy Mayor Christopher Kuhn-reported that he is looking into the Municipal Software bill.

Committeeman Alan DeCarolis-no report

Committeeman Christopher Stracco-no report

Mayor David Boynton-thanked Frank and the road department for the great job they did during the heavy snow storm.

Committeeman Frank Desiderio-we received two loads of salt today. This is the first

load since February 4th. Two trucks are down and are being repaired. He received a letter from Dr. Klett for plowing out the snow for the tricky tray parking.

Attorney Edward Wacks gave the Committee a Washington Watch Advisory advising that the existing IRS rule requires that stipends and other reimbursements to volunteer firefighters and emergency responders be considered taxable income, subject to the same rules and guidelines that apply to their income of any other hourly or salaried employee. Another question arose over whether the IRS rule would mean that volunteer emergency responders were to be counted as employees under the Affordable Care Act. Since Frelinghuysen donates to three fire companies this could be a problem.

Municipal Clerk-no report

CORRESPONDENCE:

NJDOT Re: Route 94 maintenance resurfacing project

JCP&L Re: 2014 reliability plan

Knowlton Township Re: Resolution concerning black bears

Washington Township Re: Resolution in support of a water tax

NJDEP Re: Notice of hazardous substance discharge

Municipal Excess Liability JIF RE: MEL annual report

Schifano Construction Corp. Re: Notice of award for road resurfacing

The Land Conservancy of New Jersey Re: copy of letter for farmland preservation

Service Electric Cable TV Re: Subscriber fees

NJ Dept of Health Re: former mayors approved to solemnize marriages & civil unions

NJ Dept of Health Re: Testing homes for radon

Warren County Planning Dept. Re: Warren County Data Sheet

New Jersey State League of Municipalities: Re;

1. NJLM's new quarterly arbitration newsletter
2. Washington watch fax advisory
3. Appellate division decision clarifies OPRA's impact on the LPCL
4. School-Municipal Cooperation improves services, benefits taxpayers
5. Two Issues:
 - a. Extension of 2% cap on interest arbitration awards
 - b. Legislative recap
6. The keys to locking up government data
7. League report on Governor's State of the State message
8. Two Issues:
 - a. US Treasury clarifies treatment of volunteer first responders
 - b. Final actions of the NJ 215 legislature
9. Two Issues:
 - a. Governor takes action on various bills of interest
 - b. New content on the DLGS web site
10. Mayor's newline-February 2014

EXECUTIVE SESSION:

Motion was made by Mr. Desiderio, seconded by Mr. Kuhn 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. All were in favor. Upon returning the attorney announced that the discussion was; 1) sale and leasing of property owned by the township and terms were established with respect to that. This cannot be

revealed at this time and we are still in negotiations and consideration. 2) complaint that was filed against one of the committeemen with respect to zoning issues and the question came up as to whether the town should be involved. It was decided to turn this over to the deputy zoning officer and 3) potential litigation with respect to some issues that have arisen. Until this has materialized there will be no public statement.

ADJOURNMENT:

There being no further business, the meeting was at 9:32 on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC