

## **MINUTES OF MEETING OF APRIL 16, 2014**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, April 16, 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, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Committeeman Christopher Stracco, Attorney Edward Wacks, and Clerk Brenda Kleber. Deputy Mayor Christopher Kuhn was absent but participated by telephone.

### **MINUTES:**

The minutes of the meeting of March 19, 2014 were approved on motion made by Mr. DeCarolis, seconded by Mr. Desiderio. All were in favor with Mr. Kuhn abstaining.

### **ORDINANCES:**

AN ORDINANCE (#2014-06) TO AMEND ORDINANCE #2014-04 OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY FIXING THE SALARIES FOR THE YEAR 2014 was opened to the public on motion made by Mr. DeCarolis, seconded by Mr. Desiderio. All were in favor. There being no public input, motion was made by Mr. DeCarolis, seconded by Mr. Desiderio 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. Boynton-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Kuhn-abstain.

Ordinances 2014-07 and 2014-08 are on hold

### **RESOLUTIONS:**

#2014-40 (Amend budget)-see attached.

#2014-41 (Emergency Temporary Appropriations)

WHEREAS, an emergent condition has arisen with respect to Other Expenses and Salaries and Wages and no adequate provision has been made in the 2014 temporary appropriations for the aforesaid purpose and N.J.S.A.-10 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolution adopted in the 2014 year pursuant to the provisions of Chapter 96, P.O. 1951 (N.J.S.40A-20) including this resolution is \$100,000.00.

NOW, THEREFORE BE IT RESOLVED, (not less than two-thirds of all the members hereof affirmatively concurring) that in accordance with the provisions of N.J.S.A.40A:4-20 an emergency temporary appropriation be and the same is hereby made for \$100,000.00.

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

*#2014-42 (Support use of a "No Passing Zone")*

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 94 in Frelinghuysen Township; and

WHEREAS, NJDOT investigation revealed the current centerline markings on Route 94 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along New Jersey Route 94;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, in the State of New Jersey, that it supports the use of a "No Passing Zone" on Route 94 in Frelinghuysen Township as recommended by NJDOT.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to NJDOT as requested.

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

*#2014-43 (Approval of raffle license)*

WHEREAS, the Frelinghuysen Township PTO has applied for a raffle license to conduct an On-premises 50/50 raffle license for May 22, 2014 with a rain date of May 23, 2014 consisting of application #2014-01; 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 raffle application #2014-01 is hereby approved.

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

*#2014-44 (Approval of raffle license)*

WHEREAS, the Frelinghuysen Township Booster Club has applied for a raffle license to conduct an Off-premises 50/50 raffle license for June 7, 2014 with a rain date of June 8, 2014 consisting of application #2014-02; 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 Booster Club raffle application #2014-02 is hereby approved.

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

#2014-45 (Setting executive session)

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

WHEREAS, under the Open Public Meetings Act (number 3 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 16<sup>th</sup> day of April, 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. Stracco, seconded by Mr. Desiderio to adopt said resolution. Roll call vote: Mr. Boynton-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Stracco-yes, Mr. Kuhn-abstain

#2014-46: (Payment 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 April; 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 subject to approve of the vouchers by the Mayor and Deputy Mayor. Roll call vote: Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Boynton-yes, Mr. Kuhn-abstain.

#2014-47: (Bond release)

WHEREAS, on March 13, 2014 Forest Manor asked that they be released from bond #8108414; and

WHEREAS, the municipal engineer reviewed the site in the field along with their files on the project and recommended that the maintenance bond be released subject to: 1) payment of real estate taxes and 2) the payment of any outstanding fees or assessments, including invoices from the Township's professionals for the review of the bond release request; and

WHEREAS, the municipal attorney has recommended that the maintenance bond for Forest Manor be released.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Frelinghuysen approve of the release of the maintenance bond #8108414 to Forest Manor.

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

#2014-48 (Interlocal agreement with Hackettstown for CFO)

WHEREAS, Hackettstown and Frelinghuysen wish to enter into an interlocal agreement to share the services of the Chief Finance Officer ("CFO") for 2014 ("Agreement"); and

WHEREAS, Hackettstown and Frelinghuysen wish to enter into an agreement those shared services pursuant to the New Jersey Interlocal Services Act, N.J.S.A.40:8a-1 et seq.

WHEREAS, the parties desire to enter into this Agreement effective April 1, 2014 and continuing through December 31, 2014; and

WHEREAS, Hackettstown is and shall continue to be the primary employer of the CFO: and

WHEREAS, Hackettstown shall pay the CFO a salary for services rendered to Hackettstown only, and Frelinghuysen shall pay the CFO a salary for services rendered to Frelinghuysen only; and

WHEREAS, Hackettstown and Frelinghuysen shall share the costs of CFO's continuing education, up to a limit of \$300.00 annually for Frelinghuysen.

NOW, THEREFORE, in consideration of the promises, and mutual covenants set forth in the Amendment and the Agreement, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by all parties, it is agreed by and between the parties as follows:

1. The CFO shall perform all necessary duties of Municipal CFO for both Hackettstown and Frelinghuysen. Hackettstown shall be considered CFO's primary employer for pension and tenure purposes.

2. CFO shall maintain regular office hours in Hackettstown. However, the parties recognize that CFO must be in Frelinghuysen from time to time during regular business hours. In such case, CFO shall make up her hours in Hackettstown, on the time clock, in the affected pay period. In no case shall this time exceed three (3) hours.

3. Hackettstown shall pay CFO a salary for work performed for Hackettstown only, and Frelinghuysen shall pay CFO a salary for work performed for Frelinghuysen only.

4. Frelinghuysen will contribute equally toward the costs of CFO's continuing education requirements, up to a limit of \$300.00 annually.

5. Copies of the Agreement shall be maintained on file in the Municipal offices of Hackettstown and Frelinghuysen.

Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to authorize the Mayor and Clerk to sign the agreement. Roll call vote: Mr. Boynton-yes, Mr. Stracco-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Kuhn-abstain.

#### **PUBLIC HEARING ON 2014 BUDGET:**

This public hearing on the budget is for the originally advertised budget due to the budget being amended by adding \$40,000.00. The amended budget hearing will be held on May 21<sup>st</sup>. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to open the meeting to the public. All were in favor. There being no discussion, motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to close the meeting to the public. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to adopt the amending resolution (see #2014-40). Roll call vote: Mr. Stracco-yes, Mr. DeCarolis-yes, Mr. Boynton-yes, Mr. Desiderio-yes, Mr. Kuhn-abstain.

#### **OLD BUSINESS:**

Mr. Desiderio went over the various roads items such as Henfoot Road which needs to be repaved with 660 tons with a cost of \$47,000.00, Lincoln Laurel Road needs to be finished at a cost of \$18,500.00, Lanning Road needs 440 tons at a cost of \$28,700, two sections of Kerrs Corner Road needs crack fill at a cost of \$10,000.00. Heller Road needs to be finished along with Southtown Road. Cost not known yet. There are 12 catch basins which need to be rebuilt at a cost of \$1,500.00 each with paving not included. Motion was made by Mr. DeCarolis, seconded by Mr. Desiderio to authorize

M.D. Savage to start the repairs and replacement of the 12 catch basins. All were in favor with Mr. Stracco abstaining. Mr. Desiderio went on state that the cost for 2 low culvert signs on Mill Road will be \$175.00. There will be 17 signs needed for the no littering at a cost of \$20.25 per sign. The posts will be \$612.00. The walking path will be finished. Road sweeping will be done by the County on curbed roads. Mr. Desiderio asked what he should do with the sweepings. Lastly he advised that he is ordering 10 cases of line lime for the ball field which also needs clay. Final numbers will be given at the May meeting along with prioritizing.

Municipal Alliance members-on hold for May meeting.

The Clerk advised that the .22 property on Spring Valley Road that the town owns and is assessed at \$4,400.00 is being appealed by the Tax Assessor to a figure of \$400.00. Once this goes through the property can be offered to the adjoining property owners.

Engineer Paul Sterbenz was in attendance with two items to review. One is State Park Road where the roads need to be paved in the park section. The NJDOT has a discretionary fund that Mr. Sterbenz can apply for at a cost of \$1,500.00. The Mayor stated that the State wanted to know the numbers and cost and asked Mr. Sterbenz if he would prepare this letter. Motion was made by to authorize Mr. Sterbenz to prepare the application for the discretionary funds. All were in favor with Mr. Kuhn abstaining. The second item is the preparation of a site plan analysis to determine locations where sight distances in accordance with the New Jersey Access management code for the Route 94 property at a cost of \$4,800.00. Motion was made by Mr. Desiderio, seconded by Mr. Stracco to authorize Mr. Sterbenz to prepare the site distance analysis. All were in favor with Mr. Kuhn abstaining.

#### **NEW BUSINESS:**

The Committee obtained the services of a temporary zoning officer from another township for a complaint filed against Committee Alan DeCarolis. The temporary zoning Officer, Mr. James Onembo did a thorough inspection and filed a report that determined that there were no violations which would rise to any action to be taken at this time. The Committee accepted the report and will be passed on to the complainant. Motion was made by Mr. Stracco, seconded by Mr. Desiderio to accept the report and turn it over to the attorney. Roll call vote: Mr. Boynton-yes, Mr. Desiderio-yes, Mr. Stracco-yes, Mr. DeCarolis-absent and Mr. Kuhn-abstain.

An e-mail from First Energy Corp asking for the Committee to review the list of facility types that was used to produce the critical facilities was reviewed. The Clerk was instructed to contact the Emergency Management Coordinator for his input.

Mr. Dan Campbell came before the Committee regarding energy deregulation. Mr. Campbell informed the committee that an energy act in 2003 allows a municipality to establish a municipal energy aggregation program which could save the residents up to 15% on electricity supply charges. There is no obligation to enter into a contract or continue the program if savings are not available. It was decided to hold this for the work meeting.

**PROCLAMATION:**

A proclamation proclaiming May as Older Americans Month was concurred on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor.

**PROPOSALS:**

Three proposals were solicited for lawn maintenance on the ball field as follows:

W.H. A. Landscaping, Blairstown, New Jersey	\$ 6,500.00
JB's Landscaping, Columbia, New Jersey	\$11,605.00
Turf Pro Landscaping, Blairstown, New Jersey	\$ 4,480.00

Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to accept the proposal from Turf Pro Landscaping. All were in favor.

**OPEN MEETING TO THE PUBLIC:**

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

Loren Greco asked why we should spend the money we allocated to repair Kerr Road and vacate it as it's really only a driveway. The attorney advised that the last time we tried to vacate this road it would have turned into a lawsuit.

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

**DEPARTMENT REPORTS:**

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

Recreation Committee-going good

Environmental Commission-no meetings

Farmland Preservation Board-no meetings

Open Space Committee-no meetings

Mayor David Boynton-The Mayor advised that he met with the North Warren Regional School with regard to the budget. There will be a 1.5% increase overall with Frelinghuysen's increase at .09 cents. The Mayor was able to help donate a piano to the school from a friend of his. He would like a thank you for the piano donation sent to the individuals.

Committeeman Alan DeCarolis-asked if at the North Warren budget meeting they talked about Knowlton's lack of ordering a revaluation. The attorney stated that there is not much we can do as all 4 township's have to agree. Mr. DeCarolis mentioned that Green Township is getting 8 new commercial buildings and with the shared services agreement with the building department expiring this year Green is talking about either going to the state or taking a percentage of the profits. The Green Township Clerk will be talking to the Mayor and building department.

Committeeman Frank Desiderio-no further report

Committeeman Christopher Stracco-He would like to check the tax rolls for other properties that we may be paying taxes on.

Attorney Edward Wacks report-Mr. Wacks had a call from Sandy Urgo of The Land Preservation of New Jersey asking whether he wanted title search and title insurance on a conservation easement on a 25 acre parcel owned by Mr. Ben Gerson. He informed her that we only want the title search.

#### **EXECUTIVE SESSION:**

Motion was made by Mr. Stracco, seconded by Mr. Desiderio to enter into executive session with regard to potential litigation. All were in favor. Motion was made by Mr. Stracco, seconded by Mr. Desiderio to return to public session. All were in favor. Upon returning the attorney stated that the Committee had a closed session to discuss the complaint filed against the Township and the Land Use Board by Donna Marie. The Mayor and Township Committee determined in Executive Session that they want to authorize Edward Wacks & Associates and his colleague David Brady to handle the defense in this matter and also seek recovery of some \$1800.00 of which Donna Marie owes the township in connection with professional fees. Motion was made by Mr. Stracco, seconded by Mr. Desiderio to authorize Edward Wacks & Associates to represent the township in this matter. Roll call vote: Mr. Boynton-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolus-abstain.

#### **CORRESPONDENCE:**

Warren County Mosquito Control Commission Re: Annual packet of information regarding adult mosquito control program.

NJDOT RE: I-80 median crossover protection project

NJ Highlands Re: 2013 annual report

NJDEP Re: Administrative consent order

NJDEP Re: Notice that Annual fee report & Assessment of fees are available on the Department's web site

Borough of Franklin Re: resolution urging legislature to implement a water usage tax  
Certification of completion of Affordable Housing Trust Fund Monitoring

Frelinghuysen Township Zoning Officer Re: notice of violation

New Jersey Legislature Re: Announcement that Lt. Governor Kim Guadagno will be at meeting on May 6, 2014 in Waterloo Village.

New Jersey State League of Municipalities: Re:

1. DCA Commissioner Constable answers questions of the budget
2. April Mayor's Newsline
3. Two Issues
  - a. President Walters delivers league outlook on budget
  - b. Technology education conference
4. President signs flood insurance rate relief bill
5. Three Issues:
  - a. Zero percent levy cap
  - b. Office suites available for lease at league headquarters
  - c. 2014 New Jersey local government deskbook
6. Two Issues:
  - a. Affordable care act update-Treasurer "Employer Mandate"
  - b. 2014 Legislative priorities

7. Three Issues:
  - a. Difference between Social security disability & SSI disability
  - b. Upcoming league seminar
  - c. The NJLM & NJ GMIS present a professional development webinar
8. Two Issues:
  - a. Request for FEMA snow assistance declaration
  - b. Seeking comments on important BPU broadband order
9. Two Issues:
  - a. Office of Legislative services budget & finance officer Rosen & State Treasurer Eristoff testify on Governor's budget proposal
  - b. Educational Foundation, Inc. Special events forum
10. Legislative bulletin No. 1

**ADJOURNMENT:**

There being no further business the meeting was adjourned at 10:30 on motion made by Mr. DeCarolus, seconded by Mr. Stracco. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC