

MINUTES OF MEETING OF MAY 21, 2014

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, May 21, 2014 and was called to order at 7:35 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, Engineer Paul Sterbenz and Clerk Brenda Kleber.

MINUTES-on hold for June meeting.

ORDINANCES:

AN ORDINANCE (#2014-07) GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. 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 REGULATION 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. DeCarolis-yes, Mr. Stracco-yes, Mr. Desiderio-yes.

ORDINANCE #2014-08-ON HOLD

A BOND ORDINANCE (#2014-09) PROVIDING FOR VARIOUS 2014 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF was offered for introduction on motion made by Mr. Desiderio, seconded by Mr. Kuhn. Roll call vote: Mr. Kuhn-yes, Mr. DeCarolis-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. Boynton-yes.

PUBLIC HEARING ON AMENDMENT TO THE BUDGET:

Motion was made by Mr. Kuhn, seconded by Mr. Desiderio to open the meeting to the public on the amendment. All were in favor. Mr. Daniel Kohuth asked what the amendment for. He was told that the increase was due to the difficult winter we had. Motion was made by Mr. Desiderio, seconded by Mr. Kuhn to close the public portion. All in were in favor. Motion was made by Mr. Kuhn, seconded by Mr. Desiderio to adopt the amendment to the budget. Roll call vote: Mr. Desiderio-yes, Mr. Stracco-yes, Mr. Kuhn-yes, Mr. DeCarolis-yes, Mr. Boynton-yes.

RESOLUTIONS:

#2014-49 (Setting 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 21st day of May, 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. DeCarolis to adopt said resolution. Roll call vote: Mr. DeCarolis-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. Boynton-yes, Mr. Kuhn-yes.

#2014-50 (Authorizing the township to enter into a contract with Maser Consulting)

WHEREAS, the Township is interested in conducting an analysis regarding Route 94 site distance; and

WHEREAS, the Township has received a proposal from Maser Consulting for these services; and

WHEREAS, the cost of the analysis is \$4,800.00

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Township of Frelinghuysen enter into an agreement with Maser Consulting for a Route 94 site analysis in the amount of \$4,800.00 to be paid from the Capital Improvement Fund.

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

#2014-51 (Payment of bills)

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

#2014-52 (Apply for discretionary aid)

WHEREAS, the NJDOT makes funds available to municipalities and counties for roadway infrastructure projects through the municipal aid portion of the New Jersey Transportation Trust Fund;

WHEREAS, the Township Engineer has recommended that the Township Committee apply to the New Jersey Department of Transportation for discretionary funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2014 Municipal Aid Program for the purpose of constructing improvements to State Park Road between the Jenny Jump State Park entrance and the Hope Township municipal boundary; and

WHEREAS, the Township Committee has considered this recommendation;
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that the Township Engineer be and hereby is authorized to prepare an application and the Mayor and Township Clerk be and hereby are authorized to execute the application for discretionary aid available to municipalities under the New Jersey Transportation Trust Fund Authority Act and the Township Engineer is authorized to submit said application to the District Local Aid Office of the New Jersey Department of Transportation in Mount Arlington for the following project:

1. The improvement of State Park Road between the Jenny Jump State Park entrance and the Hope Township municipal boundary.

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

#2014-53 (Capital budget)

WHEREAS, the Township of Frelinghuysen, County of Warren, desires to amend the 2014 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown in such budget for the following reason:

Lanning Road, Henfoot Road, Kerrs Corner Road, Kerr Road, Saddle Ridge, and Homestead Drive Improvements, basin repairs, road patching, various road signage, DPW Truck, Salt Shed

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

Section 1. The 2014 Capital Budget of the Township of Frelinghuysen is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT NO. 1

CAPITAL BUDGET OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN

Project Schedules for 2014
 Method of Financing

PROJECT	ESTIMATED COST	CAPITAL	GENERAL
		IMPROVEMENT FUND	NOTES/ BONDS
As listed above	\$400,000	\$20,000	\$380,000

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2014 Capital Budget, to be included in the 2014 Capital Budget as adopted.

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

#2014-54 (Authorization for The Land Conservancy of New Jersey)

WHEREAS, this resolution authorizes The Land Conservancy of New Jersey to proceed with the acquisition of land that was discussed in closed session on May 21, 2014 on the terms and conditions as also discussed in closed session, and

WHEREAS, the Mayor and Clerk are hereby authorized to execute documents, including a grant application and other documentation that is needed to move this application forward; and

WHEREAS, once an arrangement has been reached, the public will be notified which land and what price was discussed along with the terms and conditions.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Frelinghuysen gives The Land Conservancy of New Jersey the ability to negotiate on behalf of the township and secure and prepare an application to the various agencies to request the funding necessary for the purchase of property which was the subject of the closed session held on May 21, 2014.

AND, BE IT FURTHER RESOLVED that when and if agreeable terms and conditions for the purchase of the property have been arrived at, these terms and conditions will be made public prior to the Township entering into a contract for the purchase of the property.

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

OLD BUSINESS:

Surveyor Bob Berry came before the Committee to give the facts and evidence and confirm the alignment of Kerr Road and that it became a public road in December 1795.

Engineer Paul Sterbenz came before the Committee to discuss the Route 94 property and to establish approval for the driveways. There is very good site distance and three driveways will be able to be fit in the location. The exception area will be located in the northeast corner of the westernmost field. Motion was made by Mr. Desiderio, seconded by Mr. Kuhn authorizing Maser Consulting to prepare a sketch for The Land Conservancy showing the exception area in an amount not to exceed \$500.00. Roll call vote: Mr. Kuhn-yes, Mr. Stracco-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Boynton-yes. The next issue was the NJDOT grant which the township did not receive; however, the municipality will file for discretionary funds to pave the section of State Park Road that goes through the park.

Approval was received from the Emergency Management Coordinator with the listing of facility types for Frelinghuysen. The listings of the facilities were determined by the NJBPU and will provide better tracking and reporting of outages by JCP&L.

The Municipal Alliance members are on hold

NEW BUSINESS:

Dr. Fogelson along with school board members Jack Britten and Kevin Brennan presented the proposed 2014-2015 school budget for North Warren Regional School. Frelinghuysen Township will see a 0.009 cent increase which will impact a home valued at \$336,482 by \$31.40 annually.

Committeeman Desiderio advised that Dr. Klett, Frelinghuysen School Superintendent reached out to him to help with the removal of the playground after school hours. If there is any of the playground equipment savable the township can keep for their playground. Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis giving Mr. Desiderio approval to help with the removal of the school playground. All were in favor. Mr. DeCarolis volunteered to do the trucking for free.

Mr. Kuhn advised the public that a grant was obtained from the ANJEC for identification of trees on the FFP property. Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis authorizing the Mayor and Clerk to sign the paperwork. All were in favor.

OPEN MEETING TO THE PUBLIC:

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

Loren Greco asked if we were going to vacate Kerr Road. He was told we had no plans to do so at this time.

Doreen Rutherford stated that Muller Road needs repairs on the potholes. She was told that the DPW would take care of it.

Jackie Espinoza of JCP&L mentioned that monthly topics are being sent out monthly and if the committee would like to add anything give her a call.

Dan Kohuth asked why the monies for the shelving in the storage container are coming out of Open Space when the recreation line item has a surplus. He realizes that this is allowed by ordinance but felt the monies should be used for open space. Mr. Kuhn advised that this is an improvement of the facilities and the monies should come out of the open space account. The next question was that at the March meeting, Mr. Greco inquired as to whether two lanes were required on township roads and what was the answer and why aren't the answers in the minutes. He was told that Mr. Greco wasn't given an answer. As to the minutes, the Mayor will talk to the Clerk about being more specific.

Jean Smolha asked if we were the highest assessed township in the school area. She was told we were.

Motion was made by Mr. DeCarolis, 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 advised that Founders Day will be June 7th; baseball & softball is going great. The Rydell field needs clay. He would like to go to Kelsey's Park with a township truck for the clay with the money coming out of the Open Space account. Motion was made by Mr. Kuhn, seconded by Mr. Stracco giving Mr. Desiderio authorization to coordinate with Mr. DeCarolis the purchase of the clay not to exceed \$500.00 and approval from the Open Space Committee. All were in favor.

Emergency Management-Mr. Pachnos reported to the Mayor that Green Township is interested in shared services with the emergency management coordinator. Mr. Pachnos doesn't think it will work and will approach an individual he knows from Green.

Environmental Commission-Mr. Kuhn will be coordinating a date for the service portion of the FFP grant. 80 hours are owed.

Farmland Preservation Committee-There is several properties going into farmland preservation in Frelinghuysen.

Mayor David Boynton-Mr. Boynton reported on an incident on State Park Road with a school bus. 3 school bus stop signs are needed. Mr. Desiderio will handle. There is concern on Kerrs Corner Road with a driveway opening cut into a field without a permit. Mr. Desiderio will talk to the owners. There's a huge pile of logs along Muller Road of which the Mayor would like to know if they are on township property. The zoning officer will handle. Lastly, there is a 9th grader at North Warren who will be going into the Air Force Academy and would like to volunteer to work in the township. Due to his age it was decided that it would be too much liability.

Deputy Mayor Christopher Kuhn-Mr. Kuhn brought up the building department shared services with Green Township which expires in August. Mr. Kuhn and Mr. Wacks will handle. Lastly, the road department budget line item is \$7,469.00. Mr. Kuhn suggested that we not hire any additional workers.

Committeeman Alan DeCarolis-Mr. DeCarolis had a neighbor stop him about a tree stump that needs to be cut. Mr. DeCarolis asked about the scrap material from clean up and can it be used to purchase signs. Mr. Desiderio will handle both requests.

Committeeman Frank Desiderio-Mr. Desiderio relayed to the committee that the condenser on the backhoe will cost \$530.00.

Committeeman Christopher Stracco-no report.

EXECUTIVE SESSION:

Motion was made by Mr. Stracco, seconded by Mr. DeCarolis to enter into executive session with regard to land acquisition after a resolution was adopted in the public portion of the meeting. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. Kuhn to return to public session. All were in favor. Upon returning the attorney stated that the committee discussed interest in acquiring certain lands with the help of Sandy Urgo of The Land Conservancy. Because it's in negotiation, the location or cost can't be disclosed.

CORRESPONDENCE:

- PERMA Risk Management Services Re: MEL Bulletin 14-03
- Stillwater Township Planning Board Re: Amendment to Master Plan
- Frelinghuysen Township Environmental Commission Re: Support of shelving
- Frelinghuysen Township Zoning Officer Re: Warning notice of violation
- Knowlton Township Re: Resolution regarding lack of internet service
- Township of Franklin Re: Implementation of a water tax
- NJ DEP Re: Invitation to apply for Green Acres Fund
- NJ Dept of Education Re: Tax levy certification for Frelinghuysen Elementary & North Warren Regional School
- NJ SADC Re: Adoption of an "On-Farm Direct Marketing Agricultural Management Practice (AMP)
- NJ DOT Re: School zone speed limit
- First Environment Re: EJIF audit
- New Jersey State League of Municipalities Re:
 1. Recent Court decision
 2. Legislative bulletin No. 2
 3. Three Issues:
 - a. US Supreme Court decision on prayer at council meetings
 - b. League publications
 - c. Upcoming league seminar
 4. Seven Issues:
 - a. Marketplace Equity
 - b. Transportation Funding
 - c. CDBG Funding
 - d. Greenhouse gas rules
 - e. Clean Water act rules
 - f. FCC E-rate rules
 - g. National Infrastructure week resources

5. Two Issues:
 - a. New procedure for financial disclosure statements
 - b. 2014 NJ Local Government desk book
6. Five Issues:
 - a. Pressure building for Congress to enact a new transportation program
 - b. NLC prepares to meet with new treasury Dept of Office of State
 - c. Comment period begins on proposed "Waters of the US" rule
 - d. FCC hosts webinar for State and Local Governments
 - e. Federal Disaster relief bill proposed
7. Mayors Advisory-State revenue shortfall grows
8. Mayors Advisory-Verizon v. Hopewell
9. Mayors Advisory-BPU approves Verizon stipulation agreement
10. NJLM Mayors Newslines-May 2014
11. Affordable Housing-COAH proposes new regulations
12. Senate resolution 74
13. Mayor's Advisory-Three Issues
 - a. Interest arbitration update
 - b. Recent appellate division decision OPRA & Redactions
 - c. Michael A. Pane award

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:25 p.m. on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC