

MINUTES OF MEETING OF AUGUST 20, 2014

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, August 20, 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 David Brady and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of July 16, 2014 were approved on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. All were in favor. The minutes of the executive session of July 16, 2014 were approved on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor.

ORDINANCES:

A BOND ORDINANCE (#2014-10) PROVIDING FOR THE ACQUISITION OF LAND FOR OPEN SPACE PURPOSES, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$925,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$878,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF was opened to the public on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. All were in favor. Mr. Greco asked for an explanation of the acquisition of property. He was told that the property will be Kids Camp on Lincoln Laurel Road. Ms. Smolha asked what we were going to do with the property as there are a lot of buildings on the property. She was told that we plan on demolishing all but 3 buildings and they will be used for recreational uses. Mr. Connor asked if there was a developed plan for the property and was told not as yet. Ms. Goetz stated that since the buildings are old will there be any extra cost to take them down. She was told that there will be cost but is unknown at this time. Mr. Greco asked where the funds were coming from to take these buildings down and was told from the Open Space account. Motion was made by Mr. Desiderio, seconded by Mr. Kuhn to close the public portion. 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. Kuhn-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Stracco-yes.

AN ORDINANCE (#2014-11) 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 offered for introduction on motion made by Mr. Desiderio, seconded by Mr. Kuhn. Roll call vote: Mr. Kuhn-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Stracco-yes, Mr. Boynton-yes.

RESOLUTIONS:

#2014-66 ((Clean communities)

WHEREAS, there is a 2014 Current Fund Budget Revenue entitled Clean Communities Grant and an offsetting 2014 Current Fund Budget Appropriation in the amount of \$8,727.00, and

WHEREAS, the actual amount received for this grant revenue is \$8,191.00, and it is necessary to formally cancel the remaining receivable balances and remaining appropriation balances to close these grants,

NOW, THEREFORE BE IT RESOLVED, that the following current fund Balance Sheet line items be cancelled;

Revenue:	Federal and State Grants Receivable	
	Clean Communities Grant	\$536.00
Appropriation:	Federal and State Grants Appropriation	
	Clean Communities Grant	\$536.00

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

#2014-67 (Cancel 2014 taxes deemed uncollectible)

WHEREAS, a resolution is required by the Tax Collector to cancel 2014 taxes deemed uncollectible; and

WHEREAS, the following properties have 2014 taxes that must be canceled of record;

Block	Lot	Owner	Amount
201	31Q0147	Frelinghuysen Township	\$637.60
402	16	Frelinghuysen Township	\$ 9.55

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the above taxes be canceled of record as they are uncollectible.

Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to adopt said resolution.

Roll call vote: Mr. Desiderio-yes, Mr. Stracco-yes, Mr. Boynton-yes, Mr. Kuhn-yes, Mr. DeCarolis-yes.

#2014-68 (Refund double payment of taxes)

WHEREAS, a resolution is required by the Tax Collector to refund double payment of 2013 3rd quarter taxes, for the following property, as listed below:

Block	Lot	Pay to	Amount
801	7.02 Q0276	Richard & Marlene Wilburn	\$12.41

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the Treasurer is hereby authorized to refund the above overpaid property taxes.

Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to adopt said resolution.

Roll call vote: Mr. Stracco-yes, Mr. Boynton-yes, Mr. Kuhn-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes.

#2014-69 (Amend 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:

Purchase of Property

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. 2
CAPITAL BUDGET OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF
WARREN

Project Schedules for 2014
Method of Financing

PROJECT	ESTIMATED COST	OPEN SPACE TRUST FUND	GENERAL NOTES/ BONDS
As listed above	\$925,000	\$46,250	\$878,750

Section 2. The Clerk be and hereby 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. Desiderio, seconded by Mr. Kuhn to adopt said resolution. Roll call vote: Mr. Boynton-yes, Mr. Kuhn-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Stracco-yes.

#2014-70 (Setting 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 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 20th day of August, 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. DeCarolis to adopt said resolution. Roll call vote: Mr. Kuhn-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Stracco-yes, Mr. Boynton-yes.

#2014-71 (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 August; 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. DeCarolis to adopt said resolution. Roll call vote: Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Stracco-yes, Mr. Boynton-yes, Mr. Kuhn-yes.

#2014-72-on hold

#2014-73 (Professional services for Environmental services)

WHEREAS, there exists a need for the retention of a professional environmental firm to provide site investigative services in the Township of Frelinghuysen, in connection with the contemplated purchase of real property located at Block 104, Lot 10, Frelinghuysen Township, which property is owned by Kids Corporation II; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for professional services without competitive bids, and the contract itself, must be available for public inspection.

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. EWMA, a licensed environmental services firm with offices at Parsippany, New Jersey, shall be retained to provide environmental site investigative and related services to Frelinghuysen Township, and the Mayor is hereby authorized to execute, and the Township Clerk to attest, an Agreement to carry out the foregoing, in a form approved by the Township Attorney, a copy of which shall be kept on file in the Office of the Township Clerk and made available for public inspection.

2. The aforesaid contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., as the contract is for services performed by a person authorized by law to practice a recognized profession that is regulated by law.

3. A notice setting forth the nature, duration, service and amount of the subject contract shall be printed once in the official newspaper of Frelinghuysen Township.

4. This Resolution shall take effect according to law.

Motion was made by Mr. Kuhn, seconded by Mr. Desiderio approving the resolution subject to section 7 referencing a requirement of a retainer be stricken from the contract. Roll call vote: Mr. Desiderio-yes, Mr. Stracco-yes, Mr. Boynton-yes, Mr. Kuhn-yes, Mr. DeCarolis-yes.

#2014-74 (Professional services for title insurance)

WHEREAS, there exists a need for professional title insurance and related services in the Township of Frelinghuysen, in connection with the contemplated purchase of real property located at Block 104, Lot 10, Frelinghuysen Township, which property is owned by Kids Corporation II; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for professional services without competitive bids, and the contract itself, must be available for public inspection.

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. Title Lines, a licensed title insurance agent in the State of New Jersey with offices at Gladstone, New Jersey, shall be retained to provide title insurance and related services to Frelinghuysen Township, and the Mayor is hereby authorized to execute, and the Township Clerk to attest, an Agreement to carry out the foregoing, in a form approved by the Township Attorney, a copy of which shall be kept on file in the Office of the Township Clerk and made available for public inspection.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Clerk are authorized to sign the contract for sale of real estate for Kids Camp.

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

OLD BUSINESS:

Township Engineer Paul Sterbenz reported to the Committee on the following items: 1) State Park Road phase 4 received \$150,000 in discretionary aid. We will have 24 months to award the contract plus an additional 6 month extension. Spec will have to be put together. 2) the 2015 municipal aid for NJDOT needs to be done by October 14th.

The Committee needs to determine if they would like to apply and if so what road. It was decided that they will apply for Kerrs Corner Road phase 3 again. 3) South Street project has been completed and has been done very well. Final invoices will need to be submitted to close out the loan.

The revised proposal for professional engineering services to prepare plans and a permit application so that the Township can obtain the requisite NJDOT approvals to construct an access driveway to service a future public works facility on Block 201, Lot 31 in the amount of \$9,200.00 (less \$1,700.00) was approved on motion made by Mr. Desiderio, seconded by Mr. Kuhn. Roll call vote: Mr. Kuhn-yes, Mr. DeCarolis-no, Mr. Desiderio-yes, Mr. Stracco-yes, Mr. Boynton-yes.

NEW BUSINESS:

A memo from CFO Danette Dyer was read where she would like to implement a procedure where employees can contact her to request a purchase order/voucher in order to tighten up purchasing procedures by contacting her before any purchases. The Committee was in favor of this procedure.

OPEN MEETING TO THE PUBLIC:

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

Jenny Lester who asked where the driveway was going on the Route 94 property. She was told it was going near the hedge row where there is no corn planted.

Art Lizza who asked there was an overview of the towns plan. He was told there would be one in the future.

Jenny Lester stated that there is a curve in the road near that location which is dangerous.

Art Lizza asked what kind of commercial use is in this area. He was told that it is AR6 zone at this time but may be changed to a NC/PO zone in the near future.

Wendy Goetz asked how large does the property have to be for a truck turn around and asked the size of the building. She was told that we will be going out for bids on the building shortly.

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

DEPARTMENT REPORTS:

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

Recreation Committee-soccer is going great. Will be doing a "squirt" program for the younger children and is looking into a new playground.

Environmental Commission-There will be events scheduled for later in the year for the FFP property.

Open Space & Farmland Preservation-no meetings. But is looking into merging the two committees.

Mayor David Boynton-The Mayor thanked Mr. Desiderio for getting State Park Road repairs started. He received a note from Mr. Lurz on South Street who thanked him for the completion of the drainage issues. His painting crew will power wash the municipal building and stain the wood deck.

Deputy Mayor Christopher Kuhn-The Deputy Mayor reported that he met with the CFO and the budget will be tight until the end of the year. He also went over the potential shortages with her.

Committeeman Frank Desiderio-Mr. Desiderio went over the items needed for the proposed salt shed. He will be going out for bids on this shortly. He mentioned that he reached out to the company who is working on the power lines for quarry process and will be used for rebuilding Kerr Road along with using it on the Route 94 property. Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis approving Mr. Desiderio offering up to \$50.00 a load, if any cost, for the quarry process. All were in favor with Mr. Desiderio abstaining.

Committeeman Christopher Stracco-Mr. Stracco asked Mr. Desiderio when the cracks will be filled on Saddle Ridge Road. He was told that the Mayor needs to mark out the cracks that need to be filled.

Committeeman Alan DeCarolis-Mr. DeCarolis thanked the Mayor for the power washing and staining of the municipal building.

EXECUTIVE SESSION:

Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to enter into executive session with regard to contract negotiations. 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 Mr. Brady reported that the contract for Kids Camp is in final form and ready for the Mayor and Clerk to sign.

CORRESPONDENCE:

New Jersey DOT RE: 2015 State Aid program

Warren County Dept of Public Safety Re: Update of maps

Warren County Planning Dept. Re: Resolution 399-14 concerning the US Environmental Protection Agency's & U.S. Army Corp's proposal to expand the definition of "Waters of the United States"

- Green Township Re: Ordinances 2014-06 & 2014-09
 Stillwater Township Re: Ordinance 2014-013
 Frelinghuysen Township Tax Collector Re: Affidavit of tax bill mailing
 Yellow Frame Presbyterian Church Re: Notice to property owners
 Martin Connor Re: Meeting observations
 Lynnell Lindsay Re: Internet connectivity
 Dept. of Land Preservation Re: presentation for FFP Addition II
 Maser Consulting Re: COAH rule comments
 Emergency Mgt Coordinator Re: 32 Camp Wasigan Road driveway
 New Jersey State League of Municipalities: Re:
1. League's annual audit statement
 2. Three Issues:
 - a. Weekly summer legislative update
 - b. 2014 police & fire books
 - c. Reminder of survey on municipal & School district cooperation
 3. Washington watch update
 4. Six Issues on federal policies
 - a. Senators combine marketplace fairness & internet tax bills
 - b. Municipalities welcome passage of workforce bill
 - c. NLC & MJLM call on congress to find long-term transportation solution.
 - d. EPA proposes rule to reduce emission from new municipal landfills
 - e. Senate passes terrorism risk insurance extension
 - f. NLC webinar on July 29 expanding health access
 5. Two Issues:
 - a. Weekly summer update amendment to the NJ spill act
 - b. Municipal securities rulemaking board education center coming soon
 6. Two Issues on Mayor's advisory
 - a. COAH comments due by Friday
 - b. Levy cap exemption for Flood Insurance premiums
 7. Division issues local finance notice on secondary bond market
 8. New content on DLGS web site
 9. NJ Supreme Court Decision
 10. Two Issues:
 - a. Division of pensions posts 2015 SHBP rate recommendations
 - b. August is National Immunization awareness month
 11. Two Issues:
 - a. Help to protect and restore local telcom revenues
 - b. Upcoming league seminar on personnel manuals
 12. Six Issues:
 - a. Congress passes transportation program extension
 - b. Urge our Senators to support S 2609
 - c. DOT proposes new rail safety standards
 - d. NLC urges support for resolution recognizing 40th anniversary of CDBG
 - e. President's plan to help cities prepare for the impacts of climate change
 - f. Veterans affairs reform bill passes both houses
 13. Mayors advisory revised: Two Issues:
 - a. Governor creates NJ pension & health benefit study commission
 - b. League submits COAH comments
 14. NJDOT Re: Announcement of funds for State Park Road (phase IV)

15. Weekly Summer Update-three issues:
 - a. Governor vetoes tax levy exemption for Flood Insurance premiums
 - b. Governor vetoes onerous procedures to privatize public service contracts
 - c. November ballot questions
16. Three Issues:
 - a. Restoration of energy tax receipts legislation
 - b. Hotel update for league conference
 - c. Leagues posts resources to empower local impact
 - d. NJ Division of Fire Safety issues safety warning on current social media stunt
17. Transportation trust fund renewal

ADJOURNMENT:

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

Respectfully Submitted,

Brenda J. Kleber, RMC