

MINUTES OF MEETING OF DECEMBER 17, 2014

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, December 17, 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:

The minutes of the meeting of November 24, 2014 were approved on motion made by Mr. Kuhn, seconded by Mr. Stracco. All were in favor.

RESOLUTIONS:

#2014-102 (Refund overpayment of taxes)

WHEREAS, a resolution is required by the Tax Collector to refund overpayment of 2014 taxes, for the following properties, as listed below:

Block	Lot	Pay to	Amount
201	6.02 & 6.02Q	Core Logic	\$2,089.13
801	7.02 Q0276	Richard & Marlene Wilburn	12.13
1401	19 Q0039	Katzenstein Family NJ LLC	10.86

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

A consent agenda motion was made by Mr. Kuhn, seconded by Mr. DeCarolis. Roll call vote: Mr. Boynton-yes, Mr. Kuhn-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Stracco-yes.

#2014-103 (Cancel stale dated checks)

WHEREAS, there are stated dated checks outstanding in the Frelinghuysen current account; and

WHEREAS, every avenue has been extinguished to trace these checks.

NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that the following stale dated checks be canceled and credited the surplus:

Check #	Issue date	Amount
359	12/23/2010	\$485.00
8831	08/17/2011	67.00
9239	05/16/2012	35.00
9432	10/19/2012	198.00
9449	11/26/2012	67.03

A consent agenda motion was made by Mr. Kuhn, seconded by Mr. DeCarolis. Roll call vote: Mr. Kuhn-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Stracco-yes, Mr. Boynton-yes.

#2014-104 (Cancel grant receivables is on hold for January. No. 2014-104 was given for:

#2014-104 (Resolution to join the fund (Statewide)

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A.40A:10-36, et. seq.; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from January 1, 2015 terminating on January 1, 2018 at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE BE IT RESOLVED, that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED, that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED, that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

Workers' Compensation & Employer's Liability-yes

Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability-yes

Pollution Liability-yes

Umbrella-yes

BE IT FURTHER RESOLVED, that David Boynton is hereby appointed as the LOCAL UNIT'S FUND COMMISSIONER and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED, that the LOCAL UNIT'S Fund Commission is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to adopt said resolution. Roll call vote: Mr. DeCarolis-yes, Mr. Boynton-no, Mr. Kuhn-yes, Mr. Desiderio-yes, Mr. Stracco-yes.

#2015-105 (Risk Management Consultant)

WHEREAS, Frelinghuysen Township (hereinafter "Local Unity") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A.40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of "Local Unit", in the County of Warren and State of New Jersey, as follows:

1. David Boynton hereby appoints James Gilmore its local Risk Management Consultant
2. The Mayor and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2015 in the form attached hereto.

Motion was made by Mr. Kuhn, seconded by Mr. Stracco to adopt said resolution. Roll call vote: Mr. Stracco-yes, Mr. Boynton-no, Mr. DeCarolis-yes, Mr. Kuhn-yes, Mr. Desiderio-yes.

#2014-106 (Transfer resolution)

WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2014 budget to pay, and

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands,

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make the following transfers:

<u>TRANSFER FROM:</u>		<u>TRANSFER TO:</u>	
Human Resources o/e	1,800.00	General Admin s/w	1,450.00
Land Use Administration o/e	475.00	Road Maintenance s/w	2,500.00
Emergency Management o/e	1,000.00	Diesel o/e	1,800.00
Recreation o/e	2,800.00	Social Security	2,000.00
Administration o/e	277.00	Fuel Oil o/e	277.00
Environmental Health o/e	480.00	<u>Land Use s/w</u>	<u>260.00</u>
Public Defender o/e	250.00	Total	8,287.00
Computerized Data Process o/e	150.00		
<u>Buildings/grounds o/e</u>	<u>1,055.00</u>		
Total	8,287.00		

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

#2014-107(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 December; 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. Kuhn-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. Boynton-yes.

#2014-108 (Emergency Management Coordinator Services)

WHEREAS, the governing body of a municipality may enter into a contract with another local unit for the sharing of services within their jurisdictions of any service which either local unit is empowered to render within its own jurisdiction pursuant to N.J.S.A. 40A:65-1, et seq., known as the Uniform Shared Services and Consolidation Act; and

WHEREAS, the Township of Frelinghuysen has agreed with the Township of Green to enter into a Shared Services Agreement (the "Agreement"), pursuant to which the Township of Frelinghuysen shall appoint a Deputy Emergency Management Coordinator, and that Deputy Emergency Management Coordinator shall serve as the Emergency Management Coordinator for the Township of Green, on the terms and conditions set forth in the Agreement between the parties and pursuant to N.J.S.A. App. A: 9-40.1, et seq.; and

WHEREAS, by entering into the said Agreement, the Townships of Frelinghuysen and Green will conserve financial resources and enhance community relations.

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

1. The Mayor and Clerk of Frelinghuysen Township are hereby authorized to execute a Shared Services Agreement with Green Township for Emergency Management Coordinator Services, in a form acceptable to the Township Attorney.

2. A copy of the Agreement shall be open to public inspection at the Frelinghuysen Township Municipal Building immediately after passage of this resolution.

3. Pursuant to N.J.S.A. 40A:65-5, the Agreement shall take effect upon the adoption of this resolution and of a resolution by the Township of Green, and execution of the Agreement.

4. This resolution shall take effect according to law.

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

#2014-109 (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 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 24th day of November, 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. Stracco-yes, Mr. Desiderio-yes, Mr. Boynton-yes, Mr. DeCarolis-yes, Mr. Kuhn-yes.

QUOTES:

The Clerk solicited three quotes for the township's insurance needs as follows:

James A. Connors Agency, Morristown, NJ –did not quote

Statewide Insurance Fund, Short Hills, NJ in the amount of \$32,180.00

Tri State Insurance (JIF), Augusta, NJ in the amount of \$32,096.80

At this time, the Committee went into executive session to discuss contract negotiations and upon returning motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to approve the quote received from Statewide. Roll call vote: Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Boynton-no, Mr. DeCarolis-yes, Mr. Desiderio-yes.

OLD BUSINESS:

A response to purchase the small lot on 232 Spring Valley Road in the amount of \$400.00 was discussed. Since the letter to the purchaser did not include fees, motion was made by Mr. Kuhn, seconded by Mr. DeCarolis authorizing the attorney to get a description and prepare a deed. The expenses will need to be covered before we proceed. All in favor.

An Interlocal agreement for Emergency Management Coordinator services between Frelinghuysen Township and Green Township was approved on motion made by Mr. Stracco, seconded by Mr. Kuhn. All were in favor. Mr. Pachnos will remain EMC. Kenneth Lang will be the coordinator for Green Township. There will be two deputies- Mr. Izarry and Mr. Jurena. Mr. Pachnos is asking for \$2,200.00 for salary along with needing \$600.00 for radios. He would like us to join the Swift 9-1-1 with Green which will cost \$1,215.00 until August 2015.

Dawn Riley of Ackerson Road came before the Committee for help in getting high speed internet on her road. Martin Connor, who represented the town in the negotiations with Service Electric responded that Service Electric would only provide services if it was profitable. Scott Hendricks also of Ackerson Road advised that he also approached Service Electric and was unable to get any help. He contacted Century Link, who provides the telephone services in that area and they are working with him, however, he still needs a couple more signatures on his petition. It was decided that an e blast notice would be sent out of which the attorney needs to approve.

An interlocal service agreement between Frelinghuysen and Green for the construction department between Frelinghuysen and Green for a term of four consecutive years beginning January 1, 2015 and terminating on December 31, 2018 was approved on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor.

NEW BUSINESS:

The letter received from Green Township Volunteer Fire Department regarding the purchase of radios will be held for the next budget meeting.

A 2015 Municipal Alliance County contract reflecting both the award of funds and corresponding levels of service was approved to be signed by the Mayor and Clerk on motion made by Mr. Kuhn, seconded by Mr. Desiderio. All were in favor.

A letter of resignation received from Kevin Bailey from the Land Use Board was accepted with regret on motion made by Mr. Kuhn, seconded by Mr. Stracco. All were in favor. The Clerk was instructed to send a letter of thanks.

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 were:

Wendy Goetz who researched steward communities regarding sewer septic systems. Mr. Desiderio will go on the website she provided for additional information.

Martin Connor asked if anyone can walk on the Kids Camp after the town takes ownership of the property as it would be unsafe due to the fallen buildings and debris in the area.

Wendy Goetz asked what the timetable was on the salt shed. She was told it was on hold. She also asked if there were any changes to the outdoor furnace ordinance. She was informed that the LUB formed a subcommittee to look into this.

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

DEPARTMENT REPORTS:

Motion was made by Mr. Stracco, seconded by Mr. Kuhn to approve the department reports 1-14 on a consent agenda motion. All were in favor.

Mayor David Boynton advised that the NJDOT approved the driveway opening permit on the Route 94 property. The town has to get releases from two residents on Meadow Oak Drive so that the Mosquito Commission can do the work on the basins. The Mayor received an email from Director of Finance at Alpha Borough asking if our CFO was interested in putting additional hours in Alpha. Mrs. Dyer is not interested at this time.

Deputy Mayor Kuhn-no report

Committeeman Christopher Stracco-no report

Committeeman Frank Desiderio-no report

Committeeman Alan DeCarolis-asked to hold the tax assessor's check until further clarification can be gotten on his charges for the computers in his office. He mentioned that Hope Township Environmental Committee will meet with our commission regarding Sustainable Jersey in the future.

Municipal Clerk-no report

Attorney Edward Wacks-a question was brought up about sick time, if the committee recalls there was an agreement reached with Mrs. Kleber and Mr. Crone but did not at that time change the agreement in accordance with the personnel policy. We do have a sick time policy with a cap of \$6,000. The Committee should rethink the policy and discuss it further at a work meeting as to whether they want to change it where they use it or lose it or continue with a cap. The Kids Camp closing will be held tomorrow, December 18th. The Committee will need to decide whether they are going to do any additional testing on the property since the environmental report came back positive. There is a greenhouse on the property as they were unable to remove it. It can be decided later what to do with it. Ed was able to receive a \$5,000 credit toward clean up of the property. Mr. Wacks asked the Committee to consider raising his retainer to \$1,750.00 as he is putting in more hours. Lastly, the Gerson easement is going forward.

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. Stracco, seconded by Mr. DeCarolis to return to public session. All were in favor. Upon returning the attorney stated that the Committee looked and compared both insurance proposals and because both coverage's and costs were about the same and almost identical the Committee decided to go forward.

CORRESPONDENCE:

Frelinghuysen Township Code Book Supplement #20

Jersey Central Power & Light Re: Notice of proposed increase in non-utility generation

NJ Board of Public Utilities Re: Service Electric-petition for renewal certificate approval

NJ DCA Re: CY2015 budget matters

Morris County Municipal Joint Insurance Fund Re: 2015 budgets

New Jersey State League of Municipalities Re:

1. Senate transportation committee takes testimony from league leaders
2. Seminar for elected leaders
3. Municipal Leaders thank Senate President Sweeny
4. Weekly policy update-Four issues:
 - a. Transportation Trust Fund TTF
 - b. Paid Sick Leave
 - c. Police Body Cameras
 - d. Buy American
5. Federal update-Five Issues:
 - a. FY 2015 spending bill heads to President
 - b. 21st Century policing task force to be formed
 - c. Terrorism risk insurance act (TRIA) goes to President
 - d. EPA responds to Clean Water Act affordability concerns
 - e. EPA releases rule proposal for ozone reduction

ADJOURNMENT:

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

Respectfully Submitted,

Brenda J. Kleber, RMC