

MINUTES OF REGULAR MEETING OF JANUARY 20, 2016

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Monday, January 20, 2016 and was called to order at 6:30 p.m. by Christopher Kuhn.

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: Committeeman Christopher Kuhn, Committeeman Christopher Stracco, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Committeeman David Boynton, Rich Belin - Township Attorney, and Acting Clerk Donna Zilberfarb.

EXECUTIVE SESSION:

Motion was made by Mr. Desiderio to enter into executive session, seconded by Mr. Boynton. All were in favor.

No action was taken.

Motion was made by Mr. Desiderio to exit executive session, seconded by Mr. Boynton. All were in favor.

Mr. Belin statement: The Mayor and members of the Township Committee held an executive session with purposes to discuss personnel matters, matters subject to attorney client privileges and contract negotiations. The minutes from this executive session will be made public when the reasons for closing the meeting have been resolved.

Meeting return to regular session:

Motion was made by Mr. Desiderio to concur with the Farmland Advisory Committee with offer, seconded by Mr. Boynton. All were in favor.

Mason Dump Truck – Mr. Inscho gave a DPW report and let the Committee know that the mason dump was ready to be delivered but there is a scratch on the passenger side fender that needs to be repaired. After discussion, it was decided to have the mason dump delivered now and return it to be fixed after the upcoming storm. Mr. Inscho will call Beyer Brothers in the morning for delivery.

Mr. Inscho discussed a part time plow driver that he knows to help during storms. Mr. Inscho handed everyone a copy of his application.

A motion was made by Mr. DeCarolis to approve the applicant, seconded by Mr. Stracco. All were in favor. Mr. Inscho will get in touch with applicant.

MINUTES:

The minutes of the January 4, 2016 Re-Organizational meeting were approved on a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor.

The minutes of the January 13, 2016 work session meeting were approved as amended on a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor.

ORDINANCES:

#2016-01 CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and, **WHEREAS**, the Frelinghuysen Township Committee of the Township of Frelinghuysen in the County of Warren, finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and, **WHEREAS**, the Frelinghuysen Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$27,673.31 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and, **WHEREAS** The Frelinghuysen Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years. **NOW THEREFORE BE IT ORDAINED**, by the Frelinghuysen Township Committee of the Township of Frelinghuysen, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Frelinghuysen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 27,673.31, and that the CY 2016 municipal budget for the Township of Frelinghuysen be approved and adopted in accordance with this ordinance; and, **BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and, **BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and, **BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption. **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Frelinghuysen Township Committee held on January 20, 2016 at 7:30 p.m. and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on February 17, 2016 at 7:30 p.m. at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. **NOTICE** Notice is hereby given that the foregoing Ordinance was adopted at the meeting of the Frelinghuysen Township Committee held on the ____ day of February, 2016 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey. Motion was made for the first reading, seconded by Mr. Boynton. All were in favor. The second reading will be on February 17, 2016 at the Regular Township Committee Meeting.

RESOLUTIONS:

2016 - 19 TAX COLLECTOR WHEREAS, a resolution is required by the Tax Collector to refund overpaid 2015 added assessment taxes, due to tax appeals filed and granted, as listed below:

Block	Lot	Pay To	Amount
502	32	Com Supprtd Garden – Genesis Farm	\$ 764.03
701	11	Jean Smolha	159.28

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the above property taxes. I hereby certify the foregoing to be a true and accurate copy of a resolution adopted by the Township Committee at its' meeting held on January 20th, 2016. Motion made by Mr. Boynton on a consent agenda for resolutions 2016-19 through 2016-21, seconded by Mr. Desiderio. All were in favor.

#2016-20 Mandatory Direct Deposit WHEREAS, P.L. 2013, c28 authorizes municipalities to adopt a resolution to provide for the mandatory direct deposit of net pay for all employees, and WHEREAS, after review it has been determined that there is a benefit to the town in time saved reissuing lost and misplaced paychecks, as well as significantly streamlining the process of balancing the monthly payroll bank statement, and the costs of delivery fees, NOW, THEREFORE BE IT RESOLVED, that mandatory direct deposit of municipal payroll is hereby instituted beginning January 1, 2016, and that the CFO will notify all municipal employees and provide the proper forms and assistance to implement this policy. **CERTIFICATION:** It is hereby certified that this is a true and correct copy of a resolution adopted by the Frelinghuysen Township

Committee at a meeting held January 20, 2016. Motion made by Mr. Boynton on a consent agenda for resolutions 2016-19 through 2016-21, seconded by Mr. Desiderio. All were in favor.

#2016-21 Transfer of appropriation reserves WHEREAS, certain bills have been presented for payment for year 2015 charges for which there are insufficient budget reserves to pay, and WHEREAS, N.J.S.A. 40A:4-59 permits transfers of appropriation reserves within the first three months of the succeeding year to cover said charges, NOW, THEREFORE BE IT RESOLVED that the following 2015 Budget Appropriation Reserve transfers be authorized;

<u>TRANSFER FROM:</u>		<u>TRANSFER TO:</u>	
Engineering O/E	\$2,200.00	Legal O/E	\$3,200.00
Diesel O/E	\$1,000.00		
Totals	<u>\$3,200.00</u>		<u>\$3,200.00</u>

I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen, at a meeting held January 20, 2016. Motion made by Mr. Boynton on a consent agenda for resolutions 2016-19 through 2016-21, seconded by Mr. Desiderio. All were in favor.

#2016-22 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of personnel policy and pending litigation 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 January 20, 2016 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 reasonable length of time. Motion made by Mr. Desiderio, seconded by Mr. Stracco. All were in favor.

#2016-23 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF JANUARY 2016 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 JANUARY 2016; 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 made by Mr. Desiderio, seconded by Mr. Stracco. All were in favor.

#2016-24 2016 FUND YEAR STATEWIDE INSURANCE FUND Risk Management Consultant's Agreement THIS AGREEMENT entered into this 20th day of January 2016, among the Statewide Insurance Fund ("FUND"), a joint insurance fund of the State of New Jersey, Frelinghuysen Township ("MEMBER") and Bollinger, Inc. ("CONSULTANT") through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4. WHEREAS, the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and WHEREAS, the CONSULTANT has advised the FUND that he/she is familiar with the terms, conditions and operations of the FUND; and WHEREAS, the MEMBER desires these professional services from the CONSULTANT; and WHEREAS, the MEMBER has complied with relevant law in regard to the appointment of a Risk Management Consultant; and WHEREAS, the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein. NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows: For and in consideration of the amount stated hereinafter, the CONSULTANT shall:

- A.** assist in evaluating the MEMBER'S exposures and advise on matters relating to the Member's operation and coverage.
- B.** explain to the MEMBER, or its representatives, the various coverages available from the FUND.
- C.** explain to the MEMBER, or its representatives, the terms of the member's commitment and obligations to the FUND.
- D.** explain to the MEMBER, or its representatives the operation of the FUND.

- E. prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND.
- F. review the MEMBER'S assessment and assist in the preparation of the MEMBER'S insurance budget.
- G. review losses and engineering reports and provide assistance to the MEMBER'S safety committee, if required.
- H. assist in the claims settlement process, if required, by MEMBER or FUND.
- I. attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by the MEMBER or the FUND.
- J. comply with the obligations imposed upon Risk Managers in the FUND'S Bylaws.
- K. act in good faith and fair dealing to the FUND.
- L. perform other duties for the FUND as may be required from time to time by the FUND.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:

- A. The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER'S assessment: 6% of workers compensation (excluding any fees, PLIGA, and loss ration apportionment); 7.5% of non WC assessment (excluding any fees, PLIGA, and loss ratio apportionment);
- B. The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.
- C. For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND'S assessment in computing the fee set forth in 2(A).
- D. If the MEMBER shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the MEMBER a fee at a rate to be negotiated by the parties.

3. The term of this Agreement shall be from January 1, 2016 to January 1, 2017. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.

4. The CONSULTANT shall comply with all the laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.

5. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement. Motion made by Mr. Desiderio seconded by Mr. Boynton. All were in favor.

CONTRACTS/AGREEMENTS:

2016 Professional Planning Services (Land Use Board) – Darlene Green, Maser Consulting. Motion was made by Mr. Desiderio to accept the contract, seconded by Mr. Boynton. Roll call vote: Mr. Desiderio-Yes; Mr. Boynton-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes; Mr. DeCarolis-Yes.

2016 Professional Services (Land Use Board) – Michael Lavery, Lavery, Selvaggi, Abromitis & Cohen. Motion was made by Mr. Desiderio to accept the contract, seconded by Mr. Boynton. Roll call vote: Mr. Desiderio-Yes; Mr. Boynton-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes; Mr. DeCarolis-Yes.

Imperial Gutters – Kids Camp. A 50% deposit needs to be issued to Imperial Gutters in order to start work. They will notify of date to start once deposit is made.

MSI Annual Contract 2016 – A motion was made by Mr. Desiderio to approve the 2016 contract, seconded by Mr. Stracco. All were in favor.

BIDS/ESTIMATES:

Bids for repairs at Kids Camp – Mr. Boynton explained the bids and work that is needed to be complete and asked to hold the bids to discuss further at the budget meeting.

A motion was made by Mr. Stracco to hold until the January 28, 2016 budget meeting, seconded by Mr. Desiderio. All were in favor.

OLD BUSINESS:

Letter to Barbara Smolha – Mr. Kuhn advised that a copy of the letter sent to the landowner was included in the correspondence and if there was a need to discuss it, it would need to be done during executive session.

Rich Belin explained that the rock picking on South Street has gone to municipal court trial which resulted in a fine being posed against the property owner and rock picking company. If any further business continues then the town is prepared to take further legal action.

Mr. Kuhn thanked the Committee, Zoning officer, and the residents for the time and effort put into this. Mr. Kuhn took questions from the public noting that he may or may not be able to answer. Ms. Drylie asked what if they are still doing work at the site and was told to contact the town hall immediately.

NEW BUSINESS:

Jackie Espinoza, from JCP&L spoke to all present regarding the new lockout zone BPU guidelines. She explained that they will be doing more trimming in the township. Again she spoke regarding any downed trees in wires to call JCP&L and not cut if live, leave it to JCP&L.

Mr. Kuhn introduced Calvin Inscho, the new road foreman. Mr. Inscho gave his department report. He inquired if the hours could be changed from 8-4 to 7-3 and discussed possible summer hours of 6:30-2:30. The committee will look at the hours during the work session on February 10, 2016. Mr. Kuhn asked if anyone had any questions for Mr. Inscho. Ms. Goetz asked about getting a school bus stop sign put up near Muller Road on Route 94. As this is a state road, this will be discussed with the Engineer, Paul Sterbenz at the next work session.

Ms. Buttgerreit explained that a resident approached her regarding tapping some maple trees at Kids Camp and asked if that was a possibility. She stated that Ms. Urgo from the land conservancy, and Green Acres both favor this type of activity. After discussion with legal counsel, an ordinance would need to be enacted by the legal liaison and Ms. Urgo.

Motion was made by Mr. Desiderio to allow legal counsel to draft an ordinance for tapping maple trees on Municipal owned property, seconded by Mr. DeCarolis. All were in favor.

Wendy Goetz discussed Sustainable Jersey with the Committee and asked to create a green team by resolution. After her discussion, Mr. Kuhn asked the committee their opinions/thoughts on this. Mr. Kuhn stated that Ms. Goetz will need to get a resolution for a green team for the February 17, 2016 meeting.

Ms. Goetz also inquired about being on the agenda for the February 17, 2016 meeting for TPP. Mr. Stracco requested that Ms. Goetz get a copy of the information to Ms. Zilberfarb for distribution to the land use board and the committee members. Mr. Kuhn advised Ms. Goetz to meet with the land use board prior to coming before the Township Committee and to see if there is anything in regards to pipelines that may need to be included in the Master Plan.

Mr. Conner discussed the year end report for the FFP North and South properties.

OPEN MEETING TO THE PUBLIC:

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

Ms. Drylie spoke in response to Mr. Connor's report asking who pays for everything at Kids Camp and asked if there was an additional cost for extra insurance. Ms. Drylie commended all volunteers on their efforts but questioned the costs. Mr. Kuhn

explained the trust fund to all present and explained how costs came out of that account and that all work would be budgeted for 2016.

Ms. Smolha spoke of her concerns of re-cooping the funds that are being paid through taxes. Does not want to see these repairs etc. coming out of taxes.

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

DEPARTMENT REPORTS:

Motion was made by Mr. Boynton to approve the consent agenda for department reports, seconded by Mr. Desiderio. All were in favor.

Legal Report: Rich Belin discussed the letter of credit for Angeleri and will need a signed affidavit from the Mayor.

A motion was made by Mr. Boynton to authorize the Mayor to sign the affidavit, seconded by Mr. Stracco. All were in favor.

A motion was made by Mr. Stracco authorizing Tri-State as the Supplemental Insurance carrier for recreation, seconded by Mr. Desiderio. All were in favor. Ms. Zilberfarb will communicate to Tri-State.

Recreation Report: Conducted their reorg meeting. Mr. Desiderio is the Chair. They are looking into purchasing a new swing set. Offered to repair the boat and fire truck that the insurance company has flagged. Casino night will be April 2, 2016.

Deputy Mayor Report: COAH information needs to get to Darlene Green as soon as possible. Stated he was disappointed that the Land Use Board did not elect to go with Maser Consulting as the Engineer.

Committeeman DeCarolis: Nothing further to report

Committeeman Desiderio: Nothing further to report

Committeeman Boynton: Handed report to all members and explained. DPW furnance was repaired. The FFP North explained all the work that has been completed in the lodge thus far. The town hall repairs have been fixed from the insurance inspection report. Mr. Boynton also acknowledged Mr. Connor as a deputy paint crew member.

Mayor Kuhn Report: Explained that he will be out next week and Mr. Stracco will be in charge in his absence.

Clerk Report: Discussed the Township dinner. Invites will be mailed out tomorrow, the menu has been chosen and a deposit will be sent tomorrow. She let the committee know that she will be out of town on February 19th and will have Pamela Brady covering for her. (Kim and Jackie are not available).

CORRESPONDENCE:

State of New Jersey DEP – FY2016 Annual Fee Report

State of New Jersey DEP – Clean Water Financing Program/State Revolving Fund

State of New Jersey Department of Human Services – Additional GAAS Pay types included in SSI Refund Calculation

State of New Jersey Department of Human Services – 2016 Fair Market Rents

New Jersey DEP – Green Acres Acquisition Payment Form

Superior Court of NJ Warren County – Extending temporary immunity COAH

Township of Hardwick – Land use Ordinance/Amendment #2015-10

Edward Wacks & Association, LLC – Township of Frelinghuysen – COAH

USDA – Notice of solicitation of applications for the section 533 housing preservation grants for FY2016 (Clerk has copy in office)

Arthur J. Gallagher & Co. – Insurance Proposal (Clerk has copy in office)

ADJOURNMENT:

There being no further business, motion was made by Mr. Desiderio, seconded by Mr. Boynton to adjourn the meeting at 9:23 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk