

## **MINUTES OF MEETING OF JANUARY 20, 2011**

The budget meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Thursday, January 20, 2011 and was called to order at 4:00 by Mayor Charles.

### **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 Thomas Charles, Deputy Mayor David Boynton, Committeemen DeCarolis, Desiderio and Durling, Chief Finance Officer Gene Marie McCartney, Attorney Edward Wacks, and Clerk Brenda Kleber.

### **BUDGET:**

The capital projects were reviewed along with starting the process of the O&E requested line items. In attendance was Tax Assessor David Gill who informed the Committee that he will be reducing his budget for expenses to \$4,000.00.

### **NEW BUSINESS:**

Mr. Wacks raised the subject of the retroactive assessment on a home at 100 Camp Wasigan Road. Mr. Gill assessed the home when the dwelling was only partially completed, which he said he had the right to do. However, he never actually entered the home to see the extent of finishing and placed the assessment based on the photos in a multiple listing agreement. The owner was not finished with the house due to the down turn in the real estate market and disputed the extent that the house was finished. Based on a call from the Seller's attorney, Mr. Gill authored a resolution for the Mayor and Township Committee to enact canceling the assessment and sent a copy of it to the attorney. However, the mayor and committee refused to pass the resolution. He removed the assessment on the erroneous assumption that the resolution would be enacted. When he was told it would not be enacted, he placed the assessment back on to the property. There was about \$3600 in taxes which should have been collected from the homeowner which the township lost due to Mr. Gill's error in advising the attorney that the assessment had been cancelled. The attorneys for the buyer and seller contacted the township attorney and threatened litigation over the placement of this assessment. The matter was resolved by Mr. Gill offering to reduce his budget for expenses by one half of the taxes which remain uncollected (and pay for such expenses himself) and the township would cancel the assessment to avoid litigation costs.

A letter received from resident Richard Mlecz was read whereby Mr. Mlecz is being assessed on his barn from January 1<sup>st</sup> and his certificate of occupancy was not done until November. He asked that his assessment be corrected accordingly and pro-rated. It was decided that the attorney would contact the Building Inspector for additional information (Note: In speaking with the building inspector, Mr. Wacks was informed that Mr. Mlecz was using his barn before the CO was issued and a fine which could have been imposed was waived by the Building Official). The Committee decided to require Mr. Mlecz to pay the assessment from January 1<sup>st</sup>).

The Clerk informed the Committee that there were several professional bills that had not been paid and the escrow had been released. It was decided that the Clerk on motion made by Durling, seconded by Boynton that a letter would be sent to the applicants asking for reimbursement. All in favor.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC