

## **MINUTES OF MEETING OF MAY 19, 2010**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, May 19, 2010 and was called to order at 7:00 p.m. by Mayor Durling.

### **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 emailing notice to the New Jersey Herald and The Express-Times.

### **ROLL CALL:**

Those present were: Mayor Dale Durling, Deputy Mayor Thomas Charles, Committeeman Alan DeCarolis, Committeeman Frank Desiderio, Committeeman David Boynton, Chief Finance Officer Gene Marie McCartney, Auditor Anthony Ardito, Attorney Edward Wacks, and Clerk Brenda Kleber.

### **EXECUTIVE SESSION:**

Motion was made by Boynton, seconded by DeCarolis to enter into executive session after a resolution dealing with personnel matters. All in favor. Motion was made by Boynton, seconded by DeCarolis to return to public session. All in favor. At this time, the attorney reported that the personnel matter was the discussion of health insurance and who is eligible. A sub-committee consisting of Mr. Durling and Mr. Charles was formed to study the new law.

### **BUDGET ADOPTION:**

Mr. Ardito reported that the 2010 budget was introduced on April 21, 2010 and the Committee worked very hard to maintain the tax rate. The meeting was opened to the public on motion made by Boynton, seconded by Charles. All in favor. After several questions from the audience, motion was made by Boynton, seconded by Desiderio to close the public portion. All in favor. The budget was adopted after adopting resolution #2010-41. Roll call vote to adopt budget: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes.

### **ORDINANCES:**

AN ORDINANCE (#2010-04) PROVIDING FOR VARIOUS 2010 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$219,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$208,430 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF was opened to the public on motion made by Boynton, seconded by Charles. All in favor. Daniel Kohuth asked the cost of the tractor/mower and was informed it was under \$90,000.00 for which he replied "Holy Cow". Amy Hufnagel asked for the breakdown on the complete ordinance. Motion was made by Charles, seconded by Boynton to adopt said ordinance. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes.

### **RESOLUTIONS:**

#2010-41(Budget self exam)

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Frelinghuysen has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Frelinghuysen meets the necessary conditions to participate in the program for the 2010 budget year, so now therefore,

BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.

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

#### #2010-42 (Raffle license approval)

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct an On Premises 50/50 raffle license for May 27, 2010 consisting of application #2010-04; and

WHEREAS, the Findings and Determination by the Municipal Clerk has determined that the organization is qualified to conduct such raffle.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Frelinghuysen Township PTO raffle application #2010-04 is hereby approved.

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

#### #2010-43 (Oppose Senate Bill 458)

WHEREAS, Senate Bill 458 calls for a referendum to consolidate the municipal tax assessor, municipal tax collector, municipal health services and municipal animal control services at the county; and

WHEREAS, Senate bill 458 does not give the municipality any option if the county voters cast a majority to consolidate, and

WHEREAS, consolidation would cause unnecessary hardship on citizens who rely on the municipal tax office for information and assistance, particularly the community's senior citizens who depend on tax offices for assistance in completing tax freeze and rebate forms. Without proper study there is no proof that consolidation will save any public money; and

WHEREAS, Senate Bill 458 calls for a master plan for the consolidation of the tax assessment and tax collection functions after enactment of the proposal without giving the public the opportunity to review and comment on the proposed master plan;

WHEREAS, current state statutes place responsibility for tax assessment and tax collection under municipal jurisdiction; and

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Township of Frelinghuysen does hereby oppose the passage and enactment of Senate Bill 458.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Senate President Stephen Sweeney, Senator Jeffrey Van Drew, Chairman of the Community & Urban Affairs Committee and Senator Michael Doherty representing this district as a sign of our opposition to this proposal.

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

#2010-44 (Approval of vouchers)

WHEREAS, the Municipal Clerk has submitted a list along with copies of bills in the agenda for the Township Committee's review; and

WHEREAS, the Township Committee members have reviewed the list and copies.

NOW, THEREFORE BE IT RESOLVED, that all vouchers and purchase orders as Submitted and reviewed by the Township Committee of the Township of Frelinghuysen are reasonable and proper claims against the Township and are to be paid from its appropriate fund accounts.

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

#2010-45: (Executive Session)

WHEREAS, it is necessary to discuss items dealing with Personnel matters in private or executive session; and

WHEREAS, under the Open Public Meetings Act (number 4 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 19<sup>th</sup> day of May, 2010 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 Boynton, seconded by DeCarolis to adopt said resolution. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes.

#2010-46 (Setting Open Space tax)

WHEREAS, Section 2-39.3 of the Ordinances of the Township of Frelinghuysen requires that the Open Space tax for year 2010 be set at or before the meeting when the budget is adopted; and

WHEREAS, the Township Committee desires to establish a .02 cent open space tax per \$100.00 of assessed valuation.

NOW, THEREFORE BE IT RESOLVED, that there is hereby established an open space tax of .02 cents per \$100.00 assessed valuation pursuant to Ordinance 2-39.3.

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

**OLD BUSINESS:**

Cliff Kimball, Chairman of the Recreation Committee addressed the Committee with regard to further the use of the Recreation Complex by installing a basketball court, another ball field for the little league and a walking trail around the complex. Committeeman Desiderio announced that the 7<sup>th</sup> and 8 grade girls won the softball championship tournament, the 5<sup>th</sup> and 6<sup>th</sup> grade girls came in fourth and the 3<sup>rd</sup> and 4<sup>th</sup> grade girls came in third place out of 16 teams that played.

Municipal Engineer Paul Niehoff sent a letter recommending that final payment in the amount of \$3,133.07 be authorized to Owl Contracting. Motion was made by Charles, seconded by Boynton to approve the release of the funds. All in favor.

**NEW BUSINESS:**

Due to the backup of the furnace the chimney was inspected. The chimney inspector recommended a new flue and capping of the existing chimney. Committeeman Desiderio suggested that he be authorized to obtain three additional quotes. Motion was made by Boynton, seconded by DeCarolis to authorize Committeeman Desiderio to obtain three additional quotes. All in favor.

A letter received from Frank Wheatley, Warren County Deputy Public Safety Director asking to meet with the municipality to identify the problem areas and present potential solutions to hazard issues which then would be developed into specific mitigation actions. It was decided that Committeeman Charles would contact James Drylie, Emergency Management coordinator.

A letter of resignation from Gloria Murphy from the Recreation Committee was accepted with regret on motion made by Boynton, seconded by DeCarolis. All in favor. Committeeman Boynton commended Ms. Murphy on all the work and activities she has done for the Recreation Committee. The Clerk was instructed to send a letter of thanks.

A letter received from the Frelinghuysen Township Planning Board recommending the Township Committee not continue with the Highlands Regional Master Plan Initial Assessment study until it is known how the Highlands is progressing. Motion was made by Boynton, seconded by Desiderio to not proceed and go with the Planning Board's recommendation. All in favor.

#### **MINUTES:**

The minutes of the regular meeting of April 21, 2010 were approved as amended on motion made by Boynton, seconded by DeCarolis. All in favor. The minutes of the first executive session were approved on motion made by Charles, seconded by Boynton. All in favor. The minutes of the second executive session was approved on motion made by Boynton, seconded by Charles. All in favor.

#### **DEPARTMENT REPORTS:**

Department reports received from the Tax Assessor, Tax Collector, Building, Dept., Dog Licensing Official, Municipal Court and Warren County Health Dept. were approved on a consent agenda motion made by Boynton, seconded by DeCarolis. All in favor.

#### Mayor Dale Durling's report:

Mayor Durling reported that he received a complaint about a light on the Santos property from the neighbor. Since this is a civil issue, Mayor Durling will set up a meeting between Mr. Santos and the neighbor and mediate the meeting. Mayor Durling reported that the logo has been revised deleting the 4<sup>th</sup> grade reference. Motion was made by DeCarolis, seconded by Boynton to accept the log without the 4<sup>th</sup> grade reference. All in favor. A letter will be sent to the 4<sup>th</sup> grade class thanking them.

#### Deputy Mayor Thomas Charles:

Deputy Mayor Charles asked the Committee to consider purchasing a dome building to store the GEO and salt which will cost in the range of \$100,000.00; the Farmland Committee is continuing pursuing the Linz property; the Open Space ordinance spells out the development and maintenance but does not define them. Motion was made by Charles, seconded by Boynton authorizing Mr. Wacks to rewrite the ordinance. All in favor. Deputy Mayor Charles went on to report on the NJ League of Mayors Conference he attended and the hot subject was the COAH issue and suggested that a resolution be written supporting S-1. Motion was made by Charles, seconded by Boynton authorizing Mr. Wacks to prepare for the June meeting. All in favor. Mr. Charles reported on a plaque he is having prepared for the people who are resigning from the recreation committee. It was decided to have the Booster Club pay for the plaque. Lastly was a question on a bill that was approved at the April meeting where a bill was to come out of Open Space and was later changed by the Mayor to come out of another account. Mayor Durling advised Mr. Charles that he felt that Open Space should be aware of the funds coming out of the Open Space account.

#### Committeeman Alan DeCarolis report:

Committeeman DeCarolis reported that the dog census was completed with 127 dogs found to be unlicensed. The fines should cover the cost of the census. Mr. DeCarolis reported that he spoke with the Army Corp of Engineers on South Street and they are more involved in direct waterways and shore areas. It was suggested that the township engineers contact them for grants and waivers. It was decided that Mr. DeCarolis would contact Mr. Sterbenz. With regard to South Street, Mr. Charles asked Committeeman DeCarolis if he would have Mr. Sterbenz to contact FEMA about the flooding on South Street.

Committeeman Frank Desiderio's report:

Committeeman Desiderio reported that he will be installing the new information sign next week; the road department is getting ready to pour the pad for the GEO container tank and asked the attorney if the deputy emergency management co-coordinator's position had been straighten out. Mr. Wacks reported he will have the information next month.

Committeeman David Boynton's report:

Committeeman Boynton reported that the Municipal Alliance Committee needs new members and that Founders Day is June 5<sup>th</sup>.

Attorney Edward Wacks report:

Mr. Wacks reported that the insurance carrier will not defend the Smith lawsuit. He will ask the insurance company to reconsider and if not he needs authorization to handle the case. Motion was made by Boynton, seconded by DeCarolis authorizing Mr. Wacks to handle. All in favor.

**CORRESPONDENCE:**

Warren County Dept of Public Safety Re: 2009 annual report  
Highlands Council Re: Notice of deliverable documents received  
Highlands Council Re: Grant agreement  
NJ Dept. of Education Re: Certificate & report of school taxes  
NJ Office of the Governor Re: Budget proposals  
NJ DEP Re: Invitation for Mayor to attend Mayors' Roundtable meeting  
NJ DEP Re: At-risk authorization notice  
NJ DEP Re: Pre-appraisal approval  
NJ DEP Re: Green Acres application  
Frelinghuysen Township Zoning Officer Re: Copies of notice of violations  
Township of Green Re: Ordinance No. 2010-06 & 2010-07  
Township of Washington Re: Resolution No. 10-65  
Thank you note from Bill & April Crone  
Wacks & Hartmann Re: Nuisance lighting complaint addressed  
Maser Consulting Re: 3 letters on the Highlands  
New Jersey State League of Municipalities Re:  
1. Legislative bulletin-No. 2  
2. League seminar-NJ economic stimulus act  
3. Quarterly report of the activities of the NJ League of Municipalities  
4. Hearing scheduled on Municipal Homeowners Assoc. Issues  
5. Mayor's newline-May 2010  
6. Bi-weekly federal relations update  
7. Two Developments:  
    a. Mayor Chiarellos's reaction to the Governor's budget  
    b. Red tape review group issues mandates relief report  
8. Federal Update for period ending April 16, 2010  
9. Three Mayor's Letters  
10. Governor's letter and request for support  
11. FEMA email alerts  
12. Mayor's fax advisory  
13. Mayors letter toolkit news  
14. NJ Economy stabilizing program  
15. NJLM proposed review  
16. Pension workshops  
17. Census  
18. Key Municipal Issues face returning legislature  
19. Legislative roster order form  
20. BPU block grants

**BILLS-see attached schedule**

**AUDIENCE PARTICIPATION:**

Beverly Donnelly suggested putting the logo (town seal) on the website. She was informed that this was for letterheads.

Robin Randolph delivered a thank you note from the 2<sup>nd</sup> graders for the use of the facilities during the road side clean up. It will be framed and hung.

Loren Grecco asked if when the information Route 661 signs will be installed.

Robin Randolph asked the attorney about the wind solar ordinance. Mr. Wacks advised he has finished the review and had problems with it,

**ADJOURNMENT:**

There being no further business, motion was made by DeCarolis, seconded by Boynton to adjourn the meeting. All in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC











