

MINUTES OF MEETING OF JULY 20, 2011

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, July 20, 2011 and was called to order at 7:00 p.m. by Mayor Thomas Charles.

The purpose of early meeting was an executive session with regard to possible litigation and land acquisition.

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, Committeeman Alan DeCarolis, Committeeman Frank Desiderio, Committeeman Dale Durling, Attorney Edward Wacks and Clerk Brenda Kleber.

EXECUTIVE SESSION:

Motion was made by Boynton, seconded by Desiderio to enter into executive session with regard to possible litigation and land acquisition. All in favor. Upon returning to public session, motion was made by Desiderio, seconded by Boynton to return to public session. All in favor. At this time, the Attorney stated that the results of the executive session on possible litigation would be known later in the meeting. The results of the land acquisition were that the Committee approved the placement of the Grzelak property on hold until next year's grant funding term.

APPROVAL OF MINUTES:

The minutes of the meeting of May 31, 2011 were approved as amended on motion made by Durling, seconded by Boynton. All in favor. The minutes of the meeting of June 15, 2011 were approved as amended on motion made by Boynton, seconded by DeCarolis. All in favor. The minutes of the executive session of June 15, 2011 were approved on motion made by Boynton, seconded by Durling. All in favor.

ORDINANCES:

The Ordinance (#2011-05) titled "Outdoor wood-fired boilers, stoves or furnaces" to regulate the use of outdoor wood-fired boilers, stoves or furnaces will be on hold for the September meeting on motion made by Boynton, seconded by Desiderio. All in favor. A

subcommittee consisting of the attorney along with Committeemen Durling and Desiderio was formed in order to work on some problems in the ordinance.

AN ORDINANCE (#2011-09) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY TO REPLACE CHAPTER 16 ENTITLED "FLOOD DAMAGE PREVENTION" IN ITS ENTIRETY WITH A NEW CHAPTER 16 ENTITLED "FLOOD DAMAGE PREVENTION" Motion was made by Boynton, seconded by Durling to open the meeting to the public for discussion on this ordinance. All in favor. Motion was made by Boynton, seconded by Durling to close the public portion of the meeting. All in favor. Motion was made by Durling, seconded by Boynton to adopt said ordinance. Roll call vote: Desiderio-yes, Durling-yes, DeCarolis-yes, Charles-yes, Boynton-yes.

AN ORDINANCE (#2011-10) AUTHORIZING THE ACQUISTION OF CERTAIN REAL PROPERTY LISTED ON THE TOWNSHIP'S OFFICIAL TAX MAPS AS BLOCK 201, LOTS 6 AND 8.08 IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY (FRELINGHUYSEN FOREST PRESERVE). Motion was made by Boynton, seconded by Durling to open the meeting to the public for discussion on this ordinance. All in favor. Motion was made by Durling, seconded by DeCarolis to close the public portion of the meeting. All in favor. Motion was made by DeCarolis, seconded by Boynton to adopt said ordinance. Roll call vote: Boynton-yes, Durling-yes, Desiderio-yes, DeCarolis-yes, Charles-yes.

RESOLUTIONS:

#2011-56 (Executive Session)

WHEREAS, it is necessary to discuss items dealing with possible litigation and land acquisition in private or executive session; and

WHEREAS, under the Open Public Meetings Act (number's 3 & 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 July, 2011 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned. Results or portions of that discussion will be made known in a reasonable length of time.

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

#2011-58 (Emergency Appropriations)

WHEREAS, an emergency has arisen with respect to legal and various line items and adequate provisions were not made in the 2011 budget for the aforesaid purpose, and N.J.S.A.40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation created including the appropriations to be created by the resolution is \$20,000.00; and

WHEREAS, the foregoing appropriation, together with prior appropriations, does not exceed three percent of the total current operating appropriations (including utility operating appropriations) in the budget for 2011.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey (by not less than two thirds of all governing body members affirmatively concurring) than in accordance with N.J.S.40:4-48:

1. An emergency appropriation be and the same is hereby made for legal and various line items in the amount of \$20,000.00.
2. That said emergency appropriation shall be provided for in full in the 2012 budget and is requested to be excluded from CAPS pursuant to N.J.S.A40A:4-45.3c(1).
3. That the Chief Finance Officer has certified that the expenditure to be financed through this resolution is related to the aforementioned emergency.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed with the Director of Local Government Services.

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

#2011-59 (Approval of vouchers)

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

WHEREAS, the Township Committee finance members have reviewed the bills prior to the meeting and find to be in order.

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

Motion was made by Durling, seconded by Boynton. Roll call vote: Charles-abstain from Green Township Fire Dept voucher, Desiderio-yes, DeCarolis-yes, Boynton-yes, Durling-yes.

#2011-60 (Capital fund)

WHEREAS, there exists funds in the capital line item; and

WHEREAS, the Mayor and Township Committee of the Township of Frelinghuysen desire to appropriate sums from the capital fund for the project known as "The Frelinghuysen Township Walking Trail" not to exceed \$30,000.00.

NOW, THEREFORE BE IT RESOLVED, that funds be appropriated from the Capital fund account for the construction of the Frelinghuysen Township Walking Trail project in an amount not to exceed \$30,000.00.

This resolution shall take effect as provided by law.

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

#2011-61

WHEREAS, Steven Linz has delivered a signed preservation agreement and therefore the acquisition can proceed; and

WHEREAS, the Mayor and Township Committee of the Township of Frelinghuysen desire to authorize the Mayor and Township Clerk to proceed with the execution of the documents necessary to affect the acquisition of the preservation easement.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk be authorized to execute any and all documents required to complete the acquisition of the Linz preservation easement; and

BE IT FURTHER RESOLVED, that an appropriation be made from the Open Space/Farmland Preservation fund to affect the purchase of the easement in an amount not to exceed \$80,000.00.

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

OLD BUSINESS:

Recreation Committee Chairman Cliff Kimball advised the Committee that the walking trail construction will be kept in house to keep it cost effective. Committeeman Desiderio went over the dimensions and the cost of the walking trail which will cost approximately \$30,000.00. Volunteers will be needed for the various projects. Motion was made by Boynton, seconded by DeCarolis authorizing Mr. Desiderio to proceed with the project. All in favor with Committeeman Desiderio recusing himself.

A statement on results of the investigation done by Committeemen Durling and Boynton of the complaint from Amy Hufnagel on the placement of a sign named "Amelia" was read by Mayor Charles. The statement was as follows: "An investigation of the incident occurring on June 4' 2011 regarding the posting of an offensive sign has taken place. Committeemen Boynton and Durling have asked numerous individuals who attended the event whether these individuals did place the sign or knew who placed the offensive sign. None of the individuals questioned admitted posting the sign or knew who posted the sign. The Mayor and Township Committee do not condone this activity. The Mayor and Committee expect all citizens to act with civility toward each other including comments made in public and by methods (electronic and otherwise) that comments on the activities of other citizens and the Mayor and Township Committee. It is the policy of this township that we respect each other and if criticism is directed at anyone such criticism be limited to actual facts.

The 2011 sustainable land use planning grant project agreement from ANJEC and The Land Conservancy and the update on the Township's Open Space and Recreation Plan and Environmental Resource were authorized for the Mayor and Clerk to sign on motion made by Durling, seconded by Boynton. All in favor.

The preservation agreement for the Linz property has now been signed by the owner and can now proceed with the closing of the property. See resolution #2011-61.

The Frelinghuysen Forest Preserve Management Plan for Block 201, Lots 6 and 8.08 was approved on motion made by Boynton, seconded by Durling. All in favor.

NEW BUSINESS:

Tammy Beckenthal gave a presentation on intentional feeding of black bears. Ms. Beckenthal would like an ordinance to be put in place prohibiting the feeding of black bears and regarding waste disposals as residents are placing their garbage cans out the night before pickup and bears are getting into them. Committeeman DeCarolis advised that state laws supersede town ordinances and cannot be enforced. The attorney will look at the sample ordinance and make recommendations.

A letter of resignation received from Doreen Rutherford as Open Space/Farmland Preservation board secretary was accepted on motion made by Durling, seconded by Boynton. All in favor. The Clerk was instructed to send a letter of thanks to Ms. Rutherford.

A letter of resignation received from Maureen Cullen from the Environmental Commission was accepted on motion made by Durling, seconded by Boynton. All in favor. The Clerk was instructed to send a letter of thanks to Ms. Cullen.

Donna Zilberfarb was appointed to replace Ms. Rutherford on the Open Space/Farmland Preservation board by the Mayor.

Tammy Beckenthal was appointed to replace Ms. Cullen on the Environmental Commission by the Mayor.

A letter received from the Frelinghuysen Construction Official was read asking for direction on how to proceed with a deck that has been refurbished and no permit was obtained. The Committee stated that the construction official has to enforce the regulations and a permit will be required along with the proper fee. The Clerk was instructed on motion made by Desiderio, seconded by DeCarolis to send a letter to the building official advising that he must enforce the regulations. All in favor.

A letter received from the Frelinghuysen Farmland Preservation Committee requesting approval to move forward with joining Ridge and Valley Conservancy to put Block 902, Lot 1 (Windkissed Farm) into preservation. The Farmland Committee proposes that instead of putting in 25% that they are willing to give \$10,000.00 toward the project and show support for the Ridge and Valley Conservancy's efforts on preserving this property. Motion was made by Boynton, seconded by DeCarolis denying their support. All in favor.

OPEN MEETING TO PUBLIC:

Motion was made by Desiderio, seconded by Durling to open the meeting to the public for 15 minutes at 9:00. All in favor.

Dallas Sowards wanted to report an incident on July 14th of hearing gun shots. The police were called and there was nothing that could be done. Mayor Charles reported

that he also went to the site and found that there was skeet shooting being done by the counselors.

Roman Osadca was disappointed that there was no map available for the walking trail and thought a public hearing should be held. He was advised that there is a map of the trail in the meeting room and two public hearings have been held.

Amy Hufnagel had a couple of technical questions. She asked why her formal complaint letter was not in correspondence. She was told that it was on the agenda. She asked for a report on clean up as to the names of the people who used the clean up vouchers and expenditures for 2010 and 2011. Her next issue was the bill submitted for Charles Marra in the amount of \$110.00. She had an issue with a recreation member getting paid for mowing.

Roman Osadca asked about the public portion of the meeting on the April agenda and why has it been changed. The Mayor explained that the Committee is trying to get things to run more smoothly and efficiently.

Motion was made at 9:15 by Desiderio, seconded by Boynton to close the meeting to the public. All in favor.

AUTHORIZE PAYMENT OF BILLS-see schedule attached to minutes.

DEPARTMENT REPORTS:

Motion was made by Desiderio, seconded by DeCarolis to approve the department reports number 1 through 10 on a consent agenda motion. All in favor.

Mayor Thomas Charles report:

Mayor Charles reported that there is a drainage problem on Lanning Road and improvements will be needed; he met with the engineer, Paul Sterbenz and they inspected Old Stage Road and Kerr Road and found that they do not meet the codes and standards. The Mayor recommended that these roads be abandon. The attorney was instructed on motion made by Boynton, seconded by DeCarolis to prepare a formal report for the August meeting. All in favor. Lastly, the Mayor reported that Green Township is purchasing a \$270,000.00 tanker for the fire department and Green Township will be asking for us to pay our portion in 2012. Lastly, The Sustainable New Jersey has applied to Wal-Mart for a \$10,000.00 grant. Motion was made by Durling, seconded by Boynton authorizing the Mayor to sign the grant. All in favor.

Deputy Mayor David Boynton report:

Deputy Mayor Boynton thanked the road department for the work they did on the improvements of State Park Road; he obtained a rough quote for the gate in the office area in the amount of \$1000-\$1500.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis asked the Committee to appoint Ronnie Schwartz as Coordinator of the Municipal Alliance so that she can do the reports. Mr. DeCarolis will remain as Chairman. Ms. Schwartz was appointed Municipal Alliance Coordinator on motion made by Durling, seconded by Boynton. All in favor.

Committeeman Frank Desiderio's report:

Committeeman Desiderio reported that as per the engineer's report, 104 advisory signs are needed for the various roads. The costly item will be the posts for the signs; there is a problem with the drainage from the Ridge & Valley Charter School overflowing and going into the neighbor's property. Motion was made by Durling, seconded by DeCarolis authorizing the engineer to look into this situation; the motion was amended pending Mr. Boynton talking to David McNulty and Bill Gold. All in favor. Knowlton Township has a paving machine that will be loaned out; however, it is in need of repair. With regard to forestry management 21 trees have been targeted for hazardous removal. Three quotes were sent out and two were returned as follows: (Note: the third quote was not received)

Jensen Tree Experts-\$4800.00

Arbor Solutions of New Jersey-\$6373.77

Since there is a big difference between the quotes, motion was made by Durling, seconded by DeCarolis authorizing Committeeman Desiderio to meet with the DPW and Forestry Management Coordinator to review the quotes and award once it's been clarified. All in favor.

Committeeman Dale Durling's report:

Committeeman Durling asked what the decision was on the road striping. Mayor Charles stated that he is making a list of the roads that are in need; Mr. Durling also asked about the list of special needs people for the emergency management coordinator. The Clerk was instructed to contact JCP&L for this list. Mr. Durling reported on the meeting with Service Electric where only 6 people were in attendance, Service Electric is doing a mailing to homeowner, meanwhile things will continue as is.;

Attorney Edward Wacks report:

Mr. Wacks reported on the meeting held with the Building Official and Tax Assessor. Mr. Wacks wanted the Committee to be aware that the building official does not have the ability to go out and force someone to apply for a final certificate of occupancy (CO). The law does allow the tax assessor to inspect the property and he has the ability to assess the property. Mr. O'Connor has been allowing, in the past, residents to move their furniture in the house while waiting for a CO; however, there is a liability. Mr. Wacks wants the building official to be notified that people should not be occupying the dwelling without a final CO. Mr. Wacks will relay this information to Mr. O'Connor.

Municipal Clerk's report:

The 2011 Best Practices Inventory questionnaire is required by the State and all municipalities must submit their response by September 1, 2011. If this questionnaire is not completed it could affect the state aid figures. Motion was made by Desiderio, seconded by Durling authorizing the Mayor to complete the questionnaire. All in favor. The figure for the Special Risk Accident insurance quote is now \$1,418.25 not the \$1,093.88 as quote due to the fact that baseball has been added. The Blirstown Business Assoc has asked that we add them as a link to our website and they will add ours to their website. It was decided to refer this to the website committee. A request for a donation to the 911 Memorial Committee will be on hold for the August meeting.

CORRESPONDENCE:

Martin Connor Re: Kids Camp

NJDCA Re: Property tax bills & statements of state aid

Warren County Dept. of Public Safety Re: draft disc on Warren Co. All-Hazards Pre-Disaster Mitigation plan

Thank you note from family of Fay Sinatra

New Jersey General Assembly Re: Thank you for copy of resolution

Blirstown Rotary Club Re: Thank you for contribution to 4th of July fireworks

Governor Christie's office Re: Newsletter

The Land Conservancy of New Jersey Re: Resignation of Corey Tierney and replacement Greg Collins

Maser Consulting Re: Award of contract for Kerrs Corner Road

Highlands Council Re: Module 4: ERI Instructions

Nisivocchia Re: Audit report for Morris County JIF

Allamuchy Township Re: Proposed amendment to the Affordable Housing Ord.

Hardwick Township Re: Ordinances 2011-07 & 2011-08

Green Township Re: Ordinance 2011-10

Stillwater Township Re: Ordinance 2011-07 & 2011-08

Wasting Borough Re: Possible shared services

Amy Hufnagel Re: Letter of April 14, 2011 on wind power ordinance, township budget, health insurance for committeemen, and placing Hufnagel's request on the agenda for the next township committee meeting under old business.

Nicholas Macaione Re: Thank you for Charles E. Rydell scholarship

FEMA Re: Floodplain management

Bruno Assoc Re: Grant consulting/solar projects

Stephanie & Bill Davie Re: Ordinance 2011-05 (outdoor wood boilers)

New Jersey General Assembly Re: Thank you for copy of resolution

JCP&L Re: Temporary decorative lighting

New Jersey State League of Municipalities Re:

1. S-2937-Pensions & Health Benefit reforms
2. Proposed health benefit changes-S2937/A4133
3. Two Issues:

- a. Governor signs pension & health benefit reforms legislation
 - b. League to offer seminar on "Understanding the new pensions & health benefits law.
4. Governor conditionally vetoes S-2006/A-3125 regulating solar panels
5. Sustainable communities regional planning grant program
6. Two Issues:
 - a. Guidance on implementation of pension & health benefit reforms
 - b. New content on DLGS web site
7. Advisory message from NJDOT on ADA compliance
8. Two Issues:
 - a. S-2937 pension and benefit reform update
 - b. S-2839 extends "Whistleblower" protections
9. Pension & Health benefits reform
10. Health & pension benefit reform released from Committee
11. Legislative re-cap
12. Legislature send budget bill to Governor
13. Governor issues reorganization plan to abolish COAH reorganization plan No. 001-2011
14. Governor's educational transition task force
15. Transitional aid
16. House transportation reauthorization bill slashes spending and consolidates programs.
17. A-4126, Statutory deadline for municipalities to act on defeated school budgets.
18. State of CY 2011 property tax bills and statement of state aid
19. 2011 Best Practices checklist
20. Two Issues:
 - a. Governor issues pension savings by municipality
 - b. August 16th pensions & health benefits seminar

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC