

MINUTES OF MEETING OF SEPTEMBER 15, 2010

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, September 15, 2010 and was called to order at 7:30 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 e mailing 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, Attorney Edward Wacks (arriving at 8:30 p.m.) and Clerk Brenda Kleber.

ORDINANCES:

AN ORDINANCE (#2010-05) REVISING SECTIONS 5-4.1 AND 5-4.5 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING APPLICATIONS FOR KENNEL, PET SHOP, SHELTER AND POUND LICENSES was offered for introduction with corrections on motion made by Desiderio, seconded by Charles. Roll call vote; Charles-yes, Durling-yes, Desiderio-yes, DeCarolis-yes, Boynton-yes.

RESOLUTIONS:

#2010-67 (Relieve tax collector from collecting certain taxes)-on hold

#2010-68 (Appoint deputy emergency management coordinator)

WHEREAS, the Township of Frelinghuysen, in order to comply with New Jersey Emergency Management Directive #102, directs the appointment of the Deputy Emergency Coordinator; and

WHEREAS, the Mayor and Township Committee, with the recommendation of the Emergency Management Coordinator, hereby appoints Ralf Irizarry to the position of Deputy Emergency Management Coordinator until December 31, 2010.

NOW, THEREFORE BE IT RESOLVED, that the appointment of Ralf Irizarry as Deputy Emergency Management Coordinator be affirmed.

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

#2010-69 (Accept bid for tractor)-on hold

#2010-70 (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: Boynton-yes, Desiderio-yes, Charles-yes, Durling-yes, DeCarolis-yes.

#2010-71 (Municipal Alliance)

WHEREAS, the Township of Frelinghuysen has established through Ordinance #95-5 a Municipal Alliance Committee; and

WHEREAS, the Municipal Alliance Committee has applied for and received a grant from the County of Warren in the amount of \$3,548.00; and

WHEREAS, the Municipal Alliance Committee desires to utilize the grant for a variety of programs aimed at prevention of drug abuse within the community; and

WHEREAS, the grant imposes upon municipalities certain requirements including the raising of required local match of \$1,064.00; and

WHEREAS, a resolution authorizing the Mayor and Committee of the Township of Frelinghuysen to execute an agreement for the Municipal Alliance Grant will memorialize the commitment of the Township of Frelinghuysen to drug prevention and indicate the assent of the Township Committee to the efforts undertaken by the Frelinghuysen Township Municipal Alliance Committee and the requirements contained in the Municipal Alliance Grant.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, in the County of Warren, State of New Jersey that the Township of Frelinghuysen does hereby accept the terms and conditions of a Municipal Alliance Grant between the County of Warren, State of New Jersey.

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

PROCLAMATIONS:

A proclamation recognizing Dr. James Drylie for his outstanding contribution to the safety and welfare of the citizens of Frelinghuysen Township in his role as Emergency Management Coordinator was approved by the Mayor.

A proclamation proclaiming the week of September 17 through 23 as Constitution Week was approved by the Mayor.

OLD BUSINESS:

The letter regarding abandoned roads from the Open Space Committee was discussed. There were concerns with several roads which are dead ends as they could be a safety factor when the road department has to snow plow them and then have to back out. Ms. Randolph stated that the intent of the letter was to finish work that had already been started and research which roads should be abandoned or vacated. It was decided to form a sub-committee consisting of Committeemen Desiderio and Charles and ask for a volunteer from the Planning Board and Open Space Committee. Committeeman DeCarolis thought that surveyor and resident of the Township Bob Berry should be included. The sub-committee was formed on motion made by Boynton, seconded by DeCarolis. All in favor.

The annual Township dinner was discussed. Deputy Mayor Charles felt that with the situation with the economy we should not have it at this time; Committeeman Boynton felt that it's an opportunity to thank the board volunteers for their decation and time. Motion was made by Boynton, seconded by Desiderio to continue having the dinner. Roll call vote: Boynton-yes, Durling-yes, DeCarolis-yes, Charles-no, Desiderio-yes. Mr. Boynton and Mrs. Kleber will coordinate.

NEW BUSINESS:

A letter of resignation received from Planning Board alternate Patricia Fleno was accepted with regret on motion made by Boynton, seconded by Desiderio. All in favor. The Clerk was instructed to send a letter of thanks to Ms. Fleno.

A letter of resignation received from Open Space and Farmland Preservation Secretary Donna Zilberfarb was accepted with regret on motion made by Desiderio, seconded by Boynton. All in favor. The Clerk was instructed to send a letter of thanks to Mrs. Zilberfarb.

A letter of resignation received from Planning Board secretary Shannon Drylie was accepted with regret on motion made by Boynton, seconded by Charles. All in favor. The Clerk was instructed to send a letter of thanks to Mrs. Drylie.

Eli Mimari Service Sales Representative of H.T. Lyons explained to the Committee a turnkey program put out by the State of New Jersey which helps upgrade lighting

systems for municipalities up to \$50,000 per location Another grant for direct install for up to \$30,000.00 will also be applied for. Mr. Mimari's company impletes the program, does the installation and survey. There is no obligation to the municipality but this must be done by December 31, 2010. Motion was made by Boynton, seconded by Charles approving the program along with appointing Committeeman Desiderio to handle the application process. All in favor.

The Municipal Clerk asked for approval to mail out reminder to renew dog licenses which will include the date of the rabies clinic in the body of the letter. There will be between 400 and 450 letters to be mailed. Motion was made by Charles, seconded by Boynton giving approval to send the letters out. All in favor.

A letter received from the Office of the Farmland Preservation Committee was read recommending that the township pursue the Linz property on Block 1803, Lot 12 for preservation. The appraisals have been completed with a market value of \$3500.00 and a cost to the township at 20%. Motion was made by Boynton, seconded by DeCarolis to support the purchase of this property. Roll call vote: Charles-abstain, Boynton-yes, Durling-yes, DeCarolis-yes, Desiderio-yes.

A discussion on the above ordinance regulating kennel licenses was discussed. A tenant who is renting a house on Ackerson road is maintaining a kennel with over 30 dogs confined to either the house or the barn. There have been numerous calls regarding the barking of the dogs to the Clerk's office. The tenant had come to the town hall to pick up a kennel application, however, it has not been returned. Mr. DeCarolis mentioned that he had requested in the past a limit on the number of dogs in the township and feels that this should again be addressed. It was decided on motion made by Desiderio, seconded by Boynton to have the Animal Control Office contact her to get the dogs licensed within 10 days, have the Clerk contact the health department so they can look at the facility and have the Zoning Officer go to the site for any zoning violations. All in favor.

BIDS:

The Clerk advised that she rebid the utility tractor and boom mower with 50" flail head in another newspaper and received additional bids as follows:

Deere Country Farm & Lawn, Allentown, Pa	\$89,000.00
Storr Tractor Co., Somerville, NJ	81,085.00 (demo)
Storr Tractor Co., Somerville, NJ	86,513.00
Warren County Service Center, Blairstown, NJ	83,850.00
Equipment Sales & Service, Farmingdale, NJ	No bid
S&L Equipment, Belvidere, NJ	76,555.00
Power Place, Rockaway, NJ	87,500.00

Motion was made by Charles, seconded by Boynton to refer the bids to the DPW for review and report back to the Committee next month. All in favor.

MINUTES:

The minutes of the meeting of August 18, 2010 were approved on motion made by Charles, seconded by DeCarolis. All in favor.

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Tax Collector, Dog Licensing Official, Building Dept and Chief Finance Officer was approved on a consent agenda motion made by DeCarolis, seconded by Charles. All in favor. Cliff Kimball, Chairman of the Recreation Committee advised that the ball field is being used constantly as last Saturday there were 5 soccer games and 3 softball games. The concession stand went well as the basketball court. There will be a dedication service on September 18th and a rock will be installed with a plaque of the past and present recreation committee members

Mayor Dale Durling's report:

Mayor Durling reported on a meeting he and Chairman of the Open Space Committee had with the Warren County Land Preservation where TLC gave a presentation on the Lee property; he reported on a letter he received from Fredon Township Mayor regarding a shared services questionnaire on the road department; he reported on a local government questionnaire which is geared toward larger towns and will reduce points to the small towns which may affect the state aid. A copy of this questionnaire will be given to Senator Doherty's office.

Deputy Mayor Thomas Charles report:

At last month's meeting there were several issues with the tax assessor. Mr. Charles spoke to the assessor and taxpayers are paying approximately \$900.00 for 3 unknown properties which are landlocked and the best thing to do is remove them from the tax rolls. The attorney was asked to research this and report back next month his cost; the second issue was the resolutions to relieve the tax collector from collecting certain taxes. Mr. Gill suggested that the county tax board should be asked to do an appeal. Motion was made by Desiderio, seconded by Boynton instructing the tax assessor to process the appeals. The motion was amended by Desiderio, seconded by Boynton to include that this must be done by October 1st. All in favor. Mr. Charles reported that James Alexander Corp activated their alarm and with the newly purchased imaging camera the problem was found; at last month's meeting a list of roads for speeding zoning was to be put together. Mr. Charles suggested that the cost for doing the speed zoning be put in the 2011 budget.

Committeeman Alan DeCarolis report:

Mr. DeCarolis requested a copy of the letter instructing the Zoning Officer to go inspect the site on Ackerson Road regarding the kennel license.

Committeeman David Boynton's report:

Mr. Boynton reported that the Municipal Alliance is on the road to finalizing the required application, with regard to the water testing it was done in 2009 and the results were good. He asked if the Committee wanted another testing done. Motion was made by Charles, seconded by DeCarolis authorizing another testing. All in favor.

Committeeman Frank Desiderio's report:

Mr. Desiderio reported that they are working on the ball fields and putting the basketball court in. He asked for temporary help for the piping work that needs to be done. Motion was made by DeCarolis, seconded by Charles authorizing Mr. Desiderio to hire the extra help. All in favor.

Municipal Attorney Edward Wacks report:

Mr. Wacks reported that he prepared a policy for the meeting agenda that reads as follows: Any member of the public may request in writing that an item be placed on the agenda for consideration by the Mayor and Committee at a regular meeting. If the request is made for then 7 days prior to the scheduled meeting, the item shall be placed on the agenda for that meeting. In all other cases, the item shall be placed on the agenda of the regular meeting following that meeting. This policy is not intended to abrogate the rights of any member of the public under the Open Public Meetings Act or any other law. Motion was made by Desiderio, seconded by Boynton to adopt the policy. All in favor.

Mr. Wacks reported on a conversation he had with Mr. Lavery, the Planning Board attorney with regard to the solar/wind ordinance.

Mr. Wacks reported that the ABC approved the Predales pocket license and no action is needed.

The update on the Kids Camp litigation is that he received a letter from town counsel Mr. David Brady who reported that when the Kids Camp gave testimony during the Board of Adjustment meeting they used different figures than what they said during the court testimony. The likely hood of this getting settled is unlikely and there are now two options: 1) going to a mediator and 2) try the case. With regard to the greenhouse, Mr. Wacks would like a deputy zoning officer to investigate whether there are any violations. He will bring to the next meeting two names for consideration.

Municipal Clerk's report:

The Clerk reported that County will be hosting a mobile paper shredding event on Saturday, October 2, 2010. Documents will be limited to confidential/sensitive materials only.

BILLS-see schedule attached.

CORRESPONDENCE:

Warren County Mosquito Commission Re: West Nile Virus advisory

Community Alliance Pool Re: Return of surplus

Township of Green Re: Ordinance #2010-09

JCP&L Re:

1. Clean Energy Program
2. Notice of public hearing on Basic Generation Service Charges
3. Proposal to adjust certain components of the societal benefits charge

Warren County Engineer Re: 2009 Warren County crash data

NJDEP Re:

1. Notice of public hearing for the proposed FFY2011 priority system
2. Letter of Interpretation Re: Block 502, Lot 9
3. Ground Water general permits for Kids Camp

Joe Longo Re: MLC new email brochure

NJ State Agriculture Development Committee Re: Ancillary costs check

Warren County Service Center Re: Tractor bid

The Clean Water Council of NJ Re: Draft recommendations for water management

New Jersey State League of Municipalities Re:

1. Three Issues:
 - a. Division of Pensions & Benefits Group Counseling Session
 - b. Opportunities to protect & enhance trees in sustainable communities
2. Moody's downgrade of Westfield causes budget cap concern
3. Senate budget & appropriation Committee takes testimony on Civil service
4. Three Issues:
 - A. Hotel Occupancy Taxes, A-2579/S-1828
 - b. Impact of Tax Appeal judgments on reserve for uncollected taxes Calculation, A-2950/S-2077
 - c. County deer management plan, S-1776/A-2863
5. Two Issues:
 - a. Senate action on bills no help for budgets
 - b. Two free CEU's
6. Recent changes on DLGS website
7. Two upcoming league seminar information
8. Assembly Committee hearing on unfunded mandates
9. Two Issues:
 - a. Fiscal year 2011 US EPA Brownfield grant RFP announced
 - b. September grant page posted
10. Two Issues
 - a. A-2095-revises requirements for emergency medical services delivery
 - b. League's Mayors committee update on unfunded mandates
11. Two Issues:
 - a. D.A.R.E.New Jersey, Inc.
 - b. NJOEM kicks-off National Preparedness Month
12. County Tax Board appeals survey
13. Four Issues:
 - a. League files Amicus Curiae in Gannett v. Raritan

- b. SADC seeks input for rules on alternative energy generation on preserved farms
 - c. EPA releases FY2011 Brownfield's Assessment
 - d. League responds to Comptrollers report on abatements
14. League Publications
 15. Short and simple glimpse at the property tax in New Jersey
 16. Four Mayors Letters

AUDIENCE PARTICIPATION:

Jean Smolha asked the status of the South Street project. She was informed that the residents had agreed to sign an application to do flow path completion and is being handled by Maser Consulting.

Loren Grecco asked about the Maser bill on Kerrs Corner Road

Robin Randolph requested a copy of a letter from the correspondence.

Marty Connor advised that he read in the newspaper that Kids Camp was going to sell crops from their greenhouse and what is the impact on their nonprofit status. Mr.Wacks advised that this will be taken care during the lawsuit.

Bennett Bean had a question on OPRA along with asking if the ball field could be used by anyone in the state. He was advised that this was purchased with Green Acres money and anyone from the state can use it.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC