

## **MINUTES OF MEETING OF SEPTEMBER 21, 2011**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, September 21, 2011 and was called to order at 7:30 p.m. by Mayor Charles.

Mayor Charles publicly thanked Loren Greco for all his help and thoughtfulness during the last two storms.

### **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 Richard Beilin and Clerk Brenda Kleber.

### **MINUTES:**

The minutes of the meeting of August 17, 2011 were approved with corrections on motion made by Boynton, seconded by Durling. All in favor. The minutes of the executive session of August 17, 2011 were approved on motion made by Boynton, seconded by Durling. All in favor. The minutes of the emergency meeting of September 11, 2011 were approved on motion made by Boynton, seconded by Durling. All in favor.

### **ORDINANCES:**

AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEWJERSEY AMENDING AND SUPPLEMENTING CHAPTER 500, SECTION 525, TITLED "OUTDOOR WOOD-FIRED BOILERS, STOVES OR FURNACES" TO REGULATE THE USE OF OUTDOOR WOOD-FIRED BOILERS, STOVES OR FURNACES-motion was made by Durling, seconded by Desiderio to hold this ordinance for the October meeting. All in favor.

AN ORDINANCE (#2011-11) RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS OLD ACKERSON ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY was offered for introduction on motion made by Durling, seconded by Boynton. Roll call vote: DeCarolis-yes, Boynton-yes, Durling-yes, Charles-yes, Desiderio-yes. Mr. Beilin will obtain a better description of the road.

## RESOLUTIONS:

#2011-63: (Professional Services)

WHEREAS, N.J.S.A. 40A:11-1 et seq., the "Local Public Contracts Law" permits governing bodies to contract for certain professional services without "competitive bidding; and

WHEREAS, the Township of Frelinghuysen has a need for the professional services for survey of real property located at Block 1803, Lot 12; and

WHEREAS, the Township Chief Finance Officer has certified that funds are available for this purpose; and

WHEREAS, the Local Public Contract Law (NJSA40A:11-1 et seq.) requires that the resolution authorizing the award for "Professional Services" must be publicly advertised.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen as follows:

1. The Township of Frelinghuysen hereby awards and authorizes Laura Brill to perform the surveying services on Block 1803, Lot 12 in the amount of \$10,800.00 with leaves.

2. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Finance Officer and The Land Conservancy of New Jersey.

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

#2011-70 (Approval of PTO raffle)

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct an Off-premises 50/50 raffle for November 30, 2011 consisting of application #2011-03; and

WHEREAS, the Findings and Determination by the Municipal Clerk have 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 #2011-03 is hereby approved.

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

#2011-71 (Commending municipal response to Hurricane Irene)

WHEREAS, in preparing for, dealing with, responding to and recovering from the devastation brought to our State by the winds and rains of Hurricane Irene, New Jersey municipal officials and local police, fire, rescue and EMS personnel-both paid and volunteers-once again ably demonstrated their selfless commitment to their hometowns, their neighbors and their duty; and

WHEREAS, by that commitment, and by their cooperation with adjoining municipalities, with county coordinators, and with Federal and State emergency management agencies, local officials and first responders confirmed the need for a government close to the people and immediately available to them in their need; and

WHEREAS, when the needs of their fellow citizens called for a response beyond the power of local officials, immediate contact was made with responsible parties and the reaction of those concerned closely monitored by New Jersey Mayors and municipal governing body members; and

WHEREAS, the lengthy wait of thousands of their fellow citizens for the restoration of essential utility services, such as electric, has angered and frustrated local officials, leading to calls for an explanation; and

WHEREAS, in response to those calls, Board of Public Utilities President Lee Solomon has added his voice to theirs and he has, further, pledged that the Board of Public Utilities (BPU) will investigate and review thoroughly the conduct of all utilities, and their parent companies during this crisis; and

WHEREAS, President Solomon has stated that if the review, which will include public hearings, indicates that adequate preparations were not made in advance of the storm, or adequate resources not dedicated to deal with its aftermath, then BPU will hold the utilities accountable; and

WHEREAS, we sincerely welcome those assurances and thank President Solomon for them;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen does join in commending our courageous first responders and our fellow local officials, throughout the State, for their selfless commitment and tireless service before, during and after New Jersey endured the impact of Hurricane Irene; and

BE IT FURTHER RESOLVED, that we, likewise, commend State and Federal emergency management professionals and those at the county level who report to them, as we commend BPU President Solomon for his leadership in holding accountable those parties responsible for delivering vital utility services to our fellow citizens; and

BE IT FURTHER RESOLVED, that we compliment and acknowledge the excellent efforts by Governor Christie and his administration, for their extraordinary efforts in dealing with this emergency and for their helpfulness and hands-on approach in working with our State and Local Officials; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the New Jersey State League of Municipalities, to Governor Christie and to our State Senator and to those who represent us in the General Assembly.

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

#2011-72 (renewal of membership to Morris Co. Coop)

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with the municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, Frelinghuysen Township desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016.

BE IT RESOLVED, by the Township of Frelinghuysen, County of Warren, State of New Jersey as follows:

1. The Township Committee of the Township of Frelinghuysen hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A.40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Frelinghuysen Township Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executive Agreement to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Frelinghuysen Township officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

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

#2011-73-on hold (Membership in Morris Co. JIF)

#2011-74: (Phase 3 of Kerrs Corner Road)

WHEREAS, the New Jersey Department of Transportation makes funds available to municipalities and counties for road improvement projects through the municipal aid portion of the New Jersey Transportation Trust Fund;

WHEREAS, the Township Engineer has recommended that the Township Committee apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2012 Municipal Aid Program for the purpose of constructing Kerrs Corner Road Improvement Project (Phase 3);

WHEREAS, the Township Committee has considered this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Frelinghuysen, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Frelinghuysen Township-00278 to the New Jersey Department of Transportation on behalf of the Township of Frelinghuysen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Frelinghuysen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

#2011-75: (Liquor License renewal)

WHEREAS, Katharina Reay t/a Fireside Inn, License No. 2106-33-004-001 filed a verified petition requesting authorization to consider a renewal application for the 2011-2012 license term pursuant to N.J.S.A.33:1 -12.39; and

WHEREAS, the director of the Department of Law and Public Safety, Division of Alcoholic Beverage Control has reviewed the petition filed in this matter and has considered all the facts and circumstances related to the inactive status of the license; and

WHEREAS, the director of the Department of Law and Public Safety, Division of Alcohol Beverage Control finds that the licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of the licensee for the 2011-2012 license term; and

WHEREAS, the Governing Body of the Township of Frelinghuysen has considered the application for renewal for the subject license for the 2011-2012 license term, and has determined that good cause exists for renewal.

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 above named licensee be renewed for the 2011-2012 license term.

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

#### #2011-76 (Chapter 159)

WHEREAS, N.J.S.A.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen, in the County of Warren, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$864.37, which is now available from the Recycling grant in the amount of \$864.37.

BE IT FURTHER RESOLVED, that the like sum of \$864.37 is hereby appropriated under the caption Recycling grant.

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

#### #2011-77 (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 Durling to adopt said resolution. Roll call vote: Desiderio-yes, DeCarolis-yes, Charles-abstain, Durling-yes, Boynton-yes.

## **OLD BUSINESS:**

Scott Hendricks approached the Committee requesting that his prior request from January to vacate Old Ackerson Road be done. See ordinance above (#2011-11)

It was decided that due to budget restraints, the annual recognition township dinner not be held. Motion was made by Durling, seconded by Desiderio to cancel the dinner for this year. All in favor.

John Jurena, website master, came to the meeting to better inform the residents on emergency information especially when out of power. The Honeywell system that the school has may be an option. Committeeman Boynton will further check out.

## **NEW BUSINESS:**

Marc Pillus and his wife Lori came before the Committee with a serious problem they have with erosion on their property on State Park Road with water washing out their front yard. It was decided that Mayor Charles and Committeeman Desiderio would make a site visit.

Phil Santos also had a problem with water coming onto his property from South Street. Motion was made by Durling, seconded by DeCarolis to have the Mayor and Committeeman Desiderio make a site visit and identify the issues with regard to drainage and report back to the committee in October. All in favor.

The Engineers report on reconstruction of various roadways that were damaged by recent storms estimated the repairs to be over \$900,000.00 and that figure does not include other roads that have since been damaged with the tropical storm such as State Park Road which is still under water. The Mayor stated that a special meeting will be needed with the engineer for recovery and discovery at a later date. He mentioned that he and the road foreman met with FEMA today and they claim that the damages are pre-existing conditions and no aid money will be coming.

A request from Darlene Jay of Maser Consulting is to send a letter to the Highlands council requesting authorization to seek additional funds for module 4 was revised. Motion was made by DeCarolis, seconded by Desiderio to advise Darlene Jay that the Township is accepting funds without prejudice and is not authorizing her to do any additional work and that the Township is not to occur any liability as a result of funding from the Highlands. All in favor.

## **QUOTES:**

The following quotes were solicited by Committeeman Durling for a generator at the Municipal Building:

Friedman Electric (includes battery), Stroudsburg, PA	\$4,651.00
Aurora Electrical Supply (without battery), Sparta, NJ	5,350.81
Cooper Power Systems, (without battery), Neptune, NJ	6,025.00

Motion was made by Desiderio, seconded by Boynton to accept the quote received from Friedman Electric. Roll call vote: Charles-yes, Boynton-yes, Desiderio-yes, DeCarolis-yes, Durling-abstain. Committeeman Desiderio will get cost of tank.

**OPEN MEETING TO THE PUBLIC:**

Motion was made by DeCarolis, seconded by Boynton to open the meeting to the public for 15 minutes not including committee responses. All in favor. Spoke were:

Peter Lubrechet, 6 Ramsey Court who had a complaint about the runoff water coming from a contributing swale that runs parallel to Dark Moon Road and then turns north parallel to Route 661 and did not drain properly. His questions were: who were the contractor's on the ballfield, was the original specifications followed; what can be done to remedy the situation and when can they expect a solution. Committeeman Desiderio responded that the design was not followed as per the original plan and the Warren County Soil approved the re-grading of the field. He saw the water flowing and checked it out and the cross drains were working properly. His remedy would be a drainage ditch in the ballfield but this would be a low priority.

Nancy Predale asked when the pumping of State Park Road would be done. The Mayor stated that the road is still filling up and we are expecting more rain. The Mayor doesn't want the road open until the engineer inspects the road. Mrs. Predale said that their parking lot is washed out and there is a structural problem with the spring house. The Mayor advised the parking lot will be re-graveled and he will have the building inspector take a look at the spring house.

Jean Smolha thought that a geologist should attend a meeting as her brother's property had a sink hole. Ms. Smolha thought that an emergency evacuation plan should be put in place and placed on the website.

Dan Kohuth commented that the ideal communication to the residents meaning the outdoor sign was not used.

Roman Osadca asked if there was a written emergency plan and is it available upon request.

Motion was made by Boynton, seconded by Durling to close the meeting to the public. All in favor.

**BILLS:-**see attached schedule

## **DEPARTMENT REPORTS:**

Motion was made by Durling, seconded by Boynton to approve the department reports number 1 through 14 on a consent agenda motion. All in favor.

### Mayor Thomas Charles:

There was a big issue with the emergency response. A call for Green Township was dispatched to Andover Township creating a time delay and misinformation. Motion was made by Durling, seconded by Boynton instructing the Mayor to write a letter requesting dual pages from Warren County. All in favor. The Mayor went over a meeting he and the road foreman had with FEMA and it wasn't a good response. There are 3 ash trees that were damaged by the storm on State Park Road. The Mayor got a price of \$850.00 to cut down the trees. Committeeman Desiderio will get hold of Aspen Tree Service for a lesser cost; the feeding season is on for bears and people should be on the lookout.

### Deputy Mayor Boynton's report:

Mr. Boynton wished to commend the road crew and Mr. Drylie for the great job they did during the two storms; the annual hayride will be on October 29<sup>th</sup> and the School Board of Education passed the State bullying law.

### Committeeman Alan DeCarolis report:

Mr. DeCarolis asked for a letter to be sent to Mr. & Mrs. Kuhn for helping cut trees during the storm.

### Committeeman Dale Durling's report:

Mr. Durling asked to pass along to Roman Osadca information on solar development project as Amy Hufnagel is no longer able to help with this project.

### Committeeman Frank Desiderio's report:

Mr. Desiderio also wished to thank the road crew along with Loren Greco on the work they did during the two storms.

### Attorney Richard Beilin's report:

Mr. Beilin reported that the Kids Camp litigation has ended and the court ruled in favor of the Board of Adjustment. Kids Camp has 45 days to appeal. Mr. Beilin provided the Committee with copies of a release for volunteers form along with a subcontractor's qualification form which will be reviewed by the Committee. Lastly, Mr. Beilin asked the Committee if they would like to have the title search done before the survey has been completed on the Linz property. Motion was made by Boynton, seconded by Desiderio to wait for the survey before the title search be ordered. All in favor.

### Municipal Clerk's report:

Mrs. Kleber read aloud an email from Nicole Brown of Dark Moon Road publically thanking members of the committee, Mr. Drylie and employees of the township for all of their assistance during this catastrophic times; a letter was read from Maser Consulting responding to a request from the Planning board providing professional services for the scanning of the 1989 Environmental resources report. This work will scan and digitize pages 65 to 82 and convert them into a PDF document to be attached to the new ERI for a cost of \$120.00. The Committee decided to hold this request. Lastly, the Clerk informed the Committee that in order to obtain a list of the resident's e mails when they vote, the poll workers can't do this. It was decided to ask for volunteers.

### Emergency Management Coordinator:

The Mayor asked Mr. Drylie how we let people know where the shelter is and do we have a plan available to the public. Mr. Drylie responded that the plan is located in a cabinet located in the Municipal Building but some material is not available for public review. The Municipal Building is identified as a temporary shelter and the North Warren School is the identified shelter for Warren County. Mr. Drylie stated that a sub-committee should be formed consisting of himself and two committee members to look at what worked and didn't work. Mr. Drylie then went over the FEMA requirements. He also brought up the Warren County Department of Public Safety's rapid notify system which is used to send emergency alert notifications and updates to large groups of people. This system would cost 20 cents per resident, a onetime set up fee of \$100.00 and an annual fee of approximately \$500.00.

### **CORRESPONDENCE:**

New Jersey Legislature Re: Officials meeting in Mt. Olive

Dept of Land Preservation Re: targeted farms in Frelinghuysen

Stillwater Township Re: Ordinance #2011-12 (outdoor wood burning furnaces)

Cathy Bao Bean Re: Use of town hall bathroom

Dept. of health Re: Funds available for costs of hepatitis B inoculations

Dept. of Environmental Protection Re:

1. Community Right-to Know

2. State Forestry report

Maser Consulting Re:

1. Preconstruction minutes

2. Highlands Module 4: ERI draft report

Governor Chris Christie Re: Newsletter

Warren County Engineer Re: 2010 Warren Co. crash data

Township of Green Re: Ordinance 2011-10 and 2011-13

NJ Clean Communities Council Re: Program to allow reports to be filed online

Office of the Governor Re: 911 proclamations

Land Conservancy of New Jersey Re: PIG application for 2013

Warren County State League of Municipalities Re:

1. Three Issues:
  - a. Resolution commending the municipal response to Hurricane Irene and welcoming an investigation into certain public utilities
  - b. Extension of all driver licenses, permits, vehicle registrations & Insp.
  - c. Communicating with the public during an energy emergency
2. Management survey follow-up
3. League compliance with the Open Public Records Act
4. Federal Transportation Funding Information
  - a. Grants application webinar
  - b. Update on Congressional debate on the future of Federal Transportation programs
5. Hurricane Irene updates-three issues
  - a. Deadline for best practices extended
  - b. Presidential disaster declaration issued for New Jersey
  - c. Hurricane recovery on-line resources
6. Mayor's Newswire-September 2011
7. Federal transportation funding debates to intensify next month
8. Federal update for the period ending August 12, 2011-seven issues:
  - a. Spending debates to resume post-recess
  - b. Short-term FAA extension passes
  - c. Deadline looms for surface transportation reauthorization
  - d. DOT announces TIGER grant webinar series
  - e. A nationwide public safety communications network still possible
  - f. Citing gridlock, adm. proceeds with reforms of No Child Left behind
  - g. NLC prepares to reply to FCC
9. Lessons learned from Hurricane Irene-next steps moving forward
10. Affiliate newswire
11. A short and simple glimpse at the property tax in New Jersey
12. Verizon v. Hopewell-Status update

**ADJOURNMENT:**

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC