

MINUTES OF MEETING OF NOVEMBER 16, 2010

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Tuesday, November 16, 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 on October 25, 2010.

ROLL CALL:

Those present were: Mayor Dale Durling, Deputy Mayor Thomas Charles, Committeeman Alan DeCarolis, Committeeman Frank Desiderio, Chief Finance Officer Gene Marie McCartney, Attorney Edward Wacks (arriving at 8:30) and Clerk Brenda Kleber. Committeeman David Boynton was absent.

ORDINANCES:

AN ORDINANCE (#2010-06) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY ESTABLISHING REGULATIONS REGARDING THE ERECTION AND LOCATION OF SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE was offered for introduction on motion made by Charles, seconded by DeCarolis. Roll call vote: DeCarolis-yes, Desiderio-yes, Charles-yes, Durling-yes.

RESOLUTIONS:

#2010-67 (Relieve tax collector from collecting certain taxes)-not adopted.

#2010-75 (Cancel black bear hunt)-not adopted.

#2010-76 (Hire Open Space/Farmland Committee secretary)

WHEREAS, the Frelinghuysen Township Mayor and Committee have determined that it is necessary and appropriate to hire a secretary to the Open Space and Farmland Committee; and

WHEREAS, on November 8, 2010, seven applicants were interviewed for this position, and it has been determined that Doreen Rutherford is qualified for and should serve in this position.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen that Doreen Rutherford is hereby hired as the secretary to the Open Space and Farmland Committee. Ms. Rutherford shall serve in a probationary capacity until March 1, 2011.

IT IS FURTHER RESOLVED, that Ms. Rutherford shall be paid a salary of \$15.00 dollars per hour.

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

#2010-77 (Hire Planning Board secretary)

WHEREAS, the Frelinghuysen Township Mayor and Committee have determined that it is necessary and appropriate to hire a secretary to the Planning Board; and

WHEREAS, on November 8, 2010, seven applicants were interviewed for this position, and it has been determined that Rita Bernstein is qualified for and should serve in this position.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen that Rita Bernstein is hereby hired as the secretary to the Planning Board. Ms. Bernstein shall serve in a probationary capacity until March 1, 2011.

IT IS FURTHER RESOLVED, that Ms. Bernstein shall be paid a salary of \$20.00 dollars per hour for office work and \$50.00 per meeting.

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

#2010-78 (Transfer resolution)

WHEREAS, there are insufficient funds to meet the demands necessary for the 2010 budget in Board of Adjustment O&E, Roads O&E and Buildings and Grounds; and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Engineer O&E, Planning Board S&W and Legal.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that in accordance with the provisions of R.S. 40A:4-58, the Chief Finance Officer is hereby authorized to make the following transfers:

To:

Board of Adjustment O&E	350.00
Roads O&E	5,000.00
Buildings and Grounds	<u>1,000.00</u>
	6,350.00

From:

Engineer O&E	3,000.00
Planning Board S&W	2,000.00
Legal	<u>1,350.00</u>
	6,350.00

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

#2010-79: (Support arbitration reform)

WHEREAS, it has now been three months since the Governor signed the new 2% levy cap into law; and

WHEREAS, the League had asked the Governor and the Legislature to delay action on the cap until after they had agreed on management reforms and mandates relief items that would make that cap workable; and

WHEREAS, our request was ignored; and

WHEREAS, all around the State, responsible municipal officials have begun planning their 2011 budgets, which, at this point, MUST account for the new cap, and be based on the assumption that meaningful management reforms and mandates relief initiatives will NOT be in place, and also be based on the further assumption that next year's State budget will not provide statutorily required revenue replacement funding; and

WHEREAS, though Mayors and governing bodies will do whatever they can to prevent negative outcomes, property taxpayers should anticipate service cuts, and local government employees should expect lay-offs; and

WHEREAS, while these consequences may be unavoidable in 2011; going forward, the situation can only improve IF serious reforms are enacted and unfunded mandates are relieved or repealed; and

WHEREAS, attention to the Binding Interest Arbitration mandate should top the list of State priorities for meaningful property tax relief; and

WHEREAS, the primary driver of local government costs have been the inexorable increase in employee salaries; and

WHEREAS, over the past 30 years, the salaries of police and paid fire personnel have risen faster than all others, though other personnel have also seen higher than CPI increases in salary rates, just at a slightly lower rate; and
WHEREAS, this has occurred primarily as the result of the 1977 legislation mandating binding interest arbitration to settle contractual disputes; and
WHEREAS, having approved an inflexible 2% cap on the property tax levy, State policy makers need to recognize that any arbitration awards with a total economic impact of more than 2% will force cuts elsewhere in local budgets, and to fund increased public safety compensation, in excess of the 2% cap, municipalities will need to curtail services, salaries and/or personnel in other departments or reduce the number of uniformed personnel; and
WHEREAS, even those actions will not satisfy the public's hunger for reduced property tax burdens; but will only slow the rate of growth; and
WHEREAS, we have, accordingly, advocated for a hard 2% cap on the total economic impact of any arbitration award; and
WHEREAS, such a cap is included in the provisions of S-2310 and its companion measure, A-3283; and
WHEREAS, nothing short of that can assure local elected officials that they will be able to continue to provide adequate public services to their citizens; since without that cap, other services will be the first to be cut; but over time, even public safety service levels will decline, as fewer and fewer police officers and firemen and women consume more and more of the levy limited local budget.
Motion was made by Charles, seconded by Desiderio to adopt said resolution. Roll call vote: DeCarolis-yes, Desiderio-yes, Charles-yes, Durling-yes.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen does, hereby, support the provisions of S-2310/A-3283, which require the arbitrator to cap the full economic impact of the ward at the 2% limit.

BE IT FURTHER RESOLVED, that we urge our State Legislators to oppose and the Governor to veto any arbitration reform initiative that does not impose a 2% cap on the total economic impact of any future arbitration awards.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Governor Christie, to our State Senator Michael Doherty, to our Representatives in the General Assembly, John DiMaio and Erik Peterson, and to the New Jersey League of Municipalities.

#2010-80 (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 account.

Motion was made by Charles, seconded by DeCarolis to adopt said resolution. Roll call vote: DeCarolis-yes, Desiderio-yes, Charles-yes, but abstaining from any payments to the fire companies, Durling-yes.

#2010-81: (Setting executive session)

WHEREAS, it is necessary to discuss items dealing with Land Acquisition & Litigation in private or executive session; and

WHEREAS, under the Open Public Meetings Act (numbers 5 & 4) of the permitted exception 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 16th day of November, 2010 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 Charles, seconded by DeCarolis to adopt said resolution. Roll call vote: DeCarolis-yes, Desiderio-yes, Charles-yes, Durling-yes.

OLD BUSINESS:

The request for the placement of "trail crossing" signs by the Park Service on various roads in the Township was approved on motion made by Charles, seconded by DeCarolis. All in favor.

The scope of work and project summaries for the direct install through a state grant was reviewed by the Committee members. Since there may be some added costs, the Committee decided on motion made by Desiderio, seconded by Charles to approve going forward after receiving a letter from the company (H.T. Lyons) stating there will be no cost to the Township. Roll call vote: DeCarolis-yes, Desiderio-yes, Charles-yes, Durling-yes.

A letter received from Maser Consulting outlining the speed limit designations on various roadways will be held over so that money can be budgeted in the 2011 budget for the cost of preparing the ordinance and the purchase of signs .

NEW BUSINESS:

A letter to be sent to Hardwick Township from the recreation committee inviting the children to participate in our sports program was approved on motion made by Charles, seconded by DeCarolis. All in favor.

MINUTES:

The minutes of the meeting of October 20, 2010 were approved as amended on motion made by Charles, seconded DeCarolis. All in favor. The minutes of the executive session of October 20, 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, Building Dept., Dog Licensing Official, Health Dept., Municipal Court and Chief Finance Officer was approved on a consent agenda for numbers 1-10 on motion made by Desiderio, seconded by Charles. All in favor. Motion was made Charles, seconded by DeCarolis to approve on a consent agenda for numbers 12, 13 &14 on motion made by Charles, seconded by DeCarolis. All in favor.

Mayor Dale Durling's report:

Mayor Durling mentioned that we received approval from the Warren County Open Space Trust Committee for the money asked for; however, the Freeholders still have to give their approval. Mayor Durling thanked Marty Connor for attending the meeting with the surrounding townships regarding cable TV; he also thanked Kevin Bailey, Bob Young, Robin Randolph, Charles Schaffer and Brenda Kleber for help in the interview selection of the recently hired secretaries.

Deputy Mayor Thomas Charles report:

Deputy Mayor Charles thanked resident Steven Miller for painting the strips on the basketball court. He suggested a thank you letter be sent thanking him for his commitment. Mr. Charles explained the equalized values for Knowlton and Hardwick and felt that they are not paying their fair share and asked Mayor Durling to bring this up at the next Mayor's meeting. A sub-committee will meet on November 22nd at 4:30 with regard to the road vacating. He will have a report next month. Apparently there are problems in the township with stink bugs and since there are not any remedies for these it could become a big problem.

Committeeman Frank Desiderio's report:

Committeeman Desiderio reported on a problem with the road equipment being stored in the Morton building. The newer equipment has electrons which do not dry out and is causing corrosion. He suggested that a place be looked at to place a building which would house the equipment. A sub committee consisting of Mr. Desiderio and Mr. DeCarolis was formed to look at the 59 acre piece on Route 94.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis asked if there was coverage if Committeeman Desiderio and DPW worker take the township truck to the league conference in Atlantic City. He also suggested a policy be put in place of which Deputy Mayor Charles will prepared for next month's meeting. Committeeman DeCarolis also asked if the DPW worker was taking a vacation day and/or personal day. Motion was made by Charles, seconded by DeCarolis authorizing Mr. Harman to be paid his regular salary. All in favor.

Attorney Edward Wacks report:

Mr. Wacks reported that the policy on how the public will communicate with the Mayor and Clerk will be e mailed and adopted in December.

There are two litigation matters: Kids Camp of which a meeting was just held with the mediator and Debra Natyzak has filed a suit against the members of the Committee. This will be discussed further in executive session.

Municipal Clerks report:

Mrs. Kleber reported that a letter had been received from the Frelinghuysen School asking for a member of the committee to attend the tree lighting.

Recreation Committee report:

Vice President Charles Marra reported that there were a lot of people interested in little league baseball and they should be able to bring 2-3 levels to the township. Soccer went very well and the last game was held on November 13th. The new concession stand broke even this year. Mr. Charles thanked Todd McPeek for this knowledge of information on little league rules and regulation for the meeting.

Open Space Committee report:

Chairman Robin Randolph reported that in January, in conjunction with New Jersey Fish & Game a "be bear aware" program will be held.

BILLS-see schedule attached.

CORRESPONDENCE:

NJ DEP Re: Delaware river basin commission survey

The Land Conservancy of NJ Re: Lee/Yang properties

Wacks & Hartmann Re: Copy of letter on deputy zoning officer

Township of Green Re: Ordinance #2010-15 & 2010-16

Township of Blairstown Re: Ordinance #2010-07

Township of Allamuchy Re: Notice of public hearing on master plan

Township of Fredon Re: Ordinance #2010-12

NJ Dept. of Treasury Re: Table of Equalized valuations

Superior Court of New Jersey Re: Seeking volunteers to work with juveniles

Municipal Excess JIF Re:

1. 2011 MEL Public Officials & Employment practices liability
2. Notice of non-renewal on public officials & employment liability coverage
3. 2011 public officials & employment practices liability
4. 2011 proposed budget
5. Notice of receipt of surplus return

Warren County Planning Department Re: Annual tonnage reports

New Jersey State League of Municipalities Re:

1. Update on energy efficiency & conservation block grants
2. Speaker delays vote on A-3393
3. Mayoral invitation to attend intercultural trip to Turkey
4. Sustainability conference sessions
5. Bill to limit sick leave pay/vacation carry forward
6. Arbitration reform impasse develops
7. League seminar-class action lawsuits
8. Two Issues:
 - a. Sick leave pay-out limits
 - b. Sample resolution supporting arbitration reform with awards cap
9. New content of DLGS web site
10. Three Issues:
 - a. League seminar-class action suits
 - b. Shared services from around the nation
 - c. Constitutional amendment ballot question
11. NJLM November 2010 Mayors newsline
12. P.L. 2010, c.83, Free public library surplus
13. Three Issues:
 - a. Quarterly report on the activities of the NJLM
 - b. Important conference sessions targeted constituent services
 - c. League conference information
14. October legislative bulletin
15. 2010-11 elected officials handbook order form
16. OPRA fee changes
17. Assembly committee releases COAH bill

AUDIENCE PARTICIPATION:

Motion was made by DeCarolis, seconded by Charles to open the meeting to the public. All in favor.

Loren Greco asked which truck was going to Atlantic City and was told it was the pickup

Dan Kohuth thought we were going to get rid of the 98 vehicle and now \$1600 was spent in parts for the old truck. He was told that we need an extra truck. Mr. Kohuth asked about the patches on Kerrs Corner Road and what is the status of the NJDOT grant. He was told that it is too late in the season to bid so the DPW filled in pot holes.

Nancy Predale asked if OPRA fee changes apply to the Township. She was told they do

Robin Randolph wanted to make a point that a member of the recreation committee is on the Open Space Committee. She also asked for clarification on maintenance and development of land. Ed explained that as long as the recreation is the majority it can be a shared use.

Charles Marra asked if the Committee would consider moving the salt shed to the Route 94 location and a garage built there.

Fran Muller asked if a steel building would be viable. Frank advised he had obtained a quote and that if a new salt shed is built salt will not seep into the ground.

The audience participation portion was closed on motion made by DeCarolis, seconded by Desiderio. All in favor.

EXECUTIVE SESSION:

The Committee entered in Executive session after adopted a resolution in the public portion of the meeting with regard to land acquisition and litigation. Upon returning, the attorney that that the discussion would be known at a later date on the land acquisition matter. With regard to the litigation, motion was made by Charles, seconded by DeCarolis authorizing Wacks & Hartmann to defend the Natyzak case. All in favor.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC

