

MINUTES OF MEETING OF NOVEMBER 23, 2011

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, November 23, 2011 and was called to order at 7:30 p.m. by Mayor Charles.

SUNSHINE LAW STATEMENT:

Under the provisions of the Open 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 Wack's associate Dwijen Mehta and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of October 19, 2011 were approved as revised on motion made by Durling, seconded by Boynton. All were in favor. The minutes of the executive session of October 19, 2011 were approved as revised on motion made by Boynton, seconded by Durling. All were in favor.

ORDINANCES:

AN ORDINANCE (#2011-05) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY 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WOOD-FIRED BOILERS, STOVES OR FURNACES" TO REGULATE THE USE OF OUTDOOR WOOD-FIRED BOILERS, STOVES OR FURNACES was rescinded on motion made by Boynton, seconded by DeCarolis. Roll call vote to rescind: Charles-yes, Desiderio-yes, Durling-yes, Boynton-yes, DeCarolis-yes.

AN ORDINANCE (#2011-12) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY 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 was offered for introduction on motion made by DeCarolis, seconded by Durling. Roll call vote: Desiderio-yes, Durling-yes, DeCarolis-yes, Charles-yes, Boynton-yes. (Note: Due to significant changes in the ordinance the ordinance was renumbered and reintroduced).

RESOLUTIONS:

#2011-73 (Renew membership in Morris County JIF)-on hold

#2011-82 (special emergency resolution)

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by FEMA Emergency-Hurricane Irene; and

WHEREAS, NJS40A provides that it shall be lawful to make such appropriation, which appropriation and/or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJS 40A:4-55:

1. An emergency appropriation is hereby made for FEMA Emergency-Hurricane Irene in the total amount of \$17,578.82.
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$3,515.76.
3. That an "emergency note" not in excess of the amount authorized pursuant to law, be provided.
4. That such note shall be executed by the Chief Finance Officer and Mayor.
5. That said note shall be dated November 23, 2011, may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one-fifth of the total amount appropriated by this resolution in each year after the authorization.
6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
7. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

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

#2011-83 (transfer resolution)

WHEREAS, there are insufficient funds to meet the demands necessary for the 2011 budget in Legal Service and Road Maintenance; and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: General Admin. O&E, Buildings and Grounds O&E, Engineering Services O&E, Recreation O&E, and Mayor and Council O&E.

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

To:

Legal Services O&E	\$7,500.00
Road Maintenance O&E	<u>6,300.00</u>
	13,800.00

From:

General Admin. O&E	\$2,000.00
Buildings & Grounds O&E	6,500.00
Engineering Service O&E	1,000.00
Recreation O&E	2,300.00
Mayor and Council O&E	<u>2,000.00</u>
	13,800.00

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

#2011-84 (Raffle license for Frelinghuysen Township School PTO)

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct a Tricky Tray for February 3, 2012 and with a snow date of February 10, 2012 consisting of application #2011-04; 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 School PTO raffle application #2011-04 is hereby approved.

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

#2011-85 (Raffle license for Frelinghuysen Township School PTO)

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct an on premises raffle for February 3, 2012 and with a snow date of February 10, 2012 consisting of application #2011-05; 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 School PTO raffle application #2011-05 is hereby approved.

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

#2011-86 (Setting executive session)

WHEREAS, it is necessary to discuss items dealing with Land Acquisition for Grzlak property in private or executive session; and

WHEREAS, under the Open Public Meetings Act (number 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 23rd day of November 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 Desiderio, seconded by Durling to adopt said resolution. Roll call vote: Boynton-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2011-87 (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 to adopt said resolution. Roll call vote: Boynton-yes, Desiderio-yes, Charles-yes, Durling-yes, DeCarolis-yes.

#2011-88 (Lee and Yang acquisition)

WHEREAS, the Township of Frelinghuysen in conjunction with the County of Warren and the State of New Jersey have entered into an agreement for the purchase of certain property located in the Township of Frelinghuysen from parties known as Lee and Yang; and

WHEREAS, in accordance with the requirements of law certain monies are to be appropriated from the Open Space Trust Fund maintained by the Township of Frelinghuysen in part to pay the Township's share of the acquisition cost of said property and in part to pay for the expenses of acquisition of the property.

NOW, THEREFORE BE IT RESOLVED, on this 23rd day of November, 2011 there is hereby authorized and appropriated from the Open Space Trust Fund the sum of \$32,859.71 toward the expenses of closing on said property, said expenses being the sum of approximately \$5,582.00 toward the expenses of closing on said property, said expenses being itemized and submitted to the Chief Finance Officer of the Township of Frelinghuysen; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk be authorized to execute such documents as may be necessary in connection with the acquisition of said property and that the Chief Financial Officer be authorized to issue checks in payment of the funds so authorized by this resolution.

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

OLD BUSINESS:

The Service Electric renewal for cable television franchise is on hold in order to coordinate a joint meeting between the four townships.

The letter from Maser Consulting on Affordable Housing Trust Fund is on hold.

As the old escrow accounts are being cleaned up, the Clerk brought up an escrow account from 2008 for a driveway on Route 94 for the Lictenegger/Bonanno property at Block 502, Lot 9. After discussion, motion was made by Boynton, seconded by Desiderio instructing the construction department to write a letter to the applicants asking for a response as to whether they are going to proceed on the driveway, otherwise the account will be canceled and the monies put into the general account. All were in favor.

NEW BUSINESS:

David Boynton, II was appointed to the Farmland Preservation Board. Motion was made by DeCarolis seconded by Desiderio to concur with the Mayor's appointment. All were in favor except Boynton who abstained.

A contract between Space Wild Animal Farm, Inc and Frelinghuysen Township for removal of deer carcasses from municipal road right of way at a fee of \$40.00 per deer payable monthly was approved on motion made Durling, seconded by Desiderio. All were in favor.

The Frelinghuysen Township Planning Incentive Grant (PIG) application for FY2013 is on hold for the December work meeting.

A sample of an ordinance for lot grading and land disturbance standards was presented to the Committee as there is nothing presently on the books which addresses these concerns. A sub-committee was formed, on motion made by Boynton, seconded by Durling, consisting of Committeemen Desiderio and DeCarolis which will review and expedite the ordinance. All were in favor.

OPEN MEETING TO THE PUBLIC:

Motion was made by Boynton, seconded by Durling to open the meeting to the public. All were in favor. Spoke were:

Marty Connor who asked how we made out with collecting e mail addresses for the e blast. He was told that the collection of signatures was a success. The Clerk thanked Fran Muller and Nancy Placko for sitting during election collecting the signatures.

Christopher Funkhauser congratulated the township on receiving the grant for the Sustainable Jersey. Mayor Charles advised that the grant will be used for a bike path beginning at the Municipal Building, turning right onto Main Street, right onto Mill Road, left onto Kerrs Corner Road, left onto Lanning Road, right on Route 519, left onto State Park Road, left onto Heller Road, left onto Southtown Road, right onto Route 519, right onto Route 612, left onto Saddle Ridge Road, left onto Greendell Road, left on Route 519 onto Main Street.

Roman Osadca mentioned he was disappointed that the Committee did not give any emergency information to the residents during the Halloween snow storm and asked what the Township is going to do in the future. The Committee advised that with this storm, cell phones, internet and telephones were out causing a problem with notification. Narrow band radio set ups were further discussed. Mr. Osadca also had a problem with the planning board minutes not being listed on the website. The Clerk will talk to the planning board secretary.

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

BILLS-see schedule attached.

DEPARTMENT REPORTS:

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

Mayor Thomas Charles report:

Mayor Charles brought up line stripping for Phase 2 & 3 on State Park Road and Stillwater Road for a cost of 11 cents per LF. Motion was made by Durling, seconded by DeCarolis authorizing the Road Foreman and Mayor to proceed once the price has been clarified. The Mayor met with the engineer and he will be putting together a report for appropriations for 2012. The Planning Board had a very informative public hearing on the ERI with Barbara Davis from The Land Conservancy attending. At the league conference, the Mayor attended a seminar on crisis for which he will put together a plan for a system to get word out to the residents; he thanked the road department for the work they did during the snow storm; advised that Green Township Fire Dept exceeded last year's calls and that the Green Team is applying for a trails grant to be used on the ball field..

Deputy Mayor David Boynton's report:

Deputy Mayor Boynton reported a minor issue with a child not getting off the school bus at his home stop as he fell asleep on the bus. Mr. Boynton is to talk to the school superintendent about a policy; the hay ride was canceled due to the snow storm which turned out it was a good thing it was canceled due to the large amount of snow; he asked Committeeman Desiderio about the Roth tank which was on the insurance company's recommendations-to which Mr. Desiderio advised that Committeeman DeCarolis has offered to donate tanks and will be done shortly. There was a response from Ridge & Valley School on the runoff, however, since Mr. Wacks was not present this will be held over.

Committeeman Alan DeCarolis-no report

Committeeman Frank Desiderio's report:

Committeeman Desiderio reported that the community roadside recycling clean up had a good turnout.

Committeeman Dale Durling's report:

Committeeman Durling reported that a lot of debris collected was alcohol related and thought that the State Police should be aware of this; he and Mr. DeCarolis are working with Green Township on the new fire truck and wanted to remind the Committee to keep this in mind during budget time.

Dwijen Mehta's report:

On the agreement with Knowlton for court services, a revised agreement has been prepared and will be held off until the December meeting; the Lee and Yang closing is ready to close; with regard to the Green Acres agreement, Mr. Wacks wanted the Committee to be aware that once this agreement is signed the ability to do anything with the property will be reduced dramatically and permission from Trenton will be needed. It will also have an effect on future properties that are in the ROSI. The Committee wished to go forward. On the contractor's information form, a short version was presented and will be redone as there was a typo error.

Municipal Clerk's report-none

EXECUTIVE SESSION:

Motion was made by Desiderio, seconded by Durling to enter into executive session with regard to land acquisition on the Grzlak property. All were in favor. Motion was made by Durling, seconded by Desiderio to return to public session. All were in favor. Upon returning, the Mayor advised there will be no action taken.

CORRESPONDENCE:

Township of Hardwick Re: Ordinances 2011-17 & 2011-18
Wacks & Hartmann Re: Ridge & Valley Charter School
Municipal Excess Liability JIF Re: Elected officials training seminars
Governor Chris Christie newsletter
FEMA Re: Public assistance-the other disaster assistance
Warren Co. Planning Dept Re: Lamp recycling information
Warren Co. 2011 abstract of ratables
NJ DEP Re:

1. Funds available to develop & maintain recreational trails & facilities
2. Tank program
3. Solid waste advisory –Class B &C recycling facilities
4. Snow removal & disposal policy
5. NJDEP enforcing illicit connection elimination program

GovConnect update-November 1, 2011

New Jersey State League of Municipalities Re:

1. Two issues:
 - a. Action needed to protect Federal Transportation enhancement
 - b. NJ 2011 holiday blood drive campaign
2. S-3078 Blue Acres Funding for flood prone properties
3. Guidance issued on the “New Jersey First Act”
4. Three Issues:
 - a. New content on Division of Local Government Services website
 - b. League position on Internet sales taxation
 - c. New state plan
5. Federal health care reform and New Jersey Municipalities
6. Two Issues:
 - a. First 2011-2012 CDC flu news report issued
 - b. Mayors wellness campaign
7. Implementing the 2010 homestead credit benefit program
8. CEU tracking system for League conference
9. Four Issues:
 - a. Save the date-20th annual Mayor’s Legislative Day-Feb. 8th
 - b. Executive leadership training for Mayor’s & Council Presidents
 - c. Save the date-Orientation for newly elected, re-elected seminar
 - d. New & Improved website for the league

10. New AOC rules regarding municipal administrator vacancies
11. Two Issues:
 - a. 3% Federal IRS withholding repealer amended and passed by Senate
 - b. Mayors wellness campaign
12. Urgent Legislative alert
13. Legislative bulletin No. 5

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC