

## MINUTES OF MEETING OF DECEMBER 15, 2010

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, December 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 Mc Cartney, Engineers Paul Sterbenz and Paul Niehoff, Attorney Edward Wacks (arriving late) and Clerk Brenda Kleber.

### **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. Motion was made Boynton, seconded by Charles to open the meeting to the public. Spoke was Debra Natyzak who asked Mr. DeCarolis what was the necessity of this ordinance. Mr. DeCarolis advised that guidelines were needed. Amy Hufnagel asked the Committee if they were aware of what New Jersey is offering locked in rates. At this time, motion was made by Boynton, seconded by DeCarolis to hold the public portion until the engineers report. All in favor. Motion was made by Boynton, seconded by Desiderio to reopen to the public. All in favor. Spoke on the ordinance was Debra Natyzak and Roman Osadca. Motion was made by Boynton, seconded by Desiderio to close the public portion. All in favor. Motion was made by Charles, seconded by Desiderio to approve the ordinance with the strike out after the asterisk under Section 2N1 and this will be visited again in the New Year. All in favor.

### **RESOLUTIONS:**

#### **#2010-81 (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 201, Lots 6 and 8.08; and

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

WHEREAS, the Local Public Contract Law (N.H.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised.

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

- 1) The Mayor and Township Clerk are hereby authorized to execute an agreement with Finelli Consulting Engineers, Inc., in an amount not to exceed \$15,900.00.
- 2) This appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the required services are performed by persons authorized by law to practice a recognized profession.

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 Financial Officer and The Land Conservancy of New Jersey.

Motion was made by Desiderio, seconded by Boynton to adopt said resolution subject to the township entering into an agreement with Mr. Lee and Mr. Yang. All in favor.

#2010-82 (Tax Collector refund resolution)

WHEREAS, a resolution is required by the Tax Collector to refund over payment of 2010 taxes for one property, as listed below;

Block	Lot	Pay to	Amount
301	12.05	Core Logic	\$3,181.56

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the Treasurer is hereby authorized to refund the above over paid property tax.

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

#2010-83 (Tax Collector redemption resolution)

WHEREAS, Park Finance II, LLC acquired a lien against Block 1201, Lot 17.16 at the Tax Sale held October 21, 2010 (Certificate #2010-03). Albert & Mary Ann Ferrucci, the owners of said property have paid the amount to redeem the lien.

NOW, THEREFORE BE IT RESOLVED that the Township Treasurer is hereby authorized to issue a check in the amount of \$11,920.80 to Park Finance II, LLC

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

#2010-84: (Transfer resolution)

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

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Engineer O&E, Roads S&W and Diesel fuel.

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	1,000.00
Roads O&E	6,000.00
Telephones	<u>300.00</u>

7,300.00

From:

Engineer O&E	2,300.00
Roads S&W	4,000.00
Diesel fuel	<u>1,000.00</u>
	7,300.00

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

#2010-85 (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 Desiderio, seconded by Boynton to adopt said resolution. Roll call vote: DeCarolis-yes, Desiderio-yes, Charles-yes, Boynton-yes, Durling-yes.

#2010-86 (Exempt reserve for uncollected taxes from the 2% cap)

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen hereby urge the swift passage and signing of A-3603;

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and  
BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.  
Motion was made by Desiderio, seconded by Boynton to adopt said resolution. Roll call vote: DeCarolis=yes, Desiderio=yes, Charles=yes, Boynton=yes, Durling=yes.

#### **OLD BUSINESS:**

Mr. Angeleri asked for a decision by the Committee on his offer for the Committee to purchase a parcel of land on Kerrs Corner Road along with asking if they are interested in 3 lots at the corner of Route 519 & Route 661. Motion was made by Charles, seconded by Desiderio requesting a price for these parcels. Roll call vote: DeCarolis=yes, Desiderio=yes, Charles=yes, Boynton=yes, Durling=no.

Motion was made by Boynton, seconded by DeCarolis authorizing payment to the webmaster in the same amount as paid in 2009 and for the amount to be added to the salary ordinance in 2011. All in favor.

#### **NEW BUSINESS:**

A letter of resignation was received from Chip Greene from the Board of Adjustment board. Motion was made by Boynton, seconded by Charles to accept the resignation and instructed the Clerk to send a letter of thanks. All in favor.

The letter from Richard Mlecz regarding correction to tax bill for 2010 is on hold.

A letter and spreadsheet received from the Open Space Committee targeting properties for preservation will be kept on file.

#### **MINUTES:**

The minutes of the meeting of November 16, 2010 were approved on motion made by Charles, seconded by Boynton. Roll call vote: DeCarolis=yes, Desiderio=yes, Charles=yes, Boynton=abstain, Durling=yes. Minutes of the executive session of November 16, 2010 were approved on motion made by Charles, seconded by DeCarolis. Roll call vote: DeCarolis=yes, Desiderio=yes, Charles=yes, Boynton=abstain, Durling=yes.

#### **DEPARTMENT REPORTS:**

Department reports received from the Tax Assessor, Tax Collector, Building Dept (Frelinghuysen & Green), 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 Boynton, seconded by DeCarolis. All in favor.

#### Recreation Committee report:

Charles Marra reported that the basketball program is on the way and they have to rent the Presbyterian Camp as there are 11 teams. Mr. Marra had an informal meeting with the Blirstown Deputy Mayor on the sports program due to extra charges. There will be

exchanges with the fields between Frelinghuysen & Blairstown and the charges will probably cease in 2011.

Motion was made by Boynton, seconded by DeCarolis approving the reports 12-15 on a consent agenda motion. All in favor.

Mayor Dale Durling's report:

Mayor Durling reported that the Warren County Freeholders approved the land preservation for the Lee/Yang property.

Deputy Mayor Thomas Charles report:

Deputy Mayor Charles drafted a policy for the use of township vehicles. Motion was made by Desiderio, seconded by DeCarolis to approve the policy as corrected. All in favor.

Mr. Charles reported on the ad hoc committee meeting on the abandoned roads. He gave the members high comments on their efficiency in developing and identifying roads. Some of the roads were not recorded in the County courthouse and money will be added to the 2011 budget for the recording. Mr. Charles interviewed three grant writers and suggested that we send out RFP's. Last week there was a fire on a private drive on Greendell Road and the fire company had a hard time locating the place as there were no numbers at the end of the driveway. Motion was made by Charles, seconded by Desiderio instructing the zoning officer to send them a letter to purchase the numbering signs. All in favor.

Committeeman Alan DeCarolis report:

Mr. DeCarolis reported that he attended the New Jersey League of Municipalities and attended a COAH conference where they discussed problems with deed restrictions. He wished everyone a Happy Holiday.

Committeeman David Boynton's report:

Mr. Boynton reported that the Recreation Committee is preparing for Casino Night in March; he has obtained prices for painting of the exterior of the town hall. With regard to insurance, the loss control report has some issues with the equipment on the playground of which will be taken up with the Recreation Committee. There was a discussion on the changing of the locks in the meeting room as the heat has been set high and left on over the last two weekends. New locks will be installed; meantime, the attorney will draft a form that whoever accepts a key is responsible.

Committeeman Frank Desiderio's report:

Mr. Desiderio reported that the new truck has been received and is working good. The new mower is in also, however, we have not taken possession of it as yet.

Engineer's Paul Sterbenz & Paul Niehoff's report:

Mr. Sterbenz reported he reviewed the roads (Camp Wasigan, Heller Road, Hess Road, Stillwater Road, Golden Chain Road, South Street, Southtown Road and Lanning Road)

to determine if either the 25 MPH or 35 MPH statutory speed limit could be used as a posted speed limit. By utilizing one of the statutory speed limits it would make easier to process an ordinance amendment and avoid the need for an engineering study. Mr. Sterbenz will provide figures for the 2011 budget. Motion was made by Charles, seconded by Boynton authorizing the preparation of the proposal. All in favor. The GEO technical work and survey has been done on Kerrs Corner Road and this project is ready to go out for bidding. The GEO work had low parts in the road due to being in the swamp and overlay will have to be done. Motion was made by Desiderio, seconded by Charles to overlay the road. All in favor.

The South Street project was discussed. Motion was made by Charles, seconded by Boynton instructing the engineer to draft plan and permit application for RFP. All in favor.

Mr. Niehoff gave the Committee a report on the Tier 3 requirements for Storm water management of which 10 points can be applied. Mr. Niehoff went over the annual report and certification permit along with the narrative requirements.

#### Edward Wacks report:

Mr. Wacks reported that over the last 5 days he has prepared contracts for the Lee/Yang property and is satisfied with them. He asked for authorization for the Mayor and Clerk to sign the contracts once this is discussed in executive session.

#### Municipal Clerk's report:

The Municipal Clerk asked the Committee when they would like to hold the reorganization meeting. It was decided to have it on January 3, 2011 at 12:00 noon.

**BILLS**-see schedule attached.

#### **CORRESPONDENCE:**

Morris County Municipal JIF Re: 2011 budget

Office of the Assistant secretary of Defense Re: ESGR's statement of support program

NJDEP Re: questionnaire for preliminary assessment on Block 1702, Lot 6Q

Birdsall Services Group Re: 2010 Environmental JIF audit

Radon Awareness Month information

Warren County Planning Dept. Re:

1. Public hearing on proposed revision to the Warren County Development Review Regulation
2. Wastewater planning
3. Solar seminar invitation

Kids Corp Re: A Hugh Milestone

The Land Conservancy of New Jersey Re: New staff member

Dorsey & Semrau Re: Status of 43 MJIF claims that are in litigation

Hope Township Re: Ordinance #10-05

Blairstown Township Re: Farmland Preservation hearing

Allamuchy Township Re: Public hearing on Master Plan

Allamuchy Township Re: Ordinance #2010-14

Warren County Soil Conservation Re: Stop work order for Block 601, Lot 7.02

Warren County Soil Conservation Re: Violation notice for Block 601, Lot 7.02

David Gill Re: School regional budgets

Warren County Technical School District Re: Energy efficiency block grant

New Jersey Herald Re: Affidavit of rate charges

New Jersey State League of Municipalities Re:

1. Two Issues:
  - a. League adopts twenty five resolutions at annual business meeting
  - b. 2011 calendar available
2. NJLM Mayors December 2010 news line
3. Arbitration reform
4. Executive training for Mayors and Council Presidents
5. Orientation for Newly elected, re-elected or experienced officials
6. Resolution seeks compliance with State Funding statutes
7. Two Important issues:
  - a. Training for Mayors & Council members
  - b. 19<sup>th</sup> Mayors legislative Day
8. League's Interlocal Advisory center
9. S-2405-Would subject municipal employer to liability claim due to actions of Officer or Employee
10. S-1S-3447 Affordable housing hearing
11. S-1451 Jeopardizes economic recovery & redevelopment
12. First Lady's New Jersey local heroes initiative
13. Two Issues:
  - a. Update on energy efficiency & conservation block grants
  - b. Interest arbitration reform advances

#### **AUDIENCE PARTICIPATION:**

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

Marty Connor asked if the Lee/Yang property would be open for hunting. He was told that it depends on where the money comes from. He asked what were the results from the mediator's meeting between the township and Kids Camp. Mr. Wacks reported that the mediator and our side felt we had settled the matter and instead the other side decided to take further action and file motions with the court. Mr. Wacks doesn't expect this case to be resolved anytime in the near future. Mr. Connor wanted the residents to be aware that the Johansson property purchased by the state is open to the public.

Debra Natyzak asked what was going on with the closing of the Post Office. The Mayor advised he has tried to negotiate with the owners, Mr. & Mrs. Paul and has failed. There is a petition in the front of the municipal building that residents can sign.

Loren Greco asked if Amy Hufnagel was working with the Committee on the solar panels at the school.

Roman Osadca asked about the newspaper article on abuser of the farmland assessment, he stated that several years ago there was a break in on the computers and the police was not called. He stated if the Post Office closes the town would lose a convenience and the committee should make more of an effort to keep it open.

Motion was made by Desiderio, seconded by DeCarolis to close the meeting to the public. All in favor.

**EXECUTIVE SESSION:**

The Committee entered into Executive session after adopting a resolution in the public portion of the meeting with regard to land acquisition and possible litigation. Upon returning, motion was made by Desiderio, seconded by Boynton authorizing the Mayor and Clerk to sign the Lee/Yang contract with a financing contingency. All in favor.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC