

MINUTES OF MEETING OF DECEMBER 21, 2011

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, December 21, 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 Wacks and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of November 23, 2011 were approved as amended on motion made by Boynton, seconded by Durling. All were in favor. The minutes of the executive session of November 23, 2011 were approved on motion made by Boynton, seconded by Durling. All were in favor. The minutes of the work meeting of December 12, 2011 were approved on motion made by Boynton, seconded by DeCarolis. All were in favor except Durling who abstained.

ORDINANCES:

AN ORDINANCE (#2011-12) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY CREATING SECTION 525, TITLED "OUTDOOR WOOD-FIRED BOILERS, STOVES OR FURNANCES" TO REGULATE THE USE OF OUTDOOR WOOD-FIRED BOILERS, STOVES OR FURNACES. Motion was made by Boynton, seconded by Durling to open the meeting to the public for discussion on this ordinance. All were in favor. Mr. & Mrs. William Davie asked about the state compliance on visible smoke. Committeeman Desiderio advised that section 3.9 be removed as per Planning Board recommendation. Motion was made by Durling, seconded by Boynton with section 3.9 deleted from the ordinance. Roll call vote: Charles-yes, Boynton-yes, Desiderio-yes, DeCarolis-yes, Durling-yes.

RESOLUTIONS:

#2011-73 (renewal of JIF)

WHEREAS, the Township of Frelinghuysen is a member of the Morris County Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2011 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The Township of Frelinghuysen agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the bylaws, rules and regulations, coverage's, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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

#2011-89 (transfer resolution)

WHEREAS, there are insufficient funds to meet the demands necessary for the 2011 budget in Fire sub-code Official S&W, Road Maintenance , Welfare Admin of Public Service S&W, Fuel Oil, Diesel Fuel, Rev. Admin (Tax Collector) S&W, Tax Assessment S&W, Legal Services OE, Financial Admin.OE, and Building Sub-code Official;
and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: General Administration S&W, General Administration OE, Engineering Services OE, Solid Waste Collection OE, Planning Board S&W, Buildings and Grounds OE, Road Maintenance OE and Social Security.

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:		
	Fire Sub Code Official S&W	\$ 151.00
	Road Maintenance OE	7,000.00
	Welfare/Admin. Of public service S&W	1.00
	Fuel Oil	716.00
	Diesel Fuel	2,000.00
	Rev. Admin (Tax Collector) S&W	61.00
	Tax Assessment S&W	1.00
	Legal Services OE	2,000.00
	Financial Admin OE	110.00
	Building Sub-code Official S&W	<u>3,360.00</u>
		15,400.00
From:		
	General Admin. S&W	6,500.00
	General Admin OE	1,000.00
	Engineering Services OE	1,400.00
	Solid Waste Collection OE	2,000.00
	Planning Board S&W	1,000.00
	Buildings & Grounds OE	1,500.00
	Social Security	<u>500.00</u>
		15,400.00

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

#2011-90 (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 2011 in the sum of \$10,000.00 which is now available from the Sustainable Jersey 2011 Wal-Mart grant in the amount of \$10,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$10,000.00 is hereby appropriated under the caption: Wal-Mart Grant

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

#2011-91 (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 2011 in the sum of \$ 6,950.00 which is now available from the State Forestry Management grant in the amount of \$6,950.00.

BE IT FURTHER RESOLVED, that the like sum of \$6,950.00 is hereby appropriated.

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

#2011-92 (special emergency)

WHEREAS, an emergency has arisen with respect to an Emergency Appropriation to meet certain extraordinary expenses incurred or to be incurred by FEMA Emergency-Tropical Storm Lee; and

WHEREAS, NJS 40A:4-46 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-Tropical Storm Lee in the amounts of \$7,573.59 and \$1,740.00.
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$1,862.72.

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

#2011-93 (contribute funds for fire truck)

WHEREAS, at the October 11, 2011 regular meeting the Township Committee of the Township of Green adopted Bond Ordinance 2011-17 in the amount of \$350,000.00 which authorized and funded a pumper-tanker and loose equipment for the Green Township Volunteer Fire Department (GTVFD); and

WHEREAS, at the December 19, 2011 regular meeting the Township Committee of the Township of Green awarded a contract to Pierce Fire and Safety Services, Ltd for a pumper-tanker in the amount of \$278,892.00 and rejected all bids for loose equipment since these bids exceeded the cost estimates for the goods; and

WHEREAS, the Green Township Committee has determined that loose equipment associated with the pumper-tanker will be purchased utilizing State contracts and coop contracts in an amount not to exceed the difference between the original \$350,000.00 and the cost of the pumper-tanker plus soft costs; and

WHEREAS, the GTVFD provides fire protection to a portion of Frelinghuysen Township and has requested the Township of Frelinghuysen to contribute a fair share toward the GTVFD pumper-tanker, associated loose equipment and soft costs; and

WHEREAS, the fair share has been calculated based upon coverage area and GTVFD's coverage area has been determined to be constituted as 1/3rd attributable to Frelinghuysen and 2/3^{rds} attributable to Green Township; and

WHEREAS, the Township Committee of Frelinghuysen Township determines it to be in the best interest of the Township to contribute towards the cost of the purchase of the pumper-tanker, associated loose equipment, and soft costs of bonding for same;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Frelinghuysen does hereby agree to contribute its "fair share" to Green Township in an amount not to exceed 1/3rd of the actual cost of the pumper-tanker plus the loose equipment (amount to be determined by future Resolution of the Township of Green) plus soft costs of bonding; said amount will be payable in equal installments on a yearly basis over a period of time not to exceed 12 years.

BE IT FURTHER RESOLVED that the Township of Frelinghuysen will remit the first payment upon delivery of the pumper-tanker, and loose equipment (which first payment shall include its fair share of the soft costs of bonding for same with the remaining payments to be remitted by July 1st of each year thereafter, commencing with the year 2013 until the total due has been remitted.

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

#2011-94 (setting executive session)

WHEREAS, it is necessary to discuss items dealing with: Litigation in the Richard Smith matter in private or executive session; and

WHEREAS, under the Open Public Meetings Act (number 3) of the permitted exceptions to the requirement 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 21st day of December, 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 Boynton, seconded by Durling to adopt said resolution. Roll call vote: Boynton-yes, Desiderio-yes, Durling-yes, Charles-yes, DeCarolis-yes.

#2011-95 (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 DeCarolis to adopt said resolution. Roll call vote: Charles-yes, Desiderio-yes, Durling-yes, DeCarolis-yes, Boynton-yes.

OLD BUSINESS:

Engineer Paul 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 along with the narrative requirements.

Members of the Green Township Fire Department were in attendance with regard to the above resolution (#2011-93). The Township Committee asked if a guarantee could be given that we will not be dropped and service will be provided to the residents. Chief Rafferty stated that we will not be dropped and will provide the services. He wished to advise that the present pumper does not need to be replaced at this time but will work with the township should one be needed.

The held over letter from Maser Consulting with regard to the Municipal Affordable Housing Trust Fund deadline that need to be committed to expenditure by July 17, 2012 was discussed. No action is needed at this time.

Mr. Wacks reported that the copy of Ridge and Valley Charter School's letter from their attorney William Gold was sent to Maser Consulting who will prepare a report.

Mr. Wacks went over the Knowlton Court's agreement which will now be a five year agreement with fees being assessed and increased by 2% over the amount paid for the preceding year. Motion was made by Boynton, seconded by Durling authorizing the Mayor and Clerk to execute the agreement. All were in favor.

NEW BUSINESS:

A letter of resignation was received from James Drylie resigning as Emergency Management Coordinator. Motion was made by Durling, seconded by Boynton accepting the resignation with regret. All were in favor. The Clerk was instructed to send a letter of thanks to Mr. Drylie.

OPEN MEETING TO THE PUBLIC:

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

Loren Greco who asked the amount of the new fire truck. He was advised that the quote was for \$278,000.00.

Roman Osadca who would appreciate it if there would be a status report on the solar plan by next month. Committeeman Durling advised that the company has now backed away as it's no long viable.

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

BILLS-see schedule A attached.

DEPARTMENT REPORTS:

Motion was made by Desiderio, seconded by Durling to approve the department reports number 1 through 10 on a consent agenda motion. All were in favor.

Recreation Committee:

Chairman Kimball reported that the soccer season was successful and we are into basketball season which will go through March. The Mayor personally thanked Mr. Kimball for doing a great job as Chairman and appreciated the work he has done.

Mayor Thomas Charles report:

The Mayor challenged the Green Team to go forward and prepare an improvement plan for the Lee/Yang property along with getting started on a grant for the walking trail. The Mayor presented the Lee/Yang property deeds to Chairman Kimball as it is now in the hands of the Recreation Committee. A letter of appreciation for his efforts will be sent to the Tax Assessor David Gill from the Mayor for the additional revenue he brought in for his pursuing the assessments. The Mayor thanked the Open Space Committee for their work in obtaining the property. Lastly, 30,000 feet of line stripping was done on various roads in the township.

Deputy Mayor David Boynton's report:

As a member of the Buildings and Grounds, Mr. Boynton offered to have his painting crew paint the office area.

The issue with the child left on the bus a couple of months ago were handled smoothly and there are no repercussions.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis asked if the deputy emergency management coordinator is willing to take over Mr. Drylie's position. The Mayor will talk to him.

Committeeman Frank Desiderio's report:

Mr. Desiderio thanked the audience members for their attendance.

Committeeman Dale Durling's report:

Committeeman Durling mentioned that it was a pleasure working with the other committee members this year.

Attorney Edward Wack's report:

Mr. Wacks advised that he was asked to report on Agenda 21. This is on an international level for which a movement is to take away the authority to regulate our water use; energy use; owning and using our cars among other items. The litigation report that was submitted is shrinking. A letter was sent to the property owner on Bear Creek Road who is having water runoff from his property onto Bear Creek Road and will report the results of the letter in January. Mr. Wacks will work on the vacating and abandonments of the roads this year.

Municipal Clerk's report:

The Clerk reported that Ordinance #2009-03 determined that an additional member of the public serve in lieu of the township Clerk be appointed, however, on page 220 of the Land Use Ordinances, under "d" reference to the Clerk was left in. In replacement of the Clerk was a 4th citizen appointed, however, on page 221 there is no term limit for the 4th member. In order to have a reappointment term for the 4th citizen she needed to know what the term for them would be. The Committee decided that the 4th citizen would serve a 3 year term.

EXECUTIVE SESSION:

Motion was made by Boynton, seconded by Durling to enter into Executive Session with regard to litigation on the Richard Smith matter. All were in favor. Motion was made by Desiderio, seconded by Boynton to return to public session. All were in favor. Upon returning the attorney asked for a vote that he is authorized to settle the Smith matter on terms agreed upon. Roll call vote: Durling-yes, DeCarolis-yes, Desiderio-no, Charles-yes, Boynton-yes.

CORRESPONDENCE:

Maser Consulting Re: Highlands ERI Submission (Module 4)
Governor Christie's Newsletter

New Jersey DEP Re:

1. DEP launches capital projects website
2. Green Acres funding acceptance until Feb. 15, 2012
3. NJPDES fee report
4. Underground storage tank
5. Shade Tree

The Land Conservancy of New Jersey Re: Year end report

Warren County Dept of Land Preservation Re: County PIG

NJ Dept of Health & Senior Services Re: Animal rabies report

Walder, Hayden & Brogan Re: Risk Management and Insurance claims for municipalities and public entities

Township of Knowlton Re: Resolution requesting more effective maintenance of overhead power lines by JCP&L

Township of Hardwick Re: Ordinance No's 2011-17 & 2011-18

Jared Eudell Re: Environmental alert-new EPA boiler rules

Municipal Excess Liability JIF Re:

1. 2011-2012 employment practices program
2. 2012 budget

Warren County Planning Dept. Re: WC Housing County Comparison

NJDOT Re: Start of construction for Route 80

Paradigm Re: Emergency Responder Training Program

JCP&L Re: Petition

Local Finance Notice 2011-34

New Jersey State League of Municipalities: Re:

1. Legislative recap for November 21
2. Two Issues:
 - a. Legislative recap
 - b. NJ Chamber of Commerce event
3. Seminar for Executive Leadership Training for Mayor's

4. Two Issues:
 - a. New content from the DLGS
 - b. Nov. 30, 2011 joint hearing on maintenance of water supply
5. Federal Issue: Impact of Joint Select Committee on deficit reduction
6. Urban waters small grants & 2012 Siemens Sustainable Comm. awards
7. League's website
8. Mayor's newsline
9. Three Issues:
 - a. December grant page posted
 - b. Orientation for the newly elected, re-elected or experienced
 - c. Invitation to attend Mayor's legislative day
10. \$140, 500, 00 transitional aid bills introduced
11. Guidance on new law regarding nation contracts
12. Transitional aid restoration bills introduced
13. Five Issues:
 - a. Sustainable Jersey Webinars
 - b. Cost Estimates in bid advertisements bill
 - c. Senate Environmental committee
 - d. League professional development seminar
 - e. Update publications
14. Two Issues:
 - a. Conditional veto of S-2220-cap on accumulated sick leave
 - b. S-3119 establishes notification requirements on sewer overflows
15. Two Issues:
 - a. General Assembly voting session on Monday
 - b. Transitional aid bill before Senate Committee
16. Two Issues:
 - a. Transitional aid passes assembly, up in Senate Committee on Thursday
 - b. Assembly voting session on Monday
17. NJCM-questionnaire
18. Two Issues:
 - a. 2011 energy master plan
 - b. 3 upcoming EPA funding opportunities & NEA's our town grants
19. Senate budget appropriation hearing on S-2794
20. Legislative bulletin-No. 5
21. New content on DLGS website
22. Two Issues:
 - a. New requirements for budget message in 2012
 - b. Invitation to attend 20th annual Mayor's legislative day
23. Division of Local government Services issues guidance on CY 2012 budget

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC