

MINUTES OF MEETING OF JANUARY 16, 2013

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, January 16, 2013 and was called to order at 7:30 p.m. by Mayor David Boynton.

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 David Boynton, Deputy Mayor Christopher Kuhn, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Committeeman Christopher Stracco, Attorney Edward Wacks and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of December 19, 2012 were approved with a minor correction on motion made by DeCarolis, seconded by Desiderio. All were in favor with Kuhn and Stracco abstaining. The minutes of the meeting of January 2, 2013 were approved on motion made by Desiderio, seconded by DeCarolis. All were in favor.

ORDINANCES:

AN ORDINANCE (#2013-01) TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14) was offered for introduction on motion made by Desiderio, seconded by DeCarolis. The public hearing will be held on February 20, 2013. Roll call vote: Desiderio-yes, Kuhn-yes, Boynton-yes, Stracco-yes, DeCarolis-yes.

AN ORDINANCE (#2013-02) CREATING CHAPTER, ADMINISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FRELINGHUYSEN, AUTHORIZING THE TOWNSHIP OF FRELINGHUYSEN TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP IN CERTAIN ACTIONS BROUGHT AGAINST SAID MUNICIPAL OFFICERS, EMPLOYEES AND APPOINTEES was offered for introduction on motion made by DeCarolis, seconded by Desiderio. The public hearing will be held on February 20, 2013. Roll call vote: Boynton-yes, DeCarolis-yes, Stracco-yes, Kuhn-yes, Desiderio-yes.

AN ORDINANCE (#2013-03) OF THE TOWNSHIP OF FRELINGHUYSEN AMENDING CHAPTER 700, LAND DEVELOPMENT ORDINANCE OF THE CODE OF THE TOWNSHIP OF FRELINGHUYSEN was offered for introduction on motion made by Stracco, seconded by Kuhn. The public hearing will be held on February 20, 2013. Roll call vote: Stracco-yes, Boynton-yes, DeCarolis-yes, Desiderio-yes, Kuhn-yes.

RESOLUTIONS:

#2013-05 (Appoint township professionals)

WHEREAS, there exists a need for various Township Professionals; and

WHEREAS, the Local Public Contracts Law, (N.J.S.A.40A:11-1 et. seq) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the following award is for a contract that is not in excess of \$26,000 as certified by the Chief Finance Officer of the Township of Frelinghuysen, and pursuant to N.J.S.A.19:44A-20.4, may be awarded by the Township Committee.

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

1. The Mayor and Clerk are hereby authorized to execute an agreement with the following for the term indicated;

Edward Wacks	Municipal Attorney	1 year
Wacks & Hartmann		
Paul Sterbenz and Paul Niehoff	Municipal Engineers	1 year
Maser Consulting		
Wilentz, Goldman & Spitzer	Bond Counsel	1 year
Ardito & Co.	Municipal Auditor	1 year

2. This contract is awarded without competitive bidding as a "Professional Services" under the provisions of the Local Public Contracts Law because these are recognized professionals licensed and regulated by law and it is not feasible to obtain competitive bids.

3. A copy of this resolution shall be published in the New Jersey Herald and The Express-Times as required by law, within ten days of its passage.

Motion was made by Desiderio, seconded by DeCarolis to adopt said resolution (excluding Land Conservancy of New Jersey). Roll call vote: DeCarolis-yes, Kuhn-yes, Stracco-yes, Desiderio-yes, Boynton-yes.

#2013-10 (Person-to person transfer for liquor license)

WHEREAS, an application has been received for the transfer of Plenary Retail Consumption License No. 2015-33-005-005 (the "License") from John Predale and Nancy Predale to Plan B Pub, LLC; and

WHEREAS, Alan DeCarolis, a member of the Frelinghuysen Township Committee, holds an interest in Plan B Pub, LLC, the proposed transferee of the License, and the Frelinghuysen Township Committee acts as the issuing authority for alcoholic beverage licenses for the Township; and

WHEREAS, as such the License is a "conflict" license under the New Jersey Division of Alcoholic Beverage Control regulations, and accordingly, the application for transfer of the License was forwarded to the Director of the Division of Alcoholic Beverage Control for consideration pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1; and

WHEREAS, and as such pursuant to N.J.A.C. 13:2-4.6 conflict application has been received for a person to person transfer and has been forwarded to the Division of Alcoholic Beverage Control to be handled by the Division pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1 through 4.6; and

WHEREAS, N.J.A.C. 13:2-4.6 requires the issuing authority to submit to the Director of the Division of Alcoholic Beverage Control a certified Resolution setting forth that the issuing authority has no objection to the transfer of the License and consents thereto, and furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the transfer of the License.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Frelinghuysen have no objection to the renewal of Plenary Retail Consumption License No. 2106-33-005-005 and consent thereto, and, furthermore, are not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the License.

IT IS FURTHER RESOLVED, that the Township Clerk shall forward a certified copy of this Resolution to the Director of the Division of Alcoholic Beverage Control.

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

#2013-11 (Transfer resolution)

WHEREAS, there are insufficient funds to meet the demands necessary for the 2012 budget in Social Security, Admin S&W, Construction S&W, Road S&W, Buildings and Grounds, and Telephone; and

WHEREAS, the following account has sufficient excess funds to meet such demands; Engineering and Recreation 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.40A4-48, the Chief Finance Officer is hereby authorized to make the following transfers:

To:

Social Security	200.00
Admin S&W	230.00
Construction S&W	300.00
Road S&W	1,700.00
Buildings & Grounds	350.00
Telephone	<u>520.00</u>
	3,300.00

From:

Engineering	200.00
Recreation O&E	<u>3,100.00</u>
	3,300.00

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

#2013-12 (Approval of vouchers)

WHEREAS, the Finance Committee of the Township of Frelinghuysen have reviewed the bills submitted by the Municipal Clerk to the Frelinghuysen Township Committee for the month of January; and

WHEREAS, the Finance Committee find the bills to be in order and recommend to the Township Committee that they be paid by the Chief Finance Officer.

NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that all bills submitted for the above named month are reasonable and proper and are to be paid from their appropriate account.

Motion was made by Desiderio, seconded by DeCarolis to adopt said resolution holding the bill for R&R Donnelly. Roll call vote: Stracco-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Kuhn-yes.

#2013-13 (Setting Executive Session)

WHEREAS, it is necessary to discuss items dealing with Land Acquisition (contract negotiations 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 16th day of January, 2013 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned and results or portions of that discussion will be made known in a reasonable length of time.

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

OLD BUSINESS:

A memo from the JIF Fund Commissioners providing various proposal options for alternative deductibles and co insurance percentage contributions was decided. The deductible will be \$2,500.00 with a \$0 co-insurance for an additional premium of \$690.42. Motion was made by Desiderio, seconded by DeCarolis accepting these options. All were in favor.

The Mayor stated he would like to get started with a subcommittee for the vacating of Camp Weaqua Road, Kerr Road and Old Stage Road. The subcommittee will consist of Committeemen Desiderio and Stracco. The Mayor will contact Maser Consulting for a design of a cul de sac and/or claw hammer along with a right-of-way.

Committeeman Desiderio brought up the drainage issue on Bear Creek Road where the two homeowners are now having a difference of opinion on where the water should flow. It was decided that Engineer's Paul Sterbenz and Paul Niehoff, Committeeman Desiderio and Mayor Boynton meet with the homeowners. Mr. Wacks stated that if we do one thing or another we have created a situation where one homeowner is going to be unhappy. What is needed is to have the engineer tell the committee what is the most appropriate way of dealing with the situation and satisfy both homeowners. The Mayor will coordinate.

Mayor Boynton asked the Committee what order they would like him to follow with regard to the property on Route 94. He will ask Laura Brill to set the corners on the 9 acres with an iron pin or monument and subdivide. Mr. Wacks advised the committee that they do not need to go before the Planning Board for a subdivision. Mr. Wacks will prepare a deed. All of this will be approved by the Committee before any action is taken.

A letter received from the Recreation Committee recommending Michael Caruso and William Crone to become members of the board was read. Motion was made by DeCarolis, seconded by Stracco concurring with the Mayor's appointments. All were in favor.

Mr. Wacks advised that with regard to Lackawanna Drive, he has tried to contact the attorney Robert Benbrook but has not received a return call. On motion made by Desiderio, seconded by Stracco, Mr. Wacks was given authority to proceed on calling in the bond. All were in favor.

NEW BUSINESS:

A resignation letter received from Charles Schaffer from the Farmland Preservation Board was accepted with regrets on motion made by Desiderio, seconded by DeCarolis. All were in favor. The Clerk was instructed to send a thank you note.

A resignation letter received from David Zilberfarb from the Planning Board was accepted with regret on motion made by Desiderio, seconded by DeCarolus. All were in favor. The Clerk was instructed to send a thank you note.

A resignation letter received from Christopher Calcagne from the Planning Board was accepted with regret on motion made by Desiderio, seconded by DeCarolus. All were in favor. The Clerk was instructed to send a thank you note.

A letter received from the Open Space Committee was read recommending that the Committee approve The Land Conservancy's 2013 proposal and maintain the fee at the 2010 level of \$11,500.00. Deputy Mayor Kuhn reported that he had been asked to look at the contract which has been held at the same cost for three years. With the reduction in the number of meetings, Mr. Kuhn was given approval, on motion made by Desiderio, seconded by DeCarolus, to contract the Land Conservancy to reduce their contract price. All were in favor.

OPEN MEETING TO THE PUBLIC:

Motion was made by Desiderio, seconded by DeCarolus to open the meeting to the public for 15 minutes. All were in favor. Spoke were:

* Jean Smolha who stated that she had attended the county preservation meeting and a lot of municipalities are dropping the two cent open space monies.

* Marty Connor asked the status of the drainage easement on the Kids Camp property on Lincoln Laurel Road. Motion was made by Desiderio, seconded by DeCarolus authorizing the attorney to prepare the paperwork needed for an easement. All were in favor. This will be on the agenda for February.

* Gabe DeCarolus asked if the intersection on Routes 612 and 519 was going to stay the way it is and are they monitoring the safety issue. He was told that with the new signs and the awareness the situation seems to be working. The next question was the status on the plan on State Park Road where they raised the road by the road. He was told it has been decided as yet due to the cost.

* Roman Osadca asked that since the three road vacation ordinances were tabled are they going to be brought up again. He was told that there will be meetings with the homeowners on this.

* Robin Randolph asked for elaboration of the cost of constructing a township garage on the Route 94 property; has there been a cost analysis and are there ways this could be funded through grants or long term bonding.

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

DEPARTMENT REPORTS:

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

Environmental Commission- Mr. Kuhn reported that the reorganization meeting will be held on Jan. 28th and a spring electronic cleanup for the spring will be discussed.

Recreation Committee- Mr. Desiderio reported that Casino Night will be held March 23rd at the Green Township Fire Hall. Baseball and softball registrations have been sent out. Mr. Desiderio reported that Mr. DeCarolis has donated the use of his ball field at the old Big K field.

Farmland Preservation Committee-Mr. Kuhn reported that they just had their reorganization meeting and David Boynton, II is the chairman.

Open Space Committee: Robin Randolph stated that the money from the preparation of the ERI will be reimbursed from NJAC in the amount of \$7,000.00. She asked for clarification as she received approval from the recreation committee to clear fallen trees and brush from the FFP property and then received a letter telling her to cease all activities except the posting of signs. Mr. Desiderio told her that the minutes say there was approval for one step at a time and that step is the posting of the signs. After discussion, the Open Space Committee received approval to hold the clearing party.

Mayor David Boynton's report:

Mayor Boynton went over the 2013 appointments as follows:

Planning Board-James Simonetti, Ralph Corvino, Alan DeCarolis and Frank Desiderio.

Board of Adjustment-none

Recreation Committee-David Boynton, I

Environmental Commission-Tammy Beckenthal, Alan DeCarolis, David Cross, James Simonetti, Christopher Kuhn, Edward Kramer and Dennis Lackovic

Open Space Committee-Daniel Carson, Alan DeCarolis, David Cross, Wendy Buttgerit, Amy Winfield, Robin Randolph and Frank Desiderio

Farmland Preservation Committee-David Boynton, II, Marty Connor, Richard Dericks, Christopher Kuhn and Robert Young

Municipal Alliance-David Boynton, I, Dr. Dwight Klett, Clare Saalfeld, Ronnie Schwartz and Jean Verbecke

Motion was made by Desiderio, seconded by DeCarolis to concur with the Mayor's appointments. All were in favor.

Deputy Mayor Christopher Kuhn's report:

Deputy Mayor Kuhn reported on the Star Ledger's newspaper article on the property taxes. He also reported that a report will be created for a zone change which will be sent to the Planning Board for their recommendations. A subcommittee was formed by the Planning Board called Economic Development Committee with Frank Desiderio as the Chairman and Ralph Corvino as the Vice Chairman.

Committeeman Alan DeCarolis:

Committeeman DeCarolis asked if there was still a North Warren Mayor's meeting and if so he would like to approach the County and have them reduce their Open Space tax. The Mayor will go to the Freeholders meeting. Mr. DeCarolis also thought we should budget for a new recorder.

Committeeman Frank Desiderio's report:

Committeeman Desiderio does not want to post the agenda's and minutes within a certain time. He would like it done in a timely fashion after the minutes have been approved. The green ford truck needs brakes-he will look into the cost for a new replacement as the repairs will cost approximately \$4,000.00. Mr. Desiderio solicited quotes from ETB-did not quote, MD Salvage-did not quote and Greco Lawn Care who quoted \$89.00 an hour. Motion was made by DeCarolis, seconded by Kuhn to accept the quote received from Greco Lawn Care. All were in favor with Committeeman Desiderio abstaining.

Committeeman Christopher Stracco's report:

Committeeman Stracco reported that the Clerk provided him with copies of the town ordinances of which he will work on.

Attorney Edward Wacks report:

Mr. Wacks reported that there is no pending litigation at the present. The EffiSolar application that was before the Board of Adjustment has been dismissed without prejudice and would have to be a new application before the Land Use Board if they decide to come back.

Municipal Clerk's report:

The Municipal Clerk asked for a committee person to be a member of the web site committee. Committeeman Stracco will be the representative. The Clerk reported that first payment to be received from FEMA for Hurricane Sandy will be in the amount of \$9,346.45 of which the township will received 75% of the amount. Lastly, a proposal was received from Darlene Green in the amount of \$990.00 to complete the monitoring paperwork for the COAH. Motion was made by DeCarolis, seconded by Desiderio approving the proposal. All were in favor.

EXECUTIVE SESSION:

Motion was made by Desiderio, seconded by Kuhn to enter into executive session with regard to Land Acquisition. All were in favor. Upon returning, the Attorney advised the public that there was a discussion with the Open Space of possibly acquiring property and the Committee gave Ms. Randolph authority to have The Land Conservancy present the contract to the property owner.

CORRESPONDENCE:

Frelinghuysen Township Open Space Committee Re: Accomplishments for 2012

NJDEP Re: Fish & Wildlife application for smart phones

NJDCA Re: Local Finance Notices #2013-04 & 2013-05

Warren County Health Dept. re: changes in rabies clinic program for 2013

Township of Marlboro Re: JCP&L

McNees, Wallace & Nurick Re: JCP&L

Arturi, D'Argenio, Guarglardi & Meliti Re: Service electric cable TV

Courter, Kobert & Cohen RE: Cable TV franchise renewal

Frelinghuysen Township School Re: New school rules

Margaret Nordstrom of Highlands Re: Thank you for meeting with her

Maser Consulting Re: Copy of letter to State closing out Kerrs Corner project

Stillwater Township Re: Ordinance 2012-08 & 2012-09

Morris County JIF Re: Loss Control Report

Birdsall Service Group Re: 2012 Environmental JIF audit

Blairstown Ambulance Corp Re: Corporate Officers

Office of the Governor Re: Emergency contract with Lowe's

New Jersey State League of Municipalities Re:

1. Update on the cancellation of the 97th annual league conference
2. New content on DLGS web site
3. Two Issues:
 - a. Changes to the filing of annual debt statement
 - b. Follow up on league response to Sand issues and concerns
4. Two Issues:
 - a. Sandy federal relief funding update
 - b. Op-ed supporting direct payment of energy tax funding posted
5. DCA issues guidance on CY 2013 transitional aid process

ADJOURNMENT:

There being no further business, motion was made by Desiderio, seconded by DeCarolis to adjourn the meeting. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC