

## **MINUTES OF MEETING OF MARCH 19, 2014**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, March 19, 2014 and was called to order at 7:30 p.m. by Mayor David Boynton.

### **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 David Boynton, Deputy Mayor Christopher Kuhn, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Committeeman Christopher Stracco, Attorney Richard Beilin and Clerk Brenda Kleber.

### **MINUTES:**

The following minutes were approved on a consent agenda motion made by Mr. Stracco, seconded by Mr. Kuhn: Minutes of February 19, 2014, executive minutes of February 19, 2014, budget meeting of February 20, 2014, executive minutes of February 20, 2014, special meeting of March 5, 2014 and executive session minutes of March 5, 2014. All were in favor.

### **ORDINANCES:**

AN ORDINANCE (#2014-04) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY FIXING THE SALARIES FOR THE YEAR 2014 was opened to the public on motion made by Mr. DeCarolis, seconded by Mr. Stracco. All were in favor. Mr. Lowell Forbes asked what the increase was and was told it was 2%. Motion was made by Mr. Stracco, seconded by Mr. Kuhn to close to the public. All were in favor. Motion was made by Mr. Stracco, seconded by Mr. Kuhn to adopt said ordinance. Roll call vote: Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Boynton-yes, Mr. DeCarolis-abstain, Mr. Desiderio-yes.

AN ORDINANCE (#2014-05) GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE TV OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIPS OF HOPE, HARDWICK, KNOWLTON, AND FRELINGHUYSEN, COUNTY OF WARREN, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATIONS AND USE OF SAID SYSTEM was opened to the public on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. All were in favor. There being no questions from the public, motion was made by Mr. Stracco, seconded by Mr. DeCarolis. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. Stracco to adopt said ordinance. Roll call vote: Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Kuhn-no, Mr. Stracco-yes, Mr. Boynton-no.

AN ORDINANCE (#2014-06) TO AMEND ORDINANCE #2014-04, OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY FIXING THE SALARIES FOR THE YEAR 2014 was offered for introduction on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. Roll call vote: Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Stracco-yes, Mr. Boynton-yes, Mr. Kuhn-yes.

**RESOLUTIONS:**

#2014-30 (Special Olympics)

WHEREAS, Special Olympics is an international organization that unleashes the human spirit through the transformative power and joy of sports every day around the world; and

WHEREAS, through work in sports, health education and community building, Special Olympics is addressing inactivity, injustice, intolerance and social isolation by encouraging and empowering people with intellectual disabilities, which leads to a more welcoming and inclusive society; and

WHEREAS, founded in 1968 by Eunice Kennedy Shriver, the Special Olympics movement has grown from a few hundred to nearly 4.2 million athletes in over 170 countries; and

WHEREAS, with the support of more than one million coaches and volunteers, Special Olympics is able to deliver 32 Olympic-type sports and more than 70,000 competitions throughout the year, and in national and international competitions; and

WHEREAS, New Jersey has been selected to host the 2014 Special Olympics USA Games, which will take place June 14-21, 2014, with venues throughout Mercer County including Princeton University, Rider University, The College of New Jersey, the Lawrenceville School, the Hun School of Princeton, the Peddie School, the Sun National Bank Center, and Mercer County Park, and Brunswick Zone-Carolier in Middlesex County, following the Opening Ceremony at Prudential Center in Newark;

WHEREAS, the 2014 USA Games will showcase 270 Special Olympics athletes from New Jersey competing in this national event.

NOW THEREFORE BE IT RESOLVED, that the Frelinghuysen Township Committee whole-heartily supports the work of Special Olympics to provide year-round sports training and athlete competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of their gifts, skills and friendship with their families, other Special Olympics athletes and the entire community and to promote greater understanding, appreciation and acceptance among all.

BE IT FURTHER RESOLVED, that Frelinghuysen Township welcomes to New Jersey all the athletes, families, coaches, officials and volunteers, who will make these 2014 USA Games a tremendous success, and that we salute the corporate partners and volunteers and that we congratulate all who live by the motto of Special Olympics: "Let me win, but if I cannot win, let me be brave in the attempt.":

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

#2014-31

Resolution calling on the Legislature to make permanent the 2% cap on interest arbitration awards was tabled.

#2014-32 (Setting executive session)

WHEREAS, it is necessary to discuss items dealing with Personnel matters in private or executive session; and

WHEREAS, under the Open Public Meetings Act (number 4 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 19<sup>th</sup> day of March, 2014 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 Mr. Desiderio, seconded by Mr. Kuhn to adopt said resolution. Roll call vote: Mr. Boynton-yes, Mr. Kuhn-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes.

#2014-33 (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 March; 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 Mr. Kuhn, seconded by Mr. Desiderio to adopt said resolution subject to review by the Mayor and Deputy Mayor. Roll call vote: Mr. DeCarolis-yes, Mr. Kuhn-yes, Mr. Desiderio-yes, Mr. Kuhn-yes, Mr. Boynton-yes.

#2014-34 (delayed budget)

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 14<sup>th</sup> of the fiscal year; and,

WHEREAS, the Township of Frelinghuysen has delayed the introduction of the 2014 Municipal Budget past the statutory deadline; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, Warren County, New Jersey, that the Township of Frelinghuysen hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2014 Frelinghuysen Township Municipal Budget; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

Motion was made by Mr. Stracco, seconded by Mr. DeCarolis to adopt said resolution.

Roll call vote: Mr. Kuhn-yes, Mr. Boynton-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Stracco-yes.

#2014-35 (Special item of revenue)

WHEREAS, the 2014 Local Municipal Budget was introduced on the 19<sup>th</sup> day of March, 2014; and,

WHEREAS, during the fiscal year 2014 the Township of Frelinghuysen has been allocated a state grant for various programs in the amount of \$13,416.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2014 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:"

Clean Communities Program	\$ 8,727.00
Clean Communities Program-PY Unapprop.	1,141.00
Mun. Alliance on Alcoholism & Drug Abuse Program	<u>3,548.00</u>

\$13,416.00

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

#2014-36 (Special items of general revenue)

WHEREAS, the 2014 Local Municipal Budget was introduced on the 19th day of March, 2014; and,

WHEREAS, during fiscal year 2014, the Township of Frelinghuysen will receive revenue for sale of municipal assets in the amount of \$65,000.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2014 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items:

Reserve for Sale of Municipal Assets	\$ <u>65,000.00</u>
	\$ <u>65,000.00</u>

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

#2014-37 (Introduction of budget)

WHEREAS, the Township of Frelinghuysen is holding a meeting on March 19, 2014, for the purpose of introducing the 2014 Municipal Budget and conducting other matters; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, Warren County, New Jersey, that the Township of Frelinghuysen hereby petitions the Director of the Division of Local Government Services that the 2014 Local Municipal Budget be introduced and approved on March 19, 2014

2014 FRELINGHUYSEN TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 270,288.00
Total Miscellaneous revenue	407,016.00
Receipts from Delinquent Taxes	130,000.00
Local Property Taxes	604,207.00
Total General Revenues	<u>\$1,411,511.00</u>

Salaries and Wages	\$394,140.00
Other Expenses	413,683.00
Debt Service	86,455.00
Statutory Expenses	33,050.00
Reserve for Delinquent Taxes	427,183.00
Total 2014 Municipal Budget	<u>\$1,411,511.0</u>
2014 Municipal Tax Rate	\$0.20649 (Est.)

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

**#2014-38 (Emergency Temporary appropriation)**

WHEREAS, an emergent condition has arisen with respect to Other Expenses and Salaries and Wages and no adequate provision has been made in the 2014 temporary appropriations for the aforesaid purpose and N.J.S.A. 40A-10 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the 2014 year pursuant to the provisions of Chapter 96, P. O.1951 (N. J. S.40A-20) including this resolution is \$100,000.00 .

NOW THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members hereof affirmatively concurring) that in accordance with the provision of N.J.S.A. 40A: 4-20. An emergency temporary appropriation be and the same is hereby made for \$100,000.00.

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

**#2014-39 (Somerset County Cooperative)**

WHEREAS, the Township of Frelinghuysen desires to become a member of the Somerset County Cooperative Pricing System, #2-SOCCP, effective March 19, 2014 and, that such membership shall be for the period ending December 31, 2018, and each renewal, thereafter of the system, unless Frelinghuysen Township elects to formally withdraw from the system;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute the attached agreement for such membership.

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

**OLD BUSINESS:**

The resolution received from the Township of Pohatcong asking for support of a resolution to implement a water tax to fund the loss of land equity for property owners in the Highlands region will not be supported on motion made by Mr. Stracco, seconded by Mr. Kuhn. All were in favor.

Committeeman/Road Supervisor Frank Desiderio brought to the attention of the Committee the problems on Kerr Road which can't be maintained along with emergency vehicles not able to drive on the road in its condition. He gave several options to fix the road. One is to rent a hammer to hammer out the shale which will cost approx. \$3500.00 for two days. The other is to put on millings which will cost approx. \$26,000.00. Henfoot Road is also in need of repair and Lanning Road is in need of drainage work. He will have a final figure for next month's meeting. Mr. Desiderio clarified that Saddle Ridge Road is 4170 feet long and 24 feet wide. He met with the micro paving company and they quoted a figure of \$24,464.00, patching would be \$2,130 plus disposal and crack fill will be \$10,000 for ¼" fill and the cracks could still come back. He recommends to crack fill the whole road, patch and fix the catch basins which will cost approx. \$14,400.00. For Homestead Drive add \$1500.00. The 2002 F550 mason dump needs a new transmission. clutch, oil pan, tires etc. The repairs will be about \$8,000.00. Mr. Desiderio will get the cost to scrap.

Mr. Lowell Forbes asked who will be doing the crack fill and will the Township Committee be voting on the crack fill & repairs to Saddle Ridge. He asked that since the state has their own salt can we share with them. Mr. Desiderio advised that he checked with them and they were not interested. Lastly, he thought that we should ask the Freeholders for more services in Frelinghuysen Township.

Municipal Alliance members-on hold

The Clerk brought to the attention of the Committee a .22 acre property on Spring Valley Road for which the town owns and we are paying taxes on since it wasn't sold during the 2002 auction. Since there are new adjoining property owners to this piece, the clerk felt we should again attempt to sell it. The property is assessed at \$4,400.00. The Clerk asked what the Committee would like to sell it for. It was decided that Mr. Desiderio would approach the tax assessor in order to reduce the assessment and if this can't be done then a tax appeal would be filed. Motion was made by Mr. Kuhn, seconded by Mr. Desiderio authorizing Mr. Desiderio to file an appeal if need be. All were in favor.

**NEW BUSINESS:**

Motion was made by Mr. Kuhn, seconded by Mr. Desiderio to join the Somerset County Cooperative Pricing System. All were in favor. Motion was made by Mr. Kuhn, seconded by Mr. Desiderio authorizing the Clerk and Mayor to sign the agreement. All were in favor.

Deputy Mayor Christopher Kuhn informed the Committee that ANJEC is offering a grant in the amount of \$1500.00 to complete a forestry study on the Frelinghuysen Forest Preserves. This application will be completed by The Land Conservancy of New Jersey. Frelinghuysen Township will need to provide 10 people for 8 hours towards the project. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis authorizing Mr. Kuhn to go forward with the grant. All were in favor.

**OPEN MEETING TO THE PUBLIC:**

Motion was made by Mr. DeCarolis, seconded by Mr. Kuhn to open the meeting to the public. All were in favor. Spoke were:

Eric Bartchat who stated he appreciated all the work that has been done to Saddle Ridge Road but would like the Committee to put together a budget for paving the road before it falls apart.

Dan George who stated that the crack fill will not work and at each meeting the numbers change on the cost.

Loren Greco asked if two lanes were required on township roads.

Lowell Forbes asked if he could see the 2014 budget.

Motion was made by Mr. Kuhn, seconded by Mr. Desiderio to close the public portion of the meeting. All were in favor.

**DEPARTMENT REPORTS:**

Motion was made by Mr. Stracco, seconded by Mr. Desiderio to approve the department reports 1-9 on a consent agenda motion. All were in favor.

Recreation Committee-Mr. Desiderio asked everyone to be at Casino Night on the 22<sup>nd</sup>

Environmental Commission-Mr. Kuhn will talk to them about the ANJEC grant

Farmland Preservation Committee-no report

Open Space Committee-no report

Mayor David Boynton-Mayor Boynton reported that the State wants an agreement on the section of road on State Park Road that they will be responsible for along with a breakdown of work and costs. Mayor Boynton will talk to the engineer. Lastly, Mr. Boynton talked to the County Engineer with regard to the 4 way stop at the intersection of Route 519 and 612. Mayor Boynton has been receiving complaints that people are going thru the 4 way stop without stopping. The County Engineer reported that as far as they are concerned the 4 way stop is working. Mr. DeCarolis will talk to the State Police for a record of accidents and violations at this intersection.

Deputy Mayor Christopher Kuhn-will go to the Recreation Committee meeting regarding the ANJEC grant

Committeeman Frank Desiderio-Mr. Desiderio reported that he had a volunteer offer to build the shelves to store the sports equipment in the storage container, however, lumber is needed. Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to take the cost of the lumber out of the Open Space account. All were in favor.

Committeeman Christopher Stracco-Mr. Stracco reported that the Land Use Board met, and the Donna Marie application was postponed.

Committeeman Alan DeCarolis-Mr. DeCarolis asked where we were on the no littering signs. Mr. Desiderio will give the count needed and order them. On Lanning Road there is a street sign missing-Mr. Desiderio will check out. Mr. DeCarolis felt we should step back on road repairs, purchase of a truck, grits and buying more equipment and find housing for the vehicles and equipment we have now. Mr. DeCarolis offered the use of his garage. A policy and procedure will be needed.

Municipal Clerk's report-Mrs. Kleber reported that at the interview of the new CFO shared services was discussed. In an e mail, Mrs. Dyer asked the Committee to confirm that Frelinghuysen will pay up to \$300.00 towards her schooling which will be included in the agreement. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis confirming the \$300.00 figure. All were in favor.

#### **EXECUTIVE SESSION:**

Motion was made by Mr. Desiderio, seconded by Mr. Kuhn to enter into executive session with regard to personnel matters and potential litigation. All were in favor. Motion was made by Mr. Kuhn, seconded by Mr. Desiderio to return to public session. All were in favor. Upon returning the attorney stated that the Committee had a closed session and discussed personnel matters and potential litigation and the minutes will be available once the need for the confidentiality is removed.

#### **CORRESPONDENCE:**

MSI Re: Safety director bulletin

Warren County Dept. of Land Preservation Re: Preservation Day at White Lake

Warren County Planning Dept. Re: Sign ordinance

NJ DCA Re: Financial disclosure statement updates

NJDOT RE:

1. Announcement of applications for Safe Routes to school program
2. Announcement of applications for Transportation alternatives program

Township of Liberty Re: resolution urging legislature to implement a water tax

Hope Township Re: Amendment to the Hope Township traffic code

New Jersey State League of Municipalities Re:

1. US Senator Booker provides useful income tax information to NJ Mayors
2. New content on DLGS web site
3. SFY 2015 budget proposal presented to the legislature
4. Direct deposit legislation
5. Two Issues:
  - a. Levy cap exemption for snow emergencies
  - b. COAH files for extension of time frame
6. Brief summary of Governor Christie's budget address FY 2015
7. Five Issues:
  - a. House considers flood insurance bill
  - b. President announces \$600 million in TIGER grants
  - c. House judiciary committee to hold marketplace fairness hearing
  - d. House ways & means chair creatively caps municipal bond exemption in draft tax reform plan
  - e. NLC urges organizations to sign letter supporting greater Federal investment in Housing & Transportation



8. Opportunity to help Ewing residents recover
9. Urgent legislative alert-interest arbitration cap expires in less than month
10. Appellate division order COAH to meet and adopt regulations
11. Three Issues:
  - a. 2013 pension valuation report
  - b. NJ Supreme court stays appellate order on COAH
  - c. Commercial development fee
12. NJ Supreme court vacates appellate order on COAH

**ADJOURNMENT:**

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

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Brenda J. Kleber, RMC