

## **MINUTES OF MEETING OF MARCH 20, 2013**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, March 20, 2013 and was called to order at 7:53 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 Richard Beilin and Clerk Brenda Kleber.

### **2013 MUNICIPAL BUDGET:**

The 2013 municipal budget was introduced on motion made by DeCarolis, seconded by Desiderio. Roll call vote: Desiderio-yes, Stracco-yes, Boynton-yes, Kuhn-yes. DeCarolis-yes, The public hearing will be April 17, 2013.

### **MINUTES:**

The minutes of the meeting February 20, 2013 were approved as amended on motion made by Desiderio, seconded by Kuhn. All were in favor. The minutes of the meeting of February 27, 2013 were approved as amended on motion made by Desiderio, seconded by Kuhn. All were in favor. The minutes of March 7, 2013 were approved on motion made by Stracco, seconded by Desiderio. All were in favor.

### **ORDINANCES:**

AN ORDINANCE (#2013-05) TO AMEND ORDINANCE #2013-04 OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY FIXING THE SALARIES FOR THE YEAR 2013 was offered for introduction on motion made by Desiderio, seconded by DeCarolis. Roll call vote: DeCarolis-yes, Desiderio-yes, Kuhn-yes, Stracco-yes, Boynton-yes. The public hearing will be held April 17, 2013

### **RESOLUTIONS:**

#2013-19 (Setting executive session)

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

WHEREAS, under the Open Public Meetings Act (number 8) 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 20<sup>th</sup> day of March 2013 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 DeCarolis, seconded by Kuhn to adopt said resolution. Roll call: vote: DeCarolis-yes, Desiderio-yes, Kuhn-yes, Stracco-yes, Boynton-yes.

#2013-20 (Oppose S2364/A3553)

WHEREAS, Senate Bill S-2364 and Assembly Bill A 3553 propose to create a system of early voting in the State of New Jersey; and

WHEREAS, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and

WHEREAS, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

WHEREAS, these bills would require for each primary and general election a public facility, except a public school, located in each municipality in an area of a high concentration of population to be open and available to registered voters starting 15 days before an election for early, polling, possibly conflicting with if not pushing out other important uses for these buildings, causing inconvenience to residents; and

WHEREAS, these bills require retraining of poll workers and dramatically increased hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training polls workers is already a difficult process; and

WHEREAS, these bills would increase costs to municipalities, including overtime pay for workers; and

WHEREAS, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicated funding, only that which the State Treasurer and the Director of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and

WHEREAS, the opportunity for "Early Voting" already exists in the State of New Jersey through the Vote by Mail ballot process.

NOW, THEREFORE BE IT RESOLVED that the governing body of the Township of Frelinghuysen in the County of Warren does hereby oppose S2364 and A3553; and

BE IT FURTHER RESOLVED, the governing body of the Township of Frelinghuysen does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the Office of the Governor, Senate President Sweeney, Senators Gill and Whelan, sponsors of S2264, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Bensen, Conaway, and Coughlin, sponsors of A3553, State Senator Steven Oroho, Assemblyman Gary Chiusano, Assemblywoman Allison Littell McHose, Warren County Board of Elections and the New Jersey League of Municipalities.

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

#2013-21 (Support sustainable state funding)

WHEREAS, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

WHEREAS, the Green Acres program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years, and the state Agricultural Development Committee has preserved 200,000; and

WHEREAS, all remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 were fully allocated by the end of 2012; and

WHEREAS, municipalities across the Garden State have been direct beneficiaries of, and partners to, these critical state preservation programs; and

WHEREAS, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of all our communities and residents; and

WHEREAS, it is imperative that a sustainable state funding source be established in order to sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act;

NOW, THEREFORE, BE IT RESOLVED, that the Frelinghuysen Township Committee hereby expresses support for the establishment of a sustainable state funding source for these purposes; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the New Jersey State League of Municipalities, State Senator Steven Oroho, Assemblyman Gary Chiusano, Assemblywoman Alison Littell McHose, the members of the Senate Environment and Energy Committee, the Assembly Environmental and Solid Waste Committee, the Commissioner of the Department of Environmental Protection, the New Jersey Secretary of Agriculture and the Governor of the State of New Jersey.

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

#2013-22 (Accept quotes)

WHEREAS, the Clerk of the Township of Frelinghuysen, Warren County, State of New Jersey has solicited quote for Lawn Maintenance; and

WHEREAS, the Frelinghuysen Township Committee have reviewed said quotes and find same to be in order.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee on this 20<sup>th</sup> day of March, 2013 that:

1. Quote for Lawn Maintenance be awarded to Turf Pros, the low of 3 bidders in the amount of \$4,480.00.

2. The exact title of the appropriation is to be charged to Open Space Fund

3. This resolution shall take effect immediately,

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

#2013-23 on hold

#2013-24 (Payment 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 Kuhn, seconded by Desiderio to adopt the resolution conditional upon clarification of two bills. Roll call vote: Boynton-yes, DeCarolis-yes, Kuhn-yes, Desiderio-yes, Stracco-yes.

#2013-25 (Irrevocable standby letter of credit)

WHEREAS, North Warren Properties, LLC (“North Warren”) obtained preliminary and final major subdivision approval from the Frelinghuysen Township Planning Board by resolution approved June 7, 2004 and memorialized on August 2, 2004; and

WHEREAS, that approval, and a Developer’s Agreement between North Warren and the Township dated October 5, 2004 required the installation of certain improvements, subject to the approval and acceptance of same by the Township; and

WHEREAS, Paul M. Sterbenz, P.E., P.P., the Township Engineer has submitted a certification indicating that certain of the required improvements have not been installed as required (a copy of this certification is attached hereto as Exhibit A); and

WHEREAS, the Township of Frelinghuysen has attempted in good faith to have North Warren complete its obligations, and to that end served notice on North Warren on or about December 3, 2012 concerning its intention to draw on the Letter of Credit that secures North Warren’s obligations; and

WHEREAS, the Mayor and Township Committee believe that it is in the public interest to make a claim under the said Irrevocable Standby Letter of Credit, in the total amount of \$

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey that the Township of Frelinghuysen hereby authorizes, by and through the actions of the Township Attorney, a claim under Irrevocable Standby Letter of Credit No. 999001158 in the amount of \$

, which sums are necessary to complete the installation of improvements identified in the certification of the Township Engineer.

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

#2013-26 (Budget introduction delay)

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the local Municipal Budget no later than March 15th of the fiscal year; and,

WHEREAS, the Township of Frelinghuysen has delayed the introduction of the 2013 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 2013 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 DeCarolis, seconded by Stracco to adopt said resolution. Roll call vote: Kuhn-yes, Stracco-yes, Desiderio-yes, DeCarolis-yes, Boynton-yes.

#2013-27 (Allocation of state grants for various programs)

WHEREAS, the 2013 Local Municipal Budget was introduced on the 20<sup>th</sup> day of March, 2013; and,

WHEREAS, during the fiscal year 2013 the Township of Frelinghuysen has been allocated a state grant for various programs in the amount of \$12,388.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2013 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	\$ 7,586.00
Mun. Alliance on Alcoholism & Drug Abuse Program	3,548.00
Recycling Tonnage	<u>1,254.00</u>
	<u>\$12,388.00</u>

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

#2013-28 (Revenue for sale of municipal assets)

WHEREAS, the 2013 Local Municipal Budget was introduced on the 20th day of March, 2013; and,

WHEREAS, during fiscal year 2013, 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 2013 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 Desiderio, seconded by Kuhn to adopt said resolution. Roll call vote: Desiderio-yes, Kuhn-yes, DeCarolis-yes, Boynton-yes, Stracco-yes.

#2013-29 (Introduction of budget)

WHEREAS, the Township of Frelinghuysen is holding a meeting on March 20, 2013, for the purpose of introducing the 2013 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 2013 Local Municipal Budget be introduced and approved on March 20, 2013.

2013 FRELINGHUYSEN TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 201,938.00
Total Miscellaneous revenue	406,845.00
Receipts from Delinquent Taxes	130,000.00
Local Property Taxes	<u>519,561.00</u>
Total General Revenues	<u>\$1,258,344.00</u>
Salaries and Wages	\$ 351,359.00
Other Expenses	357,215.00
Debt Service	77,672.00
Statutory Expenses	74,367.00
Reserve for Delinquent Taxes	<u>397,731.00</u>
Total 2013 Municipal Budget	<u>\$1,258,344.00</u>
2013 Municipal Tax Rate	\$0.1773 (Est.)

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

**OLD BUSINESS:**

The Lincoln Laurel easement is on hold.

Road Supervisor Frank Desiderio asked for clarification on policy or protocol of the supervisor, director and foreman. In the past, the director would go to the supervisor with any concerns or problems and the supervisor would then go to the foreman. The Mayor stated this is correct, however, if there is any concerns from the Committee it would go to the Mayor who would then go to the supervisor and ask that it be done within a timely matter. The mayor also stated that within 60 days a road maintenance plan will be implemented. A maintenance log will also be implemented and kept in the municipal building. Mr. Desiderio also advised he got quotes through the coop for wood carpet for the ball field at a cost of \$23.89 a yard, clay would be \$939.00 through the coop and \$925 through Windsor Soil and 20 tons of lime for the grass is needed. Mr. Desiderio will get figures for these items. Mr. Desiderio asked that since the committee is looking into approving the Morton building has anyone thought if there is an attractive nuisance being created. The Mayor stated he is getting quotes for a concrete floor in the Morton building so that the equipment that is being stored outdoors can now be housed.

The Warren County Board of Health provided an updated uniform shared services agreement for the committee's review. The significant change in the proposal is to have the Warren County Health Department assume responsibility for issuing public health permits and licenses required by state regulation. Mr. Beilin advised that he reviewed the agreement and is fine with it. Motion was made by Mr. Kuhn, seconded by Mr. Desiderio All were in favor.

**NEW BUSINESS:**

The resignation letter received from Planning Board Secretary Rita Bernstein was accepted with regret on motion made by Mr. Desiderio, seconded by Mr. Kuhn. All were in favor. The Clerk was instructed to send a letter of thanks to Ms. Bernstein.

A letter from the Farmland and Open Space Committees was read. The first point in that they concur with the township committee's decision to deposit the current year's tax levy into the trust fund in June and December has been approved. The second point in that they request that all expenditures related to Farmland, Open Space and Recreation be deducted from the Open Space Trust Fund. Mr. Kuhn reiterated what was already discussed so that everyone knows what has been spent out of the trust fund.

An agreement from the Pollution Control Financing Authority setting the annual clean up week from May 13, 2013 to May 18, 2013 was approved on motion made by Mr. Desiderio, seconded by Mr. Stracco. All were in favor.

An e-mail received from Mr. & Mrs. Togno was read suggesting that there be an amendment to the ordinances allowing the walking of leashed dogs on the walking trail. Mr. Stracco advised that the recreation leagues do not allow dogs while the children are playing games as there is a liability. Motion was made by Kuhn to allow dogs on the paved walking trail for the safety of the residents-dogs must be leashed and cleaned up after by the owner. Owner may be asked to leave if the dog interferes with the ongoing

sporting event. Owners will be responsible for complying with this regulation by themselves. Mr. Stracco suggested that this policy be written up and sent to the recreation committee for their review and recommendations. Mr. Kuhn amended his motion that a policy will be formulated based on this resolution and sent to the recreation committee for review. Motion was seconded by Desiderio. All were in favor.

**OPEN MEETING TO THE PUBLIC:**

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

Debra Natyzak asked if the Maser Consulting bill is a retainer. She was advised it was not.

Dan Kohuth stated that there were omissions on the agenda. He also agreed that the road department equipment shouldn't be stored outdoors. He had concerns that Mr. Desiderio left the keys in the DPW truck since he was awake for a number of hours and felt that regulations should be in place.

Christopher Funkhouser asked if Greendell Road is going to be paved. He was told it was on the list.

Loren Greco thought that the walking path should be built around the Morton building instead of going through the parking lot.

Cliff Kimball thanked everyone for bringing up safety for the children especially Mr. Desiderio.

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

**QUOTES:**

The Clerk solicited quotes for the drilling of a well on municipal property as follows:

Bryan Drilling, Chester, NJ	\$8,172.50
Samuel Stoth Co., Flemington, NJ	\$7,222.00
Dan Balletine Well Drilling, Port Murray, NJ	\$8,260.00

It was decided to hold these quotes in order for the Mayor and Mr. Desiderio to review and compare.

The Clerk solicited quotes for lawn maintenance of the ball fields as follows:

Turf Professionals, Blairstown, NJ	\$ 4,480.00
Lawn Doctor, Washington, NJ	\$10,500.00

Green Pros did not get their quote in on time

Motion was made by Kuhn, seconded by Stracco to accept the quote from Turf Pros. All were in favor.

## **DEPARTMENT REPORTS:**

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

### Recreation Committee report:

Baseball and Softball signups have a large amount of children who are playing. There is now a Lacrosse team consisting of Frelinghuysen children who are using the fields. Casino night is March 23<sup>rd</sup> and a sub committee consisting to two members was formed for the FFP project.

### Environmental Commission:

The Commission will be holding an E Waste Cleanup on May 5<sup>th</sup> from 9-1.

### Farmland Committee:

Mr. DeCarolis advised that a sub committee was formed who met to expand the target areas and will be sent to TLC to be incorporated.

### Open Space Committee:

Chairman Robin Randolph advised there will be a hike at the Presbyterian Camp on April 6<sup>th</sup> and a hike at the FFP on May 18<sup>th</sup>. The Open Space discussed a draft procedure for how to excess the trust fund since there are three committee's who have access to this fund. Open Space follows a protocol by submitting a resolution. This will be revisited at the May meeting. The FFP property is now posted so the public can be aware and the road issues have been taken care of. Ms. Randolph had a concern over the rental of the excavator as to why it was rented as it was not authorized by the Township Committee to spend money to rent it. Mr. Desiderio advised that Mr. DeCarolis excavator did not have the reach needed and there was a two day window for the work and with rain being forecasted he had to start the project. Ms. Randolph thought that protocol should have been followed as the work had been scheduled for weeks and it should have been known that Mr. DeCarolis excavator did not reach. Mr. Desiderio should have gone to the Township Committee and advised that an excavator needs to be rented and what the cost is and get approval. Ms. Randolph would like a procedure on who spend the money out of the trust fund. Lastly she had two questions: 1) there were quotes from Steve's trees-who were the two other quotes from? Mr. Desiderio advised they were from Rockledge Nursery and Beckendorff's from Deville. 2) was there a resolution to spend money on the walking trail and since there was none there should be resolutions for future work.

### Mayor David Boynton's report:

Mayor Boynton reported that he and Mr. Kuhn will meet with Mr. & Mrs. Lurz on the South Street water issue on Saturday, March 23<sup>rd</sup>. The Mayor asked the Clerk if she had followed up with the notification company Swift reach network. Since she had not, the Mayor would like her to do so. Lastly, he asked if the Land Use Board would submit a budget request.

### Deputy Mayor Christopher Kuhn's report:

Deputy Mayor Kuhn reported that the since the Land Use Board has now been formed and the zone change ordinance was given to the members the next step is, assuming the change is consistent with the master plan, is to get feedback from the Land use Board.

Committeeman Alan DeCarolis report:

Mr. DeCarolis thought we should incorporate in the ordinances the committee's votes, he also thought that a fence should be erected around the lean-to. He asked where the driveway issue stood on the FFP property. Mr. DeCarolis also asked about the shoulders of Kerrs Corner Road and is qp going to be put down. He also brought up that there are leaning tree that he feels could create havoc. Mr. Desiderio will look into this. Lastly, he asked the Mayor to bring up the cost of the County's open space tax and the library tax.

Committeeman Frank Desiderio's report:

Mr. Desiderio thought that we should look into having no parking on the sidewalk side of Main Street especially when it is snow covered as it is difficult to get through with the snow plows. Since the drain pipe on the FFP has been completed, he would like the engineer to advise the buffer. The repairs to the 97 Ford are up to \$7,300.00.

Committeeman Christopher Stracco's report:

Mr. Stracco advised that the Land Use Board is seeking resumes for the secretary and attorney positions. The engineer will be Joe Golden along with Darlene Green as the planner. Mr. Stracco is in the process of drafting a web page policy. He advised he spoke with SHPO and they would be willing to come to Frelinghuysen for any questions.

**EXECUTIVE SESSION:**

Motion was made by DeCarolis, seconded by Kuhn to enter into executive session with regard to Personnel matters. All were in favor. Motion was made by Desiderio, seconded by Kuhn to return to public session. All were in favor. The attorney reported that the Committee discussed personnel matters, potential litigation and contract negotiations.

**CORRESPONDENCE:**

NJ Municipal Environmental Risk Management Re: Underground storage tanks

NJDEP Re: New Jersey Forestry Management plan

Township of Green Re: Ordinance 2013-03

Warren County Mosquito Control Comm. Re: NJ pesticide regulation changes

Maser Consulting Re: Copy of letter to NJDEP on FFP

New Jersey State League of Municipalities Re:

1. S2364-early voting bill
2. Two Issues:
  - a. Mayor's advisory-court decision in Keyport v. IUOE, local 68
  - b. Survey on the impact of Hurricane Sandy
3. Mayor's Newsline-March 2013
4. Canceled 2012 annual league conference resolution
5. State FY 2014 budget proposal analysis update
6. Governor signs executive order for seasonal liquor licenses
7. S-2114/A-3317 prohibits municipal registration of multi-family dwellings
8. Three Issues:
  - a. Appellate court decision in Keyport v. IUOE, Local 68
  - b. Governor introduces state FY 2014 budget
  - c. Lt. Governor Guadagno offers economic development tools

9. Three Issues:
  - a. New “property tax dollar” graphic depicts need for property tax relief
  - b. Social Security announces new online services
  - c. Crisis communications
10. Two Issues:
  - a. League withdraws Opposition to “Texting while Driving”
  - b. Economic development program scheduled for local officials
11. User friendly budget proposed rules
12. Two Issues:
  - a. Bureau of Municipal Information and Legal Services
13. Two court decisions of interest to municipalities.

**ADJOURNMENT:**

There being no further business, motion was made at 10:40 p.m. by DeCarolis, seconded by Kuhn to adjourn the meeting. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC