

MINUTES OF MEETING OF MARCH 21, 2012

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, March 21, 2012 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 Frank Desiderio, Committeeman Dale Durling, Committeeman David Boynton, Committeeman Alan DeCarolis, Attorney Edward Wacks and Clerk Brenda Kleber.

2012 MUNICIPAL BUDGET.

The 2012 municipal budget was introduced on motion made by Durling, seconded by Boynton. The public hearing will be held April 18, 2012. Roll call vote: Charles-yes, Boynton-yes, Desiderio-yes, Durling-yes, DeCarolis-yes.

MINUTES:

The minutes of the meeting of January 16, 2012 were approved on motion made by Durling, seconded by Boynton. All were in favor. The minutes of the meeting of January 16, 2012 (meeting in Hope, NJ) were approved as amended on motion made by Boynton, seconded by DeCarolis. All were in favor. The minutes of the meeting of February 15, 2012 were approved as amended on motion made by Boynton, seconded by Durling. All were in favor. The minutes of the meeting of February 23, 2012 were approved on motion made by Durling, seconded by Boynton. All were in favor. The minutes of the meeting of March 1, 2012 were approved as amended on motion made by Boynton, seconded by DeCarolis. All were in favor.

ORDINANCES:

AN ORDINANCE (#2012-03 OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY FIXING THE SALARIES FOR THE YEAR 2012. Motion was made by Boynton, seconded by DeCarolis to open the meeting to the public. Spoke were Marty Connor who asked why the Mayor receives additional money. Debra Natyzak who asked why the recycling coordinator receives a salary and does the DPW supervisor have a job description and does he do reports. Robin Randolph who wanted to put a positive spin on the discussion asked if the Road Supervisor could provide a written report on the savings. Motion was made by DeCarolis, seconded by Durling to close the meeting to the public. All were in favor. Motion was made by Durling, seconded by Boynton to adopt the ordinance. Roll call vote: Desiderio-yes, DeCarolis-yes, Boynton-yes, Durling-yes, Charles-yes.

RESOLUTIONS:

#2012-18 Budget introduction)

WHEREAS, the Township of Frelinghuysen is holding a meeting on March 21, 2012, for the purpose of introducing the 2012 Municipal Budget and conducting other matters; and,

2012 FRELINGHUYSEN TOWNSHIP MUNICIPAL BUDGET

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 2012 Local Municipal Budget be introduced and approved on March 21, 2012.

Surplus anticipated general revenues	\$ 278,000.00
Total Miscellaneous revenue	418,669.00
Receipts from Delinquent Taxes	130,000.00
Local Property Taxes	
<u>509,305.00</u>	
Total General Revenues	<u>\$1,335,974.00</u>

Total Operations	
758,731.00	
Debt Service	\$ 142,300.00
Statutory Expenses	51,379.00
Reserve for Delinquent Taxes	
<u>383,564.00</u>	
Total 2012 Municipal Budget	<u>\$1,335,974.00</u>
2012 Municipal Tax Rate	\$0.1737

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

#2012-19 (delayed introduction)

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 9th of the fiscal year; and, WHEREAS, the Township of Frelinghuysen has delayed the introduction of the 2012 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 2012 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 Boynton, seconded by Durling to adopt said resolution. Roll call vote: Boynton-yes, Durling-yes, DeCarolis-yes, Charles-yes, Desiderio-yes.

#2012-20 (Special item of revenue)

WHEREAS, the 2012 Local Municipal Budget was introduced on the 21st day of March, 2012; and,

WHEREAS, during the fiscal year 2012 the Township of Frelinghuysen has been allocated a state grant for various programs in the amount of \$21,067.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2012 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	\$ 7,581.00
Mun. Alliance on Alcoholism & Drug Abuse Program	3,548.00
Recycling Tonnage	1,616.00
Energy Efficiency & Conservation Grant	<u>8,322.00</u>
	<u>\$21,067.00</u>

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

#2012-21 (special item of revenue)

WHEREAS, the 2012 Local Municipal Budget was introduced on the 21st day of March, 2012; and,

WHEREAS, during fiscal year 2012, the Township of Frelinghuysen will receive revenue for sale of municipal assets in the amount of \$86,000.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2012 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>86,000.00</u>
	\$ <u>86,000.00</u>

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

#2012-22 (Grzelak property)

: WHEREAS, the Open Space Advisory Committee was created by passage of Ordinance 2006-12 on July 19, 2006 to carry out the approved Open Space and Recreation Element of the Frelinghuysen Master Plan; and

WHEREAS, the Open Space Advisory Committee viewed the 22.4 acre property located at 900 Route 94, known as Block 201, Lot 16, in Frelinghuysen Township (the "Property") to ascertain its possible open space and recreation uses; and

WHEREAS, the Open Space Advisory Committee determined that the Property is suitable for fulfilling passive and active open space and recreation needs in the community; and

WHEREAS, the Frelinghuysen Open Space and Recreation Plan recommends the Township actively pursue acquisition of land to conserve forested and wetland areas and protect the communities watershed; and

WHEREAS, the preservation of the property will help retain its natural resource values and protect the rural character of Frelinghuysen Township; and

WHEREAS, the Open Space Advisory Committee requests that the Township Committee support the Application to the Warren County Municipal and Charitable Conservancy Trust Fund Committee (MCCT) for matching funds to purchase the Property for open space preservation.

NOW THEREFORE BE IT RESOLVED that the Frelinghuysen Township Committee supports the Open Space Advisory Committee's application to Warren County for matching funds through the Warren County Open Space Farmland and Historic Preservation Trust to acquire the Property for the purpose of providing active and passive recreation and open space for the residents of Frelinghuysen Township.

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

#2012-23 (restoration of energy taxes to municipalities)

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Governing Body of the Township of Frelinghuysen, that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provided us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

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

#2012-24 (payment of vouchers)

WHEREAS, the Finance Committee of the Township of Frelinghuysen has reviewed the bills submitted to the Township of Frelinghuysen for the above named month; and WHEREAS, they find the bills to be in order and approve them to be paid by the Chief Finance Officer.

NOW, THEREFORE BE IT RESOLVED, that all bills submitted for the month are reasonable and proper claims against the Township and are to be paid from its appropriate account.

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

OLD BUSINESS:

Deputy Mayor Desiderio reported on the meeting he had with the North Warren Regional High School who are projecting an increase of four cents per assessed value. The incoming class will have one less child in the seventh grade than the present class but the assessed value is higher in Frelinghuysen than in several of the sending communities.

Debra Natyzak wrote to the Committee about a letter she received concerning the recycling center. #1. She asked if the township committee reviewed the letter and approved its content and issuance. She was told yes. #2. She felt that the Committee could not arbitrarily charge for the recycling service without justification as to an ordinance or resolution. If this is true, then this letter stating that there will be a charge is invalid. She was told that this letter did not target certain individuals. #3. She stated that the recycling bin was paid for through taxation for the past 3 years. She was told that there was money paid out by the township. #4. She asked how recycling coordinator came up with 40 people who use the recycling container. She was told that there was a sign in sheet for the past 6 months. #5. She asked for an accountability of the \$4,000.00 spent on the recycling program. She was told that the \$4,000.00 included the cost of the container along with the salary of the attendant.

Committeeman Durling advised the Committee that he felt it is time to make a decision to opt out of the Highlands or stay. Motion was made by Boynton, seconded by Durling to invite the planner at the next meeting. All were in favor.

The annual clean up was discussed. The Clerk asked the Committee the dates they would like. It was decided to have a scheduled week one time a year and only one truck can be brought to the landfill. Motion was made by Desiderio, seconded by DeCarolis to execute the agreement. All were in favor.

Committeeman Boynton informed the Committee that the insurance company has informed us that the current public officials and employment practices liability is requiring that in order to have a lower deductible (\$20,000 per claim plus 20% co-pay capped at \$50,000) we need to qualify before May 1, 2012. If we do not complete the requirements the deductible will be \$100,000 per claim plus 20% co-pay with no cap. Committeeman Boynton and the Clerk will work on this.

NEW BUSINESS:

Big Brothers Big Sisters of Hunterdon, Somerset and Warren is having a "Bowl for Kids' Sake 2012-Mayor's Challenge" on April 28th and have invited the Committee to participate. Several of the committeemen decided that they would make a donation and Mr. DeCarolis decided he would participate in the bowl-a-thon.

Givers-Belet Post #258 asked for a donation to help defray the costs associated with the Memorial Day Parade in Blairstown on May 27, 2012. Motion was made by Boynton, seconded by Durling to donate the same amount as last year. (Note: \$250.00).

The resignation of Nancy Nicholoff from the Open Space Committee was accepted with regret on motion made by Boynton, seconded by Desiderio. All were in favor. The Clerk was instructed to send a letter thanking Mrs. Nicholoff.

The 2012 Municipal Alliance County contract in the amount of \$3,548.00 was approved for the Mayor to sign on motion made by Desiderio, seconded by Durling. All were in favor.

Ms. Dana Paseler appeared before the Committee requesting that the attorney and committee discuss a situation she is having with her property deed that states that no above ground pool is allowed. They would like to install an above pool in their backyard. Ms. Paseler had obtained signatures from her neighbors who had no problem with this. Mr. Wacks advised that this is a private matter and she should contact a lawyer to get an amendment to the deed.

Mark Quick appeared before the Committee with regard to the solar panel application before the Board of Adjustment. He asked why he has not been notified of this as he is within the required 200 feet of notification. He was told that the application will be before the board on April 11, 2012 and the property owners have to be notified 10 days within the meeting date. Mr. Quick brought up Agenda 21 where there are a couple more bills on mortgage bylaws. He will be attending a meeting in Trenton and will have more information and would like to meet with the Mayor and Deputy Mayor to discuss the new bills.

OPEN MEETING TO THE PUBLIC:

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

Mark Quick who stated that there could be risks with the solar panel revenue as there is presently with Yards Creek in Blairstown.

Debra Natyzak who asked why there is no bill list attached to the agenda. The Mayor stated that regular and/or routine bills do not have to come before the Committee.

Bennett Bean who asked what happened to the walking trail. He was told that it is a top priority for this year.

Roman Osadca who advised he is clueless on the agenda documents that are before the Committee and thought that they should be available to the audience members. He was told that the paper work is available to review before the meeting. He asked the policy about putting the agenda on the website. He was told that there was a mistake this month and will be taken care of next month. Lastly he asked why the letter from Ms. Natyzak is not listed on the correspondence list. He was told that it was listed on the agenda.

Martin Connor asked about the proposal from Maser Consulting on the repairs to Lincoln Laurel Road. He was told that this was incorporated in the capital budget and easements will be needed for the drainage.

Loren Greco asked if we legally need a website. Mr. Wacks advised that there is a bill (#1451) before the Senate that will require a municipality to have a website and post everything that goes on.

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

DEPARTMENT REPORT:

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

Mayor Thomas Charles report:

Mayor Charles reported that the township is in negotiations with Hardwick for shared services in their building department. The Emergency Management plan's five annex's have been completed and are available for review. The budget preparation was tough this year due to the 2% cap.

Deputy Mayor Frank Desiderio's report:

Deputy Mayor Desiderio wished to publicly thank Dale Durling for purchasing the generator and installing the wiring for it. He would like to do test holes on the 57 acres on Route 94. Lanning Road will be closed for a half day for installation of cross drain pipes. The Deputy Mayor has reviewed two quotes for lawn maintenance and would like to award once he reviews them and would like the Committee to approve his awarding. Motion was made by Durling, seconded by Boynton to approve the lowest responsible bidder. All were in favor except Desiderio who abstained.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis had questions on the 2008 survey and asked if it was a legal survey and is it an approved survey. There was another dog bite on Camp Wasigan Road whose owner has over 40 dogs. Mr. DeCarolis would like a limit on the number of dogs. The attorney was authorized to get samples of ordinances.

Committeeman David Boynton's report:

Committeeman Boynton advised that he met with Dr. Klett and they are putting together a program for the 6th graders for drug awareness as part of the Municipal Alliance.

Committeeman Dale Durling's report:

Committeeman Durling commended Nick Pachnos for doing a great job as the Emergency Management Coordinator.

Attorney Edward Wacks report:

Mr. Wacks advised that the Kids Camp lawsuit has been settled. There's a new OPRA bill that the committee should review.

Municipal Clerk Brenda Kleber's report:

A premium quote for special risk accident coverage in the amount of \$1,420.00 was approved on motion made by Boynton, seconded by Desiderio. All were in favor.

The Clerk advised that several months ago the Mayor had asked for quotes for payroll services. The Clerk obtained three quotes: #1. Paychek in the amount of \$400.00. #2 ADP in the amount of 258.82 and #3 R&L in the amount of \$250.00. Motion was made by Durling, seconded by DeCarolis to accept the quote from R&L. All were in favor.

In the assessor's report, the assessor has a 24" 1cd monitor that he is willing to donate. It may need a floating arm in order to attach it to the desk so that it does not take space on the desk. The Committee thanked Mr. Gill for his offer; however, they decided to decline the offer on motion made by Desiderio, seconded by Boynton. All were in favor.

Recreation Committee report:

Chairman Cliff Kimball announced that Casino Night was March 24th at the Green Township Fire Hall. Baseball & softball sign ups are finished and the fields are getting ready to play. A summer soccer clinic will be held this summer and the Recreation Committee is presently going over the Open Space & Recreation plan.

Environmental Commission:

Mr. DeCarolis reported that they are working on the Open Space & Recreation Plan update along with the ERI. Barbara Davis from the Morris Land Conservancy will be at the next meeting.

Farmland Preservation Committee:

Mr. DeCarolis reported that the Farmland Preservation Committee is working on the purchase of the Linz property.

Open Space Committee:

Robin Randolph reported that she has submitted the remaining soft costs for the Frelinghuysen Forest Preserve to Green Acres for 50% reimbursement. Green Acres has contacted the Open Space on the Grzelak property. Green Acres is also looking a property along the Paulinskill Trail and will need the Planning Boards blessing. There have been 2 meetings on the Open Space & Recreation Plan.

CORRESPONDENCE:

NJ DEP Re: DEP advises municipalities of mandatory remediation time frames

Meyers & Lynch Re: Bond Continuation certificate

North Warren Regional School District Re: Date change for school election

Township of Reading Re: A1085 Forest harvest on state lands)

Township of Stillwater Re: Date change for school election resolution

Dept of Land Preservation Re: 8 year program renewal on Kuhn property

Maser Consulting Re: Vehicular safety issue on Camp Wasigan Road

Dept. of Community Affairs Re: Local Finance Notice 2012-06

NJ Dept of Agriculture Re: Emerald Ash borer

Warren County Planning Board Re: Annual recycling tonnage report workshop

Warren County Mosquito Control Comm Re: Informational packet on mosquito's

Warren County Board of Taxation Re: Preliminary equalization table

Land Conservancy of New Jersey Re: Copies of Open Space & Recreation plan update and Environmental resource inventory update drafts.

New Jersey Municipal Environmental Risk Mgt Fund Re: Underground storage tanks

New Jersey Conference of Mayors Re: February 2012 brochure

New Jersey State League of Municipalities Re:

1. OPRA and OPMA reforms
2. S-533 "Common sense shared services act" advances
3. S-2 Shared Services bill advances

4. Two Issues:
 - a. School board election date changes
 - b. Trip to Turkey
5. State budget proposal coming: Property tax relief news
6. Federal transportation policy debates stall for Presidents' Day recess
7. Three Issues:
 - a. S-1566 the "New Jersey Residential Transformation Act"
 - b. Update on legal challenges involving Affordable Housing
 - c. Municipal Housing Trust Funds
8. Proper flag etiquette
9. Two Issues:
 - a. EPA grants award process webinar
 - b. Executive leadership training for Mayor's and Council Presidents
10. Two Issues:
 - a. S-1564 Accumulated sick leave
 - b. BPU welcomes comments on preliminary storm responses
11. Appellate division decision on COAH reorganization
12. October 2011 snowstorm mitigation funds available: Letter of intent
13. S-743 & A-1338 extends and expands permit extension act of 2008
14. Two Issues:
 - a. Changes to the DLGS website
 - b. Executive leadership training for Mayor's and Council Presidents
15. Two Issues:
 - a. Use league resource to calculate state skim impact
 - b. Update on DLGS website
16. Four Issues:
 - a. Assembly budget committee
 - b. S-1451 reforms to the Open Public Meetings Act
 - c. Bloustein School's 20th anniversary celebration
17. Three Issues:
 - a. Important decision regarding OPRA and mailing lists
 - b. Seminar-Leaves of Absence in New Jersey
 - c. Seminar-Conflict resolution during the shared service process
18. League asks Senate committee to restore energy tax funding
19. DEP Waiver rule adopted

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC