

MINUTES OF THE MEETING OF MAY 20, 2015

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, May 20, 2015 and was called to order at 7:00 p.m. by Mayor Christopher Kuhn.

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

EXECUTIVE SESSION:

Motion was made by Mr. Boynton, seconded by Mr. DeCarolis to enter into executive session with regard to potential litigation and property acquisition after resolution #2015-53 was adopted in the public portion of the meeting. All were in favor. Motion was made by Mr. Stracco, seconded by Mr. Boynton to return to the public meeting. All were in favor. Upon returning, Mr. Wacks stated that in closed session the discussion was on some property acquisition that the township is currently seeking. The financing was also discussed and resolution dealing with respect to the funding will be presented later. The other matter is that there is potential litigation as a result of activity on South Street and should that continue to occur the committee gave the attorney the approval to take whatever legal actions are necessary.

PUBLIC HEARING ON BUDGET:

Municipal auditor Anthony Ardito stated that the 2015 budget will increase by \$1.58 which equates to \$53.00 a year on a house assessed at \$335,000.00

Motion was made by Mr. Boynton, seconded by Mr. DeCarolis to open the meeting to the public. There being no public input, motion was made by Mr. DeCarolis, seconded by Mr. Boynton to close to the public. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. Boynton to adopt the 2015 budget. Roll call vote: Mr. Boynton-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Stracco-yes, Mr. Kuhn-yes.

ORDINANCES:

BOND ORDINANCE (#2015-13) AMENDING AND RESTATING BOND ORDINANCE NUMBER 2015-12 (WHICH PROVIDES FOR VARIOUS 2015 CAPITAL IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, ON APRIL 15, 2015 TO INCREASE THE APPROPRIATION TO \$695,000 (INCLUDING INCREASING NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANTS TO \$280,000), TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES TO \$394,250, TO INCREASE THE DOWN PAYMENT TO \$20,750 AND TO AMEND THE DESCRIPTION OF THE IMPROVEMENTS AND PURPOSES AUTHORIZED THEREBY was offered for introduction on motion made by Mr. Boynton, seconded by Mr. Stracco. Roll call vote: Mr. Desiderio-no, Mr. DeCarolis-yes, Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Boynton-yes.

RESOLUTIONS:

#2015-47 (Capital Budget)

WHEREAS, the Township of Frelinghuysen, County of Warren, desires to amend the 2015 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown in such budget for the following reason:

Kerr's Corner Road Resurfacing Project

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

Section 1. The 2015 Capital Budget of the Township of Frelinghuysen is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT NO. 2

CAPITAL BUDGET OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN

PROJECT	ESTIMATED COST	Project Schedules for 2015 Method of Financing		
		CAPITAL IMPROVEMENT FUND	NJDOT GRANT	GENERAL NOTES/ BONDS

Kerr's Corner Road Engineering	\$270,000.00	\$7,000.00	\$130,000.00	\$133,000.00
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Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2015 Capital Budget, to be included in the 2015 Capital Budget as adopted.

Motion was made by Mr. Boynton, seconded by Mr. DeCarolis to adopt said resolution. Roll call vote: Mr. DeCarolis-yes, Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Boynton-yes, Mr. Desiderio-no.

#2015-48 (adopted at 5/13/15 meeting)

#2015-49 (Budget adoption)

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Frelinghuysen has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Frelinghuysen meets the necessary conditions to participate in the program for the 2015 budget year, so now therefore,

BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.4.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriation are properly set forth;
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

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

#2015-50 (Rescind resolution #2015-48)

WHEREAS, Resolution #2015-48 was adopted by the Mayor and Township Committee at the work meeting of May 13, 2015 resulting in granting approval of the purchase of the development easement on Shiloh Hill Farm; and

WHEREAS, the SADC informed the Mayor and Township Committee after resolution #2015-48 was adopted that additional information must be added to the resolution.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen that resolution #2015-48 be rescinded and a new resolution will be prepared (see resolution #2015-51).

Motion was made by Mr. Boynton, seconded by Mr. Desiderio to adopt said resolution.

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

#2015-51 (Granting approval of purchase of development easement)

WHEREAS, the Committee of the Township of Frelinghuysen has determined that the property known as Shiloh Hill Farm, Block 1803, Lot 8.01 & B1804 / L5 & L6 in Frelinghuysen Township, consisting of approximately 106.21 acres to be preserved, is available for purchase of a development easement in accordance with the requirements of the farmland preservation programs; and

WHEREAS, preservation of this land would encourage the survivability of agricultural production in Frelinghuysen Township, and said tracts fall within a predetermined Agricultural Development Area; and

WHEREAS, the pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and

WHEREAS, the State Agricultural Development Committee has certified the fair market value of said farm; and

WHEREAS, a contract for \$5,750 per acre with the landowners is anticipated with an estimated total value of \$609,500, the exact compensation to be determined by a final survey; and

WHEREAS, the Township is authorized to provide funding up to 17.17% of the purchase price (or \$987.50/acre of the easement) to be paid from the Township's Open Space Trust, contingent on receiving a signed contract from the landowner.

NOW THEREFORE BE IT RESOLVED, by the Committee of the Township of Frelinghuysen as follows:

The Committee of the Township of Frelinghuysen hereby supports the purchase of a development easement on Shiloh Hill Farm under the Township's Municipal Planning Incentive Grant Farmland Preservation program, in partnership with the County of Warren and the State Agriculture Development Committee.

Motion was made by Mr. Boynton, seconded by Mr. Desiderio to adopt said resolution.

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

#2015-52 (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 May; 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. Desiderio, seconded by Mr. Boynton to adopt said resolution.

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

#2015-53 (Executive Session)

WHEREAS, it is necessary to discuss items dealing with anticipated litigation and property acquisition in private or executive session; and

WHEREAS, under the Open Public Meetings Act (numbers 3 & 5) of the permitted exceptions to the requirements that a public body hold its meetings in public

NOW, THEREFORE BE IT RESOLVED, on May 20, 2015 that the Township Committee of the Township of 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. Boynton, seconded by Mr. DeCarolis to adopt said resolution. Roll call vote: Mr. DeCarolis-yes, Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Boynton-yes, Mr. Desiderio-yes.

PROCLAMATIONS:

Proclamation for Dr. Klett:

WHEREAS, Dwight A. Klett has announced that he will be retiring his position as Chief School Administrator of the Frelinghuysen Township Elementary School effective July 1, 2015;

WHEREAS, Dr. Klett employment as Chief School Administrator began on July 1, 2004; WHEREAS, Dr. Klett, during his tenure, worked tirelessly and selflessly to enhance the education of the students of Frelinghuysen Township;

WHEREAS, During his tenure, Dr. Klett has accomplished seven years of no tax increases in school budgets, implementation of intervention of Math, Science & ELA programs, having Frelinghuysen Township ranked #4 of Jersey top 10 family friendly towns in New Jersey, and two years of "Reward" status designation by the State for the Frelinghuysen Elementary School due to a high performing elementary school district;

WHEREAS, During his tenure, Dr. Klett has also accomplished the following capital projects: replacing the roof of the school, upgrading the HVAC system, installing carpet through-out the school, and overseeing the installation of a new playground, and, NOW THEREFORE, I, CHRISTOPHER KUHN, Mayor of the Township of Frelinghuysen, Warren County, State of New Jersey do hereby proclaim this 13th day of May, 2015 that the Frelinghuysen Township Committee gives their best wishes in his retirement;

BE IT FURTHER RESOLVED, that a copy of the Proclamation, suitably endorsed, be transmitted to Dr. Dwight A. Klett; and

BE IT FURTHER RESOLVED, that a copy of this Proclamation will be posted on the Frelinghuysen Township website, posted conspicuously in Town Hall, delivered to the Frelinghuysen Township School and to the local newspapers.

Motion was made by Mr. Boynton, seconded by Mr. Desiderio concurring with the Mayor proclamation. All were in favor.

Proclamation for Richard Grabowsky.

WHEREAS, Richard Grabowsky, a Frelinghuysen Township resident, has been inducted along with 12 other seniors to the Hackettstown Area Senior Hall of Fame;

WHEREAS, Mr. Grabowsky is a retired career regular Air Force Officer with over 21 years of service who was awarded the Bronze Star for his meritorious service in the 7th Air Force in the Vietnam Theater, and having received medals for meritorious services from July 1, 1961 to August 26, 1972, as well as the Vietnam service ribbon.

WHEREAS, Mr. Grabowsky was designated the "2004 Outstanding Senior Citizen of Warren County" for his support to the Nutrition Center by helping with meal servings and other tasks needed;

WHEREAS, Mr. Grabowsky took a Medicare training course in 2005 and upon completion now travels to Warren County senior clubs, social organizations and church groups where he assisted in the enrollment of county residents who were eligible for the program, and,

WHEREAS, in his present position as a State Health Insurance Assistance Counselor (SHIP) he assists several hundred individuals and couples each year on Medicare, associated Medicare programs and financial assistance issues.

NOW THEREFORE, I, CHRISTOPHER KUHN, Mayor of the Township of Frelinghuysen, Warren County, State of New Jersey do hereby proclaim this 20th day of May, 2015 that the Frelinghuysen Township Committee congratulates Mr. Grabowsky for his service and this most recent honor;

BE IT FURTHER RESOLVED, that a copy of this Proclamation, suitably endorsed, be transmitted to Mr. Grabowsky, and,

BE IT FURTHER RESOLVED, that a copy of this Proclamation will be posted on the Frelinghuysen Township website, posted conspicuously in Town Hall, delivered to the Frelinghuysen Township School and to the local newspapers.

Motion was made by Mr. Boynton, seconded by Mr. Desiderio concurring with the Mayor's proclamation. All were in favor.

QUOTES:

Replacement of gutters:

Quotes were solicited from:

Imperial Seamless Gutter & Leader, Belvidere, NJ \$915.00 for 5" gutters

Samurai Contractors, Andover, NJ \$1,125.00 for 5" gutters

Motion was made by Mr. Stracco, seconded by Mr. DeCarolis to accept the quote from Imperial in the amount of \$915.00 (Note: The quotes were clarified and Mr. Boynton advised to go with Imperial Seamless Gutter for 6" gutters in the amount of \$1,053.65)

Municipal Truck:

A bid in the amount of \$45,620.00 from Beyer Bros. Corp, Fairview, New Jersey was rejected on motion made by Mr. Desiderio seconded by Mr. DeCarolis. Roll call vote to reject: Mr. Stracco-yes, Mr. Kuhn-no, Mr. Boynton-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes.

Demolition for Kids Camp-hold for next meeting.

OLD BUSINESS:

The Mayor announced that he will award the first annual Community Service Award to Wendy Buttgereit. Motion was made by Mr. Desiderio, seconded by Mr. Boynton concurring with the Mayor nomination. All were in favor.

The Recreation Committee recommended that the Township Committee give a warning to dog owners who take their dog on the ballfields. The coaches have been made aware that dogs aren't allowed. 8 additional signs will be ordered.

Recreation Chairman Frank Desiderio advised the attorney of a scoreboard sign he would like to put up in the ballfield with John Lotz name. The attorney thought it was a great idea and he will issue a check in Mr. Lotz's memory to the township.

The discussion on the placement on a new salt shed incurred. The survey that was done on the DPW garage property showed that there wasn't enough room for a salt shed. The property on Route 94 has wetlands and will impact the COAH issues. The proposal now is to place it on the town hall property in the location where the portable facility is now. The engineer will look into approval from SHPO. The Township Committee will meet with the Land Use Board on May 4th for a curiosity review.

The meeting was opened to the public on the discussion of the salt shed on motion made by Mr. Boynton, seconded by Mr. DeCarolis. Spoke were:

Michael Tudor who was in favor of keeping the salt shed on the town hall property

Jean Smolha who was also in favor of keeping the salt shed on the town hall property.

Sarah Kapitko who thought we should keep the salt shed at the same location the trucks are.

Marty Connor who thought the Route 94 property was not practical

The following were appointed to the Historical Committee:

Christopher Kuhn (Mayor or Designee)

Alan DeCarolis (LUB member)

Wendy Buttgereit (Open Space Member)

David Boynton, II

Debra Natyzak

Drew Lerz

Laura Brill

Jean Smolha

Scott Lance

Ron Pittenger (alternate #1)

Michael Tudor (alternate #2)

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

NEW BUSINESS:

The Deputy Clerk advised that no bids were received on the Municibid web site for the John Deere tractor door or the pool supplies. There was a bid in the amount of \$50.00 for the chairs. Motion was made by Mr. DeCarolis, seconded by Mr. Desiderio to accept the \$50.00 bid for the chairs. All were in favor. Motion was made by Mr. DeCarolis, seconded by Mr. Boynton to put the pool supplies on Craigslist. All were in favor.

A request from North Warren Regional School requesting that we adjust our dates for the July, August and September tax levy payments due to their budget being cut and their surplus being low they need the cash flow was denied on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor.

An agreement between Valley Medical group and the Township to provide alcohol and drug testing on the DPW workers was tabled to the next meeting.

At the Mayor's meeting, it was mentioned that the State Police Barracks in Hope doesn't have any security cameras around the outside of the building. By working with Clean Communities a donation could be made towards the camera in the amount of \$250.00. The Mayor will discuss further with the Clean Communities Coordinator. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis approving the donation in the amount of \$250.00 if Clean Communities gives their approval. All were in favor.

Representatives from the local fire departments were in attendance asking for additional funds as their budgets are increasing. The Mayor asked that in the future they come to a meeting in January instead of waiting for the month that the budget was adopted. They will also come up with the number of houses per fire company and a funding formula will be used to come up with a fair donation. Mr. Wacks mentioned that Allamuchy Township has an ordinance called "cash for crash" which is designed to obtain "reimbursement of expenditures" incurred in connection with fire department and emergency medical services. Mr. Wacks will prepare an ordinance for the next meeting.

The Mayor appointed Sarah Kapitko as alternate #2 to the Environmental Commission. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis concurring with the Mayor's appointment. All were in favor.

OPEN MEETING TO THE PUBLIC.

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

Jenna Gajdek who stated that the drain doesn't catch the water from the driveway across the street and floods her basement. Mr. DeCarolis will take care of this.

Michael Tudor asked if we could get a grant from Sustainable Jersey for the fire department. Mr. DeCarolis will look into this.

Loren Greco asked what PERS is. He was told it was Public Employees Retirement Service.

DEPARTMENT REPORTS:

Motion was made by Mr. Boynton, seconded by Mr. DeCarolis to approve the department reports 1-11 on a consent agenda motion. All were in favor.

Recreation Committee-June 6th is Founders Day. PTO is putting up a Dunk Tank to raise funds for the 6th grade class.

Emergency Management Coordinator-no report

Environmental Commission- Mr. DeCarolis met with Hope Township on Sustainable Jersey. He will discuss further at the next environmental commission.

Mayor Kuhn-no report

Deputy Mayor Stracco-no report

Mayor Kuhn asked whether Tri State had been paid for the accident health insurance. He explained that Statewide would match the same amount of coverage as Tri State for \$600.00.

Committeeman David Boynton-was approached by a resident on Main Street who would like the committee to purchase his property. This will be discussed at a later date.

Committeeman Alan DeCarolis-had a cat found on Main Street tested for rabies which was found to be negative.

Municipal Clerk-no report.

CORRESPONDENCE:

NJ Noise Control Council Re: Stakeholders meeting on emergency generator noise

NJDOT Re: Notice of receipt of funding

NJ Builders Assoc. Re: NJ court decision on COAH

NJ Dept of Educ. Re: Percentage shares for tax levies for North Warren

NJ Dept of Educ. Re: Percentage shares for Frelinghuysen School

NJ DEP Re: Draft ground water renewal permit action for Forest Manor
NJ DEP Re: Flood Hazard area individual permit
ANJEC Re: Notification of grant paid in full
Fair Share Housing Center Re: Summary of Fair Share Housing obligations for 2015
Edward Wacks & Assoc. Re: Demolition at Kids Camp
Frelinghuysen Township Zoning Officer Re: Notice of violation
New Jersey State League of Municipalities Re:

1. Deptford challenges Chapter 54 police camera mandate
2. Two Issues:
 - a. Proposed agreement could remove Verizon's service quality
 - b. Seminar round up
3. Weekly policy updates
4. Legislative bulletin No. 2
5. COAH/Affordable Housing
6. Affordable Housing webinar
7. Weekly policy update
8. Six Issues:
 - a. Federal transportation funding in jeopardy
 - b. TIGER grant application period open
 - c. Infrastructure week planning begins
 - d. Federal tax reform could impact local funding
 - e. Energy efficiency bill heads to President
 - f. USDA Farmers market grants available

ADJOURNMENT:

Motion was made by Mr. Stracco, seconded by Mr. DeCarolis to adjourn the meeting.
All were in favor.

Respectfully Submitted,

Brenda J. Kleber, Deputy Clerk