

MINUTES OF MEETING OF JUNE 18, 2014

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, June 18, 2014 and was called to order at 7:34 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, Attorney Edward Wacks and Clerk Brenda Kleber. Committeeman Christopher Stracco was absent.

MINUTES:

The minutes of the executive session of March 19, 2014 were approved as amended on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor. The minutes of the meeting of April 16, 2014 were approved on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. All were in favor. The minutes of the executive session of April 16, 2014 were approved as amended on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor. The minutes of the meeting of May 21, 2014 were approved on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. All were in favor. The minutes of the executive session of April 21, 2014 were approved as amended on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor.

ORDINANCES:

AN ORDINANCE (#2014-07) GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. 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 REGULATION AND USE OF SAID SYSTEM was opened to the public on motion made by Mr. Desiderio, seconded by Mr. Kuhn. All were in favor. There being no public input, motion was made by Mr. Desiderio, seconded by Mr. Kuhn to close to the public. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to adopt said ordinance. Roll call vote: Mr. Desiderio-yes, Mr. Kuhn-yes, Mr. Boynton-yes, Mr. DeCarolis-yes.

ORDINANCE #2014-08 RELATING TO ESTABLISHING AN ENERGY AND NATURAL GAS AGGREGATION PROGRAM was withdrawn for consideration on motion made by Mr. Kuhn, seconded by Mr. Desiderio. Roll call vote: Mr. Kuhn-yes, Mr. Boynton-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes.

A BOND ORDINANCE (#2014-09) PROVIDING FOR VARIOUS 2014 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF was opened to

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

RESOLUTIONS:

#2014-55 (Relinquish grant funds)

WHEREAS, the Warren County MCCTFC generously awarded a grant in the amount of \$63,750 for the Frelinghuysen Forest Preserve Addition I and;

WHEREAS, the Township proceeded to attempt to gain a Contract of Sale for the property with the owner, and;

WHEREAS, after providing a contract of sale for review, and receiving no response and after many attempts to contact the landowner for a response, the Township finally rescinded its offer to the landowner due to non-response, and;

WHEREAS, the Township has concluded that due to failure of the landowner to respond to the offered contract, that it must cancel the open space project, and;

NOW THEREFORE BE IT RESOLVED that The Frelinghuysen Township Committee appreciates the generous support of the Warren County MCCTFC, but hereby relinquishes the grant of \$63,750 awarded by the Warren County MCCTFC for the acquisition of Frelinghuysen Forest Preserve Addition I (Grzelak property).

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

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

#2014-56 (Award professional services for appraisals)

WHEREAS, there exists a need for appraisal services to be rendered to the Township of Frelinghuysen in the possible acquisition of certain real property located within the Township of Frelinghuysen; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the appraisals must be completed in accordance with the specifications of Green Acres; and

WHEREAS, The Township wishes to retain the services of Norman J. Goldberg, Inc. in accordance with its proposal letter dated June 5, 2014, and Joshua D. Mackoff, LLC., in accordance with its proposal letter dated June 6, 2014, and;

WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$2,725 for Norman J. Goldberg, Inc. and a second contract in an amount not to exceed \$3,750 for Joshua D. Mackoff, LLC., and the Chief Financial Officer has certified that funds are available for this purpose;

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

1. The Township of Frelinghuysen hereby awards and authorizes Norman J. Goldberg, Inc., a certified Green Acres appraiser, to perform the appraisal report on the above-referenced property in accordance with Green Acres standards, for an amount not to exceed \$2,725.
2. The Township of Frelinghuysen hereby awards and authorizes Josh Mackoff, a certified Green Acres appraiser, to perform the appraisal report on the above-referenced property in accordance with Green Acres standards, for an amount not to exceed \$3,750.

3. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

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

#2014-57 (Refund double payment of taxes)

WHEREAS, a resolution is required by the Tax Collector to refund double payment of 2014 2nd quarter taxes, for the following property, as listed below:

Block	Lot	Pay to:	Amount
1005	2	PNC Mortgage	\$812.80

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the Treasurer is hereby authorized to refund the above overpaid property taxes.

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

#2014-58 (Renewal of Liquor Licenses)

WHEREAS, the following Plenary Distribution Liquor Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2014-2015

2106-44-002-002 Gerald Chrusz

WHEREAS, the following Plenary Retail Consumption Licensees has file an application with the Municipal Clerk together with the necessary fees for the year 2014-2015.

2106-33-003-008 Sweet Janes Café and Bar

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2014-2015 and is considered to be inactive.

2106-33-004-001 Katharina Reay

WHEREAS, the following Plenary Retail Consumption License be tabled for renewal due to the fact a Special Ruling is required from the Director of the Division of Alcoholic Beverage Control for the year 2014-2015 license year.

2106-33-001-005 Joseph McEvoy

WHEREAS, Clearance Certificates have been received from the New Jersey Division of Taxation, verifying compliance with Chapter 161, Laws of New Jersey by the above applicants.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen on this 18th day of June, 2014 that the renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses is granted for year 2014-2015.

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

#2014-59 (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 June; 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. DeCarolis to adopt said resolution. Roll call vote: Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Kuhn-yes, Mr. Boynton-yes.

#2014-60 (Executive Session)

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

WHEREAS, under the Open Public Meetings Act (number 5 of the permitted exceptions to the requirements that a public body hold its meetings in public) it is permissible that such matters be discussed in executive or private session.

NOW, THEREFORE BE IT RESOLVED, on this 18th day of June, 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. DeCarolis, seconded by Mr. Kuhn to adopt said resolution. Roll call vote: Mr. Desiderio-yes, Mr. Kuhn-yes, Mr. Boynton-yes, Mr. DeCarolis-yes.

#2014-61 (resolution for Plan B Pub)

WHEREAS, Plan B Pub, LLC has submitted an application for the renewal of Liquor License #2106-33-005-006; and

WHEREAS, Committeeman Alan DeCarolis has a conflict of interest with respect to this application and has absented himself from voting on this application; and

WHEREAS, the Mayor and Township Committee have determined that they have received no objections to the renewal and do not find any reason to withhold approval of the renewal of Liquor License 2106-33-005-006.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that Liquor License 2106-33-005-006 issued to Plan B Pub, LLC be renewed for the year 2014-2015, Alan DeCarolis having absented himself from voting on this matter.

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

#2014-62 (Authorize Mayor and Clerk to sign agreement)

WHEREAS, the County of Warren has presented a shared services agreement to provide public works services, general maintenance and related services; and

WHEREAS, the Frelinghuysen Township Committee is interested in such services and wish to proceed with the agreement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee that the Mayor and Clerk are authorized to execute a shared services agreement for public works equipment with the County of Warren.

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

OLD BUSINESS:

The following were appointed by the Mayor for the Municipal Alliance Committee for a one year term to commence on January 1, 2014: David Boynton, Frank Desiderio, Genevieve Jones, Brenda Kleber, Dr. Dwight Klett, Ronnie Schwartz and Jean Verberke. Motion was made by Mr. Desiderio, seconded by Mr. Kuhn to concur with the Mayor's appointment. All were in favor.

A proposal for professional .engineering services to prepare plans and a permit application so that the Township can obtain the requisite NJDOT approvals to construct an access driveway to service a future public works facility in the easterly portion of Block 201, Lot 31 in the amount of \$10,900.00. The Committee thought this figure would bring the project over budget and will hold until next month's meeting so that the Mayor can discuss further with Mr. Sterbenz.

The request for the engineer to write a letter to the County on behalf of Kids Camp was deemed unnecessary by the Township Committee.

NEW BUSINESS:

A request to sign an approval for the 3rd annual Pass It Along Bike Tour to be held on September 14, 2014 for cyclists to have their bike tour through Frelinghuysen Township was approved for the Mayor's signature on motion made by Mr. Desiderio, seconded by Mr. Kuhn. All were in favor.

A maintenance contract for the recording system in the amount of \$495.00 for one year term was removed from the agenda for consideration on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor.

A letter received from the Municipal Clerk requesting guidance on how to handle the many outstanding driveway open permits was read. There are driveway applications that go back to 1997 with some residents paving their apron and others who have not. It was decided that the Committee would hold this for next month; meanwhile the increasing of driveway fees will be considered.

A shared services agreement with the County of Warren to provide public works services, general maintenance and related services was approved on motion made by Mr. Desiderio, seconded by Mr. Kuhn. All were in favor. (See resolution #2014-62).

OPEN MEETING TO THE PUBLIC:

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

Loren Greco who asked what was going on on South Street. Mr. Desiderio advised that they are going forward with the required work and it will be finalized shortly. Next, Mr. Greco stated that Maser's bills were high and asked if he gets a retainer. Mr. Kuhn went over the Maser bills.

Fran Muller asked for an update on the status of COAH. The attorney advised there are new regulations with a public hearing in July with a mandate that the regulations be adopted in October. Next, she asked that we make sure no salt from the new proposed salt shed ruins any neighbors well. She was assured that the salt would be contained.

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

DEPARTMENT REPORTS:

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

Recreation Committee-Mr. Desiderio reported that Founders Day was a success. The Committee is working on soccer registration now along with shared services with Hardwick for sports.

Environmental Commission-There will be a meeting on Friday, the 27th with the forester. A press release is needed.

Farmland Preservation Board-no meeting

Open Space Committee-no meeting

Mayor David Boynton-Mr. Boynton reported that he spoke with the deputy county engineer about the spot near Silver Lake Farms that always floods when it rains. The road will be corrected to direct the water to a catch basin further down the road. Next, he has asked the Clerk to contact the surrounding municipalities for copies of their personnel policies.

Deputy Mayor Christopher Kuhn's report-Mr. Kuhn reported that he met with Green Township regarding the shared services agreement with the Building Department. The new terms will be that the fee schedule stays the same but Green Township will receive the following: the first \$0-\$100,000 fees collected-Green Township will receive \$2,500 per year; for \$101,000-\$150,000 fees collected-Green Township will receive \$4,000 per year and for \$151,000 and up-Green Township will receive \$8,000 per year.

Committeeman Alan DeCarolis report-Mr. DeCarolis stated that he had a problem with the tax assessor getting the farmland applications out late. The next issue was the negative comments he had on a face book page with regard to information he gave a resident who supposedly had a dead bat on her property and asked what recourse he can take. In the meantime did the committee want to get involved? They did not want to at this time.

Committeeman Frank Desiderio's report-Mr. Desiderio reported that all of the no littering signs have been put up. Repairing of catch basins will begin on Homestead Drive shortly and in 2-3 weeks the paving company should be here.

EXECUTIVE SESSION:

Motion was made by Mr. DeCarolis, seconded by Mr. Kuhn to enter into Executive Session with regard to land acquisition. All were in favor. Motion was made by Mr. DeCarolis, seconded by Mr. Kuhn to return to public session. All were in favor. Upon returning, Mr. Wacks advised that the Committee discussed the acquisition of Kids Camp. The decision that was made was the Township Committee would proceed with the negotiations to see if we can reach favorable terms with regard to the purchase of that property for various purposes including Open Space.

CORRESPONDENCE:

1. Pavement preservation contract on Route 80 east bound
 2. Municipal aid grant for Kerrs Corner Road phase 4 denial letter
- NJ State Agriculture Development Comm. Re: Account balances
Maser Consulting Re: Copy of letter to NJDOT for discretionary aid funds
Morris County JIF Re: Loss Control report

Superior Court of NJ Re: Annual visit to municipal court
Edward Wacks & Assoc., Re: Filing of deed for North Warren Properties
West Wildwood Re: Loss of bond appeal

New Jersey State League of Municipalities Re:

1. League conference to address state & municipal credit rating issues
2. Draft ordinance mandating direct deposit
3. Mayor's Newline-June 2014
4. Washington Watch Federal update on several issues:
 - a. Water Infrastructure bill clears Congress
 - b. Invitation to support transportation alternatives program
 - c. Transportation advocacy resources available
 - d. Workforce investment bill expected in Senate
 - e. Energy efficiency stalls in Senate
5. Three Issues:
 - a. Resiliency resources available
 - b. FEMA calls for 2014 individual & community awards
 - c. Draft summary of the proposed COAH regulations
6. League ordinance and shared service agreements libraries updated
7. State Treasurer testified on State budget revisions
8. An electrical energy policy primer for NJ municipalities
9. New amendment to mortgage foreclosure statute
10. League publications
11. Legislative alert:
 - a. S-1972- prohibits municipal registration of multi-family dwellings
 - b. S-321-permits a municipality to establish a civil penalty for smoking in public places
 - c. S-316-increases flexibility & available tools for municipal consolidation
 - d. Non-residential development fee
12. Take action for transportation

ADJOURNMENT:

There being no further business, motion was made at 9:12 p.m. by Mr. DeCarolis, seconded by Mr. Desiderio to adjourn the meeting.

Respectfully Submitted,

Brenda J. Kleber, RMC