

## **MINUTES OF MEETING OF OCTOBER 15, 2014**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, October 15, 2014 and was called to order at 7:30 p.m. by Mayor David Boynton.

### **SUNSHINE LAW STATEMENT:**

Under the provisions of the Open Public Meetings Act, adequate notice of this meeting was provided by posting notice on the Township bulletin board and by e mailing notice to the New Jersey Herald and The Express-Times.

### **ROLL CALL:**

Those present were: Mayor David Boynton, Deputy Mayor Christopher Kuhn, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Committeeman Christopher Stracco, Attorney Edward Wacks (arriving 7:50) and Clerk Brenda Kleber.

### **MINUTES:**

The minutes of the meeting of August 20, 2014 was approved on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. All were in favor. The minutes of the executive session of August 20, 2014 were approved on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. All were in favor. The minutes of the meeting of September 17, 2014 were approved on motion made by Mr. DeCarolis, seconded by Mr. Stracco. All were in favor.

### **ORDINANCES:**

A BOND ORDINANCE (#2014-12) AMENDING AND RESTATING BOND ORDINANCE NUMBER 2014-10 (WHICH PROVIDES FOR THE ACQUISITION OF LAND FOR OPEN SPACE PURPOSES) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (THE "TOWNSHIP"), ON AUGUST 20, 2014, TO DECREASE THE AUTHORIZATION OF BONDS OR NOTES TO \$863,550, TO DECREASE THE DOWN PAYMENT OF \$45,450 AND TO AMEND THE DESCRIPTION OF THE IMPROVEMENTS AND PURPOSES AUTHORIZED THEREBY was offered for introduction on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. Roll call vote: Mr. Boynton-yes, Mr. Stracco-yes, Mr. DeCarolis-yes, Mr. Kuhn-yes, Mr. Desiderio-yes. The public hearing will be held on October 30, 2014

A BOND ORDINANCE (#2014-13) PROVIDING FOR THE ACQUISITION OF REAL PROPERTY, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$18,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$17,100 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF was offered for introduction on motion made by Mr. DeCarolis, seconded by Mr. Kuhn. Roll call vote: Mr. Stracco-yes, Mr. Kuhn-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes, Mr. Boynton-yes. The public hearing will be held on October 30, 2014

AN ORDINANCE (#2014-14) AMENDING SECTIONS 13-1.4 OF THE FRELINGHUYSEN CODE, CONCERNING CONSTRUCTION OF DRIVEWAY ENTRANCES FRONTING ON TOWNSHIP ROADWAYS was offered for introduction on motion made by Mr. Kuhn, seconded by Mr. DeCarolis. Roll call vote: Mr. Kuhn-yes, Mr. Desiderio-yes, Mr. Boynton-yes, Mr. DeCarolis-yes, Mr. Stracco-yes.

**RESOLUTIONS:**

#2014-86-on hold

#2014-87 (Cancel escrow balances)

WHEREAS, the CFO and Clerk is in the process of clearing out the old balances in the Planning Board Escrow Trust Account; and

WHEREAS, the following accounts were refunded but incurred interest between the time they were refunded and the check cashed.

NOW, THEREFORE BE IT RESOLVED, that the following accounts be canceled into the township's general account:

|                               |        |
|-------------------------------|--------|
| Kids Corp                     | \$0.25 |
| Ridge & Valley Charter School | \$2.45 |
| Steven Lintz                  | \$0.22 |
| Daniel Carson                 | \$0.11 |

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

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

#2014-88 (Approval of vouchers)

WHEREAS, the Finance Committee of the Township of Frelinghuysen have reviewed the vouchers submitted by the Municipal Clerk to the Frelinghuysen Township Committee for the month of October; and

WHEREAS, the Finance Committee find the vouchers 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 vouchers submitted for the above named month are reasonable and proper and are to be paid from their appropriate accounts.

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

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

#2014-89:

WHEREAS, it is necessary to discuss items dealing with acquisition of property 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 15<sup>th</sup> day of October, 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. Kuhn-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Stracco-yes, Mr. Boynton-yes.

#2014-90 (Transportation trust fund)

WHEREAS, local officials know that investments in our rapidly deteriorating transportation infrastructure must be made, since failure to do so can compromise the safety of the public, the economic vitality of our communities and the security of our neighborhoods; and

WHEREAS, the New Jersey Department of Transportation (DOT) reports that New Jersey's municipalities are responsible for 64 percent (28,539 center line road miles) of our roads, county governments are responsible for another 22 percent (6,649 center line road miles), and together, local governments are responsible for 39 percent of our bridges; and

WHEREAS, local roadways and bridges carry about 55 percent of all of New Jersey's traffic; and

WHEREAS, just last year, the American Society of Civil Engineers reported 651 of the 6,554 bridges in New Jersey (9.9% are considered structurally deficient and 1,717 (26.2%) are considered functionally obsolete, and that driving on roads in need of repair costs New Jersey motorist \$3,476 billion a year in extra vehicle repairs and operating cost-\$601 per motorist, and that 66% of New Jersey's roads are in poor or mediocre conditions; and

WHEREAS, in the first year of the Transportation Trust Fund (FY 1985), Local Aid funding represented almost 22% of total Transportation Capital funding, but over the years, the Local Aid portion was reduced to 16% in FY 1997, 12% in FY 2004, and 15% in FY 2013, so that the average Local Aid funding over the first 29 years of the Transportation Trust Fund was just under 15%; and

WHEREAS, the need for investments in local roads and bridges has not decreased since 1985; and no one has suggested that it will decrease in the future; and

WHEREAS, On May 1, New Jersey DOT then-Commissioner Jim Simpson announced that the State's Transportation Trust Fund is just 14 months away from a \$620 million deficit;

NOW, THEREFORE BE IT RESOLVED, that the Frelinghuysen Township Committee joins with the New Jersey State League of Municipalities in supporting the "Forward New Jersey" coalition, and we call on state policy-makers to:

1. Reauthorize the Transportation Trust Fund to ensure adequate and reliable funding to meet State and local transportation infrastructure funding needs for the next 10 years.
2. Increase Local Aid funding to ensure adequate and reliable funding to meet all local transportation infrastructure needs; and
3. Increase the municipal share of Local Aid funding and ensure fair funding for all municipalities.

BE IT FURTHER RESOLVED, that given the extent of the local infrastructure, and given the need for strong and steady investment in that infrastructure, we will call for assurances that Local Aid will represent at a minimum, 25% of annual Transportation Capital spending, and for adjustments in funding, to account for the effects of inflation;

BE IT FURTHER RESOLVED, that certified copies of the resolution be forwarded to Governor Chris Christie, Commissioner of the Department of Transportation Jamie Fox, our State Senator Steven V. Oroho, our two representatives in the General Assembly Parker Space and Alison Littell McHose and to the New Jersey League of Municipalities.

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

#2014-91 (Raffle license)

WHEREAS, the Frelinghuysen Township School PTO has applied for a raffle license to conduct an on premises 50/50 raffle license for December 3, 2014 consisting of application #2014-04; and

WHEREAS, the Findings and Determination by the Municipal Clerk has determined that the organization is qualified to conduct such raffle.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren that the Frelinghuysen Township PTO raffle application #2014-04 is hereby approved.

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

#2014-92 (North Warren Properties)

WHEREAS, North Warren Properties, LLC submitted performance guarantee for improvements in the second phase of Bear Creek Estates; and

WHEREAS, the municipal engineer has inspected and approved all of the improvements required pursuant to the Township's grant of major subdivision approval to North Warren Properties for the portion of Block 1201, Lot 17 identified as Bear Creek Estates-Section II, as prepared by David E. Fantina, P.E.; and

WHEREAS, the release of the performance guarantees must be made subject to the seven (7) conditions listed in Maser Consulting's letter of October 15, 2014.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Committee authorize the release of the performance guarantee for North Warren Properties, LLC. subject to the conditions of Maser Consulting contained in its letter dated October 15, 2014.

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

#### **OLD BUSINESS:**

Driveway refunds will be discussed at the work meeting.

With the assessment reduced from \$4,400.00 to \$400.00 on a .22 acre lot on Spring Valley Road, known as Block 402, Lot 16 and owned by the Township, motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to offer the property to the adjoining property owners for the assessed value. All were in favor.

#### **NEW BUSINESS:**

The State requires a Best Practices Inventory to be completed by each municipality. Responses to the Best Practices Inventory will determine how much of each municipality's final 5% allocation of CPTRA and ETR aid will be disbursed. Frelinghuysen had a 94% score with 0% being withheld. Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis approving the Best Practices Inventory. All were in favor.

Lowell Forbes came before the Committee with concerns he has over some of the committee members being vindictive due to him voicing his opinion on how Saddle Ridge Road is being handled.

Sheila Gaynor, owner of Sweet Jane's Restaurant advised she was reopening the restaurant and felt that the reason there were so few people coming was that they were having a hard time finding the place. She suggested the town putting up free standing signs with arrows pointing to the location. A subcommittee consisting of Mr. Kuhn and Mr. Desiderio will meet with the zoning officer and look into other options.

Due to the New Jersey League Conference being held on November 18, 19, and 20<sup>th</sup>, the Township Committee meeting was changed to Monday, November 17<sup>th</sup>.

James Gilmore, an insurance broker for Gallagher Bollinger came before the Committee to discuss obtaining a quote for the town's insurance needs.

**OPEN MEETING TO THE PUBLIC:**

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

Loren Greco asked when the intersection of Kerrs Corner Road and Silver Lake Road is going to be finished. He was told that there was an equipment breakdown and should be finished the week of October 27<sup>th</sup>.

Jean Smolha asked if there is money budgeted for maintenance of equipment and is there money to fix the trucks. She was told that there is a budget and the trucks will be fixed shortly. Lastly she asked if there are maintenance logs kept. She was told there was.

Martin Connor asked where we stand with the development of the FFP. He was told that we received a grant through ANJEC which should start shortly.

Dan Kohuth asked what the need is for buying Kids Camp especially when there are buildings and pools on the property along with the liability we will be taking on. He was told that in the end it won't be costing the township anything and that this property is in the master plan, we are looking into using it for COAH and recreational purposes.

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

**DEPARTMENT REPORTS:**

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

Recreation Committee-Soccer going good. Hay ride will be Oct. 31<sup>st</sup> from 4-6

Environmental Commission-a date will be need to schedule community involvement in the forestry plan

Open Space-no meeting

Farmland Preservation-no meeting

Mr. Kuhn-no report

Mr. DeCarolis reported that there was a horse that fell in a swimming pool on Greendell Road. The horse was not injured.

Mr. Stracco-no report

Mr. Wacks-no report

Mr. Desiderio-South Street has a couple of trees that need to come down. The money will be taken out of the loan and the road department will take the trees down. He spoke with Corey Brothers who quoted \$80.00 more for the springs for the vehicle but it would cost more in gas and time to go to the location that Mr. DeCarolis found. The crack filling is going good on Saddle Ridge Road.

Mr. Boynton-no report

Clerk's report-A fax asking to establish an Economic Development Advisory Committee within the township to coordinate with the County was read. The Mayor and Deputy Mayor will attend this meeting on November 13<sup>th</sup>.

### **EXECUTIVE SESSION:**

Motion was made by Mr. DeCarolis, seconded by Mr. Kuhn to enter into executive session with regard to acquisition of property. All were in favor. Motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to return to public session. All were in favor. Upon returning, the attorney reported that the Committee discussed matters regarding various property issues in which the township is involved in negotiations. At this point in time, there is nothing the Township Committee can reveal because it could affect the negotiations for those properties and the easements they are trying to acquire. Once the matter has been negotiated successfully then the Township Committee can reveal what was discussed. Furthermore, the Township Committee requested that he look into the possibility of foreclosing some tax sale certificates. The cost will be reported at the next meeting.

### **CORRESPONDENCE:**

NJDEP Re: Confirmation of bluetongue virus in deer

NJDOT Re: Route 94 resurfacing project

W.C. Board of Chosen Freeholders Re: Notice of public hearing-Warren Haven

Frelinghuysen Township Zoning Officer Re: Accessory Structure

Verizon Re: High speed internet remote dial access

Verizon Re: Return of tangible personal property form PT-10

Morris County JIF Re: Loss control report

NJDEP RE: Environmental alert on emergency generators

Township of Hardwick Re: Ordinance 2014-09

Township of Hardwick Re: Public hearing on master plan reexaminations report

NJ Dept. of the Treasury Re: 2014 table of equalized valuations

New Jersey State League of Municipalities Re:

1. Potential loss of property tax relief revenues
2. Notice of proposed membership dues
3. Upcoming league seminar
4. Two Issues:
  - a. League presents red tape review group with request list
  - b. Notice regarding home elevation contractors registration
5. Three Issues:
  - a. Bill requiring 9-1-1 PSAP capability upgrades for text message
  - b. In rem tax foreclosure against abandoned properties
  - c. Scrap metal bill advances
6. New content on DLGS web site
7. Transportation trust fund
8. Local leaders urge transportation trust fund action
9. Three Issues:
  - a. A short & simple glimpse at the property tax in NJ
  - b. Final reminder-2014 conference resolutions
  - c. Grant seminar series helps municipal officials find funding

10. Five Issues on Federal update
  - a. National league of cities webinar on November 7<sup>th</sup>
  - b. Congress passes short-term funding measures & adjourns for mid term
  - c. EPA extends comment period for greenhouse gas rule proposal
  - d. Army Corps accepting water resource project proposals
  - e. Congressional cosponsors for CDBG 40<sup>th</sup> anniversary resolution
11. Concerns with potential recommendations of pension & benefit study
12. Three Issues
  - a. Weekly policy update
  - b. Mayors summit on resilient design
  - c. Member benefit-resource for seeking grants
13. Legislative bulletin No. 4

**ADJOURNMENT:**

There being no further business, motion was made at 9:45 p.m. by Mr. Kuhn, seconded by Mr. Desiderio. All in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC