

MINUTES OF MEETING OF NOVEMBER 24, 2014

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Monday, November 24, 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 Richard Beilin, and Clerk Brenda Kleber.

MINUTES:

Motion was made by Mr. Stracco, seconded by Mr. Kuhn to hold the minutes to the December meeting. All were in favor.

ORDINANCES:

AN ORDINANCE (#2014-14) AMENDING SECTIONS 13-1.4 OF THE FRELINGHUYSEN CODE, CONCERNING CONSTRUCTION OF DRIVEWAY ENTRANCES FRONTING ON TOWNSHIP ROADWAYS was opened to the public on motion made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. There being no public input, motion was made by Mr. Kuhn, seconded by Mr. DeCarolis to adopt said ordinance. Roll call vote: Mr. Boynton-yes, Mr. Kuhn-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes.

#2014-15 on hold for January 2015 and will receive a new number.

RESOLUTIONS:

#2014-93 (Renew inactive liquor license)

WHEREAS, the licensee has filed a verified petition to the director of the Division of Alcoholic Beverage Control requesting authorization for the local issuing authority to consider a renewal license for license no. 2106-33-001-005 for the 2014-15 license term pursuant to the provisions of N.J.S.A.33:1-12.39; and

WHEREAS, the director has reviewed the petition filed in this matter and have considered all the facts and circumstances related to the inactive status of this license and finds that the licensee has established good cause in accordance with the statutory requirements to warrant an application of renewal of the license for the 2014-15 license term; and

WHEREAS, there shall be placed upon the license a special condition that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2016, except if good cause for reconsideration is shown.

NOW, THEREFORE BE IT RESOLVE, by the Township Committee of the Township of Frelinghuysen that license no. 2106-33-001-005 is approved conditional upon the representations set forth in the petitioner's notarized letter to the director of the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2016, except if good cause for reconsideration is shown.

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

#2014-94 (Authorize Mayor & Clerk to sign executed documents)

WHEREAS, the Township of Frelinghuysen ("the Township") is under contract to purchase from Kids Corporation II real property located at Block 104, Lot 10, also known as 145 Lincoln Laurel Road, located in the Township ("the Property"); and

WHEREAS, the Mayor and Committee of the Township previously determined that the purchase of the Property is in the public interest; and

WHEREAS, in order to complete the sale of the Property, it is necessary to prepare and execute certain transactional documents usual and customary to the sale of real property in New Jersey.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, County of Morris, State of New Jersey, that the Mayor, Township Clerk and Township Attorney are authorized to prepare and execute such documents as are reasonably required to complete the purchase of Block 104, Lot 10, also known as 145 Lincoln Laurel Road.

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

#2014-95 (Redeem lien)

WHEREAS, M and V Liens acquired a lien against Block 103, Lot 13Q at the tax sale held on December 18, 2013 (Certificate #2013-05). Richard Keiling, Esq for Cira Van Hassel, the owner of said property has paid the amount to redeem the lien.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to issue a check in the amount of \$1,021.73 to M and V Liens.

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

#2014-96 (Cancel 2014 partial taxes)

WHEREAS, a resolution is required by the Tax Collector to cancel 2014 taxes (partial) deemed uncollectible; and

WHEREAS, the following property owner has applied for and been granted a total tax exemption (100% disabled veteran) by the Tax Assessor effective July 11, 2014, therefore the balance of 2014 taxes must be canceled of record:

Block	Lot	Owner	Amount
1501	7	Martin, John Alan & Susan Gordon	\$4,952.35

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the above taxes be canceled of record as they are uncollectible.

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

#2014-97 (Transfer resolution)

WHEREAS, there appears to be a surplus in the following account(s) over and above the amount deemed necessary to fulfill the purpose of the appropriation for the balance of the year 2014:

From: Group Health Insurance o/e	\$3,000.00
Unemployment Insurance o/e	1,000.00
Construction/Electrical Inspections s/w	2,000.00
Electric o/e	<u>114.00</u>
	\$6,114.00

WHEREAS, there appears to be insufficient funds in the following account(s) to meet the demands thereon for the balance of the year 2014:

To: Land Use s/w	\$ 258.00
Liability Insurance	2,000.00
Fuel Oil o/e	800.00
Diesel o/e	200.00
Social Security o/e	<u>2,300.00</u>
	\$6,114.00

NOW, THEREFORE BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-59 the surplus in the accounts theretofore mentioned by and same is hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient to meet the current demands and therefore this resolution shall take effect.

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and is hereby authorized and directed to make the above transfers.

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

#2014-98 (Award of Professional Services)

WHEREAS, there exists a need for appraisal services to be rendered to the Township of Frelinghuysen in the possible acquisition of a Farmland Easement on 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 the State Agriculture Development Committee; and

WHEREAS, The Township wishes to retain the services of Landmark I Appraisal, LLC in accordance with its proposal letter dated October 30, 2014 and Joshua D. Mackoff, LLC., in accordance with its proposal letter dated October 23, 2014, and;

WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$1,850 for Landmark I Appraisal, LLC and a second contract in an amount not to exceed \$1,975 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 Landmark I Appraisal, LLC, to perform the appraisal report on the above-referenced property in accordance with SADC standards, for an amount not to exceed \$1,850.
2. The Township of Frelinghuysen hereby awards and authorizes Josh Mackoff, to perform the appraisal report on the above-referenced property in accordance with SADC standards, for an amount not to exceed \$1,975.
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. Boynton-yes, Mr. Kuhn-yes, Mr. Stracco-yes, Mr. Desiderio-yes, Mr. DeCarolis-yes.

#2014-99 (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 November; 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. Kuhn, seconded by Mr. DeCarolis to adopt said resolution conditional upon Mr. Kuhn reviewing and approving the vouchers. Roll call vote: Mr. Kuhn-yes, Mr. Stracco-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Boynton-yes.

#2014-100 (Executive Session)

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

WHEREAS, under the Open Public Meetings Act (number 7 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 8th day of November, 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. Stracco-yes, Mr. DeCarolis-yes, Mr. Desiderio-yes, Mr. Boynton-yes, Mr. Kuhn-yes.

OLD BUSINESS:

The Clerk advised that she received two written offers for the .22 acres on Spring Valley Road both in the amount of \$400.00. She was instructed to send a letter to the two respondents advising them that they will need to send a sealed offer which will be opened at our meeting of December 17th and will go to the highest bidder.

The interlocal agreement with Green Township for the Emergency Management Coordinator will not be possible as the coordinator and deputy coordinator needs to be a resident of the township

The insurance quotes will be on hold for the December meeting.

NEW BUSINESS:

Engineer Paul Sterbenz gave the Committee an annual update brief on Stormwater Management. The 10 point system for tier B has been met. The State Park Road Phase III will require a \$7500 fee and the Route 94 excess driveway application has been filed with the NJDOT.

James DeLorenzo of Silver Lake Road came before the Committee to complain about the tax assessor David Gill (who was present). Mr. DeLorenzo placed a shed on his property and the tax assessor assessed it at \$8800 since he wasn't permitted to enter Mr. DeLorenzo's property. The shed was purchased for \$4400. Mr. DeLorenzo asked for a fair assessment of which Mr. Gill offered to reduce it to \$3400 but will still need to inspect the shed.

Since the Christmas holiday is on a Thursday this year, the offices will also be closed on Friday December 26th on motion made by Mr. Kuhn, seconded by Mr. Desiderio. All were in favor.

A letter was received from the Frelinghuysen School inviting the Committee members to do the honors of lighting the Christmas tree at the annual tree lighting ceremony. Mayor Boynton along with Deputy Mayor Kuhn and Committeeman Frank Desiderio will attend.

The Warren County Mosquito Control Commission brought to the attention of the committee that there is a storm water facility located off Meadow Oak Drive which periodically holds water and provides larval mosquito habitat. They asked if the committee would be interested in a joint project to repair and restore the facility. The Engineer will speak with the wetlands specialist Stephanie Oliphant and report back.

OPEN MEETING TO THE PUBLIC:

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

Dan Kohuth who had questions & comments on hunting on the FFP property. He asked who gets the hunting permits? There are permit signs on the property along with one in/on a truck-how is the decision made to who get the permits? He hoped that if an ordinance is adopted that allows hunting that it is open to all the residents and not this play to pay that was offered. He hasn't seen any severe damage done by deer and doesn't believe there is a problem so it shouldn't be open up for hunting. He feels there shouldn't be hunting on the property as there are people walking who could get hit by an arrow. He stated that this is a forest preserve so what was it brought for and what was the intent-to open up the land for a couple of deer hunters or to preserve properties. With regard to the timber harvest-there are no trees that could be harvested and there could be an erosion problem. Lastly, a parking area is to be put on Lincoln Laurel Road-he feels that more people use Route 94 and would find it easier than Lincoln Laurel Road. Mr. Kuhn explained that the FFP Stewardship Assessment report addresses these concerns which were gone over at the Recreation Committee meeting.

Wendy Goetz agreed that there would be an erosion problem if a timber harvest was done. She was told that this is a non issue as the cutting would be on evasive trees. She asked what the assessment waivers on the Route 94 property were and is there a project schedule for the salt shed and will there be a public hearing on the salt shed. She was told there is no schedule as we have to get approval for the driveway opening before we can do anything and she will be notified on a public hearing.

Michael Tudor said that he is proud of the township committee and how they maintain everything in the township.

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

DEPARTMENT REPORTS:

Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to approve the department reports 1-14 on a consent agenda motion. All were in favor.

Mayor David Boynton-there have been concerns over a few people in the township who are now receiving veteran's deductions. He feels they have served their country and now have serious health issues and has no objection to the exemptions. Mr. Boynton wished to thank everyone for participating in the Municipal Alliance/Recreation Halloween party. He also thanked everyone who voted for him in the election. Lastly, he asked when the reorganization meeting is to be. It was decided on January 7, 2015 at 7:30 p.m.

Deputy Mayor Christopher Kuhn-forestry plan is being worked on. Draft will be ready for next meeting. Lastly, he reported on the information he got at the NJ League of Municipalities he attended last week.

Committeeman Alan DeCarolis-he also has information from the league meeting. He asked about doing shared services with Blairstown for Sustainable Jersey. Mr. DeCarolis will call the surrounding towns and report next month. He also stated that Mr. Kohuth brings up a good point about hunting on the FFP and thinks we should reconsider as it would make a good deer preserve.

Committeeman Frank Desiderio-the hayride went great along with the soccer season. The trucks are being repaired and serviced. The soil that is being stored on the Route 94 property can't be removed as the season for the tar & chipping has stopped so the soil can't be used for Kerr Road until 2015. The salt shed was inspected by the DEP and should be in compliance as it had a tarp on the salt. There was some minor damage done on township property behind the municipal building. Better camera equipment is needed so that we can get license plate numbers.

Committeeman Christopher Stracco-there have been home invasions in the area again and would like to ask the state police to attend the next meeting. Mr. DeCarolis will handle.

Attorney Richard Beilin-no report
Municipal Clerk-no report

EXECUTIVE SESSION:

Motion was made by Mr. DeCarolis, seconded by Mr. Kuhn to enter into executive session with regard to contract negotiations. 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 advised that the subject discussed was contract negotiations and the results will be available to the public at a later date.

CORRESPONDENCE:

Arturi, D'Argenio, Guaglardi & Meliti Re: Copies of petition for renewal for Service Elec.

Frelinghuysen Township Zoning Officer Re: Follow up inspection

Frelinghuysen Township Building Dept. Re: 114 Greendell Road-pool

Warren County Planning Dept. Re: Open Space plan

NJ DOT Re: Center line markings

NJ DEP Re: Hazardous substance discharge notification

Hardwick Township Re: Ordinance #2014-09

New Jersey State League of Municipalities Re:

1. New Jersey local government deskbook
2. Weekly Policy update:
 - a. Paid sick leave advances
 - b. Financing cost estimate from NJEIT
 - c. Bill would delay the charging of interest on late property tax bills
 - d. Voters approve 2 ballot questions
3. Weekly policy update:
 - a. COAH deadlocks & does not advance proposed regulations
 - b. S-316 (increases flexibility & available tools)
 - c. S-264 (creates expansive presumption of Workers Comp)
 - d. Constitutional issues involving holiday displays
4. COAH deadlocks and does not advance
5. Weekly policy update:
 - a. Important spill act amendment advances
 - b. Limits to accumulated sick leave payouts
 - c. Release of bidders list prior to receipt of bids
 - d. New energy resiliency bank now accepting applications
6. Three Issues:
 - a. COAH update
 - b. User friendly budget proposed
 - c. November grant page posted
7. Two Seminars:
 - a. A review of the new farmland assessment guidelines
 - b. Budgeting for the elected officials
8. Weekly policy update:
 - a. League files in opposition to Fair Share COAH motion
 - b. Property tax fact sheet available
 - c. 2015 pension cost
 - d. CY 2015 municipal budget cap info.
9. Legislative bulletin-No. 5

ADJOURNMENT:

There being no further business, the meeting was adjourned on motion made by Mr. Kuhn, seconded by Mr. Desiderio. All were in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC

