

MINUTES OF MEETING OF MAY 18, 2011

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, May 18, 2011 and was called to order at 7:30 by Mayor Thomas Charles.

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 Thomas Charles, Deputy Mayor David Boynton, Committeeman Alan DeCarolis, Committeeman Frank Desiderio, Committeeman Dale Durling, Attorney Edward Wacks, Chief Finance Officer Gene Marie McCartney and Clerk Brenda Kleber.

OPEN MEETING TO PUBLIC:

Motion was made by Boynton, seconded by Desiderio to open the meeting to the public. All in favor.

Spoke were:

Amy Hufnagel who asked who is keeping time for the 5 minutes.

Dan Kohuth who asked if the answer to his questions are included in the time. He then asked why clean up was not on the informational sign.

Mark Quick asked what happens if you only have a commercial truck to be used at the landfill for clean up.

Kathleen Barbour volunteered to put the information on the outside sign.

John Jurena went over the policy of the posting of the minutes on the website which is within 24-48 hours upon receipt. Mr. Wacks advised that there is no statutory requirement that the minutes be posted. Mr. Kohuth replied that other towns put draft minutes on their website to which Mr. Wacks stated that this is not wise but it should be stated that these are draft minutes.

Amy Hufnagel had several issues: the January meeting there was discussion on the agenda and it was voted on not to limit the time for the audience and was discussed again last month at the work meeting; with regard to the school budget is it fixed once the number of children has been determined?; and, in March a Casino Night was held. What is the total spent and income? Mr. Kohuth asked who sponsored the event?

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

MINUTES:

The minutes of April 14, 2011 were approved as corrected on motion made by Durling, seconded by Boynton. All in favor. The minutes of the meeting of April 20, 2011 were approved as corrected on motion made by Durling, seconded by DeCarolis. All in favor. Motion was made by Desiderio, seconded by DeCarolis to include in the minutes that Amy Hufnagel was partially read. All in favor.

ORDINANCES:

A BOND ORDINANCE (#2011-08) PROVIDING FOR VARIOUS 2011 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, APPROPRIATING \$95,100 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$90,345 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF. Motion was made by Boynton, seconded by Durling to open the meeting to the public. All in favor. After the public spoke, motion was made by Durling, seconded by Boynton to close the public portion. All in favor. Motion was made by Boynton, seconded by Durling to adopt said ordinance. Roll call vote: Boynton-yes, Charles-yes, Desiderio-yes, DeCarolis-yes, Durling-yes.

RESOLUTIONS:

#2011-37 (Award bid for Kerrs Corner Road)-withdrawn

#2011-38 (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 May, 2011 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned. Results or portions of that discussion will be made known in a reasonable length of time.

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

#2011-39-withdrawn

#2011-40 (Approval of vouchers)

WHEREAS, the Municipal Clerk has submitted a list of bills in the agenda for the Township Committee's review; and

WHEREAS, the Township Committee finance members have reviewed the bills prior to the meeting and find to be in order.

NOW, THEREFORE BE IT RESOLVED, that all vouchers and purchase orders as reviewed and approved by the Township Committee of the Township of Frelinghuysen are reasonable and proper claims and are to be paid from its appropriate fund accounts. Motion was made by Boynton, seconded by DeCarolis to adopt said resolution. Roll call vote: DeCarolis-yes, Durling-yes, Charles-yes, Desiderio-yes, Boynton-yes.

#2011-41(Multi-Jurisdictional Hazard Mitigation Plan)

WHEREAS, the Township of Frelinghuysen has experienced various natural hazard events and has been found to be vulnerable to damages resulting from these events, such as property loss, economic hardship, and threats to public health and safety; and WHEREAS, the Township of Frelinghuysen had previously entered into an agreement with the County of Warren to participate in the development of a Regional All-Hazards Pre-Disaster Mitigation Plan, now known as the Multi-Jurisdictional Hazard Mitigation Plan (the Plan); and

WHEREAS, the Plan recommends hazard mitigation actions that will protect people and property affected by natural hazards, will reduce future public, private, community and personal costs of disaster response and recovery, and will reinforce leadership in emergency preparedness efforts; and

WHEREAS, the Plan, having been open to public review and comment of date of meeting #1 and on meeting date #2 and meeting all other requirements as ordered by the New Jersey State Police, Emergency Management section, Hazards Mitigation Unit, and the Federal Emergency Management Agency, Region 2, New York City, has been approved by both the State and Federal entities; and

WHEREAS, the Disaster Mitigation Act of 2000 (P.L. 106-390) and associated Federal regulations published under 44 CFR Part 201 require the Township of Frelinghuysen to formally adopt a Hazard Mitigation Plan to be eligible for federal funds for hazard mitigation projects and activities.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that the Multi-Jurisdictional Hazard Mitigation Plan is hereby adopted as an official plan and that appropriate steps be taken to execute recommended actions, including periodic updates, and to fulfill reporting requirements as specified in the Plan.

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

#2011-42: (Support Ridge & Valley Conservancy's application)

WHEREAS, Ridge and Valley Conservancy (RVC), a 501©(3) charitable, non-profit land trust located in Blairstown, New Jersey, has applied to the Warren County Municipal and Charitable Conservancy Trust Fund Committee (MCCT) for matching funding to purchase approximately 115 acres of property (Property) in Frelinghuysen Township

(Township), New Jersey, in Partnership with the New Jersey Natural Lands Trust, a 501 (c)(3) non-profit corporation of the State of New Jersey; and

WHEREAS, RVC will use Green Acres funding to purchase the Property, which will require that the Property be preserved in perpetuity and that the public should have access to the property for passive recreational use; and

WHEREAS, the Property contains threatened and endangered plants and animals, and WHEREAS, preservation of the property will help retain its natural resource values as well as the rural character of Frelinghuysen; and

WHEREAS, the MCCT requires that charitable conservancies such as RVC must append a copy of a municipal resolution of support to their application for county open space funding.

NOW, THEREFORE BE IT RESOLVED, that Frelinghuysen Township supports Ridge and Valley Conservancy's application to Warren County for matching funding through the Warren County Open Space, Farmland and Historic Preservation Trust to protect the Property and make it accessible to the citizens of Frelinghuysen Township.

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

#2011-43 (ERI)

BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen that they authorize Maser Consulting to proceed with modular 4 Environmental Resources Inventory in accordance with the regulations promulgated by the Highlands Commission; and

BE IT FURTHER RESOLVED, that the funds from said project are to come from the grant which Frelinghuysen Township has received or will receive from the Highlands Commission.

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

OPEN MEETING TO PUBLIC:

Motion was made by Desiderio, seconded by Boynton to open the meeting to the public. All in favor.

Spoke were:

Marty Connor who asked the status of the Lee/Yang property.

Amy Hufnagel who asked if her letter to the Committee was read in full at the April meeting.

Dan Kohuth who asked if the width of the walking trail has been determined.

Amy Hufnagel who has concerns with the 5 minute policy and threatening matter from the Mayor; and would like the past three years of bank statements from the booster club account made available.

Roman Osadca brought up the policy on the meeting room and asked if it was permissible for the public to use the facilities during the meeting.

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

OLD BUSINESS:

The proposals for grant consultant will be further discussed at the work meeting of June 9th.

A letter from Joshua Ringle on several suggestions for resurrecting the post office was read. It was decided that Committeeman Durling would contact Mr. Ringle. The Clerk informed the Committee that she was approached by an employee of the Postal Service who was asking for names of businesses where a counter could be erected to sell stamps, etc.

The policy regarding Open public meetings act and the right of the public to speak will be posted on the township bulletin board.

NEW BUSINESS:

Matthew Acosta, a member of the North Warren Regional Interact Club presented the Committee with a check in the amount of \$450.00 with a suggestion that the money be used to assist in the planning and implementation of recreational programs, events or equipment that are generally funded by donations, to defer some of the registration fees paid by participants for activities or to simply enhance our community in a positive manner.

A memo from the Frelinghuysen Township Planning Board was read requesting that the Committee come to a decision and create a resolution authorizing Darlene Jay of Maser Consulting to go forward with the Highlands, Module 4 Environmental Resource Inventory. (See resolution #2011-43).

The Clerk presented a list of board members who have not filed a financial disclosure statement. There was one individual from the Planning Board (Note: This statement has been filed) and five members from the Zoning Board of Adjustment. The Mayor will follow up.

A letter of resignation from Richard Dericks from the Environmental Commission was accepted with regret on motion made by Durling, seconded by Desiderio. All in favor. The Clerk was instructed to send a letter of thanks to Mr. Dericks.

Two applications, one from David Cross for the Environmental Commission and the other from Robert Vollender for the Planning Board was reviewed by the Committee. Mayor Charles appointed David Cross to the Environmental Commission. Motion was

made by Boynton, seconded by Desiderio concurring with the Mayor's appointment. All in favor. It was decided to hold the application for the Planning Board member.

The Blairstown Rotary Club requested a donation for their July 4th fireworks celebration in the amount of \$500.00. Motion was made Boynton, seconded by DeCarolis approving the donation amount. All in favor.

AUTHORIZE PAYMENT OF BILLS-see attached schedule

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Tax Collector, Building Dept., (Frelinghuysen & Green), Municipal Court, Dog Licensing Official and Chief Finance Officer were approved on motion made by Boynton, seconded by Desiderio. All in favor.

Mayor Thomas Charles report:

Mayor Charles reported on the Mayor's conference he attended in Atlantic City. The discussions were on pending bankruptcies of various township of which 2 are local (Hardwick & Oxford); re-negotiate the infrastructure loan for South Street down to .05 percent; he announced that Frelinghuysen Township has been re-districted to district #24; he reported that he contacted two of the townships listed with Magellan Hill on the telephone bills and they were happy with the service. Motion was made by Durling, seconded by Boynton to make the switch for the telephone service. All in favor.

Deputy Mayor David Boynton's report:

Deputy Mayor Boynton reported that June 4th is the Founders Day picnic and went over the installation of the new furnaces being installed in the Town Hall and Garage. Rich Dericks has volunteered to do the vent work in the garage.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis reported on the Philip Dukes property and that he is asking \$300,000.00 for the 3 acres. Since the place is too run down, the Committee decided they were not interested. Mr. DeCarolis will contact Mr. Dukes; he reported that the Municipal Alliance is donating the pig for Founders Day along with having a coloring contest, he would like to revisit the 5 minute limit open to the public at the next work meeting; and that water is being taken from the refrigerator-it was decided that the door would be locked.

Committeeman Frank Desiderio report:

Committeeman Desiderio reported that the hoist broke on the Mason dump which would have cost \$4,000.00 to replace, however, DPW Dan Harman re-built it for \$130.00.

Committeeman Dale Durling's report:

Committeeman Durling reported that there will be a meeting in June in Hope Township on Cable TV; and that he will not be at the Founders Day picnic due to a cruise he and his wife is taking a cruise.

Attorney Edward Wacks report:

Mr. Wacks reported that there is a problem with the Linz acquisition. Since there are a lot of wetlands on the property, Mr. Linz is concerned that if he ever had to rebuild his house, he might not be able to do so in the same location that he is reserving from the preservation area. It has been recommended that there be a second exemption area. The Land Conservancy is looking into whether a new land appraisal would be needed. The acquisition is still going forward and Mr. Wacks will keep the Committee up to date; There were three versions of the South Street agreement, Mr. Wacks asked the Committee if they were satisfied with the last revision and received approval for it to be mailed for the meeting of May 31st; Mr. Wacks relayed his appreciation to Paul Sterbenz for the great job on the Flood damage ordinance the DEP is now requiring us to revise; with regard to the Open Public Meetings act policy, the Attorney General has issued a couple of opinions and one is that while the public has the right to be at meetings, there only needs to be a single public session. The opportunity for discussion can be limited to just that time frame along with the second reading of an ordinance; Mr. Wacks feels it is not necessary for him attend the cable tv meeting to be held in Hope, however, once an agreement has been established then he can get involved. Lastly, there have been 2 tax appeals of which one has been filed by Committeeman DeCarolis and since Mr. DeCarolis had a hand in appointing Mr. Wacks he feels it is inappropriate and would like another attorney to defend the tax appeal. Motion was made by Boynton, seconded by Desiderio to appoint David Burton Brady at the same rate. All in favor.

CORRESPONDENCE:

Maser Consulting Re: Kerrs Corner Road

North Warren Regional School Re: Response to resolution

Warren County Planning Dept. Re: Draft sewer service area

Warren County Planning Dept. Re: State Plan Stakeholder meeting

Hardwick Township Re: Resolution opposing COAH reform bill

NJDEP Re: Green Acres

Wacks & Hartmann Re: Defective snow plow

NJ General Assembly Re: Thank you for copy of resolution

Federal Emergency Management Agency Re: Flood Insurance Study

Township of Green Re: Ordinances 2011-03, 2011-04 & 2011-05

Frelinghuysen School Re: Certificate and report of school taxes for 2011-2012

North Warren School Re: Certificate and report of school taxes for 2011-2012

Application for employment

Arturi, D'Argenio, Guaglardi & Melitte, LLP Re: Service electric cable meeting

New Jersey State League of Municipalities Re:

1. Federal disaster assistance information available on-line
2. Three Issues:
 - a. S-2762-Commercial and Industrial property tax refunds
 - b. Update on S-2664/A-3766-Market competition & Consumer Choice Act
 - c. CEU Tracking system for league conference sessions-shut down
3. Three Issues:
 - a. Proposed new rule for Waiver of DEP regulations
 - b. CEU league conference sessions
 - c. 13th annual league baseball appreciation day
4. Four Issues:
 - a. Pew report on State and Local pensions raises New Jersey concerns
 - b. Legislative week in review
 - c. Statewide planning conference
 - d. CEU league conference sessions
5. Mayors newslines-May 2011
6. Sustainable Jersey wins U.S. EPS Environmental quality award
7. Mayors Advisory-Postal regulations could jeopardize local services
8. Legislative bulletin No. 3

EXECUTIVE SESSION:

Motion was made by Desiderio, seconded by Boynton to enter into Executive Session with regard to Land Acquisition. All in favor. Motion was made by Boynton, seconded by DeCarolis to return to public session. All in favor. Upon returning, the Mayor asked for a motion to approve Landmark as the appraiser for a 22 acre tract on Route 94. Motion was made by Boynton, seconded by Durling. After discussion, the motion was amended by Boynton, seconded by Durling to include up to two appraisers pending the outcome of the discussion with the county preservation by Robin Randolph. All in favor.

Motion was made by Boynton, seconded by Durling to reject the proposal from John Angeleri and the Clerk was instructed to advise him of this rejection by mail. Roll call: DeCarolis-abstain, Durling-yes, Charles-yes, Desiderio-yes, Boynton-yes.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC