

MINUTES OF MEETING OF OCTOBER 19, 2011

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, October 19, 2011 and was called to order at 7:30 p.m. by Mayor Charles.

SUNSHINE LAW STATEMENT:

Under the provisions of the Open 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 (arriving at 7:35), Committeeman Dale Durling, Attorney Edward Wacks, Mr. Wack's associate Dwijen Mehta and Clerk Brenda Kleber.

MINUTES:

The minutes of the meeting of September 21, 2011 were approved as amended on motion made by Durling, seconded by Boynton. All in favor.

ORDINANCES:

AN ORDINANCE (#2011-05) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 500, SECTION 525, TITLED "OUTDOOR WOOD-FIRED BOILERS, STOVES OR FURNACES" TO REGULATE THE USE OF OUTDOOR WOOD-FIRED BOILERS, STOVES OR FURNACES-motion was made by Durling, seconded by DeCarolis to hold to November meeting. All in favor.

AN ORDINANCE (#2011-11) RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS OLD ACKERSON ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY was opened to the public on motion made by Durling, seconded by Boynton. All in favor. Motion was made by Durling, seconded by Desiderio to close the meeting to the public. All in favor. Motion was made by Durling, seconded by Boynton to adopt said ordinance. All in favor.

RESOLUTIONS:

#2011-73 (Renew members in Morris County JIF)-on hold

#2011-78 (Chapter 159)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen, in the County of Warren, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$3,352.27.

BE IT FURTHER RESOLVED, that the like sum of \$3,352.27 is hereby appropriated under the caption Buildings and Grounds; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the Energy Efficiency and Conservation Block Grant program grant.

BE IT FURTHER RESOLVED, that the Municipal Clerk is instructed to forward copy to the Division of Local Government Services.

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

#2011-79 (Principal public works management exemption)

WHEREAS, N.J.S.A.40A:9-154.6a et seq. and amended March 7, 1995 require each municipality to appoint a principal public works manager by January 1, 1997; and

WHEREAS, under the amended law, Section 7.d of Chapter 46 of the Public Laws 1995, any municipality "that conducts minimal or no public works activity" is allowed to apply to the Director of the Division of Local Government Services for an exemption from the acts mandate; and

WHEREAS, such exemptions are valid for five (5) years, at which time the municipality must reapply or appoint a principal public works manager, of which date commences five years from date of approval from the Director; and

WHEREAS, that date terminates on December 2, 2011 and at such time, the Township must either reapply for the exemption or appoint a principal public works manager in accordance with N.J.A.40A:9-154.6g.

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Township of Frelinghuysen, County of Warren, State of New Jersey request that the Director of the Division of Local Government Services allow an exemption to the municipality from the requirements to appoint a principal public works manager.

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

#2011-80: (Approval of vouchers)

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

WHEREAS, the Township Committee members have reviewed the list and copies.

NOW, THEREFORE BE IT RESOLVED, that all vouchers and purchase orders as submitted and reviewed by the Township Committee of the Township of Frelinghuysen are reasonable and proper claims against the Township and are to be paid from its appropriate fund accounts.

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

2011-81 (Executive Session-land acquisition)

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 19th day of October, 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 Boynton, seconded by Durling to adopt said resolution. Roll call vote: Durling-yes, DeCarolis-yes, Desiderio-yes, Charles-yes, Boynton-yes.

PROCLAMATIONS:

A proclamation proclaiming the month of October to be designated as Community Planning Month in Frelinghuysen Township was proclaimed by the Mayor. Motion was made by Boynton, seconded by Durling to concur with the Mayor. All in favor.

OLD BUSINESS:

Hours for Halloween this year was set for 4:00 p.m. to 8:00 p.m. on motion made by Durling, seconded by Boynton. All in favor.

Robert Canace on behalf of Ridge and Valley Conservancy appeared before the Committee with a copy of an appraisal for Windkissed Farms. The second appraisal was not received; however, Mr. Canace was advised it would come in at \$140,000.00. \$7,000.00 is needed for a match. Since this acquisition has the blessing of the Farmland Preservation Committee, motion was made by Boynton, seconded by DeCarolis to approve the \$7,000.00 match or 5% of the total easement cost –whichever is less. All in favor.

Committeeman Desiderio has an issue with the runoff from the Ridge & Valley Charter School which is flooding homes on Pippen Hill Road. Mr. Boynton has spoke to the school previously and no action has been taken. The next step should be a letter from the attorney. Motion was made by Durling, seconded by Boynton authorizing the attorney to write such a letter. All in favor.

Lowell Forbes of Saddle Ridge Road appeared before the Committee. He mentioned that in 2009 he presented a petition to have the heavy trucks not speed through the development, they have stopped but the speeding is still going on. He would like the Township Committee to consider a 15mph speed limit. The Mayor will contact the engineer for options along with reaching out for the State Police to patrol the area. Mr. Forbes also wanted to thank the Green Township Fire Department for their help and work during the last two storms.

John Jurena went over the emergency plan for the website. He advised that we have a twitter account along with a face book page. Committee Boynton reported that the system the school has the Honeywell system which can target certain areas, a particular class and if we could incorporate this for the township residents it would be viable.

The participant information and release form for volunteers was approved on motion made by Boynton, seconded by Desiderio. All in favor.

The Subcontractor's qualification form was tabled for the November meeting.

NEW BUSINESS:

Due to members of the Township Committee attending the New Jersey League of Municipalities conference in November the meeting date for November was changed to November 23, 2011 on motion made by Boynton, seconded by Durling. All in favor.

Barbara Smolha gave samples of her well water along with pictures of water on her road at State Park Road and stated that the water that was being pumped down the road from the flooding on State Park Road compromised her well. She would like the ditch closed up. Committeeman Desiderio offered to put qp in the ditch. With regard to the well water, the Attorney recommended that Ms. Smolha pick up a tort claim to be sent to the insurance company.

The township engineer was at the meeting which was opened for questions. Those who spoke were:

Jean Smolha wanted the ditch closed up and to stop putting water on her brother's property.

Nancy Predale- her parking area needs gravel from being washed out by the water. Frank will handle.

Amy Hufnagel asked the standard protocol on an issue such as this and was the engineer brought into this situation

Eva Lawrence of 649B Route 519 asked the dynamics of the water and sinkholes and found it fascinating that everyone is concerned over Stella Brzozowski but what about the status of her family.

Jean Smolha asked if something could be done on the other side of the sinkhole.

Gabe DeCarolis asked how this problem was going to be resolved with the sinkhole and are we planning to trench the water to the creek.

Note: At this time, the Mayor left the meeting for a fire call at 9:30 and the meeting was turned over to Deputy Mayor Boynton.

Mark Quick presented a brochure to the Committee with regard to sustainable New Jersey and how Agenda 21 sells out to the United Nations. He suggested that we drop the Sustainable Jersey grant and asked that the Committee read up on this and discuss further at the next meeting.

OPEN MEETING TO THE PUBLIC:

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

Debra Natyzak who asked what was the revenue on resolution 2011-78.

Roman Oscada had a New Jersey monthly magazine which listed the best towns to live in New Jersey. Frelinghuysen had been rated 28th but this year it is rated 205. He was asked if the criteria had changed.

Amy Hufnagel asked if the results of the clean up were announced as she had asked for them 4 months ago. She was told that they were made available 3 months ago.

Roman Oscada asked the status of several roads that the Mayor mentioned were to be abandoned and the attorney was to prepare the paperwork. He was told that there is a subcommittee working on it.

Amy Hufnagel commented that she has been asked by the Highlands Counsel to serve as an advocate and wished to bring this to the Committee's attention. She was advised to relay this information to the Planning Board.

Roman Oscada asked the status of the e blast. He was told that there would be volunteers sitting during election asking people to sign up.

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

BILLS-see schedule attached.

DEPARTMENT REPORTS:

Motion was made by Durling, seconded by DeCarolis to approve the department reports number 1 through 14 on a consent agenda motion. All in favor.

Deputy Mayor Boynton's report:

With regard to the Recreation Committee the hayride will be on October 29th at 5:00; Casino Night will be March 24th; basketball signups are over except for the 7th and 8th graders and fall ball will have their playoffs over the weekend.

Mr. Boynton thanked Committeeman Durling for ordering the generator and the work he will do installing the electrical portion for the generator; bids were received for painting the building, but due to fiscal problems, Mr. Boynton volunteered to have his crew paint the back deck, fuel tank and meeting room section. In the 2011 Environmental Joint Insurance Fund audit a recommendation to move the heating oil above ground storage tank located in the municipal garage back into the building as it has no protection from elements. Committeeman DeCarolis offered to donate ROTH tanks. The Clerk will advise the insurance company once this has been done.

Committeeman Alan DeCarolis report:

Mr. DeCarolis brought up the annual township dinner and asked the Committee to reconsider. He would be willing to donate \$500.00 toward the cost of the dinner. Mr. Durling also offered \$500.00 with Mr. Boynton and Mr. Desiderio offering \$300.00. Mrs. Kleber offered to buy sheet cakes. The Clerk was instructed to contact Ron's Landmark catering and ask if they would hold the same price as the Hope township dinner.

Committeeman Frank Desiderio's report:

Mr. Desiderio advised that the township vehicles are being serviced, the 18x30 pipes donated by Dan Carson for Lanning Road has been installed. The Clerk was instructed to send a thank you letter to Mr. Carson. Mr. DeCarolis asked of Mr. Desiderio the update on Mark Pillus, who appeared before the Committee last month about his driveway. Mr. Desiderio advised that Mr. Pillus redid his driveway and a report will be done by the engineer. Mr. Desiderio would like the Committee members to look into adopting a soil disturbance permit ordinance which would protect neighbors. A sample will be sent by the engineer for the committee to consider.

Committeeman Dale Durling's report:

Mr. Durling asked if the road crew could put a sub pad under the generator. Mr. Desiderio will set on railroad ties of which Mr. Boynton will provide. Mr. Durling went over the meeting he and Marty Connor had with Service Electric. Surveys were sent out and the response was poor. Another meeting will be held with other townships to see if a plan could be put in place to build out further and give seniors discounts and free service to municipal buildings. He and Mr. DeCarolis met with Green Township who went out for bids for a new fire truck. He asked the Committee to keep in mind that they will need to budget money for next year for our portion of the truck. Mr. Durling would like Donna Zilberfarb to be appointed as Deputy Clerk. Motion was made by Desiderio, seconded by DeCarolis appointing Ms. Zilberfarb. All in favor.

Attorney Edward Wacks report:

Mr. Wacks reported that there were issues with the Lee/Yang closing for which he had to prepare a letter to Mr. Sowards that there would be no cost to him before Mr. Sowards would sign the closing papers. The Municipal Assessor has been active and has found where people are living in homes without certificates of occupancy. Mr. Wacks wished to give Mr. Gill credit.

Engineer Paul Sterbenz's report:

The Mayor thanked Mr. Sterbenz for his help during the two storms. Mr. Sterbenz's report is that he has applied for municipal aid for Kerrs Corner Road for 2012; Kerrs Corner Road is 100% complete-he recommended that we pay R.L. Ruberton in the amount of \$55,000.00 for the guardrails. There is \$25,000.00 remaining in the grant for which the Committee has to decide whether they want to use it or return it. With regard to South Street, the base mapping and wetland delineation is complete. The wetlands are more extensive than anticipated and a meeting will need to be set up with the Mayor and Committeeman Desiderio to discuss further.

Municipal Clerk's report:

The Clerk informed the Committee that a score of 46 answers for the Best Practices questionnaire given by the state which equals 92 and 20% of the state aid will be withheld. Another chance was given to correct some of the responses.

EXECUTIVE SESSION:

Motion was made by Boynton, seconded by Durling to enter into executive session with regard to land acquisition. All in favor. Motion was made by Desiderio, seconded by Boynton to return to public session. All in favor. Upon returning the attorney advised that the Committee discussion land acquisition and a motion will be made subject to a statement. The Township Committee is in receipt of an appraisal for the Grzelak property and motion was made by Desiderio, seconded by Boynton to forward a copy of the appraisal to the Grzelak's and for them to consider whether or not the appraised value is acceptable to them for the acquisition of the property. All in favor.

CORRESPONDENCE:

Warren County Dept of Public Safety Re: FCC radio licenses

Green Township Re: Fire Truck bid/contract time line

Birdsall Service Group Re: 2011 Environmental Joint Insurance Fund audit

Highlands Council Re: Request for additional funds approved

Maser Consulting Re: Pavement analysis for Kerrs Corner Road project

Township of Green Re: Ordinances 2011-12 & 2011-13

Township of Hardwick Re: Ordinances 2011-12, 2011-13 & 2011-14 (not adopted)

Warren County Mosquito Extermination Commission Re: Worst conditions in history

NJ Governor's Office Re: Newsletter

Superior Court of New Jersey Re: 2011-12 annual visitation of municipal court

NJ Dept of Health Re: Hepatitis inoculation fund

NJ DOT RE: 2012 NJ DOT federal aid Safe Route to School Program

New Jersey State League of Municipalities Re:

1. Lt. Governor signs law that moves the Presidential primary back to June
2. FEMA/Stop gap funding compromise approved by House
3. Reorganization Plan No. 001-2011-abolishes COAH, transfers responsibility to DCA
4. Three Issues:
 - a. Energy tax white paper released
 - b. League professional development seminar-best practices
 - c. NJLM publication-resources for you and your professional staff
5. Two Issues:
 - a. New Jersey after COAH
 - b. Upcoming Sustainable Jersey workshops
6. NLC Governance and Civic Engagement resources
7. S-2887 wind turbines on Preserved Farmlands-held
8. Notice of proposed 2012 membership dues
9. Two Issues:
 - a. Governor Christie signs bill on sundry changes to taxicab laws
 - b. Animals in the community pilot program grant
10. PERS & PFRS Savings Announced
11. Congratulations on 2011 Sustainable Jersey small grant
12. Three Issues:
 - a. Holiday displays
 - b. Wind turbines on preserved farmland
 - c. New Jersey Chamber of Commerce roundtable breakfast

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC