

**TOWNSHIP OF BLAIRSTOWN
REGULAR COMMITTEE MEETING
MUNICIPAL BUILDING
Wednesday, September 12, 2012, 7:30 PM**

MINUTES

Regular meeting begins at 7:30 pm or immediately following Closed Session, whichever comes last.

OPENING; ROLL CALL

The meeting was called to order by Mayor Anderson. Those present were Mr. Lance, Mr. Mach, Mr. Seal, Mr. Shoemaker, and Mayor Anderson. Also present were Township Attorney Robert Benbrook and Clerk Pizzaia.

FLAG SALUTE

The flag salute was conducted.

Mayor Anderson asked the audience to join him in a moment of silence in memory of Ambassador Stevens and the staff members at the American Embassy in Libya who were killed.

SUNSHINE STATEMENT

Mayor Anderson read the following statement: Notice of this meeting has been sent to two newspapers of general circulation in which notice was given of the date, time, place and general agenda in accordance with the Open Public Meetings Act.

PUBLIC COMMENT – up to 5 speakers/3 minutes each

Paul Avery, Mohican Road, introduced Olivia Lohman, Junior Miss Liberty Bell, who was crowned at the Fourth of July Celebration. Miss Lohman said that she is happy to be chosen as Miss Liberty Bell.

John Kauza, a Pittstown, NJ resident and a volunteer at the Boy Scout Camp, asked for clarification on the rules for construction at the site at Yards Creek. He said that there is a road that is practically impassible and there are trees that need to be removed. He said that David Diehl, Blairstown Zoning Official, informed him that preventive maintenance is approved as long as it is not actual construction.

Mr. Kauza said that Brad Barto stopped the work on the road, presenting himself as having the authority to do so. Mr. Lance said that Mr. Barto has no authority with the Blairstown Committee, but he does work with the Boy Scout Council. Mr. Kauza said that he is before the Committee tonight because he cannot get a straight answer on what can and cannot be done at the Boy Scout Camp. The Committee assured Mr. Kauza that they have no objections to preventive maintenance being performed at this site.

MINUTES

August 8, 2012 – Regular Meeting Minutes and Closed Session Minutes

Mr. Seal made a motion to approve the August 8th Regular and Closed Session minutes, which was seconded by Mr. Shoemaker.

Roll call vote: AYE – Lance, Mach, Seal, Shoemaker, Anderson

PROCLAMATION – September is National Preparedness Month

Mayor Anderson read the proclamation in full. A copy is attached to the minutes.

ORDINANCE 2012 – 05 AN ORDINANCE REPEALING CHAPTER 177 OF THE CODE OF THE TOWNSHIP OF BLAIRSTOWN ENTITLED “TOWING” AND ENACTING A NEW CHAPTER 177 OF THE CODE OF THE TOWNSHIP OF BLAIRSTOWN ENTITLED “TOWING” Introduction, First Reading

Committee Discussion

Robert Gara, Police Director, explained that this ordinance basically revises the fees for towing allowed to be charged by the towing companies. These charges are for all towing instances called for by the Blaiirstown Police Department.

Mr. Mach made a motion to approve Ordinance 2012 – 05 on first reading, which was seconded by Mr. Lance.

Roll call vote: AYE – Lance, Mach, Seal, Shoemaker, Anderson

CONSENT AGENDA INCLUDING RESOLUTIONS

- 1 – R.2012-094** Authorization to Pay Bills
- 2 – R.2012-095** Redemption of Certification of Tax Sale No. 2009-01
- 3 – R.2012-096** Redemption of Certification of Tax Sale No. 2012-07
- 4 – R.2012-097** Cancellation of Lien on Property
- 5 – R.2012-098** Authorization to Submit Municipal Alliance Grant Application
- 6 – R.2012-099** Consent of Submission of TWA for Blair Academy
- 7 – R.2012-100** Requesting Approval of Items of Revenue and Appropriation
- 8 – R.2012-101** Authorization to Release Certain Inspection Escrow Fees
- 9 – R.2012-102** Consent to the Proposed Water Quality Management Plan Amendment
- 10 – R.2012-103** Approval of Supplemental Change Order for North Warren Regional School District Safe Routes to Schools Project
- 11 – R.2012-104** Authorization of Expenditures for Road Improvements

Mr. Mach made a motion to approve the Consent Agenda, which was seconded by Mr. Shoemaker.

Roll call vote: AYE – Lance, Mach, Seal, Shoemaker, Anderson

DEPARTMENT REPORTS

Clerk – August Report
Finance – July & August Finance and August Fuel Reports
Police Department – August Report
Tax Collector – August Report
Municipal Court of North Warren – July Report
Warren County Health Department – August 9, 2012
Animal Control Officer – 2nd Quarter Report

Mr. Lance made a motion to accept the Department Reports, which was seconded by Mr. Seal. All members voted in favor of accepting the reports.

UNFINISHED BUSINESS

- 1 – Service Electric Cable TV – letter sent to SECTV; SECTV is investigating extension of service
The public hearing will be held later this evening, and this subject will be addressed.
- 2 – Hazardous Obstructions at Blairstown Airport – waiting for map from State
Mr. Benbrook said that he will contact the NJ State Department of Aviation to ascertain if this information will be forthcoming.
- 3 – Review of Recreation Ordinance – Fair Share Reimbursement
No action taken.

COMMITTEE CORRESPONDENCE for information and possible action

- 1 – from Committeeman Richard Mach to Cindy Randazzo, Dept. of Fish and Wildlife, regarding potential use of Cedar Lake Horse Farm Property
- 2 – from Senator Oroho, Assemblywoman McHose and Assemblyman Chiusano to Bob Martin, Commissioner, NJ Department of Environmental Protection, regarding Cedar Lake Horse Farm property

Mr. Mach explained that these two items of correspondence are in reference to the possible use of the Cedar Lake Horse Farm as an archery range. The DEP is looking for a place to have an archery park, and Mr. Mach feels that the abandoned horse farm would be a good location. He went to a meeting, where it was stated that the DEP had wanted to place the archery park in Readington Township, Hunterdon County. The mayor, deputy mayor, and Environmental Commission members of Readington Township were opposed to locating the archery park in their township, so Mr. Mach suggested the horse farm location in Blairstown. That is the purpose of Mr. Mach's communication to Cindy Randazzo. The second letter is from Senator Oroho in support of locating the project at the Cedar Lake Horse Farm property.

The proposed center will be funded by the federal Fish and Wildlife Service and \$4 million has been earmarked for the project. It will have an Olympic standard archery facility and Mr. Mach believes the location would be a very good fit for the proposed plan.

**PUBLIC HEARING – Service Electric Cable TV of New Jersey, Inc. Franchise Renewal
Open/Close**

Mayor Anderson opened the public hearing and asked the members in attendance from Service Electric Cable TV to come forward for their presentation. Michael Meliti of Arturi, D’Argenio, Guagliardi & Meliti, L.L.P., attorney representing Service Electric Cable TV, introduced the following individuals representing SECTV:

Robert Williams, General Counsel, SECTV
Cherie LoPresti, Service Manager, SECTV
Robbin Caldarella, Assistant Service Manager, SECTV
James Galliford, Director of Engineering, SECTV
Kristen E. Schreib, Esq., Associate Attorney, Arturi, D’Argenio, Guagliardi & Meliti, L.L.P.

Mr. Meliti said that Service Electric Cable TV has been servicing Blaiirstown Township since November of 1985. Presently, there are 794 subscribers. Mr. Meliti said that the company is proud to announce that there are no current complaints from any subscribers.

As part of the application process as required by the Cable Television Act, a formal application has been submitted for municipal consent of the franchise renewal. Also required is a public hearing, which is taking place tonight. After that, a draft agreement will be submitted to the township for approval, which the Township Committee will approve in the form of an ordinance. Presuming that both parties agree, the draft agreement will be submitted to the Board of Public Utilities through the Office of Cable Television, in order to receive certificate of approval.

Mr. Meliti said the exhibits of the application renewal present important information, such as the current list of channel programming, the map of the specific roads serviced within the township, and the tariff, which is the formal list of rates for services on file with Board of Public Utilities. The cable company is required to file this list on a yearly basis with the BPU.

The most recent Certificate of Approval for cable services to Blaiirstown Township was for a five year term. SECTV will be seeking a 10 year term under the franchise renewal. Mr. Meliti said that this is somewhat standard among other Warren and Sussex County municipalities. In the current agreement, a line extension policy was established of 25 homes per linear mile. Since that time, SECTV has provided bundled services at reduced prices. As a part of the current franchise agreement, free services are being provided to Blaiirstown, which include one (1) free connection to the ambulance building, one (1) at the fire department, one at the Police Department, three (3) at the Municipal Building, 44 to the Blaiirstown Elementary School, and 53 to the North Warren Regional High School. Mr. Meliti said that SECTV has been very cooperative in this respect.

With regard to extension of service and build-out, Blaiirstown is currently receiving service to 83.32 miles of cable, 70 miles of which is aerial and 12 miles is underground cable. With regard to the 794 current subscribers, SECTV has experienced a significant drop in customers, from 985

subscribers in 2007. This drop can be attributed to various factors, such as switching to a dish provider or satellite service.

In response to the township's request for an extension of service to various roads, Mr. Meliti spoke about the possibility of extending service to Gwinnup Road and Westview Drive off of Lambert Road. An evaluation was performed by SECTV along with a representative of the Office of Cable Television. The evaluation showed that the standard of 25 homes within one (1) mile was just a fraction short. However, SECTV is potentially interested in performing this build-out. They would like a 45 to 60 day time period to make further evaluations, at which time a door-to-door survey will be conducted to determine the interest of the homeowners. If in fact, the interest falls far below the 25 homes per linear mile, it would be unlikely that the build-out would go forward.

The township has also requested extension of service to Mt. Hermon Road and Frontage Road near the Route 80 overpass. This area is similar to the Gwinnup Road and Westview Drive area. The evaluation shows that the 25 home per linear mile standard just falls short, but SECTV is willing to further evaluate homeowner interest. The Committee asked Mr. Meliti to consider adding Centerville Road to the evaluation. Mr. Meliti said that this road could be reviewed and considered.

The other areas requested by the township for cable extension are Dry Road from the ends of Belcher and Heller Hill Roads, and the Kishpaugh Road, Shotwell Road, and Alice Court area. Mr. Meliti said that Kishpaugh Road already has service, and that the potential customer numbers at Shotwell Road and Alice Court are far too small to warrant build-out at this time. In answer to Mr. Mach's question, Robbin Caldarella, Assistant Service Manager, SECTV, said that surveys are performed door-to-door and the homeowner is requested to complete a survey to be mailed back to the cable company.

Mr. Meliti asked if there are any questions at this point. As the Committee had no further questions, Mayor Anderson asked for questions or comments from the public in attendance.

Robert Haberstadt, Main Street, asked if the cable company took into account the set-back distance from the road when measuring the amount of houses per linear mile. Mr. Meliti said the houses are still considered, but this is considered a non-standard installation, and would require an additional fee to be paid by the homeowner.

John Burke, Maple Lane, complimented SECTV for their coverage of the Memorial Day Parade. He feels that they should consider community affairs programming and public access programming. He feels that it would be beneficial to the residents of the township. Robert Williams, General Counsel, SECTV, said that the Cable Company has been reaching out to the schools in an effort to produce programming. They are also considering making equipment available to the schools for recording and broadcasting various events.

Kevin Doell, Heller Hill Road, asked about general rates to the subscribers. Mr. Meliti explained that the rates are regulated, reviewed and approved by the Board of Public Utilities. This is done on an annual basis.

Robert Haberstadt, Main Street, asked if SECTV is required to have public service channels. Mr. Meliti said that it is not required, but SECTV does offer them and that SECTV is always open to anyone with an idea for a public access program.

As there were no further comments or questions from the public, Mayor Anderson closed the public hearing.

Mr. Meliti said that SECTV will conduct the surveys previously discussed within the next 60 days and will report to the Committee on their findings through Mr. Benbrook. They will now be in the process of drafting the ordinance for the franchise renewal.

Mr. Mach asked if the 10 year franchise term is negotiable. Mr. Meliti indicated that it is not because of the amount of time involved between the start of the franchise renewal process and the finalization of the agreement.

GENERAL CORRESPONDENCE (See attached sheet)

There were no comments or questions from the public on the General Correspondence list.

FROM THE TOWNSHIP ENGINEER

Ted Rodman said that he is waiting for the results of the water testing at the Walnut Valley Fire House. There was a mix-up in the test protocol and a second sample needs to be tested. There will be no charge for the new test.

A low-interest loan application for the Paulina Dam has been submitted on our behalf by French and Parrello. The loan is for \$450,000. There is a grant available from the DEP for historic structures. Mr. Rodman said that we would be able to copy most of the information from the French and Parrello application, but a lot of the historical aspects on this grant would need to be completed. It was the consensus of the Committee that between the two applications already filed with the county and French and Parrello, the township would probably be awarded some monies for repair of the dam.

The Safe Routes to Schools project has been finished. Mr. Rodman said that additional curb work not included in the grant needed to be done. Mr. Rodman thought that this work could come out of the grant since the bid was under the total grant monies awarded, but he has learned that the SRTS project will not pay for this.

Mr. Lance made a motion to authorize an expenditure of up to \$4,500.00 to complete the additional work on the Safe Routes to Schools Project. The motion was seconded by Mr. Shoemaker.

Roll call vote: AYE – Lance, Mach, Seal, Shoemaker, Anderson

Mr. Shoemaker asked Mr. Rodman when Whitman Company would be returning to grade the property at the former Community Center site. Mr. Rodman said that he would contact the company to expedite the completion of this work.

FROM THE TOWNSHIP ATTORNEY

Mr. Benbrook is working with the Tax Collector with regard to tax foreclosures. He will be able to report to the Committee his recommendations on which properties the township should go forward with foreclosure proceedings by next month.

Mr. Benbrook said that he has been contacted by an attorney representing a former police officer regarding the township's failure to make the proper pension deductions. Mr. Benbrook is unfamiliar with the details and will be discussing this with the CFO. He will keep the Committee informed on this matter.

FROM THE TOWNSHIP CLERK

The second week of the town-wide cleanup is scheduled for September 27, 28 and 29. Any resident who has not already picked up the vouchers can do so at the Municipal Building during regular business hours.

FROM THE TOWNSHIP COMMITTEE

COMMITTEEMAN LANCE

Mr. Lance said the best practices worksheet for 2012 has been completed and the Committee has copies for review. The township has achieved a 94% rating this year, which means that the township will retain 100% of its state aid in 2013. Mr. Mach said that the questions are significantly different than the questions in 2011.

Mr. Lance said that the Historic Preservation Committee has had problems with attendance over the summer months due to vacations. He said that the newly adopted ordinance did not allow for alternate members. He said that having alternate members would help alleviate the problem of having a quorum. Mr. Lance would like to amend the current ordinance allowing the appointment of up to three (3) alternate members. Mr. Benbrook was directed to prepare an amended ordinance for introduction at the October meeting.

Mr. Lance said that the Serbian North American Soccer Festival went well. The Recreation Department reported that the fields were left in good condition and all debris was cleaned up.

Mr. Lance would like to work with the CFO on writing an RFP for banking services. Mr. Lance feels that we can do better on our interest rates than are given at our present bank. It was the consensus of the Committee that it would be a good idea to look into this.

COMMITTEEMAN MACH

Mr. Mach said that there has been an increase in police activity as of late and he asked Mr. Gara to comment on this. Mr. Gara said that there has been an upsurge on vehicle and resident thefts, keeping the police department busy. There was also an influx of people in the township due to the soccer festival, keeping the police and emergency squads busy.

With regard to COAH, the Municipal Housing Liaison would like the Committee to authorize one age restricted apartment unit into the program. The unit is located on Cobblewood Road and will cost \$22,500 from the COAH trust fund to the property owner. Mr. Mach made a motion to approve this unit, which was seconded by Mayor Anderson.

Roll call vote: AYE – Lance, Mach, Seal, Shoemaker, Anderson

Mr. Mach said that Blair Academy will be going before the Land Use Board for a variance to take down two barns and to build two rustic looking buildings in their place.

Mr. Mach and Mr. Rodman will be meeting with the Sussex County Coordinator of the Paulinskill Watershed to talk about what is happening upstream with regard to the flooding situation.

COMMITTEEMAN SEAL

Mr. Seal reported that Blair Academy was very cooperative with the Recreation Department in allowing Pat Sagan, Recreation Director, to locate her Zumba program at the school. Mr. Seal would like the township to send a letter to Jim Frick thanking him for use of Blair Academy for the recreation program.

Mr. Seal said that Mrs. Sagan went above and beyond her duties in arranging for a location for her program. He thinks it would be appropriate for the Committee to recognize her efforts and dedication in a written acknowledgement. The Committee was in agreement.

With regard to the Water Company, Mr. Seal said that the Licensed Water Operator turns in bills every month above his usual agreed upon fee. Mr. Seal said that there needs to be a job description in place so that there is no question on whether an action on his part is actually a function of his job. Mr. Seal said that the Water Operator has charged the township for work that the DPW is capable of doing.

Mr. Lance said that the Water Operator is asking for reimbursement of \$1,725 for a course he recently took. No one on the Committee authorized reimbursement for this course and it was not included in the bill listing. Mr. Lance will speak with him about this.

COMMITTEEMAN SHOEMAKER

Mr. Shoemaker said that the DPW Foreman has hired Aspen Tree Service to take down dead trees. This work started this week.

Mr. Shoemaker reported that although JCP&L has completed turning off street lights as requested by the township, the bill has not reflected this change. The Assistant Treasurer will be contacting JCP&L to have the bill reduced to reflect these changes.

Mr. Shoemaker said that there is erosion on Mud Pond Road and Belcher Road. He will be meeting with the DPW Foreman and Mr. Rodman to discuss this situation.

Mr. Shoemaker said that the Blirstown Business Association has expressed interest in participating in the tree lighting ceremony this year. He will speak with Mrs. Sagan on this matter. Mr. Mach told Mr. Shoemaker that he will donate a tree again this year.

Mr. Shoemaker said that Gina Trish has been working on plans for the park on the Community Center site. She has been working with the Garden Club and they will be working with a professional on buying the appropriate plants for the park.

MAYOR ANDERSON

Mayor Anderson said that the North Warren Midget Football League presented him with a plaque at their opening ceremony. The organization did a great deal of volunteer work on township fields last year and the township assisted them in paying some of the costs. In appreciation of this, they presented the Committee with this plaque.

In August, Mayor Anderson and Mr. Mach met with Senator Oroho regarding legislation to return energy tax monies to the municipalities. They expressed to Senator Oroho their disappointment in his "no" vote on this legislation, and hope he will support this bill next year when it is reintroduced.

Mayor Anderson and Mr. Shoemaker met with members of the fire company regarding Hardwick's contribution towards the fire protection budget. Mayor Anderson attended a Hardwick Committee meeting last year in request for a fairer share of funds and was told they did not have the money. Mayor Anderson said that it is Blirstown's position that the Blirstown residents should not be responsible for paying Hardwick's share of the costs. Mayor Anderson will speak with Hardwick's mayor on this subject in an attempt to reach an agreement.

FROM THE PUBLIC

Peter McKenna, Mohican Road, asked if a stripe was going to be painted on Mohican Road. Mr. Shoemaker answered in the affirmative.

ADJOURNMENT

As there were no further comments from the public, Mr. Seal made a motion to adjourn, which was seconded by Mr. Lance, with all members voting in favor. The meeting was adjourned at 9:40 pm.

Submitted by:

Phyllis E. Pizzaia, RMC
Municipal Clerk