

**TOWNSHIP OF BLAIRSTOWN
REGULAR COMMITTEE MEETING
MUNICIPAL BUILDING
Wednesday, February 13, 2013 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 Mach. Those present were Mr. Anderson, Mr. Avery, Mr. Lance, Mr. Mach, Mr. Seal, Mr. Shoemaker and Mayor Mach. Also present were Township Attorney Robert Benbrook and Clerk Pizzaia.

FLAG SALUTE

The flag salute was conducted.

SUNSHINE STATEMENT

Mayor Mach 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

David Bogdan, Westview Drive, spoke about the Walnut Valley field. He said that two years ago, volunteers installed sod on the field which was purchased by the township. He said that this project turned out well. This year, there is a problem with water drainage which has become a hazard for the children playing on the field. He is requesting that the township authorize the purchase of sod for the resodding of the field. Mr. Avery said that he will speak more about this in his report.

Brenda and Chris Kehoe, Four Corners Road, spoke about a township right-of-way on which their driveway is situated. Mr. Anderson summarized the situation, which the Kehoe's brought before the Township Committee last year. Mr. Anderson said that the original owner of this property was granted a variance to put a driveway from his property to Four Corners Road on township property. The township did not take possession of this driveway nor did the township agree to maintain the driveway. Mrs. Kehoe said that they are not the original owner and did not make this agreement. Mr. Anderson said that this is a deeded issue that should have been explained to them when they purchased the property. Mr. Anderson asked Mr. Benbrook to further explain the situation.

Mr. Benbrook said that a portion of Four Corners Road is unimproved and the Kehoe's home is situated on this section. The State Statute states that no residence can be constructed without frontage on an improved road without a variance. Mr. Benbrook said that the original owner was granted a variance under the condition that he would construct a driveway at his expense

leading from the improved cul-de-sac to his lot over the unimproved portion of Four Corners Road.

Mr. Benbrook said that this is a public right-of-way that everyone is entitled to navigate, but also happens to have a private driveway on it. This does not change the fact that anyone is entitled to be on the right-of-way. Mr. Benbrook said that the township has no responsibility towards maintaining his private driveway and that Mr. Kehoe is responsible for maintaining the driveway.

Mr. Kehoe objects to the fact that he must maintain the road when anyone is entitled to use it. He also said that the resolution passed by the Planning Board does not state that he has to maintain the road. Mr. Anderson said that the Township Committee has legal counsel who advised them that the township does not have responsibility towards maintaining Mr. Kehoe's driveway. This is the township's position. Mr. Benbrook said that the Kehoe's can seek legal counsel if they believe they have a case.

Sylvia Zika, Four Corners Road, spoke about a school bus being parked on the property of 70 Four Corners Road. Ms. Zika stated that the land use ordinance is incorrectly written, which allows large vehicles to be parked at residential properties. Ms. Zika asked that the Committee direct the Zoning Official to check on the set-back where the bus is being parked. She also said that the proper screening is not in place.

Ms. Zika also objected to the fact that the February Land Use Board meeting has been cancelled. Mayor Mach responded that the Land Use Chair makes this decision. Mr. Shoemaker said that the meeting was cancelled due lack of new business on the agenda. Mr. Shoemaker added that it has been the policy to cancel meetings if warranted in order to save money.

In response to Ms. Zika's request to be placed on the Land Use Board agenda, Mayor Mach advised her to send her request in writing to Debra Waldron, Land Use Board Chair. Ms. Zika asked Mayor Mach to contact Mrs. Waldron to ask her to reconsider the cancellation of the February Land Use Board meeting. Mayor Mach said that he would relay this request.

Chris Jacksic, Jones Lane, spoke about Walnut Valley field and reiterated Mr. Bogdan's concerns about the safety on the field. He also spoke on behalf of the North Warren Little League, requesting permission to install dugouts at Sycamore Park. They have raised funds are prepared to do this at their expense. Mr. Benbrook suggested that Ted Rodman, Township Engineer, review plans for this project to ascertain that the structures are safe. Mr. Benbrook said that with Mr. Rodman's review and approval of the plans, the design immunity law would help protect the township from liability in the case of injury. Mayor Mach also would like Mr. Rodman to oversee the construction.

MINUTES

January 9, 2013 – Regular and Closed Session Meeting Minutes

Mr. Shoemaker made a motion to approve the January 9, 2013 Regular and Closed Session Minutes, which was seconded by Mr. Lance.

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

CONSENT AGENDA INCLUDING RESOLUTIONS

- 1 – R.2013-028** Authorization to Pay Bills
- 2 – R.2013-029** Redemption of Certification of Sale No. 2012-21
- 3 – R.2013-030** Recognition of Blairstown Ambulance Corps and North Warren EMS as Primary Emergency Service Response Organizations
- 4 – R.2013-031** Contracting for Professional Services without Competitive Bidding in Accordance with the Local Public Contract Law – Municipal Attorney
- 5 – R.2013-032** Contracting for Professional Services without Competitive Bidding in Accordance with the Local Public Contract Law – Municipal Engineer

Mr. Anderson made a motion to approve the Consent Agenda, which was seconded by Mr. Avery.

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

DEPARTMENT REPORTS

- Clerk – January Report
- Finance – January Finance and Fuel Reports
- Police Department – January Report
- Tax Collector – January Report
- Animal Control Officer – 4th Quarter, 2012 Report
- Municipal Court of North Warren – December 2012 Report
- Warren County Health Department – January 11th Report

Mr. Lance made a motion to accept the Department Reports, which was seconded by Mr. Anderson.

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

UNFINISHED BUSINESS

- 1 – Service Electric Cable TV –SECTV is preparing draft ordinance for franchise renewal

Mayor Mach stated that the township is waiting for the draft ordinance and for SECTV to report on the possibility of extending service to various streets.

- 2 – Review of Recreation Ordinance – Fair Share Reimbursement

No report.

COMMITTEE CORRESPONDENCE for information and possible action

- 1 – from Rosalie Murray, tendering her resignation from the Land Use Board

Mr. Shoemaker made a motion to accept Mrs. Murray's letter of resignation with regrets. Mr. Anderson seconded the motion. The Committee was in agreement that Mrs. Murray has served the community for years and has been an asset to the various boards on which she served.

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

- 2 – from Warren County Health Department, re: Updated Uniform Shared Services Agreement for Local Public Health Services

Mayor Mach explained that Warren County Health Department serves as our local health department. Mr. Lance made a motion to authorize Mayor Mach to sign this agreement on behalf of the township, contingent upon attorney review. The motion was seconded by Mr. Anderson.

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

- 3 – from James Williams, Director of Operations, Pollution Control Financing Authority of Warren County, re: Proposed Interlocal Agreement – Solid Waste Disposal

After discussion, it was decided not to enter into this agreement with the PCFA due to the possibility of becoming a party in contamination liability.

- 4 – from NJ State Dept. of Environmental Protection, re: Paulina Lake Dam

This item will be discussed by the Township Engineer later in the meeting.

- 5 – from Corey Tierney, Department of Land Preservation, re: Rehabilitation of Paulina Dam

This is a Grant Agreement for the award of \$81,000 to Blairstown Township for the rehabilitation of the Paulina Dam. Mr. Lance made the motion to authorize Mayor Mach to sign the agreement, contingent upon attorney review, which was seconded by Mr. Shoemaker.

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

- 6 – from NJ State Dept. of Environmental Protection, re: Application for Fish Stocking Permit

Mayor Mach explained that the Committee signs off on this every year. Permission is needed from Blairstown because the fish are released in the Paulinskill River on Blairstown property.

Mr. Anderson made the motion to authorize Mayor Mach to sign the permits, which was seconded by Mr. Shoemaker.

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

- 7 – Resolution Supporting Assembly Bill A-2753 Requiring Direct Payment of Energy Taxes to Municipal Government

Mayor Mach requested that this resolution be held over to the March meeting. In speaking with Senator Oroho's office, it was felt that a more general resolution in support of the return of energy tax monies would be appropriate.

- 8 – from Jamie Oatley, Blairstown MOMS Club, requesting use of Sycamore Park on June 15 and 16 for car show fundraiser

Jamie Oatley explained that the MOMs Club is running this fundraiser to solicit funds for the children's park to be located at Sycamore Park. Mayor Mach directed Ms. Oatley to the Zoning Official to make sure that any necessary permits are obtained. Mr. Benbrook said that a Certificate of Insurance is required by the township. Mr. Shoemaker made a motion to approve this request, which was seconded by Mr. Lance.

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

- 9 – from Gina Trish, regarding Village Green preliminary park design

Gina Trish introduced Patty Doell of the Garden Club and Mary Stone of Stone Associates, who are working with her on the park design. Ms. Trish discussed the conceptual design that was prepared by Mary Stone. She said that the design focuses on being a community gathering area. This design emphasizes a natural setting with open areas. Thought was also put into making the area easy to maintain. They are considering the use of stone and boulders for natural barriers. Ms. Stone explained that there is a drainage problem. Mayor Mach said that a change in the grading is not permitted. Ms. Stone said that the grading will make the drainage problem a challenge.

Patty Doell said that the park would be ideal for outdoor classroom instruction, demonstrations, and garden club meetings.

The Committee was in agreement that the conceptual design of the garden park was acceptable. Mayor Mach asked Ms. Trish to keep the Committee informed on any developments.

Mayor Mach said that the Dog Park Committee had contacted him about their fundraising to date. Rebecca Seamon came forward and said that the fencing has been donated and the Committee is ready to move forward with construction. Ms. Seamon said that a preliminary drawing has been made. Mr. Benbrook said that the design

should be presented to Ted Rodman, Township Engineer, for review for design immunity.

Mr. Anderson said that the Committee has reconsidered the location of the dog park and it is now the consensus that Sycamore Park would be a better location than the Municipal Building property. Ms. Seamon responded that the Dog Park Committee originally requested Sycamore Park as the location. Since the majority of the Township Committee is hearing about the change in location tonight, the Committee will wait until the March meeting at the earliest to make a decision on this. This will give Committee members, as well as the Dog Park members, to visit Sycamore Park to make a decision on the best location. Mr. Benbrook said that there has previously been a concern about the safety zone of the Blairstown Airport. Mr. Benbrook has researched this and feels that this is not an issue.

Ms. Seamon was concerned about having the same approximate space at Sycamore Park that the Committee was offering at the Municipal Building property. Mr. Anderson responded that the property size would be the same, and that parking at Sycamore Park would be better.

Mr. Shoemaker will spearhead this as liaison to the Recreation Department. Mayor Mach asked Ms. Seamon to provide the Committee with by-laws and rules and regulations for use of the dog park, as previously discussed. Ms. Seamon will attend the next meeting and provide these documents prior to the March meeting in order that the Committee may review them.

GENERAL CORRESPONDENCE (See attached sheet)

There were no comments from the public on the General Correspondence List.

FROM THE TOWNSHIP ATTORNEY

Mr. Benbrook is working on tax foreclosures as directed by the Committee. He has been working with the Tax Assessor on tax appeals.

Mr. Benbrook is also researching documents on file on the Jones Farm. He hopes to have a comprehensive report and a recommendation by the March meeting.

Mr. Benbrook stated that he has reviewed the Planning Board resolution given to him this evening by Mr. Kehoe. After review, Mr. Benbrook said that he is confident that the board granted the applicant the right to construct a driveway in a public right-of-way and in no way is the township responsible for the maintenance of this private driveway.

FROM THE TOWNSHIP CLERK

The town-wide cleanup has been arranged for September 27th and 28th. Newspaper advertisements will be in the NJ Herald and The Press prior to these dates.

FROM THE TOWNSHIP ENGINEER

Mr. Rodman said that additional ground water testing will be done at the Walnut Valley Fire House site. The paperwork that needs to be filed with the DEP on the wastewater management plan is being handled by Remington & Vernick Engineers.

The required permits to work on the rehabilitation of the Paulina Dam are being handled by French & Parrello. The 2012 loan applications are still in the process of being reviewed and have not been awarded as of yet. We have received notice from the DEP that the annual inspection on the Paulina Dam is due. Mr. Rodman has received a price of \$1,950.00 from French and Parrello to conduct this inspection.

FROM THE TOWNSHIP COMMITTEE

COMMITTEEMAN ANDERSON

Mr. Anderson summarized the January report for the Police Department. Dr. Fogelson, Superintendent of North Warren Regional High School, wrote a letter commending Sgt. Losey for conducting a canine search of the school.

Mr. Anderson reported that Blair Academy has given a grant in the amount of \$30,000.00 for the purchase of police emergency response equipment. Blair Academy is requesting that the Committee formally approve the acceptance of this grant, and that the Mayor call Blair Academy to acknowledge that the monies will be used for emergency response equipment. Mr. Anderson made a motion to accept the grant money in the amount of \$30,000.00 from Blair Academy. Mr. Lance seconded the motion.

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

The Committee was in agreement that this is a very generous act by Blair Academy and is much appreciated.

COMMITTEEMAN AVERY

The Environmental Commission met but did not have an official meeting due to a lack of a quorum. Their reorganization meeting will be in March. The Commission is requesting the use of Footbridge Park for Each Day on April 21st from 10am to 6pm. Mr. Avery made a motion to this effect, which was seconded by Mr. Lance.

Roll call vote: AYE – Avery, Lance, Shoemaker, Mach
 ABSENT – Anderson

Mr. Avery said that the renovation of Walnut Valley Field is needed because of the safety factor. Two quotations have been received, one from Advanced Athletic Services in Allamuchy for \$29,250, and the other from Fredco Group in Passaic for \$27,900. It is the preference of the Recreation Committee that the job go to Advanced Athletic Services because they are a local outfit. After discussion and the advice of Mr. Benbrook, there was no reason given not to award this job to the lowest bidder. Mr. Benbrook suggested having a proposal written and

having these companies resubmit estimates based on specific criteria with a timeline on work start and finish dates.

Mr. Avery said that volunteers involved with recreation would like to have dugouts constructed at Sycamore Park on the large field. The cost of materials and labor is being supplied by the volunteer recreation groups. The dugouts will be constructed of concrete block. Mr. Rodman said that permits may be necessary for this construction. Mr. Avery made a motion to approve this project, contingent upon the volunteers submitting plans to the Township Engineer and the DCA Construction Office with assurances from both offices as to the safety and functionality of the proposed structures. Mr. Anderson seconded the motion.

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

The Seniors Club had their first trip sign-up, which had over 40 seniors wanting to participate.

COMMITTEEMAN LANCE

Mr. Lance said that the budget subcommittee met last month and got a lot accomplished in one day. There will be another meeting on February 15th. The subcommittee and Mr. Rodman will be working on capital improvements on roads.

The township received another check from former Committeeman Ray Davis in the amount of \$398.00 towards.

Mr. Lance said that the township's dental coverage plan was discontinued by our insurance carrier six years ago, but the carrier recently realized that it was still being offered to our township. The township has to opt for another plan by March 1, 2013. After discussion, it was decided that Plan 1035213-Q03 is the closest to the plan currently used by the township. Mr. Lance made a motion to opt for Plan 1035213-Q03, at an annual premium of \$12,492.96, which was seconded by Mayor Mach.

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

Mr. Lance made a motion to appoint Wickliffe Mott as a regular member of the Historical Preservation Committee for a three year term, Cynthia Montes as an Alternate Member for a two year term, and Donna Hosterman as an Alternate Member for a three year term. Mr. Shoemaker seconded the motion.

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

COMMITTEEMAN SHOEMAKER

Mr. Shoemaker said that at the January meeting, the Township Committee approved the hiring of a per deum snow plow driver at \$15.00 per hour. Mr. Shoemaker made a motion to pay this driver \$18.00, which is the amount the township has been paying CDL drivers. Mr. Lance seconded the motion.

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

Mr. Shoemaker said that the Rotary Club would like to replace the lights at Footbridge Park pavilion at their expense and to place the rotary emblem on the end of the pavilion. Mr. Shoemaker made a motion to approve this request, which was seconded by Mr. Lance.

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

Mayor Mach asked Mr. Shoemaker to speak with the Zoning Official before the rotary sign is put on the structure to make sure that it does not violate any ordinances.

Mr. Shoemaker reported that the Blairstown Hose Company added seven new members to their roster in 2012 and responded to 257 calls.

Mr. Shoemaker distributed designs for the proposed signs for Main Street, which would draw attention to historic Blairstown and the various shops. There was a discussion on the general cluttered look of the triangle and ways to make improvements. Mr. Shoemaker will check with Mr. Rodman on whether the proposed sign is in a right-of-way and will report back to the Committee.

Mr. Shoemaker reported that the ball fields are in need of clay. This was last done two years ago. He said that an expenditure of up to \$1,800.00 is needed for this project. Mayor Mach made a motion to authorize an expenditure of up to \$1,800.00 for clay for the ball fields, which was seconded by Mr. Avery.

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

Mr. Shoemaker reported that the doors at the Walnut Valley Fire House are in poor condition and need to be replaced. Mr. Shoemaker is proposing to replace the doors with aluminum doors. He has a quotation for \$3,500.00, which includes installation. Mr. Shoemaker will solicit more quotations.

Mr. Shoemaker has been working on the problem of the building lights. They were originally too bright, so shields were put on them. The shields make the lights too hot and there is a problem with them burning out. The Committee might consider replacing the burned out units with LED lights.

MAYOR MACH

Mayor Mach said that there has been a request from a political group to use the municipal building for meetings. After discussion, it was the consensus of opinion that the building not be used for this purpose.

The Municipal Housing Liaison has asked for permission to bring two units for senior housing into the program at \$27,500 each. Mayor Mach made a motion to this effect, which was

seconded by Mr. Lance. These units are located at Main Street and there was a discussion on the flooding of the area and whether the units would be permission in light of them being in the flood zone. It was decided to bring this matter back to the Municipal Housing Liaison. Mayor Mach rescinded his motion and Mr. Lance rescinded his second of the motion.

Madison Evans, a graduate of North Warren Regional High School and Blairstown resident, played saxophone at the Super Bowl. The Committee was in agreement to send her a certificate of achievement.

FROM THE PUBLIC

Mary Flynn, Conrad Court, thanked all in attendance who offered their condolences on the recent death of her husband.

Mrs. Flynn said that she agrees with Ms. Zika's earlier remarks about large vehicles being parked in residential areas and the need for buffering. She also questioned a letter in the General Correspondence list regarding the Governor's abolishing of COAH and his attempt to seize trust fund monies. Mayor Mach explained the history of the Governor's administrative order to abolish COAH and the status of the four year plan to spend down trust fund monies.

Sylvia Zika, Four Corners Road, objected to the Committee awarding two professional services agreements tonight without receiving bids. She feels that it is not in the best interest of the residents towards saving money. Mayor Mach explained that the Committee has worked diligently over the past six years to get the budget from \$5.2 million to the proposed \$3.9 million this year. Mayor Mach also said that the lowest bid for a professional service is not also in the best interest of the residents. Mr. Anderson concurred with this.

Rosalie Murray, Heller Hill Road, asked about the budget meeting on Friday and if it is open to the public. Mr. Lance said that Friday is a subcommittee meeting and not a full committee meeting. The subcommittee will bring the draft budget to the entire committee at a regular meeting and the public will be able to speak at that time. Mrs. Murray also said that the sound system in the meeting room is inadequate and should be upgraded.

David Bogdan, Westview Drive, commented that tonight's meeting, which was attended by groups wanting various parks, indicates to him that the proposed Blair Park is needed and wanted by the residents. He said that the land is there and should be developed and utilized as a park.

Mayor Mach responded that the original proposed price for this park was \$25 million. Mr. Lance said that he is against the development of this land because there are sufficient parks and fields in Blairstown for the population of the municipality. He also said that many residents have told him that they agree with him that this park is not necessary.

Rosalie Murray, Heller Hill Road, said that the price of the park was not \$25 million. Both Mayor Mach and Mr. Shoemaker told Mrs. Murray that \$25 million was the price stated in a presentation on the park. Mrs. Murray said that the Township Committee should have gone

forward with a more modest design and financed it with Open Space Tax monies. Mrs. Murray said that this park would add to the value of the community. Both Mayor Mach and Mr. Lance said that that a zero tax rate is even more valuable to the community.

ADJOURNMENT

As there were no further comments from the public, Mr. Shoemaker made a motion to adjourn the meeting, which was seconded by Mr. Lance. All members voted in favor. The meeting was adjourned at 11:02 pm.

Submitted by:

Phyllis E. Pizzaia, RMC
Municipal Clerk