

**TOWNSHIP OF BLAIRSTOWN
REGULAR COMMITTEE MEETING
Wednesday, July 9, 2014, 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. Those present were Mr. Anderson, Mr. Avery, Mr. Lance, Mrs. Price and Mayor Shoemaker. Also present were Clerk Pizzaia and Attorney Robert Benbrook.

The **FLAG SALUTE** was conducted.

SUNSHINE STATEMENT

Mayor Shoemaker 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

Carol Cook, Four Corners Road, spoke about the drainage problems at the lower hill on Four Corners Road. Mrs. Cook said that she was told that a driveway owner involved with the drainage problems has stated in her deed that the township is responsible for a portion of the driveway where it meets the road pavement. Mr. Benbrook explained the history of this property and that, in fact, the township is not responsible. Mayor Shoemaker said that the catch basin that was causing the drainage problem has been cleaned. Mr. Benbrook added that the Zoning Official has been in communication with the property owner and they are working on a solution.

Brianna Johnson and Jaime Oatley, Sycamore Park Playground Project, thanked the Township Committee for allowing the volunteers to build this playground for the community. Ms. Johnson reported that the Moms' Group is working on getting an ADA compliant walkway from the concession stand to the playground. They will also be adding landscaping. They are in the process of obtaining a signed certification of inspection, which they will forward to the township.

The Committee thanked Ms. Johnson and Ms. Oatley for all of the hard work put into this project by the many volunteers.

Rebecca Seamon, Jacksonburg Road, expressed concern about the lower dam at the Jacksonburg Creek. She said that there is a lot of storm debris which is forming a dam and flooding a portion of her property. She said it is flooding a good portion of Jacksonburg Road.

Ms. Seamon spoke about putting trees and a pavilion at the dog park site in Sycamore Park. Mr. Benbrook said that he has researched this with regard to the various fly zones at the airport. Mr. Benbrook said that he is comfortable with the planting of trees at the site as long as they do not intrude into the prohibited zones. As far as the pavilion is concerned, Mr. Benbrook said that it will not increase the number of visitors coming to the dog park, but will only provide comfort. It is his opinion that the requests for the trees and the pavilion could be approved by the Township Committee. Mr. Lance made a motion to allow the Dog Park group to plant trees which do not violate the State Standards in terms of vertical height, and the construction of a pavilion. Mayor Shoemaker seconded the motion.

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

MINUTES

June 11, 2014 – Regular Meeting and Closed Session Minutes

Mrs. Price would like a wording change in the Closed Session minutes. She will discuss this with the Clerk. Mr. Avery made a motion to approve the minutes, which was seconded by Mayor Shoemaker.

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

ORDINANCE 2014 – 05 BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$851,000 FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF BLAIRSTOWN, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$623,450 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION Adoption, Second Reading

Public Hearing – Mayor Shoemaker opened the public hearing.

Carol Cook, Four Corners Road, asked if this ordinance was to pay for routine maintenance. Mayor Shoemaker responded that it is to finance overlays for various roads. Mrs. Cook said that she is not in favor of bonding due to the interest costs incurred by the township. She would favor the institution of a municipal tax to pay for such expenses.

Sylvia Zika, Four Corners Road, stated that she is not in favor of the bond ordinance. She feels that the Committee should be taking preventative measures by enforcing the township code, and not by incurring debt.

Rosalie Murray, Heller Hill Road, asked about the rate of interest to be paid on this bond. Mr. Lance responded that the interest rate will be less than one percent. Mrs. Murray is also in favor of instituting a municipal tax to pay for these items instead of paying interest on bonds.

As there were no further comments from the public, Mayor Shoemaker closed the public hearing.

Mrs. Price thanked those who spoke for their comments, but feels that this ordinance is necessary due to the conditions of the roads. Mr. Lance believes in the philosophy of pay as you go, but is in favor of the ordinance due to the low interest rates and the necessity of having the roads repaired.

Mr. Lance made a motion to adopt Ordinance 2014 – 05 on second reading, which was seconded by Mr. Anderson.

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

ORDINANCE 2014 – 06 AN ORDINANCE TO PROVIDE FOR THE REPLACEMENT OF VARIOUS GUIDE RAILS FOR THE TOWNSHIP OF BLAIRSTOWN AND TO PROVIDE FOR THE FUNDING THEREOF Adoption, Second Reading

Public Hearing – Mayor Shoemaker opened the public hearing. He explained that this ordinance is mainly for the replacement of guiderails on Cobblewood Road.

Rosalie Murray, Heller Hill Road, asked if the new guiderails would be cement, like the old ones. Mayor Shoemaker said that they would be metal, as per State requirements.

Sylvia Zika, Four Corners Road, asked the total amount to be spent on the guiderails. Mayor Shoemaker responded that the replacement total would not exceed \$40,000.00. She asked which account it would be taken from. Mr. Lance responded that it will come from the Capital Account.

As there were no further comments from the public, Mayor Shoemaker closed the public hearing.

Mr. Anderson made a motion to adopt Ordinance 2014 – 06 on second reading, which was seconded by Mr. Avery.

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

CONSENT AGENDA

- 1 – R.2014 – 084 Authorization to Pay Bills
- 2 – R.2014 – 085 Redemption of Certification of Sale No. 2014-017
- 3 – R.2014 – 086 Award of Contract for Guide Rails and Safety Ends through Morris County Cooperative
- 4 – R.2014 – 087 Award of Contract for 2014 Dodge Durango through NJ State Cooperative
- 5 – R.2014 – 088 Award of Contract for Road Resurfacing through Morris County Cooperative
- 6 – R.2014 – 089 Authorizing Mayor to Sign Interlocal Agreement between Township of Blairstown and North Warren Regional School District Board of Education
- 7 – Application for Blue Light Permit – Chris Rossmell, Blairstown Hose Company No. 1, and David Cribb, Blairstown Ambulance Corps

Mrs. Price requested that R.2014 – 089 be removed from the Consent Agenda. Mr. Anderson made a motion to approve the Consent Agenda with the exception of Item No. 6, R.2014 – 089. Mayor Shoemaker seconded the motion.

Roll call vote: Aye – Anderson, Avery, Lance, Price, Shoemaker

With regard to R.2014 – 089, Mrs. Price said that she is in favor of the project, but finds the language of the agreement vague and unclear. She would like to have the agreement reworded before being approved. Mr. Anderson said that the attorneys for both parties have worked on this and agreed to the wording. Mr. Anderson feels that there is a sense of urgency and is comfortable with the wording of the agreement. Mr. Lance said that there is a clause allowing either party to terminate the agreement after one year, so any serious concerns could be brought up at that time.

Mr. Lance made a motion to approve R.2014 -089, which was seconded by Mr. Anderson.

Roll call vote: AYE – Anderson, Avery, Lance, Shoemaker
 NAY – Price

Mr. Benbrook added that he should have added that each party has agreed to name the other party as an additional insured. The township’s insurance agent has indicated to Mr. Benbrook that this will incur no further cost to the township. Mr. Benbrook would like the motion amended to be contingent upon the approval of the township’s insurance carrier of the additional insured clause. Mr. Lance made a motion to amend his motion and Mr. Anderson amended his seconding of the motion.

Roll call vote: AYE – Anderson, Avery, Lance, Shoemaker
 NAY – Price

PUBLIC HEARING on subordination of reverter requirements and use restrictions contained in the Deed from the Township of Blairstown to the Blairstown Ambulance Corps

Mayor Shoemaker explained that this is required by the bank that is lending money to the Blairstown Ambulance Corps to build their new building behind the Municipal Building. It protects the township in the event the Ambulance Corps is not, for any reason, able to meet its financial obligations with regard to their loan. Mr. Benbrook explained the legal details of why the reversionary clause is necessary, and how the township was being protected by this agreement.

Mayor Shoemaker opened the public hearing.

Carol Cook, Four Corners Road, wished to say that she and her husband are very grateful for the excellent job performed by the Blairstown Ambulance Corps.

Joseph Di Grazia, President of Blairstown Ambulance Corps, thanked the Committee for all of the support it has given to the squad towards the successful completion of this project.

As there were no further comments from the public, Mayor Shoemaker closed the public hearing.

Resolution 2014 – 090 Authorizing Subordination of Reverter Requirements and Use Restrictions Contained in the Deed from Township of Blairstown to the Blairstown Ambulance Corps

Mr. Lance made a motion to approve R. 2014-090, which was seconded by Mr. Avery.

Roll call vote: Aye – Anderson, Avery, Lance, Price, Shoemaker

DEPARTMENT REPORTS

Clerk – June Report
Finance – June Finance and Fuel Reports
Fire Department – June Report
Police Department – June Report
Tax Collector – June Report
Municipal Court of North Warren – May Report and 2013 Audit Report
Warren County Health Department June 9, 2014

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

Mrs. Price said that she would like to keep the pressure on to rectify the situation on Union Brick Road. Mr. Benbrook responded that this is an ongoing legal process that should not be interfered with, but he will follow through at the appropriate time.

UNFINISHED BUSINESS

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

Nothing new to report.

COMMITTEE CORRESPONDENCE for information and possible action

- 1 – from Darlene Green, re: COAH comments

Mayor Shoemaker commented that Mrs. Green did a tremendous job in putting together these comments. Mayor Shoemaker said that this report has been forwarded to the Land Use Board. Mrs. Price made a motion to accept this report and to authorize Mrs. Green to forward it to the Council on Affordable Housing. The motion was seconded by Mr. Avery.

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

- 2 – from Douglas P. Pitchell, resigning from Historic Preservation Committee

Mr. Lance reported that Mr. Pitchell resigned from the Historic Preservation Committee due to time constraints. Mr. Lance made a motion to accept his resignation, with regrets, which was seconded by Mayor Shoemaker.

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

- 3 – from Christopher J. Pessolano, Warren County Purchasing Department, re: Annual Auction

Mayor Shoemaker made a motion to authorize the township to sell surplus items at the auction being run by the Warren County Purchasing Department. Mr. Lance seconded the motion.

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

- 4 – from Derek Z. Walther, regarding farmland assessment denial

There was no discussion on this letter, other than Mayor Shoemaker commenting that the property owner missed the deadline to file the necessary paperwork. Mr. Walther asked to address the Committee at tonight's meeting, but was not in attendance.

GENERAL CORRESPONDENCE

Mayor Shoemaker commented that the Senate and Assembly passed the 2% limit on arbitration awards.

FROM THE TOWNSHIP ATTORNEY

Mr. Benbrook had nothing to report.

FROM THE TOWNSHIP CLERK

The Clerk explained that Blairstown Hose Company No. 1 is in the process of filing a Social Affairs Permit application with the State in order to sell beer at their August 23rd anniversary gathering. She requested permission to sign off on the permit application in order to have it forwarded to the State.

Mayor Shoemaker made a motion to authorize the Clerk to sign the permit application, which was seconded by Mr. Lance.

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

FROM THE TOWNSHIP ENGINEER

Mr. Rodman said that since the township's grant application to remove the Paulina Dam was denied, he is in the process of determining where the township stands with the DEP. He is speaking with French and Parello and he will update costs for both remediation and removal of the dam. Mr. Rodman will report on our status next month.

In response to Mayor Shoemaker's question, Mr. Rodman said that he does not believe that the township is under any immediate deadline from the DEP to move on this project, but he will check to make sure.

Mr. Rodman reported that the wells being monitored at the Walnut Valley Fire House are clean. The next step is the removal of the contaminated soil. Mr. Rodman said that the cost estimate of this project was \$305,000. \$94,000 has already been spent on the project.

**FROM THE TOWNSHIP COMMITTEE
COMMITTEE MEMBER ANDERSON**

Mr. Anderson reported that Lt. Losey of the Police Department had an off-duty accident and was hospitalized. He is home now and recuperating.

Mr. Anderson summarized the Police Department report for the month of June.

COMMITTEE MEMBER AVERY

Mr. Avery reported that the water tower inspection will take place in the near future.

The seniors group will be conducting a trip on August 20th to Hawley, Pa.

The Environmental Commission is not meeting in the summer. Their next meeting will be in September.

The Fourth of July Celebration was very successful after a slow start with the rainy weather. Mr. Avery reported that the 18 ft. banners displaying the July Fourth Celebration were stolen. This is quite an expense at \$600 each.

Mr. Avery's next open door policy day will take place on Saturday, July 19th at the Municipal Building.

COMMITTEE MEMBER LANCE

The tax rate was received from the County and it is up 6.4 cents, which translates to \$2.232 per \$100 valuation.

With reference to the agreement approved tonight between Blairstown Township and the North Warren Board of Education, Mr. Lance said that it was necessary to move forward quickly and that after one year, problems with the contract could be worked out.

Mr. Lance said that the Historic Preservation Committee sponsored a presentation on July 3rd by Fred Heilich, a railroad enthusiast. The Historic Preservation Committee participated in events at the Fourth of July Celebration.

Mr. Lance reported that Christine Beegle has been appointed as the new chair of the Historic Preservation Committee.

COMMITTEE MEMBER PRICE

Mrs. Price wished to clarify her position on the audit approved at the last meeting. She felt that the auditor's report did not contain "minor wording inaccuracies" but in fact had significant wording issues, which is why she brought it to the Committee's attention for correction. She said that the auditor was extremely cooperative in making the changes.

There was a discussion about Mrs. Price's request to receive a copy of the draft minutes before review by the Mayor. The rest of the Committee agreed that Mayor Shoemaker would continue to review the draft minutes before distribution to the remainder of the Committee. Mrs. Price can have the minutes for review as soon as they are reviewed by the Mayor.

Mrs. Price said that obtaining a corrected MOU for a group home from 50/50 to 80/20 continues to be a problem. Mr. Pruznick has stated to Theresa Tamburro, Municipal Housing Liaison, that he was notified that the form agreement cannot be changed. Mrs. Tamburro has suggested that the agreement be worded to limit the township's total dollar commitment, rather than a percentage. Mr. Benbrook said that this might work, but the rewritten agreement needs to come from the organization, not the township. Mr. Benbrook said that he would like to have the current agreement form and the maximum dollar amount agreed upon by the township, and he will look into getting a workable agreement. Mr. Benbrook asked Mrs. Price to contact Mrs. Tamburro in order for the organization's attorney to contact him.

With regard to the ladder truck, Mrs. Price reported that the insurance company will insure this vehicle for \$450,000 if the recertification report is forwarded to them. This will not increase the insurance premium. Mrs. Price made a motion to change the replacement value for insurance purposes to \$450,000, which was seconded by Mr. Lance.

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

The Open Space Committee did not meet in July. Mrs. Price was contacted by Allie Hipple, an intern with the New Jersey Conservation Foundation, who is compiling stories of open space projects in New Jersey. She spoke with Joel McGreen, who sent her pictures. Ms. Hipple sent Mrs. Price and Mr. McGreen a narrative of their interview, which may be included in her compilation or on their website.

Mrs. Price attended the sixth grade graduation.

The ordinance review committee has been meeting, and the members have been finding interesting items and inconsistencies.

MAYOR SHOEMAKER

Mayor Shoemaker announced that he received a communication to the North Warren Court at Hope, indicating that Liberty will be leaving the Court.

Regarding the Kostenbader property, Mayor Shoemaker said that an application has been submitted to the Municipal Conservancy for funding. There were nine applications received and there is \$800,000 available for distribution. Site visits are scheduled for August, after which a presentation in support of our application can be made.

Mayor Shoemaker summarized the June response report for Blirstown Hose Company No. 1.

Mayor Shoemaker distributed a map, showing that Hardwick Township is preparing to repave a road known as Kill Road. After the road is paved, Hardwick will be renaming it Ward Road. Since a small portion of this road extends into Blairstown, Carl Stoddart, DPW Foreman, is suggesting that Blairstown also rename our portion Ward Road. It was the consensus of opinion that Blairstown do this, providing that Hardwick makes the change first. At that time, it will be brought up for formal approval.

Mayor Shoemaker said that the interior of Givens Belet has been refurbished, but the upstairs needs some cosmetic work. New curtains are needed, the floor needs to be refinished and the walls need to be painted. Mayor Shoemaker asked Mr. Avery to work on getting volunteers together to accomplish some of these tasks. The Committee was in agreement that a letter should be sent to the American Legion, thanking them for all the work the volunteers have done on the Givens Belet building.

Mayor Shoemaker asked the Committee members to work through the primary liaison and notify the office manager when requesting information or documents from employees in the Municipal Building.

Mayor Shoemaker stated that he is concerned about the state of the village area. He would like to address the lack of sewers and the flooding situation. He asked Mrs. Price to work on the possibility of installing sewers in the village area. He also asked her to research the possibility of getting grant monies to use towards alleviating the flooding problem in the village area, perhaps with "blue acres" funding. She said she has already contacted Mr. Rodman about these items and she continues to research these projects. Carol Cook indicated that she would be willing to assist Mrs. Price.

FROM THE PUBLIC

Sylvia Zika, Four Corners Road, spoke about the drainage problem on Four Corners Road. She distributed photographs to the Committee with reference to the problem. Mrs. Zika summarized her understanding of the township's driveway ordinance. She reiterated her belief that the property in question does not have a driveway permit, as required by township ordinance.

Mrs. Zika takes exception with the township's position that the Committee must prioritize road repairs. Mrs. Zika said that public safety is the primary issue on her road. She asked which roads are a higher priority. Mayor Shoemaker said that Belcher Road and Mud Pond Road are examples of higher priority roads.

Mr. Avery stated that the DPW Foreman has informed the Committee that the problem on Four Corners Road has been addressed and the modifications should alleviate the problem approximately 85%.

After a very lengthy discussion on the Four Corners Road drainage issue by Mrs. Zika, Mr. Benbrook suggested to Mayor Shoemaker that this discussion be ended in order to continue the meeting. Mayor Shoemaker asked the Committee if any member has reconsidered the decision from the June meeting regarding Four Corners Road. There were no members wishing to alter their decisions.

Mrs. Zika placed the blame with the Township Engineer at the time of the driveway construction 12 years ago. Mr. Benbrook stated that the Township Engineer has presented different scenarios to the Committee, and has never attempted to bury the problem, as suggested by Mrs. Zika.

Robert Costello, Main Street, stated that he owns a duplex on Main Street. He feels the new water ordinance that charges him per unit is not fair, and he would rather pay for usage. Mr. Avery explained that the per unit charge basically establishes a fair way for each unit to pay a basic fee, which helps cover the cost to maintain the utility. Mr. Avery also pointed out that some units are already paying this

because they have multiple meters. This ordinance amendment makes it fair for those already paying per unit.

Ravi Romano, Main Street, said that he owns multiple units and this new water change will greatly increase his water bill, and he believes it will affect his ability to sell his properties. Mr. Romano asked if the money received would only be spent on the water company. The Committee responded that it is in a dedicated trust that is only spent on the utility. He said that he would like to see financial information on the water company. Mr. Lance responded that the water operating figures are included in the yearly budget. Mr. Romano also favored a fee based on usage rather than units.

Ron Fisher, Main Street, stated that he has three units, one of which has been vacant for some time. He feels that usage is a more fair billing method. He also feels that the township should have notified those being affected by the ordinance change. Mr. Avery stated that it is difficult to make notification, but he put notices in the paper before and after introduction of the ordinance.

Rosalie Murray, Heller Hill Road, said that she is in favor of the sewer study that is taking place in the village area. She suggested burying the telephone wires if sewers do, in fact, go in. She said that it would beautify the area.

Sylvia Zika, Four Corners Road, stated that her research has indicated that a water utility must be self-sustaining, and figures she received from the CFO show that the water company showed a deficit. Mr. Benbrook informed her that the Blairstown Water Company is not a utility. It is a township water company and we are not regulated by any regulatory agency.

Mrs. Zika said that a more fair way to bill water users would be to charge the larger meters with a higher quarterly rate.

Randolph Farley, Main Street, stated that the new water charge is a hardship on property owners in the village area.

Robert Halberstadt, Main Street property owner, is also in favor of a usage billing system as opposed to a per unit charge.

Mrs. Price stated that the unit charge is equitable in her opinion, and that it has been unfair to those property owners with multiple units with individual meters who have been paying on each meter quarterly while those property owners with a single meter have not.

Carol Cook, Four Corner Road, said that she would like to see a group formed to look into ways to bring business into the township. Mr. Avery said that he has been assigned to this project.

ADJOURNMENT

As there were no further comments from the public, Mr. Lance made a motion to adjourn the meeting, which was seconded by Mr. Anderson. All members voted in favor. The meeting was adjourned at 11:32 pm.

Submitted by:

Phyllis E. Pizzaia, RMC
Municipal Clerk