

**TOWNSHIP OF BLAIRSTOWN
REGULAR COMMITTEE MEETING
MUNICIPAL BUILDING
Wednesday, March 9, 2011, 7 PM**

MINUTES

OPENING; ROLL CALL

The meeting was called to order by Mayor Mach. Those present were Mayor Mach, Mr. Anderson, Mr. Lance, Mr. Lascari (arrived at 7:30 pm) and Clerk Pizzaia. Mr. Seal was absent.

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.

CLOSED SESSION – Litigation - Darst

Mr. Lance made a motion to enter into Closed Session, which was seconded by Mr. Anderson, with all members voting in favor.

WHEREAS, the Blairstown Township Committee needs to discuss matters relating to the issue as listed above; and

WHEREAS, the Township Committee believes it to be in the best interest of the public to discuss this matter in Closed Session;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Blairstown, County of Warren, State of New Jersey that it shall meet in Closed Session to discuss only the subject mentioned above, the results of which may be made public immediately thereafter or at a later date.

Dated: March 9, 2011

Attest:

Phyllis E. Pizzaia, RMC
Municipal Clerk

RESULTS OF CLOSED SESSION

Mr. Lance made a motion to close Closed Session, which was seconded by Mr. Anderson, with all members voting in favor.

Mayor Mach stated that the purpose of Closed Session was to discuss a proposed settlement in the Darst matter. Mayor Mach asked Mr. Benbrook to formulate the motion. Mr. Benbrook said that the Darst matter has been ongoing for a very long time, and revolved around activities being conducted on the Darst property that are not legal in accordance with the site plan approval. Mr. Benbrook stated that the motion is that the Darsts will pay the township \$30,000 and will file a stipulation of dismissal with respect to all ongoing litigation against the township and to execute a release of liability for any actions on the part of the township or its agencies. Mr. Lance made a motion to approve the Darst settlement in accordance with the motion set forth by Mr. Benbrook. Mayor Mach seconded the motion.

Roll call vote: AYE – Anderson, Lance, Lascari, Mach
 ABSENT – Seal

PUBLIC COMMENT – up to 5 speakers/3 minutes each

Susan Sawyer, East Avenue, spoke about her recent water bill. She objected to being charged the new water rate for her fourth quarter water bill for 2010. She said that the water was used in 2010 and should not be billed at the 2011 rate. Mr. Lance explained that even though the usage was in 2010, the bills were subject to the new rate at the time of the billing. Mr. Benbrook said that Mr. Lance's point is legally valid, but it is the decision of the Committee. Mr. Lascari feels that the ordinance is valid as of 2011 and that the rates for the fourth quarter of 2010 should have been billed at the lower rate. Mr. Anderson said that this appears to be a retro charge and agreed with Mr. Lascari that the new rate should not be charged until the first quarter of 2011. Mr. Lance stated that the revenue is necessary in order to make the needed repairs to the water company.

Mr. Lascari made a motion to adjust the fourth quarter water bills of the water customers to reflect the lower water rate and to credit this amount on the first quarter 2011 water bill. Mr. Anderson seconded the motion.

Roll call vote: AYE – Anderson, Lascari, Mach
 NAY – Lance
 ABSENT – Seal

Jeanette O'Brien, East Avenue, asked about the second well of the water company. Mr. Lance said that repairs have been made to pump #1. Capacity is back up to par. Well #2 has been worked on and the township has an estimate on hydrofracting. The increased water rates will help pay for the needed updates.

She also asked if the township could make sandbags available to the public due to the current flooding situation. Mayor Mach said that the County indicated that sandbags would be available to the township. The Clerk will look into this and contact Mrs. O'Brien.

Andrew Lagomarsino, Artist View Lane, spoke about his private road and the snow plowing reimbursement received from the township. Mr. Benbrook said that Mr. Lagomarsino has

appeared numerous times regarding this same matter and that the answer remains the same. The township has the legal right to handle the snowplowing matter in the manner it has chosen.

Paul Avery, Fourth of July Celebration Committee, gave the Committee an update on plans for the celebration. Posters have been made and are being distributed throughout the area.

Gary McGowan, Historic Preservation Commission member, asked if the Commission members will be able to discuss the 1A Report of the Paulina Dam during the Committee Correspondence portion of the meeting.

SKATE PARK COMMITTEE

Karen Paladini said that at the last Township Committee meeting, the Skate Park Committee was encouraged by the response of the Committee. At that time, the Skate Park Committee members were directed to speak with Pat Sagan, Recreation Director. Insurance issues were the main concern of Mrs. Sagan and the Committee. Karen Paladini also spoke to the mayor of Frelinghuysen, as directed to by Mayor Mach, regarding the possibility of locating the skate park in Frelinghuysen. Although Frelinghuysen is an option, the Skate Park Committee is in agreement that their hearts are in Blairstown and they are interested in making this a community park for Blairstown.

With regard to the survey conducted by Mrs. Sagan, Ms. Paladini said that some of the negative issues were due to the wooden structures. She said that their proposal is for a concrete structure, which will cut down on a great deal of maintenance and other problems.

Mayor Mach said that his main concern deals with the insurance issue. He is afraid that several insurance claims will raise our insurance rates, or even possibly cause the insurance company to drop the township from its coverage. Mayor Mach is also concerned about the lack of monitoring of the park for safety issues. Basically, there would be no mechanism in place to enforce the regulations that would be in place. Mayor Mach is also concerned about the liability aspect of having this park and the potential of the township being sued if someone were injured.

Mr. Anderson said that he would support this park as long as the taxpayers would not be paying for it. Mr. Lascari said that conceptually he likes the idea, but would like more time to look into it. He would also like to hear input from Mr. Seal.

Mayor Mach thinks that the best place to locate the skate park is behind the Municipal Building. He said that the Police Department would be a constant watchful eye to make sure that safety regulations are being followed. The members of the Skate Park Committee still prefer to have the park located at Footbridge Park.

It was agreed that the Skate Park Committee would return at the April meeting for further discussion on this matter.

MINUTES

February 9, 2011 – Regular Meeting and Closed Session (Mr. Seal absent)

Mayor Mach made a motion to approve the Regular and Closed Session minutes of the February 9th meeting, which was seconded by Mr. Lascari.

Roll call vote: AYE – Anderson, Lance, Lascari, Mach
 ABSENT - Seal

ORDINANCE NO. 2011 – 01 AN ORDINANCE TO AMEND CHAPTER 59 OF THE CODE OF THE TOWNSHIP OF BLAIRSTOWN, COUNTY OF WARREN, STATE OF NEW JERSEY, ENTITLED “ALCOHOLIC BEVERAGES” Adoption, Second Reading
Committee Discussion

There was no Committee Discussion on Ordinance 2011 – 01. Mayor Mach opened the Public Hearing. As there were no comments or questions from the public, Mayor Mach closed the Public Hearing.

Mr. Lance made a motion to adopt Ordinance 2011 – 01 on second reading, which was seconded by Mayor Mach.

Roll call vote: AYE – Anderson, Lance, Lascari, Seal
 ABSENT - Seal

Public Comment on the Consent Agenda Items Only

There were no comments from the public on the Consent Agenda.

CONSENT AGENDA INCLUDING RESOLUTIONS

- 1 – R.2011-038** Authorization to Pay Bills
- 2 – R.2011-039** Authorization to Refund COAH Fees
- 3 – R.2011-040** Appointment Reclassification Changes to Planning Board
- 4 – R.2011-041** Cancellation of Tax Title Lien on Property
- 5 – R.2011.042** Recognition of Blairstown Ambulance Corps as Primary Emergency Service Response Organization

Mr. Lance made a motion to approve the Consent Agenda, which was seconded by Mr. Lascari.

Roll call vote: AYE – Anderson, Lance, Lascari, Mach
 ABSENT - Seal

DEPARTMENT REPORTS

- Clerk – February Report
- Finance – February Finance and Fuel Reports
- Police Department – February Report
- Tax Collector – February Report and 2010 Annual Report
- Municipal Court of North Warren – January, 2011
- Warren County Health Department – February 10, 2011

Mr. Lascari made a motion to accept the Department Reports, which was seconded by Mr. Lance, with all members present voting in favor.

UNFINISHED BUSINESS

- 1 – Route 94 traffic concerns – Electrical review at NJ DOT
Mr. Lascari said that the work order is now in the local maintenance office, and once the approval is received from the electrical department, it should take no longer than two months to complete. Mr. Lascari is hopeful that the light will be in place by the opening of new school year.
- 2 – JCP&L billing – Mr. Lascari has compiled list of poles
No report.
- 3 – Main Street concerns – road striping; feral cats; sidewalks
No report.
- 4 – Review of Noise Control Ordinance – draft “Peace and Good Order” Ordinance
No report.
- 5 – Cedar Lake Horse Farm – RFP results under review
No report.
- 6 – Service Electric Cable TV – extension of cable service
No report.
- 7 – Hazardous Obstructions at Blairstown Airport
No report.
- 8 – Snow Removal on Main Street – Mayor Mach to draft amended ordinance
No report.

COMMITTEE CORRESPONDENCE for information and possible action

- 1 – from Barbara Heskins Davis, Land Conservancy of NJ, re: Grants Available to Update Open Space and Recreation Plan
Mayor Mach said that this requires no Township Committee action and will be forwarded to the Open Space Committee.
- 2 – from Michele Brown, Appointment Counsel, Office of the Governor, NJ State, re: North Warren Joint Municipal Court Appointment; letter from Craig U. Dana, re: Judicial Appointment North Warren Joint Court; Resolution from Hope Township Recommending Appointment of Judge Dana
The Committee discussed recommending Judge Craig Dana for reappointment to the North Warren Municipal Court at Hope. Mayor Mach made a motion to pass a resolution to recommend this reappointment, which was seconded by Mr. Anderson.

Roll call vote: AYE – Anderson, Mach
 ABSTAIN – Lance, Lascari
 ABSENT – Seal

- 3 – from Saulius Vaiciunas, State Survey Coordinator, Dept. of Agriculture, regarding Emerald Ash Borer Grid Survey
Mayor Mach explained that the Emerald Ash Borer is the new plague that is killing ash trees. The State is seeking permission to put traps on municipal property. The Committee agreed to grant this approval.
- 4 – from Tony Iavarone, Supervisor, Mandatory Diesel Retrofit Program, Dept. of Environmental Protection, regarding Diesel Retrofit Law
This information will be forwarded to the Department of Public Works and the fire and emergency squads.
- 5 – from Debra Waldron, Zoning Board Chair, regarding Zoning Board reappointment
This letter is in support of reappointing John Sartori as a member of the Zoning Board of Adjustment. This will be held over until Mr. Seal returns.
- 6 – from David Diehl, Zoning Official, re: Event Request from Environmental Commission
This memorandum is in response to the Committee's question regarding vendor fees for municipally run events. Mr. Lance made a motion to waive the vendor fees for the Earth Day event being sponsored by the Environmental Commission. Mr. Anderson seconded the motion.

Roll call vote: AYE – Anderson, Lance, Lascari, Mach
 ABSENT - Seal

- 7 – from Richard Mach, Mayor, re: Best Practices – Absence from Meeting Policy/Revised
This is a revision of the policy, which now includes consequences for absences. Mayor Mach made the motion to approve this policy, contingent upon approval of the Municipal Attorney, which was seconded by Mr. Lascari. This policy will be added to the personnel policy.
- 8 – from NJLM, Resolution in Opposition to S-2664/A-3766 – Market Competition and Consumer Choice Act

Mr. Lascari felt that he should recuse himself from this item, but gave an explanation of the proposed bill. Currently, cable companies have to provide cable and internet hook-up to municipal buildings where franchise agreements are in place. Under the new bill, they would not have to provide this. They also have to provide these services to schools at no charge. This would also be eliminated. In addition, the cable companies would not be required to provide a return feed which allows live municipal events. The bill would reduce the franchise fee being reimbursed to municipalities. They also would not be required to extend cable service in municipalities. Basically, the bill takes away a lot of the privileges being offered to the municipalities.

Mayor Mach explained that this is a sample resolution provided to us from the NJ League of Municipalities in opposition to this bill. Mr. Anderson made a motion to pass this resolution in opposition to S-2664/A-3766, which was seconded by Mayor Mach.

Roll call vote: AYE – Anderson, Lance, Mach
 ABSTAIN – Lascari
 ABSENT – Seal

- 9 – from NJLM, Resolution Calling for the Removal of the Current Property Tax Exemption from Housing Provided by Not-for-Profit Educational Institutions to Members of their Administration, Faculty, or Staff

This will be carried to the next meeting.

- 10 – from Historic Preservation Commission, re: Phase I-A Report of Paulina Dam
Gary McGowan and Helen Parisi of the Historic Preservation Commission addressed the Committee with remarks on the 1A Report. The Historic Commission will prepare a written report, which will be submitted to the Committee through Mr. Lascari, their liaison.

Mr. McGowan summarized their review, which included questions on how the water flow will be contained during the construction phase of the Paulina Dam. Mayor Mach answered that the plan has not yet been submitted. Mr. McGowan asked the Committee if they would be requesting recommendations for firms to provide the 1B report. Mayor Mach responded that he is not sure at this point if a 1B will be required, but will ask the Historic Preservation Commission for their recommendations if and when the time comes. Mr. McGowan also has concerns about archeological monitoring during the reconstruction of the Paulina Dam. Mayor Mach said that this will all be addressed during the permit phase of the project.

Mr. McGowan suggested that the Committee consider applying for a Capital Preservations Grant to defray archeological costs and other costs associated with the reconstruction.

Mayor Mach reiterated that the Committee would like a written report detailing the findings of the Historical Commission.

GENERAL CORRESPONDENCE (See attached sheet)

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

FROM THE TOWNSHIP ATTORNEY

Mr. Benbrook had nothing further to discuss.

FROM THE TOWNSHIP CLERK

John Kerkendall has requested permission to farm the 60 acre parcel of land known as the Gorab property for \$2,500.00. Mr. Anderson made a motion to approve Mr. Kerkendall's request, which was seconded by Mr. Lance.

Roll call vote: AYE – Anderson, Lance, Lascari, Mach
 ABSENT – Seal

Mr. Lance said that the Committee should consider raising this fee, since the profit being made off of these crops is very lucrative.

FROM THE TOWNSHIP COMMITTEE

COMMITTEEMAN ANDERSON

Mr. Anderson said that the Environmental Commission is in the process of planning the Earth Day Celebration, to be held on April 30th with a rain date of May 1st. The Environmental Commission had a guest speaker from the NJ Watershed Ambassadors Program, who was very informative.

Mr. Anderson summarized the February report for the Police Department. He said that the new director, Bob Gara, is emphasizing community policing. The Police contract is currently being negotiated.

COMMITTEEMAN LANCE

The pension figures for next year are already being projected. Going by these projections, our PERS pension contribution will be increased by \$4,400 and the Police and Fire will be decreased by about \$1,000.

The budget process is ongoing and the bottom line is down from last year, but Mr. Lance is not sure if it is low enough to avoid a municipal tax this year. The next budget meeting will be on March 25th.

The DEP inspected catch basins, the salt shed and the truck washing schedule and appeared not to find any major problems.

COMMITTEEMAN LASCARI

The Fire Department has been busy. They recently held their beefsteak fundraiser, which was well attended. The new fire tanker is out of service, having repair work completed that is under warranty.

The Rotary is holding a fundraiser at the fire hall on April 1st. The Knights of Columbus will be holding a blood drive at St. Jude's next week.

COMMITTEEMAN SEAL

Mr. Seal is recovering from hip surgery and expects to be present at the April meeting.

MAYOR MACH

The Mayors met with Dr. Fogelson to preview the school budget being presented this year. Dr. Fogelson will be making a presentation at our April meeting.

Mayor Mach will be attending the NJ Conference of Mayors Annual Conference on April 26th – 29. Mayor Mach is requesting the township to pay the registration fee of \$175.00 and to reimburse him for gas purchased. The Committee agreed to this.

There was one application before the Planning Board at their last meeting for a lot line adjustment.

Mayor Mach discussed a memorandum from Theresa Tamburro, Municipal Housing Liaison, in request of approval for the addition of two units to the COAH program. One unit is a 2 bedroom accessory apartment and the other is a one bedroom market-to-affordable unit. Mr. Lance made a motion to approve this request, which was seconded by Mayor Mach.

Roll call vote: AYE – Anderson, Lance, Lascari, Mach
 ABSENT - Seal

Mayor Mach said that the township is actively seeking any opportunities to share services with other municipalities, as the state has indicated that municipalities who do not share services may be punished by a reduction in state aid.

The census figures are in, and Warren County will probably be redistricted. Blairstown Township may be redistricted to the 24th District.

FROM THE PUBLIC

Mayor Mach opened the meeting to the public.

Herman Shoemaker, Bingham Lane, said that the feral cat problem on Main Street has returned.

ADJOURNMENT

As there were no further comments from the public, Mr. Lascari made a motion to adjourn the meeting, which was seconded by Mayor Mach, with all members in favor. The meeting was adjourned at 10:13 pm.

Submitted by:

Phyllis E. Pizzaia, RMC
Municipal Clerk