

**TOWNSHIP OF BLAIRSTOWN
REGULAR COMMITTEE MEETING
MUNICIPAL BUILDING
Wednesday, August 10, 2011, 6:00 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, and Mr. Seal. 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.

CLOSED SESSION – Personnel/Police; Possible Litigation/Soil Remediation

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

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

WHEREAS, the Township Committee believes it to be in the best interest of the public to discuss these matters 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 subjects mentioned above, the results of which may be made public immediately thereafter or at a later date.

Dated: August 10, 2011

Attest:

Phyllis E. Pizzaia, RMC
Municipal Clerk

RESULTS OF CLOSED SESSION

Mr. Seal made a motion to come out of closed session, which was seconded by Mr. Lance, with all members voting in favor.

Mayor Mach reported that the Committee discussed a proposal from Whitman Company for remediation work at the Walnut Valley Fire House. The proposal includes a health and safety plan as well as a quality plan, initial site investigation, data evaluation, and project management for a total of \$17,725.00. Mr. Lance made a motion to accept this proposal and to have the mayor sign the agreement, contingent upon certification of available funds from the CFO. Mr. Seal seconded the motion.

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

Mayor Mach stated that two police grievances were discussed in closed session. Mr. Anderson made the motion to suspend the grievances up to 60 days, until written notification is received from the grieving officers. Mayor Mach seconded the motion.

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

PUBLIC COMMENT – up to 5 speakers/3 minutes each

Wesley Jones, Jones Insurance, stated that he is the insurance carrier for Blirstown Hose Company No. 1. It has come to his attention that the township’s insurance company has made an offer to cover the fire department’s fire hall. Mr. Lascari said that he will discuss this later on during his portion of the meeting.

Paul Avery, Mohican Road, stated that the Fourth of July celebration was a great success. During the celebrations, the township’s first Miss Liberty Bell was chosen. Mr. Avery introduced Lily Rutherford to the audience, who was congratulated by the Committee.

Helen Parisi, Historic Preservation Commission Chair, made a statement regarding negative comments she feels were made by the Committee against the Commission. Mrs. Parisi said that Mr. Anderson and Mr. Lance stated that the group misappropriated funds. Both Committee members stated that comments about misappropriated funds were never made. Mrs. Parisi said that she feels that the Historic Preservation Commission is due a public apology

MINUTES

July 13, 2011 – Regular Meeting and Closed Session (Mr. Anderson and Mr. Lance absent)

Mr. Seal made a motion to approve the minutes, which was seconded by Mayor Mach.

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

JOEL MCGREEN, CHAIR, Open Space Committee

Resolution in Support of Realigning the Agriculture Development Area (ADA) in Blirstown

Mr. McGreen explained that he is attempting to amend the Agricultural Development Area for Blirstown to accommodate a farm that he would like to have preserved. The State is willing to make this change to the current area and will approve the addition on the condition that areas are subtracted from the current plan. Mr. McGreen said that the County Agricultural Board is willing to make this change as long as he gets a resolution in support of this plan from the Blirstown Township Committee. Mr. McGreen explained the areas in question, which are detailed in the

supporting resolution (see attached). The next step is a meeting of the County Agricultural Board to approve this plan.

Mr. Lance made a motion to approve this resolution in support of a realignment of properties in the ADA of Blairstown Township, which was seconded by Mayor Mach.

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

DISCUSSION – Best Practices Worksheet CY 2012

Mayor Mach explained that the Best Practices Worksheet is something the Governor has introduced to assist in making government more transparent. The township basically answers questions to various questions to obtain a score. A score of 41 or better allows the municipality to receive 100% of its state aid. At this time, the township has a score of 44. Mayor Mach asked the Committee if they would like any changes made to the worksheet. Part of this process is to have the worksheet discussed at a public meeting. There was a discussion regarding a pay to play ordinance, which the township must commit to adopting for a point on the worksheet. Mr. Lance made a motion to approve the worksheet with the prospect of introducing a pay to play ordinance in the future. The motion was seconded by Mr. Anderson.

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

ORDINANCE NO. 2011 – 02 AN ORDINANCE REPEALING CHAPTER 29 OF THE CODE OF THE TOWNSHIP OF BLAIRSTOWN ENTITLED “HISTORIC PRESERVATION COMMISSION” TO PROVIDE FOR A NEW CHAPTER 29 ENTITLED “HISTORIC PRESERVATION COMMITTEE”

Adoption, Second Reading, Committee Discussion

Mr. Lascari suggested having a hybrid of both types of entities. The committee portion would have a more active role in the community, with the commission portion dealing with the grants. The commission would have a township committee member appointed as a member, not as a liaison. Mr. Seal supported Mr. Lascari’s proposal. Mr. Benbrook said that it would be possible to have such a hybrid as long as it is clear that the commission’s sole purpose would be to apply for grants. Mr. Seal said that he believes that the Historic Commission has done a great deal of valuable work and he would like to work the problem out in this manner.

Mr. Benbrook said that he thinks that Mr. Lascari’s solution is very feasible. Mr. Benbrook was directed by the Committee to prepare a draft ordinance incorporating these ideas for distribution before the September meeting. Mr. Lascari will confer with the Historic Preservation Commission for their ideas and work as liaison between Mr. Benbrook and the Historic Preservation Commission.

Mr. Lance made a motion to carry Ordinance 2011-02 until the September meeting, which was seconded by Mr. Lascari.

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

Mr. Lance excused himself from the meeting at 8:31 stating he would return shortly.

ORDINANCE NO. 2011 – 05 AN ORDINANCE TO REPEAL CHAPTER 112 OF THE CODE OF THE TOWNSHIP OF BLAIRSTOWN, COUNTY OF WARREN, KNOWN AS “FLOOD DAMAGE PREVENTION” AND TO REPLACE IT WITH A NEW CHAPTER 112 ENTITLED, “FLOOD DAMAGE PREVENTION”

Adoption, Second Reading, Committee Discussion

There was no Committee discussion on this ordinance.

Public Hearing – Open/Close

Mayor Mach opened the hearing to the public. As there were no comments or questions, Mayor Mach closed the public hearing.

Mr. Lascari made a motion to adopt Ordinance 2011-05 on second reading, which was seconded by Mayor Mach.

Mr. Seal asked if the township would be responsible for anything with the adoption of this ordinance. Mayor Mach responded by reading a section of the ordinance that states that this ordinance does not obligate the township or make the township liable in any way.

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

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.2011-094** Authorization to Pay Bills
- 2 – R.2011-095** Redemption of Certificate of Sale #2011 – 07
- 3 – R.2011-096** Redemption of Certificate of Sale #2011 – 10
- 4 – R.2011-097** Cancellation of Lien on Property and Transferring Overpayment
- 5 – R.2011-098** Extending Third Quarter 2011 Property Tax Payment Grace Period
- 6 – R.2011-099** Authorizing Submission of Municipal Alliance Application

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

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

DEPARTMENT REPORTS

- Clerk – July Report
- Finance – July Finance and Fuel Reports
- Fire Department – July Report
- Police Department – June Report
- Tax Collector – July Report
- Zoning Official – 2nd Quarter Report
- Municipal Court of North Warren – June Report

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

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

UNFINISHED BUSINESS

- 1 – Route 94 traffic concerns – light installed
There is a problem with the signal at this light. Mr. Lascari said that Ted Rodman, Township Engineer, should be requested to study this and present his findings to the Committee.
- 2 – JCP&L billing – Mr. Lascari has compiled list of poles
Mr. Lascari said that the Assistant Treasurer has submitted a list of poles to JCP&L.
- 3 – Main Street concerns – road striping; feral cats; sidewalks
- 4 – Review of Noise Control Ordinance – draft “Peace and Good Order” Ordinance
- 5 – Cedar Lake Horse Farm – RFP results under review
Mayor Mach would like this removed from the list.
- 6 – Service Electric Cable TV – extension of cable service
Mr. Lascari is in the process of composing a letter to the cable company requesting an extension of service. He would like this request on record before the next franchise renewal in 2012.
- 7 – Hazardous Obstructions at Blairstown Airport – waiting for map from State
- 8 – Snow Removal on Main Street – Mayor Mach has drafted an amended ordinance
- 9 – Review of Recreation Ordinance – Fair Share Reimbursement
The Committee would like this addressed in the near future.

COMMITTEE CORRESPONDENCE for information and possible action

- 1 – from Jane B. MacNeil, Turn the Towns Teal, re: National Ovarian Cancer Awareness Month
Mayor Mach explained that this is in request for permission to tie ribbons in the township and to also place signs in different locations. Mayor Mach requested that the organization be made aware that a permit is required for the signs and that there is a limit of four (4) signs. The Committee approved this request.
- 2 – from NJ State Dept. of Agriculture, re: Application for Survey of Gypsy Moth Egg Masses
Mr. Anderson made a motion to have the Department of Agriculture conduct a survey for gypsy moth egg masses, which was seconded by Mayor Mach.

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

- 3 – Resolution Supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds

Mayor Mach explained that by the current system, the township is not reimbursed for taxes distributed to the schools and county in the case of a successful tax appeal. Mayor Mach made a motion to approve this resolution, which was seconded by Mr. Anderson.

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

GENERAL CORRESPONDENCE (See attached sheet)

There were no comments from the public regarding the general correspondence. Mayor Mach commented that Fred Cook wrote a letter to the Committee, suggesting that the community as a whole volunteer to assist in the clean-up of a residence on Union Brick Road. Mr. Benbrook strongly advised the Township Committee not to get involved as a legal entity in this situation. He said that if the township were to get officially involved, they may be held responsible to follow through with the project. Mr. Benbrook said that individuals volunteering would be another case. The Committee commended Mr. and Mrs. Cook for their community mindedness and encouraged them to look into this as individuals and not in conjunction with the Township Committee.

FROM THE TOWNSHIP ATTORNEY

Mr. Benbrook stated that he had drafted a dog park ordinance, as requested by the Committee. Mr. Benbrook said that he forwarded a copy to the individuals on the dog park committee and they are not in favor of the draft as written. Mr. Benbrook suggested that he and Mayor Mach meet with the dog park representatives to discuss their concerns and the changes they would like made in the proposed ordinance.

FROM THE TOWNSHIP CLERK

The Department of Community Affairs will be changing their office hours effective immediately. They will be in the Municipal Building on Tuesdays and Thursdays from 8am to 12 noon. In addition, DCA personnel can be reached by cell Monday through Friday, 8am to 4:30pm. Mr. Anderson added that the DCA has recently taken on two more municipalities and will be opening a new office in Fredon.

FROM THE TOWNSHIP COMMITTEE

COMMITTEEMAN ANDERSON

Mr. Anderson said that the Environmental Commission would like to participate in the recycling event at the Farmers Market at the end of September.

Mr. Lance returned to the meeting at 9:03 pm.

Mr. Anderson summarized the Police Department report for the month of July. He said that the department continues to be challenged with operating with low funds. It is difficult for the police personnel to be available for events as there is practically no money for overtime.

COMMITTEEMAN LANCE

Pension figures have been released for 2012. The town's contribution towards PERS will be \$109,042, down about \$1,200 from this year. The PFRS contribution will be \$98,155, which is an approximate \$1,000 decrease from 2011. The total contribution for 2012 will be \$208,000.

The new licensed water operator has submitted a proposal to develop an operations manual for the water department. This is required by the Department of Environmental Protection. This project will take about 10 hours and he is proposing to do this for \$1,000. Mr. Lance made a motion to authorize Sean Casey to prepare an operations and maintenance manual at a cost not to exceed \$1,000. The motion was seconded by Mr. Seal.

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

Mr. Lance met with the Mayor of Oxford and Barbara Emery, CFO, regarding an interlocal agreement between Blairstown and Oxford for the CFO. If this agreement is made, Mrs. Emery would probably work in Oxford two (2) days a week and in Blairstown on the remaining days. Oxford would share the pension and hospitalization burden and it would be a plus towards the best practices worksheet.

COMMITTEEMAN LASCARI

Mr. Lascari would like to have a defibrillator available in the meeting room. He is not sure if it is better to buy or lease the equipment. It would cost \$79.00 per month to lease and around \$2,000 to buy outright. After discussion, it was decided to have the CFO look into the various pricing options, to solicit quotations, and to make a recommendation to the Committee.

Mr. Lascari said that Arthur Duchek, Zerbini Family Circus, has asked for a letter of recommendation. The Committee agreed that Mr. Lascari could draft this letter for Mr. Duchek.

Mr. Lascari summarized the July report for Blairstown Hose Company No. 1. The fire company purchased a thermal imaging camera with monies donated by Blair Academy.

It was brought to Mr. Lascari's attention through the CFO and Jim Gilmore, the township's JIF insurance carrier, that the Mohican Road fire hall is not covered by the JIF but through a private insurance company. Mr. Gilmore approached the fire company about becoming covered by the JIF along with the township at almost a 50% savings. It appears to be the same level of coverage, including the building, the contents, and the liquor liability. In addition, the JIF will not charge the fire company for this year. There was a question among Committee members if having the fire company under the township through the JIF would increase our liability. Mr. Benbrook recommended that these type of questions be posed to Mr. Gilmore and receive answers in writing before any action is taken.

Wesley Jones, the current insurance carrier for Blairstown Hose Company No. 1, said that the insurance was just renewed in May. He understands that there was some problem, but assured the Committee that there currently is no imminent need to make a decision. Mayor Mach said that it is his understanding that the fire company received a cancellation notice, which brought this matter to light. Mr. Jones said that he is not aware of this, but the coverage is up to date and in good standing.

Mr. Lascari said that he would like to move forward on the adoption of a peace and good order ordinance for the township. He had distributed a sample ordinance from Pohatcong as a model. There was a discussion about the enforceability of such an ordinance. Mr. Seal specifically

questioned whether enforcement can be made without a measurement mechanism. Mr. Benbrook was directed to draft an ordinance for Committee review.

COMMITTEEMAN SEAL

Mr. Seal said that the DPW is in the process of gathering prices for the necessary repairs at the Givens Belet building. Testing is being made to determine what repairs need to be made to the septic system.

Mr. Seal said that the township is behind on the five year plan for road repairs. With the budget constraints, he feels that this situation is not going to improve anytime soon.

Mr. Seal and Mayor Mach reported that they met with the Warren County Road Superintendent regarding the use of the salt shed in Hope Township. They were in agreement that the time involved to travel to and from that location would not be practical. The county gave them information on the purchase of a new salt shed.

MAYOR MACH

The New Jersey Conference of Mayors is having a Fall Summit. The cost is \$50.00. Mayor Mach is requesting permission for either he or the Deputy Mayor to attend this meeting. Mr. Lance made a motion to this effect, which was seconded by Mr. Seal.

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

The township received a Recycling Tonnage grant in the amount of \$3,645.

The engineering firm of Cerenzio and Panaro has applied for a grant for a wastewater management plan for the townships of Blairstown, Hope and Hardwick, collectively. If received, the plan will be prepared at no cost to the township.

The Planning Board meetings for July and August have been cancelled.

FROM THE PUBLIC

Mayor Mach opened the meeting to the public.

Herman Shoemaker, Bingham Lane, asked if the county has been contacted regarding the line markings on Main Street. Mr. Lance said that county refuses to stripe the road but will make the markings. Mr. Lance asked if the DPW would be able to stripe the road if marked by the county. Mr. Seal said that the DPW is understaffed and that summer is difficult with regard to workload.

Mr. Shoemaker thanked the fire department and the DPW for their assistance while the film was being made on Main Street.

Beth Arena, High Street, commented on a newspaper article regarding the loss of the state police appeal. She said an article in the Express-Times on July 18th infers that the loss of this appeal and the cost to run the police department will be the reasons a municipal tax will need to be instituted. She also said that the article states that the extra police coverage will cost the township \$640,000. She said that other expenses were listed and she wanted to know where these numbers came from.

Mayor Mach said that he doesn't know where the author of the article got these figures. She said that the \$640,000 figure came directly from Mr. Benbrook's suit to the Council on Unfunded Mandates and wanted to understand how that figure was derived.

Mrs. Arena asked what the cost of litigation was to file the suit with the Council on Unfunded Mandates. Mr. Anderson said that he did not know the exact amount but would find out from the CFO. She would also like a copy of the Best Practices Worksheet that the township will be filing with the State. She was told that this can be obtained through an OPRA request.

Helen Parisi, Historic Preservation Commission Chair, said that she feels that Mr. Lascari's idea about a Committee/Commission dual board is a good idea. She emphasized that it is important that everyone work together towards a common good.

Rosalie Murray, Heller Hill Road, came before the Committee to read a statement she had prepared regarding the spending of open space tax monies. This statement was given to the Committee in advance. Mayor Mach prefaced her statement by saying that he has read her statement, and although many details are factual, there are also many statements that are not factual. Mayor Mach said that he is asking Mr. Benbrook to respond to Mrs. Murray's questions for the Committee. Mr. Benbrook stated that in reading Mrs. Murray's letter, she has inferred that she may take legal action and the Committee will be handling it as such.

Mrs. Murray read her entire statement in order that it be entered into the minutes. (Statement is attached.) After Mrs. Murray finished her statement, Mr. Benbrook stated that Mrs. Murray should address her criticism of using open space tax monies for the remediation towards him, because he is the one who advised that Committee that it would be appropriate to pay for the soil remediation from these funds. He is also the one who advised the Committee that the bidding procedure did not have to be used because of the emergent situation. Mr. Benbrook also stated that he wrote the Open Space Ordinance and that he is comfortable that the law has not been violated. Mr. Benbrook specifically took issue with Mrs. Murray's interpretation of the ordinance that the open space tax monies can only be used on properties bought with open space tax monies. Mr. Benbrook said that this interpretation was not the intent behind the ordinance.

Mr. Benbrook explained that the Community Center throughout the years was used almost exclusively for recreational purposes, and this was the basis for his rationale that it was appropriate to use open space funds for the maintenance of the building, which involved the remediation work.

As far as Mrs. Murray's assertion that the public bidding law was violated, Mr. Benbrook explained the chain of events which took place. The initial discovery of the leaking tank was found by DPW personnel, and DPW monies were used to remove the tanks. There was no indication that remediation work would be involved at this point. After the tank removal, it was at that point that the Committee found out that the situation was more serious than believed initially. At this point, the bidding threshold had not been met so public bidding was not required. Mr. Benbrook said that in his view, an emergent situation existed, and this situation began at the discovery of the contamination problem and did not end until the day the pollution was removed and the remediation was complete.

Mrs. Murray continued to object to Mr. Benbrook's interpretation of the Open Space Ordinance. She insisted that the tax monies can only be used to maintain properties bought with the open space tax trust monies. Mr. Benbrook said that Mrs. Murray is interpreting the ordinance incorrectly.

Mr. Lance added that Mrs. Murray's assertion that the Committee incurred \$2.7 million of debt is not correct. All of the debt, which was incurred for the fire station, the water company, and the purchase of the Gorab property, was incurred by previous Township Committees. This Committee simply refinanced the current debt at a lower interest rate, which saved on debt service monies.

Mr. Anderson said that Officer Patrick Abello is due for a step increase in accordance with the police contract. Both Police Director Gara and Officer in Charge Stephen Losey have recommended that Officer Abello be moved from Probationary Officer to Class IV Officer. Mr. Anderson made a motion to this effect, which was seconded by Mr. Lascari.

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

ADJOURNMENT

As there were no more comments from the public, Mr. Lascari made a motion to adjourn the meeting, which was seconded by Mr. Anderson. All members voted in favor. The meeting was adjourned at 12:01 am.

Submitted by:

Phyllis E. Pizzaia, RMC
Municipal Clerk