

**TOWNSHIP OF BLAIRSTOWN  
REGULAR COMMITTEE MEETING  
Wednesday, February 11, 2015, 7:30 PM**

**MINUTES**

**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

None.

**MINUTES**

January 14, 2015 – Regular Meeting Minutes

Mr. Lance made a motion to approve the minutes, which was seconded by Mr. Avery.

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

**CONSENT AGENDA**

- 1 – R 2015 – 024    Authorization to Pay Bills
- 2 – R 2015 – 025    Appointment of Certified Recycling Coordinator
- 3 – R 2015 – 026    Refund of 2014 Overpayments
- 4 – R 2015 – 027    Authorization to Enter into Interlocal Agreement with the Town of Belvidere for Chief Financial Officer Services
- 5 – R 2015 – 028    Authorization for Mayor to Enter into Agreement for Services of Police Director
- 6 – Application for Blue Light Permit – Misty Mott, Blairstown Ambulance Corps

Mrs. Price asked to have Item #5 removed. Mr. Anderson made a motion to approve the remainder of the Consent Agenda, which was seconded by Mr. Lance.

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

Mr. Lance made a motion to approve R 2015 - 028, which was seconded by Mr. Anderson. Mrs. Price requested corrections regarding codification numbering and wording, which the

Committee agreed to have corrected. Mr. Lance and Mr. Anderson amended their motions to include these corrections. Mr. Benbrook will make the requested changes to the agreement.

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

**DEPARTMENT REPORTS**

- Clerk – January Report
- Finance – January Finance and Fuel Reports
- Fire Department – January Report
- Police Department – January Report
- Tax Collector – January Report
- Warren County Health Department – January 12, 2015

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

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

**PUBLIC HEARING – Person-to-Person Transfer of Liquor License No. 2104-33-002-004**

R.2015 – 029 Approval of Person-to-Person Transfer of Liquor License No. 2104-33-002-004

Mayor Shoemaker explained that this is a transfer of the liquor license previously associated with The Forge.

Mayor Shoemaker opened the hearing to the public. As there were no comments from the public, the hearing was closed.

Mr. Lance made a motion to approve the person-to-person transfer of liquor license 2104-33-002-004, which was seconded by Mr. Avery.

Roll call vote: AYE - Avery, Lance, Price, Shoemaker  
ABSTAIN - Anderson

**UNFINISHED BUSINESS**

1 – Letter of Intent – Warren County Hazard Mitigation Plan

Mayor Shoemaker explained that having an approved Hazard Mitigation Plan in place makes the municipality eligible to receive FEMA grant monies in the event of a disaster. He requested permission from the Committee to sign the Letter of Intent to participate. The Committee was in favor of the Mayor signing this letter.

**COMMITTEE CORRESPONDENCE for information and possible action**

1 – from James P. Fox, Morris, Downing & Sherred, LLP, re: North Warren Regional Board of Education, Zone Change Application, Block 1402, Lot 21.02

Mayor Shoemaker explained that Mr. Fox and Dr. Brian Fogelson were present to ask the Committee to consider their request to change the North Warren Regional High School zone from Residential-5 acre to a School Zone. Mayor Shoemaker said that this matter was heard before the Land Use Board, and the resolution to approve was defeated at their last meeting. Darlene Green, the Land Use Board Planner, and Elizabeth Waterbury, the Board of Education's Planner, were also in attendance.

Mr. Fox said that the Committee is in possession of a memorandum from Kevin Benbrook, which correctly states the procedure for such a zone change and gives a good historic background. Mr. Fox said that their purpose for attending tonight is to request that the Committee introduce the ordinance prepared by Mrs. Green and Ms. Waterbury, which would zone the High School in a school zone.

Mr. Fox said that this draft ordinance would still require the Board of Education to come before the Land Use Board, more in an advisory capacity, but they would still need to satisfy the requirements of the ordinance. Mr. Fox said that essentially, the ordinance would free up the school district from appearing before the Land Use Board for a use variance each time they wanted to do something on the property. He also said that these appearances are expensive, ultimately to the taxpayer, as planners, engineers and attorneys must be involved in the process.

Mr. Fox also emphasized that this draft ordinance involved a great deal of back and forth with the Land Use Board in an attempt to satisfy their concerns.

Elizabeth Waterbury outlined her numerous credentials in the fields of planning and engineering. She added that she has worked with the North Warren School system on previous projects that went before the Land Use Board. She explained the different variances that exist, stating that the basic difference between a C Variance and D Variance is that generally C variances are not considered to be detrimental in nature, whereas D Variances have the potential to be detrimental to the master plan. She said that most master plans include schools in the category of essential services which are not considered to be detrimental. She added that the school is in a R5 zone, which is a non-permitted use, but there is no place in the municipality where it would be permitted by current ordinance. She said that making the current location of the school into a school zone would be consistent with general practice of creating a master plan.

Ms. Waterbury said that the draft ordinance took into account current use at the school, which included setbacks and signage, and emphasized that the school would still need to come before the Land Use Board for a cursory review, which would be the Board's way to determine that all requirements are being adhered to by the school. This zone change does not in any way give the school free reign to do whatever they please.

Darlene Green said that the draft ordinance is a result of a great deal of conversations between the planners, the school, and Land Use Board input. Mr. Lance asked how setbacks compare between the proposed and the current zone. Mrs. Green said that the current zone is totally

inapplicable to the current use as a school. She was charged by the Land Use Board to create a school zone for the present use, but not using the R-5 zone as a starting point.

Mrs. Price asked why the Land Use Board Chair and attorney were not present. Mayor Shoemaker stated that the Land Use Board Chair was informed that this topic would be discussed tonight. Mr. Avery asked if it was typical for an applicant denied by the Land Use Board to appeal to the Committee. Mr. Benbrook explained that this is not an appeal. He further explained that the school could have come before the Committee requesting the zone change by ordinance without going to the Land Use Board. Mr. Benbrook said that the Committee seeks advice and recommendations from the Land Use Board, but the Committee is the legislative body that enacts the laws.

Mrs. Price asked about spot zoning and if this is a violation. Mrs. Green said that basically, if a zone serves a valid municipal purpose and it is consistent with the planning objectives of the master plan, then it is not spot zoning.

There was a question of why the elementary school is not being addressed in the draft ordinance. Dr. Fogelson said that this question came up before and the answer is because the two schools are governed by different Board of Education bodies, and therefore the regional school was advised to proceed with a draft ordinance addressing that school only. Mr. Benbrook is of the opinion that if the Committee plans to move forward with an ordinance change to a school zone, both public schools should be addressed.

There was a discussion on the possibility of making the school a conditional use in the R5 zone, with the undefined term of "educational center" in our present code a permitted use. Ms. Waterbury said that this would only work depending on the conditions, but felt that the school zone was a better solution.

Ms. Waterbury said that the school is only looking for the same rights that others have within the township, which is to be in a zone applicable to its use, but still having to operate within parameters specific to its zone.

Mrs. Price asked what the cost would be if this ordinance were adopted with regard to the master plan. Mr. Benbrook advised that the master plan could wait to be addressed in 2016, when it is due for a review. He also said that the school, as applicant, would be responsible for any costs incurred to the master plan. Mr. Benbrook said that the Committee will get more control with this ordinance than it would with a conditional use provision. He further said that if the ordinance does not work out for the township, it could be rescinded.

Mrs. Price indicated that it would take a great deal of persuasion for her to act against the recommendations of the Land Use Board. She believes they are educated in these matters and have more wisdom than she on the subject.

Dr. Fogelson ended by saying that he is here tonight to ask the Committee to weigh the recommendations of the Land Use Board, but to also consider the School Board's request to adopt the ordinance to create the school zone. He believes that this ordinance is in the best

financial interest of the taxpayers of Blirstown. Mr. Fox added that he believes that this ordinance will correct a 45 year mistake by putting the school in an appropriate zone.

Mr. Lance asked about the elementary school being added to the zone with the requirements in the draft ordinance. Ms. Waterbury said that there could be separate requirements for the two schools. Mr. Benbrook said that the requirements would not have to be met by the elementary school because it would be considered a pre-existing use.

Mayor Shoemaker asked the Committee its pleasure on proceeding from here. He said one option is to refer it back to the Land Use Board and ask for a clarification on the rejection of the resolution, citing "loss of control." Another option would be to adopt the ordinance by title only at tonight's meeting. Mr. Benbrook suggested asking the Land Use Board for the rationale on its decision. He also suggested that someone reach out to the elementary school to see if they are interested in being included in the ordinance change. After discussion, it was decided to refer the matter back to the Land Use Board to request the rationale for the decision. Mr. Fox said that he will contact the elementary school's attorney to ascertain if they wish to be included in the ordinance process and to ask the school's attorney to contact Mr. Benbrook.

#### **GENERAL CORRESPONDENCE**

There were no comments on the General Correspondence list.

#### **FROM THE TOWNSHIP ATTORNEY**

Mr. Benbrook had nothing to report.

#### **FROM THE TOWNSHIP CLERK**

The Clerk asked if the Committee wanted to hold a town wide clean-up this year, since the Oxford Landfill will be taking reservations shortly. The Committee was in favor of booking a two day clean-up in the fall.

#### **FROM THE TOWNSHIP ENGINEER**

Mrs. Price said that she and Mr. Rodman have been working on the feasibility study for the sewer project. The cost of the study presented by Van Cleef is \$23,500.00, to be split between Blair Academy and the township. The study includes the Blirstown Elementary School and the village area. The study includes three scenarios: joint system between Blair Academy and the township, the township alone, and Blair Academy alone.

Mayor Shoemaker made a motion to approve the expenditure of half the cost of \$23,500.00 for the preparation of the study from Van Cleef. The motion includes the authorization to enter into a contract with Blair Academy for the payment of the proposal. Mrs. Price seconded the motion.

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

Mr. Rodman said that with regard to the Walnut Valley Firehouse, Whitman has completed the survey and wetlands proposal. They will be getting a wetlands permit, the cost of which is included in their proposal. The next step will be preparing the remediation proposal.

Blair Academy is proposing to convert the maintenance building on their grounds into a workshop. Blair Academy is applying to the DEP for a septic system connection for this building. The DEP requires the Mayor to sign the application, stating that the Committee is aware of this application. All members were in favor of the mayor signing the consent application.

Regarding the Paulina Dam, the DEP is hiring an engineering firm to prepare removal specifications. Mr. Rodman is seeking clarification from the DEP that the township will not be responsible for any funds concerning this. Mrs. Price asked for clarification on whether the township will be responsible for paying anything if grant monies do not become available. Mr. Rodman said that the DEP is responsible for the funding and for seeking monies for the removal of the dam. He said that he will get confirmation on this.

**FROM THE TOWNSHIP COMMITTEE  
COMMITTEE MEMBER ANDERSON**

Mr. Anderson reported that there will be a Memorandum of Understanding for the new Police contract. He summarized the January Police Department report.

Mr. Anderson said that he and Mr. Lance will be starting the budget subcommittee meetings this Friday in the Municipal Building.

**COMMITTEE MEMBER AVERY**

Mr. Avery reported that the Environmental Commission did not meet this month due to a lack of quorum.

The Givens Belet building will be painted inside in the next couple of weeks, and some exterior work will be planned when the weather is better.

Mr. Avery had no visitors at his last open door meeting. He received an email asking that potholes on Sunset Hill be filled.

The ordinance review group is preparing a preliminary report for the Committee to review.

The new website is now operational.

Mr. Avery reported that Nick Mohr is working on improving the sound system in the meeting room.

Mrs. Price requested that the Committee consider a procedure for putting new content on the website.

**COMMITTEE MEMBER LANCE**

Mr. Lance said that the budget process this year should not take long since the object is maintaining a zero tax rate. Decisions need to be made on capital improvements the Committee wishes to accomplish over the next year.

The Water Department has had difficulties, including an electrical relay burning out. This was rectified and did not affect service. There is a settling issue in the sediment tank at the Water Company. Mr. Lance asked Mr. Rodman to look at this. There is a crack at the back wall of the building that needs to be monitored.

Mr. Lance asked the Committee to review a memorandum from the DPW Foreman regarding staffing issues. This can be addressed during the budget process.

Mr. Lance reported that another \$199 00 has been received from a former Committeeman who was ordered by the court to make restitution to the township.

**COMMITTEE MEMBER PRICE**

Mrs. Price read a statement regarding her Recreation Department analysis, for the record (see attached)

Mrs. Price said that the Highlands Council is due for its 10 year analysis of its plan. Mrs. Price asked the Committee to adopt a resolution in support of the letter she distributed. She would like language included to the effect that although we are not included in the Highlands, our township is affected by the adverse effects on our county as a whole. Mrs. Price made a motion to approve this resolution, which was seconded by Mr. Avery.

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

With regard to COAH, Mrs. Price reported that we have received approval of the MOU on the group home. She will work with Mr. Avery on how to move forward with this project.

Mrs. Price attended the Statewide reorganization meeting on February 5th. She hopes to attend the monthly meetings to keep informed.

**MAYOR SHOEMAKER**

Mayor Shoemaker reported that JCP&L has presented the township with a list of trees they want to take down. The trees will be marked and homeowners' permission will be received before removal.

Mayor Shoemaker said that the Blirstown Hose Company has reported to him that there are no fire detection units in the Stillwater Firehouse, the Walnut Valley Firehouse, the DPW building, or the filtration plant. He is getting price quotes for installation of these units and will report on the cost next month.

There may be a shortage of salt in the township. Mayor Shoemaker asked the Committee for authorization to declare an emergency in the event we need to purchase salt from a vendor.

outside of the cooperative. The Committee agreed to this request.

Patricia Sagan, Recreation Director, asked to respond to Mrs. Price's written statement. Mrs. Sagan said that the information Mrs. Price distributed was not confirmed by her, the CFO and Clerk. Mrs. Price said that the information on the chart was not but the information in the memorandum was. Mrs. Sagan disagreed with this.

Mrs. Sagan said that the information on her spreadsheet was obtained from various municipalities' websites and audit reports. She also said that field budget costs do not come out of Recreation, but from the DPW. She also disagreed with Mrs. Price's count of participants in the programs.

Mayor Shoemaker said that the decision was made to continue the Recreation Department and hopes that this will now come to an end. Mrs. Price said that she brought this up again because a statement was made that her information was misleading. She said that she did an analysis, presented it to the Committee, and stands by her information.

#### **FROM THE PUBLIC**

Thomas Sagan, Union Brick Road, took exception to the information Mrs. Price distributed, specifically the number of hours Mrs. Sagan works per week and her hourly salary. He said that Mrs. Price stated that she knows that Mrs. Sagan works a tremendous amount of hours, and he feels that her information was misleading.

Sylvia Zika, Four Corners Road, thanked Mrs. Price for her thorough report on the Recreation Department. Mrs. Zika stated that she does not feel that taxpayers should spend monies on recreational activities. She read a story about Davy Crockett that relates to expending tax dollars on a special interest while serving in the House of Representatives. Mrs. Zika likens this story to spending tax dollars on recreation, which she feels serves a small amount of the population, and amounts to socialism.

Carol Cook, Four Corners Road, pointed out that Blirstown Township does not have a municipal tax. She said that the township receives \$3 million yearly in State Aid. Mrs. Cook suggested that if one were opposed to socialism then perhaps the township should turn back this aid.

Rosalie Murray, Heller Hill Road, said that numbers do not tell the entire story. She added that the availability of recreational activities increases property values.

#### **ADJOURNMENT**

Mr. Lance made a motion to adjourn the meeting, which was seconded by Mr. Avery. All members voted in favor. The meeting was adjourned at 10:20 pm.

Submitted by:

Phyllis E. Pizzaia, RMC  
Municipal Clerk

***Committee Member Susan Price's Prepared Written Comments for  
Blairstown Twp Fellow Committee Members at 2/11/15 TC Meeting:***

I don't want to belabor this issue about recreation but I am going to clarify several points.

First, I did not set out to mislead you or provide you with incorrect info. I did my best to be factual and used the info provided to me from the applicable responsible sources.

The chart I prepared highlights specific criteria and my comparison is apples to apples.

The revised chart the recreation director provided has different types of expenses co-mingled and does not reflect any offsetting revenues so the bottom line of costs is largely incorrect.

I am providing all of you and our clerk, to include for the record, copies of an email from the Mayor of Allamuchy and one from a Committeeman from Mansfield. Both emails identify the incorrect information in the revised chart.

Also, for the revised chart to suggest that our recreation department expenses equal \$29,086 is misleading – what about some \$70,000 in 2014 for recreation field maintenance?

Finally, although I am aware that our recreation director works more than her official (official being the operative word) 10 hours per week, just as I worked more than my official hours as a 5th grade public school teacher, the fact that you assigned her hours at all suggests you had a rationale you used to determine her pay. I'm curious what that rationale was. You even said, I believe, you reduced her hours in 2011. Why bother if hours don't factor into her salary at all? Regardless of the hourly rate, after I completed my analysis, it seemed to me that by looking at the total dollars paid for that position, we might have been able to re-direct some \$17,000 for other needs, perhaps for the sewer feasibility study that has an impact on our entire community.



Susan Price &lt;sprice@blairstowntwp-nj.com&gt;

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## Recreation Analysis

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mmisertino@mansfieldtownship-nj.gov &lt;mmisertino@mansfieldtownship-nj.gov&gt;

Sun, Jan 25, 2015 at 10:50 PM

To: sprice@blairstowntwp-nj.com

Cc: Michael Clancy &lt;mclancy@mansfieldtownship-nj.gov&gt;

Susan,

I have reviewed the documents you sent where you reference Mansfield Township's Recreation Programs. I have also read Ms Sagan's document (Sagan Rec Report pdf) where she adds additional information about Mansfield It is her additional information that I can clarify

First, Mansfield Township has an all volunteer recreation committee (not commission) No one on the committee is paid a salary nor receives any compensation. Many residents gladly step-up and volunteer which has made our programs a success.

Second, no money is budgeted for the recreation committee. All programs are funded by registrations with any net income from all programs then going to pay for all the miscellaneous expenses (insurance, online registration system, porta Johns etc. .)

Third, the only money that is in the budget that is associated with recreation is about \$5,000 that is under DPW for buying field paint and other such equipment. The \$52,016 Ms. Sagan references as salary has nothing to do with recreation. It appears she got information that a DPW employee is assigned to paint the fields, put up and take down the soccer nets etc. . on behalf of recreation. And using that info she probably incorrectly assumed his salary is paid through the recreation program. That is not the case nor budgeted as such. His hours are minimal during the season and if anything, the time he spends on the fields I believe comes out of the \$5,000 that is budgeted under DPW/recreation.

That is about all I can speak to. I hope that provides clarity and I wish you luck.

Michael J. Misertino  
Mansfield Township Committee

cc: Mayor Michael Clancy and Deputy Liaison to Recreation

----- Original Message -----

Subject: Fwd: Recreation Analysis

Date: 01/23/2015 12:53

From: Susan Price <sprice@blairstowntwp-nj.com>

To: mmisertino@mansfieldtownship-nj.gov

----- Forwarded message -----

From: SUSAN PRICE <sprice@blairstowntwp-nj.com>

Date: Mon, Jan 19, 2015 at 12:32 PM

Subject: Recreation Analysis

To: mmisertino@mansfieldtownship.gov

Hi, Michael -

Good talking with you today.

Am attaching three documents. Two are memos I prepared for our TC to discuss at budget meetings and the third one was prepared by our Recreation Director who added info in red refuting my info (2-page pdf as it is on legal size paper).

Would you please review all three documents and if possible, identify what our Recreation Director added to the Mansfield info? I am not sure what she included and would you also let me know if my original chart is correct or not for Mansfield?

If you have any questions, please contact me anytime. BTW, I have also attached the NJ Herald article about our meeting on Wednesday

Thanks so much

Susan

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**4 attachments**

-  **Blairstown keeps recreation program after show of public support - NJ.pdf**  
391K
-  **Sagan Rec Report.pdf**  
609K
-  **Comparison Between Blairstown and Blairstown Area Recreation A.pdf**  
35K
-  **Memorandum to TC Members b.pdf**  
36K



Susan Price &lt;sprice@blairstowntwp-nj.com&gt;

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**Recreation Commission**


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**Betty Schultheis** <bettyschultheis@optonline.net>  
 To: sprice@blairstown-nj.org

Thu, Feb 5, 2015 at 9:20 AM

Susan,

I have reviewed the documents you sent referencing Allamuchy Township's Recreation Program I also read Ms Sagan's document. I think I can explain the differences. When you gathered data one of the Commissioners was consulted and he was not knowledgeable about the changes made in 2014. The first thing I want to say is that you were absolutely correct we have a Commission, not a committee, that was established May 24, 1990.

The Recreation Commission has so much activity that they have their own website which is Allamuchy Township Recreation Commission. We had just remodeled our Township website and it is possible that when Ms Sagan searched we had not yet included on the Township Recreation Commission page the link to the Recreation Commission website. You can absolutely do online registration on their website...The Recreation Commission updates their own website which is quite extensive and would be costly to the town so they do it themselves.

The monetary figures provided in Ms. Sagan's document were taken directly from the 2014 expense budget and did not include the revenues we were anticipating which, of course, are in the Revenue section of the budget.

The Township moved two additional responsibilities to the Recreation Commission during the third quarter of the year: the new playground that had been the charge of an ad hoc committee of the Council to raise funds for and complete the building of the playground and the establishment of a nature trail utilizing a grant received from the State. Upon acceptance of these two projects by the Mayor and Council, they were placed under the Recreation Commission's responsibilities for maintenance. We just appointed an additional Commissioner to be responsible for the oversight of these properties in January of 2015. Additionally the Commission had to re-build one of the township Schools' baseball/soccer fields that had been damaged by flooding so that we might use it as the number of children we are serving in soccer had increased so much that we needed to use their fields in addition to our own. This also includes the Senior Citizens monthly activities for the 150 seniors involved. The town pays for the food for the annual seniors picnic and shares the expense of the end of year Holiday Banquet.

The actual end of year figures for the Recreation Commission are as follows:

S & W \$ 9,342.00 (this includes salary for the Rec. Director and for the DPW person who did the work on the field and who also does the mowing)  
 OE 37,417.81 (This includes materials used for the fields we own and the BOE field that we rehabbed, replacement of benches in dugout, etc.)

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Total \$46,759.81

Revenue \$14,720.00

Net Cost \$32,039.81

If you need further information, please don't hesitate to contact me

Best Regards,

Betty

Mayor Betty Schultheis  
PO Box A  
Allamuchy, NJ 07820  
908-850-0179  
908-247-3992 cell  
bettyschultheis@optonline.net