

**TOWNSHIP OF FRANKFORD
REGULAR COMMITTEE MEETING
Tuesday, October 13, 2020**

MINUTES

STATEMENT OF PUBLIC NOTICE

Mayor Carney read the following statement: Notice of this meeting has been sent to a newspaper of general circulation in which notice was given of the date, time, place and general agenda in accordance with the Open Public Meetings Act. This agenda is subject to change by order of the Township of Frankford Committee before and/or during this scheduled meeting.

ROLL CALL

This meeting was called to order by Mayor Carney. Those present were Committeeman Castimore, Committeeman Risdon, Committeeman Civitan, Deputy Mayor Ayers, and Mayor Carney. Also present were Kevin Benbrook, Esq. and Diane M. Brauchle, Deputy Clerk.

The **FLAG SALUTE** was conducted by Mayor Carney.

PROCLAMATION for Kenneth French was read by Mayor Carney.

PUBLIC COMMENT

A motion was made by Committeeman Castimore to open to public comment, seconded by Committeeman Risdon. All in favor. Motion carried.

- Rick Ferruggia – 92 Beemer Church Road – Greater Culver Lake Watershed Conservation (GCLWC) Foundation. Mr. Ferruggia repeated a previous request that the Township allocate \$50,000.00 from Open Space funds to the GCLWCF for the purposes of acquiring the Culver Lake Golf Course. Mr. Ferruggia mentioned that the site would be maintained by the Foundation at no cost to the taxpayer.
- Public comment in support of allocating funds was stated by Ralph Smith, 83 Lower N. Shore Road, Danae Dotz, Secretary of Lake Owassa, and Mike Dolan, 78 Hyatt Road. Additionally, Ms. Nienstedt has received roughly 80 e-mails to date in support of the allocation and only one e-mail not in support.

A motion was made by Committeeman Risdon to close from public comment, seconded by Committeeman Castimore. All in favor. Motion carried.

Prior to any vote, Mayor Carney made a choice to recuse himself from any discussion and the voting itself. A motion to grant \$50,000.00 from the Open Space Funds for the purchase of the Culver Lake Golf Club was made by Committeeman Civitan, seconded by Deputy Mayor Ayers. Roll Call Vote – Ayes: Committeeman Civitan and Deputy Mayor Ayers. Nays: Committeeman Castimore and Committeeman Risdon. With a split vote, the motion failed.

APPROVAL OF PREVIOUS MEETING MINUTES

1. September 8, 2020 – Regular Committee Meeting

A motion was made by Committeeman Risdon to approve the September 8, 2020 Regular Committee meeting minutes, seconded by Committeeman Castimore. Roll Call Vote: Ayes:

Committeeman Risdon, Committeeman Castimore, Committeeman Civitan, Deputy Mayor Ayers, and Mayor Carney. With all ayes and no nays, motion carried.

CONSENT AGENDA

1. Resolution 2020-060 – Resolution Authorizing Redemption In Installments
2. Resolution 2020-066 – Authorizing the Execution of Lease Agreement With the Department of Environmental Protection Division of Parks and Forestry
3. Resolution 2020-067 – Disabled Veteran Tax Exemption
4. Resolution 2020-068 – Refunding Tax Sale Certificate
5. Resolution 2020-069 – Disabled Veteran Tax Exemption
6. Approval of Final Paperwork – HPA 118-341 (Generator)
7. Award of Contract – Robert H. Hoover & Sons, Inc. (Dump Truck)
8. Approval of Best Practices Checklist
9. Event Application – Patriot Rally 2020 - Skyland's Stadium

A motion was made by Mayor Carney to approve the Consent Agenda, seconded by Committeeman Civitan. Roll Call Vote: Ayes: Deputy Mayor Ayers, Mayor Carney, Committeeman Civitan, Committeeman Castimore, and Committeeman Risdon. With all ayes and no nays, motion carried.

APPOINTMENT TO BOARD OF HEALTH COMMITTEE

A motion was made by Committeeman Ayers to approve the appointment of Danae Dotz to the Board of Health Committee, seconded by Committeeman Risdon. Roll Call Vote. Ayes: Committeeman Civitan, Deputy Mayor Ayers, Mayor Carney, Committeeman Castimore, and Committeeman Risdon. With all ayes and no nays, motion carried.

APPROVAL OF APPRAISAL QUOTE

Attorney Benbrook requested the matter of Frankford v. Glaser be tabled.

CORRESPONDENCE

- **Cliff Storms** – Mayor Carney read Cliff Storms' resignation letter. Mr. Storms will retire effective December 1, 2020.
- **Kathleen and Brian Brady** – Mr. & Mrs. Brady are interested in purchasing Block 24/Lot 3 – 9 Wykertown Road. Mark Yetter commented that the lot that is being referenced is roughly 7 acres. Attorney Benbrook said this may be a conforming lot and if so an auction will be in order. The Township Committee will do research on this property and respond to the Bradys.

UNFINISHED BUSINESS

- 14th Street Update – Harold Pellow, Township Engineer, provided Attorney Benbrook with a map and metes and bounds descriptions. Attorney Benbrook then provided them to the property owner, who, in return, indicated they will not allow an easement. Attorney Benbrook will coordinate with Bill Haggerty, Esq. to resolve this issue.
- Hill Lane – Mr. Pellow presented his findings with relation to the vacation of a portion of Hill Lane. In conjunction with this, Attorney Benbrook will be preparing Vacation Ordinance for 1st Reading at November's meeting, being certain to include a non-specific 15 ft. drainage easement.

NEW BUSINESS

1. Open Space

A motion was made by Committeeman Castimore to accept a new consultancy proposal from Bob Canace for his work with the Open Space Committee starting 2021, seconded by Committeeman Civitan. Roll Call Vote – Ayes: Committeeman Castimore, Committeeman Risdon, Committeeman Civitan, Deputy Mayor Ayers, and Mayor Carney. With all ayes and no nays, motion carried.

2. Deputy Construction Official

A motion was made Committeeman Castimore, to appointment Robert Huber as Deputy Construction Official, effective November 1, 2020 seconded by Committeeman Ayers. Roll Call Vote - Ayes: Committeeman Risdon, Committeeman Civitan, Deputy Mayor Ayers, Mayor Carney, and Committeeman Castimore. With all ayes and no nays, motion carried.

3. Juneteenth –

Mayor Carney described that Juneteenth (June 19th) is recognized as a date marking the abolition of slavery. On a NJ State level, employees are receiving this as an additional holiday, however it is not a State requirement that this holiday be given to employees. Mayor Carney recommended we offer it in exchange for a holiday of choice to employees who wish to take it. Attorney Benbrook stated that he will craft language for the Personnel Policy regarding a floating holiday and circulate it to the Committee for review.

PUBLIC COMMENT

A motion was made by Committeeman Castimore to open to public comment, seconded by Committeeman Civitan. All in favor. Motion carried.

- Jodi Fernandez – 175 Plains Road – Expressed her support for the Culver Lake project. Ms. Fernandez also addressed the need for a self-serve food pantry in Frankford Township. Mrs. Brauchle stated on November 13th, the Township is hosting a “Stuff the Rig” event with Blue Ridge employees. The food can be donated toward Frankford residents in need.

A motion was made by Committeeman Ayers to close public comment, seconded by Committeeman Civitan. All in favor. Motion carried.

DEPARTMENT REPORTS

1. Animal Control Officer Report – September 2020
2. DPW Report – September 2020
3. Tax Collector’s Report – September 2020
4. Zoning Report – September 2020
5. Treasurer’s Report – September 2020

A motion was made by Committeeman Ayers to close public comment, seconded by Committeeman Civitan. All in favor. Motion carried.

TOWNSHIP CLERK REPORT

- According to ABCode, the Township’s security system provider, the current camera system is at end-of-life as is evidenced by cameras no longer functioning. Ms. Nienstedt was able to obtain a quote from ABCode for upgrade of the camera system.

A motion was made by Mayor Carney to approve the purchase of updated security cameras from ABCode Security, seconded by Committeeman Ayers. Roll Call Vote - Ayes: Committeeman Risdon, Committeeman Civitan, Deputy Mayor Ayers, Mayor Carney, and Committeeman Castimore. With all ayes and no nays, motion carried.

- Rabies Clinic – Mike Dolan, Board of Health Chair, suggested that the new firehouse would be a better location than the firehouse on Pelletown Road for hosting this year’s Rabies Clinic. Mike Fox from the Frankford Volunteer Fire Department stated reasons he felt that that use of the new firehouse for the Rabies Clinic is not a viable option.
- Trunk-or-Treat – The Trunk-or-Treat event is being held under the auspices of the Clean Communities program on October 30, 2020 at Fairgrounds. The County Sheriff’s department is going to be providing assistance. The response from residents of Frankford and Branchville has been tremendous.

TOWNSHIP ATTORNEY REPORT

- 11 & 13 Lakepoint Avenue Right of Way (Kenneth Jacobsen) – Attorney Benbrook is working with Bill Haggerty to resolve.
- The Dell House is on the foreclosure list.
- Fire District Formation - Attorney Benbrook stated that he sent the Committee the Statute explaining is the formation of a fire district must be initiated via a request by 5% of the registered voters of Frankford. He will provide the Committee with examples from other municipalities prior to the November 10, 2020 meeting.
- Branchville Reservoir – Attorney Benbrook agrees with Deputy Mayor Ayers’ suggestion of having himself and Committeeman Castimore attend the Branchville Town Council meeting in December. Attorney Benbrook will reach out to Branchville Attorney, Mr. Valenti, to find out if Branchville will allow Deputy Mayor Ayers and Committeeman Castimore to meeting with the Council in their Executive Session in December.

TOWNSHIP COMMITTEE MEMBER REPORTS

Mayor Carney

The Mayor reported that the Frankford Department Fire Department will work with Fire Inspector Bernie Kotchkowski to share their 2016 Ford with Township employees for the purpose of inspections and other miscellaneous activities. Mike Fox requested a written agreement from the Township prior to commencing. Attorney Benbrook will draft a hold harmless agreement to facilitate the request.

A motion was made by Committeeman Civitan to accept the agreement with Frankford Fire Department for usage of their vehicle by our Fire Inspector, seconded by Deputy Mayor Ayers. All in favor. Motion carried.

Mike Fox requested Attorney Benbrook draft an ordinance to enable the Fire Department to increase their Smoke Detector Inspection fees by \$25. Attorney Benbrook stated that he will draft the ordinance for first reading at the November meeting.

Frankford Fire Department submitted an estimate for high band radios to Mayor Carney. The cost is roughly \$29,000.00. The Township would have to wait until the 2021 Budget to attempt to make funds available, which is approximately the April timeframe. Ms. Nienstedt previously apprised the Committee that the next grant will be opening at the end of the year with the funds being made available in 1Q’21. She will apply for said grant.

A phone solicitation scam has been occurring in Frankford, where residents are being requested to make donations to the Frankford Fire Department. The Fire Department has informed residents that they do not call residents or go door-to-door to solicit funds.

Mayor Carney is highly encouraging residents to attend Frankford school board meetings. There have been discrepancies between the plan that they presented for managing COVID at the school and what is actually taking place.

The Parks Commission has paid \$2,000.00 to amend the water permit.

Deputy Mayor Ayers

Deputy Mayor Ayers questioned where Ann Bell obtained her information regarding campgrounds. Committeeman Risdon commented that he has brought all issues before the Land Use Board for review.

SKYLANDS STADIUM EVENT LICENSE

A motion was made by Committeeman Risdon to waive the Event License Application Fee for Skylands Stadium Patriot Rally, seconded by Committeeman Civitan. All in favor. Motion carried.

BILLS LIST APPROVAL

A motion was made by Committeeman Risdon to approve the bills list, seconded by Committeeman Castimore. Roll Call Vote – Ayes: Mayor Carney, Committeeman Castimore, Committeeman Risdon, Committeeman Civitan, and Deputy Mayor Ayers.

ADJOURNMENT

A motion was made by Committeeman Risdon to adjourn meeting, seconded by Committeeman Civitan. All in favor. Motion carried.

ATTEST:

Lori Nienstedt, Administrator

**TOWNSHIP OF FRANKFORD
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

RESOLUTION 2020-060

**RESOLUTION AUTHORIZING
REDEMPTION IN INSTALLMENTS**

WHEREAS, the Township of Frankford holds Certificate of Sale #96-09 and the amount required to redeem totals \$203,537.00 (two hundred three thousand, five hundred thirty – seven and 00/100 dollars) including interest to October 13, 2020, on property owned by Scandia Spa Center for the Performing Arts located at 40 Martin Lane, Frankford Township, New Jersey (Block 58, Lot 2); and

WHEREAS, the owner has requested installment payments to redeem said property; and

WHEREAS, N.J.S.A. 54:5-65 et seq. authorizes such installment payments,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frankford, County of Sussex, State of New Jersey, that the Tax Collector is hereby authorized and directed to accept installment payments in redemption of said arrearages and accrued interest in accordance with the following schedule:

(A) Thirty – six (36) equal monthly installments sufficient to pay the balance in full by September 13, 2023, said amount being \$7,358.35 (seven thousand, three hundred fifty – eight and 35/100 dollars) monthly commencing on October 13, 2020, with each subsequent installment due the first of the month, commencing November 1, 2020 and continuing through September, 2023, with an adjustment on the last payment, if necessary, for interest due to date of actual receipt of payments in accordance with the attached Amortization Schedule;

BE IT FURTHER RESOLVED, that in addition to the installment payments being promptly paid on the first of each month, for thirty - six (36) months, all current years taxes, subsequent taxes, assessments of other municipal liens imposed, shall be promptly paid when due;

BE IT FURTHER RESOLVED, that if installment payments are regularly and promptly made in accordance with the attached schedule, the Township shall suspend or forebear in initiating any action to cut off or foreclose the right of redemption, and will agree not to assign, transfer or otherwise alienate the tax title lien it holds;

BE IT FURTHER RESOLVED, that if any installment remains unpaid after fifteen (15) days of its due date, then the Township may proceed to foreclose the tax sale lien, or sell, assign, transfer or alienate it, and shall proceed only for the unpaid balance after proper credit of such installment payments as were made; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution, along with the attached installment schedule, shall be forwarded to the Tax Collector and the property owner.

CERTIFICATION

I, Lori Nienstedt, Administrator and Acting Municipal Clerk for the Township of Frankford, County of Sussex, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Frankford Township Committee on October 13, 2020.

Lori Nienstedt, Administrator,
Acting Municipal Clerk

**TOWNSHIP OF FRANKFORD
SUSSEX COUNTY, NEW JERSEY**

RESOLUTION NO. 2020-066

**RESOLUTION AUTHORIZING THE EXECUTION OF
LEASE AGREEMENT WITH THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION DIVISION OF PARKS AND
FORESTRY**

BE IT RESOLVED, by the Frankford Township Committee, in the County of Sussex, State of Jersey, that the Mayor and Acting Clerk be and hereby are authorized to execute the Lease Agreement with the State of New Jersey Department of Environmental Protection Division of Parks and Forestry, a true copy of said Lease being attached hereto as **Exhibit A**; and

BE IT FURTHER RESOLVED, that the rent payment in the amount of \$20.00 be paid to the Treasurer of the State of New Jersey; and

BE IT FURTHER RESOLVED, that three (3) originally executed Leases, the rent payment, and all other required documents be mailed to:

George A. Chidley, Department of Environmental Protection
Natural & Historic Resources
Office of Leases & Concessions
PO Box 420
Mail Code 501-04C
Trenton, New Jersey 08625-0420

CERTIFICATION

I, Lori Nienstedt, Administrator and Acting Municipal Clerk for the Township of Frankford, County of Sussex, do hereby certify that the foregoing is a true and exact copy of the Resolution revised by the Frankford Township Committee on October 13, 2020.

Lori Nienstedt, Administrator,
Acting Municipal Clerk

**TOWNSHIP OF FRANKFORD
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

RESOLUTION 2020-067

**CANCELLING 2020 PROPERTY TAXES ON BLOCK 35.02, LOT 14
GRANTED A DISABLED VETERAN TAX EXEMPTION**

WHEREAS, Gary Webber, the deceased spouse of Jacqueline Webber who is the owner of block 35.02, lot 14 located at 36 Davis Road, was evaluated by the US Department of Veterans Affairs effective 18 October 2013 to be permanently and totally disabled because of injuries suffered during wartime service. This determination was communicated in a letter dated 18 October 2013 from the US Department of Veterans Affairs; and

WHEREAS, according to NJSA 54:4-3.30 et seq when a veteran or a surviving spouse of a veteran or serviceperson is determined to have suffered a permanent disability being total, paraplegia, or blindness caused by their wartime service, that the applicant be granted a property tax exemption on their dwelling house and the lot where the house is erected, if they so occupy this property and it is considered their legal residence; and

WHEREAS, Jacqueline Webber, widow of Gary Webber, submitted a Claim for Property Tax Exemption to the Frankford Township Tax Assessor on 04 August 2020 after purchasing the aforementioned property on 31 July 2020; and

WHEREAS, the Frankford Township Tax Assessor approved this Claim for Property Tax Exemption as of 04 August 2020. This resulted in a 2020 tax overpayment of \$1,015.92:

NOW, THEREFORE BE IT RESOLVED on this 13th day of October 2020 by the Mayor and the Township Committee of the Township of Frankford that the Chief Financial Officer be authorized to draw a check payable to Jacqueline Webber, the assessed owner of the property, in the amount of \$1,015.92 to refund the 2020 property tax overpayment.

BE IT FURTHER RESOLVED that the fourth quarter 2020 property tax amount of \$1,684.07 be cancelled.

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Township of Frankford, In the County of Sussex, New Jersey, at a meeting held on October 13, 2020.

Lori Nienstedt, Administrator
Acting Municipal Clerk

**TOWNSHIP OF FRANKFORD
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

RESOLUTION 2020-068

**REFUNDING TAX SALE CERTIFICATE 2017-003
WHICH WAS REDEEMED**

WHEREAS, the property owned by FoxCoFive, LLC, known as block 11 lot 8 located at 134 US Highway 206 had unpaid 2016 property taxes and was sold at a Tax Sale held on 02 February 2017 by the Frankford Township Tax Collector; and

WHEREAS, TWR as Cust for EBury Fund 1 NJ, LLC of PO Box 37695 in Baltimore, MD 21297 was the successful bidder of the above stated property. The amount of the Tax Sale consisted of unpaid 2016 property taxes, interest, and other costs, and totaled \$7,750.82 and is represented by Tax Sale Certificate 2017-003; and

WHEREAS, on 24 January 2019, EBury Fund 1 NJ, LLC assigned Tax Sale Certificate 2017-003 to Millennium Trust Company, LLC as Custodian and Securities Intermediary for TLOA of NJ, LLC and Its Secured Creditor; and

WHEREAS, FoxCoFive, LLC, the supposed owner of the property, paid \$59,904.45 on 29 September 2020 to the Frankford Township Tax Collector to satisfy the outstanding Tax Sale Certificate 2017-003 and attorney fees:

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Frankford on this 13th day of October 2020 that the Chief Financial Officer be authorized to draw a check payable to Millennium Trust Company, LLC as Custodian and Securities Intermediary for TLOA of NJ, LLC and Its Secured Creditor in the amount of \$66,904.45 which includes the redemption of Tax Sale Certificate 2017-003 of \$58,494.45, attorney fees of \$1,410.00, and the return of a tax sale premium of \$7,000.00.

BE IT FURTHER RESOLVED that the Tax Collector return the executed satisfied Tax Sale Certificate to FoxCoFive, LLC at 11 Cypress Lane located in Hamburg, NJ 07419-1249.

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Township of Frankford, In the County of Sussex, New Jersey, at a meeting held on October 13, 2020.

Lori Nienstedt, Administrator
Acting Municipal Clerk

**TOWNSHIP OF FRANKFORD
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

RESOLUTION 2020-069

**REFUNDING PROPERTY TAXES ON
BLOCK 128, LOT 11
WHICH WAS GRANTED A DISABLED VETERAN TAX EXEMPTION**

WHEREAS, according to NJSA 54:4-3.30 et seq when a veteran or a surviving spouse of a veteran or serviceperson is determined to have suffered a permanent disability being total, paraplegia, or blindness caused by their wartime service, that the applicant be granted a property tax exemption on their dwelling house and the lot where the house is erected, if they so occupy this property and it is considered their legal residence; and

WHEREAS, Jonathan Bugan, owner of block 128, lot 11 located at 3 Lakeview Walk, was approved for a property tax exemption according to NJSA 54:4-3.30 by the Frankford Township Tax Assessor on 03 August 2017; and

WHEREAS, the State of New Jersey applied a homestead benefit property tax credit to Mr Bugan's property during 2018 in the total amount of \$395.48:

NOW, THEREFORE BE IT RESOLVED on this 13th day of October 2020 by the Mayor and the Township Committee of the Township of Frankford that the Chief Financial Officer be authorized to draw a check payable to Jonathan & Betty Bugan in the amount of \$395.48 to refund taxes which were paid on a tax-exempt property.

CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Township of Frankford, In the County of Sussex, New Jersey, at a meeting held on October 13, 2020.

Lori Nienstedt, Administrator
Acting Municipal Clerk