

**TOWNSHIP OF FRANKFORD
REGULAR COMMITTEE MEETING
Tuesday, December 8, 2020**

MEETING MINUTES

Regular Meeting Tue, Dec 8, 2020 7:00 PM

This meeting is open to the public in person or via conference call. You can call in at (872) 240-3412, **Access Code:** 757-954-717

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 Deputy Mayor Ayers, Committeeman Civitan, Committeeman Risdon, and Mayor Carney. Also present were Kevin Benbrook, Esq. and Lori Nienstedt, Administrator and Acting Municipal Clerk. Absent was Committeeman Castimore.

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

PROCLAMATION/EMPLOYEE OF THE MONTH – Jon Frato was honored by Frankford Township as Employee of the Month. Additionally, his name was displayed on Recognition Drive for the month of December.

APPROVAL OF PREVIOUS MEETING MINUTES

1. November 24, 2020 – Workshop Meeting

Motion to accept made by Committeeman Civitan; second to approve by Committeeman Risdon. Roll Call Vote – Ayes: Committeeman Risdon, Committeeman Civitan, Deputy Mayor Ayers, and Mayor Carney. With all ayes and no nays, motion carried.

CONSENT AGENDA

1. Resolution 2020-084 – Refunding Tax Sale Certificate 2020-008
2. Resolution 2020-085 – Resolution Authorizing CFO to Cancel Unexpended Balances in Current Fund Budget
3. Resolution 2020-086 – Budget Transfer Resolution
4. Resolution 2020-087 – Authorizing Executive Session
5. HPA 20-226 – Final Paperwork – Denville Line Painting
6. Blue Light Permit – Robert Kiefer
7. NJ State Firemen’s Association Application – Matthew Kiefer

Motion to accept by Mayor Carney; second to approve by Deputy Mayor Ayers. Roll Call Vote – Ayes: Deputy Mayor Ayers, Committeeman Civitan, Committeeman Risdon, and Mayor Carney.

PUBLIC HEARING/ADOPTION

Ordinance 2020-009 – Purchase Equipment for Fire Department

Motion to adopt by Committeeman Civitan; second to approve by Deputy Mayor Ayers.

Motion to open to the public made by Mayor Ayers, seconded by Committeeman Civitan.

Seeing there was no public comment, motion close to public comment made by Committeeman Risdon, seconded by Committeeman Civitan. All in favor, motion carried.

Roll-Call Vote – Ayes: Committeeman Civitan, Deputy Mayor Ayers, and Mayor Carney. Abstain: Committeeman Risdon. With a majority of ayes, motion carried.

Ordinance 2020-010 – Purchase of Mini Hydraulic Excavator

Motion to open to the public made by Committeeman Risdon, seconded by Committeeman Civitan. All in favor, motion carried.

Seeing there was no public comment, Committeeman Risdon made a motion to close to public comment and adopt the ordinance, seconded by Committeeman Civitan.

Roll-Call Vote – Ayes: Committeeman Civitan, Deputy Mayor Ayers, Mayor Carney, and Committeeman Risdon. With all ayes and no nays, motion carried.

UNFINISHED BUSINESS

- 14th Street – Attorney Benbrook will reach out to Attorney Bill Haggerty for further action.
- 11 & 13 Lakepoint Avenue – Attorney Benbrook will reach out to Attorney Bill Haggerty for further action.
- Fern Street Vacation – Attorney Benbrook believes he has seen a copy of the vacation ordinance and will follow up with Ms. Nienstedt, providing her with the copy.

NEW BUSINESS

- Branchville Water Use Application – A \$415 Application Fee will be submitted for the Water Use Registration Application to the DEP as per Dave Simmons of Harold Pellow and Associates.

DEPARTMENT REPORTS

The following department reports were reviewed by the Committee:

1. Animal Control Officer Report – November 2020
2. DPW Report – November 2020
3. Tax Collector's Report – November 2020
4. Zoning Report – November 2020
5. Treasurer's Report – November 2020
6. Fire Prevention – November 2020

PUBLIC COMMENT

Motion to open to the public made by Committeeman Civitan, seconded by Committeeman Risdon.

- **Jeff and Yvonne Stoll** of 175 Upper Northshore Road – Expressed concerns regarding Edgemont Campground
- **Ralph Smith** – President of the Board of Education – Expressed concern over the initiative to change the School Board Elections. Additionally, in his position as the President of the Normanoch Association, Mr. Smith asked if Vine Street will be a part of someone’s property or if it will be given to Normanoch. Attorney Benbrook stated that the easement must be mutually acceptable to both the owner of the property and Normanoch before a vacation ordinance will be approved. Normanoch will own the easement, the owner will be responsible for maintenance. Attorney Benbrook stated that if Bill Haggerty gets him the necessary descriptions, the Township can put this on their reorganization agenda.
- **Bill Hubbell** of 20 Wykertown Road – is seeking a vacation ordinance for a portion of Hill Lane between Mountain and 4th. Attorney Benbrook explained that one portion of Hill Lane is already being recorded and a second, lower portion, will be acted upon in early January 2021. He further clarified that when the Township vacates, it is just that – vacating. Anything further has to be worked out between the parties who own each side of the vacated property.
- **Mike Fox** thanked the Road Department for loaning their dumpsters so the Fire Department could clean out their building. He queried if the FD could raise their fees. Mr. Benbrook said he would craft an ordinance for January to support the changing the fees. Mr. Fox apprised the Committee on the state of equipment in the Fire Department. He will supply Ms. Nienstedt with a request for funds for 2021.
- **Jeff Lewis, OEM** – Sussex County Health Department stated that Hospital and Health Care Workers will have access to vaccines in December. Essential personnel and First Responders should be available in February.
- **Mike Dolan** – 78 Hyatt Road – Mr. Dolan commented on progress made where it concerns Edgemont Campground. He further asked Mr. Benbrook if there was any progress made on the potential conflict issue regarding the Golf Course. Mr. Risdon inspected tax maps in that area and being that his late father owned property in that area and wanting to avoid any potential appearance of impropriety, Mr. Risdon decided to recuse himself from any voting on the issue of providing funds to the Greater Culver Lake Watershed Foundation.

Motion to close to public comment made by Committeeman Risdon, seconded by Committeeman Civitan. All in favor. Motion carried.

TOWNSHIP CLERK REPORT

- Joint Court Update – A draft resolution has been provided to the Joint Municipal Court municipalities for approval at their next Township Committee meetings. Once received, Ms. Nienstedt will provide signed resolutions and the signed agreement to Rebecca Muller, Division Manager for the vicinage.
- Community Update – The annual rabies clinic was successfully conducted on December 4, 2020. Close to 200 people were served from around the State of New Jersey.
- Calls from Santa was a big success. The Township received communications of appreciation from parents in the community and they hope it will be an annual event. Ms. Nienstedt said it would be an annual event.
- The goal for the Newsletter to be published is the end of the month provided that Katie Radler receives all inputs from the various Department Heads.
- Performance evaluations will be taking place next week.

TOWNSHIP ATTORNEY REPORT

- SETV Franchise Renewal – Altice currently owns the former Service Electric. Mr. Benbrook has reviewed their map and is not entirely please by what he has read. Forming a sub-committee to meet with them in person early in the year would be optimal. This would be followed by a Public Hearing.

TOWNSHIP COMMITTEE MEMBER REPORTS

- Committeeman Ayers discussed Open Space, specifically: brochures for Dry Brook Preserve, extraction of invasive plants. Committeeman Risdon added that the State Program providing cover crops did not come to fruition.
- Regarding Land Use Board, Mr. Benbrook said that Frankford has an Ordinance stating that any appeals from the Land Use Board must go to the Superior Court. However, he believes that to possibly be illegal and will investigate this issue.
- Mayor Carney
 - Parks: Discussed water fountains purchased for the park.
 - School Elections: Mayor Carney met with Mayors from Branchville, Lafayette, Sussex Borough, Sussex, and Wantage regarding the change of School Board Elections regarding High Point Regional High School. The Mayors will each go back to their respective councils/committees to determine if they wish to pursue a change in the elections. Mayor Carney further explained that it is up to our Committee to decided if they wish to further explore this for Frankford. It would require a referendum on the November 2021 ballot. It was agreed by all Committeeman present to explore it further.
 - Fire Department: Frankford FD has been selling Christmas trees and wreaths as a fundraiser activity.
 - Star Light, Star Bright initiative: Mayor Carney purchased a star for the Municipal Building to be displayed in December and January.
- Committeeman Risdon
 - RFPs: Committeeman Risdon made a motion that RFPs go out for Professional Services, seconded by Committeeman Civitan. All in favor. Motion carried.
 - Reorganization Meeting: Committeeman Risdon requested the Reorganization Meeting be held on January 1, 2021. Committee members decided to have it on Tuesday, January 5, 2021 at 7 p.m.

2021 SALARY ADMINISTRATION

Mayor Carney raised making Katie Radler a full-time employee which will be further discussed during budget meetings. 20% of her salary and benefits will be covered by Fire Prevention as she works for that Department one day a week.

Ms. Nienstedt noted that the position of Deputy Registrar is missing from the Salary Ordinance and added that she has not been paid for this position since September 2019. Mr. Benbrook explained that this role is mandated by the State and as such, Ms. Nienstedt must be paid and it would be retroactive to the date of her hire. The Committee agreed. Mr. Benbrook stated that the Salary Ordinance needs to be redressed in 2021.

The Committee came to consensus to explore giving a 3.25% raise to Municipal Office employees. Ms. Nienstedt will approach Mrs. Yarosz with this information so that she can begin calculating the salary amounts for individual employees.

BILLS LIST APPROVAL

Committeeman Civitan made a motion to accept the Bills List, seconded by Deputy Mayor Ayers.

Roll-Call Vote: Ayes – Committeeman Risdon, Committeeman Civitan, Mayor Carney, Deputy Mayor Ayers.

ADJOURNMENT

Committeeman Risdon made a motion to adjourn, seconded by Committeeman Civitan. All in favor.

Motion carried.

ATTEST:

Lori Nienstedt, RMC
Municipal Clerk

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

RESOLUTION 2020-084

**REFUNDING TAX SALE CERTIFICATE 2020-008
WHICH WAS REDEEMED**

WHEREAS, the property owned by John A & Vanessa McCann, known as block 31 lot 2 located at 70 Wykertown Road had unpaid 2019 property taxes and was sold at a Tax Sale held on 30 January 2020 by the Frankford Township Tax Collector; and

WHEREAS, Bala Partners, LLC of PO Box 303 in Pottersville, NJ 07979 was the successful bidder of the above stated property. The amount of the Tax Sale consisted of unpaid 2019 property taxes, interest, and other costs, and totaled \$5,690.01 and is represented by Tax Sale Certificate 2020-008; and

WHEREAS, John A McCann, the supposed owner of the property, paid \$9,859.97 on 30 November 2020 to the Frankford Township Tax Collector to satisfy the outstanding Tax Sale Certificate 2020-008:

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Frankford on this 08th day of December 2020 that the Chief Financial Officer be authorized to draw a check payable to Bala Partners, LLC in the amount of \$17,859.97 which includes the redemption of Tax Sale Certificate 2020-008 of \$9,859.97 and the return of a tax sale premium of \$8,000.00.

BE IT FURTHER RESOLVED that the Tax Collector return the executed satisfied Tax Sale Certificate to John A & Vanessa McCann at 70 Wykertown Road located in Branchville, 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 December 8, 2020.

Lori Nienstedt, Administrator
Acting Municipal Clerk

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

RESOLUTION 2020-085

**RESOLUTION AUTHORIZING CHIEF FINANCIAL OFFICER TO CANCEL
UNEXPENDED BALANCES IN CURRENT FUND BUDGET**

WHEREAS, the following 2020 Current Fund budget appropriation balances remain unexpended;
and

WHEREAS, it is necessary to formally cancel said balances so that unexpended balances may be returned to surplus;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Frankford that the following unexpended balances be canceled to Current Fund surplus:

<u>Description</u>	<u>Amount to Cancel</u>
Group Health Insurance	\$ 50,000.00
Streets and Roads S&W	\$ 30,000.00

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 December 8, 2020.

Lori Nienstedt, Administrator
Acting Municipal Clerk

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

RESOLUTION 2020-086

BUDGET TRANSFER RESOLUTION

WHEREAS, there is a need for adjustments to the 2020 municipal budget appropriations,
and

WHEREAS, N.J.S.A. 40:4-58 permits transfers to be made in the last two months of the
calendar year and first three months of the calendar year

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Frankford
that the following transfers be made in the amounts so noted:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
General Government O&E	\$1,000.00	Coronavirus Response

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 December 8, 2020.

Lori Nienstedt, Administrator
Acting Municipal Clerk

RESOLUTION 2020-087

TOWNSHIP OF FRANKFORD

TOWNSHIP COMMITTEE

OPEN PUBLIC MEETING ACT – AUTHORIZATION EXECUTIVE SESSION

DECEMBER 8, 2020

WHEREAS, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frankford, County of Sussex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters:

A. CONFIDENTIAL

2. Minutes will be kept of the meeting in closed session and the time and circumstances under which the discussion conducted in closed session can be disclosed to the public and cannot be determined at this time.

3. This Resolution shall take effect immediately.

I certify the foregoing to be a true and accurate copy of a Resolution adopted by the Mayor and Committee of the Township of Frankford at a workshop meeting held on December 8, 2020.

ATTEST:

Lori Nienstedt, Administrator
Acting Municipal Clerk

**FRANKFORD TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2020-009

**AN ORDINANCE OF THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX, STATE OF NEW JERSEY,
PROVIDING FOR THE PURCHASE OF EQUIPMENT FOR FIRE DEPARTMENT FOR THE TOTAL COST OF
\$11,000, APPROPRIATING A SUM OF \$11,000.00 FROM FUND BALANCE IN THE CAPITAL TRUST**

BE IT ORDAINED by the Township Committee of the Township of Frankford, County of Sussex,
State of New Jersey, as follows:

Section 1. The funding for the Purchase of Equipment for the Fire Department not to
exceed \$11,000, which is hereby appropriated for such purposes from Fund Balance located in the
Capital Trust Fund.

Section 2. This Ordinance shall take effect upon publication of notice of final adoption
as provided by law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced at first reading on Tuesday, November
10, 2020 and will be considered for adoption after a public hearing to be held on Tuesday, December 8,
2020 at 7:00 PM in the Municipal Building, 151 US Highway Route 206, Augusta, NJ.

Lori Nienstedt, Administrator,
Acting Municipal Clerk

**FRANKFORD TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2020-009

**AN ORDINANCE OF THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX, STATE OF NEW JERSEY,
PROVIDING FOR THE PURCHASE OF EQUIPMENT FOR FIRE DEPARTMENT FOR THE TOTAL COST OF
\$11,000, APPROPRIATING A SUM OF \$11,000.00 FROM FUND BALANCE IN THE CAPITAL TRUST**

NOTICE OF ADOPTION

Notice is hereby given that the foregoing Ordinance was adopted on second reading after a public hearing at a meeting of the Mayor and Committee of the Township of Frankford, County of Sussex, State of New Jersey, held on the 8th day of December, 2020.

Lori Nienstedt

Acting Municipal Clerk

**FRANKFORD TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2020-010

AN ORDINANCE OF THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE PURCHASE OF A CATERPILLAR MODEL 306 MINI HYDRAULIC EXACAVATOR WITH 3 BUCKETS. THE TOTAL COST OF THE EQUIPMENT IS \$90,000, APPROPRIATING A SUM OF \$25,000 FROM A RESERVE IN THE CAPITAL TRUST FOR THE RESERVE FOR THE PURCHASE OF ROAD EQUIPMENT AND \$65,000 FROM FUND BALANCE IN THE CAPITAL TRUST

BE IT ORDAINED by the Township Committee of the Township of Frankford, County of Sussex, State of New Jersey, as follows:

Section 1. The funding for the Purchase of a Caterpillar Model 306 Mini Hydraulic Excavator with 3 Buckets not to exceed \$90,000, which is hereby appropriated for such purposes from the Reserve for the Purchase of Road Equipment located in the Capital Trust Fund in the amount of \$25,000 and Fund Balance located in the Capital Trust Fund in the amount of \$65,000.

Section 2. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced at first reading on Tuesday, November 10, 2020 and will be considered for adoption after a public hearing to be held on Tuesday, December 8, 2020 at 7:00 PM in the Municipal Building, 151 US Highway Route 206, Augusta, NJ.

Lori Nienstedt, Administrator
Acting Municipal Clerk

**FRANKFORD TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2020-010

AN ORDINANCE OF THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE PURCHASE OF A CATERPILLAR MODEL 306 MINI HYDRAULIC EXACAVATOR WITH 3 BUCKETS. THE TOTAL COST OF THE EQUIPMENT IS \$90,000, APPROPRIATING A SUM OF \$25,000 FROM A RESERVE IN THE CAPITAL TRUST FOR THE RESERVE FOR THE PURCHASE OF ROAD EQUIPMENT AND \$65,000 FROM FUND BALANCE IN THE CAPITAL TRUST

NOTICE OF ADOPTION

Notice is hereby given that the foregoing Ordinance was adopted on second reading after a public hearing at a meeting of the Mayor and Committee of the Township of Frankford, County of Sussex, State of New Jersey, held on the 8th day of December, 2020.

Lori Nienstedt
Acting Municipal Clerk