

MINUTES THE MEETING OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF FRANKFORD HELD ON FEBRUARY 1, 2005.

The meeting was called to order by Mayor Hahn with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Committeeman McDowell, Committeewoman Kristensen, Attorney Laemers and Municipal Clerk, Louanne Cular.

SALUTE THE FLAG:

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CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Minutes: None

Licenses: Sussex County Farm & Horse Show – Tricky Tray
Sussex County Farm & Horse Show – ABC/Special Permit
Sussex County Farm & Horse Show – On Premise 50/50
Blue Ridge Rescue Squad – Off Premise 50/50
Blue Ridge Rescue Squad – Sweepstakes Calendar
Branchville Hose Co – 50/50

Resolutions: Land Use Board - COAH

A motion was made by Kristensen to approve the consent agenda seconded by McDowell. All in favor. Motion carried.

PUBLIC PORTION: A motion was made by Kristensen to open the meeting to the public, seconded by McDowell. All in favor. Motion carried. Rich Pumphrey reported that during the last storm, two trucks broke down. He also reported that he had looked into joining the Morris County Co-op and a motion was made by Kristensen to authorize the \$1,000 membership fee, seconded by McDowell. All in favor. Motion carried. Paul Sutphen requested that the speed limit on Lower North Shore be 35 mph. No other public participation. A motion was made by McDowell to close the meeting to the public, seconded by Kristensen. All in favor. Motion carried.

COMMITTEE REPORTS: Mayor Hahn reported that the Economic Development committee did not have a quorum and that he had attended a County and State meeting regarding the Culvermere property. The clerk reported that she had attended the County Administrators quarterly meeting and there was a lot of discussion on the Sussex County Co-op and County wide dispatching.

ORDINANCES:

1st READING: ORDINANCE NO. 2005-03

AN ORDINANCE AMENDING THE EXISTING FRANKFORD TOWNSHIP ORDINANCE, CHAPTER XVI, ZONING, ORDINANCE NO. 2000-03 CONCERNING AFFORDABLE HOUSING DEVELOPMENT FEES.

WHEREAS, the Township Committee of the Township of Frankford previously adopted Ordinance No. 2000-03 establishing mandatory affordable housing development fees as allowed by the New Jersey Council on Affordable Housing (“COAH”). COAH has recently adopted substantive amendments to its rules which allow for an increase in the development fees.

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WHEREAS, the Township Committee desires to increase the development fees in accordance with the amended COAH rules.

BE IT ORDAINED by the Township Committee of the Township of Frankford:

Section 1. Existing Section 2 in Ordinance No. 2000-03 entitled “Development Fees” is repealed and replaced in its entirety as follows:

Section 2. Development Fees

A. Residential Development Fees.

1. Within the residential zoning districts, developers shall pay a development fee of one (1) percent of the equalized assessed value for residential development or the coverage amount of the Home Owner Warranty document of a for-sale unit or the appraised value on the document utilized for construction financing for a rental unit, provided no increased density is permitted.
2. If a “d” variance is granted pursuant to N.J.S.A. 40:55D-70(d)(5), then the additional residential units realized (above what is permitted by right under the existing zoning), within a residential development serviced by public or private sewers, will incur a bonus development fee of six (6) percent rather than the development fee of one (1) percent. However, if the zoning on a site has changed during the two year period preceding the filing of the “d” variance application, the density for purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the “d” variance application.

B. Non-residential Development Fees.

All non-residential developers shall pay a fee of two (2) percent of the equalized assessed value on the document utilized for construction financing. If a “d” variance is granted pursuant to N.J.S.A. 40:55D-70(d)(4), then the additional floor area realized (above what is permitted by right under the existing zoning), within a non-residential development serviced by public or private sewers, will incur a bonus development fee of six (6) percent of the equalized assessed value or the appraised value of the document utilized for construction financing.

C. Additional Development Fees.

The Township may provide for additional development fees as allowed by N.J.S.A. 5:93-8.1 et seq. as currently adopted or as may be amended in the future.

Section 2. Existing Section 4, “Collection of Fees” is amended to add the following language prior to subsection “A”:

“Developers that are required to pay the development fees as provided for in this ordinance shall pay the fee in effect at the time the developer applies for its building permits. Such payments are to be made in accordance with the following schedule”:

Section 3. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

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Section 4. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect after publication and passage according to law.

A motion was made by Kristensen to approve Ordinance 2005-03 on first reading, seconded by McDowell. All in favor. Motion carried.

ORDINANCE 2005-04

**AN ORDINANCE OF THE TOWNSHIP OF FRANKFORD,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY,
AUTHORIZING THE PURCHASE OF SEVERAL TAX
LOTS IN THE TOWNSHIP WITH FUNDING FOR SAID
PURCHASE BEING SECURED THROUGH AN OPEN SPACE
FUNDING GRANT FROM THE COUNTY OF SUSSEX**

BE IT ORDAINED by the Township Committee of the Township of Frankford, in the County of Sussex, New Jersey that the Township Committee is authorized to purchase those parcels of real estate described in the list of tax blocks and lots attached hereto as Exhibit A.

BE IT FURTHER ORDAINED that the funding for the purchases of the lots shall be through a grant from Sussex County Open Space Committee in the amount of \$10,000.00. The purchase price for each lot listed will be \$500 per lot. The total purchase price for all of the lots to be purchased by the Township, together with all costs of closing title, will be \$10,000.00 or less.

BE IT FURTHER ORDAINED that said purchase is subject to the Township's receipt of the aforesaid grant monies from Sussex County, receipt of a title search establishing clear and acceptable title to each lot, and receipt of a metes and bounds description for each lot to be purchased.

This Ordinance shall become effective upon proper publication and completion of all procedures required under law.

BE IT FURTHER ORDAINED that the Mayor and Municipal Clerk are authorized to execute all closing documents reasonably required to consummate the acquisitions authorized by this Ordinance.

A motion was made by Kristensen to approve Ordinance 2005-04 on first reading, seconded by McDowell. All in favor. Motion carried.

ORDINANCES:

2nd READING: None

OLD BUSINESS:

A. Recognition Drive and Pines Road - Engineer Harold Pellow was present and recommended a no parking ordinance for this area. A motion was made by Hahn to prepare an ordinance, seconded by Kristensen. All in favor. Motion carried.

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B. Guide Raid Request - Engineer Harold Pellow was present and recommended that signs and chevrons be installed and not guide rail.

C. Speed Limit Surveys – Lower North Shore Rd. and Mattison Reservoir Road - A motion was made by McDowell to authorize the Engineer to work with the State DOT to move forward on obtaining speed limits for these two roads, seconded by Kristensen. All in favor. Motion carried.

D. Maintenance of Detention/Retention Basins - Engineer Harold Pellow was present and recommended that the Township take over the detention basins on the Hillside View subdivision. He and Rich Pumphrey will work together to get the figures together for the maintenance bond.

E. Edgemont Campground – A question has come up again regarding the status of this campground. Zoning Officer, Wm Paterson was present and informed the committee that this is not a campground and falls under the statues of a Trail Park. The committee requested that the Board of Health look into this matter.

NEW BUSINESS:

A. Appointment of Electrical Sub Code Official – 4 yr –A motion was made by Kristensen to appoint Robert Schultz to the position of Electrical Sub Code Official for a four year term, seconded by McDowell. All in favor. Motion carried.

B. Frankford Twp. Park – Phase IV - A motion was made by Kristensen to authorize the mayor to sign the PAR Certification form for the project, seconded by McDowell. All in favor. Motion carried.

C. Ordinances – Underage drinking - A motion was made by Kristensen to prepare the ordinance for next meeting, seconded by McDowell. All in favor. Motion carried.

D.Pierce/Mazzarella – sentencing - It was noted for the record that the sentencing will be on April 15, 2005 for anyone wanting to attend.

E. McNeel Road – A request was received from the Ulchinsky family requesting assistance with plowing their private road during extreme weather. A motion was made by McDowell to authorize the road department to assist them on a “will call” basis in extreme weather, seconded by Kristensen. All in favor. Motion carried. The committee made it clear that this is voluntary only and the Township will not be taking over the road, nor will they be maintaining it on a regular basis.

F. Acceptance of bids – Municipal Property Sale - A motion was made by Kristensen to accept the bids from the sale of the properties, seconded by McDowell. All in favor. Motion carried.

G. Resolution authorizing the sale of Municipal Property - A motion was made by Kristensen to authorize the sale of the properties that were not sold at the last sale, seconded by McDowell. All in favor. Motion carried.

H. Application for Place to Place Transfer – County Pizza – The committee reviewed the recommendation of the Clerk and Detective Preston and a motion was made by McDowell to deny the application until all paperwork is submitted and investigated, seconded by Kristensen. All in favor. Motion carried.

I. Event License – Branchville Fire Department – A motion was made by Kristensen to review this matter further to see if the township waived the fee last year and carry to next meeting, seconded by McDowell. All in favor. Motion carried.

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CORRESPONDENCE: The following items were pulled: #3 – Prepare resolution regarding disabled veterans for next meeting - #15 – Wetlands permit – send copies to the Board of Health and the Sussex County Board of Health.

BILLS TO BE PAID - A motion was made by McDowell to approve the bills as presented, seconded by Kristensen. All in favor. Motion carried.

EXECUTIVE SESSION: A motion was made by Kristensen to go into executive session, seconded by McDowell. All in favor. Motion carried.

PUBLIC PORTION: A motion was made by McDowell to open the meeting for public comment, seconded by Kristensen. All in favor. Motion carried. The committee discussed having an area where residents could be recognized. This project will be worked on. No public participation. A motion was made by Kristensen to close the meeting for public comment, seconded by Hahn.

ADJOURNMENT: A motion was made by Kristensen to adjourn, seconded by McDowell. All in favor. Motion carried.

Attest:

**Louanne Cular RMC/CMC
Municipal Clerk**

