

MINUTES OF MEETING OF JANUARY 16, 2008

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Route 661, Johnsonburg, New Jersey and was called to order at 7:30 p.m. by Mayor Charles.

SUNSHINE LAW STATEMENT:

Under the provisions of the Open Public Meetings Act, adequate notice of this meeting was provided by posting notice on the Township bulletin board and by faxing notice to the Star Gazette and New Jersey Herald on January 3, 2008.

ROLL CALL:

Those present were: Mayor Thomas Charles, Committeeman Debra Natyzak-Osadca, Committeeman Alan DeCarolis, Committeeman Frank Desiderio, Committeeman Dale Durling, Sr., Chief Finance Officer Gene Marie McCartney, Attorney Edward Wacks, and Clerk Brenda Kleber.

ORDINANCES:

AN ORDINANCE (#2008-01) TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14). The Clerk read the Ordinance by title and advised that it was posted and that a public hearing will be held on February 20, 2008. Motion was made by Durling, seconded by DeCarolis to introduce said Ordinance. Roll call vote: DeCarolis-yes, Desiderio-yes, Durling-yes, Natyzak-Osadca-yes, Charles-yes.

RESOLUTIONS:

#2008-08:

WHEREAS, the Mayor and Township Committee of the Township of Frelinghuysen require the services of a Municipal Attorney, and

WHEREAS, funds will be available in the 2008 budget to pay for the aforesaid services;

NOW, THEREFORE BE IT RESOLVED that:

1. The appointment of the following for the term indicated is hereby approved:
 - a. Municipal Attorney-Edward Wacks of Wacks & Hartmann-1 year term
2. The services of the above mentioned appointee was engaged without competitive bidding as "professional services", as defined in the local public contracts law, because such services are performed by person authorized by law to practice a recognized professional, regulated by law, and it is not possible to obtain competitive bids.
3. A copy of this resolution shall be published as required by law within ten (10) days of its passage.

Motion was made by DeCarolis, seconded by Desiderio to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2008-09:

WHEREAS, the person-to-person liquor license resolution for license #2106-33-005 from Dark Moon Tavern to Silvana Enterprises was not to be submitted to the ABC until all items have been complied with; and

WHEREAS, in resolution #2007-94, the statement that Silvana Enterprises approval by the ABC is to be deleted; and

WHEREAS, resolution #2007-94 is to be null and void.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen that resolution #2007-94 is null and voided and a resolution will be forwarded to the ABC when the proper paperwork has been received.

Motion was made by DeCarolis, seconded by Desiderio to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2008-10-not adopted

#2008-11;

WHEREAS, it is necessary to discuss items dealing with Land Acquisition in private or executive session; and

WHEREAS, under the Open Public Meetings Act (number 5 of the permitted exceptions to the requirements that a public body hold its meetings in public) it is permissible that such matters be discussed in executive or private session.

NOW, THEREFORE BE IT RESOLVED, on this 16th day of January, 2008 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned and results or portions of that discussion will be made known in a reasonable length of time.

Motion was made by Desiderio, seconded by Durling to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolus-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2008-12:

WHEREAS, the Municipal Clerk has submitted a list of bills in the agenda for the Township Committee's review; and

WHEREAS, the Township Committee members have reviewed the list.

NOW, THEREFORE BE IT RESOLVED, that all vouchers and purchase orders as submitted and reviewed by the Township Committee of the Township of Frelinghuysen are reasonable and proper claims against the Township and are to be paid from its appropriate fund accounts.

Motion was made by Desiderio, seconded by DeCarolus to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolus-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2008-13:

WHEREAS, there are insufficient funds to meet the demands necessary for the 2007 balances in: Plumbing O/E, Roads O/E, Recreation, Telephone and Oil; and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Tax Maps, Assessor O/E, Legal, Planning Board O/E, Unemployment Insurance and Solid Waste O/E.

BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that in accordance with the provisions of R.S.40A:4-58, the Chief Finance Officer is hereby authorized to make the following transfers:

To:

Plumbing O/E	235.00
Roads O/E	12,216.00
Recreation	932.00
Telephone	150.00
Oil	<u>210.00</u>
	13,743.00

From:

Tax Maps	2,000.00
Assessor O/E	1,500.00
Legal	4,243.00
Planning Board O/E	4,000.00
Unemployment Insurance	1,000.00
Solid Waste O/E	<u>1,000.00</u>
	13,743.00

Motion was made by Durling, seconded by Desiderio to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolus-yes, Desiderio-yes, Durling-yes, Charles-yes,

OLD BUSINESS:

The proposal received from Morris Land Conservancy for providing open space advisement to the township will be on hold until Committeeman DeCarolus contacts MLC and ask that the fee be decreased to \$10,000.00.

Motion was made by Desiderio, seconded by Durling accepting the attorney's proposal to represent the township in prosecuting in rem tax sale foreclosures at a fee of \$750.00 per case. Motion was made by Desiderio, seconded by Durling accepting the proposal and instructed the Clerk to prepare a professional service resolution for the February meeting.

Cell Tower Ordinance, Feral cat policy, policy on public communications, personnel policy and outdoor festival policy will be held over to the February work meeting.

Committeeman DeCarolis advised that he would not like to accept the Recycling Coordinator's position. It was decided that the position would fall under the Road Department and Committeeman Desiderio would handle the recycling along with preparing the tonnage report.

Committeeman DeCarolis suggested that Committeeman Natyzak-Osadca stay on the Farmland Preservation Board and Open Space Committee. It was decided that Committeeman DeCarolis would stay on both boards.

Committeeman Natyzak-Osadca suggested that another public hearing be held on the Recreation Complex as the adjacent property owners have questions. A date of March 13th was decided. Committeeman Natyzak-Osadca will prepare a letter to be sent to the adjoining property owners.

NEW BUSINESS:

Mayor Roger Michaud and Committeeman Laz Raffay of Green Township appeared before the Committee advising of the escalating costs of the Green Township Fire Dept. and First Aid Squad. They would like to form a subcommittee to go over the costs. In attendance was Emergency Management Coordinator James Drylie who will develop a template to be a part of the budget for the year. It was decided that Committeeman Durling will be on the task force along with Mr. Drylie. (Note: At a later date, Committeeman DeCarolis was also appointed to the task force).

Benjamin Lesnewski, who is currently a Boy Scout for troop 140 in Blairstown and is currently in the process of earning his Eagle Scout rank appeared before the Committee advising that as part of that rank, he is required to do a community service project benefiting the community he resides in. Mr. Lesnewski is seeking permission to create a Nature Discovery Trail around the Town Hall property. The trail would be year round activity site providing educational activities geared toward school age children but would provide entertainment and educational information to anyone who walks on it. Mayor Charles recommended that he approach the Recreation Committee since this project has to be done by June and there is still work to be done to get the fields in order. The Committee gave their support for Mr. Lesnewski to proceed.

A letter received from the Ridge and Valley Conservancy was read seeing support for their continued efforts to save more land in northwest New Jersey. They would like Frelinghuysen Township to contribute to this effort by donating \$500.00. The Clerk was instructed to forward this letter to the Open Space Committee and advise Ridge and Valley of this.

A letter received from the Farmland Preservation Committee was read requesting that Ordinance #2006-11 be changed to state that the secretary shall be a paid township employee rather than elected from within the Committee. The second request is the recommendation that Ordinance 2006-21 be changed to having only seven (7) members on the committee and removing the township clerk as alternate from the committee. The attorney advised he will prepare an Ordinance to reflect these requests.

A letter received from the Warren County Department of Land Preservation was read requesting a representative be appointed to serve on the Municipal and Charitable Conservancy Trust Fund Committee. It was decided to hold this until the budget meeting of January 25, 2008.

A letter of complaint received from Paula Jensen was read. At this time, Committeeman DeCarolis recued himself. Ms. Jensen complained that business owner Michael Burns is ignoring the violation letter sent to him by Zoning Officer George Boesze. The Zoning Officers letter is being disregarded and no solution has been achieved. The Committee decided to take no action and on motion made by Desiderio, seconded by Durling have

Mr. Boesze respond to this letter by the January 25th meeting. All in favor. Mr. DeCarolis returned to the table.

DEPARTMENT REPORTS:

Department reports received from the Tax Collector, Tax Assessor, Building Dept., Warren County Municipal Court and Warren County Health Dept. were approved on a consent agenda motion made by Natyzak-Osadca, seconded by Desiderio. All in favor.

Mayor Thomas Charles report:

Mayor Charles reported that a determination needs to be made by the Committee with regard to the possible law suit against COAH which is being lead by Colts Neck Township. The law suit could cost \$20,000.00 a year for the next five years. It was decided that Committeeman DeCarolis would call Colts Neck for additional information and report back. Meanwhile, the Clerk was instructed to send a letter, on motion made by Desiderio, seconded by Natyzak-Osadca to the Planning Board asking them to make COAH fees a priority. All in favor.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca felt that the elected official's handbook would be beneficial to the members of the Committee and instructed the Clerk to order three copies.

Attorney Edward Wacks report:

With regard to the deed of conveyance of the Greene property, an error was made in the Planning Board resolution where the description stated that no development could be made instead of a subdivision, therefore the resolution was rescinded and the property can now proceed with the farmland preservation purchase. The Clerk was given the extension amendments for the Greene's and Mayor to sign.

Mr. Wacks reported on the Planning Board appointments. As the result of the work done by his assistant Diane Weber and the Clerk, the appointments and replacements of the Class IV members were concluded in a 10 year period in a memorandum presented by Mr. Wacks. The Committee will discuss this further at the January 25, 2008 meeting.

Mr. Wacks reported on an issue presented to him by the Zoning Officer. At this point, Committeeman DeCarolis recued himself. Mr. Stiles, an attorney for a ham radio operator, telephoned Mr. Wacks with regard to the property owner constructing ham radio antenna without a permit. The Zoning Officer felt that this matter should go before the Zoning Board of Adjustment due to the height of the antenna, but Mr. Stiles felt that the towers are regulated by federal law and are permitted regardless of the height. Mr. Wacks received the requested authorization he needs in order to research this further. Motion was made by Desiderio, seconded by Durling requiring Mr. Wacks to contact Mr. Stiles to set up an escrow to cover the costs of the research. Mr. Wacks will report at the February meeting. At this time, Committeeman DeCarolis returned to the table.

At last month's meeting, Engineer Paul Niehoff reported that a retaining wall, in the State's right-of-way was deteriorating and could collapse. Mr. Wacks was authorized on motion made by Desiderio, seconded by Durling authorizing Mr. Wacks to contact the NJDOT. All in favor.

Mr. Wacks reported that he is still in the process of researching the non conforming use ordinances and will have suggestions and recommendations that will be passed on to the Planning Board for next month's meeting.

The ownership and liability of a dam on South Street was brought to Mr. Wack's attention. It was determined that there is no dam but is an outflow but the township could potentially be liable if there is a problem with the outflow.

Gabe DeCarolis asked of the attorney the situation in the township where a tree fell on a resident's trailer and since it was destroyed where people live meanwhile. Mr. Wacks advised that an emergency application can be filed with the Zoning Board of Adjustment to place a temporary trailer on the property.

CORRESPONDENCE:

NJ DCA Re: Training courses for members of planning and zoning boards
Morris Land Conservancy Re: Copy of letter regard appraisals
Municipal Excess Liability Joint Ins. Fund Re: Bulletin #MEL 08-01
Township of Blairstown Re: Recreation fee ordinance
NJ DEP Re: LOI on Block 801, Lot 12
Dorsey & Semrau Re: Morris Joint Ins. Fund miscellaneous items
NJ DOT Re: Denial of grant funds for State Park Road Phase III
Maser Consulting Re: Copy of letter regarding State Park Road Phase II
NJ COAH Re: Revised third round rules
NJ Dept. of Agriculture Re: Gypsy Moth program
New Jersey State League of Municipalities Re:
 a. Draft school funding formula bill
 b. Mayor's roundtable session
 c. Gypsy moth suppression program
 d. Urgent action needed on S-176-wrongful death
 e. Lame Duck Legislative developments
 f. Legislative alert
 g. Important information from the Division of Local government Services
 h. Four issues:
 1. Asset Monetization
 2. Smart future funding
 3. Transportation aid
 4. COAH numbers
 i. Mayor's news line
 j. 92nd annual conference highlights

BILLS:

See schedule attached to minutes

EXECUTIVE SESSION:

Motion was made by Desiderio, seconded by Durling to enter into Executive Session after a resolution dealing with land acquisition was approved in the public portion of the meeting. All in favor. Upon returning, motion was made by Natyzak-Osadca, seconded by Durling to return to public session. The attorney advised that the Committee offered an undisclosed amount in closed session to Dr. Reisburg with conditions. Motion was made by Durling, seconded by Desiderio to authorize Morris Land Conservancy to negotiate this amount with Dr. Reisburg. Roll call vote: DeCarolis-yes, Natyzak-Osadca-no, Durling-yes, Desiderio-yes, Charles-yes.

AUDIENCE PARTICIPATION:

Dan Kohuth was dismayed over the missing Planning board minutes and the many mistakes he claims there are being made and wants the problems corrected. Committeeman Natyzak-Osadca will follow up on the minutes and report at the next meeting.

Mr. Kohuth also asked why the Committee was pursuing Dr. Reisburg's property. He was advised that the Open Space Committee made this recommendation and the Committee voted to pursue it.

Robert Young stated that he felt it was a mistake to not re-appoint Tom Finn to the Planning Board and now we have a chance to fix the situation. He complained that the Planning Board reorganization meeting was canceled at the last minute. He stated that

he has been on the Planning board for 17 years and the reorganization meeting of the Planning Board was very unprofessional.

Donna Marie was upset with the Planning Board reorganization meeting especially the issue of a member using a cell phone. She also felt that the prior secretary, Ms. Murray was let go unprofessionally and since Shannon Drylie stated that there was a hostile work environment when she was let go but created a hostile work environment with Ms. Murray. Donna Marie requested that the Committee look again for a secretary. She was advised that the Committee could not interfere in Planning Board business. Lastly, Donna Marie requested a copy of the letter from Ms. Jensen. She was advised she would have to complete an OPRA request. Committeeman Desiderio responded that with his using the cell phone-it will not happen again and is willing to sit down and discuss any problems with any member of the board.

Robin Randolph had concerns over the secretary's nomination as there was a professional review held in December with Ms. Murray. She feels that there should be a separate secretary as Ms. Drylie wears too many hats in the Town Hall as it is. Ms. Randolph would like the Personnel committee to talk to the Planning Board about hiring a new secretary.

ADJOURNMENT:

There being no further business, motion was made by DeCarolis, seconded by Durling to adjourn the meeting. All in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC