

MINUTES OF MEETING OF FEBRUARY 17, 2010

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, February 17, 2010 and was called to order at 7:30 p.m. by Mayor Durling.

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 e mailing notice to the New Jersey Herald and The Express-Times.

ROLL CALL:

Those present were: Mayor Dale Durling, Deputy Mayor Thomas Charles, Committeeman Alan DeCarolis, Committeeman Frank Desiderio, Committeeman David Boynton, Attorney Edward Wacks, Chief Finance Officer Gene Marie McCartney and Clerk Brenda Kleber.

ORDINANCES:

AN ORDINANCE (#2010-02) ESTABLISHING SECTIONS 4-41 ET SEQ. OF THE FRELINGHUYSEN TOWNSHIP CODE, ENTITLED "TAXICABS AND LIVERY VEHICLES" was opened to the public on motion made by Boynton, seconded by Desiderio. All in favor. There being no discussion, motion was made by Charles, seconded by Boynton to close the public portion. All in favor. Motion was made by Charles, seconded by Desiderio to adopt said ordinance with the insertion of the dollars amounts. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes.

RESOLUTIONS:

#2010-17: (Flood Mitigation)

WHEREAS, the Multi-Jurisdictional Flood Mitigation Plan for municipalities in the Non-tidal New Jersey portion of the Delaware River Basin has been prepared in accordance with FEMA requirements at 44 C.F.R.201.6; and

WHEREAS, Frelinghuysen Township has participated in the preparation of the multi-jurisdictional Plan; and

WHEREAS, Frelinghuysen Township is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Frelinghuysen Township has reviewed the Plan and affirms that the Plan will be updated no less than every 5 years.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen adopts the Multi-Jurisdictional Flood Mitigation Plan for municipalities in the Non-tidal New Jersey portion of the Delaware River Basin and resolves to execute the actions in the Plan.

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

#2010-18

WHEREAS, the Township of Frelinghuysen intends to solicit quotes for an excavator for the ball field; and

WHEREAS, specifications have been prepared and provided by the Township Recreation Committee; and

WHEREAS, it is anticipated that the cost of the solicited work will be less than the bid threshold set forth at N.J.S.A.40A:11-3.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Municipal Clerk is authorized to request bids for an excavator.

Motion was made by Charles, seconded by DeCarolis. Roll call vote: DeCarolis-yes, Desiderio-abstain, Boynton-yes, Charles-yes, Durling-yes.

#2010-19 (Opposing legislation amending the time of decision rule)

WHEREAS, S-82 and A-437 are intended to modify the "time of decision" rule, which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, the bills would deem as complete the ordinances in effect at the time of an application and shall govern the review of that application, and any decision made following upon that review; and

WHEREAS, "the time of decision rule" is a judicially recognized principal that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered not upon application; and

WHEREAS, courts have applied the "time of decision rule" to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed; and

WHEREAS, the "time of decision rule" has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that for whatever reason, had not been previously addressed in the ordinance; and

WHEREAS, application and zoning changes require public discussion and hearings and S-82/A-437 would permit developers to "beat the clock" by filing applications and freezing the ability of local officials to act;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen in the county of Warren, in the State of New Jersey hereby urges our State Legislators to oppose A-437 and S-82, and any legislation which would eliminate the "time of decision" rule at the local level; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Michael Doherty, Assemblyman John DiMaio, Assemblyman Erik Peterson, the members of the Senate Community and Urban Affairs Committee, the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Office of the Governor.

Motion was made by Charles, seconded by Desiderio to adopt said resolution. Roll call vote: DeCarolis=yes, Desiderio=yes Boynton=no, Charles=yes, Durling=yes.

#2010-20 (approval of vouchers)

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

WHEREAS, the Township Committee members have reviewed the list and copies.

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 Boynton, seconded by DeCarolis to adopt said resolution. Roll call vote: DeCarolis=yes, Desiderio=yes, Boynton=yes, Charles=yes, Durling=yes.

PROCLAMATIONS:

A proclamation endorsing NEA's Read Across American and Read Across American-NJ was proclaimed by Mayor Durling.

OLD BUSINESS:

Robin Randolph was appointed to the Open Space Committee as a Planning Board representative by Mayor Durling. All in favor except Committeeman Desiderio who abstained.

The appointment to the Farmland Preservation was discussed. There were 2 applications received last week from Michael Staufenberger and Debra Natyzak which were included in the agenda. On the day of the meeting another application was received from Patricia Fleno. Motion was made by Charles with no second for the appointment of Staufenberger and Fleno after comments from the audience that the Fleno application should not be accepted as it was not presented to the Committee. Motion was then made by Charles, seconded by Boynton to appoint Staufenberger. All in favor. Motion was made by DeCarolis, seconded by Durling to appoint Debra Natyzak. Roll call vote: DeCarolis=yes, Desiderio=no, Boynton=no, Charles=no, Durling=yes.

The Committee members were given copies of the Township seal which was prepared by the 4th grader. The Committee will review and discuss further at the work meeting.

Debra Natyzak asked to be on the agenda to discuss the Clean Communities guidelines policy which was adopted last month. Ms. Natyzak stated that in 1991 she applied for funding and has followed the guidelines and feels there should be no local policy as she is following the state guidelines. Mayor Durling interpreted the guidelines to mean that the funding is only for non-profit organizations and not individuals of which Ms. Natyzak has been paying. The Clerk was instructed to have the attorney look into this and prepare a memo.

NEW BUSINESS:

Dr. Fogelson, Christine Sharkey and Ruby Malcolm appeared before the Committee and audience member to give the 2010-2011 budget presentation. This year's total budget will be \$17.2 million which is ½ million less than last year. The state figures will not be out until the middle of March and the school will have another presentation with the Mayor's at that time.

A letter received from the Warren County Planning Department was read requesting a governing body member to attend the North Jersey Transportation Planning Authority forum. Committeeman DeCarolis volunteered to attend and was accepted on motion made by Charles, seconded by Boynton. All in favor.

An e mail from The Land Conservancy recommending that they and the Clerk work together to close out the Reisburg project with Green Acres and the Open Space Committee and Township Committee work to line up another open space project. This will be done by The Land Conservancy, Municipal Clerk and attorney.

A letter received from the Open Space Committee was read asking to be provided with a response in writing the reason the progress was halted on the Reisburg project and how the Open Space Committee could help in order to address these concerns. The Attorney will prepare the letter.

MINUTES:

The minutes of the meeting of December 16, 2009 were approved on motion made by Boynton, seconded by Charles. All in favor except Charles and Desiderio who abstained. The minutes of the reorganization meeting of January 5, 2010 were approved on motion made by Boynton, seconded by Charles. All in favor except Desiderio who abstained. The minutes of the meeting of January 14, 2010 were approved on motion made by Boynton, seconded by Charles. All in favor except Desiderio who abstained. The minutes of the meeting of January 20, 2010 were approved on motion made by Boynton, seconded by Charles. All in favor except Desiderio who abstained. The minutes of the minutes of January 28, 2010 were approved on motion made by Boynton, seconded by Charles. All in favor except Desiderio who abstained. The minutes of the executive session of December 16, 2009 were approved by Boynton, seconded by Charles. All in favor except Charles and Desiderio who abstained. The minutes of the executive session of January 5, 2010 was approved on motion made by Boynton, seconded by Charles. All in favor except Desiderio who abstained. The minutes of the executive session of January 28, 2010 was approved on motion made by Boynton, seconded by Charles. All in favor except Desiderio who abstained.

DEPARTMENT REPORTS:

Mayor Durling's report:

Mayor Durling reported that a resident had complained to the District Attorney's office that taxpayer funds were used for the mailing of the Open Space postcard which asked people to vote for the open space tax. Mr. Wacks decided that he would pay the \$462.00. Mayor Durling received an e mail from the State of New Jersey advising that Marcia Karrow had been appointed to chair a committee on COAH and the forestry management plan was sent to the State on time

Deputy Mayor Thomas Charles report:

Deputy Mayor Charles reported that in preserving the 30 acre Woodcock farm, Frelinghuysen Township paid out \$5150.00 in soft costs. With regard to the budget preparation the construction fees will either have to be increased or hours will have to be cut. John Jurena township website was recognized and asked for him to be paid for his contribution. He was advised that Mr. Jurena is getting paid.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis asked if the F800 vehicle is to be sold and asked where the sustainable New Jersey ordinance stands. He also commended the DPW for the good job they did during the past snow storms.

Committeeman David Boynton's report:

Committeeman Boynton commended the DPW for the good job they did during the past snow storms along with giving thanks to Brenda and Shannon for coming to work in the storm storms. He mentioned that March 27th is Casino Night.

Committeeman Frank Desiderio's report:

Committeeman Desiderio gave the Committee a listing of the items he would like to auction off. Motion was made by Boynton, seconded by DeCarolis to advertise for the sealed bids.

Attorney Edward Wacks report-none

BILLS:-please see attached schedule

CORRESPONDENCE:

ISO Re: Building Code Effectiveness Grading Schedule

Traffic Safety Bulletins

State of New Jersey, Dept of the Public Advocate Re: Lead poisoning

Laura Brill Re: Application submitted to DEP

Service Electric Cable TV Re: Franchise fee

Town of Phillipsburg Re: Resolution to freeze tax on Open Space

Oxford Township Re: Resolution to freeze tax on Open Space

Morris County Municipal JIF Re:

1. 2010 meeting dates
2. 2010 MEL coverage bulletins

Maser Consulting Re: Copy of letter sent to South Street residents

NJDEP Re:

1. Transition area exemption on Block 603, Lot 12
2. Lake Wasigan Dam
3. Copy of letter congratulating for Forestry program
4. Year end status report for 2009
5. Letter congratulating for 2009 Business Stimulus Fund

Warren County Planning Dept. Re: 2009 proposed development summary

NJDOT RE: Copy of approval for Kerrs Corner Road project

Warren County Health Dept. Re: Food establishment list

Warren County Dept. of Human Services Re: Shared ride services program

NJ Senate Re: Transfer of affordable housing control to towns

NJ DCA Re: Permit extension act of 2008

New Jersey State League of Municipalities Re:

1. Two Issues:
 - a. Federal update for period ending Feb. 5th
 - b. Governor Chrisite signs executive order on COAH
2. Two Issues:
 - a. Interest arbitration reform
 - b. Proposed pension reform bills S-2, S-3, S-4 and SCR-1
3. Two Issues:
 - a. S-1 reforms Fair Housing Act, Abolishes COAH
 - b. Governor publishes transition team reports
4. Four Issues:

- a. Date change-NJDARM computer training seminar
- b. League professional development seminar
- c. Length of service award changes
- d. Updated CEU's
5. Update on U.S. relief efforts in Haiti
6. Four Issues:
 - a. Morning session-sold out on NJDARM computer training seminar
 - b. Changes to the DLGS website
 - c. Hazard mitigation grants funds
 - d. Mayors-take the pledge to combat obesity in your town
7. Four Issues:
 - a. League professional development seminar-foreclosures
 - b. League professional development seminar-reducing staff
 - c. Changes to the DLG website
 - d. League professional development seminar-performance measurement
8. New Jersey State League of Municipalities Re: Membership benefits
9. Two Issues:
 - a. Briefing by Haitian Ambassador
 - b. Information session for Federal Funding of Public Service
10. Three Issues:
 - a. Support the Troops-March 25
 - b. Administrator or Manager Recruitment
 - c. Women in municipal government
11. EECBG Program Information
12. Three Issues:
 - a. You're invited-Health policy event
 - b. S-458
 - c. Important league on-line survey
13. Four Issues:
 - a. Register Now-League professional development seminar
 - b. Upcoming NJRA RTI Redevelopment Training
 - c. Local Finance Notice
 - d. Sustainable Jersey Action Update
14. FEMA/State web resources provide hazard mitigations policy
15. S-1 Affordable Housing
16. Four Issues:
 - a. Subsidizing redevelopment with the economic redevelopment
 - b. Research just got easier league profession development program
 - c. NJDARM computer training
 - d. New Jersey future redevelopment forum 2010
17. Assembly budget committee invites league to join state-municipal working group
18. Three Issues:
 - a. Subsidizing redevelopment with economic redevelopment
 - b. Research just got easier
 - c. League professional development-NJDARM computer training
19. Three Issues:
 - a. 2010 census questionnaires
 - b. Bills signed into law
 - c. Social Security Survivors benefits
20. S-82 Time of decision bill posted

AUDIENCE PARTICIPATION:

Dan Kohuth stated that the executive session minutes of January 28th mentioned that Mr. Wacks had paid the amount for the postcards that were sent out in support of the Open Space referendum. Mr. Kohuth questioned this at that time and the attorney stated it was not a conflict for the township to pay so why was there a change of heart. Mayor Durling advised that he felt the open space referendum was a benefit to the township and that is why it was supported.

Mr. Kohuth asked Committeeman Desiderio why he did not offer an opinion of why he voted against the appointment of Ms. Natyzak to the Farmland Preservation. Mr. Desiderio said he did not offer an opinion. Mr. Kohuth further stated he was disappointed that Ms Natyzak was not voted in as he feels she is an asset.

Amy Hufnagel stated that the Township Committee started with two applications for Farmland Preservation in their packets and asked why the third application was not in the packets and mysteriously showed on the Clerk's desk. Mayor Durling advised that he was shown the application earlier in the day as it was just received that day. She asked why Ms. Natyzak was not a contender for the Farmland Preservation. Committeeman Charles brought out a newspaper article of which Ms. Natyzak wrote stating that municipalities should not be involved in preserving properties. Committeeman Boynton was asked why he voted against Ms. Natyzak. He stated he felt she had a conflict due to her position as treasurer for the Ridge & Valley Conservancy.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC