

## MINUTES OF THE MEETING OF FEBRUARY 18, 2009

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey 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 faxing notice to the Express-Times and New Jersey Herald on January 5, 2009.

### ROLL CALL:

Those present were: Mayor Dale Durling, Deputy Mayor Frank Desiderio, Committeeman Debra Natyzak-Osadca, Committeeman Alan DeCarolis, Committeeman David Boynton, Attorney Edward Wacks, Engineers Paul Sterbenz and Paul Niehoff and Clerk Brenda Kleber.

### ORDINANCES:

AN ORDINANCE (#2009-01) TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A40a:4-45.14) was opened to the public on motion made by DeCarolis, seconded by Boynton. All in favor. Motion was made by Boynton, seconded by DeCarolis to close the meeting to the public. All in favor. Motion was made by Boynton, seconded by DeCarolis to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

AN ORDINANCE (#2009-02) OF FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE AMENDING SECTION 2-26.2 OF THE FRELINGHUYSEN TOWNSHIP CODE CONCERNING APPOINTMENTS TO ENVIRONMENTAL COMMISSION was opened to the public on motion made by Desiderio, seconded by Boynton. All in favor. Motion was made by Desiderio, seconded by Boynton to close the meeting to the public. All in favor. Motion was made by Boynton, seconded by DeCarolis to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

Ordinance #2009-03 will be on agenda for March 18, 2009.

AN ORDINANCE (#2009-04) OF THE FRELINGHUYSEN TOWNSHP MAYOR AND COMMITTEE REVISING SECTION 2-25.1, ET SEQ. OF THE FRELINGHUYSEN TOWNSHIP CODE, ENTITLED "INTERMUNICIPAL COURT" was offered for introduction on motion made by Desiderio, seconded by Boynton. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

AN ORDINANCE (#2009-05) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN APPROVING THE PURCHASE OF CERTAIN LANDS BY THE TOWNSHIP OF FRELINGHUYSEN FROM JEROME L. REISBERG, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID PURCHASE was offered for introduction on motion made by Desiderio, seconded by DeCarolis. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

AN ORDINANCE (#2009-06) RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS SUSSEX ROAD BOOK A, PAGE 117 IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY was offered for introduction on motion made by Boynton, seconded by DeCarolis. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

**RESOLUTIONS:**

#2009-19 Green Acres Enabling resolution-on hold

#2009-20:

WHEREAS, the Township of Frelinghuysen entered into an interlocal services agreement for shared municipal court services (“Shared Court Agreement”) with the Township of Knowlton; and

WHEREAS, Frelinghuysen and Knowlton contemplated an effective date for the Shared Court Agreement of January 1, 2009 subject to the approval of the Administrative Office of Courts (the “AOC”); and

WHEREAS, the AOC approved the Shared Court Agreement to be effective as of February 1, 2009; and

WHEREAS, Frelinghuysen and Knowlton wish to amend the Shared Court Agreement to reflect the new effective date;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, as follows:

The proposed amendment to Interlocal Services Agreement for Shared Municipal Court, in the form attached to this resolution, is hereby approved, and the Mayor of the Township be and hereby is authorized to execute the Agreement on behalf of the Township.

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

#2009-21

WHEREAS, there are insufficient funds to meet the demands necessary for the 2008 balances in: Legal O&E and Planning Board O&E; and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Roads O&E, Construction O&E and Engineering O&E.

NOW, THEREFORE 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:

Legal O&E	2,600.00
Planning Board O&E	<u>1,100.00</u>
	3,700.00

From:

Roads O&E	1,500.00
Construction O&E	1,000.00
Engineering O&E	<u>1,200.00</u>
	3,700.00

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

#2009-22:

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 their appropriate accounts.

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

**OLD BUSINESS:**

The approval of the contract for the Reisburg property is on hold for the March meeting as the second reading of the ordinance must be done.

The Green Acres project agreement for the ballfield, Block 901, Lot 1.02 is on hold for the March meeting so that the attorney can review the paperwork.

The amendment to the Interlocal Agreement for the Knowlton Court was approved on motion made by Boynton, seconded by Desiderio. All in favor.

Committeeman Natyzak-Osadca asked Mr. Wacks if an attorney is needed when the Zoning Officer and Clerk needs to appear for the Marie/Jensen matter. Mr. Wacks stated that he felt that since they were more comfortable after the last hearing an attorney would not be needed for the next hearing.

Background checks for the various sports coaches were discussed. It was decided to have the Recreation Committee have an input along with polling the surrounding townships for their policy.

An e mail letter from Lowell Forbes, who presented a petition at the last meeting regarding Saddle Ridge Road, was read. Mr. Forbes spoke to a Sergeant at the Hope Police Barracks who stated that the ordinance to make Saddle Ridge Road a "No thru Traffic" road would be enforced by the State Police. After discussion, motion was made by Desiderio, seconded by Natyzak-Osadca authorizing Paul Sterbenz to look into this and provide a report. All in favor except Committee DeCarolis who opposed.

Sample ordinances provided by the attorney for the recreation area are on hold for the Committee to review.

#### **NEW BUSINESS:**

Three applications were received for the two positions open on the Planning Board. After reviewing the applications, the Mayor appointed Richard Barrow and Ralph Corvino. Motion was made by Boynton, seconded Desiderio concurring with the Mayor's appointment. Roll call vote: Natyzak-Osadca-no, DeCarolis-no, Desiderio-yes, Boynton-yes, Durling-yes.

A proposal received from Laura Brill to provide the survey and subdivision of the Reisburg property will be on hold until the second reading of ordinance #2009-05.

#### **QUOTATIONS:**

An additional quote was received for security cameras. The Mayor appointed Committeemen Desiderio and Boynton to review the quotes and report at a later meeting.

#### **MINUTES:**

The minutes of the meeting of January 21, 2009 were approved as corrected on motion made by Natyzak-Osadca, seconded by Desiderio. All in favor. The minutes of the executive session of January 21, 2009 were approved on motion made by Boynton, seconded by DeCarolis. All in favor. The minutes of the budget meeting of January 26, 2009 were approved on motion made by DeCarolis, seconded by Boynton. All in favor.

#### **DEPARTMENT REPORTS:**

Department reports received from the Tax Assessor, Tax Collector, Municipal Court, Dog Licensing Official and Warren County Health Dept., were approved on a consent agenda motion made by Boynton, seconded by DeCarolis. All in favor.

#### Mayor Dale Durling's report:

Mayor Durling reported that he has given the map of the sidewalk to Mr. & Mrs. Barbour who will sign off if satisfied.

Deputy Mayor Frank Desiderio's report:

The Deputy Mayor Desiderio reported that there was damage done by the high winds to the salt shed roof and ruined approximately \$15,000 worth of salt. He obtained three quotes in the amount of \$2970.00 from Up and Above Contractors, \$2700.00 from F.L. Construction, Inc, .and \$2575.00 from Samurai Contractors. Motion was made by Boynton, seconded by Natyzak-Osadca authorizing Committeemen Desiderio and Boynton to have the repairs made to the salt shed roof in accordance with the quote from Samurai subject to Committeemen Desiderio and Boynton's approving the method of repair. All in favor.

The Deputy Mayor reported that there were several incidents of theft on the township property.

The Deputy Mayor reported that the fire inspector for the DCA was unaware that there were no toilet facilities available for the road department and that a new building should be built before PEOSHA fines the township. A task force will be formed by Committeeman Natyzak-Osadca and Desiderio consisting of members of each Board.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca asked for clarification on a discussion about the updates of the re-appraisals of the Greene property. She was advised that this was done by a telephone poll and was approved. Committeeman Natyzak-Osadca felt that this should be clarified in the minutes. Motion was made by Natyzak-Osadca, seconded by Boynton stating that the Committee agreed to a revisit of the updated appraisals of the Greene property as per SADC. All in favor.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis did not have a report but did have questions about the theft. He asked what was taken and was this reported to the State Police. Deputy Mayor reported that there were four fencing panels taken and this will be reported. Committeeman DeCarolis also asked about South Street. He observed two residents on South Street who dumped grass clippings in the pond. He asked who is responsible. Deputy Mayor advised that there is no maintenance agreement.

Committeeman David Boynton's report:

Committeeman Boynton reported on the following:

- Recreation Committee's Casino Night which will be held on March 28<sup>th</sup> at the Green Township Fire Hall.
- Assemblyman Doherty's bill to hold the COAH fees until 2010 due to economy
- Assemblyman Doherty's bill to remove COAH completely
- A call from Amy Hufnagel who advised that she would like to pursue funds from the State from the stimulus package.

Attorney Edward Wacks report:

Mr. Wacks reported on two issues with regard to Kids Camp. The first issue was a memo he sent to the Zoning Officer informing him that he was correct in finding that the matter of a festival which was held in 2007 without a township permit falls outside the Zoning Officer's jurisdiction. Kids Camp did violate town ordinances by conducting a festival without a permit but the way to prosecute this would be for the Township Committee to issue a summons. The problem with this matter that this happened more than 18 months ago and if this does get prosecuted any fines, if received, would not equal the attorney fees. The camp has since moved the festival to the fairgrounds in Sussex County. Mr. Wacks felt that there will not be another issue and suggest that

unless there is a repeat we do nothing at this time. The second issue was the Clerk had sent Mr. Wacks information that their escrow account was deficient by \$3,000.00 and the professionals are not getting paid. Mr. Wacks sent their attorney and letter on this and received a letter back who said they would pay but was not happy with the letter. Mr. Wacks suggested that we wait until the March meeting and if no payment has been received, Mr. Wacks will ask for approval to move forward, Committeeman Boynton suggested a compromise by having Mr. Wacks send a letter that the Township Committee is showing good faith by not prosecuting the festival matter and they should pay their escrow. Mr. Wacks will send letter.

Engineer Paul Sterbenz and Paul Niehoff's report:

Mr. Sterbenz reported that with regard to the Stormwater management, March 3<sup>rd</sup> will be the end of the 5 year permit and at the 2<sup>nd</sup> year it will automatically renew for a 5 year period. Nothing needs to be done at this time. There have been minor changes in the Tier B program of which the first is a fertilizer management ordinance of which a copy will be provided by Mr. Sterbenz; public education requirement has changed to a 10 point system. Attachment E which lists the point system will be faxed to the Clerk; and no DPW vehicles can be washed at the DPW facility using soaps or detergents. There are a few exceptions such as the vehicles can be hosed down.

The State Park Road Phase III work order has been given along with a budget to the CFO so an ordinance can be prepared.

With regard to the sidewalk issue-several revisions have been done and the last revision has a signature block for the Barbour's to sign off on and after that we will then reach out to SHPO. A RFP (request for proposals) has been prepared for the curb work and one bid was received from Anviro Contractors in the amount of \$8,375,00. It was decided to obtain additional bids.

Mr. Sterbenz wanted to bring to the Committee's attention to the wastewater management plan. Due to the Highlands conformance and the State, the proposal that Maser Consulting prepared would have to be amended. The State now has regulations having to do with the wastewater management planning areas which was implemented July 7, 2008. One of the regulations was that the State wanted to the counties to take over the plan and deal with 21 entities instead of 160. Since this did not work out, if the towns don't put a plan together by July 7<sup>th</sup> the wastewater service areas for sewers would get withdrawn and the only thing that could be done in the town is septic systems which would have a 6 lot minimum. Mr. Sterbenz analyzed the situation and there are two areas that are shown being sewerred-the area in Marksboro and around the Town Hall in Johnsonburg. Mr. Sterbenz wanted to make the Committee aware that as long as there are no sewers being built in these area and any subdivisions would be 6 lots or less, then it would be the person's responsibility who wanted to do a larger subdivision and the township would not have to do anything and will not have a wastewater management plan. Motion was made by Desiderio, seconded by Boynton authorizing Mr. Sterbenz to notify the DEP that the township will not undertake the wastewater plan. Roll call vote: Natyzak-Osadca-yes, DeCarolus-yes, Desiderio-yes, Boynton-yes, Durling-yes.

Mr. Sterbenz reported that he and Mr. Niehoff met with the NJDEP representatives on February 10<sup>th</sup> with regard to South Street. In October 2008, Mayor Charles, Committeeman Desiderio and Mr. Sterbenz met with the NJDEP and the result was that the township should target areas north of the pond. It was felt that this would not work and they were asked to meet at the site. After the meeting, it was asked of the NJDEP to have a written report on their position.

A wall that is falling out onto the roadway was discussed. Deputy Mayor Desiderio and Mr. Sterbenz investigated the situation and the conclusion was that the wall needed to be removed. Mr. Wacks advised that permission would be needed from the homeowner fir which the Clerk will provide name and address.

Deputy Mayor Desiderio asked the engineers about the cracking of the State Park Road. The engineers will reach out to the contractor.

Motion was made by Desiderio, seconded by Boynton to open the meeting to the public. All in favor. Spoke was Nick Pachnos who thanked the engineers and Committee for the help on the South Street situation. The public portion for the engineers was closed on motion made by Boynton, seconded by Desiderio. All in favor.

#### **BILLS:**

See schedule attached

#### **CORRESPONDENCE:**

CP&L Re: Municipal contact database

NJ DOT Re: Preconstruction conference

Municipal Excess Liability Joint Ins. Fund Re: MEL coverage bulletins now online

NJDEP Re: Shade tree program

Ronald Schopperth Re: Road signs

French & Parrello Assoc., Re: Flood hazard area-Hess Road bridge

Warren County Pollution Control Financing Authority Re: Recycling fees

ANJEC Re: Smart growth grant (note: copy given to Environmental Comm.)

Maser Consulting Re:

1. Copies of request for proposal on curb construction
2. Stormwater needs survey

Frelinghuysen Township Escrow Re: updated list of outstanding invoices

Newspaper article on Affordable Housing

Courter, Kobert & Cohen Re: Municipal Court

Frelinghuysen Township Farmland Preservation Comm. Re: Request for reimbursement

Frelinghuysen Township Emergency Mgt. Re: Petussis outbreak

NJ Dept. of Agriculture Re: PIG-Greene farm

NJ DEP Re: Certified Recycling coordinators

NJ Dept of the Public Advocate Re: tenant rights

Service Electric Re: Franchise fees

Stillwater Township Planning Board Re: Master plan

Green Township Re: Ordinance #09-01

New Jersey State League of Municipalities Re:

1. New Jersey Legislative district data book
2. Mayor's newslines
3. Helping hand in time of need
4. Two Issues:
  - a. February grant page posted
  - b. Pension deferral plan
5. Three Issues:
  - a. Support our troops
  - b. League labor counsel update
  - c. Federal stimulus package NJ local needs survey results
6. Three Issues:
  - a. Governor signs energy savings improvement bill
  - b. League professional development seminar-Fraud & Forensic acct.
  - c. Governor's "Consolidation Commission" issues annual report
7. Four Issues:
  - a. Who's who in the new administration
  - b. Walk to Washington special registration
  - c. Support our Troops Day on April 19, 2009
  - d. Stimulus bill summary
8. Brochure "State Government and your local property taxes"
9. Mayors' Legislative Day
10. "Inside the Statehouse" guide
11. Two Issues:

- a. Redevelopment training opportunities (NJRA)
- b. Important information on new budget forms and fire district budgets
- 12. H.R. 1 (the American Recovery and Reinvestment Act)
- 13. Pension Payment Deferral S-7/A-3688
- 14. Three Issues:
  - a. New Jersey future's 2009 redevelopment forum
  - b. Important new information from the DLGS
  - c. S-2485 Commercial Development fee, Affordable Housing
- 15. Three Issues:
  - a. Legislative Update (four issues)
  - b. COAH-Affordable Housing Update
  - c. Seminar and Exhibit-Managing government e mail risks
- 16. Senate Action on Stimulus Divergent bills go to conference committee

**AUDIENCE PARTICIPATION:**

Marty Connor commented about the roads being cleared of snow by the road department.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC