

## MINUTES OF MEETING OF JUNE 17, 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, Chief Finance Officer Gene Marie McCartney and Clerk Brenda Kleber.

### ORDINANCES:

AN ORDINANCE (#2009-11) AMENDING SECTION 501E OF THE LAND DEEVELOPMENT ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, WARREN COUNTY, 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.

AN ORDINANCE (#2009-12) TO AMEND ORDINACNE #2009-07 ENTITLED "FIXING THE SALARIES AND WAGES OF THE OFFICIALS, APPOINTEES AND EMPLOYEES OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY FOR THE YEAR 2009 was offered for introduction on motion made by DeCarolis, seconded by Boynton. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

AN ORDINANCE (#2009-13) OF THE TOWNSHIP OF FRELINGHUYSEN TO ADDRESS THE RQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THRID ROUND AFFORDABLE HOUSING OBLIGATIONS 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.

AN ORDINANCE (#2009-14) TOWNSHIP OF FRELINGHUYSEN, AFFORDABLE HOUSING TRUST FUND SPENDING PLAN 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:

#2009-52:

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 17th day of June, 2009 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 Boynton to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-53:

WHEREAS, the NJDOT makes funds available to municipalities and counties for road improvement project through the municipal aid portion of the New Jersey Transportation Trust Fund;

WHEREAS, the Township Engineer has recommended that the Township Committee apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2010 Municipal Aid Program for the purpose of constructing improvements to Kerrs Corner Road between Lanning Road and Mott Road;

WHEREAS, the Township Committee has considered this recommendation.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Frelinghuysen Township-00376 to the New Jersey Department of Transportation on behalf of the Township of Frelinghuysen.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Frelinghuysen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

#2009-54:

WHEREAS, applications have been received from the following licensees for renewal of their respective Plenary Retail Consumption Liquor Licenses for the year 2009-2010:

<u>Number</u>	<u>Licensee</u>	<u>Address</u>
2106-33-003-007	The Main Street Bar & Grill	Main St., Johnsonburg, NJ

WHEREAS, an application has been received from the following licensee for renewal of their respective Plenary Distribution Liquor License for the year 2009-2010;

<u>Number</u>	<u>Licensee</u>	<u>Address</u>
2106-44-002-002	Gerald Chrusz	Main St., Johnsonburg, NJ

WHEREAS, the above licensee's applications were accompanied with the proper municipal fee and the proper fee for the Division of Alcohol Beverage Control; and

WHEREAS, Clearance Certificates have been received from the New Jersey Division of Taxation, verifying compliance with Chapter 161, Laws of New Jersey by the above applicants.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen on this 17<sup>th</sup> day of June, 2009 that the renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses is granted for the year 2009-2010.

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

#2009-55:

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License #2106-33-005-006, heretofore issued to John & Nancy Predale for premises located at 606 Route 519, Blairstown, New Jersey;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED, that the Frelinghuysen Township Governing Body does hereby approve, effective June 17, 2009, the transfer of the aforesaid Plenary Retail Consumption License to John and Nancy Predale, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: This license, subject to all its terms and conditions, is hereby transferred to John & Nancy Predale, effective June 17, 2009.

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

#2009-56:

WHEREAS, Lien Times, LLC acquired a lien against Block 1401, Lot 5 at the Municipal Tax Sale held October 9, 2008 (Certificate #2008-02). Sigmundo & Hanna Fridman, the owners of said property have paid the amount required to redeem the lien.

NOW, THEREFORE BE IT RESOLVED that the Township Treasurer is hereby authorized to issue a check in the amount of \$11,689.46 to Lien Times, LLC.

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

#2009-57:

WHEREAS, Park Finance, LLC acquired a lien against Block 1501, Lot 11 at the Municipal Tax Sale held October 9, 2008 (Certificate #2008-03). Sigmundo & Hanna Fridman, the owners of said property have paid the amount required to redeem the lien.

NOW, THEREFORE BE IT RESOLVED that the Township Treasurer is hereby authorized to issue a check in the amount of \$11,657.91 to Park Finance, LLC

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

#2009-58- Professional contract appraisals-on hold

#2009-59:

WHEREAS, the governing body of a municipality may enter into a contract with another local unit for the sharing of services within their jurisdictions of any service which either local unit is empowered to render within its own jurisdiction pursuant to N.J.S.A.40A:65-1, et seq., known as the Uniform Shared Services and Consolidation Act; and

WHEREAS, the Township of Frelinghuysen has agreed with the Frelinghuysen Township Board of Education to enter into a Shared Services Agreement for the financing and paving of a parking lot and driveway at the Frelinghuysen Township School; and

WHEREAS, the said project will be performed by Frelinghuysen Township through the use of the Morris County Cooperative Pricing Council, with the cost of the project to be paid by the Board of Education, and therefore will result in substantial savings to the residents of the township.

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

1. The Mayor and Clerk of Frelinghuysen Township are hereby authorized to execute a Shared Services Agreement, in a form acceptable to the Township Attorney for the financing and paving of a parking lot and at the Frelinghuysen Township School
2. This resolution shall take effect according to law.

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.

#2009-60:

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-absent, Boynton-yes, Durling-yes.

## **OLD BUSINESS:**

Amy Hufnagel appeared before the Committee and stated that she felt things are moving forward and asked the elected officials to state that they have a fixed budget line for their salary. Committeeman Natyzak-Osadca advised that she along with Committeeman DeCarolus and Deputy Mayor Desiderio have a fixed salary and also receive an additional salary for another position they each have. Ms. Hufnagel brought up the corrections she would like to have corrected to the March 18<sup>th</sup> meeting. It was decided that the Clerk would listen to the tape and transcribe the discussion. Digital upload to the web site was discussed and decided was that a description would be drawn up.

With regard to the acreage owned by the Township at 730 Route 94, the Committee agreed that this would not be put into the Farmland Preservation as they may want it for future use.

### **NEW BUSINESS:**

A proposal received from Maser Consulting to work with the Township in the development and applying for grants for the Highlands Plan Conformance Modules 1 in the amount of \$15,000.00 and Modules 2 in the amount of \$10,000.00 was approved on motion made by Desiderio, seconded by DeCarolis. All in favor.

Members of the Frelinghuysen Township Environmental Commission appeared before the Committee with regard to two issues. One of the issues is the Green Acres landfill located on Greendell Road. It was decided that the Committee would meet with the Environmental members in executive session as the may be potential litigation. The next issue was an environmental page that they would like to put on the website. The attorney will review the page and advise at a later date.

A letter received from the Chairman of the Frelinghuysen Recreation Committee recommending that the Vass Farmstead request for funds be decided by the Township Committee and not the Recreation Committee was read and will be decided at a later date.

A letter received from the Warren County Recycling Coordinator advising that the household battery collection route has been discontinued although rechargeable, button cell and lithium batteries are still acceptable. In order to participate registration on the RBRC website would be required along with a person being designated to monitor the box to ensure that each battery is bagged property. Deputy Mayor Desiderio advised that he has already taken care of this.

### **MINUTES**-none

### **DEPARTMENT REPORT:**

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

Mayor Dale Durling's report-none

Deputy Mayor Frank Desiderio's report:

Deputy Mayor Desiderio reported that the DPW is purchasing a mower for use on the recreation field. Guard rails are to be installed along with a chain link fence.

Committeeman Debra Natyzak-Osadca report:

Committeeman Natyzak-Osadca reported that the CERT team held a drill on June 13<sup>th</sup>. The water testing of the town hall was suggested. Motion was made by Boynton, seconded by DeCarolis to have the water tested. All in favor.

Committeeman David Boynton's report:

Committeeman Boynton reported on the Board of Adjustment meetings, Founders Day and the end of school.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis asked the status of the sidewalk issue. He was advised that the engineer is handling this.

Attorney Edward Wacks report:

Mr. Wacks reported that he received a successful response from Nature Conservancy with regard to them purchasing property through foreclosure. Motion was made by Desiderio, seconded by Boynton authorizing Mr. Wacks to prepare the agreement. All in favor.

Mr. Wacks reported that he spoke with Planning Board attorney Michael Lavery with regard to height limits on accessory structures. Motion was made by Desiderio, seconded by DeCarolis authorizing Mr. Wacks to research and report back. All in favor.

Mr. Wacks reported that he spoke with special attorney David Brady and there was to be a telephone conference with Judge O'Connell. Kids Camp wants a settlement but this will not happen until there is an offer.

**BILLS**-see attached schedule

**CORRESPONDENCE:**

- Allamuchy Township re: Ordinance #2009-07
- Warren County Planning Dept. Re: Process to reserve Eager Beaver Recycling trailer
- NJ Transit Re: Supplemental Environmental Assessment to the NJ-PA Lackawanna Cut-off passenger rail service restoration project
- Wacks & Hartmann Re: Copy of letter to Nature conservancy
- SADC Interpretation of the Alternative Appraisal Provision
- NJ Dept. of Comm. Affairs Re: Safety Alert 09-3
- PERMA, Inc. Re: Sustainable Energy Meeting
- JCP&L Re: Installation of temporary decorative lighting
- Highlands Commission Re: Additional guidance of Modules 2 and 4
- Warren County Dept. of Public Safety Re: Warren County Public Safety
- NJ Office of Health & Senior Services Re: Guide to proper handling of bat exposures
- Maser Consulting Re:
  - 1. Main Street Sidewalk Extension
  - 2. Highlands RMP Consistency review
  - 3. Copy of letter verifying that DOT grant was received
- COAH Re:
  - 1. Highlands Plan Conformance-Modules 3 and 5
  - 2. COAH compliance report recommending approval of third round
  - 3. COAH Newsletter
  - 4. COAH webpage information
- Township of Green Re: Resolution supporting birding and nature festival
- NJDEP Re: Copy of letter sent by Maser Consulting on sidewalk
- Morris County Joint Insurance Fund Re:
  - 1. Loss control report
  - 2. 2010 renewal process
- Municipal Excess Liability Fund Re: Reduction in workforce
- Warren County Housing Programs Re: Resolution & contract
- LAN Assoc. Re: LOI & Freshwater wetlands application
- Wacks & Hartmann Re: Reisburg title commitment
- New Jersey State League of Municipalities Re:
  - 1. Three Issues:
    - a. 2009 federal directory
    - b. Updated 2008 new laws of interest
    - c. Tuesday, June 16, 2009 from Brownfields to the Ballpark
  - 2. New Jersey's Economy: Status of gloom & Prospects for Bloom
  - 3. State budget update alert-Age restricted housing
  - 4. Four Issues:
    - a. New Jersey Municipalities League Magazine
    - b. Proposed amendments to vegetation management rules
    - c. A-1645 Qualified purchasing agent
    - d. Meeting on Federal Recovery Act
  - 5. Two Issues:
    - a. League mandates update more action more info. needed
    - b. A-1645/S-770 Qualified purchasing agent
  - 6. Two Issues:
    - a. Arbitration award

- b. Media relations opportunities
- 7. Three Issues:
  - a. June grant page posted
  - b. First of a series of regional COAH briefings
  - c. New Jersey's 345<sup>th</sup> birthday party
- 8. Two Issues:
  - a. Free help with energy efficiency conservation block grant application
  - b. Protecting our communities: Reforming health care & New Jersey's biggest industry
- 9. June Mayor's newsline
- 10. Two Issues:
  - a. Impact of hospital closings
  - b. Federal update house energy reform bill takes shape
- 11. Important information about energy efficiency and conservation block grant Applications for direct funded local governments
- 12. Three Issues:
  - a. 2009 National Summit on your city's families in Boston this Columbus day weekend
  - b. Central Jersey Mayors wellness campaign-Mayors healthy cook-off
  - c. Urgent Notice-Workshop sold out
- 13. Proposed towing regulations
- 14. Taxpayer's dollar: "Don't pass the buck to NJ's property taxpayers"
- 15. New Jersey Municipalities Magazine
- 16. Four Issues:
  - a. Clinics for help with June 12 digital transition
  - b. Federal biweekly update for the weeks ending June 5
  - c. Important new information from the DLGS
  - d. Sex Offender residency restriction bill advanced
- 17. Two Issues:
  - a. Employee furloughs in civil service jurisdictions
  - b. Age-restricted conversion S-2577/A-3772
- 18. Two Issues:
  - a. Guidance on employee furloughs in civil service jurisdictions
  - b. League/Site remediation Brownfield outreach briefing-June 16<sup>th</sup>
- 19. Expand option's for advertising job openings & equipment for sale
- 20. Stimulus funding application deadlines
  - a. Byrne Justice Assistance grants
  - b. Strengthening communities fund

### **EXECUTIVE SESSION:**

The Committee entered into Executive Session after a resolution (#2009-52) was adopted in public session dealing with land acquisition on motion made by Boynton, seconded by Boynton. All in favor. Motion was made by Desiderio, seconded by DeCarolis to return to public portion. At this time the Attorney advised that no action is to be taken. The Committee did not make a decision with regard to negotiations as both property owners were sent back to consider certain issues that will be considered by the Committee at a later date.

### **AUDIENCE PARTICIPATION:**

Loren Greco asked the amount that Deputy Mayor Desiderio is receiving for overtime and what contracts were awarded to his company. He was advised that he has not received any overtime along with no contracts being awarded to his company.

Roman Osadca brought up a dangerous intersection on Heller/Southtown Roads along commending the road department for the clearing of the brush.

### **ADJOURNMENT:**

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC