

## MINUTES OF MEETING OF JUNE 18, 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 (arrived at 8:15), Committeeman Dale Durling, Attorney Edward Wacks and Clerk Brenda Kleber. (Note: Mayor Charles and Committeeman Desiderio left the meeting at 9:30 due to prior commitments).

### QUOTES:

The Clerk advised that she advertised quotes for: 1) 1987 Ford 800 vehicle; 2) Ricoh Aficio copier and 3) various scrap material. Due to no bids received, the Clerk was instructed to re-advertise in a different newspaper such as the New Jersey Herald and Express Times.

### ORDINANCES:

Ordinance #2008-12-on hold

ORDINANCE (#2008-13) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN PROVIDING FOR THE VACATION OF A PORTION OF A CERTAIN RIGHT-OF-WAY ALONG STATE PARK ROAD was opened to the public on motion made by Durling, seconded by DeCarolis. All in favor. Motion was made by Durling, seconded by DeCarolis to close the public session. All in favor. Motion was made by Durling, seconded by DeCarolis to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Durling-yes, Charles-yes.

ORDINANCE (#2008-14) RENAMING A PORTION OF FORMER COUNTY ROUTE 661, TO BE HEREINAFTER KNOWN AS MAIN STREET. The Clerk read the Ordinance by title and advised that a public hearing will be held on July 16, 2008. Motion was made by Durling, seconded by DeCarolis to introduce said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Durling-yes, Charles-yes.

Ordinance #2008-15-on hold

### RESOLUTIONS:

#2008-55:

WHEREAS, Frelinghuysen Township entered into an agreement with TI Properties I, LLC, previously known as Forest Manor to complete site improvements located at 145 State Park Road, Block 1803, Lot 11, as described in the Performance Guarantee Cost Estimate by Maser Consulting dated August 24, 2006; and

WHEREAS, Congress Companies, parent group of TI Properties is requesting the return of their performance bond and escrow monies; and

WHEREAS, approval has been given by the Township Attorney and the Township Engineer to return said bond and escrow monies; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen that approval is given for the Clerk to release performance bond #SU1027440 in the amount of \$722,687.40 and escrow monies in the amount of \$40,737.48 for account #741803 to TI Properties 1, LLC., 2 Bourbon Street, Peabody, MA 01960

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

#2008-56:

WHEREAS, applications have been received from the following licensees for renewal of their respective Plenary Retail Consumption Liquor Licenses for the year 2008-2009;

<u>Number</u>	<u>Licensee</u>	<u>Address</u>
2106-33-005-004	John & Nancy Predale	Route 519, Blairstown, NJ
2106-33-004-001	Katharina Reay	Route 94, Blairstown, NJ
2106-33-001-004	Joseph McEvoy	Main St., Johnsonburg, NJ
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 2008-2009;

<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 all of the above applicants.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen on this 18<sup>th</sup> day of June, 2008 that the renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses is granted for the year 2008-2009.

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

#2008-57:

WHEREAS, the Township of Frelinghuysen plans to improve State Park Road between Shiloh Road and Jenny Jump State Park; and

WHEREAS, the Township has obtained a grant from the municipal aid portion of the Transportation Trust Fund to help fund the project; and

WHEREAS, the Township has begun the appropriation process and plans on constructing the improvements in July 2008; and

WHEREAS, the Township has begun the appropriation process and plans on constructing the improvements in July 2008; and

WHEREAS, The Township plans on utilizing Tilcon New York Inc. ("Tilcon") and M.L. Ruberton Construction Company, Inc. (Ruberton) through its membership in the Morris County Cooperative Pricing Council ("MCCPC") to perform the required paving and guide rail work on State Park Road; and

WHEREAS, Tilcon and Ruberton are qualified contractors and have been found to be in compliance with the contract documents and technical specifications; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, that the Township shall utilize Tilcon and Ruberton through its membership in the MCCPC to perform paving and guide rail work in the amount of \$142,800.00 at the unit price of \$67.20 per ton for surface course and \$66,600 at the unit price of \$17.50 per linear foot for galvanized steel beam guide rail; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the NJDOT's Bureau of Local Government Services.

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

#2008-58:

WHEREAS, a resolution is required by the Tax Collector to refund a double payment of 2008 2<sup>nd</sup> quarter taxes; and

WHEREAS, Daniel & Whitney Carson, owners of Block 902, Lot 3 inadvertently paid their 2<sup>nd</sup> quarter property taxes twice. They have requested a refund of the double payment.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to refund an amount of \$1,149.44 to Daniel & Whitney Carson.

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

#2008-59:

WHEREAS, a resolution is required by the Tax Collector to refund an double payment of 2008 2<sup>nd</sup> quarter taxes, and

WHEREAS, Rodney & Lisa Storm, owners of Block 201, Lot 32.03 had a mortgage company that paid their property taxes. They have sold their property and the 2<sup>nd</sup> quarter was paid twice. First American has requested a refund of the overpayment.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to refund an amount of \$2,200.38 to First American Real Estate Tax Service. Motion was made by Natyzak-Osadca, seconded by Durling to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Durling-yes, Charles-yes.

#2008-60:

WHEREAS, the NJDOT makes funds available to municipalities and counties for road improvement projects 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 2009 Municipal Aid Program for the purpose of constructing improvements to State Park Road between Interstate 80 and County Route 519;

WHEREAS, the Township Committee has considered this recommendation;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Township Engineer is hereby authorized to submit an electronic grant application identified as MA-2009-Frelinghuysen Township-00538 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 Durling, seconded by DeCarolis to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Durling-yes, Charles-yes.

#2008-61-no formal action taken

#2008-62:

WHEREAS, over the past seven years, New Jersey's tax burden has become so oppressive that it is driving tens of thousands of hard working middle class families out of our state each year; and

WHEREAS, over that same time period, taxes in New Jersey have increased by over \$12 billion, state spending has increased by \$11 billion and our debt has more than doubled to over \$37 billion; and

WHEREAS, Governor Jon Corzine's proposed \$33.3 billion state budget for Fiscal Year 2009 is balanced by cutting property tax rebates for families making more than \$100,000 and by cutting state aid municipalities desperately need to keep local property taxes in check; and

WHEREAS, the governor's budget does nothing to control the cost and size of the state's bloated bureaucracy; and

WHEREAS, the New Jersey Senate and Assembly Republicans have identified more than \$1.3 billion in common sense spending reductions and proposing using a portion of the savings to increase property tax relief and municipal aid; and

WHEREAS, the Republican plan would still spend \$600 million less than the governor's budget proposal even through it restores property tax relief, increases state aid and redresses unfair budget cuts.

NOW, THEREFORE BE IT RESOLVED, that we voice our objections to Governor Corzine's FY 2009 State Budget and announce our support for the New Jersey Senate and Assembly Republican budget plan; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Governor Jon S. Corzine, Assembly Speaker Joseph Roberts, Senate President Richard J. Codey, Senate Minority Leader Tom Kean, Jr., Assembly Minority Leader Alex DeCroce and all state legislators representing our legislative district.

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

#2008-63-no action taken

#2008-64:

WHEREAS, the Township of Frelinghuysen has established through Ordinance #95-5 a Municipal Alliance Committee; and

WHEREAS, the Municipal Alliance Committee has applied for and received a grant from the County of Warren in the amount of \$3,548.00; and

WHEREAS, the Municipal Alliance Committee desires to utilize the grant for a variety of programs aimed at prevention of drug abuse within the community; and

WHEREAS, the grant imposes upon municipalities certain requirements including the raising of required local match of \$1,064.00; and

WHEREAS, a resolution authorizing the Mayor and Committee of the Township of Frelinghuysen to execute an agreement for the Municipal Alliance Grant will memorialize the commitment of the Township of Frelinghuysen to drug prevention and indicate the assent of the Township Committee to the efforts undertaken by the Frelinghuysen Township Municipal Alliance Committee and the requirements contained in the Municipal Alliance Grant.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, in the County of Warren, State of New Jersey that the Township of Frelinghuysen does hereby accept the terms and conditions of a Municipal Alliance Grant between the County of Warren, State of New Jersey.

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.

#2008-65:

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

#2008-66

WHEREAS, a Joint Municipal Court may be established by ordinance pursuant to N.J.S.A. 2B:2-12-1 et seq.; and

WHEREAS, N.J.S.A. 2B:12-1 authorizes the formation of a joint municipal court providing an agreement is entered into by all of the participating municipalities, and further provided that such agreement is filed with the Administrative Director of the Courts; and

WHEREAS, on or about February 21, 2007 the Township of Frelinghuysen entered into an "Agreement for Inter-Municipal Court" with the Townships of Hope, Liberty, Hardwick and Blairstown; and

WHEREAS, that agreement provides that any member of the Joint Municipal Court formed thereunder could withdraw at the end of the calendar year, provided that on or before July 1<sup>st</sup> of the year the member municipality has given the Municipal Court of North Warren at Hope and each member thereof written notice of its intention to withdraw; and

WHEREAS, the Mayor and Committee have determined that by entering into an agreement with Knowlton Township and terminating the existing agreement with the Townships of Hope, Liberty, Hardwick and Blairstown, Frelinghuysen Township will receive more economical and efficient municipal court service

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

1. The Mayor and Clerk are hereby authorized and directed to enter into an agreement for inter-municipal court services with the Township of Knowlton. Upon execution in full, the Clerk is directed to file that agreement with the Administrative Director of the Courts.

2. A copy of the agreement shall be filed and be open to public inspection at the Frelinghuysen Township Municipal Building.
3. The Mayor, Clerk and Township Attorney are authorized to take any steps reasonably necessary to terminate the February 21, 2007 agreement for inter-municipal court between Frelinghuysen Township and the Townships of Hope, Liberty, Hardwick and Blairstown, and to provide the notice required in connection therewith.
4. Paragraphs 1 and 2 of this Resolution shall be deemed null and void unless the Township of Knowlton also adopts a resolution within sixty days of the date hereof authorizing entry into the said agreement with Frelinghuysen Township.
5. This resolution shall take effect according to law.

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

#### **OLD BUSINESS:**

A proposal for professional services received from Maser Consulting in the amount of \$7,700.00 for the Main Street project was discussed. It was decided that the Mayor would ask for a reduced fee and the finance committee would look into where the money could come from. The Mayor stated that he does want to proceed with the installation of the sidewalks.

The proposal for professional services received from Maser Consulting in the total amount of \$13,040.00 to provide services for the preparation of a Housing Element and Fair Share Plan for substantive certification from COAH, was brought up by Planning Board Chairman David Boynton. Committeeman DeCarolis reported that he solicited quotes which were in the \$30,000.00 range. After discussion, motion was made by DeCarolis, seconded by Durling to accept Maser's proposal and request clarification of the cost situation by using persons other than John Madden to prepare Phase I, in writing, and as soon as figures are received the Committee will authorize the commencement of Phase I. All in favor.

The application to SHPO for the Recreation Committee will be completed by Maser Consulting at a cost of \$500.00 on motion made by Desiderio, seconded by Durling. Roll call vote: Natyzak-Osadca-abstain, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

A memorandum received from the Zoning Officer with regard to an on-site inspection of the Burns/Jensen matter was read. Before the discussion began, Committeeman DeCarolis recused himself. Mr. Boesze's report stated he was instructed to complete 3 random on-site inspections of the activities taking place at the Burns place of business located at 117 Silver Lake Road. A summary of his observation for each inspection was given and the only violation found was a sign which was erected without a zoning permit or construction permit. On motion made by Durling, seconded by Desiderio, the attorney was authorized to investigate this issue of this being a pre-existing non-conforming use along with the Clerk being instructed to forward to the attorney requested items; i.e.- resolution, minutes and tape recording. Roll call vote: Natyzak-Osadca-yes, DeCarolis-abstained, Desiderio-yes, Durling-yes, Charles-no.

With regard to the mutual aid agreement for the sharing of public works and road department vehicles and equipment, Committeeman Desiderio advised that he checked with the insurance agent and was told that as long as our DPW is using our own equipment there is coverage. Mr. Wacks asked for something in writing.

The Mayor reiterated that Dale Durling is the Recreation Complex liaison and anything related to the complex should be brought to Mr. Durling's attention.

A letter giving the procedure for the removal of property from the New Jersey Historic Register was presented by Mr. Wacks. Committeeman Desiderio feels that the whole town should fall under the historical district and not just the municipality as SHPO (State Historic Preservation Office) only regulates what the township owns. Motion was made by Durling, seconded by Desiderio authoring the Attorney and Clerk to send a letter to the residents in the district as to whether they would like to stay in the historic district. The Committee will abide with the majority.

The attorney was authorized to send the contract for the Reisburg property to Reisburg's attorney on motion made by Durling, seconded by Desiderio. Roll call vote: Natyzak-Osadca-no, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

## **NEW BUSINESS:**

Mark Quick of Silver Lake Road approached the Committee to bring awareness of local issues and problems and would like to have a town meeting with the surrounding municipalities to go over these issues. It was decided to have Mr. Quick coordinate this and return in August with his findings.

A notice of certification for the Recycling Coordinator was distributed to the Committee members. This notice advises that the recycling coordinator must now be certified and attend training classes.

Committeeman Natyzak-Osadca distributed the New Jersey Playground regulations to the Committee members. This is being held to the insurance meeting.

Knowlton Township has asked the Township to join their municipal court. The commitment letter stated that the only costs would be for supplies or miscellaneous expenses specific to our township. These charges will not include administrative, operating/building maintenance or utility expenses. The attorney was authorized to send a letter to the Hope Court before July 1<sup>st</sup> terminating the Inter-Municipal agreement we have with Hope Township. (Note: See above resolution)

## **MINUTES:**

The minutes of May 21, 2008 were approved on motion made by DeCarolis, seconded by Natyzak-Osadca. All in favor. The minutes of the special meeting of May 29, 2008 were approved on motion made by DeCarolis, seconded by Durling. All in favor with Natyzak-Osadca abstaining. The minutes of May 15, 2008 were left out and will be on the July agenda.

## **DEPARTMENT REPORTS:**

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

Mayor Thomas Charles –no report

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca reported on the No. Warren league meeting she attended on May 29<sup>th</sup> where COAH was discussed.

The municipal alliance grant needs to be completed by the end of July.

Committeeman Dale Durling's report:

Committeeman Durling advised that he is still working on the Green Township Fire Dept. figures.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis felt that the letters to be sent out with regard to SHPO should go to the whole township.

Attorney Edward Wacks report:

Mr. Wacks reported that the Jensen's Agreement to sell development easements has been canceled.

## **BILLS:**

See schedule attached to minutes

## **CORRESPONDENCE:**

Frelinghuysen Township Building Dept. Re: Permit 06-135  
Frelinghuysen Township Deputy Mayor Re: alarm incident at school  
Marturano Recreation Re: State contract for Park & Playground equipment  
NJ Dept. of Labor Re: New Jersey Fireworks law  
Limecrest Quarry Re: Price increase letter  
Warren County Planning Board Re: Recycling Ordinances  
Warren County Dept. of Land Preservation Re: Deadline for 2008 grant applications  
Morris Land Conservancy Re: Eligibility for Farmland Preservation  
NJ Dept. of Labor Re: 2010 census  
NJ DEP Re: Open Space applications  
NJ DCA Re: State planning rule readoption  
NEIS, Inc. Re: Insurance audit  
Joel Foreman Re: Site plan bond  
Warren County Planning Board Re: Public hearing on 2008 Open Space Plan  
Givens-Belet Post #258 Re: Thank you for donation  
Tri-State Agency Re: Availability of Interns to assist on LMS for Morris JIF  
Warren County MCCTF Re: Copy of acquisition project on Reisburg's  
Wacks & Hartman Re: Jensen Farmland Preservation  
Double N Pheasant Farm Re: Copy of letter sent to Warren County Dept. of Land Preservation

New Jersey State League of Municipalities Re:

1. Binding Arbitration revisions could prove costly
2. A-500 Affordable housing
3. A-500 Affordable housing
4. S-1137 expands scope of negotiations
5. Hearing on A-1645, mandating a qualified certified purchasing agent
6. Federal Election resources
7. Important new information from the LGS
8. Rural state police towns
9. May 20<sup>th</sup> state budget summit
10. Legislative developments
  - a. Arbitration time-limits could hurt taxpayers
  - b. Hotel liquor license cost reduction bill not in public's interest
11. More Legislative developments:
  - a. A-500 Affordable housing
  - b. A-2867, Permit Extension
  - c. A-1645, Mandatory appointment of Qualified purchasing agent
12. Two Issues:
  - a. Security bonds on landlords
  - b. Federal update for period ending June 6, 2008
13. Three Issues:
  - a. Urgent Legislative Alert-Affordable housing/A500-S1783
  - b. State budget crunch time
  - c. COAH challenge-pledges
14. Two Issues:
  - a. A-1645/S-770 Qualified purchasing agent
  - b. SCS for S-241/394/1098 and 710

## **AUDIENCE PARTICIPATION:**

David Boynton inquired as to whether communication between Committeeman Natyzak-Osadca and the attorney was approved by the Committee. Ms. Natyzak-Osadca clarified that she went through proper channels.

Loren Greco asked what the cost of the Reisburg property was and how much money have we spent to date. He was informed that this was confidential.

Dan Kohuth agreed with Committeeman DeCarolis that we should send the survey of the historic district to all of the residents in the township.

Donna Marie asked if the taxpayers pay for repairs in the historic district or do the homeowners. She was advised that the homeowners pay.

Robin Randolph had concerns over the sidewalk issue. She does not want the safety of the sidewalk offset by the cost to Maser Consulting.

**ADJOURNMENT:**

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

Respectfully Submitted,

Brenda J. Kleber, RMC

