

## MINUTES OF MEETING OF JUNE 20, 2007

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 8, 2007.

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.

Those present were: Mayor Thomas Charles, Committeeman Debra Natyzak-Osadca, Attorney Edward Wacks, Engineers Paul Sterbenz and Paul Niehoff, Chief Finance Officer Gene Marie McCartney and Clerk Brenda Kleber. Committeeman David Boynton was absent.

### EXECUTIVE SESSION:

The Executive Session was held at 7:00 p.m. Notice was sent to the Star Gazette and New Jersey Herald along with posting notice on the Township bulletin board on June 15, 2007. Motion was made by Natyzak-Osadca, seconded by Charles to enter into Executive Session with regard to possible litigation after a resolution was approved in the public portion of the meeting. Upon returning, the attorney advised that the meeting involved a dispute regarding a property line which could go into litigation. An agreement with the property owner was that the attorney would be authorized to order the title search along with Paul Sterbenz preparing a plan.

### ORDINANCES:

AN ORDINANCE (#2007-10) TO AMEND ORDINANCE #2007-05 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 2007" was offered on second reading and final adoption. Motion was made by Natyzak-Osadca, seconded by Charles to open the meeting to the public. All in favor. Motion was made by Natyzak-Osadca to close the meeting to the public. All in favor. Motion was made by Natyzak-Osadca, seconded by Charles to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

A CAPITAL ORDINANCE (#2007-11) AUTHORIZING LAKE AND STREAM RESTORATION AND APPROPRIATING \$250,000.00 TO SAID PURPOSES SET FORTH HEREIN AND AUTHORIZED TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY. The Clerk read the Ordinance by title after being posted and advised that a public hearing will be held on July 18, 2007. Motion was made by Natyzak-Osadca, seconded by Charles to introduce said ordinance. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

### RESOLUTIONS:

#2007-52

WHEREAS, applications have been received from the following licensees for renewal of their respective Plenary Retail Consumption Liquor Licenses for the year 2007-2008:

<u>Number</u>	<u>Licensee</u>	<u>Address</u>
2106-33-005-004	Dark Moon Tavern Corp.	Route 519, Blirstown, NJ
2106-33-001-004	Stella Bongiovanni	Main St., Johnsonburg, NJ
2106-33-004-001	Katharina Reay	Route 94, Blirstown, NJ

WHEREAS, an application has been received from the following licensee for renewal of their respective Plenary Distribution Liquor License for the year 2007-2008;

<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 20<sup>th</sup> day of June, 2007 that the above renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses be granted for the year 2007-2008.

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

#2007-53-on hold for July meeting

#2007-54:

BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 200 balance in Audit O/E; and

WHEREAS, the following account has sufficient excess funds to meet the such demand: Roads O/E.

NOW, THEREFORE BE IT RESOLVED, that in accordance with the provisions of R.S. 40A:4-58, the Chief Finance Officer is hereby authorized to make the following transfer:

To:		
	Audit O/E	4,200.00
From:		
	Roads O/E	4,200.00

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

#2007-55:

WHEREAS, it is necessary to discuss items dealing with: Possible Litigation in private or executive session; and

WHEREAS, under the Open Public Meetings Act (number 3 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 20<sup>th</sup> day of June, 2007 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 Natyzak-Osadca, seconded by Charles to approve the resolution. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

#2007-56:

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 Natyzak-Osadca, seconded by Charles to approve the resolution. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

#2007-57

WHEREAS, Crusader Servicing Corp. acquired a line against Block 1803, Lot 3.01 at the Municipal Tax Sale held October 13, 2005 (Certificate #2005-02). Land America for the owner of said property has paid the amount required to redeem said lien.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to issue a check in the amount of \$17,787.04 to Crusader Servicing Corp.

Motion was made by Natyzak-Osadca, seconded by Charles to approve the resolution. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

## **PROCLAMATION:**

A proclamation proclaiming June 2, 2007 as Brenda Kleber day. Mrs. Kleber was the recipient of the Julaine Williams Humanitarian Award for 2007. Motion made by Natyzak-Osadca, seconded by Charles endorsing the proclamation. All in favor.

## **OLD BUSINESS:**

The North Warren Garden Club asked the Committee to pay for the flower plants they planted in the park at the intersection of Routes 519 and 661 in the amount of \$350.00. Motion was made Natyzak-Osadca, seconded by Charles to approve the payment with the funds to be taken out of the Public Events account. The Clerk was also instructed to send a letter of thanks.

All in favor.

A proposal for a dog canvas submitted by Sunnie Wymbbs was read. Ms. Wymbbs charges are \$1.50 per household, \$.48.5 per mile, \$2.00 for every license application handed out, \$23.50 per hour administrative fee. It was decided to ask the CFO if there is sufficient funds to pay for this.

The Tax Assessor advised that for the past 4 months he has been requesting ability to gain access to the internet through his notebook computer. The Committee was advised that he could call up Municipal Software and they will walk him through this.

A proposal received from Wacks & Hartmann for the in rem tax sale foreclosurers was presented. The fees would be \$750.00 per case. If any certificates are redeemed, the municipality would be entitled to collect \$500.00 of that fee in connection with the redemption. If the foreclosure is contested, the legal rates would be \$175.00 per hour. A professional agreement would be needed of which Mr. Wacks will bring to the next meeting.

Several months ago, the Mayor made a policy that he will not marry anyone. It has been decided that the policy will be changed for the Mayor to marry any former elected officials, or any person who have served in a non-elected capacity on Committee's, Commissions or Boards.

### **NEW BUSINESS:**

The request for uniforms for the Road Department will be on hold for next months meeting.

A letter of resignation received from Municipal Alliance Committee member Pat Corvino was accepted with regret on motion made by Natyzak-Osadca, seconded by Charles. All in favor. The Clerk was instructed to send a letter of thanks to Mrs. Corvino.

A letter received from the Warren County Mosquito Commission was read requesting permission to access the Barbour's property (Block 1001, Lot 4) from the municipal owned land located at Block 1001, Lot 15. They also requested permission to park their equipment on the property if necessary. Motion was made by Natyzak-Osadca, seconded by Charles approving the request. All in favor.

Dr. Raymond Walker, PHD, Director of Environmental Services for Maser Consulting presented the Committee with several proposed DEP rule changes that could effect the ability of the township to expand the municipal complex. He also explained ways the township could protect their selves from the changes such as obtaining building permits and approval from the state.

### **DEPARTMENT REPORTS:**

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

#### Municipal Engineer Paul Sterbenz's report:

1. With regard to the status of the Route 661 Improvement Project by the County-it has officially been closed out by the County. The Mosquito Commission request is a separate project.
2. The status of the State Park Road municipal aid project (Phase 1) has also been officially closed out. The money owned by Forest Manor has covered the engineer costs.
3. The status of the second phase of the State Park Road project is that the surveys are getting started. The job should be completed by the beginning of winter.
4. The status of the South Street Pond Improvement project is that the maps and topo have been done. The proposal for the wetlands will be discussed at the next meeting.
5. The fiscal year 2008 municipal aid program application is due by August 24<sup>th</sup>. Mr. Sterbenz would like to know which project the Committee wishes to have done. It was decided that the 3<sup>rd</sup> phase of State Park Road from Route 80 to Route 5 19. Approval was given to Mr. Sterbenz to file the required paperwork.
6. The status of the Municipal Complex Improvement project is that at last weeks meeting it was decided to move forward on the project even though there is pending DEP regulations

that could impact the moving forth of the plans for the recreation fields. Mr. Sterbenz will do the site plan and the township will apply for the building permits.

Attorney Edward Wacks report:

Mr. Wacks reported that 2 of the 3 development easements have been signed and the third is being worked on.

With regard to the Balbi property, the Mayor will speak to the late Stern's daughter as to whether she is satisfied with the condition of the property as it is and if so, we will sign off and close the file.

Mr. Wacks will prepare a packet of the paperwork he has on hand for Paul Sterbenz for the North Warren Properties.

Mayor Thomas Charles report:

Mayor Charles reported on the North Warren Mayors meeting and discussed were special projects such as the Knowlton court now joining the North Warren Municipal court; 2 speed traps that will be loaned to us by Knowlton Township; a regional senior center and shared maintenance services.

Mayor Charles announced that the Planning Board hired Rosalie Murray as the secretary for the Planning Board. Her hours will be Tuesday and Wednesday 9:30-12:30.

With regard to the roads-there has been the normal work load for the month. The scythe mower has broke down and a replacement is being looked into.

There will be an Open Space Chipper party on June 23<sup>rd</sup> at 9:00 a.m. Bagels and lunch will be served.

Trooper Drew is organizing the 2<sup>nd</sup> Family Night Out on August 7<sup>th</sup> at 7:00 p.m. in Allamuchy Township. The Clerk was instructed to contact the tattoo artist.

The Mayor reported that there is a company removing rocks on Stillwater Road and a complaint has been received. The Mayor has stopped by but the person in charge was not there. Our current ordinances need to be looked into for more restrictions.

The Mayor presented the Charles E. Rydell scholarship to Michael Woodhead; the Booster Club scholarships to Parker Condit and Nicole Staufenberger; the PTO scholarship to Parker Condit.

Committeeman Debra Natyzak-Osadca report:

Committeeman Natyzak-Osadca reported that our share of the committed funds for the 3 properties put into Farmland Preservation will be lower than anticipated.

Committeeman Natyzak-Osadca reported that the Morris Land Conservancy will apply to the Warren County Agriculture Board to have the County pay for the non-targeted properties.

**MINUTES:**

The minutes of the meeting of May 16, 2007 were approved on motion made by Natyzak-Osadca, seconded by Charles. All in favor. The executive minutes of the meeting of May 16, 2007 were approved on motion made by Natyzak-Osadca, seconded by Charles. All in favor. The minutes of the special meeting of June 12, 2007 were approved on motion made by Natyzak-Osadca, seconded by Charles. All in favor.

**CORRESPONDENCE:**

Frelinghuysen Township Construction Office Re: Compliance by Mr. Kapitko  
New Jersey General Assembly Re: Copy of letter to Highlands council  
Allamuchy Township Re: Ordinance #2007-04  
Wacks & Hartmann Re: North Warren properties  
Election Law Enforcement Commission Re: Pay-to-Play update

Morris Land Conservancy Re: Revised project reference may on Reisburg property  
 Permit Expediting Services Re: Soil Erosion & Sedimentation control plan certification on Forest Manor  
 Warren County Board of Chosen Freeholders Re: Transportation Advisory Council  
 Superior Court of New Jersey RE: 2007 visitation to North Warren Municipal Court  
 Warren County Health Dept. Re: Public Health Practice Standards of Performance for Local Boards of Health in New Jersey  
 Hardwick Township Board of Adjustment Re: Notice of hearing  
 Frelinghuysen Township Planning Board Legal Notice on Norman Starr  
 Employment News  
 Morris County Municipal Joint Insurance Fund Re: Safety Director's bulletin S2007-1  
 Warren County Dept. of Human Services Re: Public hearing notice  
 Wacks & Hartmann Re: Township storm drain  
 Maser Consulting Re: Environmental resume  
 JCP&L Re: Change in managers  
 NJDEP Re: Hazardous substance discharge notification  
 Annual school election results  
 Warren County Planning Dept. Re: Public hearing  
 Frelinghuysen Township Planning Board Re: Copy of letter regarding Highlands  
 New Jersey Senate Re: Thank you for copies of resolutions  
 Kathy Miers Re: Road return work on Johnsonburg road  
 USDA Re: Fact sheets on housing programs  
 New Jersey State League of Municipalities Re:

1. New League pamphlet
2. Validity of solicitation ordinances in New Jersey
3. Congressional relations resources
4. DCA budget testimony
5. League Seminars Re:
  - a. Mayors' summit on pensions and benefits
  - b. New landscape of cable franchising in New Jersey
6. Legislative bulletin No. 9
7. New information from the Division of Local Government Services
8. NLC works to advance legislative priorities as congress returns
9. Federal Issues:
  - a. Amtrak reauthorizations
  - b. COPS bill
  - c. Essential Air Services
10. Helping Greensburg Kansas
11. Federal relations update for week ending May 4, 2007
12. Pension reform bill signed into law
13. Constitutional dedication of one-cent of the sales tax to property tax reform
14. Protect the protectors of our children
15. Special program-NJ foundation for aging 9<sup>th</sup> annual conference

**BILLS:**

Filed electronically:

	NJSHBP	2,855.07
5515	4 <sup>th</sup> of July Committee	500.00
6461	Ace Locksmith Service	75.00
6462	Ardito & Co.	13,425.00
6463	Balbi Enterprises	9,573.65
6464	Blue Ridge Lumber	116.11
6465	Brenda Kleber	196.82
6466	Coded Systems	3,770.50
6467	Country Discount Tire	21.00
6468	Crusader Service, Inc.	17,787.04
6469	David Gill	564.36
6470	Elvia Valderrama	390.00
6471	Ford Motor Credit Co.	1,441.41
6472	Fuel Rite-NJ	360.76
6473	G&H Services	83.82

6474	Green Township	10,000.00
6475	J. Edward Palmer	175.00
6476	J. Edward Palmer	175.00
6477	JCP&L	36.38
6478	JCP&L	271.54
6479	MGL Forms	498.00
6480	Maser Consulting	162.50
6481	Maser Consulting	295.00
6482	Maser Consulting	242.00
6483	Maser Consulting	92.50
6484	Maser Consulting	120.00
6485	Maser Consulting	750.00
6486	Maser Consulting	737.25
6487	Maser Consulting	248.00
6488	Maser Consulting	3,322.50
6489	NJ State League of Municipalities	64.00
6490	NJN Publishing	82.25
6491	Nancy Predale	65.21
6492	Nextel Communications	259.31
6493	North Jersey Portable Toilets	180.00
6494	North Warren Farm & Home	46.99
6495	North Warren News	140.00
6496	North Warren Project Graduation	500.00
6497	North Warren Regional Board of Educ.	135,940.00
6498	Pio Costa	335.29
6499	Quill Corp.	171.40
6500	Ricoh Americans Corp.	62.66
6501	Sirkis & Lavery	362.50
6502	Sirkis & Lavery	62.50
6503	Tilcon	236.87
6504	Warren County Plumbing Subcode Services	505.00
6505	Tri-State Insurance Agency	935.31
6506	Usher Publishing Co.	210.00
6507	Verizon	359.85
6508	Vital Services Group.	80.00
6509	Wacks & Hartmann	1,500.00
6510	Wacks & Hartmann	2,878.75
6511	West Payment Center	80.00
6512	Hope Township	27,393.12
6513	Lakeland Bank	208,525.00
6514	Lakeland Bank	7,693.99

Capital Account Fund:

169	Gramco Business Communications	2,202.00
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Driveway Inspection Account:

1127	Golden & Moran	285.00
1128	Golden & Moran	190.00
1129	Richard Kleber	132.50

Driveway Bond Account:

1127	Richard Kleber	900.00
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Payroll Account:

Filed electronically:

NJ Division of Pensions	1,219.21
NJ GIT	454.96
PA Dept. of Rev.	36.48
NJ 927	956.13

Direct Deposits:

William Crone, Jr.	1,627.08
Sharon Drylie	1,460.68
Gene Marie McCartney	1,000.81
Richard O'Connor	1,565.53
William Crone, Jr.	1,390.24
Sharon Drylie	145.63

1110	George Boesze	328.25
1111	David Boynton	632.11
1112	Thomas Charles	649.75
1113	Greg Chontow	327.52
1114	Donna Clouse	1,183.07
1115	Alan DeCarolis	1,273.10
1116	Frank Desiderio	224.81
1117	David Gill	1,617.55
1118	Loren Greco	144.46
1119	Brenda Kleber	2,959.74
1120	Brenda Kleber	601.93
1121	Debra Natyzak-Osadca	774.87
1122	Nancy Predale	141.17
1123	Richard Smith	1,362.62
1124	Donna Zilberfarb	173.70
1125	Rosalie Murray	156.38
1126	Richard Smith	1,061.90

**AUDIENCE PARTICIPATION:**

A comment on the cost of the diesel fuel for the township was brought up. After discussion, it was decided that Jean Smolha would contact the Farm Bureau in Hackettstown for cost and report back in July.

**ADJOURNMENT:**

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

Respectfully Submitted,

Brenda J. Kleber, RMC