

MINUTES OF MEETING OF JULY 16, 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 the 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, Committeeman Dale Durling, Attorney Richard Beilin, Chief Finance Officer Gene Marie McCartney and Clerk Brenda Kleber.

EXECUTIVE SESSION:

Motion was made at 7:00 p.m. by Desiderio, seconded by Durling to enter into Executive Session with regard to Land Acquisition. All in favor. Upon returning to public session, the township attorney reviewed the comments from Dr. Reisburg's attorney concerning the contract to purchase the Reisburg property, including several suggested revisions. The Mayor and Committee advised that the township attorney on their position on those changes, and instructed him to contact Dr. Reisburg's attorney about finalizing the contract. Megan Haidet of Morris Land Conservancy also spoke on the contractual provisions that must be included due to the Township's anticipated receipt of grant funds in connection with the purchase. Motion was made by Desiderio, seconded by Durling authorizing the attorney to make the suggested changes in the contract and re-submit to Mr. Reisburg's attorney. Roll call vote: Natyzak-Osadca-no, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

QUOTES:

The Clerk advised that she re-advertised for quotes for: 1) 1987 Ford 800 vehicle; 2) Ricoh Aficio copier and 3) various scrap material. There were no bids received.

ORDINANCES:

ORDINANCE (#2008-14) RENAMING A PORTION OF FORMER COUNTY ROUTE 661, TO BE HEREINAFTER KNOWN AS MAIN STREET was opened to the public on motion made by Durling, seconded by Desiderio. All in favor. Motion was made by Desiderio, seconded by Durling to close the public session. All in favor. Motion was made by Durling, seconded by Desiderio to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

AN ORDINANCE (#2008-12) DELETING AND REPLACING SECTION 12-2 ENTITLED "ESTABLISHING A RECYCLING PROGRAM. The Clerk read the Ordinance by title and advised that a public hearing will be held on August 20, 2008. Motion was made by Desiderio, seconded by Durling to introduce said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

AN ORDINANCE (#2008-15) OF THE FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE ESTABLISHING RULES AND REGULATIONS FOR PARKS AND RECREATION AREAS IN THE TOWNSHIP OF FRELINGHUYSEN. The Clerk read the Ordinance by title and advised that a public hearing will be held on August 20, 2008. Motion was made by Desiderio, seconded by Durling to introduce said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

RESOLUTIONS:

#2008-67:

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 16th day of July, 2008 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 Durling to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2008-68

WHEREAS, the Morris Land Conservancy and County of Warren have determined that the purchase of Development rights is available on Property known as Midkiff Farm, located at Block 602, Lots 3.03 on the official tax map of the Township of Frelinghuysen, consisting of approximately 30.8 acres, in accordance with the requirements of the State Agricultural Development Committee Non-Profit Program, and;

WHEREAS, the purchase of development easement on the property will encourage the survivability of productive agriculture in Frelinghuysen Township, and;

WHEREAS, the Morris Land Conservancy and Warren County are negotiating with the property owners to purchase said development easement using farmland preservation funds from the Garden State Preservation Trust and the Warren County Open Space Trust, and;

WHEREAS, Morris Land Conservancy will provide 50% of the funding for the acquisition using a grant from the SADC Non-Profit Program, and Warren County will provide 50% of the funding;

WHEREAS, the preliminary approval for the purchase of a development easement on this farm has been granted by the SADC;

NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that the township hereby supports the purchase of a development easement on the above-referenced farm property.

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

#2008-69:

WHEREAS, Assembly Bill 2046 and companion Senate Bill 1830 has been introduced entitled An Act concerning the funding of the "Senior Citizens and Disabled Residents Transportation Assistance Program" and amending P.L. 1983, c. 578; and

WHEREAS, the funding through the Senior Citizen and Disabled Resident Transportation Assistance Program provides critical transportation and assists counties in providing and developing accessible transportation services for senior citizens and persons with disabilities; and

WHEREAS, Assembly Bill 2046 and Senate Bill 1830 would increase the annual appropriation requirement for the SCADRTP program from 7.5% to 8.5% of the revenues deposited in the Casino Revenue Fund and provide the additional funding to the NJ Transit designated 21-county-coordinated transportation systems; and

WHEREAS, the one percent increase in the SCADRTP program would not adversely impact funding levels and services from any other Casino Revenue Funded program because a significant amount of funding for the State PAAD program is now being reimbursed through federal funding; and

WHEREAS, senior citizens and person with disabilities that reside in the municipality of Frelinghuysen Township rely on county SCADRTP transportation services that may include but not limited to non-emergency medical appointments, dialysis, physical and mental therapies, chemotherapy, radiation therapy, non-competitive workshops, employment, nutrition sites, meals on wheels, food shopping, veterans services, recreational activities and many other services;

NOW, THEREFORE BE IT RESOLVED, that the Frelinghuysen Township Committee voices support for Assembly Bill 2046 and Senate Bill 1830 and urges members of the New Jersey Assembly and Senate to pass these bills ;and

BE IT FURTHER RESOLVED, that the Municipal Clerk send copies of this resolution to each of our legislative members, County Board of Freeholders and the New Jersey Council on Special Transportation.

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

#2008-70

Resolution of the Township of Frelinghuysen urging the New Jersey Legislature to support the Municipal Revenue Restoration Act of 2008-no action taken

#2008-71:

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

#2008-72:

WHEREAS, there exists a need for appraisal services to be rendered to the Township of Frelinghuysen in the possible acquisition of certain real property located within the Township of Frelinghuysen; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Morris Land Conservancy has recommended to conduct the appraisals in accordance with the specifications of Green Acres; and

WHEREAS, the Council wishes to award a contract in an amount not to exceed \$5,450.00 and the Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, the Council wishes to award a contract for professional services to Heffernan and Landmark I Appraisals; and

WHEREAS, the appraisers hired shall bill, directly, the Township for all services rendered.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Frelinghuysen, in the County of Warren and State of New Jersey as follows:

1. The Township of Frelinghuysen hereby awards and authorizes Morris Land Conservancy to execute an agreement with certified Green Acres appraisers to perform an appraisal report on the above-referenced property in accordance with an amount not to exceed \$5,450.00.

2. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Finance Officer and Morris Land Conservancy.

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

OLD BUSINESS:

With regard to the proposal for Professional Services on the Main Street sidewalk extension project, Maser Consulting will reduce their fee. The Committee decided to hold this and wait for the sidewalk maintenance ordinance.

With regard to the proposal for Professional Services on the Housing Element and Fair Share plan for substantive certification from the Council on Affordable Housing, Maser Consulting reduced their fee to \$10,450.00. Motion was made by Durling, seconded by Desiderio to approve the proposal. All in favor.

A letter received from the Warren County Planning Board advising that based on the responses received and other factors the Board of Chosen Freeholders decided to refuse the wastewater planning responsibility and defer the responsibility to the municipalities. The Committee will look into this.

The approval of a township seal for letterheads will be held to the August work meeting.

NEW BUSINESS:

The resignation of Edwina Soisson from the Recreation Committee was accepted with regret on motion made by Durling, seconded by DeCarolis. All in favor. The Clerk was instructed to send a letter of thanks to Ms. Soisson.

A town wide survey, approved by the Planning Board designed to assess the preferences of the property owners for commercial development, recreation and land preservation was approved for mailing on motion made by Durling, seconded by Desiderio. All in favor.

A letter from the New Jersey Dept. of Agriculture informed the township that defoliation caused by the gypsy moth has been detected in the township. If the Committee wishes to have the department conduct a gypsy moth egg mass survey, three copies of the municipal map will need to be submitted. Motion was made by Desiderio, seconded by Durling instructing the Clerk to forward the requested items. All in favor.

Jamie Drylie approached the Committee for sponsorship for the Girls Softball team who is participating in the regionals in Cherry Hill, New Jersey. Motion was made by Desiderio, seconded by Durling to sponsor in the amount of \$500.000 being charged to special events account. All in favor.

MINUTES:

The minutes of the work meeting of May 15, 2008 were approved on motion made by Desiderio, seconded by Natyzak-Osadca. All in favor except Durling who abstained. The minutes of the work meeting of June 12, 2008 were approved on motion made by Durling, seconded by Desiderio. All in favor except Charles who abstained. The minutes of the regular meeting of June 18, 2008 were approved on motion made by Durling, seconded by DeCarolis. All in favor. The minutes of the special meeting of June 30, 2008 were approved on motion made by Durling, seconded by DeCarolis. All in favor.

DEPARTMENT REPORTS:

Department reports received from the Tax Collector, Tax Assessor, Building Dept., Chief Finance Officer, Health Dept., Municipal Court and Dog Licensing Official was read and approved on a consent agenda motion made by DeCarolis, seconded by Desiderio. All in favor.

Mayor Thomas Charles report:

Mayor Charles thanked Frank Desiderio for his time and time for his machinery in order to build a new parking lot at the high school. The four sending districts have pitched in, in order to build this parking area and practice field. The Mayor also thanked Dale Durling for the electric work that was done in the municipal building.

Mayor Charles reported that the construction department report shows figures that are not supporting the construction office. He recommended that the finance liaisons look into this and make recommendations.

Mayor Charles reported that after CMPTRA restoration of funds, he is working with the township auditor to keep the tax rate of 0%.

With regard to mileage vouchers submitted, the Mayor recommended that all vouchers show details.

The National Night Out will be held on August 5th in Allamuchy Township.

The Mayor received a request to spray the 5 acre Municipal Complex Recreation area to kill the grass and weeds. Motion was made by Desiderio, seconded by Durling authorizing the Mayor to obtain bids and the cost will not exceed \$200.00. All in favor.

The Mayor reported that the Township pays over \$163,000.00 to the County for library costs and felt that the Freeholders should get this cost in control by looking at other options.

With regard to COAH, the Mayor reported that we are in the final phase of the third round and suggested that the Township support the legal action that is being taken.

With regard to the Highlands Master Plan, adoption should be July 17th with Frelinghuysen being 100% in the planning area.

Mayor Charles reported that it will cost each household in the State \$100.00 for state police coverage. He reported on a meeting where the consensus was that the townships would not go along with this.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca reported that the Municipal Alliance grant has been finished and we should receive funding for the next three years.

Committeeman Natyzak-Osadca asked how we are going to handle the PEOSHA violations. Committeeman Desiderio advised that they have been taken care of and a letter of abatement will be received.

Committeeman Frank Desiderio's report:

Committeeman Desiderio reported that the road department is installing pipes on State Park Road, Mill Road and Stillwater Road and that the new employee is working out well.

Committeeman Dale Durling's report:

Committeeman Durling reported that he is still working on the Fire Departments budgets and wants an agreement prepared by the attorney.

Committeeman Durling asked the Committee members to get comments about the personnel policy to him before the next work meeting.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis commented that John Madden of Maser Consulting is working on the COAH plan for which the deadline is at the end of the year.

Committeeman DeCarolis offered to pay for the cost for the removal of 50 tires.

Committeeman DeCarolis asked if the bid on the truck should be lower as it is very rusty. It was decided to hold the vehicle for awhile.

Attorney Richard Beilin's report:

With regard to the sidewalk ordinance, additional information is needed.

The check list and well draft ordinances submitted by the Planning Board were approved. The Flag lot ordinance may be mute due to the lot circle requirement. He has contacted Michael Lavery for further information.

A letter was sent to the Hope Municipal Court and a draft contract will be sent to Knowlton court.

The letter received from Exxon on the well testing is being worked on.

With regard to the Defined contribution plan-the Committee needs an ordinance to determine who is in and who will be exempt.

On the Burns/Marie/Jensen matter, this will be held to the August meeting.

Municipal Clerks report:

The Municipal Clerk reported on a water contamination letter being sent out to homeowners on Meadow Oak Drive. Apparently, when a homeowner had their well tested, arsenic was discovered. Since the Warren County Health Dept. is handling this matter, the Committee will take no action.

BILLS:

See schedule attached to minutes

CORRESPONDENCE:

NJDEP Re: LOI for Block 502, Lot 9

NJDEP Re: Hazardous substance discharge notice on 119 Dark Moon Road

New Jersey Senate Re: Thank you for copy of resolution

Warren County Planning Dept. Re: Copy of letter sent to NJ DEP

Warren County Board of Freeholders Re: Resolutions 384-08,385-08 and 377-08 and copy of proposed changes to Solid Waste Management Plan

Ramm Environmental Services Re: PEOSHA training

NJ Society of Municipal Engineers Re: Awards program

Alison Little McHose Re: Small Government Caucus

Courter, Kobert & Cohen Re: Hardwick Township withdraw from Municipal Court

Maser Consulting Re:

1. Submission of SHPO application
2. Award of contract-State Park Road
3. Forest Manor escrow account

Brown & Brown Re: Request for permission to provide proposal of insurance

General Assembly of New Jersey Re: Assembly Republican Mandate repeal form

NJ DCA Re: Proposed repeal and proposed new rule for plan endorsement

Warren County Engineer Re: Resurfacing of County roads meeting

NJDEP Re: Grant agreement executed

Warren County Dept. of Human Services Re: Copy of Strategic Plan

NJ Clean Communities Council Re: Copy of report to the Governor & Legislature

NJ DEP Re: Known Contaminated Sites in New Jersey

New Jersey Dept of Labor Re: Notice of order to comply

NJ COAH Re: Upcoming seminars on third round rules

New Jersey League of Municipalities Re:

1. 11th annual elected officials Hall of Fame
2. Budget language concerning State Police Services
3. Urgent Alert:
 - a. Affordable Housing
 - b. A-500/S-1783 passes Senate
4. Rural Policing
5. Rural Policing update
6. Two Issues:
 - a. Full funding for the energy block grant
 - b. Affordable housing
 1. League challenge of COAH regulations
 2. Mayor's housing policy committee
7. Three Issues:

- a. Formula aid
 - b. Newly published 2008 dog & cat licensing fees
 - c. July grant page posted
8. Electric energy cost containment initiative
9. Two Issues:
 - a. From Time to Time-a quarterly report
 - b. Newly published-2008 liquor license fees
10. Two Issues:
 - a. Federal update for period ending July 3, 2008
 - b. New league publication
11. Legislative bulletin #4
12. Two Issues:
 - a. Re-adoption of Vegetation Management regulations
 - b. Protecting the rights of Military Service Member Public Employees

AUDIENCE PARTICIPATION:

Nick Pachnos asked for the status of the South Street project. He advised that the plan submitted several months ago was a good plan and would like to see it started before the flooding season begins. This will be further discussed next month when the engineer is at the meeting.

Marty Connor asked the Committee if a permit was given to Kids Camp for the Jazz Festival they had last year. When he was advised that they did not, he asked that they be fined for not applying for the permit. The Committee will take this under consideration.

Dallas Sowards also inquired about the permit for Kids Camp along with expressing his opinion on the expansion.

Loren Greco asked the following questions about the Reisburg property: 1) Is the township still purchasing it. Answer –yes; 2) how much? Answer-confidential and 3) Is taxpayers money being used? Answer-yes but the money is being paid back through grants.

ADJOURNMENT:

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

Respectfully Submitted,

Brenda J. Kleber, RMC