

MINUTES OF MEETING OF JULY 18, 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 David Boynton, Committeeman Debra Natyzak-Osadca, Chief Finance Officer Gene Marie McCartney, Attorney Edward Wacks and Clerk Brenda Kleber.

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 July 13, 2007. Motion was made by Boynton, seconded by Natyzak-Osadca 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 discussion on the Barbour's title which is in the process of being completed. Further discussion will take place when the title search is completed. An additional appraisal on the Reisburg property was authorized in the amount of \$3,000.00 on motion made by Boynton, seconded by Natyzak-Osadca. All in favor.

ORDINANCES:

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 was offered on second reading and final adoption. Motion was made by Boynton, seconded by Natyzak-Osadca to open the meeting to the public. All in favor. Motion was made by Boynton, seconded by Natyzak-Osadca to close the meeting to the public. All in favor. Motion was made by Natyzak-Osadca to adopt said ordinance. Roll call vote: Boynton-yes, Natyzak-Osadca-yes, Charles-yes.

AN ORDINANCE (#2007-12) TO AMEND ORDINANCE #95-05 ENTITLED: MUNICIPAL ALLIANCE COMMITTEE AGAINST DRUG AND ALCOHOL ABUSE. The Clerk read the Ordinance by title after being posted and advised that a public hearing will be held on August 15, 2007. Motion was made by Boynton, seconded by Natyzak-Osadca to introduce said ordinance. Roll call vote: Boynton-yes, Natyzak-Osadca-yes, Charles-yes.

RESOLUTIONS:

#2007-53:

IT IS HEREBY RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey as follows:

1. A proposition in the following form shall be submitted to the Warren County Clerk to be placed upon the ballot at the ensuing municipal election:

Shall the Township of Frelinghuysen increase the annual levy for the Municipal Open Space/Farmland Preservation Trust Fund for the acquisition and Development of land for Open Space/Farmland Preservation and for the payment Of debt service on indebtedness issued or incurred by Frelinghuysen Township

for these purposes by 2 cents (0.02) per \$100.00 of assessed value for a total annual levy of four cents (0.04) per \$100 of assessed value and to annually appropriate that revenue for that purpose?

() Yes

() No

The Township Clerk is hereby directed to forward a certified copy of this resolution to the Warren County Clerk and to take any and all steps necessary to assure that the proposition set forth at Section 1 hereof is placed on the ballot at the ensuing municipal election.

Motion was made by Boynton, seconded by Natyzak-Osadca to approve said resolution. Roll call vote: Natyzak-Osadca-no, Boynton-yes, Charles-yes.

#2007-59:

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 \$3,340.00; and

WHEREAS, the Municipal Alliance Committee desires to utilize the grant for 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 \$1,113.00; 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 Boynton, seconded by Natyzak-Osadca to approve said resolution. Roll call vote: Natyzak-Osadca-yes, Boynton-yes, Charles-yes.

#2007-60:

WHEREAS, a resolution is needed to accept the proposal for Farmland Preservation appraisals for the following two (2) properties:

Polowy-Block 1401, Lot 19

Woodcock-Block 602, Lot 3

WHEREAS, Robert Heffernan and Landmark 1 Appraisal, submitted proposals in the amount of \$5,200.00 and \$5,300.00 respectively, and funds will be made available to pay for aforesaid services.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that the following proposals be accepted:

Robert Heffernan-\$5,200.00

Landmark 1 Appraisal-\$5,300.00

BE IT FURTHER RESOLVED, that the services of the above mentioned were engaged without competitive bidding as "professional service", as defined in the local public contracts law, because such services are performed by persons authorized by law to practice a recognized profession, regulated by law, and it is not possible to obtain competitive bids.

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

#2007-61:

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 2008 Municipal

Aid Program for the purpose of constructing improvements to State Park Road between Interstate Route 80 and County Route 519.

WHEREAS, the Township Committee has considered this recommendation:

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that the Township Engineer be and hereby is authorized to prepare an application and the Mayor and Township Clerk be and hereby are authorized to execute the application for State Aid available to municipalities under the New Jersey Transportation Trust Fund Authority Act and the Township Engineer is authorized to submit said application to the District Local Aid Office of the New Jersey Department of Transportation in Mount Arlington for the following project: Improvement of State Park Road between Interstate Route 80 and County Route 519.

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

#2007-62:

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 18th day of July, 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 Boynton, seconded by Natyzak-Osadca to approve said resolution. Roll call vote: Natyzak-Osadca-yes, Boynton-yes, Charles-yes.

#2007-63:

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

#2007-64

WHEREAS, there exists a need for legal services in addition to those already provided by the Township Attorney, Edward Wacks, Esq. of Wacks & Hartmann, LLC, specifically, the representation of the Township in foreclosure of tax sale certificates; and

WHEREAS, said need is for certain specified professional services to be rendered or performed by a person or persons authorized by law to practice a recognized profession, whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2 et seq., as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized training and study, as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonable be described by written specifications; and

WHEREAS, the budget of said board duly appointed and approved by the Mayor and Township Council provides generally for funds for the services of such professional and/or certain escrow accounts paid by applicants for development provide for the payment for such services; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., as amended, requires that this Resolution authorizing the award of contract for "Extraordinary, Unspecifiable Services" without bids and the contract itself must be available for inspection and be publicly advertised.

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

1. The Township of Frelinghuysen in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., as amended, hereby authorizes and approves the award of professional services contract to Wacks & Hartmann, LLC for the representation of the Township in the foreclosure of tax sale certificates, in accordance with the proposal attached hereto at Exhibit A and the professional services contract between the parties. Said contract is hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Township Clerk be and the same are hereby authorized to enter into said contract with the firm of Wacks & Hartmann, LLC.

2. This contract is awarded without competitive bidding as an "Extraordinary Unspecifiable Service" in accordance with N.J.S.A. 40A:11-1, et seq., as amended, of the Local Public Contract Law because the services required cannot be reasonably described by written specifications to assure that the qualitative and quantitative assessment of the problems involved, which require expertise, extensive training and proven reputation in the field of endeavor are obtained.

3. A copy of this Resolution shall be published as required by law.

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

#2007-65:

WHEREAS, American Family Life Assurance Company ("AFLAC") has offered to provide supplemental insurance benefits to Frelinghuysen Township employees, including, but not limited to, supplemental accident, sickness and disability; and WHEREAS, any benefits selected by municipal employees shall be paid for on a payroll basis, i.e. shall be paid directly from the employees' pay, so that offering these benefits will not result in any cost to the Township of Frelinghuysen; and

WHEREAS, the AFLAC program thus offers the Township the opportunity to enhance the benefits available to its employees, without any negative effect on the Township's budget or any increase in taxes.

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

1). The Mayor and Committee hereby authorized AFLAC to offer its benefits to Township employees, with the express understanding that such benefits selected by the employees shall be paid by the employees at no cost to the Township, and that there shall be no contractual relationship between AFLAC and the Township.

2). This resolution shall take effect according to law.

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

PROCLAMATION:

A proclamation proclaiming September 2007 as National Alcohol and Drug Addiction Recovery Month in September was approved on motion made by Boynton, seconded by Natyzak-Osadca. All in favor.

OLD BUSINESS:

A quotation in the amount of \$4,700.00 for a camera surveillance network for the area behind the Municipal building was reviewed by the Committee. It was decided that Committeeman Boynton would obtain additional quotes. A suggestion to obtain a grant for the surveillance equipment was discussed.

The cell tower ordinance will be on hold for next month's meeting. Committee Boynton would like to adopt an ordinance placing cell towers on municipal property so that the municipality can benefit from the fees.

A letter requesting the monies owed from a letter of credit and escrow balances from Bedrock Construction was read. Concerns over Lackawanna Drive was brought up and the Clerk was instructed to contact Engineer Paul Sterbenz.

A letter received from Warren County was read informing that the County was awarded \$400,000.00 to conduct a needs assessment, records inventory, and strategic plan process for all municipalities in the county that chose to participate. Since Frelinghuysen Township expressed an interest in participating preparations will be started before September.

Responses from a letter sent to the adjoining property owners along Old Bear Creek Road the township would like to vacate was read. Owners Mark Willis along with Stephen Gurba expressed an interest in taking ownership and would help with the costs. The attorney asked that copies be sent to his office. Motion was made by Boynton, seconded by Natyzak-Osadca authorizing the attorney to order a title search and prepare an ordinance. All in favor.

The Clerk informed the Committee that there was over \$23,000.00 in the Dog Trust Account which could be used for the Dog Census. Motion was made by Boynton, seconded by Natyzak-Osadca accepting the submitted proposal. All in favor.

NEW BUSINESS:

Caryn Beam and Tim Mc Andrews of AFLAC appeared before the Committee for a proposal to present to the employees a plan to provide additional health insurance at no cost to the township. Motion was made by Boynton, seconded by Natyzak-Osadca authorizing the AFLAC program to be offered to the municipal employees on a payroll basis and authorizing the attorney to prepare a resolution dealing with this program. All in favor.

Robin Randolph, Chairman of the Open Space Committee presented a rationale on the Open Space tax increase. Ms. Randolph advised that the increase would cost the average assessed home and additional \$42.14 per year or \$3.50 a month based on a house assessed at \$211,000.00.

Road Supervisor Frank Desiderio advised the Committee that the Road Department is in need of an additional tractor and sicklemower. The Clerk was instructed to advertise on motion made by Boynton, seconded by Natyzak-Osadca. All in favor.

A letter received from the Office of the Warren County Engineer was read advising that a contract to Denville Line Painting was awarded to install pavement markings and this is being offered to municipalities. Mayor Charles stated that we will be striping 5 miles or spending \$5,000.00. The Mayor will meet with the Road foreman for a list of roads that are in need.

A letter received from the Frelinghuysen Township Planning Board was read asking the Committee for their support by sending a letter to the Warren County Planning Board supporting the restoration of the porch on the Johnsonburg Inn. Motion was made by Boynton, seconded by Natyzak-Osadca authorizing the Mayor to send a letter of support to restore the porch. All in favor.

A proposal for professional services to provide professional engineering, environmental science and land surveying services for the South Street Pond Improvement project in the amount of \$5,500.00 was approved on motion made by Boynton, seconded by Natyzak-Osadca. All in favor.

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 Boynton. All in favor.

Mayor Thomas Charles report:

Mayor Charles announced the 2nd Family Night Out sponsored by the New Jersey State Police to be held on August 7th from 6:00 p.m. to 10:00 p.m. on Alphano Road in Allamuchy Township.

Mayor Charles would like to form a task force for the web site policies. The Mayor will ask that Robin Randolph along with John Jurena and Shannon Drylie be on this committee.

The Hope Court assess a \$6,000.00 negative, however, there was an insurance bill that had not been paid which reflected the negative balance.

Mayor Charles met with the road department and advised that a third worker is needed to handle the equipment . This will be further discussed at the special meeting.

A fire drill was conducted in the Johnsonburg area. The only weak part was the lack of water supply. A suggestion was to install an standing pipe in the pond located on Tom Finn's properties on Mill Road at the township's expense. This will be further discussed.

The Mayor reported on a rock removal incident on Stillwater Road. To date they have complied with the Mayor's request on the road conditions.

The Mayor reported on the 1st DPW picnic that Frelinghuysen Township sponsored. It was a round table discussion on shared services, training seminars, etc.

Committeeman David Boynton's report:

With regard to the Recreation Committee-it does not meet in the summer.

Committeeman Boynton dropped off the paperwork on the superfund site on Greendell Road. This will be further discussed in September.

Committeeman Boynton wished to compliment Robin Randolph on the organization of the Chipper party to clear the area for the proposed municipal complex.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca reported that the tax levy has increased by 4 cents. The 2007 rate is now \$2.17 per \$100.00 assessed value.

The Municipal Alliance grant has been prepared and is ready for the Committee's signatures.

Our portion of the Farmland Preservation for the Greene, Jensen and Smith properties will be \$110,232.00.

Road Supervisor Frank Desiderio's report:

Mr. Desiderio asked the Committee for approval to order uniform shirts and pants for the Road Department. The cost would be \$25.00 a week for two sets and includes cleaning and mending. This will be taken up further at the special meeting on July 25, 2007.

Mr. Desiderio also brought up the conditions of the air conditioners in the municipal offices. Currently, when they are turned on causes the breakers to turn off the electricity and also turns the telephones off. Committee Boynton will call the electrician.

The hiring of an in house mechanic for service on the township vehicles was discussed. It was decided to get clarification from the attorney on how to hire someone without receiving benefits.

MINUTES:

The minutes of the meeting of June 20, 2007 were approved with corrections on motion made by Charles, seconded by Natyzak-Osadca. All in favor. The minutes of the executive session of June 20, 2007 were approved with corrections on motion made by Charles, seconded by Natyzak-Osadca. All in favor. The minutes of the special meeting of July 10, 2007 were approved with corrections on motion made by Charles, seconded by Natyzak-Osadca. All in favor.

CORRESPONDENCE:

NJ Dept. of State Re: V-Free Mini grant program
Green Acres Program Re: Fully executed amendment to the Green Acres project
NJDEP Re: FEMA Mitigation grant program fact sheet
MEL Safety Institute Re: 2008 MSI class requests
NJDEP Re: Petroleum underground storage tank remediation
Municipal Excess Liability Joint Insurance Fund Re: Statutory Bond program
Frelinghuysen Township Road Dept. Re: Copy of letter regarding catch basin
Maser Consulting Re: Preconstruction conference minutes on Forest Manor
PMK Group Environmental Re: Water Quality Management planning rule change
PES RE: Notice of site work start on Forest Manor
PES Re: Soil Erosion & Sedimentation control plan certification
Township of Monroe Re: Abbott-Burke reform resolution
NJDEP Re: Stream Encroachment for Block 901, Lot 4
Glasson Environmental Services Re: Letter of Interpretation for Block 801, Lot 11
United States Senate Re: Disaster Mitigation Act
Ardito & Co. Re: Court report for the North Warren Municipal Court
Dorsey & Semrau Re: Americans with Disabilities Act update and checklist
NJDOT Re: 2008 Municipal Aid program
Warren County Planning Board Re: Resolution
Commerce Risk Control Services Re: Loss control report
Fredon Planning Board Re: Notice to property owners
Township of Hardwick Re: Ordinance No. 2007-06
Dept. of Land Preservation Re: Meeting to be held on June 21st
Wacks & Hartmann Re: Agreement to sell development easement
Permit Expediting Services Re: Forest Manor expansion
NJDOT Re: Roadway repair contract
New Jersey State League of Municipalities Re:
1. SCS for S-2269 & 2289 (sales tax exemptions)
2. Update on S-2249 (paid family leave)
3. Proposed identity theft rules
4. Update on proposed identity theft rules
5. House passes funding increase for COPS program
6. Audio file of grants tele-seminar now available
7. Mayors' summit on pension reform
8. Gypsy moth suppression
9. New information from the Division of Local government services
10. Smoke-free air rules-proposed amendments
11. A-3692 (sexually oriented business)
12. Investing in our cultural treasurers and destinations meeting
13. Affordable housing, regional contribution agreements
14. New information from the Local Government Services
15. Dept. of Labor and Workplace Development
16. Cable television developments
17. Three developments:
a. Zoning Mandate
b. Funding dedication
c. Revised revenue estimates
18. Influenza pandemic update
19. Two Issues:
a. A-3860-curtailing municipal zoning authority
b. New budget and tax billing information

20. Federal Energy Bill
21. S-2249 Paid family Leave
22. Four major assembly actions:
 - a. Constitutional dedication of full sales tax penny
 - b. Dual office holding ban
23. State budget crunch time
24. Legislative bulletin No. 10
25. Gallenthin Realty Development v. Borough of Paulsboro-Eminent Domain
26. A-4393 Projected contract cost estimates
27. Playground safety deadline
28. Police standards committee needs input on racial profiling
29. Municipal Notification of site remediation work

BILLS:

Driveway Bond Account:

#232	Tom Aigotti	900.00
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Dog Trust Fund:

111	Blairstown Animal Hospital	301.00
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Municipal Alliance Account:

330	Frelinghuysen Township Booster Club	904.33
331	Dorothy Marra	211.00

Driveway Inspection Account:

1130	Golden & Moran Engineering	166.25
1131	Golden & Moran Engineering	237.50

Capital Account:

170	Maser Consulting	195.00
171	Maser Consulting	7,465.00
172	Seidel Electric	69.99
173	Wilentz, Goldman & Spitzer	525.00
174	Richard Grabowsky	1,141.70
175	Maser Consulting	5,193.75

General Account:

Filed electronically:

	NJSHBP	1,928.57
6515	Balbi Enterprises	63.00
6516	Brenda Kleber	54.01
6517	Brenda Kleber	274.03
6518	Brenda Kleber	179.50
6519	Country Discount Tires	32.95
6520	County of Warren	471,448.57
6521	County of Warren	80,566.50
6522	Culligan	23.85
6523	David Gill	248.20
6524	Ford Motor Credit	1,441.41
6525	Frelinghuysen Township Board of Educ.	298,048.17
6526	Frelinghuysen Township Board of Educ.	80,566.50
6527	Fuel Rite	114.55
6528	Golden & Moran Engineering	380.00
6529	Grand Rental Station	1,582.80

6530	JCP&L	37.99
6531	KCD, LLC	180.00
6532	MGL Forms	447.00
6533	Marksboro Deli	55.84
6534	Maser Consulting	88.50
6535	Maser Consulting	326.50
6536	Maser Consulting	176.25
6537	Maser Consulting	750.00
6538	Morris Land Conservancy	2,750.00
6539	NJN Publishing	360.00
6540	Nextel Communication	256.92
6541	North Warren Farm & Home	19.61
6542	North Warren Garden Club	350.00
6543	North Warren Regional Board of Educ.	140,194.58
6544	Quill Corp.	314.93
6545	Ricoh Corp.	25.99
6546	S&L Auto Parts	239.00
6547	Sirkis & Lavery	362.50
6548	Tax Collector & Treasurers Assn	18.00
6549	Verizon	356.70
6550	Vital Services Group	80.00
6551	Wacks & Hartmann	1,500.00
6553		
6554	ANJEC	270.00

Payroll Account:

Filed Electronically:

NJ Division of Pensions	895.55
NJGIT	348.70

Direct Deposit:

	William Crone, Jr.	1,402.34
	William Crone, Jr.	1,406.59
	Sharon Drylie	1,460.68
	Gene Marie McCartney	1,000.00
	Richard O'Connor	1,565.53
1127	Richard Smith	1,061.90
1128	George Boesze	328.25
1129	Greg Chontow	327.52
1130	Donna Clouse	1,183.07
1131	David Gill	1,617.55
1132	Brenda Kleber	2,775.68
1133	Rosalie Murray	738.64
1134	Richard Smith	1,061.90
1135	Donna Zilberfarb	91.42

AUDIENCE PARTICIPATION:

Loren Greco asked about the sidewalks on Main Street. The Mayor reported that we are awaiting a formal letter from the title company which will assure us that the County owns the road and once we receive this as proof we can then proceed.

ADJOURNMENT:

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

Respectfully Submitted,

Brenda J. Kleber, RMC

