

MINUTES OF MEETING OF AUGUST 18, 2010

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, August 18, 2010 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 e mailing notice to the New Jersey Herald and The Express-Times

ROLL CALL:

Those present were: Mayor Dale Durling, Deputy Mayor Thomas Charles, Committeeman Alan DeCarolis, Committeeman Frank Desiderio, Committeeman David Boynton, Chief Finance Officer Gene Marie McCartney, Attorney Edward Wacks and Clerk Brenda Kleber.

ORDINANCES:

The ordinance (2010-05) regarding wind energy systems and solar energy systems was discussed. The Clerk was instructed to send a letter on motion made by Boynton, seconded by DeCarolis to the Planning Board asking them to take into consideration the comments given by the Committee members along with a request to separate the solar ordinance and wind ordinance,

RESOLUTIONS:

#2010-57 (cancel taxes deemed uncollectible)

WHEREAS, a resolution is required by the Tax Collector to cancel 2010 taxes deemed uncollectible; and

WHEREAS, the following properties have 2010 taxes that must be canceled of record:

Block	Lot	Owner	Amount
201	31Q0147	Frelinghuysen Township	\$559.90
402	16	Frelinghuysen Township	92.27

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the above taxes be canceled of record as they are uncollectible.

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

#2010-58 (refund overpayment)

WHEREAS, a resolution is required by the Tax Collector to refund over payment of 2010 taxes for two properties (went into farmland assessment for 2010), as listed below;

Block	Lot	Pay to	Amount
501	26	Ekrem Klobocista	\$1,392.64
601	18.01Q	Kurdzialek Properties X LLC	\$1,091.49

NOW, THEREFORE BE IT RSOLVED, by the Township Committee that the Treasurer is herby authorized to refund the above over payment property taxes.

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

#2010-59 (relieve tax collector from collecting certain taxes)

WHEREAS, the Assessor has discovered an error in the Tax Book of the Township of Frelinghuysen, County of Warren, State of New Jersey.

WHEREAS, the Assessor of the Township of Frelinghuysen during his course of work has discovered that the following error that occurred in 2010 for Block 801, Lot 13.01. This said line item was assessed incorrectly in the Tax Book for \$299,300 (Land \$133,800, improvement \$165,500. Total \$299,300.

NOW, THEREFORE BE IT RESOLVED, that the Township of Frelinghuysen Committee relieve the Tax Collector from collecting taxes other than the corrected assessment of this block and lot as stated above.

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

#2010-60 (approve raffle application)

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct an On Premises 50/50 raffle on December 1, 2010; and

WHEREAS, the Findings and Determination by the Municipal Clerk have determined that the organization is qualified to conduct such raffle.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Frelinghuysen Township PTO raffle application #2010-05 is hereby approved.

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

#2010-61 (approve raffle application)

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct an On Premises raffle on December 1, 2010; and

WHEREAS, the Findings and Determination by the Municipal Clerk have determined that the organization is qualified to conduct such raffle.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Frelinghuysen Township PTO raffle application #2010-06 is hereby approved.

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

#2010-62 (women's equality day)

WHEREAS, August 26, 2010 marks the 90th anniversary of the ratification of the 19th amendment guaranteeing women's right to vote; and

WHEREAS, the beginning of the debate over a woman's right to vote began at the world's first Woman's Right Convention in Seneca Falls, NY in 1848; and

WHEREAS, the campaign continued for seventy-two years highlighted by the extraordinary efforts of New Jerseyan Alice Paul; and

WHEREAS, support for the movement grew and on August 26, 1920, the final state ratification for the amendment was passed and the enfranchisement of women became law; and

WHEREAS, this date also marked the re-enfranchisement of women in New Jersey after an absence of 113 years; and

WHEREAS, this year's 90th anniversary of the greatest single expansion of citizenship rights in the United States presents a remarkable opportunity both to honor the unrelenting tenacity and spirit of the multitude of women and men who worked to secure women's right to vote and also to illustrate how much can be achieved in a democratic society by the collective efforts of citizens committed to political reform; and

WHEREAS, it was the hope of our Foremothers who fought and died for Women's Suffrage that future generations of women would use that hard-won vote to make this a better world and to fight for full equality and justice for women.

NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that August 26, 2010, the 90th anniversary of the constitutional affirmation of women's right to vote in the United States, be celebrated by governing agencies at the local, state and national level, as well as by educational institutions, workplaces, civic organizations, places of worship and communities throughout the nation, with programs, events, proclamations, performances, parades, conferences, and other special ceremonies worthy of this uniquely important and historic occasion.

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

#2010-63 (municipal toolkit)

WHEREAS, difficult times demand difficult choices, and facing an unprecedented revenue gap this year, Governor Christie introduced, and the Legislature passed, a

budget that cut municipal property tax relief funding by about \$450 million, from last year's already reduced totals; and

WHEREAS, realizing that a 20% cut in revenue replacement funding, instead of the statutorily required increase, would present a serious challenge to local budget makers, Governor Christie intended to provide local officials with meaningful tools to limit the, otherwise devastating, impact of the cuts; and

WHEREAS, the Governor's "Tool Kit to Meet Today's Fiscal Challenges" was supposed to accomplish six objectives; collective bargaining reform, pension and benefits reform; civil service reform, management reform, a constitutional cap on increases in spending for direct State government services; and a constitutional cap on property tax increases; and

WHEREAS, Governor Christopher Christie and the State Legislature have agreed on and enacted a 2% statutory cap for annual property tax levy increases; and

WHEREAS, the Governor was correct when he said, 'New caps without the toolkit are unworkable,' and

WHEREAS, with the cuts assured in the State's new budget and with bi-partisan agreement reached on new property tax caps, New Jersey Mayors-from municipalities, large and small, and from all around our Garden State-still wait for Trenton policy makers to enact meaningful local government cost containment reforms;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen calls for immediate passage of the "Toolkit" reforms and mandates relief, including, but not limited to interest arbitration reform, civil service reforms, public employee pension and benefits, disciplinary procedures, school and special district elections, reforms to the Fair Housing Act and the Council on Affordable Housing and mandates relief; and

BE IT FURTHER RESOLVED, that statutory Health benefit reforms must conform future health benefit cost to the 2% cap; and

BE IT FURTHER RESOLVED, that statutory Health benefit reforms must conform future health benefit costs to the 2% cap; and

BE IT FURTHER RESOLVED, that municipal revenues, such as the Energy Tax, which are now collected by, and diverted to, the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance immediate mandates relief initiatives to assist municipalities in managing within the 2% cap; and

BE IT FURTHER RESOLVED, that a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2% cap or the costs of new AOC mandates should be capped at 2%; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the general Assembly, and to the New Jersey State League of Municipalities.

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

#2010-64 (approval of vouchers)

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 its appropriate fund accounts.

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

#2010-65 (shared services)

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 Township of Green to enter into a Shared Services Agreement, pursuant to which the Township of Frelinghuysen shall provide Uniform Construction Code administration and enforcement services to the Township of Green, on the terms and conditions set forth in the agreement between the parties; and

WHEREAS, by entering into the said Shared Services Agreement, Frelinghuysen Township will conserve financial resources and enhance community relations.

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 with Green Township for Uniform Construction Code administration and enforcement services, in a form acceptable to the Township Attorney
2. This resolution shall take effect according to law.

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

#2010-66 (ballot question referendum)

WHEREAS, the Township Committee of the Township of Frelinghuysen has determined that a non-binding referendum is appropriate at the next General Election, in which the public shall consider whether the Township of Frelinghuysen should include, as an authorized use of monies in the Open Space and Farmland Preservation Fund, the development and maintenance of lands acquired for recreational purposes; and

WHEREAS, for that purpose, the Township Committee of the Township of Frelinghuysen has approved the content of the referendum question and interpretive statement to appear on the ballot, as set forth below.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey does hereby request that the Warren County Clerk, pursuant to N.J.S.A. 19:37-1, print upon the official ballot to be used at the next ensuing General Election the following question and interpretive statement.

TOWNSHIP QUESTION

Shall the Township of Frelinghuysen consider authorizing the use of the present Open Space and Farmland Preservation Fund for the development and maintenance of lands acquired for recreational purpose?

INTERPRETIVE STATEMENT:

This non-binding referendum will give the elected officials of the Township of Frelinghuysen the sentiment of voters concerning revising the current use of the Open Space and Farmland Preservation Fund to include the development and maintenance of lands and facilities acquired for recreational purposes. This change will not result in any additional assessment or cost to taxpayers. The proposed use of funds is authorized by N.J.S.A 40:12-15.1, et seq.

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

OLD BUSINESS:

The Shared Services for the Building Department agreement was approved by the Attorney, Mr. Wacks See resolution above. Motion was made by Charles, seconded by DeCarolis instructing the Clerk to send a copy to the Dept. of Community Affairs. All in favor.

NEW BUSINESS:

A letter requesting that Ralf Irizarry be appointed as the Deputy Emergency Management Coordinator was received from Emergency Management Coordinator James Drylie Motion was made by Charles, seconded by Boynton concurring with the Mayor's approval of the appointment. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes. Debra Natyzak-Osadca sent a letter stating that she was appointed for a term to run concurrently with the appointment of Mr. Drylie. This was memorialized in resolution #2008-14. Mayor Durling stated that as per the

township ordinances, the Emergency Management Coordinator appoints the deputy with the Mayors approval. Mr. Wacks stated that the resolution which was adopted in 2008 did not properly appoint Ms. Natyzak-Osadca as per the Mayor's statement. The discussion of whether she should be paid for the first three months of the year or for six months was ensued. Motion was made by DeCarolis, seconded by Desiderio to pay Ms. Natyzak-Osadca through the 2nd quarter. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes. Mr. Wacks suggested that the ordinances be changed to reflect the removal of the deputy from this office as the present ordinance only lists the Emergency Management Coordinator. Motion was made by Boynton, seconded by DeCarolis authorizing Mr. Wacks to revise the ordinances. All in favor.

Mr. Drylie also went over the CERT training and upcoming classes. Another item he discussed was a FEMA grant that is available. Target areas for applying for the grant would be the Ridge & Valley Charter School who is susceptible to high wind damage, the culvert on Mill Road needs upgrades and the windows at the Town Hall should be shuttered. The Clerk was instructed to send a letter to the Charter School advising them of this possibility.

The Clerk advised of a request to have Stonebridge Road speed zoned. Other roads being speed zoned was discussed and it was decided on motion made by Desiderio, seconded by Charles to obtain the cost of either doing 3 roads or 6 roads along with Desiderio and Charles preparing a list of the roads. The motion included authorizing Mr. Wacks to prepare an Ordinance. All in favor.

A letter of resignation received from Environment Commission member Lore Billing was accepted on motion made by Boynton, seconded by DeCarolis. All in favor.

A letter received from the Open Space Committee bringing to the attention of the Committee the benefits of preserving abandoned roads within the township. Since this letter was received late, it was decided to hold the letter for review by the Committee.

BIDS:

Bids were received from the following for a utility tractor and mower with 50" boom mower:

Warren County Service Center, Blairstown, NJ in the amount of \$84,495.00

Since there was only one bid received, motion was made by DeCarolis, seconded by Boynton to reject the bid. All in favor. Motion was made by Boynton, seconded by Desiderio to seek new bids. Roll call vote: DeCarolis-no, Desiderio-yes, Boynton-yes, Charles-yes, Durling-no.

MINUTES:

The minutes of the regular meeting of July 14, 2010 was approved with corrections on motion made by Charles, seconded by Boynton. All in favor. The minutes of the executive session of July 14, 2010 was approved on motion made by Desiderio, seconded by DeCarolis. All in favor except Boynton who abstained. The minutes of the special meeting of August 5, 2010 was approved on motion made by Charles, seconded by Desiderio. All in favor except Boynton who abstained. The minutes of the executive session of August 5, 2010 was approved on motion made by Charles, seconded by Desiderio. All in favor except Boynton who abstained.

DEPARTMENT REPORTS:

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

Mayor Dale Durling's report: - None

Deputy Mayor Thomas Charles report:

Mr. Charles thanked the DPW and Frank Desiderio for their work on the ball field. He reported on a fire on Kerrs Corner Road. Motion was made by Boynton, seconded by Desiderio authorizing the Clerk to send a thank you note to each of the responding fire companies. All in favor. Mr. Charles thanked the committee for their contribution toward an imaging camera for the Green Township Fire Dept. Mr. Charles suggested that an audit or just going thru the tax assessor's line items to ensure that they are what they are suppose to be conducted. An Ad hoc committee consisting of Mr. Charles and Mr. Boynton was formed to meet with Mr. Gill on motion made by Charles, seconded by Boynton. All in favor. Mr. Charles suggested that we do away with the legal size papers in the agenda and go back to the letter size paper. This was done on motion made by Charles, seconded by DeCarolis. All in favor.

Committeeman Alan DeCarolis report:

Mr. DeCarolis advised that Megan Haidet of The Land Conservancy resigned and asked who would take her place. He was told that Barbara in their office would handle Megan's work. Mr. DeCarolis thought that Barbara should attend a meeting of the Committee. Mr. DeCarolis suggested that a date stamp be purchased for all paperwork received.

Committeeman David Boynton's report:

Mr. Boynton wanted to also thank the DPW along with Charlie Marra for the work they have done on the concession stand and ball field. He especially wanted to thank Mr. Marra for his work on obtaining the bleachers. Mr. Boynton related that there will be two horseshoe pits on the field and electric will be installed in the concession stand. He mentioned that children are riding their bikes on the dirt pile which could be a liability. Mr. Boynton advised of the local burglaries that are happening in the township and for people to be aware. With regard to Municipal Alliance he and Mrs. Manz met with the county representative and she is putting them back on track. Another item he wanted brought up was at a prior meeting, a resident stated that the mailing of the Open Space postcard for the November election was not in the minutes. Mr. Boynton read the minutes from February.

Committeeman Frank Desiderio's report:

Mr. Desiderio advised that the field work on the recreation complex is on track; there was vandalism done to the recreation shed and an Energy Efficiency and Conversation block grant which entitles local government entities to lower the cost of installing energy conservation measures was discussed. Since this does not cover certain items needed it was decided to not follow through.

Attorney Edward Wacks report:

Mr. Wacks reported that he researched the 2005 referendum question and the committee at that time offered to the voters with regard to the Open Space tax and the use of that money. The statute provides for what the money can be used for. One of the things it can be used for is the maintenance of lands acquired for recreation and conservation easements. In 2005 the use of the funds for recreation was not included in the question, whether intention or not, but the only thing this money can be used for is conservation, not recreation. Mr. Wacks gave the committee two ways to correct this situation: 1) don't use the money for recreation or 2) go back to the voters to amend the proposition. After discussion, motion as made by Boynton, seconded by DeCarolis to ask the voters to amend the question. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes.

Municipal Clerks report:

The Municipal Clerk reported that the Township will be receiving #+\$22,529.53 for the completion of the Modules 1, 2 and 3 plans and \$9,758.33 for the Initial Assessment grant.

BILLS- see schedule attached.

CORRESPONDENCE:

Debra Natyzak-Osadca Re: Deputy Emergency Management Coordinator

Frelinghuysen Township Tax Assessor Re: Summer hours

Dept. of Land Preservation Re:

1. PIG program funding
2. Frelinghuysen Forest preserve presentation

PSEG Re: Alternate routes for the Susquehanna Roseland line

JCP&L RE: Annual compliance filing

NJDEP Re:

1. Open Space & Recreation Plan
2. Right to Know spreadsheet
3. Community Forestry status report

NJ Dept. of Health & Senior Services Re: Spreadsheet showing rabies cases

Warren Co. Tax Board Re: Frelinghuysen Township 2010 tax rate data

Frelinghuysen Township Tax Collector Re: Certification of mailing of tax bills

The Land Conservancy Re: Land Preservation Specialist Megan Haidet

Wacks & Hartman Re: Richard Smith

NJ Dept. of Children & Families Re: NJ Safe Haven Infant Protection Act

Township of Green Re: Ordinance No. 2010-09

NJ Highlands Re: Highlands Council Grant

Warren County Purchasing Dept. Re: Bid results for rock salt

New Jersey State League of Municipalities Re:

1. Legislative bulletin No. 4
2. Two Mayoral letters Re:
 - a. New content on DLGS web site-part one
 - b. Mayoral toolkit
3. New Content on DLGS web site-part two
4. Census deadline at hand
5. Legislative alert-COAH/Affordable housing reform
6. 8 issues:
 - a. NLC Health care reform webcast
 - b. President signs restoring American financial stability act
 - c. Senators announce legislation to secure "D Block" for public safety
 - d. NLC testifies in support of clean water infrastructure investment
 - e. Deadline nears for TIGER II discretionary grant pre-application
 - f. HHS, LOL, Treasury announce new rules for prevention health care
 - g. PACE program dealt setback
 - h. NLC board calls for immigration reform and adopts gulf oil spill resol.
7. Senate Committee considers toolkit initiatives
8. Three Upcoming league seminars
9. Two Issues:
 - a. August 2010 Mayors newslines
 - b. August grant page posted
10. Binding arbitration reform and other toolkit reform-action request
11. Governor signs S-1804
12. Assembly approves 2% CAP
13. Media advisory
14. Governor Signs S-29
15. Two Issues:
 - a. Retirement workshops available
 - b. Toolkit management reforms
16. Speaker Oliver appoints Assemblyman John McKeon to lead mandates relief effort

17. Leagues annual audit statement
18. Two Issues:
 - a. Member plaque
 - b. Ethics training available from NJLM
19. Two Issues:
 - a. The League's website offers a classified ads section
 - b. NJLM foundation on Leadership and Management

AUDIENCE PARTICIPATION:

Nancy Predale asked if an item is on the agenda who decides whether to remove it, a particular committee person or the entire committee. Mr. Wacks advised that the entire committee makes the decision.

Dan Kohuth asked if all correspondence items gets on the agenda as he sent an email to the Mayor and it was not listed on the correspondence. It was discovered that this email was sent to the Mayor and not the Clerk therefore it would not be listed.

Marty Connor asked if anything is being done about the newly built greenhouse that is being used commercially on Kids Camp. He was advised that this is part of the litigation. He also asked if the Lee/Yang acquisition was one or two lots. He was advised that there are two lots.

Fran Muller asked if the Town Hall is considered a shelter. She stated that it would be an advantage to have it at the school; however, they do not want a shelter.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC

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