

MINUTES OF MEETING OF SEPTEMBER 16, 2009

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, September 16, 2009 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 faxing notice to the Express Times and New Jersey Herald on January 5, 2009.

ROLL CALL:

Those present were: Mayor Dale Durling, Deputy Mayor Frank Desiderio, Committeeman Debra Natyzak-Osadca, Committeeman David Boynton (arriving at 7:50 p.m.) Chief Finance Officer Gene Marie McCartney, Attorney Edward Wacks and Clerk Brenda Kleber. Committeeman Alan DeCarolis was absent.

ORDINANCES:

AN ORDINANCE (#2009-17) APPROPRIATING THE SUM OF \$6,909.21 was opened to the public on motion made by Desiderio, seconded by Natyzak-Osadca. All in favor. There being no opposition, motion was made by Desiderio, seconded by Natyzak-Osadca to close the public portion. Motion was made by Desiderio, seconded by Natyzak-Osadca to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, Desiderio-yes, Durling-yes.

ORDINANCE #2009-18-with regard to accessory buildings is on hold for Planning Board approval on motion made by Desiderio, seconded by Natyzak-Osadca. All in favor.

ORDINANCE (#2009-19) AMENDING CHAPTER IV OF THE FRELINGHUYSEN TOWNSHIP CODE, ENTITLED "GENERAL LICENSING," TO REQUIRE NON-PROFIT ORGANIZATIONS TO OBTAIN LICENSE FOR CONCERTS AND OTHER OUTDOOR EVENTS was offered for introduction on motion made by Desiderio, seconded by Natyzak-Osadca. Roll call vote: Natyzak-Osadca-yes, Desiderio-yes, Durling-yes.

ORDINANCE 2009-20) –with regard to Bond Ordinance is on hold for the October meeting.

RESOLUTIONS:

Resolution #2009-73

Cancel state grants receivable is on hold for the October meeting on motion made by Desiderio, seconded by Boynton. All in favor.

#2009-80 Cancel uncollectible taxes:

WHEREAS, a resolution is required by the Tax Collector to cancel 2009 taxes deemed uncollectible; and

WHEREAS, the following properties have 2009 taxes that must be canceled of record:

Block	Lot	Owner	Amount
201	31Q0147	Township of Frelinghuysen	\$559.37
402	16	Township of Frelinghuysen	92.18

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

#2009-81: Accept offer for conservation easement:

Note: This resolution was offered, but as a result of further discussion, the resolution was put on hold pending clarification.

#2009-82: Deed of Easement for Block 701, Lot 3.03

WHEREAS, an agreement has been prepared for a deed of easement for property owned by Edward and Darlene Greene for Block 701, Lot 3.02; and

WHEREAS, this agreement requires the signature of the Mayor and Clerk.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen authorize the Mayor and Clerk to execute the agreement with Mr. & Mrs. Greene to acquire the development easement.

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

#2009-83: (Endorse The Green Acres, Water Supply, etc. act)

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey's economy and health, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing 50 acres of open space daily in recent years to new development projects; and

WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; and

WHEREAS, the Garden State Preservation Trust, the financing authority for the Green Acres, Blue Acres, Farmland Preservation and Historic Preservation programs, is virtually depleted; and

WHEREAS, on November 3, 2009, the voters of New Jersey will be asked to approve the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Act of 2009," which authorizes the state to issue \$400 million in bonds to fund New Jersey's preservation programs for three years; and

WHEREAS, passage of the Bond Act, which will equate to \$10 per household per year, is desperately needed to fund the continued protection of New Jersey's natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured; and

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

1. We support the passage of the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Act of 2009.
2. We encourage the voters of New Jersey to vote yes on the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Act of 2009 on November 3, 2009.
3. The Municipal Clerk is hereby authorized to provide a copy of this resolution to: The Honorable Jon Corzine, State Senator Marcia Karrow, State Assemblyman Michael Doherty, State Assemblyman John DiMaio, The Land Conservancy of New Jersey, Keep it Green, The Express-Times and New Jersey Herald.

Motion was made by Natyzak-Osadca, seconded by Boynton to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, Desiderio-no, Boynton-no, Durling-yes. (Note: Due to a tie vote-the Mayor's vote is counted twice).

#2009-84: 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 their appropriate accounts.

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

#2009-85: Professional Services-on hold

#2009-86: (Purchase of development easement)

WHEREAS, the Committee of the Township of Frelinghuysen has determined that the property known as the Polowy Farm, located on Block 1401, Lot 9, consisting of approximately 135 acres, and the Woodcock Farm, located on block 602, Lot 3 consisting of approximately 28 acres, both in Frelinghuysen Township, have available for purchase development easements in accordance with the requirements of the farmland preservation programs; and

WHEREAS, the tracts would encourage the survivability of production agriculture in Frelinghuysen Township, and said tracts

WHEREAS, the pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and

WHEREAS, the State Agricultural Development Committee has certified the fair market value of said tracts.

NOW THEREFORE BE IT RESOLVED, by the Committee of the Township of Frelinghuysen as follows: The Committee of the Township of Frelinghuysen hereby grants permission for the purchase of the development easement by the County of Warren under the Farmland Preservation Act as set forth above.

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

#2009-87: (Amend resolution #2009-79)

WHEREAS, the Mayor and Township Committee approved a certain Resolution #2009-79 dealing with the release of performance guaranties for Forest Manor Retirement Home, Inc.; and

WHEREAS, in paragraph 1. (a) there was a requirement that a maintenance bond be posted for a two year period from the date of the resolution; and

WHEREAS, the present owner of the property, The Congress Companies, requested the Mayor and Township Committee to consider the bond to be effective for two years from the date of substantial completion of the project, that being July 21, 2008; and

WHEREAS, the Mayor and Township Committee were in agreement to limit the term of the maintenance bond so that it would expire on July 21, 2010.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee on this 16th day of September, 2009 that Paragraph 1. (a) of Resolution #2009-79 is hereby modified to read as follows: "(a) The posting of a two (2) year maintenance bond to expire on July 21, 2010 in the amount of \$100,373.25 in a form satisfactory to the Township Attorney."

This resolution shall take effect according to law.

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

#2009-88 (Award contract for State Park Road)

WHEREAS, the Township of Frelinghuysen plans to improve State Park Road between County Route 519 and Interstate Route 80; and

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

WHEREAS, the Township has begun the appropriation process and plans on constructing the improvements in October 2009; and

WHEREAS, the Township advertised the work and publically bid the work on Tuesday September 15, 2009; and

WHEREAS, Owl Contracting was the lowest responsible bidder with a base bid of \$73,128.50 and an alternate bid of \$174,175.00 to perform the required resurfacing and pavement restoration work on State Park Road; and

WHEREAS, Owl Contracting is a qualified contractor and has been found to be in compliance with the contract documents and technical specifications; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, at its meeting of September 16, 2009 that a contract be awarded to Owl Contracting for the alternate bid package in the amount of \$174,175.00;

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the N.J.D.O.T's Bureau of Local Government Services.

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

PROCLAMATION:

A proclamation urging the citizens of Frelinghuysen Township to participate in Green Dot training and provide their support to their support to help eliminate all forms of power based personal violence was approved by the Mayor.

OLD BUSINESS:

The Mayor and Clerk were authorized to sign the agreement for the conservation easement on the property owned by Mr. & Mrs. Edward Greene (See resolution #2009-82). (Note: The agreement was to be held the next day due to a slight alteration of the funding by the County).

The rules and regulations for use of municipal facilities were adopted on motion made by Desiderio, seconded by Boynton with the deletion of line 18c. All in favor. It was decided that each person who uses the building will be required to complete the form not just the coordinator.

Two amendments to the Green Acres Project #2106-06-007 for the additional \$425,000 to go towards new property and acquisition were presented for the Mayor and attorney's signature. Megan Haidet from the Land Conservancy will prepare the ROSI (Recreation and Open Space Inventory).

Residents of Saddle Ridge Road appeared before the Board seeking a solution to their concerns about the truck traffic on the road. Mayor Durling reported that he contacted several local trucking companies and asked that they not go thru the development and there has been a cut back on the truck traffic, however, the residents are suggesting speed humps. A memo from Engineer Paul Sterbenz advised that 3-4 speed humps would be needed with a cost of \$3,500-\$4,000 each. The down side of the speed humps would be that the emergency service vehicle would have a problem along with snow plowing of the road. It was decided the attorney would research reducing the speed limit to 15mph along with giving other options. Children playing signs will also be installed.

Several options were given for the Township dinner such as holding a picnic in the pavilion. Since there is Founders Day, it was decided to stay with having the dinner at the end of November or in December. Committeeman Boynton will work with the Clerk on the preparation.

Committeeman Natyzak-Osadca inquired if there was a solution on the drainage problem a resident had on Lincoln Laurel Road. Deputy Mayor Desiderio advised that there is nothing the town can do about it and he will advise the resident of this.

Mayor Durling advised that the site plan on the Reisburg property did not have the proposed driveway and parking area along with the buffer now being 300' instead of the 150' as previously advised. It is felt that this takes away from the value of the property. This will be further discussed at the work meeting in October. Megan of The Land Conservancy will be asked to attend to further clarify.

NEW BUSINESS:

A model ordinance for banning bear feeding is on hold.

A petition with 14 signatures and pictures of the daylilies that were mowed down by the road department were presented. They asked that the road department mow in August after the daylilies have bloomed. The Clerk was instructed to send a letter to the residents advising them that the road department will make every effort to not mow the daylilies unless they are a traffic hazard.

Peter Nicholson presenting Congress Companies, owner of Forest Manor, appeared before the Committee to ask that a requirement to post a maintenance bond be waived. At last month's meeting, a bond release request with a condition that a 2 year maintenance bond for on site improvements to Forest Manor be posted. Mr. Nicholson stated that this condition is not within the ordinances and is not in the development agreement dated July 19, 1999. It was decided that a compromise of dating the bond would be from the date of the certificate of occupancy which was July 21, 2008. Motion was made by Boynton, seconded by Desiderio to amend resolution #2009-79. (See resolution #2009-87).

Bids that were opened by the Assistant Township Engineer Paul Niehoff and the Clerk for State Park Road Improvement Project Phase 3 on Tuesday following were the bids received:

	Base Bid	Alternate A	Total bid sum
Owl Contracting	\$73,128.50	\$101,046.50	\$174,175.00
Intercounty Paving	81,385.00	127,151.00	208,900.00
Tilcon New York	110,550.56	120,241.00	230,791.56

The attorney along with the assistant engineer approved the submitted documents and recommended that the low bid received from Owl Contracting be accepted. Motion was

made by Desiderio, seconded by Boynton to accept the bid from Owl Contracting. All in favor. (see resolution #2009-88)

Pam Farago of the Warren County DARC explained to the audience and Committee Green Dot which is a single choice on the premise that in order to reduce the perpetration of violence, a culture shift is necessary. She presented the Mayor with a proclamation (see above).

A policy for shared costs on appraisals of Farmland/Open Space proposals was presented to the Committee for their approval. Motion was made by Boynton, seconded by Desiderio to adopt the policy for the shared costs of appraisals. Roll call vote: Natyzak-Osadca-yes, Desiderio-yes, Boynton-yes, Durling-yes.

MINUTES:

The minutes of the work meeting of August 13, 2009 were approved on motion made by Boynton, seconded by Desiderio. Roll call: Natyzak-Osadca-yes, Desiderio-yes, Boynton-abstain, Durling-yes. The minutes of the meeting of August 19, 2009 were approved on motion made by Boynton, seconded by Desiderio. All in favor.

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Dog Licensing Official, Tax Collector, Construction Office and Chief Finance Official was approved on a consent agenda motion made by Boynton, seconded by Desiderio. All in favor.

Mayor Dale Durling's report:

The Mayor advised that the sidewalk in front of the Barbour's property will be started on October 1st.

Deputy Mayor Frank Desiderio's report:

Deputy Mayor Desiderio reported that the cost of the GEO mix for ice control will be \$1.70 instead of the quoted \$2.70. The tank to store the mix has been ordered.

South Street along with Golden Chain Road has been tarred and chipped. He will get a sweeper from the county.

The ceiling in the garage has been completed and passed inspection. Work benches have been built.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca informed the Committee that they are now receiving in the CFO's report a list of the revenues received.

She has talked to the residents of Main Street/Route 661 and they are still using the Route 661 address. She will contact Congressman Scott Garrett's office for Frelinghuysen's zip code.

Ms. Natyzak-Osadca asked for the check for the Green Township Volunteer Fire Dept. is held until a receipt for the turnout gear is received. Motion was made by Desiderio, seconded by Durling to hold the check. All in favor.

Committeeman David Boynton's report:

Committeeman Boynton thanked the Road Department and Deputy Mayor Desiderio for their part in the installation of the fence around the ball field.

Municipal Clerk's report:

The Municipal Clerk informed the Committee that the cameras were ordered and will be installed on Tuesday, September 22nd.

Attorney Edward Wacks report:

Mr. Wacks advised that he has not heard from the Nature Conservancy with regard to the purchase of land and asked if the Committee wanted him to follow up. Approval was given.

There is an issue that the Zoning Officer has with a Board of Adjustment resolution of which Mr. Boesze needs guidance. Approval was given to give guidance.

BILLS:

Please see schedule attached.

CORRESPONDENCE:

Edward Wack's Office Re: Prevailing Wage Municipal Threshold change
COAH Re: Regional planning guidelines & Highlands growth projection worksheet
Bear Education & Resource Group Re: Info. on bear-resistant/proof garbage cans
Notice of public hearing for MetroPCS, New York on Block 1703, Lot 4
Notice of public hearing for Harold Finch on Block 1201, Lot 5.02
NJ Office of Homeland Security Re: Terrorism Awareness & Prevention CD
FEMA Re: NFIP Maps
JCP&L Re: Proposed economic stimulus demand response
Hardwick Twp. Re: Resolution requesting amendment to the Open Publics Records Act
Kleinfelder Re: Notification of environmental conditions at the former Exxon station
NJDEP RE: Water renewal permit for Frelinghuysen Township School
NJDEP Re: Underground Storage tank on Block 501, Lot 25
Township of Sparta Re: Annual surplus vehicle & equipment auction
NJ Transit Re: Environmental Assessment for the Pennsuaken Junction Center
American Public Works Assoc. Re: Award nomination
Frelinghuysen Township Zoning Officer Re: Copy of letter to Donna Marie
NJ Dept. of Agriculture Re: Gypsy moth survey
New Jersey State League of Municipalities Re:

1. Short history of the NJ Property tax and the long road to reform report
2. September Mayors Newslines
3. Three Issues:
 - a. Washington Watch Federal Update
 - b. National preparedness month kick-off
 - c. Prevailing wage threshold change
4. Delay of red flag rule until November 1, 2009
5. Risk of third party service Organizations & Ameripay
6. New Jersey-Israel Clean Tech Conference
7. Important New Info. from the DLGS
8. Two Issues:
 - a. Eastampton Affordable Housing Decision
 - b. Save the date-18th annual Mayors' Legislative Day
9. Educators Pandemic Influenza Summit
10. Two Issues:
 - a. Affordable Housing
 - b. Open Space, Water Supply, Farmland & Nat'l Preservation question
11. Two Issues:
 - a. League Professional Development Seminar
 - b. September Grant Page Posted
12. COAH Briefing-September 24, 2009
13. NJ Municipal Salary Report
14. Two Issues:
 - a. League professional development program
 - b. Invitation for 2009 New Jersey Statewide Cultural Festival
15. Two issues:
 - a. Lame Duck Issues
 - b. Staples Advantage Agreement
16. NJLM-Seminar on New Jersey Economy
17. Urgent H1N1 Update

AUDIENCE PARTICIPATION:

William Crone felt that there should be no ordinance prohibiting feeding of bears as it is already a state law.

Martin Connor advised that he will get information on the Board of Public Utilities regarding Service Electric Cable TV.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC