

## MINUTES OF THE MEETING OF SEPTEMBER 19, 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 Richard Beilin and Clerk Brenda Kleber.

### ORDINANCES:

AN ORDINANCE (#2007-13) AMENDING ORDINANCE #2007-07 SETTING FEES FOR SERVICES PERFORMED BY REGISTRAR OF VITAL STATISTICS 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 Boynton, seconded by Natyzak-Osadca to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, Boynton-yes, Charles-yes.

AN ORDINANCE (#2007-14) AMENDING Section 15-1 ENTITLED "THE RIGHT TO FARM". The Clerk read the Ordinance by title after being posted and advised that a public hearing will be held on October 17, 2007. Motion was made by Boynton, seconded by Natyzak-Osadca to introduce said ordinance. Roll call vote: Natyzak-Osadca-yes, Boynton-yes, Charles-yes.

AN ORDINANCE (#2007-15) OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 500, SECTION 507, TITLED "NON-CONFORMING LOTS, STRUCTURES AND USES" TO PROVIDE FOR THE RECONSTRUCTION OF NON-CONFORMING COMMERCIAL AND RESIDENTIAL STRUCTURES. Motion was made by Boynton, seconded by Natyzak-Osadca to introduce said ordinance. Roll call vote: Natyzak-Osadca-yes, Boynton-yes, Charles-yes.

### RESOLUTIONS:

#2007-73-on hold for October meeting

#2007-74-on hold for October meeting

#2007-75:

WHEREAS, as stated on the State of New Jersey Department of Agriculture website; the gypsy moth, in its caterpillar stage, is the most destructive hardwood defoliator ever to occur in New Jersey; and

WHEREAS, each year, since 1970, gypsy moth caterpillars have caused varying degrees of defoliation (leaf loss) between 1,910-800,000 acres of forest land; and

WHEREAS, Municipalities with heavy infestations of gypsy moths, as delineated by a summer aerial defoliation survey, are contacted in writing by the Department of Agriculture in early fall of each year, and asked if they wish to have a gypsy moth egg mass count; and

WHEREAS, if the residential or recreational forest has an average of more than 500 egg masses per acre, and is at least 50 acres in size it may qualify for participation in the cooperative Gypsy Moth Suppression Program; and

WHEREAS, in addition to delineating treatment areas, the Department of Agriculture also applied for U.S.D.A.Forest Service cost sharing funds which, if approved, results in a 50 percent reimbursement of the treatment cost; and

WHEREAS, the Department is also responsible for choosing the insecticide to be sprayed and in supervising the actual spray operation; and

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WHEREAS, in the fall of 2006 the Department of Agriculture determined that there were 15 counties with a total of 125,743 acres in need of gypsy moth suppression; and  
WHEREAS, it is quite clear that the defoliation is a statewide problem; and  
WHEREAS, the State of New Jersey is not restricted by the same 2.5% increase in expenditures or the 4% cap in tax revenues as municipalities are.

NOW, THEREFORE BE IT RESOLVED, the Township Committee of the Township of Frelinghuysen in Warren County hereby calls upon the State Legislature to undertake immediate action to fully fund the Gypsy Moth Control Program, due to the devastating destruction gypsy moths will cause statewide; and

BE IT FURTHER RESOLVED, that a copy of this resolution be distributed to Governor Jon Corzine, New Jersey State Legislatures and New Jersey Municipalities, urging them to pass similar resolutions of support.

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

#2007-76:

WHEREAS, a resolution is required by the Tax Collector is refund overpaid 2007 taxes; and

WHEREAS, Nature Conservancy paid their delinquent 2006 taxes on Block 1201, Lot 31 and sent too much money. This property became tax exempt for 2007; they are now entitled to a refund of their overpayment.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that the Treasurer is hereby authorized to refund an amount of \$81.95 to the Nature Conservancy.

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

#2007-77:

WHEREAS, it is necessary to discuss items dealing with Acquisition of property 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 19th day of September, 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.

#2007-78:

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.

#2007-79:

WHEREAS, Frelinghuysen Township's creation of a dedicated source of tax revenue for the acquisition of agricultural easements and its intent to seek a Farmland Planning Incentive Grant required that the Township update its Comprehensive Farmland Preservation Plan; and

WHEREAS, Morris Land Conservancy, with offices located at 19 Boonton Avenue, Boonton, New Jersey 07005 possesses the requisite expertise and experience to perform these services; and

WHEREAS, the said services are 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

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WHEREAS, the performance of said professional services required 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 reasonably be described by written specifications; 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.A:11-1, et.seq., as amended, hereby authorizes and approves the award of professional services contract to Morris Land Conservancy for the preparation of a Comprehensive Farmland Preservation Plan and related services, in accordance with the proposal attached hereto as 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 Morris Land Conservancy.

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, and a copy of the subject contract shall be available for public inspection.

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

#### **OLD BUSINESS:**

Two Ordinances from surrounding municipalities placing cell towers on township property was referred to the attorney for his opinion.

The purchase of a snow plow for the road department is on hold until October. The Road Supervisor, Frank Desiderio obtained additional quotes. These quotes will be reviewed by the Committee for the October meeting.

A request from XTC Consulting to review the telephone bills for the town hall and garage to see where there are errors and/or cost savings. If an audit is done the fee is 45% of recovery. The Committee decided on motion made by Boynton, seconded by Natyzak-Osadca to approve the bid. All in favor.

#### **NEW BUSINESS:**

Robert Goltz, President of the Warren County Regional Chamber of Commerce presented the Committee with a packet of information the chamber has prepared. He advised of a new website which has been developed where municipalities can post their upcoming events.

A proposal to complete an update to the Frelinghuysen Township's Farmland Preservation Plan was submitted by Morris Land Conservancy in the amount of \$10,000.00. New rules and plans must now be in compliance with the state guidelines as of December 15<sup>th</sup>. Frelinghuysen's plan is not consistent with the guidelines and is ineligible to receive additional state farmland funding without updating its plan. Motion was made by Boynton, seconded by Natyzak-Osadca to accept the proposal and authorize the Mayor and Clerk to sign the required paperwork. A resolution will be prepared by the attorney (Note: the attorney recommended that paragraph 8, in the agreement is unacceptable and after contacting MLC he advised that that paragraph should be crossed out).

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Committeeman Debra Natyzak-Osadca brought up the subject of communication letters being sent out to residents by various boards. She felt that these letters should be reviewed for content and clarity. The attorney will prepare a draft policy along with looking into what other municipalities do.

The Kids Corp., located on Lincoln Laurel Road had a fund raiser that caused noise problems with the neighbors. The Committee felt that our ordinances need to tighten up. The Clerk submitted a noise ordinance from the state. The attorney advised that if it is put into effect it would be hard to enforce. It was decided that the attorney would check into other municipalities.

#### **DEPARTMENT REPORTS:**

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

#### Mayor Thomas Charles report:

The Mayor reported that the road work is back on schedule due to the hiring of an additional worker who is working out very well.

Mayor Charles gave a special thanks to Charles Schaffer for preparing at no cost a plan for the recreation complex. Mayor Charles will send a thank you letter.

Mayor Charles reported that at the Chipper Party a red oak that was planted and dedicated at the 1976 bicentennial was discovered. The Mayor would like a plaque placed on the tree.

The Mayor thanked the Open Space Committee for the forum presented on September 12<sup>th</sup> along with thanking Road Foreman Bill Crone and especially Frank Desiderio for the work they did at the Chipper party.

#### Committeeman David Boynton's report:

Committeeman Boynton announced that the annual Halloween hayride will be held at the Town Hall this year.

Committeeman Boynton advised that a resident approached him to ask for volunteers to drive him, 3 times a week, to the hospital for dialysis.

#### Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca reported that Pat Corvino and member of the Municipal Alliance was awarded the Governor's Council on Alcoholism and Drug Abuse 2007 Alliance volunteer of the year award for Warren County. The Mayor will send a letter of congratulations.

Committeeman Natyzak-Osadca reported that she is applying to the State Green Acres Program for 2% loan payable over twenty years. The loan would be for the recreational complex improvements. There will be a public hearing on the loan at the Recreation Committee meeting on October 11<sup>th</sup> at 7:00 p.m. Ms. Natyzak-Osadca will need letters of support from the various boards and committees.

#### **MINUTES:**

The minutes of the meeting of special meeting of August 9, 2007 was approved on motion made by Natyzak-Osadca, seconded by Boynton. All in favor. The minutes of the meeting of August 15, 2007 were approved on motion made by Natyzak-Osadca, seconded by Charles. All in favor.

#### **EXECUTIVE SESSION:**

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Motion was made by Boynton, seconded by Natyzak-Osadca to enter into Executive Session with regard to acquisition of property after a resolution was approved in the public portion of the meeting. Upon returning, the attorney advised that the discussion revolved around potential litigation and possible land acquisition which was referred to the Open Space Committee.

**CORRESPONDENCE:**

Copy of letter to the Editor from Amy Hufnagel Re: Open Space/Farmland  
Pollution Control Financing Authority Re: Household Hazardous Clean up days  
Township of Washington Re: Resolution on Gypsy moth control program  
Township of Hardwick Re: Adoption notice of Ordinance #2007-08  
NJDEP Re: Statewide Comprehensive Outdoor Recreation Plan  
Warren County Planning Dept. Re: Census  
Warren County Planning Dept. Re: Public hearing on Solid Waste Management Plan  
Warren County Engineer Re: 2006 traffic crash data and road safety assessment  
Maser Consulting Re: Municipal Complex  
Dept. of Community Affairs Re:

1. Residential site improvement standards
2. NJ Shade tree federation
3. Block 701, Lot 27
4. Notice of public hearing
5. Block 902, Lot 8

Wacks & Hartmann Re: Agreement to sell development easement  
JCP&L Re: annual proposal for basic generation service  
Tri-State Insurance Agency Re: changes in Workers Compensation law  
NJ Transit public notice  
The Congress Companies Re: Name change

New Jersey State League of Municipalities Re:

1. Holland Ethics Forum Invitation
2. Proposed "Plan Endorsement" guidelines
3. Recent Legislative Development
4. Governor's Invitation
5. Attorney General Directive concerning Immigration & State & Local law
6. FEMA Scraps Aid cut threat
7. Which South Jersey Mayor is the healthiest cook?
8. 2007 Clean Energy Conference
9. President's Initiative On Sub-prime Mortgage Crisis
10. Procedures for Implementation of Property Tax levy Cap
11. Library Levy Cap Issues Update
12. New Information from the Division of Local Government Services
13. Federal Census Accuracy Insurance
14. Governor signs ethics bills
15. News release on E-Trace
16. Congress returns from summer recess
17. Plan Endorsement guidelines
18. NJ Clean Energy CORE Rebate program
19. Notice of proposed dues increase
20. Major Sign Ordinance Decision in NJ
21. Immigration survey results
22. Tax Payer Information-Homestead rebates
23. Two Issues:
  - a. A-3387 on Local Realty Transfer
  - b. Assembly Flood Panel Schedules Hearing

**BILLS:**

Clean Communities Account:  
346 Debra Natyzak 55.51

Open Space Account:  
121 Landmark I Appraisals 5,300.00

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Capital Account:

500	MGL Printing	136.50
501	Maser Consulting	935.00
502	Maser Consulting	3,060.00
503	Maser Consulting	5,881.25
504	Maser Consulting	7,513.75

Municipal Alliance Account:

332	Ozzie Alive, Inc.	500.00
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General Account:

Filed electronically:

NJSHBP	1,930.57
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6606	ANJEC	200.00
6607	Action Printing	100.00
6608	VOID	
6609	Balbi Enterprises	63.00
6610	Blairstown Auto Supply	35.65
6611	Blue Ridge Lumber	137.64
6612	Brenda Kleber	197.64
6613	Campbell Foundry Company	2,872.00
6614	Cintas Corp.	260.60
6615	Culligan	23.85
6616	David M. Gill	205.00
6617	Deptcor	9.00
6618	Elvia Valderrama	270.00
6619	Ford Motor Credit	1,441.41
6620	Frelinghuysen Seniors	600.00
6621	Frelinghuysen Twsp Board of Educ.	298,048.17
6622	Fuelrite-NJ	284.78
6623	Golden & Moran Engineering	427.50
6624	Golden & Moran Engineering	617.50
6625	Golden & Moran Engineering	71.25
6626	JCP&L	567.40
6627	Limecrest Quarry Developers	959.81
6628	Marksboro Deli	14.95
6629	Maser Consulting	147.50
6630	Maser Consulting	130.00
6631	Maser Consulting	236.00
6632	Maser Consulting	11.04
6633	Maser Consulting	750.00
6634	Montague Tool	639.41
6635	Municipal Software, Inc.	6,762.00
6636	NJN Publishing Co.	15.00
6637	Nature Conservancy	81.95
6638	New Jersey Herald	16.95
6639	New Jersey Planning Officials	122.00
6640	North Jersey Portable Toilets	205.00
6641	North Warren Regional Board of Educ.	140,160.00
6642	Richard O'Connor	73.00
6643	Ricoh Americas Corp.	28.21
6644	Rutgers, The State University	100.00
6645	Sirkis & Lavery	300.00
6646	Staples Credit Plan	105.76
6647	Warren County Plumbing Subcode Services	5,610.00
6648	Verizon	368.41
6649	Vital Services Group	80.00
6650	Wacks & Hartmann	1,500.00
6651	Warren County Clerk	8.00
6652	Warren County Service Center	187.80
6653	West Chester Machinery & Supply	496.00

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6654	Wires Electrical Supply	141.90
6655	J. Edward Palmer	175.00

Payroll Account:

Direct Deposit:

William Crone, Jr.	1,486.45
Sharon Drylie	1,460.68
Gene Marie McCartney	1,000.00
Richard O'Connor	1,565.53
William Crone, Jr.	1,499.76
Richard O'Connor	291.63

Filed Electronically:

	NJ Division of Pensions	992.75
	NJ GIT	134.18
	NJ GIT	405.39
1147	George Boesze	328.25
1148	David Boynton	632.11
1149	Thomas Charles	649.75
1150	Greg Chontow	327.52
1151	Donna Clouse	1,183.07
1152	Alan DeCarolis	1,273.10
1153	Frank Desiderio	224.81
1154	David Gill	1,617.55
1155	Brenda Kleber	2,998.41
1156	Brenda Kleber	608.51
1157	Debra Natyzak-Osadca	774.87
1158	Nancy Predale	141.17
1159	Richard Smith	1,074.43
1160	Richard Smith	225.97
1161	Wayne Waldron	329.32
1162	Donna Zilberfarb	111.99
1163	Rosalie Murray	719.19
1164	Richard Smith	1,121.64
1165	Wayne Waldron	732.86
1166	Donna Zilberfarb	109.71

**EXECUTIVE SESSION:**

Motion was made by Boynton, seconded by Natyzak-Osadca to enter into Executive Session with regard to property acquisition after a resolution was approved in the public portion of the meeting. All in favor. Upon returning, motion was made by Boynton, seconded by Natyzak-Osadca to return to public session. All in favor. The attorney advised that possible land acquisition was discussed and referred to the Open Space Committee.

**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