

MINUTES OF MEETING OF OCTOBER 17, 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:

Ordinance #2007-14 on hold

Ordinance #2007-15 on hold

AN ORDINANCE (#2007-16) ACCEPTING RAMSEY ROAD AND A PORTION OF LACKAWANNA DRIVE AS PUBLIC ROADS IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY. The Clerk read the Ordinance by title after being posted and advised that a public hearing will be held on November 21, 2007. 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:

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey's economy, 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 over 40 acres of open space daily 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 Green Acres, Farmland, and Historic Preservation programs, is virtually depleted despite the continued need for the programs it makes possible; and

WHEREAS, on November 6, 2007, the voters of New Jersey will be asked to approve the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007, which authorizes the state to issue \$200 million in bonds to fund New Jersey's preservation programs for one year and the Blue Acres program to purchase flood prone properties; and

WHEREAS, passage of the Bond Act 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 Township Committee of the Township of Frelinghuysen, in the county of Warren, and State of New Jersey as follows:

1. The municipality encourages the voters of New Jersey to vote yes on the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007.
2. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following: The Honorable Jon Corzine, State Senator Leonard Lance, State Assemblyman Michael J. Doherty, State Assemblywoman Marcia Karrow, Keep it Green c/o NJ Audubon Society and daily and weekly newspapers.

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

#2007-74 (held over from Sept. meeting)

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey's economy, 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 over 40 acres of open space daily 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

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

1. The municipality encourages the voters of New Jersey to vote yes on the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007.

2. The Municipal Clerk is hereby authorized to provide a copy of this resolution to the following: The Honorable Jon Corzine, State Senator Leonard Lance, State Assemblyman Michael J. Doherty, State Assemblywoman Marcia Karrow, Keep it Green c/o NJ Audubon Society and daily and weekly newspapers.

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

#2007-79: (note: There are two resolutions numbered 2007-79-see Sept. meeting)

WHEREAS, Allen Kumetz acquired a lien against Block 104, Lot 10 at the Municipal Tax Sale held October 2, 2007. Kids Corporation II, owners of said property have paid the amount required to redeem said lien.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to issue a check in the amount of \$3,174.91 to Allen Kumetz.

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

#2007-80:

WHEREAS, it is necessary to discuss items dealing with Land Acquisition, Personnel matters and Legal matters in private or executive session; and

WHEREAS, under the Open Public Meetings Act, (numbers 3, 4 & 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 17th day of October, 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 adopt said resolution. Roll call vote: Natyzak-Osadca-yes, Boynton-yes, Charles-yes. All in favor.

#2007-81:

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 adopt said resolution. Roll call vote: Natyzak-Osadca-yes, Boynton-yes, Charles-yes. All in favor.

#2007-82:

WHEREAS, a resolution is required by the Tax Collector to cancel 2005 & 2006 taxes as they are uncollectible; and

WHEREAS, Ridge & Valley & Nature Conservancy, owner's of Block 1601, Lot 15.02 Q0310 applied for tax exemption and are now exempt. They have outstanding taxes due that must be cancelled. The amount for each year is listed:

2005-\$364.05

2006-\$474.99

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that the above listed taxes be cancelled of record.

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

#2007-83:

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct an On Premises 50/50 raffle license at the Frelinghuysen Township School on November 28, 2007 consisting of application #2007-02; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Frelinghuysen Township PTO raffle application #2007-02 is hereby approved.

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

PROCLAMATIONS:

A proclamation recognizing Angelo Leoncini for his commitment to the community by mowing and maintaining the Johnsonburg Park for the past 30 years was read. Motion was made by Boynton, seconded by Natyzak-Osadca concurring with the Mayor's proclamation.

OLD BUSINESS:

With regard to last month's meeting on a communications policy, the attorney presented a draft policy for press releases and mailings for discussion only. There were several issues including who should review these items before they are mailed or sent for publication. There should also be a balance for some level of oversight against the right to free speech and the public's right to information. The Committee decided they would study the draft policy and resolution.

A noise ordinance adopted by the Township of Morris was presented by the attorney. The Committee will study.

A baseball field maintenance agreement was presented by the attorney. The draft copy was given to Mrs. Predale.

Two quotes were received for a snow plow. After reviewing the quotes, motion was made by Boynton, seconded by Natyzak-Osadca to order the plow from Tony Sanchez at an amount of \$4,640.00.

The draft copy of the personnel manual was presented by the attorney. The Committee will study.

It was stated that we have been paying an annual salary for the Tax Assessor to do reassessments, however, the County Board of Taxation has not authorize this and they have not done so. A request for the county to prepare a line item comparison report for the years of 2005, 2006 and 2007 was approved on motion made by Boynton, seconded by Charles. All in favor.

NEW BUSINESS:

The letter of resignation received from Charles Marra who was a member of the Open Space Committee was read and accepted with regret on motion made by Boynton,

seconded by Natyzak-Osadca. All in favor. The Clerk was instructed to send a letter of thanks for his commitment.

A letter received from the New Jersey State League of Municipalities was read requesting that a list be developed of the culverts located in the township and forward them to the county engineer for compilation. The Mayor advised that the township will comply with the request. (Note: After a conversation with the County Engineer it was noted that the culverts have to be over 5' in length. Since the township does not have any of this size we do not have to comply).

A letter received from the Township Environmental Commission was read requesting the Township's help in the usage of solar panels. The Mayor stated that we could explore the possibility of installing solar panels on the Town Hall if we could get a plan that would sell back the electricity. The Mayor also suggested that an ordinance be prepared.

DEPARTMENT REPORTS:

Department reports received from the Tax Collector, Tax Assessor, Building Dept., Warren County Municipal Court, Dog Licensing Official 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:

Mayor Charles reported that the cross drain project is almost complete. He praised the road department for doing a great job along with saving the township a lot of money by installing these drains. The Mayor feels a special reorganization is in order. The Committee will take this under consideration.

Mayor Charles reported that the Highland's master plan is due out November 19th.

Mayor Charles reported on an accident which occurred on Kerrs Corner Road whereby several young boys committed destruction of state property and did harm to their selves. The Rescue squads, EMS, Building Dept. were on hand and did a great job. By Tuesday, the State had the property cleared of debris and the property is now safe.

Mayor Charles reported on a garage fire on Muller Road. Several area fire companies responded. The Mayor would like to write a letter in appreciation for the quick response.

Committeeman David Boynton's report:

Committeeman Boynton complimented the Mayor on how the incident on Kerrs Corner Road was handled. Mr. Boynton suggested that we have NJDOT check into getting better communications with the townships.

Committeeman Boynton reported on the Fall Festival which is replacing the Hay ride. It will be held at the Town Hall this year.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca reported on the 2% loan application she has applied for on the Municipal Complex.

The Municipal Alliance will be holding their Halloween Open House in the Town Hall on Wednesday 5:00 p.m. to 8:00 p.m.

Engineer Paul Sterbenz report:

With regard to the status of the SHPO application to allow for sidewalks to be extended on Main Street to the Municipal Complex, Mr. Sterbenz reported that he had prepared a draft SHPO report that was sent to the County for their review. Engineer Mr. Hicks responded with comments and additions. Photographs are to be taken and submitted to the County and they will be forwarded to SHPO. The foot-work may be done this fall but still need SHPO's approval before we can proceed.

The status of Phase 2 on State Park Road is that the job has been designed and Mr. Sterbenz is checking it over. It will then be sent to the NJDOT.

With regard to the South Street project the wetlands have been delineated and they are assessing the environmental issues. A meeting will need to be held in the future with regard to the pond that is closest to the homes as the berm is not a good idea.

With regard to the Municipal Complex, all scopes of work such as the master plan, construction plan (phase 1), soil conservation and the issuance of the building permit have been completed.

With regard to the right-of-way on Old Bear Creek Road, there is nothing on the tax maps which shows the ROW. There will be a cost of \$2,500.00 for legal fees, cost of survey and metes and bounds description. It was decided that a letter would be sent to the adjoining property owner advising him of the cost. A professional agreement will be sent by Maser Consulting.

The Mayor asked Mr. Sterbenz who is responsible for the trees along the sidewalk area on Saddle Ridge Road as the trees need to be trimmed. It was advised that they belong to the Township as they are in the right-of-way.

Mr. Sterbenz was advised of repair being needed on a retaining wall which is located in the right-of-way along Mill Road. The Mayor will meet with Mr. Sterbenz at a later date.

The vacating of Kishbaugh Road, Pittenger Road and Katzenstein Road was discussed. Motion was made by Boynton, seconded by Natyzak-Osadca to contact the property owners for the expense of vacating these roads. All in favor.

Attorney Richard Beilin's report:

Mr. Beilin reported that with regard to the Beer Keg Ordinance that municipalities were asked to adopt is against the ABC laws.

Mr. Beilin reported on the definition of Blue Acres that is included in the resolution endorsing the Green Acres, Farmland, Blue Acres and Historic Preservation Bond (see resolution #2007-73).

Mr. Beilin reported that the present sign ordinance is in need of revision. He will supply a sign ordinance from adjoining townships.

The non-conforming ordinance (#2007-15) needs further clarification. Mr. Beilin will contact Mr. Lavery, the Planning Board attorney. There was also a question on the Right to Farm Ordinance (#2007-14).

After reviewing the two submitted cell tower ordinances, the attorney thought that the ordinance from Hardwick would be the better one. Mr. Beilin felt that there would be a legal problem with the ordinance if the tower was on property other than the township as the restrictions in the ordinance would be overwhelming.

With regard to the outdoor festivals, Mr. Beilin found a set of regulations. The Committee will review them.

MINUTES:

The minutes of the meeting of September 19, 2007 were approved with corrections on motion made by Boynton, seconded by Natyzak-Osadca. All in favor. The minutes of the Executive Session of September 19, 2007 were approved on motion made by Boynton, seconded by Natyzak-Osadca. All in favor.

BILLS:

Payroll Account:

<u>Filed electronically:</u>		
	NJ Divisions of Pensions	1,182.69
	NJ GIT	491.12
	NJ 927	649.61
	PA GIT	36.48
	NJ GIT	394.80
	NJ Division of Pensions	917.83
<u>Direct Deposits:</u>		
	William Crone, Jr.	1,553.00
	Sharon Drylie	1,460.68
	Gene Marie McCartney	1,000.81
	Richard O'Connor	1,565.53
	William Crone, Jr.	1,459.82
	Sharon Drylie	341.91
	Richard O'Connor	150.00
1167	George Boesze	328.25
1168	Greg Chontow	327.52
1169	Donna Clouse	1,183.07
1170	David Gill	1,617.55
1171	Brenda Kleber	2,788.00
1172	Richard Smith	1,170.18
1173	Wayne Waldron	344.30
1174	Donna Zilberfarb	91.42
1175	Rosalie Murray	590.33
1176	Richard Smith	1,074.43
1177	Wayne Waldron	180.00
<u>Capital Account:</u>		
505	Frelinghuysen Township Booster Club	1,825.45
506	Green Township Fire Dept.	3,000.00
507	Heritage Abstract Co.	1,000.00
508	Maser Consulting	5,005.00
509	Maser Consulting	512.50
510	Maser Consulting	12,276.25
<u>Open Space Fund:</u>		
122	Morris Land Conservancy	5,000.00
123	Morris Land Conservancy	2,750.00
124	Robert Heffernan	3,600.00
125	L.J. Brill & Assoc.	7,775.00
<u>Municipal Alliance:</u>		
332	Ozzie Alive	500.00
333	Frelinghuysen PTO	75.00
<u>Clean Communities Account:</u>		
347	North Warren Booster Club	850.00
348	North Warren Girls Soccer	350.00
349	Stella Brzozowski	300.00
<u>General Account:</u>		
	NJSHBP	1,930.57
6656	AM/PM Services	99.00
6657	Allen Kumetz	3,174.91
6658	Aspen Heights Tree Service	2,100.00
6659	Balbi Enterprises	63.00
6660	Blue Ridge Lumber	460.65
6661	Brenda Kleber	198.67
6662	Campbell Foundry Company	90.00
6663	Campbell Foundry Company	1,940.00
6664	Cintas Corp	231.20
6665	County of Warren	471,448.54
6666	County of Warren	53,117.63
6667	Culligan	23.00

6668	David Gill	585.93
6669	Elvia Valderrama	120.00
6670	Employer Compliance Service	62.95
6671	Ford Motor Credit	1,441.41
6672	Fuelrite-NJ	683.56
6673	Green Township Fire Dept.	10,000.00
6674	Hope Township Fire Dept.	10,000.00
6675	Hope Township Fire Dept.	5,000.00
6676	Hunterdon County Mun. Clerks Assn.	35.00
6677	JCP&L	38.26
6678	JCP&L	216.14
6679	Limecrest Quarry Developers	630.44
6680	MGL Printing Solutions	109.00
6681	Marksboro Deli	72.15
6682	Maser Consulting	750.00
6683	Municipal Information System	127.00
6684	Municipal Software, Inc.	290.00
6685	NJ State League of Municipalities	36.00
6686	NJ State League of Municipalities	180.00
6687	NJN Publishing	266.75
6688	New Jersey Herald	247.80
6689	New Jersey Herald	15.90
6690	North Jersey Portable Toilets	180.00
6691	North Warren Farm & Home	61.97
6692	North Warren Regional Board of Educ.	140,160.00
6693	Quill Corp.	116.26
6694	Ricoh Americas Corp.	33.23
6695	Sirkis & Lavery	512.50
6696	Sprint	89.44
6697	Tilcon	1,965.82
6698	Warren County Plumbing Subcode	510.00
6699	Treasurer-State of NJ	20.00
6700	Verizon	371.11
6701	Vital Services Group	80.00
6702	Willam Crone, Jr.	132.95
6703	Wacks & Hartmann	1,500.00

EXECUTIVE SESSION:

Motion was made by Boynton, seconded by Natyzak-Osadca to enter into Executive Session with regard to Land Acquisition, Personnel Matters and Legal Matters after a resolution was approved in the public portion of the meeting. All in favor. Upon returning the attorney advised that there were three matters as stated and at this time they are still under consideration.

AUDIENCE PARTICIPATION:

Road Supervisor Frank Desiderio reported on a pond being built on the Ridge & Valley school property. Committee Boynton will check into this.

Loren Greco asked the cost to date on the sidewalk issue. Mr. Sterbenz advised that most of the cost was covered by the county project, however, the CFO will be asked to supply the cost.

Dan Kohuth inquired on who paid for the Open Space signs placed throughout the township. He was advised that private residents paid for them. Mr. Kohuth stated that the signs were illegal as they do not have the name and address posted on the signs. Ms. Randolph informed him that she checked into this and as long as a certain amount of money was spent then no information is needed on the signs. The attorney will check further into this.

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