

MINUTES OF MEETING OF OCTOBER 20, 2010

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, October 20, 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, Attorney Edward Wacks and Clerk Brenda Kleber.

ORDINANCES:

AN ORDINANCE (#2010-05) REVISING SECTIONS 5-4.1 AND 5-4.5 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING APPLICATIONS FOR KENNEL, PET SHOP, SHELTER AND POUND LICENSES was opened to the public on motion made by Boynton, seconded by DeCarolis. All in favor. Spoke were Doreen Rutherford, Debra Natyzak, Bennett Bean and Amy Hufnagel. Motion was made by Boynton, seconded by Charles to close the public portion. All in favor. Motion was made by DeCarolis, seconded by Boynton to adopt the ordinance with corrections. Roll call vote: DeCarolis-yes, Charles-yes, Durling-yes, Desiderio-recused and Boynton-yes.

RESOLUTIONS:

#2010-67 (Relieve tax collector from collecting certain taxes)-on hold.

#2010-69 (Award bid)

WHEREAS, the Clerk of the Township of Frelinghuysen, Warren County, State of New Jersey has solicited bids for a Tractor/mower; and

WHEREAS, the Frelinghuysen Township Committee have reviewed said bids and find same to be in order.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee on this 20th day of October 2010 that:

1. Contract for Tractor/Mower be awarded to Warren County Service Center the low of 7 (seven) regular bidders in the amount of \$83,850.00.
2. The exact title of the appropriation is to be charge to Capital Account
3. This resolution shall take effect immediately.

Discussion ensued when Committee Desiderio explained that the attorney and Road foreman went over the bids as the foreman was interested in the 2009 demo as it exceeds all the specifications along with being a larger and heavier machine. The attorney advised the Committee that they could re-bid without the year mentioned. It was decided on motion made by Charles, seconded by Boynton to purchase the tractor/mower from Warren County Service Center in the amount of \$83,850.00. Motion was made by Charles, seconded by DeCarolis to adopt said resolution. Roll call vote: Desiderio-yes, Boynton-yes, Charles-yes, Durling-no, DeCarolis-no.

#2010-72 (Executive session)

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

WHEREAS, under the Open Public Meetings Act (number 4) 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 20th day of October, 2010 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned. Results or portions of that discussion will be made known in a reasonable length of time. Motion was made by Charles seconded by DeCarolis to adopt said resolution. Roll call vote: DeCarolis-yes, Boynton-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2010-73 (Executive Session)

WHEREAS, it is necessary to discuss items dealing with Land Acquisition 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 20th day of October, 2010 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned. Results or portions of that discussion will be made known in a reasonable length of time. Motion was made by Charles, seconded by DeCarolis to adopt said resolution. Roll call vote: DeCarolis-yes, Boynton-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2010-74 (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 account.

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

OLD BUSINESS:

Wendy Buttgerit was appointed to the Open Space Committee to replace Leigh Kramer on motion made by Charles, seconded by Boynton. All in favor.

NEW BUSINESS:

John Angeleri approached the Committee asking for their interest in purchasing a parcel of land for low income housing that he owns on Kerrs Corner Road which is in the VN zone. The Committee decided to take under consideration.

Robert Goltz of the Warren-Morris Council of Governments explained to the Committee that he is looking for municipalities in Warren and Morris counties for the purpose of sharing services, joint purchasing and any issues which cross municipal boundaries. The Committee will take under consideration.

Due to 3 members of the Committee attending the New Jersey State League of Municipalities conference, the November meeting will need to be rescheduled. It was decided to hold the meeting on November 16th.

A letter received from the NJDEP, Division of Parks and Forestry asked to place signs indicating road/trail crossings in the township on Henfoot Road, Stillwater Road and CR 659 which would require the township to contact the county. The Committee instructed the Clerk to check whether the signs are free. This is to be held over to the November meeting.

A letter received regarding Service Electric Cable TV was read asking for several dates that a meeting could be held in order to engage in a dialogue regarding the services currently being provided to the Township, the advantages and disadvantages of cable franchising. The Clerk will set up several dates.

The Ridge and Valley Conservancy letter regard the purchase of development rights is on hold for the November meeting.

QUOTATIONS:

Two quotes for the removal of deer carcasses were received as follows:

Space Farms Zoo & Museum, Beemerville, NJ in the amount of \$40.00 per deer
Deer Carcass Removal Service, Cream Ridge, NJ in the amount of \$42.50 per deer.
Motion was made by Charles, seconded by Desiderio to accept the quote from Space Farms. All in favor.

MINUTES:

The minutes of the meeting of September 15, 2010 were accepted with corrections on motion made by Charles, seconded by Boynton. All in favor.

DEPARTMENT REPORTS:

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

Mayor Dale Durling's report:

Mayor Durling reported that regarding the "best practice checklist" put out by the state; if we put "n/a" next to the box it will not count against us. The power line project will now keep the original path.

Deputy Mayor Thomas Charles report:

Deputy Mayor Charles reported that on October 5, 2010 the Hope Volunteer Fire Dept. responded to a fire in the township on Route 519. Mr. Charles requested that a letter of thanks be sent to the fire department. Motion was by DeCarolis, seconded by Boynton instructing the Clerk to send the thank you. All in favor.

With regard to the road vacating and abandonment, Mr. Robert Berry can only meet during the day. A member of the Planning Board is also needed. The speed limit sign money will need to be added to 2011 budget meanwhile, the engineer is working on the number of signs needed. Mr. Charles recommended Charles Marra be given the outstanding citizen at the township dinner.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis reported that the person who had a large number of dogs on Ackerson Road licensed 35 dogs and also received a summons for the barking of the dogs. He wanted to address limiting the number of dogs in the township but the Committee was not in favor of this. Mr. DeCarolis also thanked Mayor Durling for his support by putting up a sign on his property with his name and Committee Desiderio's.

Committeeman Frank Desiderio's report:

Committeeman Desiderio reported that he and two other people will be attending the Forestry meeting to be held on October 22nd, he requested that the recycling container be moved to the municipal garage location. Motion was made by Charles, seconded by DeCarolis to move the bin. All in favor. Mr. Desiderio also wanted complaints coming into the township to be in writing. Mr. Wacks will give policies to the Committee for their

review. Mr. Desiderio asked to explain to everyone the facts about the ball field, recreation and the question on the referendum. Three years ago there was a \$250,000 loan that was restrictive. The Committee decided that was not a smart thing to do and borrowed \$100,000 of which has cost to date approximately \$64, 00.00.

Committeeman David Boynton's report:

Committeeman Boynton thanked the people responsible for painting the lines in the parking lot, His report on Municipal Alliance is that it has been finalized and the 3^d quarter report has been completed. There will be a Halloween function here on October 30th from 4:00-7:00. The water test came back at a cost of \$450.00 and was good except that the water is hard. The concession stand will break even when the soccer season ends. There are 26 children who are interested in little league.

Attorney Edward Wacks report:

Mr. Wacks received communication from the Rockaway Zoning Officer who will provide services to the township at a fixed rate of \$500.00. Mr. Wacks reported on a letter he received from Tilcon. In 2008 they provided us with asphalt for a State Park Road project and during that time the cost rose by 50%. Since they feel they did not receive enough payment they are requesting that we send them an additional \$18,225.00. Mr. Wacks needed approval from the Committee to respond to their letter to deny their request. Motion was made by Desiderio, seconded by Boynton giving approval for the letter to be sent. All in favor. In September, Debra Natyzak sent an e mail about a foreclosed property located on Block 1201, Lot 37. Mr. Wacks has sent a total of 5 letters to Nature Conservancy asking if they are interested in foreclosing and there has been no response. Mr. Wacks would like to do another follow up letter and received approval to do so.

Municipal Clerk's report:

The Municipal Clerk asked the Committee how they would like the resumes for the three open positions handled. The Committee instructed her to give copies of the resumes to the Chairperson of each board and set up a meeting with the applicants.

BILLS-see schedule attached.

CORRESPONDENCE:

Garden State Laboratories Re: Water test on town hall
Land Conservancy of New Jersey Re: Lee/Yang appraisals
NJ State Legislature Re: Audit on Stream project revolving loan fund
Verizon Wireless Re: Congress repeals burdensome compliance rules for cell phones
Warren County Mosquito Commission Re: West Nile Virus information
New Jersey DEP Re:

1. Letter of Interpretation on Block 502, Lot 9

- 2. Letter of Interpretation on Block 602, Lot 3
 - 3. Suspected Hazardous substance on Greendell Road (note: oil tank removed)
- Stillwater Township Re: Ordinance #2010-07
- Blairstown Township Re: Master Plan
- Green Township Re: Ordinance #2010-07
- New Jersey Dept. of Community Affairs Re: Local Government best practices
- Dept. of Land Preservation Re:
- 1. Comprehensive Farmland Plan
 - 2. Frelinghuysen Forest Preserve
- Warren County Engineers Office Re: Policy for County ROW
- Cramer Ecological Services Re: LOI extension application for Block 701, Lot 18
- Superior Court of New Jersey Re: Annual visit to court
- New Jersey General Assembly Re: thank you for copy of resolution
- NJDOT Re: Rockfall mitigation on I-80
- Johnsonburg Presbyterian Center Re: Johnsonburg Day-October 9th
- PSE&G Re: Susquehanna-Roseland project
- Government Records Council Re: OPRA fee legislation
- Morris County JIF Re:
- 1. Summary comparing member data collected
 - 2. POL & EPL coverage in the future
 - 3. 2011 public official and employment practices liability
- Newspaper article on Kids Camp
- New Jersey League of Municipalities Re:
- 1. Three Issues:
 - a. Best practices checklist deadline
 - b. Deadline reminder for ninth annual innovation in governance awards
 - c. Reminder-2010 conference
 - 2. Annual Mayor's Legislative Day-February 16, 2011
 - 3. Best practices checklist clarification
 - 4. Civil service adoption of amended rules selection & appointment transfers
 - 5. Four Issues:
 - a. Legislative session update
 - b. toolkit resolution-we need your help
 - c. A-2911 Library bill-conditionally vetoed
 - 6. League's 2009 laws of interest book
 - 7. Governor unveils new public employee pension & benefits reform agenda
 - 8. Update on "tool kit" developments
 - 9. Two Issues:
 - a. DLGS-news notice does not clarify "Best practices" checklist
 - b. Governor signs OPRA fee bill
 - 10. Two Issues:
 - a. Corrected copy of Verizon v. Hopewell
 - b. Sustainable Jersey luncheon
 - 11. League urges action on arbitration reform
 - 12. Two Issues:
 - a. FY 2011 pension contribution estimated billing

- b. Office space available
- 13. Homestead benefit application begins
- 14. Proper perspective on pension problems
- 15. Comments sought on draft SADC regulations
- 16. Disaster management reimbursement
- 17. Mayors letters & Sustainable Jersey information
- 18. Two Issues:
 - a. New content on DLGS web site
 - b. Updated CEU's league professional development program
- 19. Updated October 2010 Mayors Newslines
- 20. Two Issues:
 - a. Sustainable Jersey information
 - b. October grant page posted
- 21. Federal early retirement reinsurance program accepting applications
- 22. Court strikes down COAH 3rd round regulations
- 23. League professional development program-class action lawsuits
- 24. Notice of proposed membership dues
- 25. Two Issues:
 - a. Recent changes to DLGS website
 - b. Sustainable Jersey wins national strong communities competition
- 26. Two Issues:
 - a. "Red Tape Review" takes the next step
 - b. Trenton Press conference/senate committee hearing highlights

EXECUTIVE SESSION:

The Committee went into Executive session after adopting resolution #2010-72 and 2010-73 in the public portion of the meeting. Upon returning, the attorney stated that they talked in terms of personnel matters and since they are not ready to take any action there will be no announcement. With regard to the land acquisition, the Committee has agreed to go forward with the acquisition of certain property and since they are still in active negotiation it cannot be divulged where the property is or the amount.

AUDIENCE PARTICIPATION:

Motion was made by Boynton, seconded by DeCarolis to open the meeting to the public. All in favor.

Jean Smolha asked if we were going to sell the older tractor. She was informed that it will be kept.

Debra Natyzak asked if the checks from the Municipal Alliance had been sent out. She was advised that this will be done at next month's meeting.

Robin Randolph asked to have the Chairperson of each Committee sign vouchers pertaining to their board before they are paid.

Marty Conner asked if there was anything new on the Kids Camp litigation. Mr. Wacks advised that mediation has been scheduled for November 15th.

Amy Hufnagel had several issues: 1) does the Recreation Committee have a mission statement and how is it defined. Mr. Charles advised that there is one. 2) On the referendum question there is no cap on the percentage that the Recreation Committee could spend and would the Township Committee like to cap the amount. 3) Ms. Hufnagel wanted to share with the Committee a situation that happened in the parking lot. Ms. Hufnagel's daughter was playing in the area where the wood chipper is being stored and would like to have it removed from the area and 4) how is the recreation and school working together and asked to have a playground committee formed for the need.

Bennett Bean asked the procedure for the Committee to go into executive session and when does the outcome become public. Mr. Wacks explained. Mr. Bean asked the outcome of the cost of the telephone bills and was told that once you added the DSL charges along with the taxes and surcharges the bill really isn't that high. He stated that the signs along the roads are visual pollution and would like restrictions on when they appear. He was informed that the NJDOT takes care of this. Lastly, Mr. Bean thanked the Committee for the amount of work they take on and the grief that is given.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC

