

MINUTES OF MEETING OF OCTOBER 21, 2009

The Regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, October 21, 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 Alan DeCarolis, Committeeman David Boynton, Chief Finance Officer Gene Marie McCartney, Attorney Edward Wacks and Clerk Brenda Kleber.

ORDINANCES:

Ordinance #2009-18 with regard to accessory buildings is on hold for Planning Board approval.

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 opened to the public on motion made by Desiderio, seconded by Boynton. All in favor. The meeting was closed to the public on motion made by Boynton, seconded by Desiderio. All in favor. There being no objections, motion was made by Boynton, seconded by Desiderio to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

A BOND ORDINANCE (#2009-20) PROVIDING FOR THE RECONSTRUCTION OF STATE PARK ROAD (PHASE III) WITHIN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$187,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$50,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF was offered for introduction on motion made by Boynton, seconded by Desiderio. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

RESOLUTIONS:

#2009-73 (held over from August meeting) Cancel state grants receivable WHEREAS, there are certain items located in the grants fund namely Schedule of State Grants Receivable and Schedule of Unappropriated Reserve for State Grants that need to be canceled as they have been closed; and WHEREAS, the Chief Finance Officer of the Township of Frelinghuysen has deemed it necessary to cancel these items. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen to cancel the following Grant Reserves and related State Grants Receivable.

<u>Schedule of State grants</u>	<u>Amount</u>
State of NJ-Department of Transportation	\$90,940.00
NJ Transportation Trust-Bear Creek Road	17,409.00
Municipal Alliance-Alcohol and Drugs	4,290.00
OES Grant	6,000.00
Storm Water Grant	5,000.00
Recycling Tonnage Grant	1,675.00
Clean Communities	881.00
Municipal Alliance-Alcohol & Drugs: State	2,301.00
Environmental OES Grant:	
State	6,000.00
Local	7,331.00
Small Cities	24,452.00
State of NJ-DOT	121,923.00

Municipal Court-Alcohol	639.00
Stormwater Grant	12,727.00
SLAHEOP	2,406.00

Schedule of Unappropriated Reserve for State Grants:

Clean Communities Grant	1,513.00
ANJEC Grant	3,500.00
Pollution Control Auth.-Warren County	2,131.00
Small Cities	23,849.00
Tonnage Grant	237.00

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

#2009-90-Cancel 2009 property taxes:

WHEREAS, a joint resolution is required by the Tax Assessor and Tax Collector to cancel 2009 property taxes; and

WHEREAS, the following property has taxes that have been deemed uncollectible:

Block	Lot	Owner	Amount	Reason
801	10	John Lotz, III	\$4,621.06	100% disabled vet-granted

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

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

#2009-91-Refund overpayment of taxes:

WHEREAS, a resolution is required to refund an overpayment of part of 1st and all of the 2nd quarter 2009 taxes; and

WHEREAS, John H. Lotz, III, owner of Block 801, Lot 10 applied for and was granted a 100% totally disabled veteran exemption for the 2009 tax year and this exemption creates an over payment of part of the 1st and all of the 2nd quarter taxes.

NOW, THEREFORE BE IT RESOLVED THAT THE Township Treasurer is hereby authorized to refund an amount of \$2,204.45 to John H. Lotz, III

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

#2009-92 (Redeem tax lien)

WHEREAS, Crusader Lien Services acquired a lien against Block 1201, Lot 17.20 at the Municipal Tax Sale held October 2, 2007 (Certificate #2007-04). John Angeleri, the owner of said property has paid the amount required to redeem the lien.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to issue a check in the amount of \$14,065.32 to Crusader Lien Services.

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

#2009-93: (Approve raffle license)

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct a raffle at the Frelinghuysen Township School on December 2, 2009 consisting of application #RA2009-05; 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 license #RA2009-05 is hereby approved.

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

#2009-94 (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 DeCarolus approving said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolus-yes, Desiderio-yes, Boynton-yes, Durling-yes

#2009-95 (Amend Capital Budget)

WHEREAS, the Township of Frelinghuysen, County of Warren, desires to amend the 2009 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown in such budget for the following reason: State Park Road Phase III NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen of the County of Warren as follows:

Section 1. The 2009 Capital Budget of the Township of Frelinghuysen is hereby amended by adding thereto a Schedule to read as follows:

Amendment No. 2

Capital Budget of the Township of Frelinghuysen, County of Warren

Projects Schedules for 2009 Method of Financing

<u>Project</u>	<u>Estimated Cost</u>	<u>Capital Improv. Fun</u>	<u>General Notes & Bonds</u>
As listed	\$50,000.00	\$2,500.00	\$47,500.00

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2009 Capital Budget as adopted.

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

#2009-96 (Approving release of bond for Forest Manor)

WHEREAS, on October 20, 2009, the Congress Companies (the "Applicant") requested the release of the Completion Bond and cash escrow in the amount of \$39,561.12 (the "Cash Escrow") being held by the Township of Frelinghuysen to ensure the satisfactory completion of various site improvements associated with the expansion of the Forest Manor Retirement Home at Lot 11, Block 1803; and

WHEREAS, the Township Engineer has reviewed this request, and has determined that the subject work has been completed in a satisfactory manner, and that as such he has no objection to the release of the Completion Bond and cash escrow, subject to the Applicant's provision of a Maintenance Bond in a form acceptable to the Township Attorney and the other conditions set forth herein; and

WHEREAS, the Township Attorney has reviewed the Maintenance Bond, and has found it acceptable in form.

.NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey as follows:

1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Frelinghuysen, Warren County, New Jersey that the Completion Bond and Cash Escrow be released to the Applicant, upon confirmation by the Township Engineer that any and all outstanding professional fees and other items due and owing to the Township of Frelinghuysen in connection with the subject project have been paid.

2. This Resolution shall take effect as provided by law.

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

#2009-97: (Setting 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 21st day of October, 2009 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 DeCarolis to approve said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes

OLD BUSINESS:

Open Space Chairman Robin Randolph presented to the Committee copies of the elevations showing the grade to be less than 15%. Committeeman Natyzak-Osadca asked if the cost to construct the driveway has been determined and the figure was not received by the time of the meeting. Committeeman Desiderio advised that the machine time would be only 1 or 2 days and the removal of the stone wall would have to be obtained by the NJDOT. Committeeman Natyzak-Osadca felt there could be

environmental issues with the property if something is buried as there was at one time a hotel that had burned down. Mayor Durling advised that there had been proof submitted that the Paulinskill is within the 150 foot buffer. Motion was made by Desiderio, seconded by DeCarolis to continue with the environmental assessment advising them of the 3 issues of concern (i.e. 2 farm dumps and burned hotel), accept the submitted topo for flag staff and continue with the subdivision. Roll call vote: Natyzak-Osadca-no, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

Further discussion ensued on who represents the township in appearing before the Planning Board for the Reisburg subdivision. The contract calls for a subdivision to be done before the closing even though the township does not own the property. Dr. Reisburg consented to the Planning Board application; however, due to the township being a corporation, an attorney needs to be present. Motion was made by DeCarolis, seconded by Desiderio authorizing the township attorney to appear before the Planning Board on the township's behalf. Roll call vote: Natyzak-Osadca-abstain, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

Committeeman Natyzak-Osadca gave an update on the Main Street/Route 661 road name. There are no issues from house number 204 to 285; however, from house number 299 to 374 there are problems with deliveries. Ms. Natyzak-Osadca reported on the conversation she had with Congressman Garrett who advised he could not help and to go to the Post Office. It was suggested that we use a Frelinghuysen address with the zip code of the post office that delivers the mail as Hardwick is doing, but since there are six different mailing addresses in the township this would be hard to do. Ms. Natyzak-Osadca asked for approval to send letters to the people on Main Street asking them what names they would like. Committeeman Natyzak-Osadca and Committeeman DeCarolis were appointed to investigate changing the name and report back.

Resident Marty Connor advised that he had looked into the renewal of the cable tv franchise and since this is a four municipal franchise there will have to be discussion with the other municipalities. Mayor Durling will meet with the Mayors and asked Mr. Connor to attend this meeting.

The quote for additional cameras is on hold in order to obtain more quotes.

A letter received from the Office of the Frelinghuysen Township Farmland Preservation Committee was read. The Committee requested that the agreement for potential property owners to pay 50% of their appraisals if they back out of preserving their land be rescinded. Motion was made by Boynton, seconded by DeCarolis to rescind the agreement. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-abstain, Boynton-yes, Durling-no. Ms. Randolph brought up the fact that the Open Space Committee was not made aware of this agreement and felt that it should be reviewed. At this time, the Committee rescinded the motion and is now leaving the agreement in effect until recommendations are received from the Open Space Committee. Motion was made by Desiderio, seconded by Boynton to rescind the prior motion. Roll call vote: Natyzak-Osadca-abstain, DeCarolis-no, Desiderio-yes, Boynton-yes, Durling-yes.

NEW BUSINESS:

Mayor Durling announced that Frelinghuysen Township has been selected to receive funding from the NJDOT for the Kerrs Corner Road improvement project in the amount of \$160,000.00. Committeeman Boynton commended the road crew on the installation of drains on State Park Road.

Mayor Durling asked that a motion be entertained for the attorney to prepare an ordinance that states no one on the township committee accept money other than their salaries for being a township committee person as this would take the conflict of interest for any wrongdoing out of the equation. Committeeman Natyzak-Osadca did not understand why the Mayor is proposing this as this is a small town and everyone wears different hats. The Mayor explained that a lot of towns do this. Committeeman DeCarolis reported that he attended an ethics class and it is permissible for him to serve as Animal Control Officer (ACO) and be on the town committee. Motion was made by Desiderio seconded by Boynton authorizing the attorney to draw up an ordinance that would prohibit any sitting township committee person who is serving in any other capacity to receive any money other than his salary as committee person. Discussion ensued where Committee DeCarolis stated that other attorney's have advised him that it is legal for him to serve as ACO and also sit on the township committee. The attorney

stated that an ordinance would take care of the concerns brought up at past meetings and that he could investigate what other smaller township do. Motion was withdrawn by the consent of the member who seconded the motion and a motion was made by Boynton, seconded by DeCarolis authorizing the attorney to investigate this concern by obtaining ordinances and policies from other communities. All in favor.

Open Space Chairman Robin Randolph asked the committee for approval to mail out a postcard the Open Space Committee put together asking for the voters to support the public question at a cost of \$462.00. Committeeman Boynton spoke against using tax payers funds for this request. Motion was made by Desiderio, seconded by Natyzak-Osadca approving the mailing. Roll call vote: Natyzak-Osadca-yes, DeCarolis-no, Desiderio-yes, Boynton-no, Durling-yes.

A request by the Construction Official to extend the hours of the Technical Assistant to include Wednesday from 8:30-12:30 in order to better serve the residents. Approval was not given since the Committee feels this is not necessary since building has gone down.

A letter received from resident Alex Cornella was read expressing interest in serving as the township's recycling coordinator. It was decided to hold the letter and consider in January.

An application to serve on the Municipal Alliance from Clare Saalfeld was approved on motion made by Natyzak-Osadca, seconded by DeCarolis. All in favor.

Motion was made by Desiderio, seconded by DeCarolis approving the appointment of Russell Walters to the Board of Adjustment. All in favor.

The Clerk advised that she had received a request from John Angeleri for the road department to snow plow the end section of Lackawanna Drive that is not owned by the township. Due to liability the attorney recommended that this not be done.

MINUTES:

The minutes of the work meeting of September 10, 2009 was approved on motion made by Desiderio, seconded by Boynton. All in favor. The minutes of the regular meeting were approved on motion made by Boynton, seconded by Desiderio. All in favor except Committeeman DeCarolis who abstained. The minutes of the special meeting of October 5, 2009 were approved on motion made by Desiderio, seconded by DeCarolis. All in favor except Committeeman Boynton who abstained.

DEPARTMENT REPORTS:

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

Mayor Dale Durling's report:

Mayor Durling reported that the sidewalk on Main Street connecting in front of the Barbour's house to the Municipal Building has been completed.

Deputy Mayor Frank Desiderio's report:

Deputy Mayor Desiderio suggested that instead of the Clerk copying the correspondence and bills a scanner should be purchased. It was decided to look into whether the copier could be used instead.

Deputy Mayor Desiderio reported that the cross drains is in and paving of the road can now begin.

Mr. Desiderio responded to the letter in correspondence received from Roman Osadca and addressed the recycling issue in that the recycling bins had to be pulled out to re-group as it was getting too expensive.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca inquired about the status of the town seal. The Clerk advised that Mrs. Erny, who was to draw the seal has been busy and stopped by the town hall to advise that she will be starting it soon. It was decided to have the school children work on it. Motion was made by Desiderio, seconded by DeCarolis to have Robin Randolph contact the Mayor on who to contact at the school for this project. All in favor.

Committeeman Natyzak-Osadca thanked the Mayor and Committeeman DeCarolis on getting the sidewalk issue resolved.

She also advised that the Municipal Alliance will be having an open house for Halloween on Saturday October 31, 2009 from 5:00-8:00.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis advised that clothing bins are not being made anymore and is getting prices to have one built.

He suggested that with regard to the previous discussion on the proposed ordinance that no committee member can receive money other than for committee pay, he asked that it be re-thought as it may hurt if help is needed by another committee person.

Committeeman David Boynton's report:

Committeeman Boynton reported that the hay ride has been canceled due to the forecast for rain, there will be a spaghetti dinner at the school on Friday night to benefit the 6th grade class, basketball registrations are being received, the township dinner has been scheduled for December 12th and commended the Recreation Dept. on the cost of the Blirstown sports program.

BILLS-Please see schedule attached.

CORRESPONDENCE:

Roman Osadca Re: Lack of response and Township censorship

NJ Transit Re: Lackawanna Cut-off

Warren County Board of Taxation Re: 2009 Abstract of Ratables

Warren County Dept. of Public Safety Re: Emergency business information

Warren County Purchasing Dept. Re: Deer Carcass removal

Warren County Planning Dept. Re: Warren County population estimates, building permit/demolition data, County wide development review data.

Warren County Dept. of Land Preservation Re: 2011 County Planning Incentive grant

FEMA Re: Coordination meeting scheduled for October 28th

Wacks & Hartmann Re: Block 1201, Lot 37

Highlands Council Re:

1. Municipal plan conformance
2. Model master plan Highlands element Sept09 revision

Township of Green Re: Ordinances 09-18, 09-19 and 09-20

Township of Allamuchy Re: Adoption of ordinance #2009-14

Superior Court of New Jersey Re: 2009/2010 annual visitation

New Jersey Senate Re: Training programs offered by Rutgers

NJ DEP Re:

1. Approval for New Jersey Forestry grant
2. Notice of Public hearing

Township of Roxbury Re: Morris County JIF

Municipal Excess Liability JIF Re:

1. Losses associated with Ameripay
2. H1N1 influenza

New Jersey State League of Municipalities: Re:

1. Three Issues:
 - a. League professional development program
 - b. Federal Transportation funding update
 - c. Leaders' academy for Healthy Community development grants
2. Federal update road and rail funding

3. Four Issues:
 - a. Rethinking our region
 - b. COAH briefing
 - c. State Planning Commission-Affordable Housing
 - d. Sample resolution for legislative action on the Easthampton COAH decision
4. Unemployment Insurance Extended Benefits
5. Two Issues for the "Lame Duck" and Beyond
 - a. Mandates relief
 - b. Binding arbitration reform
6. Four Issues:
 - a. Federal H1N1 resources
 - b. Mayor's Book Clubs launched
 - c. Tax Foundation names NJ first in Nation in Property taxes
 - d. 94th annual league conference
7. Mayors Newslines
8. Three Issues:
 - a. League Professional development program-Municipal liens
 - b. Important Conference sessions Green Issues
 - c. Use of Force, Risk Management & Legal strategies seminar
9. 2010 New Jersey Local government Deskbook Available
10. Four Issues:
 - a. Effective Floodplain Management
 - b. 2009 conference resolutions
 - c. Reminder-94th annual league conference
 - d. U.S. Dept. of energy webinar on EECBG funding
11. Two Issues:
 - a. Important conference sessions transportation issues
 - b. Changes to the New Jersey Division of Local Government website
12. Three Issues:
 - a. League professional development program-Ethics
 - b. Federal Transportation funding update
 - c. Leaders academy for healthy community development grants
13. Notice of proposed membership dues
14. Federal update for the period ending October 2, 2009
15. American Recovery and Reinvestment Act (ARRA)
16. S-1303/A-3062 "Inherently Beneficial Uses"
17. Four Issues:
 - a. OPRA suit information requested
 - b. Important conference session "A real show S.T.O.P.er
 - c. Clerks notice
 - d. Please support the raise me up campaign
18. ARRA Reporting Update
19. Two Issues:
 - a. Mandates relief
 - b. Important conference sessions budget issues

AUDIENCE PARTICIPATION:

Dan Kohuth asked where in the minutes the issue of removing the recycling bins were along with what was the current price the town is paying for the Reisburg property. Mayor Durling responded by stating that the town will pay between \$40,000 and \$50,000 with the state and county paying the remainder. He asked why the survey that was prepared by the Planning Board was not on the website. The Mayor offered to check this out He asked the status of South Street and has the survey been sent to the landowners. He was advised there is an ongoing investigation on how to solve the problem and we are waiting for the engineer's plan. The last issue was the thoroughness of the minutes and agenda where he felt they should be more detailed.

Roman Osadca had four issues for which he would like bring before the Committee. The first issue is the difference in the meeting room and the carpet was a good choice. The next issue was that he had just attended a solar energy presentation and thought that the school and municipality should look into this as a way of saving money. The next issue he asked if the departments in the township have regular meetings to discuss their goals and objectives and if they do not would they think about doing this. The Committee will take this under consideration. The last issue was the minutes of August, 2009 whereby Committeeman Desiderio made a statement that soccer will begin on the

new fields in September and why wasn't soccer started on it this year. He was advised that the Recreation Committee recommended that the field not be used as it was not ready.

Fran Muller mentioned that she had a representative from a solar energy company come to her house for an estimate and found that it was not worthwhile.

Marty Conner asked which fire and emergency squad services Lincoln Laurel Road as he received a solicitation from the Allamuchy Rescue Squad. He was advised that both the Blirstown Ambulance and Fire Company service that road.

EXECUTIVE SESSION:

Motion was made by Desiderio, seconded by Boynton to enter into executive session with regard to land acquisition after resolution #2009-97 was adopted in the public portion of the meeting. All in favor. Upon returning, motion was made by Desiderio, seconded by DeCarolis to return to public session. All in favor. At this time, it was reported that the Committee is looking into a possible land acquisition and a decision will be made at a later date.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC