

MINUTES OF MEETING OF NOVEMBER 17, 2008

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey and was called to order at 7:30 p.m. by Mayor Charles.

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 Star Gazette and New Jersey Herald on October 31, 2008.

ROLL CALL:

Those present were: Mayor Thomas Charles, Committeeman Debra Natyzak-Osadca, Committeeman Alan DeCarolis, Committeeman Frank Desiderio, Committeeman Dale Durling, Attorney Edward Wacks, Chief Finance Officer Gene Marie McCartney and Clerk Brenda Kleber.

PUBLIC HEARING:

A joint meeting between the Planning Board and Township Committee was held on the Fair Share and Housing Plan. Ms. Darlene Jay of Maser Consulting gave an overview of the changes she made to the first half of the plan. Presently, we need 6 rehabilitation units (which will cost approx. \$8,000.00), 32 gross share changes (we presently have 15) and 6 for the prior round (we presently have 6). With the 3 group homes in the township we have 20 credits.

Our options are to proceed with the plan and file with COAH or petition the Highlands for approval which will give us until December 2009 to file the plan. Ms. Jay recommended that we proceed. Motion was made by Durling, seconded by Desiderio to move forward and petition COAH for certification. All in favor.

The meeting was opened to the public on motion made by Desiderio, seconded by Durling. All in favor. Spoke were:

Nick Pachnos who asked why we were passing the plan when we can wait a year.

Fran Muller who asked if the units are going to be garden apartment complex for single family homes.

Motion was made by Desiderio, seconded by Durling to close the meeting to the public. All in favor.

The resolution to adopt the housing element of the Master Plan and the Fair Share Plan was read. (see resolutions).

ORDINANCES:

AN ORDINANCE (#2008-18) AMENDING ORDINANCE #2008-12 TO INCLUDE CONSTRUCTION, RENOVATION, AND DEMOLITION MATERIAL IN THE RECYCLING PROGRAM was opened to the public on motion made by Desiderio, seconded by Durling. All in favor. Since there were blanks that needed to be completed, it was decided to hold and carry the ordinance to the December meeting.

AN ORDINANCE (#2008-19) AMENDING SECTION 800, ET. SEQ. OF THE FRELINGHUYSEN TOWNSHIP CODE, ENTITLED "DEVELOPMENT APPLICATION REVIEW PROCEDURES" was opened to the public on motion made by Desiderio, seconded by Durling. All in favor. Motion was made by Desiderio, seconded by Durling to close the public session. All in favor. Motion was made by Desiderio, seconded by DeCarolis to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

RESOLUTIONS:

#2008-91:

WHEREAS, Lien Times, LLC acquired a lien against Block 103, Lot 6.01 & Q at the Municipal Tax Sale held October 2, 2007 (Certificate #2007-01). Frederick Condit, 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 \$15,545.16 to Lien Times, LLC.

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

#2008-92:

WHEREAS, the Planning Board of the Township of Frelinghuysen, Warren County, State of New Jersey, adopted the Housing Element of the Master Plan and The Fair Share Plan () including the names and addresses of all property owners included within such Fair Share Plan) on November 17, 2008 (a true copy of the resolution(s) of the Planning Board adopting the Housing Element and the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a) 2); and

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of Township of Frelinghuysen, Warren County, State of New Jersey, hereby endorses the Housing Element of the Master Plan and the Fair Share Plan as adopted by the Planning Board; and

BE IT FURTHER RESOLVED, that the Governing Body of Township of Frelinghuysen, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-2.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED, that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED, that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Township of Frelinghuysen municipal clerk's office located at 210 Route 661, Johnsonburg, New Jersey 07846, during the hours of 9:00 AM-11:30AM and 12:30PM-4:00PM on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

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

#2008-93:

WHEREAS, the Township Committee voted on December 19, 2007, to endorse an application to the New Jersey Department of Environmental Protection (NJDEP) for a \$3000 grant to fund the writing of a Community Forestry Management Plan; and

WHEREAS, application was made and grant PF08-415 awarded on February 29, 2008, and

WHEREAS, the Governing Body Resolution for grant PF08-415 was approved by the Township Committee on April 16, 2008; and

WHEREAS, the Grant Agreement between NJDEP and Frelinghuysen Township for PF08-415 was executed by Mayor Thomas K. Charles on June 6, 2008, and by the Commissioner or delegate of the NJDEP on June 17, 2008; and

WHEREAS, New Jersey Community Stewardship Incentive Program (NJCSIP) grants assist municipalities implementing management goals and practices as outlined in their Community Forestry Management Plan; and

WHEREAS, qualification to apply for NJCSIP grants requires a) our completed and state-approved Community Forestry Management Plan and b) one-time CORE training for both a township employee and a township volunteer and c) annually achieving eight continuing education units across one or more township employees and/or township volunteers.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen on the 17th day of November 2008 to authorize the expenses necessary to meet the qualifications for NJCSIP grants;

That Forester is hereby awarded the contract, in the amount of \$4150., to prepare with and for the township a Community Forestry Management Plan meeting all criteria of the NJDEP;

Those funds for this purpose will be allocated in the 2009 budget, \$3000 of which is to be reimbursed conditionally by NJDEP per grant PF08-415;

That \$1000 funding for CORE training and for continuing education credits per detail above will likewise be allocated in the 2009 budget.

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

2008-94:

WHEREAS, the Frelinghuysen Township PTO has applied for a raffle license to conduct an On Premises 50/50 raffle on December 3, 2008 consisting of application #2008-03;

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Frelinghuysen Township PTO raffle application #2008-03 is hereby approved.

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

#2008-95

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 17th day of November, 2008 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 Desiderio, seconded by Durling to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2008-96:

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

#2008-97:

WHEREAS, Klein elder, Inc., an engineering firm, has requested a site access license in order to perform an environmental investigation, including groundwater monitoring at 262 Route 661 in Frelinghuysen Township; and

WHEREAS, Klein elder, Inc. has tendered an agreement to Frelinghuysen Township in a form acceptable to the Township Attorney, in which it agrees to indemnify Frelinghuysen Township for any losses that may be sustained as a result of this work, and shall provide proof of insurance prior to commencing the work, and good cause having been shown.

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

1. The Mayor and Township Clerk are hereby authorized to execute a Site Access License Agreement with Klein elder, Inc., a copy of which is attached hereto.
2. Upon execution, a copy of the said agreement shall be kept on file with the Township

Clerk

3. This resolution shall take effect according to law.

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

#2008-98:

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

WHEREAS, under the Open Public Meetings Act (number 3 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 November, 2008, 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 DeCarolis, seconded by Durling to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

PROCLAMATION:

A proclamation proclaiming that Judith Pender as a past representative of the North Warren Regional School Board of Education did an outstanding service and wishes to honor her in that position was concurred on motion made by Desiderio, seconded by Durling. All in favor.

OLD BUSINESS:

The Warren County Pollution Control letter with regard to the cleanup program is being held over to the December meeting.

The Interlocal municipal court services agreement with Knowlton Township is being held over to the December meeting.

The Construction Official request for Plumbing services is being held over to the January, 2009 meeting.

Paula Jensen and Lorraine Kastler appeared before the Committee asking why the Township stopped the enforcement of the summons that was being served on Donna Marie and Michael Burns. (It was noted that Alan DeCarolis recued himself) and to complain about the loud work beginning at the site at 6:40 a.m. It was explained that since the Committee felt this was a duplication of an action taken by Ms. Jensen.

NEW BUSINESS:

A letter received from the Frelinghuysen Township School asking for a member of the Committee to do the honor of lighting the Christmas tree on December 3rd. It was decided that Committeemen Desiderio and Durling would attend.

Nick Pachnos of the Green Township Fire Department asked to get the Green Township and Frelinghuysen Township together for a meeting to consider replacing the '85 International tanker in 2010 which will cost between \$150,000.00 and \$200,000.00. The installation of a sub-station in Frelinghuysen Township was discussed with the building belonging to the Township and the vehicle being owned by the fire department. Committeeman Durling will discuss this further with the representatives from the Green Township Committee.

A letter of resignation received from Dorothy Marra from the Municipal Alliance Committee was accepted on motion made by Durling, seconded by DeCarolis. All in favor. The Clerk was instructed to send a letter of thanks to Mrs.Marra.

On motion made by Charles, seconded by Durling, the Mayor appointed Cindy Ponczek to the Municipal Alliance Committee. All in favor.

A letter of resignation received from Leah Jungkind from the Municipal Alliance Committee was accepted on motion made by Durling, seconded by Desiderio. All in favor.

The Mayor recommended that Nicholas Soranno be appointed to the Board of Adjustment as an alternate. Motion was made by DeCarolis, seconded by Durling to accept the Mayor recommendation. All in favor.

A letter received from Engineer Paul Sterbenz was read recommending that the Committee reject the request of Merco, Inc., to release the \$30,000.00 bond due to Mr. Sterbenz findings that during the soil removal operations, the property was not restored in accordance with the settlement agreement. Motion was made by Durling, seconded by Desiderio to take the engineer's recommendation. All in favor.

QUOTES:

Two quotes were received for a camera system. It was decided that Committeemen Durling and DeCarolis would put together a bid package and get additional quotes.

MINUTES:

The minutes of the meeting of October 15, 2008 were approved with minor changes on motion made by Desiderio, seconded by Durling. All in favor.

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Tax Collector, Building Dept., and Health Dept. were approved on a consent agenda motion made by Natyzak-Osadca, seconded by DeCarolis. All in favor.

Mayor Thomas Charles report:

Mayor Charles reported that Frelinghuysen Township will be receiving a \$135,000. Grant for the Phase III project on State Park Road.

Mayor Charles reported that a bill has been introduced which revises the farmland assessments and feels this would be cumbersome to the farmers. It was decided on motion made by Durling, seconded by Desiderio that a resolution would be prepared opposing the farmland bill #2118. All in favor.

Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca reported that she has attempted to sign up for the Recycling certification course; however, there will not be one in the area until later in 2009. Meanwhile, Assemblywoman Marcia Karrow's office is trying to have the smaller municipalities exempt from this certification requirement.

Committeeman Natyzak-Osadca reported that a solar energy meeting along with the combined Open Space and Farmland meeting to be held in January and the Historical Society will put up the plaque on the tree that was planted during the bicentennial.

Committeeman Frank Desiderio's report:

Committeeman Desiderio reported that a new cell phone will be needed for the Road Foreman and suggested that we sign up for a Verizon phone as the Nextel phone service he presently has does not work in certain areas of the township.

Committeeman Desiderio would like to purchase a lawn mower and take the money from the capital account. The Clerk will check into whether this is possible.

Committeeman Dale Durling's report:

Committeeman Durling reported on the meeting he, Committeeman DeCarolis and the Barbour's had with regard to the sidewalk issue. The curb will be installed and the sidewalk will consist of tampered gravel instead of concrete along with the maintenance being done by the Barbour's. Motion was made by Desiderio, seconded by DeCarolis giving Committeeman Durling approval to contact Maser Consulting to proceed with an agreement. All in favor.

BILLS:

See schedule attached to minutes

CORRESPONDENCE:

Info. on purchasing agents

Frelinghuysen Twsp CFO Re: BAN's

Morris County Co-op Re: Road resurfacing-Tilcon New York

New Jersey Highlands Coalition Re: Highlands information

Tri-State Insurance Re: Loss control report

Municipal Excess Liability JIF Re: MEL Statutory Bond program

NJDEP Re: Forest Manor Retirement Home

Dorsey & Semrau Re: Sewer back-ups

Township of Green Re: Land Use Amendment ordinance #08-18 & 08-19

Township of Green Re: Invitation to Open Space meeting

Hardwick Planning Board Re: Housing Plan & Fair Share Plan

Hardwick Township Re: Resolution on grant application

Fredon Township Re: Housing Plan & Fair Share Plan

Township of Greenwich Re: Petition to extend COAH

Wacks & Hartman Re: Joint Municipal Court

Land Conservancy of New Jersey Re: Midkiff farm appraisals

Hartford Steam & Broiler Inspection Co. Re: Loss prevention report

Municipal Excess Liability Joint Ins. Fund Re: Elected officials training seminars

JCP&L Re: Proposed new demand response program

Warren County Board of Taxation RE: 2008 abstract of added/omitted assessments

State of New Jersey Re: 2008 certification of the table of equalized valuations and 2009 certification of the 2008 average ratios

Hatch Mott MacDonald Re: Municipal Wastewater Management Plan

Maser Consulting Re: Pavement analyses on State Park Road

Maser Consulting Re: Partial Reimbursement request

NJ DCA Re: COAH regulations

Notice that state police coverage charge is illegal

NJ Governor's office Re: Executive order 114

NJ Senate Re: Thank you letter for providing resolution

NJ Highlands Council Re: Plan conformance

New Jersey State League of Municipalities Re:

1. November grant page posted
2. Important new information from the Division of Local Govt. services
3. Four Issues:
 - a. Election day concerns
 - b. Conference info on the net
 - c. NJ Chamber event with Commissioner Dori
 - d. Voting record of yesterday's Assembly action on A-1645
4. For up-to-date info. On Social Security programs and benefits
5. A-1645-Qualified purchasing agent bill
6. Three Issues:
 - a. New Economic Development Incentives from EDA
 - b. Legislative Day wrap-up
 - c. Highlands Information session
7. Three Issues:
 - a. A-1645 mandatory appointment of QPA

- b. Governor unveils energy master plan
 - c. New Jersey State League of Municipalities conference reminder
- 8. Mandates relief for 89 will benefit 566
- 9. Updated on Interconnection of PEG Stations between Verizon & Incumbent providers
- 10. Governor's economic recovery initiative
- 11. Emergency Management training opportunities
- 12. Federal update for period ending October 10, 2008
- 13. Quarterly report of the activities of the NJ League of Municipalities
- 14. Legislative bulletin No. 6
- 15. Emergency CDBG Plan Amendment Process
- 16. Three issues:
 - a. Important conference session
 - b. COAH/Affordable Housing update
 - c. Levy cap waiver request to be considered
- 17. Important new information from the Division of LGS

AUDIENCE PARTICIPATION:

Cathy Bao Bean along with Mr. & Mrs. Barnes of what is now known as Main Street and formally was known as Route 661 came before the Committee to complain of the new naming. Mrs. Barnes reported that she had a non emergency where the police were called and they could not find the house. They have checked the GPS systems and it has this road listed as Wintermute Road of which they would now like to have the street renamed to Wintermute. It was decided after discussion, that the Mayor would speak with the State Police Commander and the 9-1-1 Coordinator to resolve this situation.

EXECUTIVE SESSION:

Motion was made by DeCarolis, seconded by Durling to enter into Executive Session with regard to Land Acquisition. All in favor. Motion was made by Desiderio, seconded by Durling to return to public session. All in favor. Motion was made by Desiderio, seconded by DeCarolis authorizing the attorney to prepare a revised contract for the Reisburg property. All in favor.

Motion was made by DeCarolis, seconded by Durling to enter into Executive Session with regard to potential litigation. All in favor. Motion was made by Desiderio, seconded by Durling to return to public session. All in favor. Motion was made by Desiderio, seconded by Durling to provide Mr. Boesze with legal representation. Roll call vote: Natyzak-Osadca-no, Desiderio-yes, Durling-yes, Charles-yes.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC

