

MINUTES OF MEETING OF NOVEMBER 17, 2009

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Tuesday, November 17, 2009 and was called to order at 7:30 pm 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 November 9, 2009.

ROLL CALL:

Those present were: Mayor Dale Durling, Deputy Mayor Frank Desiderio, Committeeman Debra Natyzak-Osadca (arriving at 8:40 p.m.), 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 and will not be heard until the January meeting.

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 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$50,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF was opened to the public on motion made by Boynton, seconded by DeCarolis. All in favor. There being no objections the meeting was closed to the public on motion made by Boynton, seconded by DeCarolis. All in favor. Motion was made by Boynton, seconded by DeCarolis to adopt said ordinance. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

RESOLUTIONS:

#2009-98 (Cancel 2009 property taxes)

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

WHEREAS, Block 801, Lot 10 was granted a totally disabled veteran exemption for part of 2009 and the original resolution was incorrect in the amount to be canceled, an additional amount of \$988.00 must be deemed uncollectible.

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

Motion was made by Boynton, seconded by DeCarolis to adopt said resolution conditional upon verification of figure by the Tax Collector. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-99 (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 DeCarolis to adopt said resolution. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-100 (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 17th day of November, 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 Desiderio, seconded by DeCarolis to enter into executive session. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

OLD BUSINESS:

With regard to the Reisburg property, Alan DeCarolis advised that he attended the Environmental Assessment company's inspection and located were a total of 5 dumps on the property with some of them consisting of tires, shingles, refrigerators, drums, etc. No action can be taken until the report is received. Mr. Wacks reported that his associate will go before the Planning board for the subdivision on December 7th. It was decided to hold off on the subdivision and ask the Planning board for an extension until January. Mr. Wacks will send a letter to Mr. Reisburg's attorney advising that there may be a problem with the report and asked for a three month extension of the contract.

A memo received from Committeeman Natyzak-Osadca was discussed. A meeting was held on November 11, 2009 with residents living in the Johnsonburg area to discuss the results of the survey that was sent with regard to the Main Street name and to get consensus from the 9-1-1 coordinators. After further discussion, it was decided on motion made by Boynton, seconded by DeCarolis to place at each end of Main Street along with signs at the end of Mill Road and Allamuchy Road signs stating "Formerly Route 661" Roll call vote: DeCarolis-yes, Boynton-yes, Desiderio-no, Durling-abstain.

The ordinance requested by Mayor Durling with regard to additional salaries by Committee members is on hold until the January 2010 meeting.

A quote received from L.J. Brill & Assoc., in the amount of \$875.00 to update and revise the survey on the Greene property was approved on motion made by Boynton, seconded by Desiderio. Roll call vote: DeCarolis-abstain, Boynton-yes, Desiderio-yes, Durling-yes.

Two letters, one from the Farmland Preservation Committee and the other from the Open Space Committee with regard to the agreement that the potential property owners pay 50% for their appraisals should they back out was discussed. The Farmland Committee has asked that this agreement be rescinded and the Open Space would like to keep the agreement in effect. After discussion, the consensus of the committee was that this agreement would stay in effect and no action be taken.

A memo received from Committeeman Natyzak-Osadca with regard to the town seal was read. Ms. Natyzak-Osadca received a figure of \$280.00 for a computer image to size without losing resolution of the details. Mayor Durling reported that he had taken the paperwork to the school for the 4th graders to work on. This has been put on hold.

Amy Hufnagel appeared before the Committee with a summary that will reduce the contribution originally requested in February for the Vass Farmstead at White Lake Recreation Consortium. The Hardwick Township Historical Society has scaled back and created specific programs for the now requested amount of \$1000.00. It was decided that the Committee would make the commitment at the next meeting and budget \$1000.00 for this program.

The Committee approved the change of the township dinner from the Hardwick House (which burned down over the weekend) to the Inn at Millrace Pond. Motion was made

by Desiderio, seconded by Boynton approving the change. Roll call vote: Natyzak-Osadca-abstain, DeCarolis=yes, Boynton=yes, Desiderio=yes, Durling=yes.

NEW BUSINESS:

Deputy Mayor Desiderio received approval to go for RFP (request for proposal) for municipal garbage pickup including pick up of recyclables. Committeeman DeCarolis suggest that this be a question for the ballot. Mr. Desiderio stated he only wants to get quotes before a decision will be made.

Deputy Mayor Desiderio listed roads in the township that should be speed zoned. Committeeman DeCarolis asked the cost and it was decided that he and the Deputy Mayor would work on this.

Deputy Mayor Desiderio also brought the condition of the 1986 F800 which is unsafe and needs to be replaced or sold. It was decided that Mr. Desiderio and Mr. DeCarolis would work out a solution.

The letter received from the Municipal Clerk on the personnel policy will be on hold for the December work meeting.

The letter from Planning Board engineer Joe Golden on inconsistencies in the checklists will be on hold for the December work meeting.

MINUTES:

The minutes of the meeting of October 21, 2009 were approved as amended on motion made by Desiderio, seconded by Boynton. All in favor. The minutes of the executive session of October 21, 2009 were approved on motion made by Natyzak-Osadca, seconded by Boynton. All in favor.

DEPARTMENT REPORTS:

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

Mayor Dale Durling's report:

Mayor Durling announced that the engineer will not be charging his monthly retainer due to having no work in the township.

Deputy Mayor Frank Desiderio's report:

Deputy Mayor Desiderio thought that there should be a municipal sign for current events erected either on the ball field property or in front of the municipal building. The Clerk was authorized to obtain 3 quotes with changeable letters, double and single sided and being fixed in the ground.

Mr. Desiderio brought up the Forest Management Plan which is a five year plan beginning in 2010. Since this plan begins in 2010 the township is not eligible for the \$7,000.00 stimulus money available along with the CEU's that he and Dan Harman received when they attended class. Mr. Desiderio spoke with Mr. Wycoff, head of the plan for the state, and he suggested we back date the plan to 2009. Robin Randolph and Nancy Nicholoff will rewrite the plan and apply for a grant for the stimulus money. on motion made by Boynton, seconded by Desiderio. All in favor.

Committeeman Debra Natyzak-Osadca's report:

Ms. Natyzak-Osadca asked if the letter regarding Main Street had been discussed and whether the approval of the mailing of a letter was approved. She would like to make

sure residents realize they have mailing address and a physical address which necessarily not be the same.

Ms. Natyzak-Osadca mentioned that the minutes of the meeting of February 12, 2009 and March 12, 2009 were not approved as yet. The Clerk will check out.

Committeeman Alan DeCarolis report:

Mr. DeCarolis asked about the property line monuments along the township property and the Barbour's property. It was decided that Mr. DeCarolis and Mayor Durling would work on it.

Mr. DeCarolis advised that he obtained a quote from Netcong tank for a clothing bin in the amount of \$80.00 along with checking out e bay. Mr. Desiderio advised that while in the area of Pattenburg he saw a clothing bin outside of the fire department. The Clerk will check into this.

Mr. DeCarolis asked if all of the board members had filed a financial statement disclosure form. The Clerk advised that there were still two members who had not filed. She was instructed to send a 2nd request.

Mr. DeCarolis asked what the occupancy of the meeting room was and asked that a sign be put up. The Clerk will check this out.

Committeeman David Boynton's report:

Mr. Boynton asked about the trailer that is parked in the lot at the intersection of Route 661 and Kerrs Corner Road. The Clerk explained that this trailer which is owned by John Angeleri was parked on Lackawanna Drive but due to complaints by neighbors, Mr. Angeleri tried to move it but the tires went flat and he left it on his lot. Since this trailer is unsightly, Mr. DeCarolis will contact Mr. Angeleri to have it removed.

Mr. Boynton advised that the webmaster asked if he could do a promotion article on a local business. It was decided to contact the attorney for his advice.

Mr. Boynton asked how the Clean Communities money is distributed. Ms. Natyzak-Osadca advised that non-profit organization sign up and get \$100.00 a mile.

Mr. Boynton had concerns over the issue that Committeeman Natyzak-Osadca was listed as a reporter in the new newspaper. He felt it was inappropriate for to be a part of any executive session.

Municipal Clerk's report:

The Clerk advised that the Road Foreman will be taking vacation days of November 20 through November 29th. Motion was made by Desiderio, seconded by Boynton approving the vacation days. All in favor.

Attorney Edward Wacks report:

Mr. Wacks reported that issues still need to be resolved with regard to the Greene property, however, he and the Greene's attorney is working it out.

Engineer Paul Sterbenz informed him that a tree stump was inserted in a drain pipe on State Park Road. Mr. Wacks sent the property owner a letter asking them to remove the stump and since then it has been removed. Mr. Wacks is also working with the Zoning Office with regard to ongoing issues. He reported that the construction official issued a stop order on Michael Burn's property but has since been lifted.

Mr. Wacks asked the Committee to think about changing sections of ordinances pertaining to non conforming uses.

BILLS-Please see schedule attached.

CORRESPONDENCE:

- Revised zone boundary line map for Reisburg property
E mail letter from resident of Independence Re: Highlands
NJ Transit Re: Driver Education Safety Program
Wacks & Hartmann Re:
 1. Letter to Marc Pillus
 2. Stop order work rescinded
Warren County Dept of Public Safety Re: JCP&L important functions
NJDEP Re:
 1. Lake Wasigan-inspection of dam
 2. Wetlands general permit on Block 1501, Lot 7
 3. Hazardous discharge notice on Block 104, Lot 11.04
 4. permit application for Forest Manor Retirement Home
Morris County Municipal Joint Ins. Fund Re:
 1. Loss Control report
 2. Elected officials training seminars
Maser Consulting Re: Copy of minutes of preconstruction conference on State Park Rd
Township of Green Re: Land Use Amendment-Ordinances 09-18, 09-19 & 09-20
Township of Green Re: Notice of amendment to master plan
Township of Hardwick Re: Land use amendment-Ordinance #2009/05
Superior Court of New Jersey Re: annual visitation of Frelinghuysen Municipal Court
New Jersey State League of Municipalities:
 1. Newly Elected Officials handbook order form
 2. Federal trade commission delays red flag rule
 3. Legislative bulletin No. 4
 4. Four Issues:
 a. Important conference sessions land use issues
 b. League's consulting period on general municipal topics
 c. Update of furloughs
 5. Two Issues:
 a. Important conference sessions unique "Basic Training" opportunity
 b. H1N1 update
 6. November Mayors Newslines
 7. Two Issues:
 a. Important conference sessions dealing with the economic crisis
 b. EECBG stimulus funding opportunity
 8. Four Issues:
 a. H1N1 update-three parts:
 1. National conference call
 2. State H1N1 weekly announcement
 3. Fraudulent H1N1 products searches
 b. Biweekly federal update period ending October 16, 2009
 c. Important conference sessions-ethics
 d. Visit our interlocal advisory center
 9. Three Issues:
 a. Important conference sessions state and federal policy review
 b. Information for Mayors on 94th league annual conference
 c. H1N1 update conference call
 10. Two Issues:
 a. Biweekly federal update period ending October 30, 2009
 b. November grant page posted

AUDIENCE PARTICIPATION:

Dan Kohuth inquired about the Planning Board survey and is it on the website. He also asked why the Committee was reluctant to support the Vass Farmstead when the Committee supports sport programs.

EXECUTIVE SESSION:

Motion was made by Desiderio, seconded by DeCarolis to enter into executive session with regard to land acquisition. All in favor. Motion was made by Boynton, seconded by Desiderio to return to public session. Upon returning, motion was made by Desiderio, seconded by Natyzak-Osadca to approach the property owner for an asking price. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-no, Boynton-no, Durling-no.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC