

MINUTES OF MEETING OF DECEMBER 16, 2009

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, December 16, 2009 and was called to order at 7:45 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.

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.

Mayor Durling and Committee members thanked Debra Natyzak-Osadca for her service to the township and she received a round of applause.

EXECUTIVE SESSION:

Motion was made by Boynton, seconded by Desiderio to enter into Executive Session with regard to land acquisition and possible litigation at 7:00 p.m. Upon returning to public session, Mr. Wacks announced that there were three issues discussed in executive session. One dealt with whether the Committee should continue with the purchase of the Reisburg property as there are some environmental issues. The attorney advised that there is a provision in the contract that allows the township to withdrawn without any concerns whatsoever but this has to be done by December 31st. Motion was made by Desiderio, seconded by Boynton to withdrawn from the Reisburg contract using paragraph 13b. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes. The next issue was the Board of Adjustment lawsuit with regard to the Finch application. The question was whether the Committee wished to have Board attorney Mr. Palmer handle the matter or whether they wished to have special counsel. It was decided to have Mr. Palmer be given the first opportunity to defend the Board of Adjustment and if Mr. Palmer felt he was conflicted in any way, Mr. Brady would then be asked. This was approved on motion made by Boynton, seconded by Desiderio. All in favor. The last issue was the ongoing Kids Camp litigation. Mr. Wacks updated the Committee and there is no need to discuss further.

RESOLUTIONS:

#2009-101 (Setting Executive Session)

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

WHEREAS, under the Open Public Meetings Act (numbers 5 & 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 16th day of December, 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 Desiderio to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-102-(Support Food Alliance)-on hold

#2009-103: (Lien Redemption)

WHEREAS, Lien Times, LLC acquired a lien against Block 701, Lot 18.14 at the Tax Sale held October 20, 2009 (Certificate #2009-01). Roy Leibowitz, the owner of said property has paid the amount to redeem the lien.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to issue a check in the amount of \$26,599.07 to Lien Times, LLC

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

#2009-104 (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 Desiderio to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-105 (Transfer resolution)

WHEREAS, there are insufficient funds to meet the demands necessary for the 2009 balances in: General Administration O&E, Roads O&E, Telephone, Administration S&W, Roads S&W, Social Security, Diesel Fuel, Zoning Officer S&W, and Plumbing Inspection S&W; and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Roads S &W, Recreation O&E, and Contingent \$740.05.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that in accordance with the provisions of R.S.40A:4-58, the Chief Finance Officer is hereby authorized to make the following transfers:

To:

General Administration O&E	2,000.00
Roads O&E	15,000.00
Telephone	1,000.00
Diesel Fuel	300.00
Zoning Officer S&W	240.00
Plumbing Inspection S&W	.05
Social Security	1,000.00
Administration S&W	21.00
Roads S&W	<u>1,370.00</u>
	20,931.05

From:

Roads S&W	18,300.00
Contingent	740.05
Recreation O&E	<u>1,891.00</u>
	20,931.05

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

#2009-106 (Clean Communities)-on hold

#2009-107 (Setting Executive Session)

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

WHEREAS, under the Open Public Meetings Act (number 7 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 16th day December, 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 Boynton to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

PROCLAMATIONS:

Mayor Durling and the Township Committee recognized the dedication and commitment of the Citizens Emergency Response Team (CERT).

Mayor Durling and the Township Committee proclaimed Radon Action Month for January 2010.

OLD BUSINESS:

The speed limit information received from the Municipal Engineer is on hold.

The Clerk presented a quotation for an information sign to be erected on the corner of Main Street and Route 661 in the amount of \$4,975.00. The Committee decided to hold for additional prices.

NEW BUSINESS:

The resignation received from Shelley Scoleri from the Environmental Commission was accepted with regret on motion made by DeCarolis, seconded by Boynton. All in favor. The Clerk was instructed to send a letter of thanks to Ms. Scoleri.

The resignation received from James Banta from the Farmland Preservation Committee was accepted with regret on motion made by Boynton, seconded by DeCarolis. All in favor. The Clerk was instructed to send a letter of thanks to Mr. Banta.

MINUTES:

The minutes of the regular meeting of November 17, 2009 were approved as amended on motion made by Natyzak-Osadca, seconded by Boynton. All in favor. The minutes of the executive session of November 17, 2009 were approved on motion made by Boynton, seconded by DeCarolis. All in favor. The minutes of the work meeting of December 10, 2009 were approved on motion made by Boynton, seconded by DeCarolis. All in favor. The minutes of the January 14, 2009 were approved on motion made by Natyzak-Osadca, seconded by Boynton. All in favor. The minutes of the budget meeting of February 12, 2009 was approved on motion made by Boynton, seconded by DeCarolis. All in favor. The minutes of the work meeting of March 12, 2009 were approved on motion made by 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, Construction Office, Municipal Court were approved on a consent agenda motion made by Boynton, seconded by DeCarolis. All in favor.

Mayor Dale Durling's report:

Mayor Durling reported that he and the Road foreman attended a meeting on shared services and saw what was available for the road departments along with thanking Marty Conner for the work he has done on the Board of Utilities regarding Cable TV.

Deputy Mayor Frank Desiderio's report-none

Committeeman Alan DeCarolis report-none

Committeeman Debra Natyzak-Osadca's report:

Ms. Natyzak-Osadca stated that she wanted to get more accomplished in the 6 years she has been on the Committee and suggested that when the township has the opportunity to apply for grants they do so. She will continue following up on the census but need a Committee member to help her. Mayor Durling thanked her again for the work she has done on the Committee.

Committeeman David Boynton's report:

Mr. Boynton thanked Jim Banta for the fine job he has done on the Farmland Preservation Board; announced that the township dinner will be held on December 12th at the Inn at Mill Race Pond in Hope; the Recreation Committee will be organizing the Casino Night shortly; the Christmas tree lighting at the school will be held on December 2nd; the township will not be getting all the municipal aid that was promised by the State and because of this cuts will be discussed at budget meetings.

Attorney Edward Wacks report:

Mr. Wacks felt that the website is doing a good service for the community but felt that by putting local business on the website there are several concerns such as conflicts of interest and who set the controls. It was decided to not add the businesses.

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 Newsline
7. Two Issues:
 - a. Important conference sessions dealing with the economics 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:

Jean Smolha advised the Committee that the Warren County Historic Commission did not approve funding for Kids Camp as the group is out of the community.

Robin Randolph, on behalf of the Open Space Committee and as a resident thanked Debra for her time, dedication and perseverance; gave an update of the Forestry plan which was sent to Trenton and will need the Mayor's and Mr. Desiderio signature for the amended plan.

Amy Hufnagel asked if the amendment to the March 18th meetings have been revised and put on the website. She was advised that this had been done. She asked how long the minutes would be on the website, are they archived and can they be kept for more than a year; asked for the update on the Substantial New Jersey which was brought up in March and asked to serve on this team. Committeeman DeCarolis advised that the Environmental Commission is working on this; there was no report from anyone who attended the New Jersey League of Municipalities. Committeeman DeCarolis reported that he attended; the municipality should look into rent-your-roof solar power; the road signs on Main Street were not lexicon as they were facing different directions. Mr. DeCarolis will look into this; thought the Clean Communities clean up of roads should be advertised on the website and asked for a clarification on the comment made about buying votes for an individual.

Mr. James Boland thanked Debra for the service to the town during her time on the committee and asked why the town is dropping out of the purchase of the Reisburg property.

Marty Connor asked why there are discrepancies on the recycling information on the website.

EXECUTIVE SESSION:

Motion was made by Desiderio, seconded by Boynton to enter into Executive Session with regard to contract negotiations. All in favor. Motion was made by Boynton, seconded by Desiderio to return to public session. All in favor. The attorney reported that the Committee is continuing to pursue the possibility of shared services with other municipalities.

NEW BUSINESS:

Deputy Mayor Desiderio asked if there should be a time limit on audience participation. The attorney stated that the Committee could allow 10-15 minutes, however, they should ask to be put on the agenda.

The reorganization meeting was scheduled for Tuesday, January 5, 2010 at 4:00 p.m.

ADJOURNMENT:

There being no further business the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC