

MINUTES OF MEETING OF DECEMBER 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 January 3, 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.

ORDINANCES:

AN ORDINANCE (#2008-18) AMENDING ORDINANCE #2008-12 TO INCLUDE CONSTRUCTION, REVOVATION, AND DEMOLITION MATERIAL IN THE RECYCLING PROGRAM was opened to the public on motion made by Durling, seconded by Desiderio. All in favor. Motion was made by Durling, seconded by Desiderio to close the public session. All in favor. Motion was made by Durling, seconded by Desiderio to adopt said ordinance. Roll call vote: Natyzak—Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

RESOLUTIONS:

#2008-99:

WHEREAS, the Assessor has discovered an error in the Tax Book of the Township of Frelinghuysen, County of Warren, State of New Jersey; and

WHEREAS, the Assessor of the Township of Frelinghuysen during his course of work has discovered that the following error that occurred in 2007 on the following: Block 701, Lot 18.03.

WHEREAS, this said line item was assessed incorrectly in the Tax Book for \$398,400 and should \$387,100 which reflects a reduction in the 2007 taxes in the amount of \$85.85.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen relieve the Tax Collector from collecting taxes other than the corrected assessment on this block and lot.

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

#2008-100:

WHEREAS, the New Jersey Farmland Assessment Act of 1964 permits farmland and woodland activity devoted to an agricultural or horticultural use to be assessed at its productivity value; and

WHEREAS, to be eligible for Farmland Assessment, land activity to agricultural or horticultural use must have not less than 5 acres and meet the eligibility requirements; and

WHEREAS, Senators Beck and Sweeney have introduced bill S-2118 to revise certain provisions of the Farmland Assessment Act; and

WHEREAS, this bill would increase the gross sales of agricultural or horticultural products produced from \$500.00 per year to \$1,000.00 per year; and

WHEREAS, this bill would be detriment to local farmers and would encourage people to sell their property, which would have a negative impact on open space and farmland preservation; and

WHEREAS, this bill places additional constraints and regulations on agricultural and horticultural.

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

1. The Mayor and Committee of Frelinghuysen Township oppose Senate Bill No. S-2118 for the reasons set forth above.

2. A copy of this resolution be sent to Governor Jon Corzine, as well as the President of the New Jersey Senate, District 23 State Senator Leonard Lance, and District 23 Assembly Representatives Michael J. Doherty and Marcia A. Karrow.

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

#2008-101:

WHEREAS, a resolution is required by the Tax Collector to refund 2008 overpaid taxes; WHEREAS, Anthony Miccio, owner of Block 601, Lot 11 applied for and was granted a veteran deduction for 2008. He paid his 2008 taxes as billed and is now entitled to a \$250.00 refund, the amount of his deduction.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to refund an amount of \$250.00 to Anthony & Barbara Miccio.

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.

#2008-102

WHEREAS, it is the policy of the Township of Frelinghuysen to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations, and to keep Frelinghuysen Township employees informed as to all relevant aspects of their employment; and

WHEREAS, the Frelinghuysen Township Committee has determined that there is a need for revised personnel policies and procedures to ensure that employees and prospective employees are so treated.

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

1. The Employee Policies & Procedures Manual (the "Manual") attached hereto is hereby adopted.

2. A copy of the manual shall be distributed to all Frelinghuysen Township employees and officials.

3. The Manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of the Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Frelinghuysen Township Mayor and Committee.

4. This resolution shall take effect according to law.

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.

#2008-103-on hold for meeting of December 30, 2008

#2008-104:

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.

#2008-105-Urging the New Jersey Legislature to Support the Municipal Revenue Restoration Act of 2008. Motion was made by Natyzak-Osadca to adopt. No second.

#2008-106

WHEREAS, a Joint Municipal Court may be established by ordinance pursuant to N.J.S.A. 2B:2-12-1 et seq.; and

WHEREAS, N.J.S.A. 2B:12-1 authorizes the formation of a joint municipal court providing an agreement is entered into by all of the participating municipalities, and further provided that such agreement is filed with the Administrative Director of the Courts; and

WHEREAS, on or about February 21, 2007 the Township of Frelinghuysen entered into an "Agreement for Inter-Municipal Court" with the Townships of Hope, Liberty, Hardwick and Blairstown; and

WHEREAS, that agreement provides that any member of the Joint Municipal Court formed there under could withdraw at the end of the calendar year, provided that on or before July 1st of the year the member municipality has given the Municipal Court of North Warren at Hope and each member thereof written notice of its intention to withdraw; and

WHEREAS, the Mayor and Committee have determined that by entering into an agreement with Knowlton Township and terminating the existing agreement with the Townships of Hope, Liberty, Hardwick and Blairstown, Frelinghuysen Township will receive more economical and efficient municipal court services.

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

1. The Mayor and Clerk are hereby authorized and directed to enter into an agreement for inter-municipal court services with the Township of Knowlton. Upon execution in full, the Clerk is directed to file that agreement with the Administrative Director of the Courts.
2. A copy of the agreement shall be filed and be open to public inspection at the Frelinghuysen Township Municipal Building.
3. The Mayor, Clerk and Township Attorney are authorized to take any steps reasonably necessary to terminate the February 21, 2007 agreement for inter-municipal court between Frelinghuysen Township and the Townships of Hope, Liberty, Hardwick and Blairstown, and to provide the notice required in connection therewith.
4. Paragraphs 1 and 2 of this Resolution shall be deemed null and void unless the Township of Knowlton also adopts a resolution within sixty days of the date hereof authorizing entry into the said agreement with Frelinghuysen Township.
5. This resolution shall take effect according to law.

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.

#2008-107:

WHEREAS, there are insufficient funds to meet the demands necessary for the 2008 balances in: General Admin S&W, Tax Collector O&E, Building Sub Code S&W, Zoning Officer S&W, Road O&E, Gasoline, Social Security, Fuel Oil, Court, Legal and Welfare; and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Engineering O&E, Planning Board S&W, Plumbing O&E, Contingent and Buildings and Grounds.

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 Admin S&W | 200.00 |
| Tax Collector O&E | 30.00 |
| Building Sub Code S&W | 1,510.00 |
| Zoning Officer S&W | 95.00 |
| Road O&E | 3,000.00 |
| Gasoline | 3,000.00 |
| Social Security | 4,000.00 |
| Fuel Oil | 1,500.00 |
| Court | 6,710.00 |
| Welfare | 500.00 |
| Legal | <u>2,000.00</u> |
| | 22,545.00 |

| | |
|---------------------|-----------------|
| From: | |
| Engineering O&E | 3,000.00 |
| Planning Board S&W | 3,000.00 |
| Plumbing O&E | 4,835.00 |
| Contingent | 7,500.00 |
| Buildings & Grounds | 1,710.00 |
| Liability | <u>2,500.00</u> |
| | 22,545.00 |

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.

PROCLAMATIONS:

A Proclamation proclaiming Mayor Thomas Charles service to the Township was read and at this time the meeting was adjourned in order to present Mayor Charles with a plaque, gift certificate and coffee and cake.

OLD BUSINESS:

The letter announcing that the Warren County Pollution Control Financing Authority is offering a new program in 2009 for township cleanups to be brought to the landfill by the residents. After discussion, motion was made by Desiderio, seconded by DeCarolis to hold for further review and discuss at the January work meeting. All in favor.

With regard to the Interlocal Municipal Court agreement, Mr. Wacks will talk to the Knowlton Court along with the State Police and 9-1-1 center to notify them that we are now joining the Knowlton Court.

The 2009 insurance proposals were discussed; motion was made by Durling, seconded by DeCarolis to hold a special meeting in order to have the insurance agents attend for further information and questions. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-no, Durling-yes, Charles-no. Motion was then made by Desiderio, seconded by Charles to accept the Tri-State proposal. Roll call vote: Natyzak-Osadca-no, DeCarolis-no, Desiderio-yes, Durling-no, Charles-yes. The meeting will be held on December 30th at 4:00 p.m.

The Clerk advised the Committee that she received a response from Service Electric on the problem a resident on Kerrs Corner Road had. Service Electric advised that a survey was completed July 7th of this year and after reviewing the information the area did not meet their requirement to build. The Clerk was instructed to send a copy of this letter to the resident.

Cathy Bao Bean and several other residents of Main Street appeared before the Committee asking for a new ordinance to rename Main Street to Wintermute and gave a letter summarizing the reasons. Mayor Charles reported that after they attended the last meeting he checked with 9-1-1, Police and fire services and they now have the right information entered. He also advised that Maser Consulting is going to have the GPS information changed to reflect Main Street and will be at the January meeting to go over this with the Committee. Motion was made by Durling, seconded by Desiderio to leave old Route 661 stay as Main Street at this point. Roll call vote: Natyzak-Osadca-yes, DeCarolis-no, Desiderio-yes, Durling-yes, Charles-yes.

A memo received from the Zoning Officer requesting reimbursement for both the time and mileage he spent while in court on December 9th was discussed. The Clerk advised that when Mr. Boesze did additional time in July he was paid \$100.00 plus \$99.99 for mileage. Motion was made by Desiderio, seconded by Durling to reimburse Mr. Boesze at his current rate. Roll call vote: Natyzak-Osadca-yes, DeCarolis-abstain, Desiderio-yes, Durling-yes, Charles-yes.

Since the Clerk was also subpoenaed, motion was made by Desiderio, seconded by Durling to reimburse her at her hourly rate. Roll call vote: Natyzak-Osadca-yes, DeCarolis-abstain, Desiderio-yes, Durling-yes, Charles-yes.

NEW BUSINESS:

A letter of resignation received from Donna Marie from the Planning Board was accepted with regret on motion made by Desiderio, seconded by Durling. All in favor. The Clerk was instructed to send Ms. Marie a letter of thanks.

The Mayor appointed Christopher Calcagne and Michael Staufenberger to the Planning Board. (Note: Since there was only one opening on the Planning Board, Mr. Calcagne was appointed and Mr. Staufenberger will be appointed in January when there is an opening).

James Drylie, Emergency Management Coordinator advised the Committee of a grant for construction projects or renovations projects, however, the larger municipalities have the advantage of obtaining these bids and due to the size Frelinghuysen would have no chance. Mr. Drylie went on the state that the CERT program he ran was a success and will be having another program in the spring.

MINUTES:

The minutes of the meeting of November 17, 2008 were approved as corrected on motion made by Durling, seconded by DeCarolis. All in favor. The minutes of the executive session of November 17, 2008 were approved on motion made by Natyzak-Osadca, seconded by Durling. All in favor. The minutes of the work meeting of December 11, 2008 were approved on motion made by Desiderio, seconded by Durling. All in favor.

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Tax Collector, Dog Licensing Official, 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 on a meeting to be held on the outdoor wood boilers and that there is a movement by the NJDEP to outlaw them. Committeeman Durling thought that we should look into preparing an ordinance to regulate the boilers. Committeeman DeCarolis advised that the Planning Board is in the process of reviewing model ordinances and will make recommendations to the Committee.

Mayor Charles recommended that we consider writing a letter to Hope Township Mayor McDonough recognizing his new appointment as NJ State League of Municipalities President for 2009.

Mayor Charles asked the Committee to consider a letter supporting the Merk bill A-3510 which repeals the COAH laws. Motion was made by DeCarolis, seconded by Durling authorizing the Mayor to send the letter. All in favor.

Committeeman DeCarolis report:

Committeeman DeCarolis advised that he and Committeeman Desiderio had attended the CERT program and both are certified.

Committeeman Desiderio's report:

Committeeman Desiderio reported that the Geo melt is working great on the roads and will be a great savings. He along with the Committee thanked the road department for the great work they have been doing.

Committeeman Durling's report:

Committeeman Durling reported that he received the sidewalk plans back from the Barbour's but there were several issues that need to be addressed and he will be in contact with Mr. Sterbenz.

BILLS:

See schedule attached to minutes.

CORRESPONDENCE:

NJ Dept. of Agriculture Re: Planning Incentive grant program

NJ Highlands Re: Master Plan copy

Warren County Clerk Re: Vegetation Management

NJ General Assembly Re: Municipal aid

Frelinghuysen Township Zoning Officer Re: Memo on repair to existing wall

Township of Green Re: Adoption of Housing Element & Fair Share Plan

Township of Blairstown Re: Adoption of Housing Element & Fair Share Plan

Township of Stillwater Re: Adoption of Housing Element & Fair Share Plan & Ordinance
#2008-10

Township of Hope Re: Adoption of Housing Element & Fair Share Plan

Township of Hardwick Re: Resolution supporting Bill No. A4021

Nature Conservancy Re: Notice of Green Acres Public Hearing

NJDEP Re:

- a. Substance discharge notification
- b. Notice of public hearing
- c. Radon Action Month

U.S. Census Re: Boundary & Annexation survey (given to the Mayor)

NJ General Assembly Re: Copy of letter sent to Highlands Council

NJDOT Re: Notice of receipt of 2009 grant

Warren County Planning Dept. Re: Recycling Coordinator Certification

North Jersey Transportation Planning Authority Re: Final version of the FY 2009-2012
Transportation Improvement Program

Maser Consulting Re: South Street Pond project

New Jersey State League of Municipalities Re:

- a. Property Tax Relief-Act now to influence next state budget
- b. Two Issues:
 1. Volunteers needed for community emergency response teams
 2. A-2243 (Time limits on mediation & fact finding)
- c. Three Issues:
 1. Pension payment deferral details
 2. Governor's conference on workforce & economic development
 3. Conference handouts posted online
- d. Four Issues:
 1. December grant page posted
 2. League Professional development seminar: Dealing with State Contracts & Law not within local public contracts law
 3. League Professional development seminar-Labor & Employment
 4. New Jersey Municipalities
- e. Newly Elected Officials handbook
- f. Legislative bulletin Re: No. 7
- g. Four Issues:
 1. Invitation to attend 17th annual Mayor's legislative day
 2. Draft flood hazard area technical manual released with 30 day Invitation for comments
 3. League Executive Board adopts resolution support MAINSTREET Economic stimulus priorities
- h. Two Issues:

1. Federal efforts on economic recovery
2. S-7 hearing tomorrow (pension payment deferral)

AUDIENCE PARTICIPATION:

Marty Connor thanked the Committee for their interest and participation in attending the Board of Adjustment meeting with regard to Kids Camp and asked the Committee if they were aware that complaints had been filed with the Zoning Officer. He also stated that he read in the newspaper that a grant had been given for the Hess Road Bridge. He was advised that the county has jurisdiction on bridges.

Dan Kohuth asked the status of the South Street project and was advised that the Mayor and Committee Desiderio attended a meeting in Trenton in September and changes need to be made to the plans.

Fran Muller stated that she will ask Charles Muller, the 9-1-1 coordinator to check out the 9-1-1 calls that Cathy Bao Bean claimed that she made. Motion was made by Desiderio, seconded by Durling to have Mr. & Mrs. Muller set up a date to do 9-1-1 tests for which certified letters will be sent to the residents who are having problems. All in favor.

Loren Greco asked about the missing tree on the Barbour's sidewalk plan.

Dan Kohuth stated that he was disappointed to read in the minutes that the reason the township did not go further with the Jensen matter was due to cost.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC

