

MINUTES OF MEETING OF DECEMBER 19, 2007

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 8, 2007.

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Route 661, Johnsonburg, New Jersey and was called to order at 7:30 p.m. by Mayor Charles.

Those present were: Mayor Thomas Charles, Committeeman David Boynton, Committeeman Debra Natyzak-Osadca, Attorney Edward Wacks, Engineers Paul Sterbzen and Paul Niehoff and Clerk Brenda Kleber.

A plaque was presented to Committeeman David Boynton for his many years of service to the township. Mr. Boynton gave a speech stating that it was an honor serving for 9 years on the Committee.

ORDINANCES:

AN ORDINANCE (#2007-14) AMENDING SECTION 15-1 ENTITLED "THE RIGHT TO FARM" was opened to the public on motion made by Boynton, seconded by Natyzak-Osadca. All in favor. Motion was made by Boynton, seconded by Natyzak-Osadca to close the public discussion on the ordinance. All in favor. Motion was made by Boynton, seconded by Natyzak-Osadca to adopt said ordinance with corrections. Roll call vote: Natyzak-Osadca-yes, Boynton-yes, Charles-yes.

ORDINANCE (#2007-17) OF THE FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE REVISING SECTION 704A OF THE FRELINGHUYSEN TOWNSHIP LAND USE ORDINANCE CONCERNING PLANNING BOARD MEMBERSHIP was opened to the public on motion made by Boynton, seconded by Natyzak-Osadca. All in favor. Motion was made by Boynton, seconded by Natyzak-Osadca to close the public discussion on the ordinance. All in favor. Motion was made by Boynton, seconded by Natyzak-Osadca to adopt said ordinance. All in favor. Roll call vote: Natyzak-Osadca-yes, Boynton-yes, Charles-yes.

RESOLUTIONS:

#2007-89:

WHEREAS, N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen, in the County of Warren, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$3,500.00, which is now available from ANJEC in the amount of \$3,500.00.

BE IT FURTHER RESOLVED, that the like sum of \$3,500.00 is hereby appropriated under the caption Inventory of Conservation Easements; and

BE IT FURTHER RESOLVED, that the above is the result of funds from ANJEC in the amount of \$3,500.00.

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

#2007-90:

WHEREAS, a resolution is required by the Tax Collector to refund one overpaid tax for 2007; and

WHEREAS, Kenneth J. Sr. & Jo Andrea Lindsay had delinquent 2006 taxes on their property known as Block 801, Lot 7.04. They are now paid up to date. The State sent their 2006 homestead rebate to the township and they have requested a refund of their rebate.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the Treasurer is hereby authorized to refund an amount of \$1,791.33 to Kenneth J. Sr. & Jo Andrea Lindsay.

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

#2007-91:

WHEREAS, a resolution is required by the Tax Collector to cancel 2007 taxes on the following properties as they are uncollectible, and

WHEREAS, two properties owned by the Township of Frelinghuysen have taxes that must be canceled as listed below:

Block 203, Lot 31Q0147	\$579.39
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Block 402, Lot 16	95.48
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NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the above taxes be cancelled of record as they are deemed uncollectible.

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

#2007-92:

WHEREAS, a resolution is required by the Tax Collector to refund one overpaid tax for 2007; and

WHEREAS, First American R.E. Tax Service paid an erroneous amount for 4th quarter taxes on Block 801, Lot 7.04, which created an overpayment of their 2007 taxes.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the Treasurer is hereby authorized to refund an amount of \$1,791.33 to First American R.E. Tax Service.

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

#2007-93:

WHEREAS, the Frelinghuysen Township PTO has applied for a raffle license to conduct a Tricky Tray, a 50/50 raffle and a lottery raffle at the Frelinghuysen Township Elementary School on February 1, 2008 consisting of applications #07-04, #07-05 and #07-06; and

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

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 applications #07-04, #07-05 and #07-06 are hereby approved.

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

#2007-94:

NOW, THEREFORE BE IT RESOLVED, that the transfer of license #2106-33-005 is hereby approved subject to receipt of application and consent by the New Jersey Alcoholic Beverage Control Commission and further provided that if no consent of application is received by 6/30/08, this resolution approval of the transfer of license #2106-33-005 shall be deemed null and void and the license not approved for transfer.

BE IT FURTHER RESOLVED, that if such approval from New Jersey Alcoholic Beverage Control Commission is not received in a timely manner as stated above, the applicant shall have the right to apply for a reasonable extension of this resolution (See January 16, 2008 minutes)

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

#2007-95

WHEREAS, there are insufficient funds to meet the demands necessary for the 2007 balances in: Road Maintenance S&W, Buildings and Grounds O/E, Solid Waste Collection O/E, Liability Insurance, Telephone and Recreation O/E; and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Assessment search S&W, General Admin. O/E, Rev Admin (Tax Collector) S&W, Building sub-code official S&W and Road Maintenance O/E.

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:

Road Maintenance S&W	8,632.00
Buildings and Grounds O/E	1,000.00
Solid Waste Collection O/E	1,000.00
Liability Insurance	1,616.00
Telephone	1,740.00
Recreation	<u>1,000.00</u>
	14,988.00

From:

Assessment search S&W	1.00
General Admin O/E	500.00
Rev Admin (Tax Coll.) S&W	215.00
Building sub-code official S&W	900.00
Road Maintenance	<u>13,372.00</u>
	14,988.00

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

#2007-96:

WHEREAS, it is necessary to discuss items dealing with Possible 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 19th day of December 2007 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 Natyzak-Osadca to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, Boynton-yes, Charles-yes.

#2007-97:

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

#2007-98:

WHEREAS, Frelinghuysen Township has a need to acquire a truck for use by the Township's Road Department, and the Township has learned that the Township of Chester has available a 1998 Ford Sterling dump truck (the "Truck"); and

WHEREAS, Chester Township is willing to sell the Truck to Frelinghuysen Township for the sum of \$15,500.00, which, based on the Township's investigation, is less than the Truck would cost if purchased from dealership; and

WHEREAS, this purchase is exempt from the requirement of public advertising for bids and bidding therefore pursuant to N.J. S.A. 40A:11-5, and good cause having been shown.

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

1. The purchase of the Truck from Chester Township at the price of \$15,500.00 is hereby approved.

2. This Resolution shall take effect according to law.

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

OLD BUSINESS:

A letter received from Warren County Engineer David Hicks was read advising that he is not interested in considering Dutch Hill in the Ackerson Road exchange. It was decided by the Committee that they would proceed with the exchange of Main Street and Route 661 to the Route 519 intersection without Dutch Hill.

The Clerk reported on her findings with regard to the Gypsy Moth survey. If a single application is selected the cost would be \$23,782.32 (603 acres X \$39.44). There will be a 50% reimbursement after the program is over which will be in July and only if federal money is available. The Committee decided to hold this over for discussion at budget meetings.

Committeeman Natyzak-Osadca gave an update of the Farmland Preservation Plan. Morris Land Conservancy presented a CD of the plan at a cost of \$10,000.00 for the plan. This plan has been completed and submitted to the State. The project area and summary form now needs to be submitted within 7 days. Committeeman Natyzak-Osadca felt a special thank you should be sent to the Farmland Preservation Committee for the many hours they spent on the update.

Committeeman Natyzak-Osadca gave an update on Emergency Management. Frelinghuysen Township is one of the few that has completed the flood mitigation report and can now get funds to mitigate. The only suggestion was to correct South Town Road to South Street.

NEW BUSINESS:

Nancy Nicholff, member of the Open Space Committee needed approval to submit a grant in the amount of \$3,000.00 to use against the consulting fees for a forester to develop a plan for development of a community forestry management plan. Motion was made by Boynton, seconded by Natyzak-Osadca approving the submission of the grant. All in favor. Ms. Nicholff was thanked for her effort.

A letter received from the Frelinghuysen Township Environmental Commission requesting that the Township attorney send a letter to the owner of the superfund site located on Greendell road in order to determine what has been done recently on that site. Committeeman Boynton advised that he made a contact with a person within the NJDEP and will have a report in a month. The Clerk was instructed to send a letter advising that the Committee is in the process of obtaining information from Mr. Boynton and if not informative we will then authorize the attorney to send the letter.

DEPARTMENT REPORTS:

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

Mayor Thomas Charles report:

Mayor Charles advised that he would like funds from the Public Events line item to purchase cookies or snacks for the State Police as a thank you for all their help. Approval was given by the Committee.

Mayor Charles thanked the Road department for their dedication and hard work during the snow storms we are having.

Mayor Charles also thanked the Open Space Committee for their purchase of a pole saw for the Road department.

Mayor Charles reported that the office hours would be 9-12 for Christmas eve and New Years eve.

Mayor Charles reported that he spoke to Colts Neck Committee member, regarding COAH obligations. They propose forming a coalition of similarly situated towns to press COAH to address the obligations. This coalition would require each township to commit a fairly small amount to a fund for taking the appropriate legal action to obtain a determination. Mayor Charles stated that the cost would be half of a million dollars to litigate. Our share would be \$20,000.00 per year for about 5 years. It was decided to refer this to the new committee.

Committeeman David Boynton's report:

Committeeman Boynton advised that he will turn over all of the paperwork he has on the insurance company's inspection to the Committee person who takes over the insurance.

Committeeman Boynton encouraged the Planning Board to consider the solar ordinance for adoption.

Committeeman Debra Natyzak-Osadca's report:

With regard to the Recreation Complex, Committeeman Natyzak-Osadca would like more input from the residents and a meeting will be set up in January or February.

Committeeman Natyzak-Osadca felt that the Farmland Preservation Committee should be commended on the great job they did for the PIG plans.

Attorney Edward Wacks report:

Mr. Wacks felt that Ordinance #2007-15 (non-conforming lots) should not be adopted as he did some research and determined that when a use is destroyed an ordinance can not give an okay to be re-built and they should go to the Board of Adjustment for a variance. Mr. Wacks will contact Planning Board attorney Mr. Lavery to discuss further.

Mr. Wacks reported on the terms of an engineer as the question was brought up prior to the meeting. A municipal engineer terms is 3 years unless provided by law. The Planning Board engineer is an at will appointment.

Engineers Paul Sterbenz and Paul Niehoff's report:

With regard to the status of the SHPO application to allow for sidewalks to be extended on Main Street to the Municipal Complex, they have been filed by the County and are being reviewed by SHPO.

The status of the State Park Road Phase 2 municipal aid project is that the plans and specifications have been done. Paul Niehoff will submit the plans on Friday and will meet the requirements. Mr. Niehoff will meet with the road department with regard to the culverts. The goal is to begin in the spring.

The status of the South Street pond improvement project is that the two phases have been completed (wetlands delineation & topo). The engineers would like to meet with the Mayor to discuss the berm issue.

The status of the Recreation complex is that it has been taken as far as they can. The next step is the drainage work.

The review of the Gurba right-of-way vacation is that the cost has been presented and until they hear from Mr. Gurba there will be no further action.

A retaining wall on Mill Road was discussed. Engineer Paul Niehoff met with the road department and they feel that the wall is in the State's right-of-way and asked for authorization for attorney Wacks to write a letter to the New Jersey DOT.

MINUTES:

The minutes of the meeting of November 21, 2007 were approved on motion made by Boynton, seconded by Natyzak-Osadca. All in favor. The minutes of the executive session of November 21, 2007 were approved as amended on motion made by Boynton, seconded by Natyzak-Osadca. All in favor.

CORRESPONDENCE:

NJ DEP Re: RY2008 Annual fee report and Assessment of fees
NJ Highlands Commission Re: Highlands Regional Master plan
NJ Agriculture Re: 208 Gypsy moth scoping meeting
Maser Consulting Re: Aerial survey of South Street ponds
Municipal Excess Liability JIF Re: Employment practices liability
Courter, Kobert & Cohen Re: Employment news
NJ DEP Re: Tree City USA
Hope Township Re: Court expenses
ANJEC Re: 2008 planning grants
Highlands Council Re: Final draft
Highlands Council Re: Highlands regional master plan
Brian Cramer Re: LOI on Block 502, Lot 9
2008 NJ Martin Luther King, Jr Commission Scholarship application
Kleinfelder Re: Biennial certification monitoring report for ground water on 261 Rt. 661
Rutgers Re: Animals, Community and the Law on line course
Wacks & Hartmann Re: Development easements on Smith & Jensen
Township of Hardwick Re: Land use ordinance #2007/14
NJ General Assembly Re: copy of letter from Maria Karrow
NJ Dept. of Treasury Re: Co-efficients of deviation-a measure of property assessment
Uniformity-2007 data
Morris Land Conservancy Re: Copy of letter to Jim Banta on Farmland Preservation
Shannon Drylie Re: Engineering escrow account
Frelinghuysen Township Zoning Officer Re: Request for a legal interpretation
William Sparkes of Somers Point Re: corrections to a Mansfield resolution
New Jersey State League of Municipalities Re:
1. League Seminar for survivor skills
2. League Seminar on Elections in New Jersey
3. Police standard committee report issued
4. Important new information from the DLGS
5. Clean Power Community partner
6. Eminent domain legislation held
7. Legislative alert: Redevelopment law
8. Paid family leave
9. Affordable housing update
10. S-2955 Contractors' relief bill
11. Legislative update-S-2955
12. Important land use ruling
13. Municipal holiday displays
14. Legislative developments-library funding and public contractors relief

15. Two Issues:
 - a. League testify's on Affordable Housing Reform Package
 - b. Regulation of off-road vehicles
16. Audio recordings of educational sessions order form
17. Addition of Clerks e mail address to directory
18. School funding
19. Three Issues:
 - a. CAP Levy problems
 - b. New COAH regulations
 - c. Paid family leave
20. Scs for 176/A-1511 Wrongful death
21. Coastal Management rules
22. New COAH regulations
23. Federal Update for period ending Dec. 14, 2007

BILLS:

Payroll Account:

Direct deposits:

William Crone, Jr.	1,406.59
Sharon Drylie	1,460.68
Gene Marie McCartney	1,000.81
Richard O'Connor	1,588.15
William Crone, Jr.	2,070.76
1189 George Boesze	328.25
1190 David Boynton	637.91
1191 David Boynton	68.13
1192 Thomas Charles	649.75
1193 Thomas Charles	68.13
1194 Greg Chontow	327.52
1195 Donna Clouse	1,183.07
1196 Alan DeCarolis	1,273.10
1197 Frank Desiderio	224.81
1198 David Gill	1,617.55
1199 Loren Greco	162.44
1200 Brenda Kleber	2,998.41
1201 Brenda Kleber	1,061.80
1202 Brenda Kleber	608.51
1203 Debra Natyzak-Osadca	774.87
1204 Debra Natyzak-Osadca	68.13
1205 Nancy Predale	141.17
1206 Richard Smith	1,093.56
1207 Richard Smith	225.97
1208 Donna Zilberfarb	91.42
1209 Greg Chontow	126.63
1210 John Hansen	92.91
1211 Rosalie Murray	719.19
1212 Richard Smith	1,273.10
1213 Wayne Waldron	76.10

Small Cities Account:

1004 Portasoft of Morris County	850.00
1005 Advanced Water Techology	90.00

Dog Trust Fund:

112	
113 Joseph Kucharski	500.00

Capital Account:

517	Maser Consulting	3,050.00
518	Maser Consulting	572.50
519	Maser Consulting	444.16

General Account:

Filed electronically:

	NJSHBP	1,928.57
6763	Ace Locksmith	24.00
6764	Allamuchy-Green First Aid	7,000.00
6765	Atlantic Salt, Inc.	4,029.15
6766	Balbi Enterprises	63.00
6767	Betts Printing	42.00
6768	Blairstown Ambulance Corp.	7,000.00
6769	Blairstown Auto Supply	111.42
6770	Cintas Corp.	192.00
6771	Culligan	16.90
6772	Elvia Valderrama	120.00
6773	VOID	
6774	Ford Motor Credit	1,441.41
6775	Frelinghuysen Township Board of Educ.	80,566.50
6776	Frelinghuysen Township Booster Club	6,759.46
6777	Fuel Rite-NJ	546.40
6778	Fuel Rite-Nj	1,035.55
6779	Gramco Business Communications	194.90
6780	JCP&L	52.50
6781	Leigh Kramer	21.41
6782	Maser Consulting	750.00
6783	Maser Consulting	236.00
6784	Montague Tool	1,151.85
6785	NJN Publishing	16.75
6786	Nextel/Sprint	185.40
6787	North Warren Farm & Home	33.57
6788	North Warren Regional Board of Educ.	140,160.00
6789	Opdyke's Sales & Service	399.40
6790	Pat Stefanelli	210.00
6791	Quill Corp.,	211.91
6792	Ricoh Americans Corp.	31.65
6793	Robin Randolph	106.74
6794	Sirkis & Lavery	212.50
6795	Tilcon	7,443.77
6796	Todd McPeek	180.00
6797	Tony Sancheze	4,640.00
6798	Tony Sancheze	179.90
6799	Warren County Plumbing Subcode Services	435.00
6800	Verizon	370.29
6801	Vital Services Group	545.71
6802	Wacks & Hartmann	1,500.00
6803	Ambassador Medical Services	55.50
6804	Anthony & Son Bakers	93.78
6805	Atlantic Salt, Inc.	3,896.34
6806	Brenda Kleber	201.76
6807	Donna Clouse	248.32
6808	JCP&L	261.94
6809	New Jersey Herald	12.05
6810	Richard O'Connor	73.00
6811	Ricoh Americas Corp.	5.16
6812	Tilcon	3,085.10
6813	Vital Services Group	80.00
6814	David Gill	395.20

6815	Eric Norman	280.00
6816	George Boesze	615.95
6817	Kenneth J. Sr., & Joanne Lindsay	1,791.33
6818	Thomas Charles	578.09
6819	Todd McPeek	460.00
6820	Warren County Plumbing Subcode Services	545.00
6821	U.S. Postal Service	410.00

EXECUTIVE SESSION:

Motion was made by Boynton, seconded by Natyzak-Osadca to enter into Executive Session with regard to possible litigation after a resolution was adopted in the public portion of the meeting. All in favor. Upon returning, the attorney advised that there were two matters discussed of which neither came to a conclusion, therefore, no action is taken.

AUDIENCE PARTICIPATION:

Robin Randolph thanked Committeeman Boynton for all he has done for the township.

ADJOURNMENT:

There being no further business, motion was made by Boynton, seconded by Natyzak-Osadca. All in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC