

MINUTES OF MEETING OF JANUARY 20, 2010

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, January 20, 2010 and was called to order at 7:30 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 New Jersey Herald and The Express-Times.

ROLL CALL:

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

ORDINANCES:

AN ORDINANCE (#2010-01) TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14) was opened to the public on motion made by DeCarolis, seconded by Desiderio. All in favor. There being no discussion, motion was made by Boynton, seconded by Desiderio to close the public portion. All in favor. Motion was made by Charles, seconded by Boynton to adopt said ordinance. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes.

AN ORDINANCE (#2010-02) SETTING PROCEDURES FOR LICENSING AND OPERATION OF TAXI'S AND LIMO'S IN THE TOWNSHIP OF FRELINGHUYSEN was offered for introduction on motion made by Boynton, seconded by DeCarolis. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes.

RESOLUTIONS:

#2010-09 (Authorizing signatures on township checks)

WHEREAS, it is necessary and appropriate to designate the Frelinghuysen Township officials who are authorized to sign checks on behalf of the Township.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen that the following Frelinghuysen Township officials are authorized to sign checks where multiple signatures are required:

Mayor-Dale Durling, Sr.
Deputy Mayor-Thomas K. Charles
Township Clerk-Brenda Kleber
Chief Financial Officer-Gene McCartney

BE IT FURTHER RESOLVED, that signature cards with the signatures of the persons authorized to sign be forwarded to all Township depositories.

This Resolution shall take effect as provided by law.

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

#2010-10: Liquor License special ruling

WHEREAS, Katharina Reay t/a Fireside Inn and Joseph McEvoy t/a the Johnsonburg Inn applied to the Division of Alcoholic Beverage Control for a special ruling to permit consideration of the renewal application for the license term 2009-2010; and

WHEREAS, a Special Ruling dated September 25, 2009 from the Director of the Division of Alcoholic Beverage Control has been received granting renewal application pursuant to N.J.S.A.33:1-12.39 for Katharina Reay t/a Fireside Inn, license #2106-33-004-001; and

WHEREAS, a Special Ruling dated January 12, 2010 from the Director of the Division of Alcohol Beverage Control as been received granting renewal application pursuant to N.J.S.A.33:1-12.39 for Joseph MCEvoy t/a Johnsonburg Inn, license #2106-33-001-005.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren and State of New Jersey that the above mentioned

liquor licenses be and are hereby approved for the renewal period of July 1, 2009 to June 30, 2010.

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

#2010-11-Clean Communities

WHEREAS, the "Clean Communities and Recycling Grant Act," N.J.S.A. 13:1E-213, et seq. and the regulations promulgated under the Act allow New Jersey municipalities to receive grant funding for Clean Communities Programs, for activities including litter cleanup and removal, educational programs to promote clean communities, and other such activities; and

WHEREAS, while grant funds may be used to pay certain expenses, including but not limited to: (a) salaries and fringe benefits for persons hired to clean up and remove litter and for persons directly supervising them; (b) contributions to volunteer groups for community cleanup days and other authorized cleanups; (c) the purchase of equipment used solely for litter cleanup and removal; and (d) public education and information programs, the employment of individuals (as opposed to not-for profit organizations) to perform such services could lead to favoritism, the appearance of conflicts of interest and potentially actual unlawful conflicts of interest; and

WHEREAS, Clean Communities grant fund contributions may be made from participating municipalities to volunteer groups, with such contributions not to exceed \$500.00 per event, location or roadway mile; and

WHEREAS, the Frelinghuysen Township Mayor and Committee have determined that it should be the policy of the Township that in administering the Clean Communities programs and disbursement of funds, the payment to individuals to provide services is not a preferred method of securing services since this may lead to favoritism, the appearance of conflict of interest and potentially unlawful conflicts of interest and that such services should be secured from not-for profit organizations involved in activities that are allowable costs under the Clean Communities and Recycling Grant Act and regulations.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen that it shall be the policy of the Township of Frelinghuysen as follows:

1. Commencing with the effective date of this Resolution, the Township of Frelinghuysen shall not use grant funds received from the Clean Communities Program to pay salaries and fringe benefits for individual persons hired to clean up and remove litter, or for persons directly supervising them.

2. Contributions shall only be made, as appropriate, to not-for-profit volunteer groups for community cleanup days and other authorized cleanups, provided that contributions shall be limited to \$500.00 per volunteer group per event, location or roadway mile. Prior to paying any contribution to a volunteer group from Clean Communities grant funds, the Frelinghuysen Township Coordinator shall obtain documentation demonstrating that the proposed payee is a not-for-profit organization duly organized under applicable State or Federal law and having a 501 c(3) exemption or its equivalent pursuant to the Internal Revenue Code.

3. Nothing in this Resolution shall prohibit the Township of Frelinghuysen from using Clean Communities grant funds to defray allowable expenditures for equipment and materials, as appropriate.

4. This Resolution shall take effect upon passage of same and as provided by law.

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

#2010-12-Transfer resolution

WHEREAS, there are insufficient funds to meet the demands necessary for the 2009 balances in: Tax Assessment O&E, Engineer O&E, Road O&E and Diesel; and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Planning Board S&W, Building Sub-code S&W, Building Sub-code O&E, Welfare O&E, Assessor S&W, Recycling O&E, and Oil O&E.

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:

Tax Assessment O&E	95.00
Engineer O&E	1,800.00
Road O&E	7,000.00
Diesel	<u>1,100.00</u>
	9,995.00

From:

Planning Board S&W	2,700.00
Building Sub-code S&W	1,800.00
Building Sub-code O&E	1,000.00
Welfare O&E	1,000.00
Assessor S&W	2,400.00
Recycling O&E	795.00
Oil O&E	<u>300.00</u>
	9,995.00

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

#2010-13-Endorse Food Alliance application

WHEREAS, the Food Shed Alliance is a grassroots, non-profit organization devoted to promoting locally grown food and farming; and

WHEREAS, the Food Shed Alliance work with farmers, community members, and agricultural leaders to develop projects that foster the growth of a sustainable local food system; and

WHEREAS, the Food Shed Alliance focuses on raising public awareness about the value of local foods and on helping farmers find more profitable and sustainable ways to grow and market; and

WHEREAS, the Food Shed Alliance of Northwest New Jersey is a program at Genesis Farm, located in Frelinghuysen Township; and

WHEREAS, the Food Shed Alliance of Northwest New Jersey has applied for a grant from the Highlands Council to help farmers in the Highlands region.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen endorses the Food Shed Alliance's application to the Highlands Council

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk be authorized to submit the grant application referenced above.

Motion was made by Charles, seconded by Desiderio to adopt said resolution as amended. Roll call vote DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes.

#2010-14-Professional Service agreement

WHEREAS, there exists a need for various Township Professionals;

WHEREAS, the local Public Contracts Law (N.J.S.A.40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the following award is for a contract that is not in excess of \$17,500.00 as certified by the Chief Finance Officer of the Township of Frelinghuysen, and, pursuant to N.J.S.A.19:44A-20.4, may be awarded by the Township Committee.

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

1. The Mayor and Clerk are hereby authorized to execute an agreement with the following for the term indicated:

The Land Conservancy of Morris County Land Consultants 1 year

2. This contract is awarded without competitive bidding as a "Professional Services" under the provisions of the Local Public Contracts Law because these are recognized professionals licensed and regulated by law and it is not feasible to obtain competitive bids.

3. A copy of the resolution shall be published in the New Jersey Herald and The Express Times as required by law, within 10 days of its passage.

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

#2010-15-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 DeCarolis, seconded by Boynton to adopt said resolution. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes.

#2010-16:

BE IT RESOLVED, that the mayor and Township Committee of the Township of Frelinghuysen endorses the resolution of Green Township resolution #09-178 and agrees to pay the sum of \$14,735.00 to Green Township for support of fire and first aid services.

Motion was made by Desiderio, seconded by Boynton. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-recued, Durling-yes

OLD BUSINESS:

Mayor Durling appointed Robin Randolph as Class IV to the Planning Board and Nancy Nicholoff to the Open Space Committee. Motion was made by Desiderio, seconded by Boynton concurring with the Mayors appointments. All in favor.

The Clerk asked the committee for approval to solicit proposals to do a dog canvass for 2010. Approval was given.

A letter received from the NJDEP Green Acres Program asking for certification that Frelinghuysen Township has received and reviewed the Preliminary Assessment Report and have acquired or developed, or decided to acquire or develop the Reisburg property. Motion was made by Boynton, seconded by DeCarolis authorizing the Clerk to send a letter to Green Acres advising them that Frelinghuysen has terminated discussions on the acquisition of this property and to get input on the drafting of the letter from Land Conservancy. All in favor.

Lisa Kelly and Kendrya Close of the Food Shed Alliance appeared before the Committee asking for support of a grant they are applying for from the Highlands Council. (see resolution #2010-13).

NEW BUSINESS:

Michael Hernon appeared before the Committee to apply for a taxi license. Approval is needed from the Township Committee. Since there are no ordinances in effect with regard to this, an ordinance was prepared by the attorney and introduced. Meanwhile, Mr. Hernon has to appear before the Planning Board for a minor site plan approval.

A request from the New Jersey State League of Municipalities for relief to Haiti was turned down due to the fact that the township should not be responsible to spend the taxpayer's dollars this way.

A letter received from the Warren County Mosquito Commission authorizing them to perform aerial application of pesticides for mosquito control over certain areas of Frelinghuysen Township was approved on motion made by Charles, seconded by DeCarolis. All in favor.

A copy of a resolution received from Lopatcong Township asking for the Freeholders to provide relief to each municipality by placing a freeze on the collection of the Open Space Tax for the year 2010 was discussed. Mr. Wacks stated that this cannot be done as it has to be put on the referendum.

The information sign was discussed. The location of the sign will be on the corner of Route 661 and Main Street. Additional quotes will be obtained.

MINUTES-none

DEPARTMENT REPORTS:

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

Mayor Dale Durling's report-none

Deputy Mayor Thomas Charles report:

Mr. Charles reported that he and Mr. Desiderio met with the DPW to prepare a 5 year plan along with procedures, goals and missions. Mr. Charles attended a picture taking at the Polowy Farm for which the development rights were preserved on 139 acres.

Mr. Charles stated that if we are asking the individual on Kerrs Corner Road to remove his trailer why aren't the other two that are located along Route 519 being asked to be removed. It was decided that the Mayor would talk to the Zoning Officer on this.

Committeeman Alan DeCarolis report:

Mr. DeCarolis advised that the clothing bin has been purchased and is in place. Mr. DeCarolis mentioned that he and the Mayor would like to sit down with each Chairman for continuity and procedures. The ordinance for sustainable New Jersey will be ready for the February meeting.

Committeeman Frank Desiderio's report:

Mr. Desiderio announced that the township was awarded a grant for \$7,000.00 from the New Jersey Forestry Management plan.

Committeeman David Boynton's report:

With regard to buildings and grounds, Mr. Boynton thanked the DPW for cleaning the grounds around the municipal building and advised of the repairs to the furnace.

Attorney Edward Wacks report:

Mr. Wacks reported on the two lawsuits before the township. On the first, Mr. Palmer will represent the Board of Adjustment and on the second, Mr. Brady is still working on it.

Township Engineer's report:

Mr. Sterbenz reported that the township will receive a grant in the amount of \$160,000.00 and asked how the Committee wanted to proceed as there is 18 months before the township has to award the contract. Since a design has to be prepared, Maser will submit a proposal for the engineering phase.

Mr. Sterbenz went over the point system with the Storm water management. Presently, we need 1 point in order to comply. It was decided to have Citizen Storm water Advisory Committee to coordinate between the township and engineer to make sure the requirements are met. Mr. DeCarolis recommended that the Environmental Commission handle this and will bring before the Commission at the next meeting.

Mr. Sterbenz gave the background to date on South Street. He met with the New Jersey DEP and received from them how to handle the studies and permits. If the Township wants to proceed, we need to identify the homeowners along the flow path, invite them to a meeting and get their feedback. Mr. DeCarolis asked why the taxpayers are responsible for paying for this project. Mr. Charles reported that in 1963 the Planning Board gave approval for the homes along South Street to be built along with possible health issues if the septic systems had failed.

BILLS-Please see schedule attached.

CORRESPONDENCE:

NJDEP Re: Compliance advisory-Remediation of contaminated sites

NJDEP Re: Changes to NJ Shade Tree & Comm. Forestry Assistance Act

Key Tech Re: Copy of letter sent to Maser Consulting Re: State Park Road

Maser Consulting Re:

1. Copy of letter sent to Key Tech Re: State Park Road

2. Copy of letter sent to NJDOT

NJ Dept. of Agriculture Re: Report of gypsy moth survey

Morris County Municipal Joint Ins. Fund Re:

1. Certificate of Insurance
 2. 2008-09 annual report
- Tri-State Insurance Agency Re: Insurance binder
Warren County Dept. of Land Preservation Re: Comprehensive farmland plan
United States Environmental Protection Agency Re: Mayor's Climate Protection
The Land Conservancy Re: Polowy Farm
Copy of letter on solar systems received from Amy Hufnagel
Wacks & Hartmann Re:
1. Reisburg property
 2. Kids Corp.
- Township of Green Re: Resolution #09-178
Robin Randolph Re: Planning Board
New Jersey State League of Municipalities Re:
1. Professional Development seminars for spring 2010
 2. Brochure-State Government & Your Local Property Taxes
 3. DHSS Announces increased H1N1 vaccine availability
 4. Legislative alert
 5. Mayor's Advisory
 6. Recent Raritan Borough OPRA decision
 7. QPA bill signed into law
 8. Lame duck update bills on the Governor's desk
 9. Four Upcoming seminars
 - a. Health benefits negotiations primer
 - b. Budget updates
 - c. Budget updates
 - d. Budget updates
 10. Two Issues:
 - a. Less than four months to Census Day
 - b. Changes to the DLGS website
 11. Two Issues:
 - a. Urgent action required-Lame duck update
 - b. Orientation for the Newly Elected, Re-elected or experienced
 12. Two Issues:
 - a. New Jersey State League of Municipalities seminar
 - b. League seminar-bond credits
 13. Two Issues:
 - a. A-4261/S-3071
 - b. Up in the Assembly on Monday
 14. Two Issues:
 - a. Bills on the Governor's desk
 - b. Recap of Thursday's senate committee meetings
 15. Mayor's Newslite
 16. Four Issues:
 - a. Community energy outreach trainings
 - b. Cable Television Act
 - c. Extension of COBRA
 - d. Consolidated Municipal Property Tax Relief Act
 17. Two Issues:
 - a. Important notice--postponed ERG program
 - b. Legislative Alert-Three Land Use Bills to watch
 18. Four Issues:
 - a. Community Energy Outreach Training
 - b. Corrected copy-extension of COBRA
 - c. Important new information from DLGS
 - d. FEMA declaration
 19. Two Issues:
 - a. Family medical leave act/family leave act
 - b. Wage and Hour
 20. Two Issues:
 - a. Updated location info for budget seminar
 - b. Required changes to EEO posters
 21. Lame duck update
 22. Two Issues:
 - a. Public intoxication ordinances
 - b. S-3136/A-4362 reduces required local employer contribution to PERS
 23. Two Issues:

- a. Urgent prevailing wage for maintenance road projects
- b. Registration for orientation

AUDIENCE PARTICIPATION:

Loren Greco advised of a missing road sign along with stating that the trailer on Kerrs Corner Road was suppose to be moved a month ago.

Fran Muller asked if the grant for the modules were going to be built on Muller Road. The meaning of module was explained.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC

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