

MINUTES OF MEETING OF MARCH 17, 2010

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, March 17, 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 e mailing 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.

EXECUTIVE SESSION:

Motion was made by Boynton, 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. All in favor. At this time, the attorney reported that the Committee met to discuss land acquisition and guidance was given to the Open Space.

ORDINANCES:

AN ORDINANCE (#2010-03) "FIXING THE SALARIES AND WAGES OF THE OFFICIALS, APPOINTEES AND EMPLOYEES OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY FOR THE YEAR 2010 was offered for introduction on motion made by Boynton, second by Charles. Roll call vote: DeCarolis-abstain, Desiderio-abstain, Charles-yes, Boynton-yes, Durling-yes.

RESOLUTIONS:

#2010-21 (Raffle License)

WHEREAS, the Frelinghuysen Township Booster Club has applied for a license to conduct an Off Premises 50/50 raffle license for June 5, 2010 consisting of application #2010-03; and

WHEREAS, the Findings and Determination by the Municipal Clerk has determined that the organization is qualified to conduct such raffle.

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 Booster Club raffle application #2010-03 is hereby approved.

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

#2010-22 (Recycling Tonnage grant)

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Frelinghuysen Township Committee to the efforts undertaken by the municipality and requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen,, that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Donna Zilberfarb as recycling coordinator for the year 2010 to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling fund to be used solely for the purpose of recycling.

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

#2010-23: (Forestry management plan grant)

The governing body of Frelinghuysen Township desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$7,000 to fund the following project: 2009 Business Stimulus Fund (BSF) which will include planting and removal of hazardous trees and public awareness.

THEREFORE, the governing body resolves that Dale Durling, Sr., or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$7,000 and not more than \$7,000, and (c) to execute any amendments which do not increase the Grantee's obligations.

The Frelinghuysen Township authorizes and hereby agrees to match n/a% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash services, or property, is hereby certified. N/a% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

#2010-24 (Oppose S-1455)

WHEREAS, S-1455, introduced in the 213th New Jersey New Jersey Legislature on March 6, 2008 would require all New Jersey municipalities to hold a mandatory referendum on whether certain municipal functions, including local property tax assessment and collection services, local animal control services and local public health services, should be assumed by county government; and

WHEREAS, S-1455 provides that if such transfer of functions is approved by the voters of a county, the transfer is to be completed within two years; and

WHEREAS, while the Mayor and Council of the Township of Frelinghuysen do not oppose the consolidation of services where appropriate, we are concerned with several aspects of this bill, including but not limited to: (a) the county-wide nature of the voting process, which creates the possibility that the transfer will be required in municipalities that vote against it; (b) the failure of the New Jersey Senate to provide sufficient, accurate and trustworthy information about the implications of the transfer, so that voters can make informed decisions; and (c) the failure to provide options for the transfer or consolidation of services , other than the transfer to the county, suggesting that while the New Jersey Senate has determined that a transfer of these services to the county is the best means of achieving savings without compromising service, it has not engaged in sufficient fact-finding to support this determination.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey hereby urges our State Legislators to oppose S-1455 (2008), and nay legislation which would mandate a referendum on the transfer of local property tax assessment and collection services, local animal control services and local public health services to the county unless the concerns set forth above are addressed.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Michael J. Doherty, State Assemblymen John DiMaio and Erik Peterson, the New Jersey State League of Municipalities and the Office of the Governor.

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

#2010-25 (accept bid)

WHEREAS, the Clerk of the Township of Frelinghuysen, Warren County, State of New Jersey has solicited bids for clean up; and

WHEREAS, the Frelinghuysen Township Committee have reviewed said bids and find same to be in order.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee on this 17th day of March, 2010 that:

1. Contract for Cleanup be awarded to Gary Gray, the lowest of four (4) regular bidders.

2. The exact title of the appropriation is to be charged to is Solid Waste Collection

3. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to enter into said contract with aforesaid bidder.

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

#2010-26 (accept bid)

WHEREAS, the Clerk of the Township of Frelinghuysen, Warren County, State of New Jersey has solicited bids for dog canvass; and

WHEREAS, the Frelinghuysen Township Committee have reviewed said bids and find same to be in order

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee on this 17th day of March, 2010 that:

1. Contract for dog canvass be awarded to Nellie Klaver, the lowest of three (3) regular bidders.

2. The exact title of the appropriation is to be charged to is Dog Trust Fund

3. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to enter into said contract with aforesaid bidder.

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

#2010-27 (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 March, 2010 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned. Results or portions of that discussion will be made known in a reasonable length of time.

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

#2010-28 (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 its appropriate fund accounts.

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

OLD BUSINESS:

A letter was read from the Zoning Officer requesting assistance from a committee person to accompany him on a follow-up inspection regarding a complaint on a nuisance light. It was discussed as to whether this was a zoning issue or a neighbor issue. Mr. Wacks will research this and call Mr. Boesze if anything needs to be done.

A map submitted by Maser Consulting was posted showing one ball field to be built this year by switching locations of a ball field from the prior map. The basketball court will be moved further back so that the noise doesn't interfere with the residents. A resident asked if this would be phase 2, is any money being put in the budget for 2010 and what is in this year's budget. She was informed that this is not phase 2, there is no money being put in this year's budget and we have approximately \$30,000 in the budget for the ball field. Ms. Randolph asked if the various stages of costs and grading had been investigated and offered the help from the Open Space.

NEW BUSINESS:

Kate Bechtold and Robin Randolph approached the Committee for support to hold a community road side clean up on April 24, 2010. A tent will be set up at the Town Hall where garbage will be collected, water and snacks will be distributed. Mayor Durling will call the State Police for police officer to be stationed during the time frame. Motion was made by Boynton, seconded by Desiderio supporting the cleanup... All in favor.

Four members consisting of Charles Marra, Chip Greene, Jack Bigos and Brenda Kleber resigned from the Recreation Committee. Deputy Mayor Thomas Charles thanked each member for the many years they contributed. Committeeman Boynton also thanked them for staying on the Committee until after Casino Night and the Founders day picnic. These resignations were accepted with regret on motion made by Charles, seconded by Boynton. All in favor.

QUOTES:

The Clerk solicited quotes from the following for Clean up to be held May 12th -15th.

Balbi Enterprises, Blairstown, NJ-not able to bid

Gary Gray, Delaware, NJ-bulk waste roll off-\$215.00 per container plus \$75.00 disposal per ton and \$195.00 per container for metal. No disposal charge

Sanico-Delaware, NJ-not able to bid

Waste Management, Lafayette, NJ-bulk waste roll off-\$247.00 per container plus \$78.00 disposal and \$50.00 delivery. Metal only \$247.00 per container and \$50.00 delivery.

Motion was made by Charles, seconded by Boynton to accept the quote from Gary Gray. Roll call vote: DeCarolis-abstain, Desiderio-yes, Charles-yes, Boynton-yes, Durling-yes.

The Clerk solicited quotes from the following for a Dog Canvass:

Keith Detombaur-no response

Nellie Klaver-\$3,800.00

Dianne Raftery-not interested after all

Motion was made by Boynton, seconded by Desiderio to accept the quote from Nellie Klaver. Roll call vote: DeCarolis-abstain, Desiderio-yes, Charles-yes, Boynton-yes, Durling-yes.

MINUTES:

The minutes of the regular meeting of February 17, 2010 were approved on motion made by Boynton, seconded by Charles. All in favor. The minutes of the budget meeting of February 24, 2010 were approved on motion made by Charles, seconded by Boynton. All in favor. The minutes of the budget meeting of March 8, 2010 were approved on motion made by Boynton, seconded by DeCarolis. All in favor but Charles who abstained. The minutes of the work meeting of March 11, 2010 were approved as corrected on motion made by Charles, seconded by DeCarolis. All in favor but Charles who abstained.

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Tax Collector, Building Dept., Dog Licensing Official, Animal Control Officer, Municipal Court, Warren County Health Dept., and Open Space Committee were approved on a consent agenda motion made by Boynton, seconded by DeCarolis. All in favor.

Mayor Dale Durling's report:

Mayor Durling reported on; the North Warren Regional School Mayor's meeting he attended. The school has a large deficit and is looking into cuts; the Blairstown building department is going to the State and Hardwick's building department cut their hours.

Deputy Mayor Thomas Charles report:

Deputy Mayor Charles reported that he finalized the snow removal guidelines and they worked well during the last snow storm. Mr. Charles tracked the metrics of the February 25th storm which had 13.5" of snow. 100 tons of salt was used at a cost of \$6,484.00, 600 gallons of the GEO at a cost of 1,494.00 and 255 of fuel was used at a cost of \$672.50 at a total cost of \$8,650.50 and does not include overtime pay and vehicle overtime. The road department received many comments on the conditions of the roads; 2010 road improvement projects such as identifying cross drains (7), road stripping, mill and asphalt (Lincoln Laurel Road, Greendell Road and Southtown Road), road signs, salt and GEO will add to the budget; South Street residents had a meeting with the engineer and an application will be needed to be signed. Mr. Charles suggested that we should not move forward until this application is signed; the Green Township Fire Dept is need of a \$300,000 pumper truck.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis asked the attorney why the lighting ordinance cannot supersede the Warren County nuisance ordinance. He was advised that the ordinance is for planning board ordinances; the solar ordinance is before the planning board and has hopes that it will pass; wants the Committee to either opt in or opt out of the Highlands; he asked if anyone contacted the Army corp. of engineers for South Street. Mayor Durling will contact the engineer on this; he asked why Frelinghuysen couldn't do a resolution as other township's have on freezing the open space tax. He was told that in order to do this there would have to be a referendum.

Committeeman Frank Desiderio's report:

Committeeman Desiderio reported that he would like to publicly commend the road department for the great job they did during the last two snowstorms. He asked why the attorney does not stay for the whole meeting and was told that Mr. Wacks had put in extra hours without pay and was offended when a committee person questioned his bills so he decided to start charging. Mr. Wacks will prepare a proposal.

Committeeman David Boynton's report:

Committeeman Boynton reported that he and his wife have been picking up litter along various township roads and would like to see other people do the same; Casino Night is

being held on March 27th; and it looks like the Governor will be cutting funding to the schools.

Attorney Edward Wacks report:

A conference will be held on the Kids Camp litigation on April 1st, the Planning Board attorney sent two ordinances to him for review. The first ordinance will go back to the Planning board and on the second, Mr. Wacks asked the Committee how they would like to proceed on a wind energy system. Motion was made by Charles, seconded by Desiderio authorizing the attorney to review the ordinance. All in favor. Mr. Wacks reported on the Green Acres application for grant money which is a previous grant for which Mr. Wacks does not recall signing and now has a reluctance to sign. Once these monies are obtained any area that is contained in the ROSI is subject to recreation and conservation purposes and cannot be changed. The attorney read a paragraph contained in the agreement which read: Should lands held by the Local Government Unit for recreation or conservation purposes be, by mistake or inadvertence, omitted from the exhibit attached to this Declaration, such lands shall be subject to the terms and conditions of this Declaration to the same extent as though they had included. Mr. Wacks asked the Committee to be aware of the consequences of this paragraph. The Clerk will give copies of the Declaration of Encumbrance along with the exhibit of inventory and hold to the April meeting.

Municipal Clerk's report:

Mrs. Kleber reported that a request came before her just as she was leaving for the day from Ann Marie Lesnewski, Troop 775 leader, asking for permission to use the outside front parking circle as their map sales and troop garage sale items for a town wide garage sale on Saturday, May 26th. Motion was made by Desiderio, seconded by Charles giving approval. All in favor. Mr. Desiderio will put caution cones around the area for safety when the people who use the recycling center come to the town hall.

BILLS-please see attached schedule

CORRESPONDENCE:

NJ Highlands Re: Highlands Municipal Build-out report
Municipal JIF RE: Use of facilities-US census bureau
NJDEP Re: Notice of public comment regarding clean water financing program
JCP&L Re: Posting signs & banners on utility poles
NJ Transit Re: FTA section 5310 grant program
Warren County Mosquito Control Comm. Re: Notification of applications for mosquitoes
Warren County Planning Dept Re:
 1. Annual recycling seminar
 2. Annual recycling tonnage report seminar
 3. Recycling regulation requirement
 4. Preliminary digital flood insurance maps
Warren County Tax Board Re: Preliminary Equalization table
Franklin Township Re: Resolution opposing Bloomsbury Industrial Park
Alpha Township Re: Resolution on freeze on Open Space
Washington Township Re: Resolution on freeze on Open Space
Knowlton Township Re: Resolution on freeze on Open Space
Washington Borough Re: Resolution on freeze on Open Space
Belvidere Township Re: Resolution on freeze on Open Space
Maser Consulting Re: Copy of letter to Eileen Swan on Module 2
Maser consulting Re: Drainage complaint on State Park Road
Bear Education & Resource Group Re: Bear Fax
Nancy Predale Re: Note to Committee regarding township roads
Morris County JIF Re: Job-site observation
NJ SADC Re: SADC Certification of development easement value
New Jersey State League of Municipalities Re:
 1. Speak Out-a guide to state level advocacy for Municipal Officials
 2. Urgent legislative alert-Time of decision posted for Senate vote

3. League Publication Re: Tips on how to communicate with the legislature
4. Governor declares fiscal emergency
5. Governor's Intergovernmental Affairs Team
6. Revised-Important OPRA fees
7. Affordable Housing, COAH and Executive Order
8. Battle the budget bulge
9. Two Issues:
 - a. Interest arbitration reform sample resolution
 - b. S-2, S-3 and S-4 pension reform unanimously passes senate
10. NJRA Redevelopment training institute (NJRA RTI)
11. Six Issues:
 - a. Revised Issues
 - b. Seminar
 - c. Upcoming event
 - d. Seminar-foreclosures
 - e. Support the Troops
 - f. S-1352-OPRA
12. Three Issues:
 - a. New Jersey future redevelopment
 - b. Review of new local financial and general government laws
 - c. S-2, S-3, S-4 and SCR-1 on pension reform
13. Two Issues:
 - a. League Professional development seminar
 - b. NJ future redevelopment forum postponed
14. Two Issues:
 - a. Affordable Housing update
 - b. Governor Christie's Mayors legislative day speech broadcast
15. March 2010 Mayors Newsline
16. Three Issues:
 - a. A-437, Time of decision bill posted for Assembly hearing
 - b. NJ economic stimulus act and the recovery zone bond program
 - c. 2009 tax lien law revision
17. Six Issues:
 - a. Revised-urgent legislative alert
 - b. Women in Municipal Government
 - c. Changes to the DLGS website
 - d. From time to time-a quarterly report
 - e. Social media to be discussed
 - f. Conference-change clocks, check and update plans
18. Federal action on transportation funding and unemployment benefits
19. Urgent-Builders push on A-437

AUDIENCE PARTICIPATION:

Loren Greco asked if the dog canvass was a statutory requirement and was advised it was. Mr. Greco brought up that the old route 661 signs were to be on Main Street and Route 612. Motion was made by Boynton, seconded by Charles authorizing Mr. Desiderio to purchase two additional signs. All in favor.

Amy Hufnagel brought up the fact that it's been a year since she brought up the issues of substantial New Jersey and the formation of a Green Team and because solar and wind ordinances were brought up she would like to revisit two important items. One is that the town should have a substantial New Jersey and be developing a Green Team even though it was turned over to the Environmental Commission it has been a year and wants the Committee to think twice about just opting to the State standards. Second, on May 15th a green building tour she designed will be held in Sussex, New Jersey on alternative energy practices.

Marty Connor asked if the flooding along Lincoln Laurel Road could be remedied. Mr. Desiderio will contact the engineer on this; he asked Mr. Desiderio what was the outcome of his looking into town wide trash pickup. He stated he did not get approval from the Committee; and the status of the Service Electric Cable TV renewal. The

Mayor stated that he had contacted Hope Mayor Tim McDonough and he hasn't gotten back to him as yet.

Amy Hufnagel brought up Citizen Act S1462-A-2784 which was passed Oct, 2009 that requires public notice printed for any position that is to be filed on a community board and also published. There was a question on which Board and Committee's it encompasses. The Attorney will prepare a memo on this. Ms. Hufnagel asked if the municipality was responsible for creating the water problems on South Street. Mr. Charles advised that the municipality was not responsible for the water problem but by virtue of the fact that they granted planning approval for the sites they in essence had a hand in saying they were allowable. The Mayor felt that the town could also be liable if they did not allow the homes to be built. Ms Hufnagel asked if the law suit against the town regarding Richard Smith has been recorded in the correspondence. The attorney answered that it was turned over to the insurance company. Ms. Hufnagel asked if the attorney was going to defend the lawsuit. The attorney answered that he would not be defending it unless there were certain circumstances.

Jean Smolha informed the Committee that Kids Camp wanted funding from the county for the Johansson property and then pulled out. Bob Canace intervened and between the Ridge and Valley and Nature Conservancy they are going to be custodians of the property. The County will give funding for open space and Kids Camp can use it for hiking, etc. and will be open to the public.

Roman Osadca mentioned that there are a large number of residents who are interested in the energy savings subject such as wind towers.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC
Municipal Clerk