MINUTES OF MEETING OF MARCH 21, 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 Debra Natyzak-Osadca, Attorney Edward Wacks, Chief Finance Officer, Chief Finance Officer Gene Marie McCartney and Clerk Brenda Kleber. Committeeman David Boynton was absent.

ORDINANCES:

AN ORDINANCE (#2007-04) REPEALING EXISTING CHAPTER 2-25 OF THE CODE OF THE TOWNSHIP OF FRELINGHUYSEN ENTITLED "INTERMUNICIPAL COURT" AND ADOPTING A NEW CHAPTER 2-25 ENTITLED "JOINT MUNICIPAL COURT" was offered on second reading and opened to the public on motion made by Natyzak-Osadca, seconded by Charles. All in favor. Motion was made by Natyzak-Osadca, seconded by Charles to close the meeting to the public. All in favor. Motion was made by Natyzak-Osadca, seconded by Charles to adopt said Ordinance. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

AN ORDINANCE (#2007-05) "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 2007 was offered on second reading and opened to the public on motion made by Natyzak-Osadca, seconded by Charles. All in favor. Motion was made by Natyzak-Osadca, seconded by Charles to close the meeting to the public. All in favor. There were two (2) changes (Equipment operator increase from \$15.93 per hour to \$16.93 per hour and Temporary road equipment operators increase from \$13.71 to \$20.00 per hour considered non-substantive which does not require re-publication). Motion was made by Natyzak-Osadca to close the meeting to the public. All in favor. Motion was made by Natyzak-Osadca, seconded by Charles to adopt said Ordinance. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

AN ORDINANCE (#2007-06) AMENDING SECTION 8-1.7(h) ENTITLED "CERTIFICATE OF SMOKE DETECTOR AND CARBON MONOXIDE ALARM" was offered on second reading and opened to the public on motion made by Natyzak-Osadca, seconded by Charles. All in favor. Motion was made by Natyzak-Osadca, seconded by Charles to close the meeting to the public. All in favor. Motion was made by Natyzak-Osadca, seconded by Charles to adopt said Ordinance. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

AN ORDINANCE (#2007-07) SETTING FEES FOR SERVICES PERFORMED BY REGISTRAR OF VITAL STATISTICS was offered on second reading and opened to the public on motion made by Natyzak-Osadca, seconded by Charles. All in favor. Motion was made by Natyzak-Osadca, seconded by Charles to close the meeting to the public. All in favor. Motion was made by Natyzak-Osaca, seconded by Charles to adopt said Ordinance. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

Budget past the statutory deadline.

NOW, THEREFORE BE IT RESOLVED, that petition be made to the Director of the Division of Local Government Services that the 2007 Local Municipal Budget be introduced and approved on March 21, 2007.

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

#2007-26:

WHEREAS, the 2007 Local Municipal Budget was introduced on the 21st day of March, 2007; and

WHEREAS, during the fiscal year 2007 the Township of Frelinghuysen has been allocated a state grant for various programs in the amount of \$154,340.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government that the 2007 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Service-Public and Private Revenues Offset with Appropriations:"

Clean Communities Program	\$ 5,000.00
Mun. Alliance on Alcoholism &	
Drug Abuse Program	3,840.00
Stormwater Management Grant	5,000.00
Recycling Tonnage Grant	500.00
NJ Transportation Trust Fund Grant	140,000.00
-	\$154.340.00

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

#2007-27:

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Frelinghuysen desires to further the public interest by obtaining a loan of \$0 and/or a grant of \$175,000.00 from the State to fund the following project: Bear Creek Greenway Acquisition.

NOW, THEREFORE the governing body resolves that Brenda J. Kleber or the successor to the office of Municipal Clerk is hereby authorized to:

- a. make application for such a loan and/or such a grant
- b. provide additional application information and furnish such documents as may be required
- c. act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen:

1. That Brenda J. Kleber is hereby authorized to execute an agreement and any amendment

#2007-28:

WHEREAS, upon the recommendation of the Chief Finance Officer, the Township Committee has agreed to participate in the State of New Jersey Cash Management Fund established by N.J.S.A.52:18A-90.4; and

WHEREAS, the Frelinghuysen Township Committee has authorized Gene Marie McCartney to purchase and sell participation in the Fund for the account of the participant by check, draft, wire or otherwise shall be paid by the Fund to: Lakeland Bank as the Depository Bank, number 021205376 and credit to the account of the Current Fund account number 525109, Dog Trust account number 311000525, Accumulated Sick Pay account number 653400283, Small Cities account number 653400267, Driveway Bond account number 197289, Tax Premium account number 740008016; and

WHEREAS, the participant accepts the terms and conditions of the administration of the Fund as outlined in the regulations promulgated by the State Treasurer, pursuant to P.L. 1977, c. 281 et. seq.

NOW, THEREFORE BE IT RESOLVED, that the State of New Jersey Cash Management Fund be designated as a legal depository.

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

#2007-29:

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

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants (for the year 2007) 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 the 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 endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Debra Natyzak-Osadca as recycling coordinator for the year 2007 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 trust fund to be used solely for the purposes of recycling. Motion was made by Charles, seconded by Natyzak-Osadca to approve said resolution. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

#2007-30:

WHEREAS, the Township of Frelinghuysen is holding a meeting on March 21, 2007, for the purpose of introducing the 2007 Municipal Budget and conducting other matters.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of

Total Operations	790,843.00
Capital Improvements	150,000.00
Debt Service	36,543.00
Deferred Charges	22,800.00
Reserve for Delinquent Taxes	322,225.00
Total 2007 Municipal Budget	\$1,322,411.00

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

#2007-31:

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

#2007-32:

WHEREAS, it is necessary to discuss items dealing with litigation and possible land acquisition in private or executive session; and

WHEREAS, under the Open Public Meetings Act (numbers 3 & 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 21st day of March, 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 Natyzak-Osadca, seconded by Charles to approve said resolution. Roll call vote: Natyzak-Osadca-yes, Charles-yes.

#2007-33:

WHEREAS, continued investment in open space and farmland preservation is vitally important to the state, as it enhances New Jersey's economy, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing nearly 50 acres of open space daily to new development projects; and

WHEREAS, the Garden State Preservation Trust provides a match for open space taxes collected by all 21 counties and more than 225 municipalities; and

WHEREAS, protecting open spaces and improving urban natural areas stabilizes local property taxes and revitalizes communities; and

WHEREAS, since its creation in 1998, the Garden State Preservation Trust has enabled the State of New Jersey, its local governments, and nonprofits to acquire over 432,000 acres of parks, open space and farmland; and

WHEREAS, the Garden State Preservation Trust is essential no only to the State's conservation programs, but also to the work of counties, municipalities and nonprofit organizations by providing grants and low interest loans to help preserve land while protecting natural resources and farmland for future generations; and

WHEREAS, even many of the places already protected-our state and local parks-are

source of funding for operation, maintenance, and stewardship for parks, recreation and natural areas.

3. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following: The Honorable Jon Corzine, State Senators, State Assemblypersons, Morris Land Conservancy, New Jersey Conservation Foundation, The Outdoor Recreation Alliance and newspapers.

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

PROCLAMATIONS:

A proclamation proclaiming March 19, 2007 as Freshman and Junior Varsity Girls Basketball Day was confirmed on motion made by Natyzak-Osadca, seconded by Charles.

OLD BUSINESS:

The Clerk inquired as to whether the GIS Ordinance would have to be amended to include that the Municipal Clerk needs to now collect the fees since the Construction Office could not do so. It was decided that since the ordinance does not state that the fees have to be collected by the Construction Office anyone could collect the fees.

A memorandum from Bond Counsel was read advising that due to the fact that the supplemental debt statement for bond ordinance #2006-22 was not filed until after the November 15, 2006 final adoption date, the following steps must be taken to properly adopt the bond ordinance: 1) re-publish the ad that was placed on October 26, 2006. References to the October 18, 2006 introduction date should remain, while references to the November 15, 2006 final adoption date should be changed to April 18, 2007; 2) hold the public hearing at the township's April 18th meeting and take the vote of the committee; 3) re-publish the ad that was placed on November 30, 2006 with dates changed to the April meeting and 4) provide their office with the meeting minutes, affidavits of publication and revised certificates. The attorney advised the Committee that the bond counsel's recommendations must be followed in order to comply with the law. Motion was made by Natyzak-Osadca, seconded by Charles to hold the adoption of this ordinance at the April meeting. All in favor.

Committeeman Natyzak-Osadca's memo on the township properties will be discussed at the work meeting of the Township Committee to be held on April 16, 2007 at 12:00.

Road Supervisor Frank Desiderio brought up the water issue coming from the Ridge and Valley Charter School property. He felt that the water could be redirected to basins which will alleviate the water flow. It was decided to refer this to Committeeman Boynton as he is the liaison to the Charter School.

An estimate in the amount of \$260.00 was received by Howard the House Doctor to repair the damage to a barn door done by the Road Department while plowing snow. Motion was made by Charles, seconded by Natyzak-Osadca to accept the proposal in the amount of \$260.00 and this amount is to be taken out of the Road Department line item. All in favor.

A letter of resignation received from Lauren Pettorossi from the Environmental Commission was accepted on motion made by Natyzak-Osadca, seconded by Charles. All in favor. (Note: The Mayor asked the Clerk to ask Laura Brill if she would like to become a member to the Environmental Commission. Mrs. Brill advised she could not fulfill this position). Leigh Kramer

North Warren Regional School Superintendent John Toledo gave an overview of the 2007-2008 school budget. For Frelinghuysen, there will be a .5 cent increase which will cost \$16.60 annually on a property assessed at \$331,972.00.

A letter received from the Frelinghuysen Township Recreation Committee was read advising that they were authorized to form out a temporary softball field on the newly purchased 5 acre property. Frank Desiderio advised that since there will be a girls softball team along with a boys softball team, more than 2 fields are needed in the township. Members of the Recreation Committee met with Mr. Desiderio and chose a location to place a new field that will be used as a practice field for the girls softball. Motion was made by Charles, seconded by Natyzak-Osadca to establish a temporary softball field on the new property at no cost to the Township. All in favor.

A proposal for professional surveying services received from Maser Consulting for the South Street Pond Improvement project was submitted. Maser Consulting proposes to use the services of an aerial survey company to obtain a topographic survey of the ponds and surrounding area at a cost of \$5,000.00. Motion was made by Natyzak-Osadca, seconded by Charles authorizing the Mayor to clarify with Maser Consulting the items included in the fees. All in favor.

Equipment Operator Richard Smith has offered to sell his computer, monitor and printer to the Township to be used at the township garage for township business for a cost of \$400.00. Motion was made by Charles, seconded by Natyzak-Osadca to purchase this electronic equipment. All in favor.

Mayor Charles recommended that the policy that we presently have with regard to mailboxes being hit by snow or snowplows be changed to reflect that since residents have infringed their mail boxes in the right-of-way our policy will be amended that the township will not be responsible to replace the mail box or post. This was done on motion made by Charles, seconded by Natyzak-Osadca. All in favor.

The question of the use of outside contractors equipment was discussed. If a resident uses their own vehicle (i.e. snow plowing) a contract for temporary services will be needed. The question arose as to who covers insurance for liability, cost and possible damage to the vehicle. It was decided that the attorney would prepare a form for independent contractors.

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Tax Collector, Building Dept., Warren County Health Dept., Dog Licensing Official and Municipal Court were rad and are being placed on file.

Mayor Thomas Charles report:

Mayor Charles wished to recognize Donna Clouse's consistently high collection rate which is at 96.22%. Motion was made by Natyzak-Osadca instructing the Clerk to purchase a \$25.00 gift certificate. All in favor.

Mayor Charles announced that sixth grader Carly Roe took first place in the school's spelling bee and went to the finals.

1, 2007. All in favor.

Mayor Charles announced that a 240 acres property on State Park Road has now gone into Green Acres.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca advised of two parenting seminars being sponsored by the Municipal Alliance which are being held on April 17, 2007 and May 3, 2007.

Committeeman Natyzak-Osadca reported that there are four (4) unknown lots under foreclosure of which one (Block 1201, Lot 37) is presently assessed at \$29,000.00 and feels that it should fall under a farmland assessment rate. Motion was made by Charles, seconded by Natyzak-Osadca authorizing Ms. Natyzak-Osadca to follow up with the tax assessor. All in favor.

Attorney Edward Wacks report:

Mr. Wacks asked the Mayor what his policy would be on marriages and civil unions. The Mayor advised that he will not do any types of marriages.

Mr. Wacks advised that the Clerk had asked him the procedure on a person-to-person transfer whereby the applicant had advertised for a reading of the transfer resolution at the March 21, 2007 meeting but had not provided the required paperwork from the State police. Motion was made by Natyzak-Osadca, seconded by Charles to carry the Johnsonburg Inn application to the April 18th meeting subject to the Clerk receiving the required paperwork. All in favor.

MINUTES:

The minutes of the meeting of January 24, 2007 were approved on motion made by Charles, seconded by Natyzak-Osadca. All in favor. The minutes of the meeting of February 21, 200y were approved as amended on motion made by Charles, seconded by Natyzak-Osadca. All in favor. The minutes of the meeting of February 28, 2007 were approved on motion made by Charles, seconded by Natyzak-Osadca. All in favor.

CORRESPONDENCE:

Methany School Re: Response to smoke detectors false alarms

Morris Land Conservancy Re: SADC nonprofit cost share grant applications

Dept. of Education Re: 2007-08 municipal percentage shares Warren County Planning Dept. Re: annual recycling seminar

Hatch Mott MacDonald Re: Implications of grace period rule adoption

Office of the Governor Re: Thank you for copy of resolutions

New Jersey Transit Corp. Re: Request for Federal financial assistance

Warren County Pollution Control Financing Authority Re: Hazardous clean up

Warren County Mosquito Control Commission Re: Public Notice

Township of Byram Re: Lackawanna Cut-off comment on draft environmental assessment

Hope Township Re: Ordinance #07-03

Knowlton Township Re: School expansion proposal

Morris Land Conservancy Re: Planning Incentive Grant update

Dept. of Law Re: Formal Opinions on Civil Unions

- 6. The acceptance of fees by Mayors performing marriages and civil unions
- 7. Governor's budget proposal
- 8. SCS for S-2269 & 2289 (Sales tax exemptions)
- 9. Clean Communities Program
- 10. S-2463 The retail business licensing act
- 11. Updated sample marriage/civil union fee ordinance and trust fund
- 12. Annual police & fire
- 13. Low Income Home Energy Assistance Program
- 14. NJ Supreme Court rules in videotaping case
- 15. Legislative bulletin No. 8
- 16. Three Issues:
 - a. Budget update
 - b. Marriage and Civil Unions
 - c. Energy Assistance
- 17. Governor's budget proposal (Preliminary analysis)
- 18. Sample marriage/civil union fee ordinance
- 19. A-3870/457 Time of Decision & A-3860 curtailing municipal zoning authority
- 20. Two Issues:
 - a. Suspended Law Officer

Balbi Enterprises

Blairstown Auto Supply

Betts Printing

Brenda Kleber

Dark Moon Tavern

VOID

Culligan

David Gill

Deptcor

- b. Pension Forfeiture
- 21. Legislative developments:
 - a. Budget testimony
 - b. Comptroller bill
 - c. "BRAC" bill

BILLS:

6328

6329

6330

6331

6332

6333

6334

6335

6336

Capital Account: 163 164	Maser Consulting Maser Consulting	315.00 3,500.00
Driveway Account: 230	Kenneth Glasson	900.00
General Account: Filed electronically:	NJSHBP	1,465.32
6323	Warren County Clerks Assn.	25.00
6324	AM/PM Services	99.00
6325	Anchor Rubber Stamp	28.50
6326	Ardito & Co.	4,625.00
6327	Atlantic Salt, Inc.	5,997.00

60.00 42.00

288.00

199.69

44.70

40.00

205.00

198.30

6348	Maser Consulting	452.50
6349	Maser Consulting	1,436.00
6350	N.J.P.O.	340.00
6351	N.J.P.O.	113.00
6352	NJ Conference of Mayors	280.00
6353	NJN Publishing Co.	14.50
6354	New Jersey Herald	17.83
6355	Nextel Communications	73.06
6356	North Warren Farm & Home	19.41
6357	North Warren Regional Board of Educ.	135,940.00
6358	Ricoh Corp.	73.41
6359	S&L Auto Parts	390.29
6360	Sign Language	50.00
6361	Sirkis & Lavery	225.00
6362	Space Farms	50.00
6363	Tax Collector & Treasurers Assn.	5.00
6364	Warren County Plumbing Subcode	395.00
6365	VOID	
6366	Verizon	354.63
6367	Vital Services Group	437.30
6368	Wacks & Hartmann	1,500.00
6369	Wacks & Hartmann	1,481.25
6370	William Crone, Jr.	131.60

Payroll Account:

Direct deposits:

Direct deposits.	•	
	William Crone, Jr.	1,666.56
	Gene Marie McCartney	1,000.00
	Richard O'Connor	1,898.62
	William Crone, Jr.	1,898.62
1062	George Boesze	328.25
1063	George Boesze	25.29
1064	David Boynton	632.11
1065	Thomas Charles	649.75
1066	Greg Chontow	327.52
1067	Greg Chontow	26.46
1068	Donna Clouse	1,183.07
1069	Donna Clouse	103.57
1070	William Crone, Jr.	312.28
1071	Alan DeCarolis	1,273.10
1072	Frank Desiderio	224.81
1073	Sharon Drylie	188.84
1074	David Gill	1,617.55
1075	David Gill	141.69
1076	Loren Greco	72.52
1077	Loren Greco	81.97
1078	John Hansen	92.91
1079	John Hansen	70.72
1080	Brenda Kleber	2,959.74
1081	Brenda Kleber	222.85
1000	Prondo Klohar	601.02

AUDIENCE PARTICIPATION:

Frank Desiderio asked what the road department could do about the manure run off on Golden Chain Road. Mayor Charles reported that he talked to the land owner and he has no resources. The Warren County Health Dept. advises that this falls under the right to farm act and the soil conservation dept. advises that they have no policy on composting manure. It was suggested that we refer this to the Environmental Commission. Mr. Desiderio will talk to the land owners himself.

Loren Grecco asked about the response to a letter that was sent to Mr. & Mrs. Barbour. The Mayor advised that when we returned to public session after an executive session that we authorized the attorney to do a title search to see who owns the front of the property.

Tom Finn suggested that the township consider updating the computer software to include Microsoft suites. He was advised that this is included in the budget.

Robin Randolph presented the Committee with a letter of response regarding the Reisburg property. After discussion, motion was made by Charles, seconded by Natyzak-Osdaca authorizing the members of the Open Space Committee to come up with a plan for the acquisition of the Reisburg property and to also begin discussions with Mr. Reisburg. All in favor.

EXECUTIVE SESSION:

Motion was made by Natyzak-Osadca, seconded by Charles to enter into Executive Session after a resolution was approved in the public session of the meeting. All in favor. Upon returning, motion was made by Natyzak-Osadca, seconded by Charles to authorize the attorney to apply for a title search on Block 1001, Lot 14 with a price not to exceed \$1,000.00. All in favor.

ADJOURNMENT:

There being no further business, motion was made by Natyzak-Osadca, seconded by Charles to adjourn the meeting. All in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC