

MINUTES OF MEETING OF JULY 14, 2010

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, July 14, 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 emailing notice to the New Jersey Herald and The Express-Times on June 21, 2010.

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 (arriving at 8:45) and Clerk Brenda Kleber.

RESOLUTIONS:

#2010-50 (Professional Services)

WHEREAS, there exists a need for appraisal services to be rendered to the Township of Frelinghuysen in the possible acquisition of certain real property located within the Township of Frelinghuysen; and

WHEREAS, funds are available for this purpose; and

WHEREAS, The Land Conservancy of New Jersey has recommended to conduct the appraisals in accordance with the specifications of Green Acres; and

WHEREAS, the properties are adjacent however they are under separate ownership and two separate appraisal reports must be provided for each property; and

WHEREAS, The Township wishes to retain the services of Joshua D. Mackoff, LLC in accordance with his proposal letter dated June 28, 2010 and the services of Landmark 1 Appraisal, LLC in accordance with his proposal letter dated July 1, 2010; and

WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$6,420.00 and the Chief Financial Officer has certified that funds are available for this purpose;

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

1. The Township of Frelinghuysen hereby awards and authorizes The Land Conservancy of New Jersey to execute an agreement with two certified Green Acres appraisers to perform an appraisal reports on the above-referenced properties in accordance with an amount not to exceed \$6,420.00.

2. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

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

#2010-51(DOT grant)

WHEREAS, the New Jersey Department of Transportation makes funds available to municipalities and counties for road improvement projects through the municipal aid portion of the New Jersey Transportation Trust Fund;

WHEREAS, the Township Engineer has recommended that the Township Committee apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2011 Municipal Aid Program for the purpose of constructing Kerrs Corner Road Improvement Project (Phase 2);

WHEREAS, the Township Committee has considered this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Frelinghuysen, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Frelinghuysen Township-00063 to the New Jersey Department of Transportation on behalf of the Township of Frelinghuysen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Frelinghuysen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

#2010-52 (Insertion of revenue)

WHEREAS, N.J.S.A. 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 2010 in the sum of \$7,668.87, which is now available from the Clean Communities grant in the amount of \$7,668.87.

BE IT FURTHER RESOLVED, that the like sum of \$7,668.87 is hereby appropriated under the caption Clean Communities.

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

#2010-53: (Civil Rights)

WHEREAS, it is the policy of Frelinghuysen Township to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Frelinghuysen Township has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Township of Frelinghuysen that:

Section 1: No official, employee, appointee or volunteer of the Township of Frelinghuysen by whatever title known, or any entity that is in any way a part of the Township of Frelinghuysen shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Frelinghuysen's business or using the facilities or property of the Township of Frelinghuysen.

Section 2 The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Frelinghuysen to provide services that otherwise could be performed by the Township of Frelinghuysen.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor and Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor and Committee shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Frelinghuysen as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Mayor and Committee shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Mayor and Committee shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Frelinghuysen. This communication shall include a statement from the Mayor and Committee expressing their unequivocal commitment

to enforce this resolution. This summary shall also be posted on the Township of Frelinghuysen's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Frelinghuysen in order for the public to be made aware of this policy and the Township of Frelinghuysen's commitment to the implementation and enforcement of this policy.

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

#2010-54 (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 Boynton, seconded by Charles to adopt said resolution. Roll call vote: DeCarolis-yes, Desiderio-yes, Boynton-yes, Charles-yes, Durling-yes.

2010-55 (Setting 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 14th day of July, 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 Charles, seconded by Boynton to adopt said resolution. Roll call vote: Charles-yes, DeCarolis-yes, Boynton-yes, Desiderio-yes, Durling-yes.

PROPOSALS:

The Municipal Clerk solicited quotes for basketball court as follows:

R.P. Rehe, Hopatcong, NJ	\$ 695.00
Teramax, Flanders, NJ	600.00
Greik Bros. Morris Plains, NJ	600.00

Motion was made by Charles, seconded by DeCarolis to accept the low bid received from Greik Bros as the other two quotes were not according to specifications. All in favor.

The Municipal Clerk solicited quotes for installing a baseball field as follows:

R.P. Rehe, Hopatcong, NJ	\$ 695.00
Teramax, Flanders, NJ	\$ 700.00
Greik Bros., Morris Plains, NJ	\$ 600.00

Motion was made by Charles, seconded by DeCarolis to accept the low bids received from Greik Bros. All in favor.

The Municipal Clerk solicited quotes for installing blacktop on the basketball field as follows:

Greik Bros., Morris Plains, NJ	\$3,500.00
Layman Contracting, Oxford, NJ	\$3,990.00
Custom Paving, Blairstown, NJ	\$2,500.00

Motion was made by Charles, seconded by DeCarolis to accept the bid received from Custom Paving. All in favor.

Cliff Kimball, Chairman of the Recreation Committee appeared before the Committee to discuss the basketball court. He figures the cost to install the court will cost \$13,317.50 which includes 130 tons of QP at \$16.00 a ton and 75 tons of blacktop at \$86.90 a ton.

The baseball field which will be installed will cost approximately \$14,280.00. A shed to be used as a concession stand has been installed. Right now electric is needed. Mayor Durling volunteered to donate all material and labor for a 100 amp circuit breaker to be installed in the concession stand.

OLD BUSINESS:

Mr. Kimball advised that applications are in for the 2010 soccer season and there will be 3 soccer fields. Member of the recreation committee Charles Marra asked to put in a 40 foot trailer to be placed along side of the Morton building and use it to store the sports equipment. He would like to partition half the trailer to be used as clothing drop off as the present clothing bin is too small. Motion was made by Charles, seconded by Boynton authorizing the recreation committee to install the trailer. All in favor.

Resident Richard Mlecz asked to explore the possibility of starting a little league team in Frelinghuysen Township. He was advised to attend a recreation committee meeting in September but has the Committee's support.

The new recreation committee member terms are as follows:

Jed Carter replacing Chip Greene -term to end December, 2013

Alan Eitner replacing Edwina Soisson-term to end December, 2015

Sue Mattos replacing Brenda Kleber-term to end December, 2010

Todd McPeek replacing Gloria Murphy-term to end December, 2014

Clare Saafeld replacing Jack Bigos-term to end December, 2010

Motion was made by Charles, seconded by Desiderio to take the above recommended terms. All in favor.

The specifications for the purchase of a tractor for the DPW was approved. Motion was made by Boynton, seconded by Charles to proceed with the Request for Proposals. Roll call vote: DeCarolis-yes, Desiderio-yes, Durling-yes, Boynton-yes, Charles-yes. Mayor Durling asked to forego the tractor and perhaps subdivide the property on Route 94 and build a Morton building and salt shed. Deputy Mayor Charles stated that the cost for this would be the \$100,000.00 range. Motion was then made by Charles, seconded by Boynton to see what the figures for the tractor would be. All in favor.

NEW BUSINESS:

A letter received from the Building Department Official was read asking for approval to have Shannon Drylie fill in for Melissa while she is out on maternity leave at the rate of \$20.00 per hour. Motion was made by Boynton, seconded by Charles approving the request. All in favor.

The Clerk advised that class action suit paperwork was received for the Ford truck and should there be anything done on this. The attorney advised that no action should be taken.

A letter asking for a letter from the township to have a visit by the New Jersey National Guard with a Blackhawk helicopter for an annual red ball military transport club picnic was approved using the same letter that was previously sent for this occasion with a copy sent to the Emergency Management coordinator James Drylie.

The Clerk advised that she received a telephone call asking if any part of Route 94 in Frelinghuysen Township that has problems with serious litter or graffiti as the NJDOT is kicking off a statewide beautification campaign on July 19th. Since there are no problems with this in the township, the clerk will advise the NJDOT.

Frank Desiderio stated that he wanted to clear up rumors regarding his health insurance. He is paying for his wife and children and is receiving health benefits from the township for himself.

MINUTES:

The minutes of the regular meeting of June 16, 2010 were approved on motion made by Charles, seconded by DeCarolis. All in favor.

EXECUTIVE SESSION:

Motion was made by Charles, seconded by Boynton to enter into executive session with regard to land acquisition. All in favor. Motion was made by Charles, seconded by Boynton to return to public session. All in favor. At this time, the attorney reported that the committee discussed with Megan and Robin the possibility of purchasing two parcels of land. One is the Lee property and the other is the Yang property for a total of 160 acres. The Township Committee decided it would proceed on the following basis: That they would issue the agreement to the landowners with regard to the appraisals that require the landowners to pay for one half of the appraisal if they decide to back out. Motion was made by Charles, seconded by Boynton to authorize the issuance of the property owner agreement and upon receipt proceed with the professional service agreement. Roll call vote: Desiderio-yes, DeCarolis-yes, Charles-yes, Durling-yes, Boynton-yes.

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Tax Collector, Dog Licensing Official, Municipal Court and Chief Finance Officer was approved on a consent agenda motion made by Charles, seconded by DeCarolis. All in favor.

Mayor Dale Durling's report:

Mayor Durling reported on a Mayor's meeting he attended. There was a representative from the Senior Citizens who will now send information to the seniors. They also talked about the cable TV franchise and each town will take care of the renewal process.

Mayor Durling thanked Roman Osadca for the letter commending the DPW for the repairs to his road

He met with the Chief of the Green Township fire department and they are in need of additional money. Since we have set our budget and cannot give more the donation of an imaging camera was discussed. Authorization was given to pay one half of the amount. The money may be taken out of the capital account. This will be looked into.

The Mayor and Committeeman DeCarolis met with Green Township on shared services for their building department. The meeting was positive and more will be known at a later date. The cost of a new tanker for the fire company was also discussed at this meeting. Continuing of the \$10,000 contribution may be an option.

Deputy Mayor Thomas Charles report:

Deputy Mayor Charles met with the two owners who had not responded to the engineer's letter and they will contact the engineer. Mayor Charles reported that there was a girl's softball picnic where the fire company came and hosed down the children in attendance.

Committeeman Alan DeCarolis:

Committeeman DeCarolis suggested that large purchases be staggered over the years and asked Mr. Desiderio if we have received the money for the mod 3's.

Committeeman David Boynton's report:

Committeeman Boynton reported that he checked with the insurance company and the increase in the liability policy is not necessary. 3 out of the 4 people who had not completed their financial disclosure statement have been received. The other person will be resigning.

Attorney Edward Wacks report:

Mr. Wacks reported that he and the zoning officer prepared a complaint policy on zoning matters and is now in place. With regard to the Smith litigation, the insurance company is now defending the township and is going forward with no expense to the township. With regard to the Kids Camp litigation, they have erected a greenhouse to sell produce from their property. The litigation attorney suggested that the township hire

an independent investigator to look into this matter. No action is needed tonight so that the Committee can ponder this over.

Municipal Clerk's report:

The municipal clerk reported that due to the cost National Night has been canceled.

CORRESPONDENCE:

Roman Osadca Re: Repairs to Old Stage Road

Cathy Bao Bean Re: Health insurance

Thank you note from Camille Robertson Re: Charles E Rydell scholarship

Norcon Re: Preliminary Assessment of Yang & Lee Tracts

The Land Conservancy of New Jersey Re:

1. Greene property
2. Proposals for Yang & Lee properties

Dept. of Community Affairs Re: Transitional aid application

Wacks & Hartmann Re: Complaints regarding zoning violations

Maser Consulting Re: Project closeout on State Park Road Phase 3

Warren County Purchasing Dept. Re: Annual auction

Warren County Planning Dept. Re: Recycling certification opportunity

Warren County Planning Dept. Re: Recycling regulation requirement

Warren County Engineer Re: Weight limit on Hess Road

Murphy, McFadden & Russo Re: Workers Compensation report

Givens-Belet Post #258 Re: thank you note for attending Memorial Day parade

NJDEP Re: Proposed amendment to the Upper Delaware water management plans

NJ SADC Re: Mr. & Mrs. Greene grant agreement

NJ State PBA Re: Open letter to New Jersey Mayors on 2.5% cap proposal

JCP&L Re: decorative lighting

NJ Transit Re: Pubic hearing notice

NJDOT Re: Municipal aid bikeway, Centers of Place, Safe Streets to Transit and Transit Village Programs applications

NJDOT Re: Line Striping on various locations

MSI Re: 2011 MSI class requests

New Jersey State League of Municipalities Re:

1. 5 year bid threshold increase announcement
2. Changes to the DLGS website
3. S-1 COAH reform A-3055 moratorium on commercial fee
4. Local Finance notice 2010-14
5. Two Issues:
 - a. S-1212/A-559, OPRA fees
 - b. Invitation to join Mayor's wellness campaign
6. Three Issues:
 - a. Re-cap of Assembly & Senate budget committee actions
 - b. Additional bills scheduled for a vote on Monday
 - c. 2.9% statutory property tax cap
7. Three urgent alerts
 - a. State budget
 - b. Statutory CAP passes Governor calls special session on CAP 2.5
 - c. Bills on the Governor's desk
8. Mayors newslines-July 2010
9. Two Issues:
 - a. July Mayors news line
 - b. 2.5% commercial fee reinstated
10. Governor opens special session speech focused on CAPS compromise offered
11. 13th annual elected Officials Hall of Fame
12. The making of Our Nation's Law pamphlet
13. Heat safety
14. Christie/Sweeney CAP agreement
15. Special session update
16. Two Issues:
 - a. League foundation releases latest white paper
 - b. Assembly budget committee takes testimony on property tax caps
17. Two Issues:
 - a. Filibuster of continued FMAP funding measure could case state budget gap

b. Senate concurs with Cap CV

BILLS-see schedule attached.

AUDIENCE PARTICIPATION:

Robin Randolph wanted to make sure the Norton bill came out of the Open Space account.

Dan Kohuth read an article in the newspaper about the NJ Libertarian party filing an ethic complaint and stated that perhaps the committee should look for another attorney.

Loren Grecco asked if the township is allowed to sell salt to other townships. He was advised that we could only trade.

Debra Natyzak asked why the complaint on the Open Space question was kept from the people named in the complaint. Mayor Durling stated that this was just a basic complaint and the people have since been notified.

Marty Connor asked the status of the Johansson property on Stillwater Road. An audience member advised that this was going through the Ridge & Valley Conservancy.

Debra Natyzak asked the status of the Municipal Alliance since the chairperson has stepped down. Committeeman Boynton stated that he has several options to consider.

ADJOURNMENT:

There being no further business, motion was made by Boynton, seconded by DeCarolis to adjourn the meeting. All in favor.

Respectfully Submitted,

Brenda J. Kleber, RMC