

MINUTES OF JULY 15, 2009

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey and was called to order at 7:50 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 Express-Times and New Jersey Herald on January 5, 2009.

ROLL CALL:

Those present were: Mayor Dale Durling, Deputy Mayor Frank Desiderio, Committeeman Debra Natyzak-Osadca, Committeeman Alan DeCarolis, Attorney Edward Wacks, Chief Finance Officer Gene Marie McCartney and Clerk Brenda Kleber. Committeeman David Boynton was absent.

EXECUTIVE SESSION:

The Committee entered into Executive Session at 7:00 after resolution #2009- 66 dealing with acquisition of property and possible litigation was adopted in the public portion of the meeting on motion made by DeCarolis, seconded by Desiderio. All in favor. Motion was made by Desiderio, seconded by DeCarolis to return to public session. All in favor. Upon returning the attorney reported that the Committee discussed two matters. One involving acquisition of property and the other matter involved potential litigation. With regard to the acquisition of property the Committee confirmed their actions with regard to the Greene's property of which the Committee has agreed to proceed with the preservation rights and to provide the Greene's with a price for the township's portion of the acquisition equivalent to the percentage of the highest appraisal obtained. The Greene's have agreed to accept the offer and the township will proceed with the preservation of that property. With regard to the other matter, it is in litigation and there are some issues with regard to it and the release of this information would be detrimental and addition information will be given at a later date.

ORDINANCES:

AN ORDINANCE (#2009-11) AMENDING SECTION 501E OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, WARREN COUNTY, NEW JERSEY. The Ordinance was opened to the public on motion made by Desiderio, seconded by DeCarolis. All in favor. There being no opposition motion was made by Desiderio, seconded by DeCarolis to close the public portion. All in favor. Motion was made by Desiderio, seconded by DeCarolis to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

AN ORDINANCE (#2009-12) TO AMEND ORDINANCE #2009-07 ENTITLED "FIXING THE SALARIES AND WAGES OF THE OFFICIALS, APPOINTEES AND EMPLOYEEES OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY FROM THE YEAR 2009. The Ordinance was opened to the public on motion made by Desiderio, seconded by DeCarolis. All in favor. There being no opposition motion was made by Desiderio, seconded by DeCarolis to close the public portion. All in favor. Motion was made by DeCarolis, seconded by Natyzak-Osadca to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-recuse, Durling-yes.

AN ORDINANCE (#2009-13) OF THE TOWNSHIP OF FRELINGHUYSEN TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS. The Ordinance was opened to the public on motion made by Desiderio, seconded by DeCarolis. All in favor.

There being no opposition motion was made by Desiderio, seconded by DeCarolis to close the public portion. All in favor. Motion was made by Desiderio, seconded by DeCarolis to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

TOWNSHIP OF FRELINGHUYSEN AFFORDABLE HOUSING TRUST FUND SPENDING PLAN (#2009-14). The Ordinance was opened to the public on motion made by Desiderio, seconded by DeCarolis. All in favor. There being no opposition motion was made by Desiderio, seconded by DeCarolis to close the public portion. All in favor. Motion was made by Desiderio, seconded by Natyzak-Osadca to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

AFFIRMATIVE MARKETING PLAN, TOWNSHIP OF FRELINGHUYSEN (#2009-15). The Ordinance was opened to the public on motion made by Desiderio, seconded by DeCarolis. All in favor. There being no opposition motion was made by Desiderio, seconded by DeCarolis. All in favor. Motion was made by Desiderio, seconded by DeCarolis to close the public portion. All in favor. Motion was made by Desiderio, seconded by DeCarolis to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

AN ORDINANCE (#2009-16) ADOPTING A FORM REQUIRED TO BE USED FOR THE FILING OF NOTICES OF TORT CLAIM AGAINST THE TOWNSHIP OF FRELINGHUYSEN IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A.59:8-6 was offered for introduction on motion made by Desiderio, seconded by DeCarolis. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

RESOLUTIONS:

#2009-58 (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 the SADC and FRPP; and

WHEREAS, The Township wishes to retain the services of Norman J. Goldberg, Inc., and Joshua D. Mackoff, LLC in accordance with their proposed letters, and

WHEREAS, the appraisers hired shall bill, directly, the Township for all services rendered; and

WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$5,125.00 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 certified SADC appraisers to perform an appraisal report on the above-referenced property in accordance with an amount not to exceed \$5,125.00.
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 Finance Officer and The Land Conservancy of New Jersey.

Motion was made by Desiderio, seconded by Durling to adopt said resolution. Roll call vote: Natyzak-Osadca-no, DeCarolis-no, Desiderio-yes, Durling-yes (Note: The tie was broken by the Mayor).

#2009-64 (Liquor License transfer)

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 2106-33-003-007, heretofore issued to The Main Street Bar & Grill for premises located at 278 Main Street, Johnsonburg, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, the license has been properly renewed for the current license term and the consent to transfer form has been received along with a copy of publication, clearance certificate transfer and the New Jersey State Police report has concluded that the transfer would not be contrary to the State's interest and their investigation disclosed no disqualifying factor; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE BE IT RESOLVED, that the Frelinghuysen Township Governing Body does hereby approve, effective July 15, 2009, the transfer of the aforesaid Plenary Retail Consumption License to Sweet Jane's Café & Bar, LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Sweet Jane's Café & Bar, LLC, effective July 15, 2009.

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

#2009-65 (Insertion of revenue)-on hold

#2009-66 (Executive Session)

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

WHEREAS, under the Open Public Meetings Act (numbers 5 and 3 of the permitted exceptions to the requirements that a public body hold its meetings in public) it is permissible that such matters be discussed in executive or private session.

NOW, THEREFORE BE IT RESOLVED, on this 15th day of July, 2009 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 DeCarolis, seconded by Desiderio to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

#2009-67 (Notice of Intent for Highands)-no hold

#2009-68 (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 Desiderio, seconded by DeCarolis to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

OLD BUSINESS:

Amy Hufnagel appeared before the Board to talk about the Vass Homestead consortium located in Hardwick Township along with going over her background and work history. She is looking for local municipalities to commit funds for 2010 and use that money as matching funds in order to raise additional funds. Consortium members will get access to the facility in 2-3 blocks a week to program their activities. Residents will get subsidized rates and members can also rent the facility at a lower rate. The pledge is \$2000.00 for

2010 and the pledge is only if deliverable if additional grant is raised. Once the municipality is pledged a report will go to each municipality so that statics can be assessed on the use. The Committee will review the paperwork Ms. Hufnagel circulated and consider.

Ms. Hufnagel brought up the misspelling of her name along with statements in the March 18th meeting minutes she claims were not true. The Clerk prepared a manuscript of the conversation at the meeting. Motion was made by Desiderio, seconded by Natyzak-Osadca to let the minutes stand and attach the manuscript to the March 18, 2009 minutes. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

A memo received from Joe Golden of Golden & Moran Engineering evaluating the feasibility of converting Main Street into a "one way" street was read. In the memo, Mr. Golden gave his recommendations and considerations. The attorney recommended that the Committee look into making a "no parking" on one side. It was decided that Mr. Golden, Deputy Mayor Desiderio, Committeeman DeCarolis and Road Foreman William Crone will look into and report back at the next meeting.

A letter received from Mr. & Mrs. Malcolm of Lincoln Laurel Road was read as a follow up to the prior Mayor's response to their complaints on the condition of the road. It was decided that Deputy Mayor Desiderio would be in touch with the Malcolm's.

NEW BUSINESS:

A memorandum received from Darlene Jay of Maser Consulting was read asking if the Committee would like to apply for grant money which is available from the NJDEP in order to complete an interim wastewater management plan. The Committee decided they were not interested.

The Open Space Committee presented a completed Forestry Management plan for the Committee's review for which the state's approval will provide the township opportunities to apply for grant funding up to \$25,000.00. The Committee advised that they approved it last year and complimented the Open Space Committee on the great job they did preparing the package.

MINUTES:

The minutes of the meeting of May 20, 2009 were approved with corrections on motion made by Natyzak-Osadca, seconded by DeCarolis. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-abstain, Durling-yes. The minutes of the work meeting of June 11, 2009 were approved on motion made by Natyzak-Osadca, seconded by DeCarolis. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-abstain, Durling-yes. The minutes of the meeting of June 17, 2009 were approved on motion made by Desiderio, seconded by Natyzak-Osadca. All in favor. The minutes of the executive session of June 17, 2009 was approved on motion made by Desiderio, seconded by DeCarolis. All in favor. The minutes of the special meeting of June 29, 2009 was approved on motion made by DeCarolis, seconded by Natyzak-Osadca. All in favor.

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Dog Licensing Official and Construction Office and Chief Finance Officer were approved on a consent agenda motion made by Natyzak-Osadca, seconded by Desiderio. All in favor.

Mayor Dale Durling's report:

Mayor Durling reported that he is working on the fire and rescue budget and there will be a payment in the amount of \$8000.00 to the Green Township Fire Company along with paying \$4400.00 out of the capital account for the 2 sets of fire gear.

Deputy Mayor Frank Desiderio's report:

Deputy Mayor Desiderio reported that the guard rails for the ball field has been installed and the fence should be put in next. The field needs to be fertilized as soon as possible and lime put down in the fall. The transmission has been re-built in the 98 Ford.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca reported that the Municipal Alliance grant needs to be done by the end of the month and she is looking for a volunteer to write the grant as she is not writing the grant. The Mayor advised he will contact member Elizabeth Manz.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis felt that it is too late to conduct the dog census for this year and suggest that we get in line for March or April 2010. He presented the Committee members with copies of Highlands's resolutions from Green Township. The Committee will study these. He asked the status of the wall on South Street and was advised that this has not been done as yet as the road department is trying to get rocks at no cost. Committeeman DeCarolis also thanked Robin Randolph and members of the Open Space Committee for the Forestry report.

Attorney Edward Wacks report:

Mr. Wacks reported that he received a response to his letter from Mike Lavery and it is open for debate. Mr. Wacks was authorized to prepare an ordinance to modify and clarify the height limits.

With regard to Kids Camp litigation, there is a case management conference call scheduled at the end of the month.

BILLS-please see schedule attached.

CORRESPONDENCE:

Thank you note received from Project Graduation

NJDEP Re:

1. Local Government Greenhouse Gas Reduction Grants Program
2. Climate showcase communities grant program
3. 2009 Recycling Awards Program
4. Ground water renewal permit
5. Status summary report

NJ SADC Re:

1. 2009A Municipal Planning Incentive Grant
2. Planning Incentive grant-Greene Farm

Nancy Predale Re: Liquor License

Warren County Dept. of Public Safety Re: Emergency notification for public offices

Morris County Joint Ins. Fund Re: Loss control report

New Jersey Senate Re: Recycling bill

NJ COAH Re: Resolution granting third round substantive certification

NJ Transit Re: Supplemental Environmental Assessment

NJDOT Re: Notification regarding 1-80 eastbound resurfacing

NJ Senate Re: Bill S-445, the Transparency in Government Act

Warren County Planning Dept. Re: Battery recycling amendment

MSI Re: 2010 MSI class requests

New Jersey State League of Municipalities Re:

1. Express Lane-application process for children's health
2. League e-Bulletin
 - a. Ameripay
 - b. NJDARM computer training
 - c. Updated publications

3. Urgent Legislative Alert-A-4048 & SCS-2299
4. Two Issues:
 - a. NJLM Foundation publishes 2nd issue paper
 - b. Supreme court rules open space set asides & contributions not authorized by MLUL
5. State budget signed
6. 12th annual elected officials Hall of Fame
7. Three Issues:
 - a. Urgent legislative alert
 - b. Availability of grants for Green House Gas Reduction\
 - c. Support for census outreach available
8. Two Issues:
 - a. S-1651/A-2238-mandates certain health benefits
 - b. Federal stimulus transportation funding announcement
9. Two Issues:
 - a. Researching just got easier!
 - b. "Express Lane" application process for Children's health insurance
10. Three Issues:
 - a. Urgent update on towns applying directly for EE/Conservation grant
 - b. ICLEI releases climate protection toolkit for small municipalities
 - c. Legislative alert
11. Two Issues:
 - a. Newly updated publications
 - b. Supreme Court rules that curbside trash collection by municipality for apartment complex is not sufficient
12. Six Issues:
 - a. State budget passed
 - b. FY 08-09 supplemental
 - c. The New Jersey economic stimulus act of 2009
 - d. Bills on Governor's desk
 - e. Bills passed in Assembly
 - f. Bills passed in Senate
13. Two Issues:
 - a. Ameripay update
 - b. EECBG application deadline extended
14. Two Issues:
 - a. Local finance notice on GASB 45 OPEB
 - b. Michael Pane Memorial Award
15. July's Mayor newsline
16. Six Issues:
 - a. Supreme Court rules against City of New Haven
 - b. House passes Climate Change Legislation
 - c. Congress begins to move health care legislation
 - d. Renewing Federal Surface Transportation Programs
 - e. President and Lawmakers talk immigration reform
 - f. GAO releases water infrastructure report
17. Two Issues:
 - a. Age-Restricted Conversions, S-2577/A-3772
 - b. July grant page posted
18. Important new info. from the Division of Local Government Services
19. 2009 New Jersey Local Government desk book
20. Economic Recovery Update: \$4 Billion in ARRA Broadband grants and loans announced
21. Three Issues:
 - a. A quarterly report on the activities of the NJ League of Municipalities
 - b. Local Government Greenhouse Gas Reduction Grants Program
 - c. Terrorism awareness and Prevention auto-run CD

AUDIENCE PARTICIPATION:

A letter received from Roman Osadca was read advising that there is a problem on Southtown Road that has been a problem with a large tree portion protruding into the roadway. Committeeman DeCarolis will take care of the matter.

Marty Connor asked about the cost of advertising. The Clerk will get the cost from the two newspapers and report at the work meeting. Marty wanted to clarify that the 2 main issues on Lincoln Laurel Road are at 184 Lincoln Laurel Road and 122 Lincoln Laurel Road. Deputy Mayor Desiderio advised he is handling this with Maser Consulting.

Nancy Predale asked if there has been a replacement of Shannon Drylie's position. She was advised that the interview process will take place the next night.

Robin Randolph commented that the Highlands plan was not before the Planning Board and she would like to reach out to the Chairman for a meeting to discuss the modules.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC