

MINUTES OF MEETING OF AUGUST 19, 2009

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, August 19, 2009 and was called to order at 7:30 p.m. by Mayor Durling.

SUNSHINE LAW STATEMENT:

Under the provisions of the Open Public Meetings Act, adequate notice of this meeting was provided by posting notice on the Township bulletin board and by faxing notice to the 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, Committeeman David Boynton, Chief Finance Officer Gene Marie McCartney, Attorney Edward Wacks and Clerk Brenda Kleber.

ORDINANCES:

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

AN ORDINANCE (#2009-17) APPROPRIATING THE SUM OF \$6,909.21 was offered for introduction on motion made by Boynton, seconded by Desiderio. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

RESOLUTIONS:

#2009-70 (Municipal Alliance Grant)

WHEREAS, the Township of Frelinghuysen has established through Ordinance #95-5 a Municipal Alliance Committee; and

WHEREAS, THE Municipal Alliance Committee has applied for and received a grant from the County of Warren in the amount of \$3,548.00; and

WHEREAS, the Municipal Alliance Committee desires to utilize the grant for a variety of programs aimed at prevention of drug abuse within the community; and

WHEREAS, the grant imposes upon municipalities certain requirements including the raising of required local match of \$1,064.00; and

WHEREAS, a resolution authorizing the Mayor and Committee of the Township of Frelinghuysen to execute an agreement for the Municipal Alliance Grant will memorialize the commitment of the Township of Frelinghuysen to drug prevention and indicate the assent of the Township Committee to the efforts undertaken by the Frelinghuysen Township Municipal Alliance Committee and the requirements contained in the Municipal Alliance Grant.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, in the County of Warren, State of New Jersey that the Township of Frelinghuysen does hereby accept the terms and conditions of a Municipal Alliance Grant between the County of Warren, State of New Jersey.

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

#2009-71 (Raffle License resolution)

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct an on-premises raffle at the Frelinghuysen Township School on October 23, 2009 consisting of application #RA2009-03; and

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct an on-premises raffle at the Frelinghuysen Township School on December 2, 2009 consisting of application #RA2009-04; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Frelinghuysen Township PTO raffle license #RA2009-03 and #RA2009-04 is hereby approved.

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

#2009-72 (Overpaid property taxes)

WHEREAS, a resolution is required by the Tax Collector to refund over payment of 2009 for two properties (that went into farmland assessment for 2009), as listed below;

Block	Lot	Pay to	Amount
701	27Q0164	Windy Ridge, LLC	\$1,181.41
701	27.01Q0164	Windy Ridge, LLC	923.05

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the Finance Office is hereby authorized to refund the above overpaid property taxes.

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

#2009-73 (Cancel schedule of state grants receivable)-on hold

#2009-74 (Intent to petition the Highlands Council)

WHEREAS, the Highlands water Protection and Planning Act (Highlands Act), N.J.S.A 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other key natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region and requiring that within nine to 15 months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying with the Preservation Area; and

WHEREAS, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, A notice of Intent to conform to the Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but not later than February 1, 2009 and that for any lands in the Planning Area, a Notice of Intent may be submitted at any time; and

WHEREAS, Frelinghuysen Township lies within the Highlands Region as defined by the Highlands Act; and

WHEREAS, the Township Committee of the Township of Frelinghuysen believes that it is in the best interest of the Township of Frelinghuysen to conform to the Regional Master Plan.

NOW, THEREFORE BE IT RESOLVED, that the Township of Frelinghuysen hereby provides the Highlands Council with this Notice of Intent to petition the Highlands Council for Plan Conformance for all lands lying within the Preservation Area.

BE IT FURTHER RESOLVED, this Notice of Intent provides notice to the Highlands Council that the Township Committee of the Township of Frelinghuysen has set December 31, 2009 as the target date for submission of a Petition for Plan Conformance.

BE IT FURTHER RESOLVED, that this Notice of Intent additionally specifies that the Township Committee of the Township of Frelinghuysen intends to include all lands lying with the Planning Area in the petition. In accordance with the Highlands Council's Plan Conformance Guidelines, this Notice of Intent is not binding with respect to lands within the Planning Area.

BE IT FURTHER RESOLVED, that the Township may choose not to continue with the Plan Conformance Grant Program at any time. The Highlands Council specifically does

not require any reimbursement of grant funds should Frelinghuysen choose not to conform in the Planning Area.

This Resolution shall take effect according to law.

Motion was made by Boynton, seconded by Desiderio to adopt said resolution with amendments. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes. Motion was made by Boynton, seconded by Desiderio to authorize the Clerk to mail a copy of this resolution to Eileen Swan, Executive Director of the Highlands Council. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-75 (Professional Services)

WHEREAS, there exists a need for environmental consulting services to be rendered to 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 preliminary assessment report in accordance with the specifications of Green Acres; and

WHEREAS, The Township wishes to retain the services of PK Environment in accordance with the proposal letter dated August 19, 2009; and

WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$2,425.00 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 an environmental consultant to perform a preliminary assessment report (PAR) on the above-referenced property in accordance with an amount not to exceed \$2,425.00
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 Desiderio, seconded by Boynton to adopt said resolution. Roll call vote: Natyzak-Osadca-no, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-76 (Support of grant application)

WHEREAS, the township of Frelinghuysen has identified the Johansson property, listed on the official Tax Map of the Township as Block 104, Lot 11, as an important property that will significantly enhance the municipality's open space preservation efforts; and

WHEREAS, this tract of land is located within the Paulinskill River Recreation Corridor, which is identified in the Frelinghuysen Open Space and Recreation Plan as a priority area for preservation efforts; and

WHEREAS, the Township acknowledges the application submitted to the Warren County Municipal and Charitable Conservancy Trust and will support the Trust for Public Land (TPL) in its efforts to acquire the property for land preservation.

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

1. The Township acknowledges the submission of a grant application by the Trust for Public Land to the Warren County Municipal and Charitable Conservancy Trust in an amount up to \$400,000.00; and
2. The Township supports this effort provided the acquisition of this property includes a proviso that the property remains Open Space and Passive Recreation; and
3. Nothing contained in the resolution shall have any effect upon the litigation presently pending in the Superior Court of New Jersey known as Kid's Corporation II vs. Zoning Board of Adjustment, Township of Frelinghuysen.
4. This resolution shall take effect immediately.

Motion was made by Boynton, seconded by DeCarolis with amendments. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-77 (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 Boynton, seconded by Desiderio to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-78 (Call upon Governor to sign legislation to enable the use of credit unions) No Action

#2009-79 (Approving final release of performance guaranties for Forest Manor):

WHEREAS, on June 26, 2009, the Congress Companies (the "Applicant") requested the release of the remaining performance guaranties, in the total amount of \$395,611.20, consisting of cash in the amount of \$39, 561.12 and a performance bond in the amount of \$356,050.08, being held by the Township of Frelinghuysen to ensure the satisfactory completion of various site improvements associated with the expansion of the Forest Manor Retirement Home at Lot 11, Block 1803 ("the Performance Guaranties"); and WHEREAS, the Township Engineer has reviewed this request, and has determined, as set forth in his July 20, 2009 letter to the Mayor and Committee, that the subject work has been completed in a satisfactory manner, and that as such he has no objection to the release of the Performance Guaranties, subject to the conditions set forth in that letter.

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

1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Frelinghuysen, Warren County, New Jersey that the Performance Guaranties be released to the Applicant, upon confirmation by the Township Engineer and Township Engineer that the following conditions have been met, as set forth in the July 20, 2009 letter from the Township Engineer to the Mayor and Council:

(a) The posting of a two (2) year maintenance bond in the amount of \$100,373.25 in a form satisfactory to the Township Attorney.

(b) The submission of electronic files of the final record survey drawing for the site, as well as four (4) prints of the final record survey drawing, signed and sealed by the licensed surveyor.

(c) The submission of a \$2,000.00 check made payable to the "Township of Frelinghuysen" pursuant to a June 25, 2008 email issued by Township Engineer, Paul M. Sterbenz, to Peter Nicholson of the Congress Companies to address a deficit in the escrow account and provide monies to allow for recent inspections and the review of performance guarantee request.

(d) A certification from a licensed professional engineer must be provided indicating that the remaining water system improvements which are referenced in a June 10, 2008 letter by Thomas Grau, P.E. of Hatch Mott and McDonald have been installed in a satisfactory manner and have received approvals to be operated by other government agencies with jurisdiction, if required (See Punch list Item 4.02).

(e) A certification from a licensed professional engineer must be provided indicating that Disposal Bed 2, as well as all other work required pursuant to TWA Permit No. 99-2691-4, has been installed in a satisfactory manner and has received approval to be placed into operation by other government agencies with jurisdiction, if required (See Punch list Item 4.01).

2. This Resolution shall take effect as provided by law.

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

PROCLAMATIONS:

The Committee supported the Mayor Proclamation on Organ and Tissue donation

OLD BUSINESS:

A proposed contract for maintenance on the computers was presented. It was decided to hold so that the Clerk could clarify further. (Note: This turned out to be for the school and not the township).

The hours for the recycling center was set for Saturday's from 9:00 a.m. to 1:00 p.m. with an employee of the road department regulating the center on motion made by

Desiderio, seconded by Boynton. Roll call vote: Natyzak-Osadca-no, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-no.

NEW BUSINESS:

A letter received from attorney Edward Wacks regarding the renewal of the cable TV franchise was read recommending that a sub-committee be appointed to meet with the cable TV operator and determine whether the operator is providing the Township with all of the services originally promised when the original franchise was issued. The Sub-Committee will comprise of residents Martin Connor, Nancy Predale and Committeemen Desiderio and Boynton.

The use of the meeting room will be decided when the sub-committee comprising of Committeemen Natyzak-Osadca and Boynton report to the Committee at the work meeting of September 10, 2009.

A letter received from the New Jersey Department of Agriculture informing the township that defoliation caused by the gypsy moth has been detected was read. The Department is offering their services once again and a request form needs to be completed and returned by August 21, 2009 to be eligible to participate. Motion was made by Desiderio, seconded by Boynton instructing the Clerk to forward the request form. All in favor.

MINUTES:

The minutes of the work meeting of July 9, 2009 was approved on motion made by Boynton, seconded by DeCarolis. All in favor. The minutes of the meeting of July 15, 2009 were approved on motion made by Boynton, seconded by DeCarolis. All in favor with Boynton abstaining. The minutes of the executive session of July 15, 2009 were approved on motion made by Natyzak-Osadca, seconded by DeCarolis. All in favor with Boynton abstaining.

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Dog Licensing Official, Construction Office, Tax Collector, Warren County Board of Health 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 publicly thanked Elizabeth Manz for preparing the Municipal Alliance grant.

Mayor Durling reported that the Mayor of Liberty contacted him for use of the Municipal parking lot for a Poker Run stop scheduled for August 28th. Deputy Mayor Desiderio will handle.

Mayor Durling and Committeeman DeCarolis will meet with the Barbour's to discuss the sidewalk. Motion was made by Desiderio, seconded by Boynton to award the contract for the sidewalk to Anviro Contractors of Oxford, New Jersey at a cost of \$8,375.00. All in favor.

Deputy Mayor Frank Desiderio's report:

Deputy Mayor Desiderio reported that the fence for the ball field will be installed on September 1st and soccer will begin on the new field this month.

The drainage problem on Lincoln Laurel Road that was addressed at last month's meeting cannot be remedied. Mr. Desiderio will advise the property owner.

The crumbling wall on South Street has been completed. Mr. Desiderio met with the county to discuss tar and chipping South Street and Golden Chain road which will go through the coop.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca asked the Clerk to have the Knowlton court send monthly reports.

Mrs. Natyzak-Osadca reported on a 9-1-1 reverse call meeting she attended for special needs individuals.

Mrs. Natyzak-Osadca asked to have the attorney's April 7th confidential letter available so that she can take it to another attorney to review it for an interpretation. She was asked to sign a waiver of which was not signed.

Committeeman Alan DeCarolis report:

Mr. DeCarolis reported that the clearing of trees on the island on Southtown Road has been completed and there is more visibility for the cars.

Committeeman David Boynton-no report

Engineer's Paul Sterbenz and Paul Niehoff's report:

Mr. Sterbenz gave the Committee Storm water training as per the provisions of the plan. There is a 10 point system that the township must meet and this training would obtain 3 points. The topics which were addressed were storm water runoff, storm drain inlet labeling, proper application and disposal of pesticides and washing of municipal vehicles.

With regard to the sidewalk, Mr. Sterbenz advised that SHPO approved our application on July 1, 2009.

Mr. Sterbenz recommended that the township release Forest Manor's performance guarantee subject to the conditions set forth in his letter. (See resolutions).

Plans were submitted for the State Park Road project on August 7th and the next process will be the advertising for the project.

Attorney Edward Wacks report:

Mr. Wacks reported on the Kids Camp litigation that a schedule has been set and there are still some settlement discussions but no action.

Mr. Wacks has not heard from Nature Conservancy with regard to the purchase of land and will follow up.

BILLS:-please see schedule attached.

CORRESPONDENCE:

Roman Osadca Re: Recycling

Township of Knowlton Re: Cable TV

NJ DEP Re: Notice of draft permit actions

NJ Highlands Re: Highlands council grant programs

COAH Re:

1. New report
2. Non-residential development fees
3. COAH news
4. Highlands information and Ordinance notification

Warren County Engineer Re: 2008 traffic crash data

NJ DEP Re: Recycling enhancement act

Frelinghuysen Township Planning board Re: Agreement with Ordinances 2009-11, 2009-13 and 2009-14

Municipal Excess Liability JIF Re: 2009 safety exposition

NJ Highlands Re: Response for clarification of the 2009 plan conformance grant and Municipal notice of intent

Maser Consulting Re: State Park Road Phase 3

Warren County Health Dept. Re: Sweet Jane's Café and Bar
 Allamuchy Township Re: Proposed amendments to the Land Development Ordinance
 Wacks & Hartmann Re: Letter to Nature Conservancy
 NJ Dept. of the Public Advocate Re; tenant foreclosures
 NJ DEP Re: Remedial investigation results
 NJ Board of Public Utilities Re: Service Electric Cable TV
 JCP&L Re: 2009/2010 USF program year
 Blairstown Township Re: Zoning Board of Adjustment notice
 NJ Office of the Attorney General Re: Amusement games licensing law
 NJ Highlands Re: Copy of letter for clarification of the council's plan conformance
 Cramer Ecological Services Re: General permit application for Block 1501, Lot 7
 American Cancer Society Re: Thank you for contribution
 Garden State Laboratories Re: Results of water testing for Municipal Building
 Ridge & Valley Conservancy Re: Request for donations
 Maser Consulting Re: State Park Road Improvement phase 3
 Warren County Board of Taxation Re: 2009 tax rate data
 Morris County JIF Re: MEL newsletter
 Hope Township Re: Planning Board notice
 Karen Leese Re: Notice of hearing for Frelinghuysen BOA
 New Jersey State League of Municipalities Re:

1. Three Issues:
 - a. New Jersey Mayor's book club initiative
 - b. Public Assistance regional workshops
 - c. Information regarding energy efficiency & conservation block grants
2. Two Issues:
 - a. Change in league legislative team
 - b. 2010 pension obligations
3. Sustainable Jersey announcement
4. 2010 State Health benefit premium
5. A-3443 authorizes set-asides, fees in-lieu for open spaces
6. Three Issues:
 - a. NJ Family care advertising campaign
 - b. Public hearing set on proposed amendments to vegetation mgt. rules
 - c. Local Government Greenhouse gas grant workshop
7. Legislative bulletin No. 3
8. League Publications
9. League's website
10. Five ways to spread the word about the census
11. COAH briefings
12. The NJ Economic stimulus act of 2009
13. Two Issues:
 - a. Update on PT-10 forms and Telecommunications taxes
 - b. Economic stimulus & 2.5% non-residential fee moratorium
14. Two Issues:
 - a. Emergency Response guidebook(ERG2008)
 - b. NJ Mayors urge congressional action on energy efficiency
15. Call for nominations-8th annual innovation in Governance awards
16. Actions relative to loss of business personal property tax revenue
17. League's financial activities for July 2008-June 2009
18. Five Issues:
 - a. Organ donation and your community and draft proclamation
 - b. August grant page posted
 - c. DEP discusses plans to implement new site remediation reform act
 - d. A-3508, enabling municipalities to utilize credit unions as depositories
 - e. Process for filing consumer complaints concerning banking & ins.
19. Temporary layoff guidelines for local appointing authorities
20. Special charity event for league members

AUDIENCE PARTICIPATION:

Marty Connor asked for clarification on the Johansson property and what the township's involvement was in it. He was advised that the township just supports the efforts.

Fran Muller asked if the results of the water testing were received. She was informed that they were and the results were favorable.

Daniel Milkin asked the recycling containers.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC