

MINUTES OF THE MEETING OF AUGUST 20, 2008

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 7:45 p.m. by Mayor Charles.

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 Star Gazette and New Jersey Herald on January 3, 2008.

ROLL CALL:

Those present were: Mayor Thomas Charles, Committeeman Debra Natyzak-Osadca, Committeeman Alan DeCarolis, Committeeman Frank Desiderio, Committeeman Dale Durling (arriving at 9:15), Attorney Edward Wacks, Chief Finance Officer Gene Marie McCartney and Clerk Brenda Kleber.

Please note that the agenda was not followed, therefore, some agenda items contain Mr. Durling's comments or votes.

EXECUTIVE SESSION:

Motion was made at 7:00 p.m. by DeCarolis, seconded by Desiderio to enter into Executive Session with regard to Property Acquisition and potential litigation. All in favor. Motion was made by Desiderio, seconded by DeCarolis to return to public session. At this time, the township attorney advised that he will make a report later in the meeting.

ORDINANCES:

AN ORDINANCE (#2008-12) DELETING AND REPLACING SECTION 12-2 ENTITLED "ESTABLISHING A RECYCLING PROGRAM" was opened to the public on motion made by DeCarolis, seconded by Desiderio. All in favor. Motion was made by Desiderio, seconded by DeCarolis to close the public session. All in favor. Motion was made by DeCarolis, seconded by Desiderio to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Charles-yes.

AN ORDINANCE (#2008-15) OF THE FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE ESTABLISHING RULES AND REGULATIONS FOR PARKS AND RECREATION AREAS IN THE TOWNSHIP OF FRELINGHUYSEN was opened to the public on motion made by Desiderio, seconded by DeCarolis. All in favor. Motion was made by Desiderio, seconded by Durling to close the public session. All in favor. Motion was made by Desiderio, seconded by Durling to adopt said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM. The Clerk read the Ordinance by title and advised that a public hearing will be held on September 17, 2008. Motion was made by Desiderio, seconded by DeCarolis to introduce said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Charles-yes.

Ordinance #2008-17-on hold

Ordinance #2008-18-on hold

RESOLUTIONS:

#2008-73:

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 2008 in the sum of \$10,400.00, which is now available from Fines regarding fire and rescue matters, in the amount of \$10,400.00

BE IT FURTHER RESOLVED, that the like sum of \$10,400.00 is hereby appropriated under the caption Safety Fines; and

BE IT FURTHER RESOLVED, that the above is the result of funds from Fines regarding fire and rescue matters in the amount of \$10,400.00.

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

#2008-74

WHEREAS, the Frelinghuysen Township PTO has applied for a license to conduct a raffle at the Frelinghuysen Township School on December 3, 2008 consisting of application #RA2008-02; and

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

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 #RA2008-02 is hereby approved.

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

#2008-75

WHEREAS, the New Jersey State Police was founded for the express purpose of bringing law enforcement to rural towns that had no police forces of their own; and

WHEREAS, hundreds of thousands of people and thousands of businesses in nearly 100 towns, stretching from Sussex County to Cape May, and spread out over more than 2,000 square miles rely on the State Police for protection; and

WHEREAS, the governing bodies of municipalities currently utilizing the service of the New Jersey State Police, who have relied on the integrity of the State Government's commitment to public safety for almost a century, have structured their local spending plans on this long-standing promise, to create current budgetary patterns in their local tax structure; and

WHEREAS, the concept of taxpayers being asked to pay for the cost of public services has never been approached from a user fee philosophy, and runs contrary to the State of New Jersey's philosophy of paying for the costs of various public services, including but not limited Supporting Special Education Needs, Increasing Affordable Housing Opportunities, Expanding Health Insurance for Children, Fighting Hunger, Reducing Gang-Related Violence, Promoting Women's Health issues, Addressing Violence Against Women, Economic Growth and Homeland Security, all of which were identified as priority goals of the administration of Governor Corzine; and

WHEREAS, the concept of singling out one area of State Government's cost for the purpose of converting it to a user fee philosophy, while not doing so for any of the other above-named public service, represents a poor, knee-jerk reaction to a fiscal crisis; and

WHEREAS, the decision to charge municipalities for the costs of the New Jersey State Police represents an unconstitutional act with no precedence or justification; and

WHEREAS, the decision to charge municipalities for the costs of the New Jersey State Police represents an unfunded mandate which is contrary to the tenets and requirements of New Jersey State Law; and

WHEREAS, shifting this cost from an income-tax basis to a property-tax basis will have no discernible positive impact on the taxpayers of New Jersey, after factoring in the severe, long term negative economic impacts on New Jersey's towns currently served by the New Jersey State Police; and

WHEREAS, implementation of such a plan does not provide tax relief, but rather represents shell game politics in an attempt to shift costs from state government to local government; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Committee of the Township of Frelinghuysen does hereby express its strongest opposition to the decision to impose a charge on the rural communities of New Jersey for bearing the direct costs of public safety as it relates to the New Jersey State Police; and

BE IT FURTHER RESOLVED, that the Mayor and Committee of the Township of Frelinghuysen do hereby call upon Governor Jon Corzine and the New Jersey State Legislature to rescind the policy of charging municipalities for the costs of State Police Coverage.

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

#2008-76:

WHEREAS, a resolution is required by the Tax Collector to refund an overpayment of 2008 taxes; and

WHEREAS, IHM Realty Associates, LLC, owner of Block 201, Lot 22 Q0083 paid their first half taxes as billed, the Tax Assessor reduced the value for the 2008 tax year and this created an overpayment when final billing was determined.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to refund an amount of \$1,579.72 to IHM Realty Associates, LLC

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

#2008-77:

A resolution endorsing S-1976/A-2982, an increase in State Police surcharge to defray costs of local police services-No action taken.

#2008-78:

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 mad bye Desiderio, seconded by DeCarolis to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

#2008-79:

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

WHEREAS, under the Open Public Meetings Act (number 5 & 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 20th day of August, 2008 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, Charles-yes.

OLD BUSINESS:

Due to the County not taking over the Wastewater Management responsibilities, in his report, Mr. Sterbenz advised that the old plans have been rescinded due to the new regulations. The municipality has until July 2009 to comply with the new regulations. Mr. Sterbenz will review the old plan and will outline the municipality's responsibility for the Committee's decision.

Mark Quick updated the Committee on his setting up of debates for the upcoming election. To date he has approval from the local municipalities and has sent letters to the candidates setting up a date in the latter part of September and beginning of October and will put letters in the local newspaper. Motion was made by Natyzak-Osadca, seconded by Desiderio making Frelinghuysen the lead agency. All in favor.

A letter of proposal to update the tax maps submitted by L.J. Brill & Assoc in the amount of \$7,400.00 was approved on motion made by Desiderio, seconded by DeCarolis. All in favor.

Committeeman Durling reported on the meeting he had with the representatives of Hope and the Municipal Court and relayed to the Committee that the fines are not being considered when the projected costs were given. He feels that the final cost would be between \$8,000 and \$9,000 for 2008. The Committee decided on motion made by Durling, seconded by Desiderio to move to the Knowlton Court. Roll call vote: Natyzak-Osadca-abstain, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

NEW BUSINESS:

The resignation of John Ponczek from the Planning board was accepted with regret on motion made by Desiderio, seconded by Durling. All in favor. The Clerk was instructed to send Mr. Ponczek a letter of thanks.

James Drylie gave an update on OEM, the CERT (Community Emergency Response Team), the Debris Management Guide and asked the Committee to consider how they would respond to a resident if they were out of fuel. Motion was made by Desiderio, seconded by DeCarolis to support the above programs.

An Interlocal Service Agreement for purchase, maintenance service and storage of a tandem body dump truck from Knowlton Township had concerns which the Committee asked the Clerk to follow up on.

MINUTES:

The minutes of the meeting of July 10, 2008 were approved on motion made by Durling, seconded by DeCarolis. All in favor. The minutes of the meeting of July 16, 2008 were approved with corrections on motion made by DeCarolis, seconded by Durling. All in favor. The executive session minutes of July 16, 2008 are on hold.

DEPARTMENT REPORTS:

Department reports received from the Tax Collector, Tax Assessor, Building Dept., Chief Finance Officer, Health Dept., Warren County Court were read and approved on a consent agenda motion made by Desiderio, seconded by Durling. All in favor.

Mayor Thomas Charles report:

Mayor Charles reported that he was contacted by the State Treasurer's Office asking if the township would be interested in entering into a shared service study in the amount of \$30,000.00. This grant would look into regionalizing a police department with Blairstown and Hope. All the expenses would be paid for the 1st year. This will be further discussed.

Mayor Charles advised that the company Growmark will spray the 5 acre recreational complex in the amount of \$200.00.

Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca commended the webmaster for the e news and suggested that a copy be made for the Town Hall to be displayed.

Alan DeCarolis report:

Committeeman DeCarolis reported on the COAH sub-meeting which will have the round 3 plan ready in September.

Frank Desiderio's report:

Committeeman Desiderio reported that the Road Department received a Certificate of Achievement in the amount of \$840.00 to be used on safety equipment that will benefit all employees.

Committeeman Desiderio reported that the installation of drain basins on State Park Road is close to being completed and the Road Department has done a great job.

Dale Durling's report:

Committeeman Durling reported on a meeting he and Mr. DeCarolis had with the Barbour's with regard to the sidewalk issue and a plan was formed. He will meet with the engineer to go over the plan. The issue of the property line was brought up and motion was made by Desiderio, seconded by Durling to authorize the engineer to locate the property line next to the Barbour's property. All in favor.

Attorney Edward Wacks report:

Mr. Wacks gave a status report on the Reisburg property. Based on the vote of the Committee at last month's meeting, Mr. Wacks will send a revised contract to Mr. Reisburg's attorney. Motion was made by Desiderio, seconded by DeCarolis to proceed with the revised contract. Roll call vote: Natyzak-Osadca-oppose, DeCarolis-yes, Desiderio-yes, Charles-yes.

Mr. Wacks reported on the letter he received from Cable TV. Bids will need to be solicited along with a resident needed to serve on a committee. A memo will be put together for the Committee's review.

A draft agreement for the Green Township Fire Department was submitted for the Committee's review.

A questionnaire on SHPO was submitted to the Committee. Mr. Wacks asked the Committee to look it over carefully. Approval will be given to send the questionnaire out next month.

With regard to the Jensen/Burns/Marie matter, Mr. Wacks reported that after reviewing the resolutions and listening to the tape of the meetings, it is his opinion that the newly formed Land Use Board proceedings were flawed as the Board dealt with the auto repair and not the shelving issue. Mr. Wacks felt the best way to handle the situation was for the Zoning Officer to send a letter to Burns and Marie that based upon his opinion, constructing shelving is contrary to the zoning and they are to file an application to the Board of Adjustment for a use variance. If after 30 days, and there is no compliance, a summons will be issued. Motion was made by Natyzak-Osadca, seconded by Charles instructing the attorney to prepare a letter for the Zoning Officer to send to Burns & Marie. Roll call vote: Natyzak-Osadca-yes, Desiderio-no, Charles-yes. (Note: Alan DeCarolis resued himself).

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

Mr. Niehoff reported that most of the culvert work will be completed on State Park Road by next week at which time the coop will be contacted for bids to pave.

On the South Street project, Mr. Niehoff met with Committeeman Desiderio and homeowners and a concept plan was prepared and submitted to the DEP. There will be a pipe installed into an existing swale that flows toward Allamuchy Road and will empty into a natural spring. Mr. Niehoff is meeting with the DEP and will advise the Committee of his meeting. Motion was made by Desiderio, seconded by DeCarolis to authorize Mr. Niehoff to set up a pre-application meeting with the DEP. All in favor.

Mr. Sterbenz will meet with a SHPO representative on Wednesday to walk the property on the Municipal Recreation Complex and will give his findings next month. Committeeman Natyzak-Osadca asked about the detention basin and whether there was an easement on it and did we need the detention basin. Mr. Sterbenz reply was that it was required for Stormwater management regulations.. Mr. Wacks will check this out.

BILLS:

See schedule attached to minutes.

CORRESPONDENCE:

NJDEP Re:

1. Dam application permit
2. Notice of public hearing
3. Diesel retrofit program
4. Forest Manor Retirement Home Re: Well permit

Office of the County Engineer Re: 2007 crash data & road safety assessment

Ally Meehan Re: Copies of letters sent to Blairstown Township

JCP&L Re: Annual Universal Service Fund Compliance Filing

NJ DEP Re: 2008 Governor's Environmental Clean Water program

NJ DEP Re: Suspected hazardous discharge notification

NJ COAH Re: Affordable housing reform statute P.L. 2008, c.46

Township of Randolph Re: Cost savings

Environmental Alert-Volume 59

NJ Office of the State Treasurer Re: Formula for State Policing

Municipal Court of North Warren Re: 2007 audit

Certificate of Achievement award to Road Dept.

Warren County Purchasing Dept. Re: Cost for Rock salt-2008 prices

Carlstadt Borough Re: Resolution #2008-170

PMK Group Re: Audit results

NJ Dept of Agriculture Re: Gypsy moth program

State Agriculture Dev. Comm. Re: Planning Incentive grant application

Warren County Board of Taxation Re: 2008 tax rate

Project Graduation Re: Thank you

Warren County Engineer Re:

1. Placement of banner
2. Resurfacing of county roads

Maser Consulting Re: Award of contract-State Park Road

Warren County Health Dept. Re: Warren County Plumbing Subcode Services

NJDEP Re: Suspected hazardous substance discharge notification

Warren County Freeholders Re: Resolution No. 35

Commerce Risk Control Services Re: Summary of safety meeting & PEOSH review

Township of Washington Re: Resolution #2008-100

Municipal Excess Liability Joint Insurance Fund Re: Bulletin MEL 08-24

GTS Re: Material Safety Data Sheets

NJ Dept. of Treasury Re: Construction projects

Tilcon New York Re: Energy price increases

Township of Woodbridge Re: NJ Senior Olympics

NJ DCA Re: Local Finance Board Resolution

NJ DOT Re: Ridge & Valley Charter School

New Jersey State League of Municipalities Re:

1. Washington Watch (House passes H.R. 3221)
2. Two Issues:
 - a. Affordable Housing
 - b. Grant news and information
3. Rural Policing Mandate
4. Important new information from the DLGS
5. Federal update for period ending July 18, 2008
6. Two Issues:
 - a. NJ Supreme Court rules on filing period and attorney fees in OPRA
 - b. NJDEP offers local outreach concerning site remediation
7. Public Safety related costs property tax relief (S-1976/A-2982)
8. Statewide rural policing update-meeting scheduled Sept. 4th
9. League Seminar Re: School consolidation, construction, funding, etc.
10. League publication Re: Landlord registration and fees
11. H.R. 3221 (Foreclosure crisis relief)
12. Free limited membership in Int'l municipal lawyers assoc.
13. Increase in gas rates
14. Legislative bulletin No. 5
15. Three Issues:
 - a. New Jersey Urban Real Estate Conference
 - b. Last change to order 2008-09 legislative roster
 - c. August grant page posted
- 16.. Two Issues:
 - a. Grant resource center's news and Information page updated
 - b. Joint meeting on beach access

Township of Frelinghuysen

<http://www.frelinghuysen-nj.us>

17. Statewide rural policing -update meeting scheduled for Sept. 4th
18. League's annual audit statement
19. Economic development workshop at Rutgers

AUDIENCE PARTICIPATION:

Marty Connor asked if there was going to be any work done on Lincoln Laurel Road as there are flooding problems. Committeeman Desiderio replied that this will be taken care of.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC