

## **MINUTES OF THE MEETING OF SEPTEMBER 17, 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 7:30 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. The notice of the joint meeting between the Committee and Planning Board was faxed to the Star Gazette and New Jersey Herald on August 22, 2008.

### **ROLL CALL:**

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

### **PUBLIC HEARING:**

Darlene Jay, junior planner of Maser Consulting presented the draft housing Element and Fair Share Plan which is enforcing the mandates for third round COAH for the period 2004 to 2018. Frelinghuysen petitioned COAH in 1999 and received substantive certification in 1999 and again received substantive certification from COAH in 2001 for the prior round. Three issues were addressed: 1) Rehabilitation share for which 6 units are required; 2) Prior Round for which 6 units are required; and 3) Growth share. Frelinghuysen Township will be obligated for 32 units along with 104 employment allocations required. Ms Jay explained that if this plan is not submitted to COAH prior to December 31<sup>st</sup> the township could be liable for builders remedy

Motion was made by Desiderio, seconded by Durling to open the meeting to the public. All in favor. After the draft was reviewed, motion was made by Desiderio, seconded by Durling to close the meeting to the public. All in favor.

At this time, the Planning Board approved the draft.

### **ORDINANCES:**

AN ORDINANCE (#2008-16) FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM was opened to the public on motion made by Desiderio, seconded by Durling. 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 (#2008-17) ESTABLISHING THE POSITION OF RECYCLING COORDINATOR. The Clerk read the Ordinance by title and advised that a public hearing will be held on October 15, 2008. Motion was made by Desiderio, seconded by DeCarolis to introduce said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

### **PROCLAMATIONS:**

A proclamation designating October as Community Planning Month in Frelinghuysen Township was proclaimed on motion made by Desiderio, seconded by DeCarolis. All in favor.

## RESOLUTIONS:

#2008-80:

WHEREAS, on December 11, 2007, Silvana Enterprises filed an liquor license application along with the proper fees for a person-to-person transfer for the Dark Moon Tavern license #2106-33-005-004; and

WHEREAS, Silvana Enterprises has not complied with the ABC rules to supply additional information and the rules of the New Jersey State Police; and

WHEREAS, another application has been filed for a person-to-person transfer for the purchase of the Dark Moon Tavern; and

WHEREAS, the application for Silvana Enterprises has to be withdrawn in order for the second application to move forward.

NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that the application submitted to the Alcoholic Beverage Control Commission for Silvana Enterprises is hereby withdrawn.

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

#2008-81:

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 2106-33-005-004, heretofore issued to John Predale and Nancy Predale for premises located at 606 Route 519, Blairstown, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated there under, 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 Committee does hereby approve, effective June 6, 2008, the transfer of the aforesaid Plenary Retail consumption License to John Predale and Nancy Predale is hereby approved.

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

#2008-82:

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 2106-33-005-004, heretofore issued to John Predale and Nancy Predale for premises located at 606 Route 519, Blairstown, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, 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 license business and all additional financing obtained in connection with the license business.

NOW, THEREFORE BE IT RESOLVED, that the Frelinghuysen Township Committee does hereby approve, effective August 5, 2008, the transfer of the aforesaid Plenary Retail Consumption License to Kim's Grog and Grill, LLC is hereby approved.

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

#2008-83:

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 \$5,553.28, which is now available from Buildings & Grounds regarding the Gypsy Moth Program in the amount of \$5,553.28.

BE IT FURTHER RESOLVED, that the like sum of \$5,553.28 is hereby appropriated under the caption Buildings & Grounds; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the Gypsy Moth Program in the amount of \$5,553.28.

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

#2008-84:

WHEREAS, Lien Times, LLC acquired a lien against Block 801, Lot 7.01 at the Municipal Tax Sale held October 2, 2007 (Certificate #2007-03). Gina Ciccotelli, owner of said property has paid the amount required to redeem the lien.

NOW, THEREFORE BE IT RESOLVED, that the Township Treasurer is hereby authorized to issue a check in the amount of \$16,281.43 to Lien Times, LLC.

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

#2008-85:

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 \$5,553.28, which is now available from Buildings & Grounds regarding the Gypsy Moth Program in the amount of \$5,553.28.

BE IT FURTHER RESOLVED, that the like sum of \$5,553.28 is hereby appropriated under the caption Buildings & Grounds; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the Gypsy Moth Program in the amount of \$5,553.28.

Motion was made by DeCarolis, seconded by Durling to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-no, Durling-yes, Charles-yes.

#2008-86:

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

## **OLD BUSINESS:**

Mark Quick gave an update on the candidate's night he is organizing. To date the invited candidates have responded that they would attend except for Scott Garrett who declined. There may be a location change of which Mr. Quick will inform the committee of the change. Mr. Quick also suggested residents get together to hire a bus to go to Trenton to protest the State Police funding.

During Mr. Wacks report he suggested that the Committee member's e mail him their suggestions and changes for the Historic questionnaire. Discussion ensued on whether to send the questionnaire to residents within the district or outside the district. Motion was made by Durling, seconded by DeCarolis to table the questionnaire. Roll call vote to table: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-no, Durling-yes, Charles-no. Later in the meeting the discussion came up again and motion was made by Desiderio, seconded by Charles to send the questionnaire within certain districts when public safety is involved. Roll call vote to send as stated: Natyzak-Osadca-no, DeCarolis-no, Desiderio-yes, Durling-no, Charles-yes.

The fire and emergency service agreement is on hold.

Committeeman Natyzak-Osadca brought up the house on Dark Moon Road where there have been many complaints about the collection of garbage on the property and thought there should be a maintenance agreement. Since Committeeman Desiderio has handled this situation in the past, motion was made by Natyzak-Osadca, seconded by Durling to authorize Committeeman Desiderio to talk to the homeowner on behalf of the township with regard to health and safety issues. All in favor.

The discussion at the work meeting whereby Cathy Bao Bean brought up the renaming of Route 661 to Main Street. Mrs. Bean has been having problems with the delivery of packages from UPS and Federal Express not recognizing the address as a Frelinghuysen address. The Committee recommended that she contact these agencies and make them aware of the change.

Also, discussed at the work meeting was a policy for the use of the meeting room. The issue is the use of the room when an organization charges and the township has to pay for the heat and electric. The other problem is that the air conditioning unit has been left on over the weekend. Since then, a lock has been placed on the unit, however, if there continues to be a problem, regulations will be put in place.

The annual township dinner for the volunteers on the various boards was discussed. The Clerk was authorized to contact several places for costs.

With regard to the sidewalk maintenance ordinance, motion was made by Desiderio, seconded by Charles to authorize the attorney to redraft the ordinance mandating a sidewalk area in certain zones. Roll call vote: Natyzak-Osadca-no, DeCarolis-no, Desiderio-no, Durling-no, Charles-yes.

## **NEW BUSINESS:**

A letter received from the Planning board attorney citing a statute that all municipal records be kept on site and that it was the boards understanding that the surveys were to be anonymous. Apparently, the surveys were numbered; therefore the board believed that the information could be cross-reference. Since at the time of this discussion, the Planning Board members were in attendance, Robin Randolph explained that the process in the numbering was so that no duplicates could be made of the survey. After discussion, motion was made by Durling, seconded by Natyzak-Osadca to move the survey forward and that member of the Committee (Durling) be part of the process. All in favor.

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

#### **MINUTES:**

The minutes of the work meeting of August 14, 2008 were approved on motion made by Desiderio, seconded by Durling. All in favor. The minutes of the meeting of August 20, 2008 were approved as corrected on motion made by DeCarolis, seconded by Durling. All in favor. The minutes of the executive session of August 20, 2008 were approved as corrected on motion made by Desiderio, seconded by Natyzak-Osadca. Roll call vote: Natyzak-Osadca-yes, DeCarolis-abstain, Desiderio-yes, Durling-abstain, Charles-yes.

#### **DEPARTMENT REPORTS:**

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

##### Mayor Thomas Charles report:

Mayor Charles reported that he has been given authorization from the Recreation Committee to purchase a plaque for Edwina Soisson who resigned from the Recreation Committee.

Mayor Charles announced that the annual hay ride will be held on October 25<sup>th</sup> and will be held at the Charles farm.

Mayor Charles announced that the fire calls for the Green Township Fire Dept. have been 50% for Frelinghuysen and 50% for Green Township.

On motion made by DeCarolis, seconded by Desiderio, the Clerk was authorized to send a letter to the residents on South Street who are affected by the flooding problem advising them that the plans submitted to the DEP are on file for review. All in favor.

##### Committeeman Alan DeCarolis report:

Mr. DeCarolis reported that he will meet tomorrow with an installer who will give him a quote for a camera system.

##### Committeeman Frank Desiderio;s report:

Mr. Desiderio reported that the drains, the road department has been installing on State Park Road have been completed and the road is being paved. He now is looking into quotes for line stripping on Lincoln Laurel Road, Mill Road and Bear Creek Road.

Mr. Desiderio reported on a pile of garbage which was dumped on the State's railroad property on Kerrs Corner Road. The State Police was called and names were found in the garbage. The State Police will contact the people involved.

##### Committeeman Dale Durling's report:

Mr. Durling reported on the meeting he and Mr. DeCarolis had with Mr. & Mrs. Barbour on the sidewalk issue. The Barbour's are happy that the township is communicating with them and has asked that the sidewalk be level with the roadway along with not wanting to maintain the sidewalk. Mr. Desiderio felt that this could be a safety issue along with trouble snow plowing the road. It was decided that Mr. Desiderio & Mr. Durling would meet to discuss the installation of the curbing.

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Attorney Edward Wacks report:

The Donna Marie/Burns matter was brought up (Note: Mr. DeCarolis recused himself). Mr. Wacks drafted a letter to Zoning Officer, Mr. Boesze giving Mr. Burns 10 days to respond to the letter. Since there has been no response and the 10 day period is over, a summons will be filed. Since Mr. Boesze lives and works in Pennsylvania, motion was made by Durling, seconded by Desiderio to appointed Shannon Drylie as temporary zoning office to file the summons. There will be no pay, it will be part of her deputy clerk's position and consideration will be taken at the reorganization meeting to make it a permanent position. All in favor.

Mr. Wacks has not heard any response from Nature Conservancy with regard to the drainage easement. Since there was a time frame given for a response there will be no follow up.

With regard to the historic questionnaire, Mr. Wacks questioned the onus on the property owners in the district and suggest that the Committee member e mail him their suggestions. It was decided to only send the questionnaire to the residents within the historic district.

Motion was made by Desiderio, seconded by Durling authorizing the attorney to redraft the sidewalk ordinance to include maintenance. All in favor.

Municipal Clerks report:

The Municipal Clerk reported that JCP&L has contracted with a company to cut and trim trees thought out the township in order to keep the wires free from falling tree limbs.

**BILLS:**

See schedule attached to minutes.

**CORRESPONDENCE:**

Nancy Nicholoff Re: Township survey

Kieran Drylie Re: CERT

Pollution Control Financing Authority Re: 2008 Household Clean up

Dept. of Land Preservation Re: Amendments to Farmland Preservation Plan

Frelinghuysen Township Board of Adjustment Re: Adopted Regulations

Maser Consulting Re: Copy of letter to Land Use Regulation Program Re: South St.

State of New Jersey Re: Highlands Regional Master Plan

State of New Jersey Re: Recreation complex

NJDEP Re: Site Remediation Program

NJDEP Re: Hazardous substance discharge notification

NJDEP Re: Community Forestry Status report

NJ Board of Public Utilities Re: Cable Television franchise renewal

NJ Board of Public Utilities Re: Municipal Assistance

NJ Dept. of Labor Re: Order to comply abated

NJ Dept. of Health Re: Primary care treatment report

Municipal Excess Liability JIF Re: Safety exposition registration packet

Minutes of NJ State Police meeting held on August 12, 2008

James Drylie Re: School use request

Township of Green Re: Adoption of Master Plan

Township of Green Re: Ordinance No. 08-13

Township of West Milford Re: Resolution #2008-290-Highlands

New Jersey Citizens Group for Responsible Government Spending Re: State police

Forest Manor Healthcare Center Re: Executed developers agreement

Warren County Freeholders Re: Resolution opposing charges for State police coverage

New Jersey State League of Municipalities Re:

1. COAH fund receipt

2. Invitation to apply for the Innovations in American Government Award

Township of Frelinghuysen

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

3. Energy price rise resolution
4. Affordable housing/COAH update
5. Three Issues:
  - a. September grant page posted
  - b. PARIS grants announced
  - c. League e mail registrations
6. League seminar-school consolidation
7. Two Issues:
  - a. Gulf states emergency order
  - b. Agenda for school consolidation seminar
8. New law limits power of municipality to impound shopping carts
9. Copy of letter to Governor Corzine
10. Statewide summit action plan
11. Preservation New Jersey Gala
12. Two Issues:
  - a. Appellate division rules on curbside trash collection for apartments
  - b. 2009 pension cost budget shock
13. Three Issues:
  - a. Legislative Development
    1. Permit extension act
    2. Financial disclosure for local officers
  - b. Important Conference sessions-land use
  - c. Michael A. Pane Memorial Award
14. Two Issues
  - a. Proclamation-October National Planning Month
  - b. Final Announcement
15. Two Issues:
  - a. Important conference sessions-Clean and Green
  - b. NJ Clean Energy Conference-Save the date

#### **AUDIENCE PARTICIPATION:**

Martin Connor of Lincoln Laurel Road thought that his road would be double stripped. Mr. Desiderio informed him that it will be one straight yellow line made with epoxy paint.

Daniel Kohuth asked the number of surveys that were sent out.

#### **ADOURNMENT:**

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC