

MINUTES OF THE MEETING OF OCTOBER 15, 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.

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.

ORDINANCES:

AN ORDINANCE (#2008-17) ESTABLISHING THE POSITION OF RECYCLING COORDINATOR 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 (#2008-18) AMENDING SECTION 800, ET SEQ. OF THE FRELINGHUYSEN TOWNSHIP CODE, ENTITLED "DEVELOPMENT APPLICATION REVIEW PROCEDURES" The Clerk read the Ordinance by title and advised that a public hearing will be held on November 17, 2008. Motion was made Desiderio, seconded by Durling to introduce said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

AN ORDINANCE (#2008-19) AMENDING SECTION 800, ET SEQ. OF THE FRELINGHUYSEN TOWNSHIP CODE, ENTITLED "DEVELOPMENT APPLICATION REVIEW PROCEDURES." The Clerk read the Ordinance by title and advised that a public hearing will be held on November 17, 2008. Motion was made by DeCarolis, seconded by Desiderio to introduce said ordinance. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

RESOLUTIONS:

#2008-87

WHEREAS, the fiscal year 2009 New Jersey State Budget (Chapter 35 of the Public Laws of 2008) requires that municipalities which receive rural policing services provided by the New Jersey State Police to enter into a cost-sharing agreement with the State Treasurer, or provide the Treasurer with information on how the municipality will provide police services to its resident; and

WHEREAS, the Township of Blairstown presently provides 15 hours per day (part-time) policing coverage by its own local police department with the remaining 9 hours per day of coverage provided by the New Jersey State Police; and

WHEREAS, the New Jersey State Police provides 24 hour per day (full-time) coverage to the surrounding municipalities of the Township of Frelinghuysen, the Township of Hardwick, and the Township of Hope; and

WHEREAS, R. David Rousseau, the Treasurer of the State of New Jersey, has furnished each affected municipality the amount of the cost-share agreement with the State of New Jersey for fiscal year 2009 to maintain the present part-time or full-time State Police coverage as follows:

| | |
|---------------------------|--------------|
| Township of Blairstown | \$175,291.00 |
| Township of Frelinghuysen | 85,100.00 |
| Township of Hardwick | 62,513.00 |
| Township of Hope | 86,391.00 |

WHEREAS, in order to provide the residents of the above noted municipalities with the most cost effective police coverage through the Uniform Shared Services and Consolidation Act (Chapter 63 of the Public Laws of 2007), the governing bodies of each municipality are making application to the State of New Jersey for a Feasibility Study Grant to examine a Shared Policing Service through the Sharing Available Resources Efficiently (SHARE) Program with the Township of Blairstown acting as lead agency. This Feasibility Study is at no cost or obligation to the participating municipalities.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen on this 15th day of October 2008 that a Feasibility Study Grant application be submitted and the Mayor be authorized to execute the same to the State of New Jersey, Sharing Available Resources Efficiently (SHARE) Program, for Shared Policing Services encompassing the areas of the Townships of Blairstown, Frelinghuysen, Hardwick, and Hope in the following order and manner as required by the Program;

1. A Request for Proposal (RFP) is advertised to provide Professional Services for a Feasibility Study for Shared Police Services.
2. Using the prices received from the Proposals a grant application will be submitted by the New Jersey State Department of Community Affairs System for Administering Grants Electronically (SAGE).

The SHARE Program application will receive preliminary funding decisions within 10 business days of receipt of the complete application.

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

#2008-88:

WHEREAS, a resolution is required by the Tax Collector to cancel 2008 taxes deemed uncollectible; and

WHEREAS, the following properties have 2008 taxes that must be canceled of record;

| Block | Lot | Owner | Amount | Reason |
|-------|-----|---------------------------|----------|-------------------|
| 201 | 31Q | Township of Frelinghuysen | \$560.70 | Tax Exempt |
| 402 | 16 | Township of Frelinghuysen | 92.40 | Tax Exempt |
| 1703 | 10Q | State of New Jersey DEP | 132.30 | Erroneous Assess. |
| 1703 | 14Q | State of New Jersey DEP | 2.10 | " |
| 1802 | 1Q | State of New Jersey DEP | 2.10 | " |
| 1802 | 2Q | State of New Jersey DEP | 409.50 | " |
| 1802 | 6Q | State of New Jersey DEP | 65.10 | " |

NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the above listed taxes be canceled of record as they are deemed uncollectible.

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.

#2008-89:

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

#2008-90:

WHEREAS, this new state mandate stems from the Corzine administration's demand that 115,000 low-income housing units be built; and

WHEREAS, to achieve this level the new COAH rules require an additional 575,000 housing units be built, bring the total number of new housing units to 690,000 statewide; and

WHEREAS, these new housing units could force development on existing open space, land used for parks and recreational facilities, wetlands and buffers near major highways; and

WHEREAS, this new government mandated housing plan has a funding shortfall estimated to be \$5.8 billion, that will have to be made up through increased property taxes; and

WHEREAS, the new housing law, A-500, includes a ban on regional contribution agreements (RCAs), which historically have enabled municipalities with affordable housing obligations to provide revenue to fund low and moderate housing projects in urban municipalities; and

WHEREAS, the elimination of RCAs will lead to rapid sprawl of rural and suburban communities; and

WHEREAS, urban centers will lose substantial sums of money for re-development; and

WHEREAS, the COAH mandate will mean that 44 number of housing units must be built in Frelinghuysen Township; and

NOW, THEREFORE BE IT RESOLVED, this new obligation and related fess must be eliminated in their entirety and new rules adopted that reconcile open space preservation and affordable housing goals.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Governor Jon S. Corzine, Assembly Speaker Joseph Roberts, Senate President Richard J. Codey, Senate Minority Leader Tom Kean, Jr., Assembly Minority Leader Alex DeCroce and all state legislators representing our legislative district.

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.

OLD BUSINESS:

The draft interlocal service agreement for the municipal court services was put on hold so that the attorney could review the agreement.

The November meeting was changed to November 17, 2008 due to the Mayor, Committee members, Clerk and Deputy Clerk attending the New Jersey League of Municipalities conference.

NEW BUSINESS:

Judith Pender, a member of the North Warren Regional School Board of Education sent an e mail advising the Committee that she will be resigning her position due to personal concerns and asked if anyone would be interested in the position.

An e mail from Ron Espinosa of Kerrs Corner Road was read asking for assistance with Service Electric who provides Cable TV in the township but excludes some portions of the township including the section of Kerrs Corner Road that he lives on. Mr. Espinosa would like high speed internet service and Service Electric has advised that it would cost approximately \$17,000 per mile as his home is 1.19 miles from the nearest cable line. The Clerk was instructed to send a letter to Service Electric asking if this could be accomplished.

A letter received from the Warren County Pollution Control Financing Authority was read announcing that a new program will be offered in 2009 for township clean-ups. The program would consist of residents taking their household items to the landfill with a voucher system between the landfill and the municipality. After discussion, motion was made by Durling, seconded by DeCarolis for Committeeman Desiderio to contact the landfill for additional information and costs. All in favor with Desiderio abstaining.

A letter received from the NJDEP was read advising that since Warren County has declined the wastewater management planning responsibility it is now the Township's responsibility and will need to be submitted as of July 7, 2009. The Clerk was instructed to contact the engineer for the costs to complete this plan.

MINUTES:

The minutes of the work meeting of September 11, 2008 were approved on motion made by DeCarolis, seconded by Desiderio. All in favor. The minutes of the regular meeting of September 17, 2008 were approved as amended on motion made by DeCarolis, seconded by Durling. All in favor. The minutes of the special and work

meeting of October 3, 2008 were approved on motion made by DeCarolis, seconded by Durling. All in favor.

DEPARTMENT REPORTS:

Department reports received from the Tax Assessor, Tax Collector, Building Dept., Chief Finance Officer, Health Dept., and Dog Licensing Official was approved on a consent agenda motion made by Desiderio, seconded by Durling. All in favor.

Mayor Thomas Charles report:

Mayor Charles reported that the Frelinghuysen Township Recreation Committee approved the Blairstown Township recreation bill for 2007, the Hay ride will be on October 25th and that the basketball program will be with a new league.

Mayor Charles reported that he attended the Johnsonburg Days at the Presbyterian Camp and everything went smoothly.

Mayor Charles stated that there are positions available on a couple of boards if anyone is interested.

Committeeman Debra Natyzak-Osadca's report:

Committeeman Natyzak-Osadca reported that Halloween will be held on Friday, October 31st from 5:00 p.m. to 8:00 p.m. and that the Municipal Alliance will have an open house.

Committeeman Natyzak-Osadca suggested that the Farmland Preservation Board and the Open Space Board have a joint meeting in December to decide if the boards should be combined.

Committeeman Alan DeCarolis report:

Committeeman DeCarolis reported that he met with a contractor that installs cameras and will follow up on the costs.

Committeeman Frank Desiderio's report:

Committeeman Desiderio asked if the insurance quotes for 2009 could be submitted for the November meeting so that they could be studied.

Committeeman Desiderio reported that there was a net saving of approximately \$90,000 due to the Road department completing the work on State Park Road and that he wants the Committee to consider leasing a new vehicle for the Road Dept. in 2009.

Engineer Paul Sterbenz's report:

Committeeman Durling asked Mr. Sterbenz if we should continue with submitting a ROSI (recreation open space inventory) to Green Acres if we have no intention of using the funding due to the fact that we will not be following the plan submitted as we now just want to develop the soccer field without the drainage. Mr. Sterbenz went over the level two regulation plans that are now in effect and offered to look at the drainage plans. It was decided to build the basin as planned, plant the sod and the township will supply and install the basin with the road department doing 90% of the work and use the funds in the latter part of the process. Motion was made by Desiderio, seconded by Durling to supply and implement the construction of the detention basin of Phase 1 of the Municipal complex improvement plans, re-grade the spoils to rough grade and spread the soil on the property. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

With regard to the sidewalk issue, Mr. Durling reported that he and Committeeman DeCarolis have been meeting with Mr. & Mrs. Barbour who own the property where the

sidewalk is to be installed and their present issue is the coloring of the sidewalk and would like it to be french gray along with still not wanting the curbing and the township maintaining the sidewalk. Mr. Sterbenz stated that the SHPO resolution from February still needs to be addressed with the four issues of researching alternatives to the concrete sidewalk and curbing; re-enforcing the earth, researching alternate materials to be used; and need of an arborist for the trees. It was decided on motion made by Desiderio, seconded by Durling to authorize Committeemen Durling and DeCarolis along with Mr. Sterbenz to meet with the Barbour's and work out something that would be in their best interest along with addressing the SHP resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

Since both the attorney and engineer were in attendance, Mr. Wacks advised Mr. Sterbenz of Merco, who is requesting the release of their bond from the work they performed on the Stern property. Mr. Sterbenz reported that overtime the property will re-vegetate itself but meanwhile he will check it out and report back to Mr. Wacks. Mr. Sterbenz further stated that he will need approval from the Stern's daughter who now owns the property since both of the Stern's are deceased. Motion was made by Desiderio, seconded by Durling to authorize Mr. Sterbenz to inspect the condition of the property and report back to the Mayor and Committee and bill Merco for the cost. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes, Charles-yes.

Attorney Edward Wacks report:

Mr. Wacks reported on the status of the Burns/Marie situation. (Note: Mr. DeCarolis rescued himself). At this time the process of service has not been served to Ms. Marie and Mr. Burns, however, their attorney's will accept the service. After discussion and due to the potential cost of \$25,000.00 to try the case, motion was made by Durling, seconded by Desiderio to dismiss the summons without prejudice. Roll call vote: Natyzak-Osadca-abstain, Desiderio-yes, Durling-yes, Charles-yes.

Committeeman Durling asked the attorney on how to write up an agreement with the local fire departments. Mr. Durling has been trying to come up with an equitable contract and his solution is to charge \$80.00 per building. Mr. Wacks brought up the situation where the towns supply what is needed which may require a separate contract. Mr. Durling will research this further.

BILLS:

See schedule attached to minutes.

CORRESPONDENCE:

Maser Consulting Re:

1. Minutes of preconstruction conference on State Park Road
2. Forest Manor updated punch list

Morris County Municipal JIF Re:

1. Bulletin S2008-2-Ladder safety
2. Bulletin MEL08-25-Wages and benefits claims
3. Bulletin MEL08-26-FEMA claim reimbursement/policy changes

Sussex County League of Municipalities Re: Joint meeting on Oct. 16th
JCP&L

1. Re: annual proposal for basic generation services
2. Street lighting bill
3. Proposed new demand response program

NJ Commission of Investigation Re: Copy of report titled "Alarming contracts"

NJ Dept. of State Re: 2008-09 V-Free Mini-grant program

Jersey Professional Management Re: Study for possible shared services for RMERPA

Warren County Purchasing Dept. Re: Deer carcass removal

Warren County Passive Recreation Open Space Ad Hoc Committee Re: Minutes

NJ Highlands Council Re:

1. Highlands regional master plan
2. Highlands CD and DVD of master plan

Megan Haidet Re: Name change from Morris Land Conservancy to The Land Conservancy of New Jersey

- Frelinghuysen Township Tax Assessor Re: Added assessment summary
 NJ Future Re: Fourth annual redevelopment forum
 NJ Dept of Health & Senior Services Re: 2008 hospital performance report
 Warren County Human Relations Commission Re: annual "Kick-Off" event
 NJ General Assembly Re: Yellow Ribbon Program grants
 Warren County 2008 abstract of ratable
 Hardwick Township Re: Resolution opposing state charge for State Police
 NJ State League of Municipalities Re:
1. New posting on Shared Services Board
 2. Tri State Transportation Campaign
 3. State policing same e mail for citizens to sent to key decision makers
 4. Rural policing local mandate case update
 5. Governor's ethics package
 6. Web based seminar for Mayors on children are community
 7. Focus on Finance conference
 8. COAH update
 9. Correct copy of COAH update
 10. COAH update
 11. Two Issues:
 - a. Media Advisory
 - b. A-2731 Expedited Traffic signs approvals
 12. Important conference session-Economic (re) development
 13. Professional development seminar on PARIS
 14. WWII Memorial dedication invitation
 15. Five Issues:
 1. Legislative session day wrap-up
 2. Affordable Housing COAH litigation update
 3. SCI Issues report on procurement of fire trucks
 4. League's license series books updated
 5. League's shared services board
 16. Two Issues:
 1. 2008 League conference resolutions
 2. Rural policing local mandate case update
 17. Two Issues:
 1. Public Health Issue
 2. COAH update
 18. Public Health Issue
 19. Two Issues:
 1. League op-ed on Municipal response to financial market crisis
 2. Important conference session-Interlocal cooperation
 20. Four Issues:
 1. A-1158 Wrongful death
 2. October grant page posted
 3. Urgent alert
 4. Federal update for period ending September 30, 2008
 21. Three Issues:
 1. Important conference information –all new consulting session
 2. Federal Update
 3. Grant writing workshop 101
 22. COAH challenge update: Motion for stay

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, RMC