

## MINUTES OF THE MEETING OF JANUARY 21, 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 7:30 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-Time 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, Attorney Edward Wacks and Clerk Brenda Kleber.

### ORDINANCES:

AN ORDINANCE (#2009-01) TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14) was offered for introduction on motion made by DeCarolis, seconded by Boynton. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes

AN ORDINANCE (#2009-02) OF FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE AMENDING SECTION 2-26.2 OF THE FRELINGHUYSEN TOWNSHIP CODE CONCERNING APPOINTMENTS TO ENVIRONMENTAL COMMISSION was offered for introduction on motion made by Boynton, seconded by DeCarolis. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

AN ORDINANCE (#2009-03) OF THE FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE AMENDING SECTION 2-41.2 OF THE FRELINGHUYSEN TOWNSHIP CODE CONCERNING MEMBERSHIP ON THE FARMLAND PRESERVATION COMMITTEE was offered for introduction on motion made by Boynton, seconded by DeCarolis. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Durling-yes.

### RESOLUTIONS:

WHEREAS, the Township of Frelinghuysen has a need to acquire a municipal Auditor as a non-air and open contract pursuant to provisions of N.J.S.A.19:44A-20-5; and WHEREAS, the Chief Finance Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Ardito & Co., LLP has submitted a proposal, indicating they will provide the auditor services for the anticipated fee of \$19,100; and

WHEREAS, Ardito & Co., LLP has completed and submitted a Business Entity Disclosure Certification which certified that Ardito & Co., LLP has not made any reportable contributions to apolitical or candidate committee in the Township of Frelinghuysen in the previous one year, and that the contract will prohibit ARDITO & CO., LLP from making any reportable contributions through the term of the contract; and WHEREAS, the required certificate for the availability of funds has been filed by the chief finance officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned auditing and non-auditing services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, authorizes the Mayor and Clerk of the Township of Frelinghuysen

enter into a contract with ARDITO AND CO., LLP as described herein as auditors on and in behalf of the Township of Frelinghuysen for the year 2009; and  
BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and  
BE IT FURTHER RESOLVED, that a notice of this action shall be printed once in a legally designated publication.  
Motion was made by Boynton, seconded by Natyzak-Osadca to adopt said resolution.  
Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-09

WHEREAS, the Township of Frelinghuysen has a need to acquire a land consultant for Open Space; and  
WHEREAS, the anticipated term of this contract is one year; and  
WHEREAS, The Land Conservancy of New Jersey has submitted a proposal, indicating they will provide services for the anticipated fee of \$11,500.00.  
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, authorizes the Mayor and Clerk of the Township of Frelinghuysen to enter into a contract with THE LAND CONSERVANCY OF NEW JERSEY as described herein as Open Space consultants on and in behalf of the Township of Frelinghuysen for the year 2009;  
BE IT FURTHER RESOLVED, that a notice of this action shall be printed once in a legally designated publication.  
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.

#2009-10:

WHEREAS, the Township of Frelinghuysen has a need to acquire an Engineer for Planning Board and Board of Adjustment; and  
WHEREAS, the anticipated term of this contract is one year; and  
WHEREAS, Joseph Golden of Golden & Moran has submitted a proposal indicating they will provide services at costs as indicated in Exhibit "A"  
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, authorizes the Mayor and Clerk of the Township of Frelinghuysen to enter into a contract with GOLDEN & MORAN as described herein as Engineer on and in behalf of the Township of Frelinghuysen for the year 2009.  
BE IT FURTHER RESOLVED, that a notice of this action shall be printed once in a legally designated publication.  
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.

#2009-11:

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Frelinghuysen; and  
WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and  
WHEREAS, the Township Committee of the Township of Frelinghuysen has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.  
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest. (Note: This resolution was rescinded Jan. 26, 2009)  
Motion was made by Natyzak-Osadca, seconded by Desiderio to adopt said resolution.  
Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#2009-12:

WHEREAS, a resolution is required by the Tax Collector to refund a 2009 prepaid tax; and

WHEREAS, Thomas & Dolores Cassidy, owners of Block 1802, Lot 4.02 paid \$6,800.00 (in October) toward their 2008 taxes unaware that their bank had already paid them. I applied their payment to the first half of 2009 and they have requested a reimbursement of their money since their bank will be paying their taxes.

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the Finance Office is hereby authorized to refund an amount of \$6,800.00 to Thomas & Dolores Cassidy.

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

#2009-13

WHEREAS, the Township of Frelinghuysen contains land located within the Highlands Regions; and

WHEREAS, the Township of Frelinghuysen needs financial assistance to conduct an initial assessment of the requirements and benefits of Highlands Regional Master Plan Conformance with respect to the planning area.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, authorizing the Township Planner to submit an application for an initial assessment planning grant from the New Jersey Highlands Council.

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

#2009-14

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

#2009-15:

WHEREAS, there are insufficient funds to meet the demands necessary for the 2008 balances in: Roads O&E, Electricity, Fuel Oil, Gasoline and board of Health S&W; and

WHEREAS, the following accounts have sufficient excess funds to meet such demands: Engineer O&E, Plumbing Insp., Emp. Group Ins., Unemployment Ins., Solid Waste, Buildings & Grounds, Recreation, Liability Ins., Environmental Health, Social Security and Roads S&W.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that in accordance with the provisions of R.S. 40A:4-58, the Chief Finance Officer is hereby authorized to make the following transfers:

To:

Roads O&E	\$25,000.00
Electricity	200.00
Fuel Oil	400.00
Gasoline	50.00
Board of Health S&W	<u>55.00</u>
	\$25,705.00

From:

Engineer O&E	650.00
Plumbing Insp.	1,200.00
Emp. Group Ins.	9,000.00
Unemployment Ins.	1,000.00
Solid Waste	3,000.00
Building & Grounds	2,500.00

Recreation	2,500.00
Liability Ins.	1,800.00
Environmental Health	500.00
Social Security	1,000.00
Roads S&W	<u>2,555.00</u>
	\$25,705.00

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

#2009-16:

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

WHEREAS, under the Open Public Meetings Act (numbers 4 & 5) 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 21<sup>st</sup> day of January 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 Desiderio, seconded by Boynton to adopt said resolution. Roll call vote: Natyzak-Osadca-yes, DeCarolis-yes, Desiderio-yes, Boynton-yes, Durling-yes.

#### **OLD BUSINESS:**

With regard to the annual Clean up, the Committee decided on motion made by Boynton, seconded by Desiderio to not accept the offer for the residents to use the County Landfill. All in favor. The details for the municipal clean up will be worked out at a later date.

A letter received from the NJDEP, Green Acres Program regarding the 5 acre ballfield advising that an inspection conducted discovered that there were several large piles of dirt and millings in the middle of the field that appear to have no purpose. Under statute, a local unit shall not divert to a use, for other than recreation and conservation purposes. Motion was made by DeCarolis, seconded by Natyzak-Osadca instructing the Clerk to send a letter by February 9, 2009 that there have never been any millings on the property and that the pile of dirt has been removed. All in favor.

A letter requesting the Township Committee approve a request to disturb a minimal section of steep slopes located in conservation area on Block 801, Lot 13 was approved on motion made by Desiderio, seconded by DeCarolis. All in favor.

With regard to the changing of Main Street, Anne Marie Barger, Warren County 9-1-1 Coordinator assured the Committee that when a 9-1-1 call comes up on the screen identifier, the caller's information such as street address is known. Also, in attendance was member of the Green Township Fire Department Nick Pachnos who recommended that the road name not be changed as it is his opinion that the name of the road is not an issue, with the issue being that rescue departments could find their homes. Thomas Leahy of the State Police-Hope Barracks stated that as far as the State Police is concerned they already consider that road as Main Street and recommended that it be kept as Main Street. After discussion, the Committee felt comfortable keeping the name as emergency services are in order.

An additional member is needed for the Farmland Preservation Committee. Motion was made by Desiderio, seconded by DeCarolis to appoint Thomas Charles to that position. All in favor.

An alternate position is needed for the Environmental Commission. Motion was made by Desiderio, seconded by DeCarolis to appoint Lore Billing to that position. All in favor.

## **NEW BUSINESS:**

Thomas Leahy of the New Jersey State Police-Hope Barracks related to incidents occurring in the recreation play ground area behind the Town Hall and suggested that an ordinance be adopted to deal with perpetrators. Attorney Edward Wacks will mail a copy of Allamuchy's ordinance for the Committee to review.

A letter received from the Warren County Mosquito Extermination Commission was read advising that as in the past, aircraft may be utilized to distribute larvicides over areas in the township. The Clerk was given approval to sign and return

Surveyor Robert Berry submitted a description of a road vacation on an abandoned section of Pippen Hill Road which also intersects Blairstown Township. The Attorney will prepare an Ordinance.

Background checks for the coaches for the various sports in the township were discussed. It was decided that the attorney will prepare a memo for the procedure should a background check come back that the person has a record.

A petition from the residents of Saddle Ridge Road was presented to the Committee asking the Committee to adopt an ordinance to encompass Saddle Ridge Road as a "No thru traffic" road and speed humps placed along the road to curb the speeding violators. It was decided that the engineer would look at the road and make recommendations.

## **RESIGNATIONS:**

The resignation of David Boynton from the Planning Board was accepted with regret on motion made by Desiderio, seconded by DeCarolis. All in favor with Committeeman Boynton abstaining.

The resignation of Emily Smith from the Planning Board was accepted with regret on motion made by Boynton, seconded by Desiderio. All in favor.

The resignation of Robin Randolph from the Environmental Commission was accepted with regret on motion made by Boynton, seconded by Desiderio. All in favor.

## **QUOTATIONS:**

Security systems for the interior and exterior of the municipal building is on hold for additional quotes. Once quotes are received it was decided that the road department would do the installing.

## **MINUTES:**

The minutes of the regular meeting of December 17, 2008 were approved on motion made by Natyzak-Osadca, seconded by Desiderio. All in favor with Boynton abstaining. The minutes of the special meeting of December 30, 2008 were approved with changes on motion made by Desiderio, seconded by DeCarolis. All in favor with Boynton abstaining. The minutes of the reorganization meeting of January 1, 2009 were approved with changes on motion made by Desiderio, seconded by DeCarolis. All in favor.

## **DEPARTMENT REPORTS:**

Department reports received from the Tax Assessor, Tax Collector, Building Dept., and Municipal Court were approved on a consent agenda motion made by Natyzak-Osadca, seconded by DeCarolis. All in favor.

Mayor Dale Durling's report:

Mayor Durling reported on a telephone call from Allamuchy Mayor Resker who is interested in discussing shared services with the building department. There will be further discussion with this. He also reported on a telephone call from the Blirstown Mayor who also is interested in shared services with the building department.

Mayor Durling reported that he along with Committeeman DeCarolis met with the Barbour's with regard to the sidewalk and a comprise has been reached and the conclusion with take a couple of months.

Deputy Mayor Desiderio's report:

Deputy Mayor Desiderio reported on the updates to the road department garage and brought up the possibility of a new garage.

Deputy Mayor Desiderio reported on the increase of salt to \$71.00 a ton, however, there has been a 30% savings by using the geo mixture.

Committeeman Debra Natyzak's report:

Committeeman Natyzak-Osadca reported on a January 14<sup>th</sup> public hearing with the Nature Conservancy on swapping property.

Committeeman Natyzak-Osadca reported that the joint meeting between the Open Space and Farmland Preservation went so well that two more joint meeting with be held

Committeeman David Boynton's report:

Committee Boynton reported that he has a conflict with the Board of Education's meeting dates as they are the same as the Township Committee meetings, however, he will meet with the supertent prior to the meeting.

Committeeman Boynton reported on a discussion he had with a resident who is interested in putting their property into COAH.

Committeeman Boynton asked for support of Assemblyman Doherty's bill on COAH. Motion was made by DeCarolis, seconded by Desiderio to support the bill. All in favor.

Engineer Paul Niehoff's report:

Engineer Niehoff reported that the State Park Road project was very successful. Committeeman Boynton thanked the road department and Deputy Mayor Desiderio for the work they performed on the drains, driveway aprons and guardrails.

Mr. Niehoff asked the Committee when they would like to get started on the phase 3 of the State Park Road project and on motion made by Desiderio, seconded by DeCarolis, Deputy Mayor Desiderio and Mr. Niehoff will meet to discuss the site work. All in favor.

Mr. Niehoff gave an update on the South Street project. October 15, 2008, Maser Consulting along with Mayor Charles and Committeeman Desiderio met with representatives of the NJDEP and presented a concept plan. The DEP wants the ponds dredge but Maser felt this was not the way to go. November 2008 Maser Consulting asked the DEP to reconsider. It was decided that a meeting would be held on site and has been set up for February 10, 2009 at 10:00. Since the whole Committee may be attending this meeting, the Clerk was advised to advertise.

Attorney Edward Wacks report:

Mr. Wacks advised that the North Warren Court Administrator forgot to advise the State about Frelinghuysen changing courts which would take about 30 days to switch over. The new date has been set for February 1, 2009.

The deed restriction for property located at 14 Lackawanna Drive, Block 1201, Lot 17.22 was prepared and will be transmitted to the applicant and the Planning Board. Motion was made by Desiderio, seconded by Boynton to forward to the Planning Board. All in favor.

**BILLS**-see schedule attached

**CORRESPONDENCE**-copies given to committee members at the work meeting of January 14, 2009.

**EXECUTIVE SESSION:**

Motion was made by Desiderio, seconded by Boynton to enter into Executive Session with regard to Personnel matters along with Land Acquisition. All in favor. Motion was made by Boynton, seconded by Desiderio to return to public session. At this time, the attorney advised that with regard to land acquisition the discussion was status on a contract and a report will be made shortly. With regard to the personnel matter, no action will be taken as the matter was resolved.

**AUDIENCE PARTICIPATION:**

Loren Greco asked if we pay for the recycling every month. He was advised that the recycling trailers are removed about every 5-6 weeks and since the containers are larger they last longer.

Dan Kohuth advised that he was unclear on how the Committee chose Tri-State insurance company when they were \$4,000.00 higher. It was explained that Tri-State had a more thorough proposal.

**ADJOURNMENT:**

There being no further business, motion was made to adjourn the meeting.

Respectfully Submitted,

Brenda J. Kleber, RMC

