

MINUTES OF REGULAR MEETING OF FEBRUARY 15, 2017

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, February 15, 2017 and was called to order at 7:31 p.m. by Mayor, Frank Desiderio.

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 e mailing notice to the New Jersey Herald and The Express-Times.

ROLL CALL:

Those present were: Mayor Frank Desiderio, Deputy Mayor Christopher Stracco, Committeeman Charles Marra, Committeeman David Boynton (7:35), Legal Counsel Edward Wacks, and Acting Clerk Donna Zilberfarb.

MINUTES:

1. February 8, 2017 work/budget session meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. Stracco. All were in favor. Mr. Marra abstained.

ORDINANCES:

2017-06 AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN ESTABLISHING SALARY RANGES FOR EMPLOYEES AND OFFICERS

BE IT ORDAINED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren and State of NJ that the annual, monthly or hourly salary ranges of the elected officials, appointees and employees of the Township of Frelinghuysen, effective January 1, 2017 shall be as follows:

TITLE:	MINIMUM		MAXIMUM	
MAYOR	\$3,000.00	to	\$5,000.00	ANNUAL
TOWNSHIP COMMITTEE MEMBERS	\$3,000.00	to	\$5,000.00	ANNUAL
MUNICIPAL CLERK	\$50,000.00	to	\$70,000.00	ANNUAL
ASSESSMENT SEARCH OFFICER	\$2,000.00	to	\$4,000.00	ANNUAL
PART TIME CLERICAL HELP	\$10.00	to	\$20.00	PER HOUR
TAX COLLECTOR	\$15,000.00	to	\$25,000.00	ANNUAL
TAX ASSESSOR	\$15,000.00	to	\$35,000.00	ANNUAL
CHIEF FINANCIAL OFFICER	\$15,000.00	to	\$25,000.00	ANNUAL
QUALIFIED PURCHASING AGENT	\$1,000.00	to	\$2,000.00	ANNUAL
BOARD OF HEALTH MEMBERS	\$25.00	to	\$50.00	ANNUAL
BOARD OF HEALTH SECRETARY	\$500.00	to	\$1,500.00	ANNUAL
ANIMAL CONTROL OFFICER	\$5,000.00	to	\$10,000.00	ANNUAL
OPEN SPACE SECRETARY	\$250.00	to	\$1,000.00	ANNUAL
FARMLAND PRESERVATION SECRETARY	\$250.00	to	\$1,000.00	ANNUAL
CLEAN COMMUNITIES COORDINATOR	\$500.00	to	\$1,500.00	ANNUAL
RECYCLING COORDINATOR	\$500.00	to	\$1,500.00	ANNUAL
FORESTRY MANAGEMENT SECRETARY	\$500.00	to	\$1,500.00	ANNUAL
ENVIRONMENTAL COMM SECRETARY	\$500.00	to	\$1,500.00	ANNUAL
HISTORIC PRESERVATION SECRETARY	\$500.00	to	\$1,500.00	ANNUAL
RECREATION SECRETARY	\$500.00	to	\$1,500.00	ANNUAL
EMERGENCY MANAGEMENT COORDINATOR	\$1,000.00	to	\$2,000.00	ANNUAL
DEPUTY EMERGENCY MGT COORDINATOR	\$1,000.00	to	\$2,000.00	ANNUAL
ASSISTANT EMERGENCY MGMT COORDINATORS (4)	\$250.00	to	\$1,000.00	ANNUAL
STATE OF EMERGENCY VARIABLE COMP	\$100.00	to	\$500.00	PER DAY
CONSTRUCTION OFFICER	\$35,000.00	to	\$65,000.00	ANNUAL
TEMP SUBCODE INSPECTOR	\$30.00	to	\$50.00	PER HOUR
FIRE INSPECTOR OFFICIAL	\$2,000.00	to	\$5,000.00	ANNUAL
ELECTRICAL INSPECTOR	\$30.00	to	\$50.00	PER HOUR
ELECTRICAL INSPECTOR	\$7,000.00	to	\$12,000.00	ANNUAL
PLUMBING SUBCODE INSPECTOR	\$7,000.00	to	\$12,000.00	ANNUAL
TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICER	\$10.00	to	\$20.00	PER HOUR
TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICER	\$4,000.00	to	\$20,000.00	ANNUAL
ZONING OFFICER	\$5,000.00	to	\$10,000.00	ANNUAL
CODE ENFORCEMENT OFFICER	\$30.00	to	\$50.00	PER HOUR
LAND USE SECRETARY	\$1,500.00	to	\$7,500.00	ANNUAL
DPW SUPERVISOR	\$1,000.00	to	\$5,000.00	ANNUAL
DPW FOREMAN	\$20.00	to	\$40.00	PER HOUR
DPW ASSISTANT ROAD FOREMAN	\$20.00	to	\$40.00	PER HOUR
DPW OPERATOR/LABORER	\$18.00	to	\$30.00	PER HOUR
TEMPORARY DPW LABORER	\$10.00	to	\$20.00	PER HOUR
TEMPORARY DPW EQUIPMENT OPERATOR WITH CDL	\$25.00	to	\$35.00	PER HOUR
TEMPORARY DPW EQUIPMENT OPERATOR WITHOUT CDL	\$20.00	to	\$30.00	PER HOUR
SAFETY DIRECTOR	\$1,500.00	to	\$2,500.00	ANNUAL
MANAGER OF PUBLIC LANDS	\$500.00	to	\$1,500.00	ANNUAL
ASSISTANT MANAGER OF PUBLIC LANDS	\$500.00	to	\$1,500.00	ANNUAL

BE IT FURTHER ORDAINED, that the Mayor and Township Committee established the reimbursement for mileage at 53.5 cents per mile. (resol)

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final adoption and publication pursuant to law.

Motion was made by Mr. Boynton to introduce for first reading, seconded by Mr. Marra. Roll call vote: Mr. Boynton-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Desiderio-yes; Mr. Kuhn-Absent. Second reading will be held on March 15, 2017 at 7:30 pm.

#2017-07 ORDINANCE AMENDING SECTION 5.13 OF THE FRELINGHUYSEN TOWNSHIP CODE CONCERNING DOG LICENSING FEES WHEREAS, Section 5-1 of the Frelinghuysen Township Code regulates the licensing of dogs within the Township; and WHEREAS, it is necessary and appropriate at this time to revise Section 5-1.3 of that ordinance pertaining to licensing fees. NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, and State of New Jersey, as follows: **Section I** Section 5.13 of the Frelinghuysen Township Code is amended to read as follows (revisions are boldfaced):
5-1.3 License and Registration Fees. Pursuant to N.J.S.A. 4:19-15.3, the owners of any dog of licensing age harbored and kept in the Township shall apply for and obtain a license in the Township and pay an annual license fee as follows:

	<u>Spayed Neutered</u>	<u>Non-Spayed Non-Neutered</u>
License Fee	\$15.00	\$20.00
N.J. Registration Fee	1.00	1.00
N.J. Pilot Clinic Fund	.20	.20
N.J. Pet Population Control	<u>.00</u>	<u>3.00</u>
Total	\$16.20	\$24.20

1. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected. 2. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency. 3. This ordinance shall take effect immediately upon adoption and publication according to law. NOTICE Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on February 15, 2017 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on March 15, 2017, at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Stracco for first reading for introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Marra-Yes; Mr. Desiderio-Yes; Mr. Stracco-Yes; Mr. Kuhn-Absent. Second reading for adoption will be on March 15, 2017.

RESOLUTIONS:

2017-23 TRANSFER RESOLUTION WHEREAS, certain bills have been presented for payment for year 2016 charges for which there are insufficient funds in the 2016 budget to pay, and WHEREAS, N.J.S.A. 40A:4-59 permits transfers of appropriation reserves within the first three months of the succeeding year to cover said charges, NOW, THEREFORE BE IT RESOLVED that the following 2016 Budget Appropriation Reserve transfers be authorized;

<u>TRANSFER FROM:</u>		<u>TRANSFER TO:</u>	
Engineering O/E	\$1,750.00	Legal O/E	\$3,750.00
Fuel Oil O/E	\$2,000.00		
Totals	<u>\$3,750.00</u>		<u>\$3,750.00</u>

CERTIFICATION I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen, at a meeting held February 15, 2017. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

#2017-24 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of personnel issues, and; WHEREAS, under the Open Public Meetings Act (number 8 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 February

15, 2017 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 reasonable length of time. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

#2017-25 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF FEBRUARY 2017 WHEREAS, the Finance Committee of the Township of Frelinghuysen have reviewed the bills submitted by the Municipal Clerk to the Frelinghuysen Township Committee for the month of FEBRUARY 2017; and WHEREAS, the Finance Committee find the bills to be in order and recommend to the Township Committee that they be paid by the Chief Finance Officer. NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that all bills submitted for the above named month are reasonable and proper and are to be paid from their appropriate account. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

#2017-26 RESOLUTION REAPPOINTING ACTING MUNICIPAL CLERK PURSUANT TO N.J.S.A. 40A:9-133 WHEREAS, commencing on April 1, 2015 Donna Zilberfarb was appointed to serve as Acting Municipal Clerk, with the appointment continuing through March 31, 2016; and WHEREAS, pursuant to N.J.S.A. 40A:9-133(c), within 90 days of the occurrence of a vacancy in the office of municipal clerk by reason of the departure of a registered municipal clerk, the governing body may appoint a person who does not hold a registered municipal clerk certificate to serve as acting municipal clerk, for a period not to exceed one year, commencing on the date of the vacancy; and WHEREAS, Donna Zilberfarb has the qualifications to serve as the Acting Municipal Clerk, and has served as the Acting Clerk since her appointment, and the Township Committee seeks to extend her appointment as Acting Clerk. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, in the County of Warren and State of New Jersey, that Donna Zilberfarb is hereby reappointed to serve as Acting Municipal Clerk, commencing on April 1, 2017 and continuing through March 31, 2018. BE IT FURTHER RESOLVED that subject to a proper and valid appropriation of the funds for same, Donna Zilberfarb shall be paid the salary currently paid to the Township Clerk. NOTICE I, Donna Zilberfarb, Acting Clerk of the Township of Frelinghuysen, do hereby certify the above to be a true copy of a resolution adopted by the Frelinghuysen Township Committee at their meeting of Wednesday, February 15, 2017. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

#2017-27 A RESOLUTION AMENDING RESOLUTION 2016-114 FOR TITLE SEARCH REPORT AND TITLE INSURANCE COMMITMENT FOR PROPERTY KNOWN AS BLOCK 801, LOT 16, 17, 17.01, 17.02, AND 18.03, IN THE TOWNSHIP OF FRELINGHUYSEN WHEREAS, the Committee wishes to amend resolution 2016-114, which provided for obtaining title searches and title insurance from Heritage Abstract Company on Block 801, Lots 16, 17, 17.01, 17.02 and 18.03 in Frelinghuysen Township, in order to provide for payment of the additional sum of \$140.00 to reflect the correct price for those services. **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 amends and authorizes an additional \$140.00 to cover the correct price of the above-referenced title searches and title insurance.
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. This resolution shall take effect as provided by law. CERTIFICATION

I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Frelinghuysen Township Committee on, February 15, 2017. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

OLD BUSINESS:

Lisa from Concord came to discuss the next steps of the energy aggregate with the Committee members. She presented an agreement to be signed by the Mayor. After discussion amongst the Committee members and legal counsel, a motion was made by Mr. Stracco to authorize the Mayor to sign the agreement, seconded by Mr. Desiderio. Roll call vote: Mr. Boynton-No; Mr. Marra-No; Mr. Desiderio-Yes; Mr. Stracco-Yes; Mr.

Kuhn-Absent. With a tie vote the Mayor broke the tie with a yes vote. The Mayor signed the agreement and Lisa will get copies to Ms. Zilberfarb after all other parties have signed.

Ms. Zilberfarb presented a letter for the Director of Local Government Services for the reappointment of Acting Clerk to be signed by the Mayor. Motion was made by Mr. Boynton seconded by Mr. Marra to sign the letter. All were in favor.

Budget amendment – After the budget meeting that was held on February 8, 2017, Ms. Dyer noticed that the \$3500 for benefits had already been removed from the budget line item, making a need for \$3500 to be cut still. After speaking with the Mayor and Ms. Zilberfarb, it was determined to take the \$3500 from salary and wages for the DPW. Motion was made by Mr. Stracco to approve \$3500.00 coming from s/w for the dpw, seconded by Mr. Boynton. All were in favor.

State Trooper Wotach was present and asked for any concerns or questions. The accident on State Park Road was mentioned and he will run those by his commander. Mr. Boynton mentioned the 4 way stop, at Route 612 and 519, that people still go through the stop signs. Mr. Marra asked about putting a sign up on State Highway 94 where accidents by Muller Road happen frequently. The Mayor will reach out to Mr. Sterbenz regarding that. Trooper Wotach reported no recent break-ins but a couple of months ago there were a few on Lanning Road.

EXECUTIVE SESSION:

Motion was made by Mr. Boynton to enter into executive session, seconded by Mr. Marra. All were in favor.

No action was taken.

Motion was made by Mr. Boynton to exit executive session, seconded by Mr. Stracco. All were in favor.

Mr. Wacks let the public know that an employee of the Township was Rice Noticed and requested the meeting to be held in closed session. Complaints will be addressed by the Mayor and this issue has been concluded.

OLD BUSINESS (continued)

Verizon enhancing network and right of way was discussed and legal is waiting on the Planners comments. After discussion, it was determined that Ms. Zilberfarb will reach out to Ms. Green to see if she can provide comments or if another planner needs to comment on this matter.

The salt shed was held.

There was no update for service electric cable. To date we have not gotten a response since the survey was sent to them last month.

Mr. Wheatley of the Warren County Public Safety 911 dispatch sent the Mayor a questionnaire in regards to the outstanding issue with dispatch for the Green Township Fire Department. The Mayor has forwarded onto Mr. Pachnos and Fire Chief Charles.

Cash for Crash was held until the April Meeting.

NEW BUSINESS:

Howard Jungkind resigned from his position on the Land Use Board. A letter of regrets will be sent to Mr. Jungkind. The position will be filled by Alternate 1, Max Klein. All alternates will move up accordingly and it will be posted that the land use board is looking for applicants for an alternate position. Also, that Environmental is looking for a member as well.

The Mayor discussed appointing Scott Schwenke to the Historical Committee. Motion was made by Mr. Stracco concurring with the Mayors appointments, seconded by Mr. Marra. All were in favor.

DEPARTMENT REPORTS:

Motion made by Mr. Stracco for consent agenda items 1-10 seconded by Mr. Boynton. All were in favor.

Legal Report – Mr. Wacks presented an application and agreement for renting the FFP recreation center. After discussion, a motion was made by Mr. Boynton to approve the documents with amendments, seconded by Mr. Marra. All were in favor.

Mr. Wacks explained that Statewide Insurance Fund sent a grant program information packet and after discussion, it was decided to be held until the March meeting, with the exception of Ms. Zilberfarb preparing the grant for the DPW needs. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

Mr. Wacks explained that he received an email from Sandy Urgo, TLC, regarding the Murphy Farm. After discussion it was determined that the wrong price was authorized and a resolution needs to be done amending the price to \$140.00. Motion was made by Mr. Boynton to amend the resolution with the title insurance company, heritage abstract, to amend to \$140.00 more, seconded by Mr. Stracco. Resolution will be number 2017-27.

DPW Report – Ms. Zilberfarb asked the Committee and Legal Counsel what can be done by the township where homeowners have bamboo growing that falls into the township roads. She showed photos of bamboo covering Heller Road and Main Street. After discussion, a motion was made by Mr. Boynton to have Mr. Wacks draft a letter to the residents for bamboo falling into the township right of way, seconded by Mr. Marra. All were in favor. Mr. Wacks will get to Ms. Zilberfarb and then it will be sent out.

Recreation Committee – Mr. Desiderio discussed that lights have been installed for outside lighting. Wires electric came to look at and give quote for a generator. The generator is needed since the lodge is the Township shelter in an emergency. Mr. Desiderio is working on restoring the electric to the boat house and feels that things are going well at the recreation center. He also mentioned that Mr. Kimball is looking at the furnace to be sure it is the correct size is and working correctly. The propane is at 53%.

Environmental Commission– No update as Mr. Kuhn was absent.

Farmland Preservation Committee – No update as Mr. Kuhn was absent.

Open Space Advisory Committee – No update as Mr. Kuhn was absent.

Historical Committee – No update as Mr. Kuhn was absent.

Mayor report – Mr. Desiderio has received a copy of the survey of the FFP and will draft the parking lot areas and will bring to the Open Space Meeting in March. Mr. Desiderio also stated that the DPW did a wonderful job with these last storms.

Deputy Mayor report – Mr. Stracco let the committee members know that there is a conflict with the planner for the land use board and the cellco tower applicant. The attorney and committee are looking for an alternate planner at this time. The LUB recommended adoption of the changes for the zoning ordinance, but did not approve to go further with the rock mining ordinance. Mr. Stracco suggested a second reading on the rock ordinance and have discussion at that time.

Committeeman Boynton – Nothing to report at this time.

Committeeman Kuhn – Not in attendance.

Committeeman Marra – Nothing to report at this time.

Clerk report – Nothing to report at this time.

OPEN MEETING TO THE PUBLIC:

Motion was made by Mr. Boynton, seconded by Mr. Marra to open meeting to the public. All were in favor. Spoke were:

Mr. Connor asked why some Committeemen would be against the Energy Aggregate program. Mr. Marra explained his personal experience and that is why he opted out. Mr. Boynton has expressed his opinions prior, but explained how his wife's office gets calls every day about how people cannot opt out. He also explained that he doesn't feel that the Township Committee has the right, as a committee, to sanction it on their own. That is his personal opinion and he asked for the public to respect that.

Mr. Muller asked if a speaker could be purchased for the back of the room for the public.

Mrs. Muller thanked the committee for the birthday card for Charlie.

Mr. Greco inquired that there are a lot of projects at the FFP lodge, asked how much money was in the account and asked where the money is coming from. Mr. Desiderio explained that the generator will be coming out of capital funds and the parking lot is needed if the building is going to be used. At this time he was not sure of where the monies will come from for that project. He stated that it was the same as certain roads in the township that benefit only residence that live on that road and not all the residents. He discussed that tax payers monies will be used for the projects and that hopefully events will be held and monies will be collected to help offset the costs.

Motion was made by Mr. Stracco, seconded by Mr. Boynton to close to the public. All were in favor.

CORRESPONDENCE:

Congress of The United States – Firefighters grants SAFER; **Congress of the United States** – Terrorism; **State of New Jersey** – NJPDES Permit Application; **State of New Jersey** – NJPDES Notice of Annual report; **State of New Jersey** – NJDOT Guidance to Counties and Municipalities; **State of New Jersey** – SADC Post farm; **Borough of Bradley Beach** – Resolution 2017-34; **Frelinghuysen Township** – Letter to Warren County Department of Public Safety, Dispatch of Green Township Volunteer Fire Department; **Frelinghuysen Township** – Letter to Service Electric Cable TV of New Jersey, cable interest survey for Township; **Service Electric Cable TV of New Jersey** – Franchise Fee; **ISO** – Public Protection Classification Survey – Blairstown FPSA; **ISO** – Public Protection Classification Survey – Hope FPSA

ADJOURNMENT:

There being no further business, motion was made by Mr. Stracco, seconded by Mr. Boynton to adjourn the meeting at 8:53 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk