

**MINUTES OF REGULAR MEETING OF FEBRUARY 21, 2018**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, February 21, 2018 and was called to order at 7:30 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 Chris Stracco, Committeeman Christopher Kuhn, Committeeman David Boynton, Attorney Ed Wacks, CFO Danette Dyer, and Municipal Clerk Donna Zilberfarb.

**MINUTES:**

1. February 14, 2018 work/budget meeting minutes were approved on a motion by Mr. Stracco, seconded by Mr. Boynton. All were in favor.

**ORDINANCES:**

There were no Ordinances

**RESOLUTIONS:**

**#2018 – 23 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S “ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964”** WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and WHEREAS, the Frelinghuysen Township Mayor and Committee have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto. NOW, THEREFORE BE IT RESOLVED, That the Mayor and Committee of the Township of Frelinghuysen, hereby states that they have complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance, and hereby direct the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance. **CERTIFICATION** I, Donna Zilberfarb, 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 February 21, 2018.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton		x	x			
Mr. Desiderio			x			
Mr. Kuhn	x		x			
Mr. Marra						x
Mr. Stracco			x			

**#2018-24** WHEREAS, the 2018 Local Municipal Budget was introduced on the 21st day of February, 2018; and, WHEREAS, during the fiscal year 2018 the Township of Frelinghuysen has been allocated a state grant for various programs in the amount of \$13,916.00. NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2018 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:"

Clean Communities Program	\$ 9,664.00
Mun. Alliance on Alcoholism -PY Unapprop.	257.00
Recycling Tonnage Grant - PY Unapprop.	202.00

Mun. Alliance on Alcoholism & Drug Abuse Program 3,793.00  
\$13,916.00

Motion: Mr. Kuhn - Second: Mr. Boynton. Committee Polled: Mr. Kuhn-Yes; Mr. Boynton-Yes; Mr. Marra-Absent; Mr. Desiderio-yes; Mr. Stracco-Yes

I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Frelinghuysen Township Committee at the business meeting held on February 21, 2018.

Witness my hand and the SEAL of the Township of Frelinghuysen. (SEAL)

**#2018-25** WHEREAS, the Township of Frelinghuysen is holding a meeting on February 21, 2018, for the purpose of introducing the 2018 Municipal Budget and conducting other matters; and, NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, Warren County, New Jersey, that the Township of Frelinghuysen hereby petitions the Director of the Division of Local Government Services that the 2018 Local Municipal Budget be introduced and approved on February 21, 2018.

2018 FRELINGHUYSEN TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues \$ 396,819.00  
 Total Miscellaneous revenue 333,368.00  
 Receipts from Delinquent Taxes 130,000.00  
 Local Property Taxes 747,598.00  
 Total General Revenues \$1,607,785.00  
 Salaries and Wages \$ 427,002.00  
 Other Expenses 459,541.00  
 Capital Improvements 15,000.00  
 Debt Service 232,701.00  
 Statutory Expenses 34,176.00  
 Reserve for Delinquent Taxes 439,365.00  
 Total 2018 Municipal Budget \$1,460,247.00  
 2018 Municipal Tax Rate \$0.2575

Motion: Mr. Kuhn - Second: Mr. Boynton. Committee Polled: Mr. Boynton-Yes; Mr. Kuhn-Yes; Mr. Marra-Absent; Mr. Stracco-Yes; Mr. Desiderio-Yes It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen at a regular meeting held at the Municipal Building on February 21, 2018. Witness my hand and the SEAL of the Township of Frelinghuysen.

**#2018-26** RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF FEBRUARY 2018 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 2018; 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	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton		X	X			
Mr. Desiderio			X			
Mr. Kuhn	X		X			
Mr. Marra						X
Mr. Stracco			X			

**#2018-27** SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of personnel matters 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 21, 2018 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	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton	X		X			
Mr. Desiderio			X			
Mr. Kuhn			X			
Mr. Marra						X
Mr. Stracco		X	X			

**OLD BUSINESS:**

- Service Electric Cable – Meeting in Sparta on March 6<sup>th</sup>.
- Pedestrian crosswalk – Ms. Zilberfarb and Mr. Gleba, the county engineer, have traded messages but Mr. Gleba will be sending the counties determination to us in writing.
- Shared Services for Animal Control – Hold
- Rec Center AC Quotes – Mr. Desiderio explained that he is waiting on one more quote and should have for the next meeting.
- Sale of property on Route 94 – Mr. Desiderio will speak with Ms. Dyer on the status and get back to the committee next month.
- Cats and the pound – Motion was made by Mr. Kuhn to table from the agenda, seconded by Mr. Boynton. All were in favor.
- Resolution on Fracking – After discussion amongst the committee and legal, it was determined to send the resolution to the Environmental Commission.
- Liability insurance for committeemen – After discussion, Mr. Kuhn would like more information on pricing. Mr. Desiderio will reach out to Mr. LaSalla and ask him to come to the March 21<sup>st</sup> meeting.
- Abandoned properties ordinance – Mr. Wacks gave Ms. Zilberfarb examples of Ordinances from other towns to distribute to the committee members. Mr. Wacks will draft an ordinance for Frelinghuysen. Mr. Desiderio also discussed that he has been working with Mr. Boesze on changing the sign ordinance and will bring to committee when finished.

#### **NEW BUSINESS:**

- Mr. Sterbenz presented to the committee the improvement plan for Kerrs Corner Road Phase IV (Lanning Road to Silver Lake Road). The total amount awarded by the State DOT was \$211,500.00 for this project. \$235,000 will be put into the bond ordinance for this project. No work can start until after the bond ordinance has been approved and the 20 day estoppel period is complete, which is anticipated to be after May 15<sup>th</sup>.
- Mr. Sterbenz also presented to the committee the new storm water management plan requirements for 2018. There are more points required for public education with the new plan changes. Any storm water facilities/basins on municipal or private property needs to obtain a log of maintenance and needs to be monitored. Once identified, Mr. Sterbenz will meet with the resident owners and Dan Harman will be in attendance. Mr. Sterbenz will meet with Ms. Zilberfarb and Mr. Harman within the next couple of weeks to discuss these facilities/basins. Mr. Sterbenz also explained that the form for land development applications would need to be edited to include storm water issues for any new building. Mr. Kuhn suggested that while editing the form to add wetlands to the checklist. Mr. Sterbenz also explained that the Land Development Ordinance would need to be amended and he will clarify the changes that need to be made with the committee and legal counsel. Mr. Wacks will look into the ordinance as well.

#### **OPEN MEETING TO THE PUBLIC:**

Motion was made by Mr. Kuhn, seconded by Mr. Boynton limiting it to 15 minutes to open meeting to the public. All were in favor. Spoke were:

Dan Kohuth spoke in regards to the fracking resolution and asked why the township committee was entertaining it when it is already regulated by the State. Mr. Stracco responded that a resident came in and asked in regards to fracking in the Delaware water basin and that the committee is forwarding it to the Environmental Commission.

Mr. Kohuth also inquired as to where the pedestrian crosswalk would be going. Mr. Desiderio and Mr. Stracco both explained that it would be at the intersection of Routes 519 and 612.

Marty Connor explained that the next step for the pond maintenance would be in April and asked if the township was getting any seedlings for arbor day. Ms. Zilberfarb explained that the budget should pass on March 21<sup>st</sup> and the pond maintenance was placed in the budget so April should be fine. She also explained that 300 seedlings were asked for and 150 will be for the school and the rest for any residents that would like them.

Debra Natyzak asked about the tarp for the barn at the FFP and told the committee that the Frelinghuysen Historical Society is willing to donate the money for it. She asked if that would be alright to do. Mr. Wacks stated that they could make a restricted donation and the tarp cost was under the bid threshold and that it would be fine for them to do.

John "Jack" Swistak of Troop 140, who is a resident of Frelinghuysen Township, explained that he would like to do a project for his Eagle Scout at the FFP and Recreation Center. He explained a few thoughts he had which included a fire pit with sitting area, a swing set or possibly connecting the two properties with trails. After discussion it was determined that the fire pit would be the best project and the point person to help him will be Frank Desiderio. He will also be working with Marty Connor. Mr. Swistak will present his project to his troop and will get back to the committee on the outcome.

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

**DEPARTMENT REPORTS:**

Motion made by Mr. Stracco for consent agenda items 1-12 seconded by Mr. Boynton. All were in favor.

**Legal Report** – Mr. Wacks explained that he has heard nothing back from the JIF in regards to their letter. He also discussed that the truck has been completed and the new title and registration were delivered to Ms. Zilberfarb.

**Recreation Committee** – Mr. Desiderio would like to appoint Erik Arfken for a 5 year term to fill the last vacancy on the Recreation Committee. Motion was made by Mr. Stracco to concur with the Mayor, seconded by Mr. Boynton. All were in favor. Ms. Zilberfarb will reach out to the secretary with his information.

**Environmental Commission** – No meeting.

**Farmland Preservation/Open Space Committee** – No meeting

**Historic Committee** – No meeting

**Mayor report** – Nothing to report

**Deputy Mayor report** – Nothing to report

**Committeeman Boynton** – Nothing to report. He inquired about the trailer on State Park Road near Heller Road.

**Committeeman Kuhn** – Mr. Kuhn expressed his condolences to the Marra family on their loss. Mr. Desiderio told the committee and public the services times for Dorothy Marra. They are Friday, February 23<sup>rd</sup> from 2-4 and 6-8 at the Newbaker funeral home.

**Committeeman Marra** – Absent

**Clerk report** – Ms. Zilberfarb let the committee know that flowers were sent to the funeral home for Mrs. Marra. She also let them know that the town hall will close at 2pm on Friday so the office staff can go to the viewing.

Ms. Zilberfarb asked to close the town hall from 9am – 12pm on February 22<sup>nd</sup> so she can attend a recycling meeting. Motion was made by Mr. Desiderio to close town hall from 9-12 on the 22<sup>nd</sup> of February, seconded by Mr. Kuhn. All were in favor.

Ms. Zilberfarb gave the members the pricing for a safety deposit box at the Lakeland bank for the back up tapes. Motion was made by Mr. Kuhn to allow the Clerk to open a 5 x 5 safety deposit box, seconded by Mr. Boynton. All were in favor.

Ms. Zilberfarb asked if the township would be refunding anyone that paid their taxes early for the 3<sup>rd</sup> and 4<sup>th</sup> quarters. At the present time only one resident has asked for a refund. After discussion, motion was made by Mr. Kuhn to deny refunds, seconded by Mr. Boynton. All were in favor. Roll Call vote: Mr. Kuhn-Yes; Mr. Boynton-Yes; Mr.

Desiderio-yes; Mr. Stracco-yes; Mr. Marra-Absent. Ms. Zilberfarb will let Donna VanTassel know.

**EXECUTIVE SESSION:**

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

No Action was taken.

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

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Stracco, seconded by Mr. Kuhn to adjourn the meeting at 8:51 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC