

MINUTES OF MEETING OF March 16, 2016

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, March 16, 2016 and was called to order at 7:00 p.m. by Christopher Kuhn.

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 Christopher Kuhn, Deputy Mayor Christopher Stracco (7:35), Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Committeeman David Boynton, Attorney Richard Beilin, CFO Danette Dyer and Acting Clerk Donna Zilberfarb.

EXECUTIVE SESSION:

Motion was made by Mr. Boynton to enter into executive session, seconded by Mr. DeCarolis.

No action was taken

Motion was made by Mr. Desiderio to exit executive session, seconded by Mr. Boynton

Regular Meeting started:

Mr. Beilin's statement: The Mayor and Committee conducted an executive session for purposes of discussing personnel matters, which are exempt from public discussion under the Open Public Meetings Act. At such time, the purpose to close the meeting has been served. The minutes of the closed session will be made available to the public.

PROCLAMATIONS:

AMERICAN RED CROSS MONTH 2016 A Proclamation In Frelinghuysen Township, **we have a long history of helping our neighbors in need.** American Red Cross Month is a special time to recognize and thank our Everyday Heroes – those selfless Red Cross volunteers and donors who give of their time and resources to help community members. These heroes help families find shelter after a home fire. They give blood to help trauma victims and cancer patients. They deliver comfort items to military members in the hospital. They use their lifesaving skills to save someone from a heart attack, drowning, or choking. They enable children around the globe to be vaccinated from measles and rubella. The American Red Cross depends on local heroes to deliver help and hope during a disaster. **We applaud our heroes here in Frelinghuysen Township who give of themselves** to assist their neighbors when they need a helping hand. Across the country and around the world, the American Red Cross responds to disasters big and small. In fact, every eight minutes the organization responds to a community disaster, providing shelter, food, emotional support and other necessities to those affected. It collects 40 percent of the nation's blood supply; provides 24-hour support to military members, veterans and their families; teaches millions lifesaving skills, such as lifeguarding and CPR; and through its Restoring Family Links program, connects family members separated by crisis, conflict, or migration. We dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission. NOW, THEREFORE, I, Christopher Kuhn, Mayor of Frelinghuysen Township, by virtue of the authority vested in me by the Constitution and laws of Frelinghuysen Township and New Jersey, do hereby proclaim March 2016 as American Red Cross Month. I encourage all Americans to support this organization and its noble humanitarian mission. IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of March, in the year of our Lord two thousand sixteen, and of the Frelinghuysen Township, County of Warren, State of New Jersey. Will be posted on the website.

MINUTES:

The minutes of the February 4, 2016 budget meeting were approved on a motion by Mr. Boynton, seconded by Mr. DeCarolis. All were in favor.

The minutes of the February 10, 2016 work session meeting were approved on a motion by Mr. Boynton, seconded by Mr. DeCarolis. All were in favor. Mr. Boynton abstained.

The minutes of the February 17, 2016 executive session meeting were approved on a motion by Mr. Boynton, seconded by Mr. DeCarolis. All were in favor.

The minutes of the February 17, 2016 regular session meeting were approved as amended on a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor.

The minutes of the February 25, 2016 budget meeting were approved on a motion by Mr. Desiderio, seconded by Mr. Stracco. All were in favor. Mr. DeCarolis abstained.

BUDGET:

2016 Budget

Motion was made by Mr. Desiderio for introduction of first reading of the 2016 budget, seconded by Mr. Boynton. Roll Call vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes. 5-0 vote. Public hearing will be April 20, 2016.

ORDINANCES:

2016-02 AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY FIXING SALARIES FOR THE YEAR 2016 BE IT ORDAINED, by the Mayor and Township Committee of the

Township of Frelinghuysen, County of Warren and State of New Jersey that the annual, monthly or hourly salaries of the elected officials, appointees and employees of the Township of Frelinghuysen, effective January 1, 2016 shall be as follows:

- MAYOR - \$3,296.00 annually
- TOWNSHIP COMMITTEE MEMBERS-\$3,295.00 annually
- MUNICIPAL CLERK (1/1-3/31 35 hr week) - \$52,468.00 annually
- MUNICIPAL CLERK (4/1-12/31 40 hr week) - \$59,966.00 annually
- ASSESSMENT SEARCH OFFICER-\$2,580.00 annually
- PART TIME CLERICAL HELP-\$13.20 hour
- TAX COLLECTOR-\$15,000.00 annually
- TAX ASSESSOR-\$30,250.00 annually
- CHIEF FINANCIAL OFFICER-\$15,998.00 annually
- QUALIFIED PURCHASING AGENT-\$1,015.00 annually
- BOARD OF HEALTH MEMBERS-\$26.39 annually
- BOARD OF HEALTH SECRETARY-\$708.00 annually
- ANIMAL CONTROL OFFICER-\$7,510.00 annually
- OPEN SPACE SECRETARY-\$279.00 annually
- FARMLAND PRESERVATION SECRETARY-\$279.00 annually
- CLEAN COMMUNITIES COORDINATOR-\$533.00 annually
- RECYCLING COORDINATOR-\$533.00 annually
- FORESTRY MANAGEMENT SECRETARY-\$960.00 annually
- ENVIRONMENTAL COMMISSION SECRETARY-\$1,025.00 annually
- HISTORIC PRESERVATION SECRETARY-\$500.00 annually
- EMERGENCY MANAGEMENT COORDINATOR-\$1,000.00 annually
- DEPUTY EMERGENCY MANAGEMENT COORDINATOR-\$1,000.00 annually
- ASSISTANT EMERGENCY MANAGEMENT COORDINATORS (4)-\$250.00 annually
- STATE OF EMER VARIABLE COMP-Not to exceed \$100.00 per day of emergency
- CONSTRUCTION OFFICER-\$46,622.00 annually
- TEMP SUBCODE INSPECTOR-\$36.78 per hour
- FIRE INSPECTOR OFFICIAL-\$2,378.00 annually
- ELECTRICAL SUBCODE INSPECTOR-\$10,100.00 annually
- PLUMBING SUBCODE INSPECTOR-\$10,100.00 annually
- TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICIAL-\$13.00 per hour
- ZONING OFFICER-\$5,542.00 annually
- LAND USE BOARD SECRETARY-\$1,500.00 annually
- DPW SUPERVISOR-\$1,218.00 annually
- DPW FOREMAN-\$25.42 per hour
- DPW ASSISTANT ROAD FOREMAN-\$24.62

DPW MECHANIC-\$4,330.00 annually
TEMPORARY DPW LABORER-range \$10-\$20 per hour
TEMPORARY DPW EQUIPMENT OPERATOR WITH CDL-\$25.00 per hour (eff 1/28/16)
TEMPORARY DPW EQUIPMENT OPERATOR WITHOUT CDL-\$20.00 per hour (eff 1/28/16)
SAFETY DIRECTOR-\$1,880.00 annually
MANAGER OF PUBLIC LANDS-\$609.00 annually
ASSISTANT MANAGER OF PUBLIC LANDS-\$609.00 annually

BE IT FURTHER ORDAINED, that the Mayor and Township Committee establishes the reimbursement for mileage at \$0.54 per mile. BE IT FURTHER ORDAINED, by the Mayor and Township Committee that all salaries shall be retroactive as of January 1, 2016. BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon publication and final adoption pursuant 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 17, 2016 and will be considered for final reading and adoption at a meeting of the Mayor and Township Committee to be held on March 16, 2016 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.

Opened to the public on a motion by Mr. Desiderio, seconded by Mr. Boynton. Discussion, from the audience and committee members, was made and all questions were answered. Mr. Stracco made a motion to close to the public seconded by Mr. DeCarolis. Motion was made by Mr. Desiderio for adoption of Ordinance 2016-02, seconded by Mr. Boynton. All were in favor. Roll Call Vote: Mr. Boynton-Yes; Mr. DeCarolis-Abstain; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes. Adopted on a 4-0 vote.

#2016-03 ORDINANCE AMENDING CHAPTER XXII OF THE FRELINGHUYSEN TOWNSHIP CODE, TO PROVIDE FOR AND REGULATE TAPPING AND COLLECTING SAP FROM MAPLE TREES ON MUNICIPALLY OWNED PROPERTY

WHEREAS, the Mayor and Committee have determined that it is necessary and appropriate to amend Chapter XXII of the Frelinghuysen Township Code, to permit tapping and collecting sap from maple trees that are on designated municipally owned property, to assure responsible use of and access to this valuable natural resource. NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen as follows: **Section I** Chapter XXII of the Frelinghuysen Township Code is amended by adding thereto a new Article III, to read as follows: **ARTICLE III TAPPING AND COLLECTING SAP FROM MAPLE TREES ON MUNICIPALLY OWNED PROPERTY § 22-15. Purpose.** The purpose of this article is to provide guidelines for the production of maple sap as part of a long-term sustainable forest management practice on lands owned by the Township of Frelinghuysen. **§ 22-16. Tapping and collecting of sap permitted; permit required.** A. General restrictions. Except as expressly permitted herein, tapping and collecting sap from maple trees is prohibited on municipally owned property. Tapping and sap collection shall be permitted only in strict accordance with the provisions of this article. B. Permit required. No person shall be permitted to tap or collect sap from trees on municipally owned property unless that person has applied for and received a permit for such activity. C. Tapping and Sap Collection Dates. Tree tapping and sap collection on municipal property shall be permitted only during the months of **January through March.** **§ 22-17. Annual report and recommendation.** On or before September 15 of each year, the Public Land Managers shall recommend to the governing body whether tree tapping and sap collection should take place, the number of permits that should be issued, which shall not exceed **()** permits per year, the dates on which permit applications will be accepted, and the areas in which tapping and sap collection shall be allowed. The Mayor and Council shall consider the recommendations and, if they agree, pass a resolution setting forth the details of of tree tapping and collection for that year, including the permit application dates. The resolution shall be posted in the Township and on the Township's website. **§ 22-18. Application process.** A. Prior to engaging in maple tree tapping and sap collection on municipally owned property, any individual desiring to engage in such activities and who meets the eligibility requirements set forth in this article shall apply for and receive a permit from the Township. A permit shall be obtained by application to the Township, which application shall contain the following: (1) Photocopy of driver's license or other issued government photo ID. (2) The applicant's license plate number and car registration. (3) A signed

waiver, indemnification and release of liability agreement. (4) Description of the proposal including approximate number of taps proposed, equipment to be used, access to be used, identification of site-specific constraints and how these will be addressed by the applicant, and a description of the applicant's sugaring expertise, knowledge, experience, and commitment to sound resource management and stewardship. (5) Payment of the application fee. B. Applications shall be available in the Township Clerk's Office and on the Township website. C. Any applicant who has violated local regulations pertaining to parks or will be disqualified. D. Applicants who engaged in tree tapping and sap collection in prior years must have submitted a usage report prior to a permit being issued. E. Applicants must be fourteen (14) years of age or older to be eligible for a permit. F. Applications shall be filed during the dates set by the Mayor and Committee. In the event that the number of applications exceeds the number of permits, then permits shall be awarded by lottery drawing. **§ 22-19. Application and Permit fees.** Application and permit fees shall be determined by resolution. **§ 22-20. Rules and regulations.** The following rules and regulations shall apply to any tree tapping and collection permit issued by the Township: A. Tapping Guidelines: 1. Sugar or hard maple (*Acer saccharum*) and red maple (*Acer rubrum*) shall both be considered tappable species. The Township may review and approve all trees to be tapped prior to tapping in any year. The health of individual tappable trees must be assessed and the allowable taps reduced or deferred where a tree shows signs of stress. Tappable trees shall have a healthy crown and show minimal sign of dieback. 2. Tree health may be evaluated by the Township, and at-risk trees may be reserved from tapping at the Township's discretion for health or other reasons. Indicators of tree risk include, but are not limited to, poor crown condition, slow tap hole closure, predicted or prior defoliation, weather damage, visible damage due to disease, fungus, insect infestation, drought or physical trauma. 3. Trees that are not at risk may be tapped according to the following standards: (i) Trees of less than 10-inch DBH shall not be tapped. Trees of 10-20 inch DBH shall be limited to one tap. Trees of over 20-inch DBH shall be limited to two taps. Diameter at breast height ("DBH") means tree diameter measured outside the bark at a level 54 inches above the ground on the highest side of the tree when the tree is on a slope, and measured from between any root buttresses. DBH shall be measured with a diameter tape as used in the forestry profession and not with calipers, a Biltmore stick or its equivalent, or any other means than a diameter tape. Where a swell, abnormality, deformity or other protuberance occurs at the prescribed height of measurement, the measurement shall be taken immediately above the swell, abnormality, deformity or other protuberance. All doubts as to whether a tree is of sufficient DBH to qualify for tapping shall be resolved in favor of not tapping. (ii) No tree shall contain more than two taps and tap holes should be placed as far apart as possible. In an ideal situation, tap holes should not be placed closer than three inches horizontally and twelve inches vertically from an open tap hole. Holes should not be placed closer than three inches horizontally from a visible dead seam if possible. Tap holes shall not exceed 5/16" in diameter and shall be drilled no deeper than 1.5" total depth into the tree's white wood. Trees shall be tapped only once per year. Taps must be removed from each tree at the end of each sugaring season. (iii) For multi-stem trees that separate within 4.5 feet from the ground each stem shall be considered one tree, for trees that fork higher than 4.5 feet from the ground, the stems shall be collectively considered a single tree. (iv) No sanitizing materials may be used in tap holes. (v) Permit holder must take precautions to avoid tree wounding such as vehicle and other mechanical damage during operations and maintenance activities. Soil compaction by vehicles must be minimized. (vi) Any proposed vegetation management must be approved in writing in advance by Township in a document setting forth the approved activity and any requirements and/or limitations associated therewith. This includes, but is not limited to fertilization, thinning, treatment of invasive or native species, and any use of a pesticide. The permit holder will encourage regeneration of appropriate species in the understory. Chainsaws may be used to remove downed limbs that are in the way of or have damaged tubing systems. Felling of trees of any size (live or dead) without prior approval of the Township is prohibited. (vii) Sap may be collected using either buckets or tubing. All tubing systems shall be installed and managed according to best management practices as outlined in "North American Maple Syrup Producers Manual" (most recent edition) or approved document(s). Tubing systems may be left in place during the off-season if they do not interfere with trail-related activities as determined by the Township and as specified in individual permit agreements. Township and as specified in individual license agreements. Vacuum pumps may be used for sap collection and the noise from these vacuum pumps kept to a minimum. (viii) The ends of mainlines may be anchored into trees using lag bolts or sleeved wires. (ix) The use of nails to support tubing, either

main lines or laterals is prohibited. (x) Where wires or cables come into contact with a tree, either blocking or sleeves shall be used to prevent the wire or cable from becoming imbedded into the tree. (xi) The use of an ATV or snowmobile may be allowed for the installation and maintenance of tapping systems. The use of these vehicles shall be restricted to the areas specifically identified for each licensed site and shall be restricted to the permit holder or those working for the permit holder for the installation and maintenance of tapping systems only. The permit holder will report any unauthorized use of motorized vehicles that occurs on the site in any season to the Township staff. (xii) The Township may, on a case-by-case basis for extensive tapping installations, authorize the seasonal use of larger equipment to transport main lines for installation and removal. The Township must approve the use of larger motor vehicles in advance, in writing in the permit agreement or in a separate document. Such written approval shall contain conditions and limitations on use including, but not limited to the following: (a) the equipment shall be used only under dry or frozen conditions and may be further limited by the Township based on the season and on-site conditions; (b) identification of authorized vehicle access route(s); (c) entry shall be as minimal as possible; (d) requirements to install and replace or repair any gates, barricades or berms as soon as the work using the vehicles is completed; (e) Where a motorized vehicle must cross a permanent stream, a temporary bridge shall be constructed and utilized and the Township notified. Permit holders must comply with all specific requirements related to the use of all existing or constructed roads. (xiii) The Permit holder is responsible for installing and maintaining all erosion control and water quality protection measures during and after the sugaring season. Permit holders shall submit plans and maps that show the expected road and access trail usage as well as main lines and the approximate number of taps that will be served by them. Permit holders will be required to repair any damage to Township roads, trails or property that their use may cause. (xiv) Snowplowing to access sugaring operations will be of the shortest distance possible and on paved or gravel surfaces for sap collection and related purposes only. The Township shall be notified before snowplowing operations are to begin. (xv) Vehicles will not ford streams or wet areas. (xvi) Power sources for pumps, reverse osmosis systems (R/O's), storage tanks and/or generators associated with a tapping operation may be authorized by the Township in a permit agreement. Fuel tanks for generators and/or pumps are allowed but must be installed and maintained under all local, state and federal regulations. The location of any tanks and generators must be approved by the Township. The permit holder shall immediately report any fuel spills or leaks (xvii) The permit holder shall be responsible for obtaining and complying with any and all other permits that may be required. (xviii) At the termination of the permit period, the permit holder must remove all equipment, and the ground must be smoothed, grass seed spread and mulched. (xix) Any permit issued by the Township of Frelinghuysen may contain such additional conditions as the Township of Frelinghuysen determines are reasonably required to ensure the safety and well being of the Township's residents and property. **§ 22-21. Duration of permit.** Permits shall be valid only during the months of **January through March** of the calendar year for which they are issued. **§ 22-22. Revocation of permit.** The Township shall be authorized to revoke a permit issued hereunder at any time if the safety of any persons or the safety of property, including that of the Township, is threatened. Violations by any permittee of any state or local rules and regulations shall also cause the permit to be revoked. Where such permit has been revoked or where persons or property are endangered as set forth above, the Township is authorized to require take all steps necessary to eliminate the condition which endangers persons or personal property, which may include removing the permittee from municipally owned property. **§ 22-23. Violations and penalties.** A. Violation of this article, any special condition of a permit or any applicable state or local regulation will result in the immediate loss of tree tapping and sap removal on municipally owned property, and will subject the person who commits the violation to any applicable penalties. B. Any person violating any of the provisions of this article or any rule or regulation promulgated pursuant hereto shall, upon conviction, be required to repair, replace or restore and property damaged by that person. C. Any person violating any of the provisions of this subject to the general penalty provisions set forth at Sections 1-5.1 *et seq.* of the Frelinghuysen Township Code. D. Any person engaging in tree tapping or sap removal on Township property hunting without a permit shall be considered to be trespassing and subject to the fines and penalties in set forth in this section, and may be prosecuted as a trespasser. **Section II 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. Motion was made by Mr. Desiderio to table this Ordinance until the May 18, 2016 meeting, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-No; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-No. Ordinance 2016-03 will be tabled until May 18, 2016

RESOLUTIONS:

#2016-30 TOWNSHIP OF FRELINGHUYSEN COUNTY OF WARREN STATE OF NEW JERSEY WHEREAS, the 2016 Local Municipal Budget was introduced on the 15th day of April, 2016; and, WHEREAS, during the fiscal year 2016 the Township of Frelinghuysen has been allocated a state grant for various programs in the amount of \$15,971.00. NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2016 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	\$ 9,944.00
Clean Communities Program-PY Unapprop.	1,757.00
Recycling Tonnage Grant	734.00
Mun. Alliance on Alcoholism & Drug Abuse Program	<u>3,536.00</u>
	<u>\$15,971.00</u>

Motion: Mr. Stracco

Second: Mr. Desiderio

Committee Polled: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-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 March 16, 2016. Witness my hand and the SEAL of the Township of Frelinghuysen.

#2016-31 TOWNSHIP OF FRELINGHUYSEN COUNTY OF WARREN STATE OF NEW JERSEY WHEREAS, the 2016 Local Municipal Budget was introduced on the 16th day of March, 2016; and, WHEREAS, during fiscal year 2016, the Township of Frelinghuysen will receive revenue for sale of municipal assets in the amount of \$9,373.00. NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2016 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-Other Special Items:**"

Capital Fund Balance	\$ 1,662.00
Excess Sick Time Reserve	<u>7,711.00</u>
	<u>\$ 9,373.00</u>

Motion: Mr. Desiderio

Second: Mr. Boynton

Committee Polled: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes Date: March 16, 2016 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 March 16, 2016. Witness my hand and the SEAL of the Township of Frelinghuysen.

#2016-32 TOWNSHIP OF FRELINGHUYSEN COUNTY OF WARREN STATE OF NEW JERSEY WHEREAS, the Township of Frelinghuysen is holding a meeting on March 16, 2016, for the purpose of introducing the 2016 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 2016 Local Municipal Budget be introduced and approved on March 16, 2016.

2016 FRELINGHUYSEN TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 316,939.00
Total Miscellaneous revenue	354,796.00
Receipts from Delinquent Taxes	130,000.00
Local Property Taxes	<u>659,374.00</u>
Total General Revenues	<u>\$1,461,109.00</u>
Salaries and Wages	\$ 385,276.00

Other Expenses	448,232.00
Capital Improvements	2,500.00
Debt Service	133,644.00
Statutory Expenses	56,240.00
Reserve for Delinquent Taxes	435,217.00
Total 2016 Municipal Budget	<u>\$1,461,109.00</u>
2016 Municipal Tax Rate	\$0.227 (Est.)

Motion: Mr. Desiderio

Second: Mr. Boynton

Committee Polled: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-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 March 16, 2016. Witness my hand and the SEAL of the Township of Frelinghuysen.

#2016-33 WHEREAS, the 2016 Temporary Budget of the Township Committee of Frelinghuysen Township, as adopted January 20, 2016, appropriated sufficient funds to cover the Town's financial obligations for the first three months of the calendar year, and WHEREAS, due to a revision in the State budget calendar the 2016 budget will not be adopted by March 31st, NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Frelinghuysen Township, that the temporary budget be extended and that the appropriations be increased by one twelfth of appropriations made for all purposes in the budget for the year 2015, excluding appropriations made for debt service, capital improvement fund and public assistance. CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of Frelinghuysen Township at a meeting held on March 16, 2016. Motion was made by Mr. Boynton, Seconded by Mr. Desiderio. All were in favor.

#2016-34 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, 2016 and continuing through March 31, 2016. 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, March 16, 2016. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor.

#2016- 35 Resolution Opposing Extension of Certain Federal Trade Policies

WHEREAS: On February 4th, 2016, the Obama Administration, through the U.S. Trade Representative, signed the Transpacific Partnership (TPP) Agreement in Auckland, New Zealand; and **WHEREAS:** The text of the TPP has now been made public and concerns have only grown about this and similar trade policies; and **WHEREAS:** Municipalities nationwide are passing resolutions opposing these disastrous trade policies, with a particular focus on its horrific impact on employment and the sovereignty of the U.S.; and **WHEREAS:** U.S. trade deals for the past 25 years have incorporated rules that skew benefits to economic and political elites while requiring working families to bear the brunt of such policies; and **WHEREAS:** The growing trade deficits, driven by the North American Free Trade Agreement (NAFTA), China's accession to the World Trade Organization, and the U.S.-Korea Free Trade Agreement, have displaced 700,000 jobs and 3.2 million jobs, and 75,000 jobs respectively; and **WHEREAS:** U.S. employment in manufacturing dropped by 5 million from 2000 to 2015; and **WHEREAS:** New Jersey has lost more than 222,000 manufacturing jobs since NAFTA took effect in 1994; and **WHEREAS:** Jobs lost due

to trade devastate families and entire communities and can permanently reduce lifetime earnings for hundreds of thousands of workers; and **WHEREAS:** The long decline of the American manufacturing base—exacerbated by bad trade policies that reward outsourcing—has undermined our economic security and poses a direct threat to our national security; and **WHEREAS:** The offshoring of manufacturing and service jobs deprives local and state governments of sorely needed revenues, jeopardizing the livelihoods of millions of public servants as well as construction workers whose jobs depend upon infrastructure building, repair and maintenance; and **WHEREAS:** The offshoring of manufacturing increases air and sea transport around the Pacific Rim, thereby adding to the carbon-footprint of imported goods, and therefore increasing greenhouse gas emissions leading to further global warming and extreme weather; and **WHEREAS:** The TPP includes a "docking" agreement whereby any country may agree to all provisions and join the TPP thus increasing the negative impact, geographically and economically, of all TPP provisions; and **WHEREAS:** Increased global warming and extreme weather will impact the Township of Frelinghuysen and the State of New Jersey leading to increased costs for emergency response, rebuilding, adaptation and mitigation and emergency response that could be used for public jobs to build renewable energy infrastructure, retrofit and build energy efficient housing; and **WHEREAS:** Under NAFTA-style trade rules, the U.S. annual trade deficit has increased dramatically from \$70 billion in 1993, the year before NAFTA went into effect, to more than \$508 billion in 2014; and **WHEREAS:** The disproportionate voice of other nations and economic and political elites in the formation of U.S. "free trade" agreements has advanced an agenda that undermines human rights, the public interest and threatens democracy at all levels of government; and **WHEREAS:** NAFTA and all but two of the U.S. trade deals that followed it include special legal rights for certain investors, known as "investor-to-state dispute settlement" or ISDS, that permits them to bypass state and federal courts to challenge state and local laws, regulations, and administrative and judicial decisions in secret international tribunals; and **WHEREAS:** The TPP will impact community health services that provide for the underemployed, unemployed, poor and disadvantaged in the Township of Frelinghuysen and the State of New Jersey; and **WHEREAS:** NAFTA's provisions have already been utilized in order to challenge decisions regarding local building permits as well as state bans on toxic chemicals and decisions of state courts, thereby impairing the State of New Jersey's tradition of home rule and the sovereignty of the State of New Jersey under federalism; and **WHEREAS:** Promoting economic growth with equity in the Township of Frelinghuysen and the State of New Jersey requires an approach that reforms the entire trade negotiation process to ensure that voices of workers, farmers, small businesses, families and communities are heard and their interests addressed; and **WHEREAS:** The TPP has been negotiated in secret, effectively shutting state and local governments out of the process, limiting our ability to influence its rules to ensure the citizens of the U.S. can participate in the benefits of trade; and **WHEREAS:** Given the enactment of fast track trade negotiating authority, states, localities and their citizens will have no opportunity to correct shortcomings of the now public TPP text and Congress cannot follow normal Congressional procedure that permits full hearings and amendments; and **WHEREAS:** Repeating old mistakes in negotiating new trade agreements such as the TPP represents a missed opportunity to strengthen our economy, reduce income inequality, promote sustainable growth, and address the climate crisis; and **WHEREAS:** the TPP is legally binding, while agreements negotiated at the United Nations Climate Talks in Paris (COP 21) are not binding, thus setting up barriers to addressing urgent climate and sustainability concerns; so **BE IT RESOLVED:** That the Township of Frelinghuysen calls upon our federal elected officials – Senator Robert Menendez, Senator Corey Booker and Congressman E. Scott Garrett - to oppose the TPP and any similar trade deals, such as the Transatlantic Trade and Investment Agreement (TTIP) as well as the Trade in Services Agreement (TiSA), if they fail to restructure the misguided and failed policies of the past; and **BE IT FURTHER RESOLVED:** We call upon our elected officials in the U.S. Senate and U.S. House of Representatives to support new trade deals only if they will: Exclude investor-to-state dispute settlement (ISDS) and other provisions, such as those in Chapter 8: Technical Barriers to Trade and Chapter 25: Regulatory Coherence, for example, that undermine public choices; Ensure that other nations cannot undercut U.S. based producers with weaker labor and environmental laws and enforcement;

- (1) Ensure that the U.S. will engage in robust enforcement of trade rules, including labor and environmental rules; and,

(2) Include strong rule of origin to promote economic growth and job creation in the U.S.; promote high standards of protection for workplaces, products, and natural resources rather than promoting a race to the bottom. **AND BE IT FURTHER RESOLVED:** That Township Committee of the Township of Frelinghuysen directs the Clerk of the Township to transmit copies of this Resolution to our elected officials in the US Senate and US House of Representatives. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Abstained; Mr. Stracco-Yes. Vote was 4-0. Copies of this resolution will be sent to the federal elected officials and will be posted on the townships website.

#2016-36 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of personnel issues in private or executive session; 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 March 16, 2016 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. DeCarolis. All were in favor.

#2016-37 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF MARCH 2016 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 MARCH 2016; 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. Desiderio, seconded by Mr. DeCarolis. All were in favor.

#2016-38 Resolution Supporting Participation In the Sustainable Jersey® Municipal Certification Program WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and WHEREAS, Frelinghuysen Township strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and WHEREAS, Frelinghuysen Township hereby acknowledges that the residents of Frelinghuysen Township desire a stable, sustainable future for themselves and future generations; and WHEREAS, Frelinghuysen Township wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and WHEREAS, by endorsing a sustainable path Frelinghuysen Township is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and WHEREAS, as elected representatives of Frelinghuysen Township, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that to focus attention and effort within Frelinghuysen Township on matters of sustainability, Frelinghuysen's governing body wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification. BE IT FURTHER RESOLVED, by the Mayor and Township Committee of Frelinghuysen Township that we do hereby authorize _____ to serve as Frelinghuysen's agent for the Sustainable Jersey Municipal Certification process and authorize _____ to complete the Municipal Registration on behalf of Frelinghuysen Township. This Resolution shall take effect according to law. I, Donna Zilberfarb, Acting Clerk of the Township of Frelinghuysen do hereby certify the above to be a true copy adopted by the Frelinghuysen Township Committee at a meeting held on March 16, 2016. Motion was made by Mr. Stracco, seconded by Mr. DeCarolis. Roll call vote: Mr. Boynton-No; Mr. DeCarolis-Yes; Mr. Desiderio-No; Mr. Kuhn-No; Mr. Stracco-Yes. Motion cancelled with a vote of 2-3.

OLD BUSINESS:

- Calvin Inscho resigned from the Foreman position in the dpw effective March 10, 2016. Motion was made by Mr. Boynton to accept Mr. Inscho's resignation, seconded by Mr. DeCarolis. All were in favor – aye.
- Mr. Kuhn submitted a letter to the DOT regarding the school bus stop signs for Route 94 by Muller Road.
- The fire truck and ship will be removed from the playground as they are not compliant any longer. After checking with Recreation, Mr. Desiderio agreed they should be removed.

NEW BUSINESS:

- Bill Gold discussed the river friendly certified town award that has been awarded to Genesis Farms. After discussion he presented the award to them.
- Paul Avery, President of the Blairstown Rotary Club, and Bill Caldwell, the past President, discussed the 4th Of July celebration in Blairstown and the costs to maintain the quality of the program. With that, he asked for a \$750 contribution from the town to put towards the celebration costs. Mr. Desiderio stated that the Frelinghuysen Booster Club would donate \$400.00.

Mr. Stracco made a motion to contribute \$350.00 for the 4th of July celebration in Blairstown, seconded by Mr. Decarolis. All were in favor - aye. Mr. Caldwell thanked everyone for their contribution.

- The Township clean up week will be the 3rd week of May. Motion was made by Mr. Desiderio to make the township clean up week the 3rd week of May, seconded by Mr. Boynton. All were in favor – aye.
- Marty Connor brought to the committee members attention that there are no working fire extinguishers at Kids Camp. It was agreed that Mr. Connor would go to Home Depot or Lowes and obtain prices and bring back to the next meeting.
- Service Electric Cable has offered cable for a homeowner on Route 519. There are fees for this homeowner. After discussion, it was decided to have legal write a letter to Service Electric to waive the fees for this. Mr. Beilin will send letter.
- Turf Pros contract agreement, for servicing the fields at the town hall, has been submitted. Motion by Mr. DeCarolis to authorize Turf Pros to accept the contract agreement, seconded by Mr. Boynton. All were in favor – aye.

Mr. Desiderio discussed the closure of soccer fields for the top dressing and seeding to be put down. The baseball and softball fields will remain open. Mr. Desiderio will look at FFP North for soccer fields that could be used during this time.

- Tax sales – there are a couple of properties that the Natures Conservancy are interested in buying from the township. Both parcels are by the mud pond area, Block 1201 Lot 37 – 14.56 acres and Block 1201 Lot 29.01 - 2.38 acres. After discussion on selling to Nature Conservancy, a motion was made by Mr. Boynton to authorize legal counsel to proceed with the above mentioned parcels to sell to Nature Conservancy, seconded by Mr. Desiderio. All were in favor – aye.

OPEN MEETING TO THE PUBLIC:

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

- Jean Smolha spoke regarding the tapping of trees on public land.
- Charlie Makatura, Belvidere Town Council, spoke regarding sustainable jersey and explained how Belvidere does it in their town.

- Wendy Buttgerreit and Marty Connor spoke regarding the Open space trust fund and asked to let them know where they are at as far as spending in concerned as they are concerned with all that is being done there right now. Also discussed the Trails Grant and a handicap accessible trail. Mr. Connor will let the committee know if they are able to change the application and what will need to be done. Also discussed the Natural Trails Day hike which is planned for June 4th in the morning prior to Founders Day.
- Wendy Buttgerreit spoke regarding a Community Partnership grant up to \$50,000.00 from lowes. Ms. Buttgerreit asked if there was any interest in someone writing the grant. Mr. Kuhn asked to bring to the work session in May to be discussed further.

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

DEPARTMENT REPORTS:

Motion was made by Mr. Boynton for the consent agenda for department reports 1-9, seconded by Mr. DeCarolis. All were in favor.

Legal Report: Mr. Beilin updated the committee on the COAH litigation. There is a status conference scheduled for April 7th for all towns under Judge Millers' jurisdiction. Mr. Beilin was also contacted by an attorney from the fair share housing and was basically looking for numbers for their clients. There will be a conference call regarding this with Darlene Jay included as well.

Mr. Desiderio asked legal counsel about the warranty on the micro paving on Saddle Ridge Road. Mr. Beilin referred him to the Engineer.

OEM report: OEM will be at meeting in May at 7pm.

Recreation report: Mr. Desiderio discussed casino night which will be held on April 23, 2016 at 7 pm. There were new signs purchased and will be putting them out soon. Baseball and Softball are doing good. There were 3 teams for basketball that went to the Lafayette tournament and those teams are all moving on to the final rounds. Mr. Desiderio asked if the floors have been done at the lodge at kids camp yet and offered to help. Mr. Connor explained not yet and that they will be done when everything else is complete in the building. Mr. Desiderio also discussed Founders Day which will be the first Saturday in June.

Environmental report: The commission looked at Sustainable Jersey.

Farmland Preservation report: The town paid Muni PIG \$91,000.00 and will get a portion of this back. An email was sent to Ms. Urgo regarding this.

Open Space report: No meeting

Mayor report: Discussed possible convenience store with some people within the Township and will update as it moves forward.

Committeeman Desiderio report: Mentioned the driveway on Main Street across from Ricky Smith, is flooding and going over the curb on heavy rains. Have Dan look at cleaning the ditch.

Committeeman Boynton report: Discussed all the work completed at Kids Camp, all interior trim, a single door was fixed, and underground leder have been completed and the town hall light fixture in closet in meeting room was replaced.

Clerks report: Discussed a resident that came in regarding the pavement by the mail boxes on the side of the town hall building. After discussion it was decided to cold patch that spot. Also discussed old recordings of meetings and looking at getting rid of them. Ms. Zilberfarb explained the 80 day retention for any recordings. Mr. Stracco suggested speaking with Mr. Wacks or Mr. Beilin regarding litigation on any of them. Ms. Zilberfarb will discuss with them and keep a year's worth of current recordings and look at disposing of all the older recordings. Ms. Zilberfarb also discussed the patch that was placed on Bear Creek Road in front of Mr. Peterson's property. A portion was

removed with the plow this year and now he is getting water again. The dpw will take care of this when paving or patching pot holes is being done.

CORRESPONDENCE FOR MEETING OF MARCH 16, 2016

New Jersey Legislature – Meeting on Friday, April 8, 2016 held at the Hardwick municipal building.

State of New Jersey Department of Community Affairs – Life Hazard use certificate of registration

Board of Chosen Freeholders of the County of Warren – Notice of Hazardous condition – Route 661 @ NJDOT Railway Tunnel

Warren County Planning Department – New cutoff dates for submission to County planning board

Warren County Mosquito Control Commission – Packet for adult mosquito control program.

SBA Disaster News – Disaster loans for new sandy declaration

Hope Township – Green Fair – Saturday April 9th at the Hope Municipal Building

Blairstown Hose Company #1 – February 2016 Fire Report

Statewide Insurance Fund – Cyber security risk initiative

Wacks, Beilin & Weber, Attorneys at Law – Docket Nol. L-231-15

ADJOURNMENT:

There being no further business, motion was made by Mr. Stracco, seconded by Mr. Boynton to adjourn the meeting at 9:38 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk