

## MINUTES OF REGULAR MEETING OF MARCH 26, 2018

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Monday, March 26, 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 Charles Marra, Committeeman David Boynton, Attorney Ed Wacks, CFO Danette Dyer, and Municipal Clerk Donna Zilberfarb.

### **PROCLAMATION:**

WHEREAS, Congress designated the third full week in March to be National Poison Prevention Week (NPPW) in 1961 and since then this week has helped to raise national awareness of the dangers of potentially poisonous medicines, household chemicals, and other substances; and WHEREAS, every poisoning is preventable! From the youngest to the oldest, all people and even pets are at risk; and WHEREAS, poison centers across the country will focus the public's attention on identifying poisoning hazards at home as well as learning ways to prevent poisoning emergencies; and WHEREAS, a poison is defined as anything that is taken in the wrong amount, in the wrong way or by the wrong person; and WHEREAS, unintentional poisoning is the leading cause of unintentional injury death in New Jersey; and WHEREAS, drug overdose deaths including prescription pain medicine (opioids), heroin and fentanyl remain at epidemic proportions for both New Jersey and the United States. According to the Centers for Disease Control and Prevention (CDC), the majority of drug overdose deaths (more than six out of ten) involve an opioid; and WHEREAS, although the majority of reported poison exposures involve children five (5) years old and younger; the majority of poisoning deaths occur in adults aged 20 to 59; and WHEREAS, childhood lead poisoning remains a major public health concern. Elevated blood lead levels can cause significant and permanent damage to the health and wellbeing of a young child. There is no safe level of lead. Stop a child's exposure to lead before it causes harm; and WHEREAS, the New Jersey Poison Information and Education System (NJPIES), a division of the Department of Emergency Medicine of the New Jersey Medical School of Rutgers, The State University of New Jersey, provides expert advice, drug information, and poison prevention education to NJ residents through the 800-222-1222 Poison Help Hotline; and WHEREAS, all services are free, confidential, multilingual and available 24 hours a day, 7 days a week, 365 days a year even during bouts of Mother Nature; and WHEREAS, the public can contact a poison expert by calling (1-800-222-1222), chatting ([www.njpies.org](http://www.njpies.org)), or texting ([8002221222@njpies.org](mailto:8002221222@njpies.org)); and WHEREAS, consumers must be aware that e-cigarette devices, hookah pipes and liquid nicotine may contain very high doses of nicotine in enticing colors, aromas, and flavors – increasing the likelihood that small children and pets will focus their attention on them. These products pose serious risk of poisoning; and WHEREAS, poison experts urge residents to use our services as a resource for poison and drug information instead of consulting the internet for information that may not be accurate; and WHEREAS, we encourage all residents to program the Poison Help Line 800-222-1222 into home, office, and cell phones because a rapid response can make a difference in preventing serious injury and saving lives; and WHEREAS, the use of poison centers services saves residents both time and money. Most cases are managed in the convenience of the caller's home, requiring no hospital visit; and WHEREAS, NJPIES is also involved with the state's efforts in homeland defense, counter-terrorism, emergency preparedness and response, bio surveillance, and surveillance for clusters of poisonings and their sources (products, food and beverages, chemicals in the workplace and at home, environmental toxins, drugs and medicine, and animal and insect bites and stings); NOW, THEREFORE, I, Frank D. Desiderio, Mayor of the Township of Frelinghuysen do hereby proclaim the week of March 18-24, 2018 as National Poison Prevention Week in New Jersey and encourage all citizens to pledge their commitment to ensuring the safety of themselves, their families, and their community. Motion was made by Mr. Stracco to adopt the proclamation, seconded by Mr. Boynton. All were in favor

**MINUTES:**

1. February 21, 2018 regular session meeting minutes were approved on a motion by Mr. Stracco, seconded by Mr. Boynton. All were in favor. Mr. Marra abstained.
2. February 21, 2018 executive session meeting minutes were approved as amended on a motion by Mr. Boynton, seconded by Mr. Stracco. All were in favor. Mr. Marra abstained.

**BUDGET:**

**Resolution #2018-35** WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and, WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and, WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Frelinghuysen has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Frelinghuysen meets the necessary conditions to participate in the program for the 2018 budget year, so now therefore, BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated;
  - b. Items of appropriation are properly set forth;
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services. Motion: Mr. Stracco Second: Mr. Boynton Committee Polled: Mr. Boynton-Yes; Mr. Kuhn-Absent; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Desiderio-Yes

**RESOLUTION #2018-25** WHEREAS, the Township of Frelinghuysen is holding a meeting on March 21, 2018, for the purpose of final adoption 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 approved on March 26, 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. Stracco Second: Mr. Boynton Committee Polled: Mr. Boynton-Yes; Mr. Kuhn-absent; Mr. Marra-Yes; 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 March 26, 2018. Witness my hand and the SEAL of the Township of Frelinghuysen. CERTIFICATION 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 meeting held on March 26, 2018. Witness my hand and the SEAL of the Township of Frelinghuysen. Motion was made by Mr. Stracco to open to the public, seconded by Mr. Boynton. All were in favor. Public: Ms. Smolha asked what the difference between last year's budget and this year's was. Mr. Desiderio explained that \$88.00 would be the increase this year for the municipality. Mr. Kohuth asked about the school tax increase and if enrollment is lower than taxes should be lower. Mr. Desiderio explained that the township committee can only speak for the municipality tax. There were no other questions. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Stracco to adopt the 2018 municipal budget, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-Yes; Mr. Kuhn-Absent; Mr. Marra-Yes; Mr. Stracco-Yes.

**ORDINANCES:**

**#2018-06 BOND ORDINANCE PROVIDING FOR VARIOUS 2018 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$447,090 THEREFOR (INCLUDING TWO NEW JERSEY TRANSPORTATION TRUST FUND GRANTS TOTALING \$211,500) AND AUTHORIZING THE ISSUANCE OF \$435,310 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS: SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$447,090, said sum being inclusive of two (2) New Jersey Transportation Trust Fund Grants expected to be received from the New Jersey Department of Transportation, one in the amount of \$105,000, and one in the amount of \$106,500 (collectively, the "NJTTF Grants"), and a down payment in the amount of \$11,780 now available for a portion of said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law, no down payment is required for a portion of the improvements or purposes set forth in Section 3 hereof, as a \$211,500 portion of the costs of such improvements or purposes is expected to be permanently funded by the NJTTF Grants. **SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$447,090 appropriation not provided for by the down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$435,310 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes,

negotiable notes of the Township in a principal amount not exceeding \$435,310 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Notwithstanding anything herein to the contrary, if the Township receives all or a portion of the NJTTF Grants prior to the issuance of any bonds or notes authorized by this Section 2 to temporarily fund all or a portion of the \$211,500 of costs which are expected to be permanently funded by the NJTTF Grants, the amount of the bonds and notes authorized by this Section 2 shall be reduced by the amount of the NJTTF Grants received in accordance with Section 4 hereof.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2018 Capital Improvement Program, which includes, but is not limited to, the acquisition of a fire truck (a portion of the cost of such acquisition having been previously authorized by Bond Ordinance Number 2012-04), a glass cutter, Automated External Defibrillator (AED) devices and turnout gear for the Green Township Fire Department; the acquisition of turnout gear and hose for the Blairstown Fire Department; the acquisition of self-contained breathing apparatus (scba) bottles and turnout gear for the Hope Fire Department; repairs and improvements to various roadways in the Township, including, but not limited to, Kerrs Corner Road (all such repairs and improvements shall include, but are not limited to, paving, tarring, chipping, crack filling, line striping and cross drains); the acquisition of street signs; the acquisition and installation of a new computer and server and office furniture for the town hall; and the acquisition and installation of a generator for the Frelinghuysen Forest Preserve (FFP) Recreation Center (a portion of the cost of such acquisition and installation having been previously authorized by Bond Ordinance Number 2017-09). Such improvements or purposes shall also include, as applicable, all engineering and design work, surveying, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the Township Clerk and available for public inspection and hereby approved. As noted in Section 1 hereof, the Township expects to receive the NJTTF Grants to permanently fund a portion (\$211,500) of the anticipated costs of the repairs and improvements to Kerrs Corner Road described above. (b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$435,310. Notwithstanding anything herein to the contrary, if the Township receives all or a portion of the NJTTF Grants prior to the issuance of any bonds or notes authorized by Section 2 hereof to temporarily fund all or a portion of the \$211,500 of costs which are expected to be permanently funded by the NJTTF Grants, the estimated maximum amount of the bonds and notes set forth in the preceding sentence shall be reduced by the amount of the NJTTF Grants received in accordance with Section 4 hereof. (c) The estimated cost of said improvements or purposes is \$447,090, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$11,780, which is the down payment available for such improvements or purposes not permanently funded by the NJTTF Grants.

**SECTION 4.** In the event the Township receives all or a portion of the NJTTF Grants prior to the issuance of any bonds or notes authorized by Section 2 hereof to temporarily fund all or a portion of the costs which are expected to be permanently funded by the NJTTF Grants, or in the event the United States of America, the State of New Jersey, and/or the County of Warren make any other contribution or grant in aid to the Township for the improvements and purposes authorized hereby which is in addition to the NJTTF Grants and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount of the NJTTF Grants or such other amounts so received from the United States of America, the State of New Jersey and/or the County of Warren. In the event, however, that the Township receives all or a portion of the NJTTF Grants or such other amounts to be contributed or granted by the United States of America, the State of New Jersey and/or the County of Warren after the issuance of the bonds or notes authorized in Section 2 hereof, then such amounts so received shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. **SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or as otherwise

authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser. **SECTION 6.** The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection. **SECTION 7.** The following additional matters are hereby determined, declared, recited and stated: (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby. (b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.54 years. (c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$435,310 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law. (d) An aggregate amount not exceeding \$3,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described. **SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount. **SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue

Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$435,310. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2). **SECTION 10.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance. **SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**CERTIFICATE OF INTRODUCTION** I, the undersigned Clerk of the Township of Frelinghuysen, in the County of Warren, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Township duly called and held on March 26, 2018 at 7:30 p.m. at the Township Municipal Building, in said County, and that the following was the roll call: Present: Mr. Boynton; Mr. Desiderio; Mr. Marra; Mr. Stracco Absent: Mr. Kuhn I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 26th day of March, 2018. Motion was made to open to first reading and introduction by Mr. Stracco, seconded by Mr. Marra. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Kuhn-Absent. All were in favor. Second reading will be held on April 18, 2018.

**#2018-07**

WHEREAS, AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN ESTABLISHING SALARY RANGES was adopted on March 15, 2017, and

WHEREAS, the need exists to amend the ordinance,

NOW, THEREFORE BE IT RESOLVED, 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 salary ranges of the following elected officials, appointees and employees of the Township of Frelinghuysen, effective January 1, 2018 shall be as follows:

TITLE:	MINIMUM	TO	MAXIMUM	
FIRE INSPECTOR OFFICIAL	\$2,000.00	\$	12,000.00	ANNUAL

BE IT FURTHER ORDAINED, that all salaries shall be retroactive to January 1, 2018 except as otherwise noted.

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

**CERTIFICATION**

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 March 26, 2018 and will be considered for final reading and adoption at a meeting of the Mayor and Township Committee to be held on April 18, 2018 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 to open for first reading and introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Kuhn-Absent. All were in favor. Second reading will be held on April 18, 2018.

**#2018-08 ORDINANCE AMENDING SECTION 513 OF THE FRELINGHUYSEN TOWNSHIP CODE, TO PROVIDE FOR FARM SIGNS**

WHEREAS, Section 513 of the Frelinghuysen Township Code establishes regulations for signs located within the Township; and WHEREAS, farm signs are not addressed in Section 513 of the Frelinghuysen Township Code, and it is necessary and appropriate at this time to amend that Section to provide for same. 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 513(A) is amended by adding thereto a new subsection 513(A)(17), to read as follows:

17. **Farm Signs.**

Farm signs shall be permitted on all properties that qualify as a "farm," as defined at Section 200 hereof, provided that the following requirements and regulations are met:

(a) Farm signs shall not exceed thirty-two (32) square feet.

(b) Farm signs shall not exceed eight (8) feet in height.

**Section II** 1. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. 2. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect. 3. This ordinance shall take effect immediately upon final passage and publication as required by 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 March 26, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on April 18, 2018 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. Boynton to open for first reading and introduction. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Kuhn-Absent. All were in favor.

**#2018-09 ORDINANCE CREATING A NEW SECTION 9-2 OF THE FRELINGHUYSEN TOWNSHIP CODE CONCERNING VACANT AND ABANDONED BUILDINGS AND PROPERTIES, AND PROVIDING FOR REGISTRATION OF ABANDONED PROPERTIES AND PROPERTIES PENDING FORECLOSURE**

WHEREAS, the Township of Frelinghuysen contains several structures which are vacant in whole or in large part; and WHEREAS, in many cases the owners, foreclosing lenders or other responsible parties of these structures are neglectful of them, are not maintaining or securing them in adequate condition, or restoring them to productive use; and WHEREAS, vacant and abandoned structure cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire, and potential increases in criminal activity and public health risk; and WHEREAS, it is in the public interest for the Township of Frelinghuysen to establish minimum standards of accountability on the owners, foreclosing lenders or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township of Frelinghuysen; and WHEREAS, it is also in the public interest for the Township of Frelinghuysen to establish a procedure for registration of vacant and abandoned properties and maintenance of those properties by owners, foreclosing lenders and other responsible parties, and to impose a fee for registration of same, in light of the disproportionate costs imposed on the Township by the presence of these structures. NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Frelinghuysen, as follows: **Section I** The Frelinghuysen Township Code is amended by added thereto a new Section 9-2, to read as follows: **9-2 Buildings, Vacant, Abandoned or Pending Foreclosure** **ARTICLE I. VACANT OR ABANDONED BUILDINGS §9-2.1. Definitions.** As used in this Chapter: "Abandoned property" as defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., shall mean the following: Except as provided in section 6 of P.L.2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that: a. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period; b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section; c. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the public officer pursuant to this section; or d. The property has been determined to be a nuisance by the public officer in accordance with section 5 of P.L.2003, c. 210 (N.J.S.A. 55:19-82). A property which contains both residential and

non-residential space may be considered abandoned pursuant to P.L.2003, c. 210 (N.J.S.A. 55:19-78 et al.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either subsection a. or subsection d. of this section. "Evidence of Vacancy" means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three (3) or more months. Such evidence would include but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned, infestation by insects, vermin, rats or other pests, windows or entrances that are boarded up or closed off, multiple window panes that are damaged, broken or unrepaired, doors that are smashed, broken, unhinged or continuously unlocked or any uncorrected violation of a municipal building, housing or similar code during the preceding year. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq, shall also be deemed to be vacant property for the purposes of this ordinance. "Owner" shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17), or any other entity determined by the Township of Frelinghuysen to have authority to act with respect to the property. "Vacant Property" shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Township for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

**§9-2.2. General Requirements.** A. The owner of any vacant property, as defined herein, shall within thirty (30) days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Frelinghuysen Township Clerk on forms provided by the Clerk for such purposes, as well as any additional information that the Clerk may reasonably request. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31st as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 9-2.4 of this ordinance for each vacant property registered. B. Any owner of any building that meets the definition of vacant property prior to date of adoption of this ordinance shall file a registration statement for that property on or before January 31, 2015. The registration statement shall include the information required under Section 9-2.3 of this ordinance, as well as any additional information that the Township may reasonably require. C. The owner shall notify the Clerk within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose. D. The registration statement shall be deemed prima facie proof of the information therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Frelinghuysen against the owner or owners of the property.

**§9-2.3. Registration Statement Requirements; Property Inspection.** A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide the Frelinghuysen Township Construction Official or Code Enforcement Official with access to the property, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Certificate of Occupancy inspection as provided in the applicable provisions of the Frelinghuysen Township Code. B. The registration statement shall include the name, street address, and telephone number of a natural person twenty-one (21) years of age or older, designated by the owner or



owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent. C. An owner who is a natural person and who meets the requirements of this Ordinance as to availability of a contact number on a 24 hour emergency basis may designate him or herself as agent. D. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Township of Frelinghuysen of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this ordinance.

**§9-2.4. Fee Schedule.** The initial registration fee for each building shall be \$250.00. The fee for the first renewal shall be \$500.00. The fee for the second, third or fourth renewal shall be \$1,000.00. After five years, the registration fee shall be \$5,000.00.

**§9-2.5. Requirements for Owners of Vacant and Abandoned Property.** The owner of any building that has become vacant or abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant shall, immediately:

- A. Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Section 9-2.3 of this ordinance), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a locations so as to be legible, to the extent possible, from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15" x 17"; and
- B. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Township of Frelinghuysen and maintain the sign required in (A) above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete, ; and
- C. Make provision for the maintenance of the lawn and yard, including at least monthly grass cutting; and
- D. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Frelinghuysen Township Clerk for the delivery of circulars and advertisements to the property; and
- E. Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; and
- F. Make provision for the cessation of electric or gas utility services to the property; and
- G. Make provision for the regular maintenance of the exterior of the property.

**§9-2.6. Administration.** The Frelinghuysen Township Mayor and Council may issue rules and regulations for the administration of the provisions of this ordinance.

**§9-2.7. General Requirements.** A. Any owner who is not in full compliance with this ordinance or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500.00 dollars and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this ordinance shall be recoverable from the owner and shall be a lien on the property. B. For purposes of this ordinance, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 9-2.5 of this ordinance, or such other matters as may be established by the rules and regulations of the Council of the Township of Frelinghuysen shall be deemed to be violation of this ordinance.

**§9-2.8. Compliance with Other Provisions** Nothing in this ordinance is intended to nor shall be read to conflict or prevent the Township of Frelinghuysen from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Township Code and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this Ordinance.

**ARTICLE II. BUILDINGS PENDING FORECLOSURE**

**§9-2.9. Purpose.** The intent of this Article is to provide for the enforcement of Township property maintenance Standards and the State Housing Code

against vacant properties pending foreclosure, and to provide for responsibility on the part of foreclosing creditors for the care, maintenance, security and upkeep of residential properties. **§9-2.10. Service of Notice, Contents.** A creditor serving a summons and complaint in an action to foreclose on a mortgage on property located with the Township of Frelinghuysen shall serve the Township Clerk with a notice indicating that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The Notice may contain information about more than one property and shall be provided by mail or electronic communication at the discretion of the Township Clerk.

A. The Notice shall be served within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

B. Within 60 days of the adoption of this Ordinance, any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the Township Clerk with a notice as described below for all residential properties in the Township for which the creditor has pending foreclosure actions. C. The notice shall contain:

i. The name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations; ii. Whether the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act;" iii. The street address, lot and block number of the property; and iv. The full name and contact information of an individual located within the state authorized to accept service on behalf of the creditor. v. In the event the creditor that has served a summons and complaint in an action to foreclose on a residential property is located out-of-State, the notice shall also contain the full name and contact information of an in-State representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned.

**§9-2.11. Creditor Responsibility.** A. Pursuant to the provisions of N.J.S.A. 40:48-2.12s and N.J.S.A. 46:10B-51, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by a public officer pursuant to the provisions of this Chapter or other applicable law. **§9-2.12. Violation of State or Local Law at Property on List; Responsibility of Creditor.**

A. If the owner of a property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a property is otherwise vacated subsequent to the filing of the summons and complaint, but prior to the vesting of title in any third party; and B. If the property is found to be nuisance or in violation of any applicable state or local code, the appropriate local public officer shall notify the creditor. C. The creditor shall have the responsibility to abate the nuisance or correct the violation in the same manner and in the same extent as the title owner of the property, to such standard or specification as may be required by State law or by ordinance. **§9-2.13. Notification of Violation.**

In the event of a violation of state law or a local ordinance, the Township shall serve the creditor with a notice that shall include a description of the condition(s) that gave rise to the violation and the state law or local ordinance that has been violated, and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation, provided that in the event that the violation presents an imminent threat to public health and safety, the notice may, in the discretion of the Township, provide that the violation shall be remedied within 10 days of the creditor's receipt of the notice **§9-2.14. Repair by Township.**

If the Township expends public funds in order to abate a nuisance or correct a violation at a property in which the creditor was given notice pursuant to the provisions of Section 9-2.13, but failed to abate the nuisance or correct the violation as directed, the Township shall have the same recourse against the creditor as it would have had against the title owner of the property, including but not limited to the recourse provided at N.J.S.A. 55:19-100. **§9-2.15. Violations and Penalties.**

A. An out-of-State creditor subject to this Article found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Article shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (N.J.S.A. 46:10B-51) and Section 9-

2.10 of this Ordinance for providing notice to the Township Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

B. A creditor subject to this Article found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Article shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

**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. **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 March 26, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on April 18, 2018 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, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Kuhn-Absent. All were in favor. Second reading for adoption will be held on Wednesday, April 18, 2018.

**2018- ----** Large animals running at large. Ms. Zilberfarb gave a copy of Hardwick townships ordinance to Ed Wacks and he will have a draft ordinance prepared for the next meeting.

**RESOLUTIONS:  
#2018-28**

WHEREAS, AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN ESTABLISHING SALARY RANGES was adopted on March 15, 2017 NOW, THEREFORE BE IT RESOLVED, 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, 2018 shall be as follows:

<b>TITLE:</b>	<b>SALARY</b>	
MAYOR	\$3,429.00	ANNUAL
TOWNSHIP COMMITTEE MEMBERS	\$3,428.00	ANNUAL
MUNICIPAL CLERK	\$67,488.00	ANNUAL
ASSESSMENT SEARCH OFFICER	\$2,685.00	ANNUAL
PART TIME CLERICAL HELP (MOWBRAY)	\$14.02	HOUR
PART TIME CLERICAL HELP (BRADY)	\$13.72	HOUR
TAX COLLECTOR	\$15,606.00	ANNUAL
TAX ASSESSOR	\$31,472.00	ANNUAL
CHIEF FINANCIAL OFFICER	\$16,644.00	ANNUAL
QUALIFIED PURCHASING AGENT	\$1,056.00	ANNUAL
BOARD OF HEALTH MEMBERS	\$27.44	ANNUAL
BOARD OF HEALTH SECRETARY	\$736.00	ANNUAL
ANIMAL CONTROL OFFICER	\$7,813.00	ANNUAL
OPEN SPACE SECRETARY	\$291.00	ANNUAL
FARMLAND PRESERVATION SECRETARY	\$291.00	ANNUAL
CLEAN COMMUNITIES COORDINATOR	\$555.00	ANNUAL
RECYCLING COORDINATOR	\$555.00	ANNUAL
FORESTRY MANAGEMENT SECRETARY	\$999.00	ANNUAL
ENVIRONMENTAL COMM SECRETARY	\$1,067.00	ANNUAL
HISTORIC PRESERVATION SECRETARY	\$520.00	ANNUAL
EMERGENCY MANAGEMENT COORDINATOR	\$1,000.00	ANNUAL
DEPUTY EMERGENCY MGT COORDINATOR	\$1,000.00	ANNUAL
ASSISTANT EMERGENCY MGMT COORDINATORS (4)	\$250.00	ANNUAL
STATE OF EMERGENCY VARIABLE COMP	\$100.00	NOT TO EXCEED \$100 EMERGENCY
CONSTRUCTION OFFICER	\$60,000.00	ANNUAL
TEMP SUBCODE INSPECTOR	\$50.00	PER HOUR
FIRE INSPECTOR OFFICIAL	\$9,500.00	ANNUAL
ELECTRICAL INSPECTOR	\$11,000.00	ANNUAL
PLUMBING SUBCODE INSPECTOR	\$11,000.00	ANNUAL
TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICER	\$13,000.00	ANNUAL
ZONING OFFICER	\$5,766.00	ANNUAL
CODE ENFORCEMENT OFFICER	\$30.00	PER HOUR
LAND USE SECRETARY	\$1,561.00	ANNUAL
DPW SUPERVISOR	\$2,287.00	ANNUAL
DPW FOREMAN	\$29.65	PER HOUR

DPW OPERATOR/LABORER	\$19.24	PER HOUR
TEMPORARY DPW LABORER	range \$10-\$20	PER HOUR
TEMPORARY DPW EQUIPMENT OPERATOR WITH CDL	\$25.00	PER HOUR
TEMPORARY DPW EQUIPMENT OPERATOR WITHOUT CDL	\$20.00	PER HOUR
SAFETY DIRECTOR	\$1,956.00	ANNUAL
MANAGER OF PUBLIC LANDS	\$633.00	ANNUAL
ASSISTANT MANAGER OF PUBLIC LANDS	\$633.00	ANNUAL

BE IT FURTHER ORDAINED, that all salaries shall be retroactive to January 1, 2018 except as otherwise noted.

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

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 26, 2018.

Roll Call Vote:

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

**#2018-29 RESOLUTION APPOINTING A CHIEF FINANCIAL OFFICER WHEREAS,** N.J.S.A. 40A:9-140.10 requires that “in every municipality there shall be a chief financial officer appointed by the governing body of the municipality;” and **WHEREAS, N.J.S.A. 40A:9-140.10** further provides that the term of office of a chief financial officer “shall be four years, which shall run from January 1 in the year in which the chief financial officer is appointed;” and **WHEREAS,** the Township of Frelinghuysen is in need of a chief financial officer and the Township Committee of the Township of Frelinghuysen desires, pursuant to N.J.S.A. 40A:9-140.10, to appoint Danette Dyer as Chief Financial Officer for a four (4) year term; and **WHEREAS,** the starting date of the term shall be January 1, 2018. **NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Frelinghuysen, County of Morris and State of New Jersey as follows:

1. Danette Dyer is hereby appointed as the Chief Financial Officer.
2. The term of the appointment shall run from January 1, 2018 through and including December 31, 2021. I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on March 26, 2018.

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

**#2018-30 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF MARCH 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 MARCH 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
Mr. Marra			X			
Mr. Stracco	X		X			

**#2018-31 RENEWAL OF LIQUOR LICENSE IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY FOR THE YEAR 2017-2018** WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2017-2018

2106-33-004-001 Katharina Reay

WHEREAS, a Clearance Certificate has been received from the New Jersey Division of Taxation, and a special ruling has been received from the Division of Alcoholic Beverage Control, verifying compliance with Chapter 161, Laws of New Jersey by the above applicants. **NOW, THEREFORE BE IT RESOLVED,** by the Mayor and Township Committee of the

Township of Frelinghuysen on this 26th day of March, 2018 that the renewal of the above mentioned Plenary Retail Consumption license is granted for the year 2017-2018. CERTIFICATION I, Donna Zilberfarb, Municipal Clerk of Frelinghuysen Township, Warren County do hereby certify the above to be a true copy of a resolution adopted by the Frelinghuysen Township Committee at their meeting of March 26th, 2018.

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

**# 2018 - 32** WHEREAS, a resolution is required by the Tax Collector to refund a double payment of 1<sup>st</sup> quarter 2018 taxes. The property owner prepaid their 2018 taxes and the mortgage company also paid the 1<sup>st</sup> quarter and have requested a refund of their payment.

Block	Lot	Pay To	Amount
1602	1.01	Wells Fargo Home Mortgage	\$ 2,434.32

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the above property taxes. I hereby certify the foregoing to be a true and accurate copy of a resolution adopted by the Township Committee at its' meeting held on March 26, 2018.

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

**#2018-33 HELD**

RESOLUTION OPPOSING NJDOT ROUTE 80 ROCK MITIGATION PROJECT THROUGH THE DELAWARE WATER GAP WHEREAS, the New Jersey Department of Transportation (NJDOT) intends to build a series of high industrial fences and a 60-foot concrete pyramid called a "rockfall berm" along Route 80 through the Delaware Water Gap; and WHEREAS, the proposed Route 80 Rockfall Mitigation will be built on lands located in Knowlton and Hardwick Townships and the Delaware National Water Gap Park; and WHEREAS, stakeholders Knowlton Township and Hardwick Township have formally opposed the project, and have not given their permission for this project within their boundaries; and WHEREAS, construction of the Route 80 fence is slated to begin in 2020, may last two years, and will cost between \$55 and \$58 million dollars according to NJDOT estimates; and WHEREAS, the stated intent of the fence and concrete berm is to prevent rockfall; and WHEREAS, the NJDOT's Concept Development Report acknowledges that "NJDOT provided limited rockfall event data, and the actual frequency of rock activity is unknown" for this project; and WHEREAS, there are no documented rockfall events nor any recollections of significant rockfall events over the last ten years within Area "D" portion of the project where the concrete pyramid is to be placed; and WHEREAS, there are 70 to 80 motor vehicle accidents on Route 80 in this section of Route 80 annually due to speed and poor road conditions yet this project involves no road improvements; and WHEREAS, two years of construction on Route 80 will have significant negative impact on residents and on emergency personnel's ability to get to nearby hospitals; and WHEREAS, the Delaware Water Gap is a nationally prominent scenic wonder and a gateway to the one of the most widely used National Parks in the nation; and WHEREAS, the proposed project will directly impact the viewshed of the Appalachian Trail, which has an entrance at the Delaware Water Gap Park; and WHEREAS, in 2016, 3.7 million visitors to the Delaware National Water Gap park spent \$126.3 million in communities within 60 miles of the park and supported 1887 jobs\*; and WHEREAS, tourism to the Delaware Water Gap and the scenic value of Northwest New Jersey will likely be negatively impacted by the proposed fence; and WHEREAS, the millions of dollars appropriated for this non-essential project could be better directed to creating a safe passageway on Route 80 itself through the Delaware Water Gap. NOW, THEREFORE, BE IS RESOLVED on this 26<sup>th</sup> day of March 2018, the Township Committee of the Township Frelinghuysen, State of New Jersey, County of Warren, opposes the current NJDOT Route 80 Rockfall Mitigation Project and requests the assistance of the following elected representatives in halting the current NJDOT project.

- 1) U.S. Congressman Josh Gottheimer
- 2) U.S. Senator Cory Booker
- 3) U.S. Senator Bob Menendez

- 4) State Senator Steven Oroho
- 5) State Assemblyman Parker Space
- 6) State Assemblyman Harold Wirths
- 7) Warren County Freeholders Ed Smith, Jason Sarnoski, and Rick Gardner

BE IT FURTHER RESOLVED, that the Warren County Governing Officials Association encourages the NJDOT to continue Route 80 rock mitigation under the conditions that:

- a) Rock mitigation occurs in a manner that does not harm the viewsheds of the nationally recognized Delaware Water Gap and Appalachian Trail; and
- b) The project includes measures that address the speeding and/or dangerous road conditions causing far more accidents annually than rockfall.

*\*Data obtained from NPS Annual Visitor Spending Analysis for 2016, page 22.*

[https://www.nps.gov/nature/customcf/NPS\\_Data\\_Visualization/docs/2016\\_VSE.pdf](https://www.nps.gov/nature/customcf/NPS_Data_Visualization/docs/2016_VSE.pdf)

I hereby certify the foregoing to be a true and accurate copy of a resolution adopted by The Township Committee at its' meeting held on March 26, 2018.

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

**#2018-34 SETTING EXECUTIVE SESSION** WHEREAS, it is necessary to discuss items dealing with the discussion of personnel matters and possible litigation.

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 26, 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 – The meeting scheduled for March 6<sup>th</sup> was cancelled due to all the storms. Mr. Stracco will let us know when the meeting is rescheduled. Congressman Gottheimer is trying to get service electric cable to work on creating a regional service.
- Pedestrian crosswalk – Waiting on county engineer
- Shared Services for Animal Control – Hold
- Rec Center AC Quotes – After discussion, it was determined that monies were not put into the budget and will need to amend the bond ordinance prior to adoption and switch monies from the generator line to add air conditioning at the rec center. Ms. Dyer will speak with Bond Counsel and have ready for next month's meeting.
- Sale of property on Route 94 – Mr. Wacks will speak with Mr. Gill to find out the value of the land. The town will need to get a CMA from a realtor. Once the value for the property has been set then the property can be auctioned. Mr. Wacks informed the committee that he can do the auctioning. Mr. Desiderio will ask for an appraisal for valuation of a 1 acre exception piece that was preserved.
- Liability insurance for committeemen – Mr. Desiderio spoke with Mr. LaSalla and the liability insurance is already 10 million and is where it should be. He explained there is no need to increase at this time.

**NEW BUSINESS:**

- Mr. Desiderio mentioned having an Ordinance that covers houses that are located on a corner/triangle causing them to have 2 front yards. Mr. Wacks will draft an Ordinance and bring to the meeting in April.
- Mr. Desiderio explained the new Assembly Bill 3103 which has been introduced that will require all levels of recreation to have a trainer present at all times. Mr. Desiderio would like to oppose. Mr. Wacks will have a resolution opposing this Bill for next months meeting.

- The energy aggregate program sent what the township has saved since induction into the program. The total savings for Frelinghuysen Township was \$11,195.09.
- Turf Pros contract for maintenance of the fields at the town hall was discussed and approved on a motion by Mr. Stracco, seconded by Mr. Marra. All were in favor. Ms. Dyer did ask for another quote and will look in her files in regards to last year's contract.
- April 20, 2018 at 10:30 am there will be a Legislative meeting held at the town hall by Senator Oroho, Assemblyman Space and Assemblyman Wirths. Motion was made by Mr. Stracco, seconded by Mr. Boynton. All were in favor.

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

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

- Jean Smolha asked what the farm signs in the ordinance were and asked how she could get some put up for her farm. She also asked if the township could address the County for the speeding on Route 519. Mr. Desiderio explained the sign ordinance and that it wasn't the same type of signs she was looking for. He also mentioned that he was in discussion with the county engineer on lowering the speed limit. He also suggested that she have the State Police look into the speeding.
- Dave Boynton discussed the new stop signs on State Park Road and suggested that the township send a letter to Forest Manor asking them to speak to their employees regarding these signs. Mr. Desiderio asked Ms. Zilberfarb to send a letter to Forest Manor.
- Jean Smolha discussed that she heard that during all the power outages that the aggregate companies were the last to be fixed. Mr. Marra explained that the density population gets fixed first.
- Dan Kohuth asked about the \$20,000 allotment for the generator and why the need. Mr. Desiderio explained that it is for the recreation center and it could be a certified shelter once we have the generator. Mr. Kohuth said he thought the school was a shelter. Mr. Desiderio explained that a certified shelter has to have showers and bathrooms and the rec center has both.

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

#### **DEPARTMENT REPORTS:**

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

**DPW** – Ms. Zilberfarb explained the report was in each book along with all issues/concerns from the recent storms. She did ask if an increase could be given to Mr. Greco, who has worked here for many years helping out whenever asked. Mr. Stracco made a motion to increase Mr. Greco's salary to \$25.00 per hour, provided it is approved by Ms. Dyer that it is in within the salary range, seconded by Mr. Boynton. All were in favor.

**Land Manager** – Mr. Conner asked if the contract had been signed for the treatment of the pond and Ms. Zilberfarb stated that yes the Mayor had signed it. He had nothing else to report.

**Legal Report** – Mr. Wacks let the committee know that a new ordinance needs to be written in regards to the revision of the land use act and posting bonds. The township no longer has the authority to require posting a performance guarantee bond for things such as storm drains, sewers, culverts, sediment devices and so on. There are certain exceptions and Mr. Wacks will prepare a draft ordinance for the next meeting for the township committee and the land use board should look at it as well.

**Recreation Committee** – Mr. Desiderio discussed the Easter egg hunt and said there was about 98 people for breakfast and 30 extra for egg hunt. He said it went great. He

let the committee know that he rented the rec center to an archery person for 3 Fridays and it went well. The Booster club is looking to have a clambake on August 4<sup>th</sup>. The hood has been extended and he explained that he needed to get approval to purchase wheels for under the stove at a cost of \$375.00 and approval for the ancil system at \$1,000.00. Motion was made by Mr. Boynton to approve \$375.00 for wheels and \$1,000.00 for the ancil system, seconded by Mr. Marra. All were in favor.

**Environmental Commission** – No meeting.

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

**Historic Committee** – Debra Natyzak explained that they are working on securing funding for the boat house and in the meantime the historic society would donate the tarp. They are also reaching out for a historical architect to fix the building.

**Mayor report** – Mr. Desiderio asked if there was something that could be done in regards to bamboo that grows in the right of way and possibly outlawing it. Mr. Wacks will draft an Ordinance and have for the meeting in April.

**Deputy Mayor report** – Mr. Stracco stated that the stop sign on the island at the intersection by the townhall was down. Ms. Zilberfarb stated it was already taken care of and that the county fixed it. He also wanted to get confirmation that the township doesn't do anything for mailboxes that were knocked down during storms. Mr. Desiderio stated that is correct. Mr. Stracco also mentioned the facebook page and explained that some things have been posted on this page and since it's not an official page of the township he feels that official business should not be placed on it and feels someone should reach out to John Jurena. Ms. Zilberfarb stated she asked him to post something on the website for closing of the town hall and he put on facebook as well. She will make sure that in the future things are only posted to the website. Mr. Desiderio also stated that he commented on the facebook page in regards to someone asking if the township would be chipping branches and why the township doesn't own a chipper. He said he responded to the comment that he did not feel it was worth spending \$40,000 on a new chipper.

**Committeeman Boynton** – Mr. Boynton asked for a constituent why the recreation center needs air conditioning. Mr. Desiderio explained mainly for dehumidification. Mr. Boynton asked if Founders Day would be June 2<sup>nd</sup> and Mr. Desiderio confirmed that date.

**Committeeman Kuhn** – Absent

**Committeeman Marra** – Nothing to report

**Clerk report** – Ms. Zilberfarb explained there was a bill that was left off of the bills list but needed to be paid this month. It was for the blanket accident insurance policy that expires on 4/17/18 in the amount of \$1,162.00. Motion was made by Mr. Stracco to pay said invoice, seconded by Mr. Boynton. All were in favor.

Ms. Zilberfarb also asked if there was enough time for the town dinner since invitations had not been sent out yet. It was decided to cancel the date of April 14<sup>th</sup> and place on the agenda for next month's meeting.

#### **EXECUTIVE SESSION:**

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

No Action was taken.

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



Mr. Wacks explained that the discussion during executive session was in regards to potential litigation.

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Stracco, seconded by Mr. Boynton to adjourn the meeting at 9:13 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC