

## MINUTES OF REGULAR MEETING OF MAY 15, 2019

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, May 15, 2019 and as 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 David Boynton (7:36), Committeeman Charles Marra, Committeeman Todd McPeek, Attorney Ed Wacks, and Municipal Clerk Donna Zilberfarb.

### MINUTES:

1. Motion was made by Mr. Boynton to approve the April 17, 2019 regular session meeting minutes, seconded by Mr. Stracco. All were in favor.
2. Motion was made by Mr. Boynton to approve the April 17, 2019 executive session meeting minutes, seconded by Mr. McPeek. All were in favor.

### AGREEMENTS:

1. Motion was made by Mr. Boynton to authorize the Mayor to sign the agreement with Revize Web Services, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes. Ms. Zilberfarb will send contract to Revize and start the execution of a new website.

### RESOLUTIONS:

**DISCUSSION for #2019-38:** *Mr. Stracco explained that this is for a study for a regionalization of schools. Stephanie Bonaparte explained that she looked at the study that was given to the committee and questioned the validity of the numbers. She explained there would be a cost per district for this study and that it is not free and paid by the State. Questions arose and after discussion it was determined that the board of education for Frelinghuysen has not been involved in any discussions. Mr. Boynton also explained that by consolidating the township will be incurring debt from the other districts. Frelinghuysen has little or no debt. Mr. Hocking, BOE member, explained that if consolidation goes through they look at teachers that are tenured and take the highest paid salaries, which North Warren has had a 4% increase in salaries. After discussion the resolution did not pass and Ms. Zilberfarb was asked to send a letter to Mayor Lance that Frelinghuysen Township unanimously voted to not proceed with this study. Mr. Desiderio commended the Superintendent and Board members for all their hard work.*

**#2019-38 TOWNSHIP OF FRELINGHUYSEN, WARREN COUNTY, STATE OF NEW JERSEY FEASIBILITY STUDY RESOLUTION WHEREAS**, our community recognizes the fundamental importance of strong public schools providing our students with thorough and efficient public educations; and **WHEREAS**, severe changes to the school funding formula were made by former Senate Bill 2, now adopted as P.L. 2018 Chapter 67, without consideration to its consequences to our community, which will virtually eliminate state aid funding (“AID REDUCTION”) for K-12 students from Blairstown, Frelinghuysen, Hardwick, and Knowlton which will occur over the next six fiscal years; and **WHEREAS, AID REDUCTION** will have an irreparable impact to not only those school districts but also to the economic viability of the surrounding townships and region because when our schools suffer, our communities lose; and **WHEREAS**, the recently created Legislative Economic and Fiscal Policy Workgroup was charged with a “broad mission to identify ways to address soaring...costs, hold down property taxes, make state and local government and school districts more efficient....and mitigate the negative impact of the federal tax law that targeted high-cost states,” and on August 9, 2018 published its report called “Path to Progress;” and **WHEREAS**, increasing educational costs create tax burdens for our communities; and **WHEREAS**, consistent with the mission of the Path to Progress, our local entities are collaboratively looking to conserve resources and to find efficiencies through shared services and other options, including the consideration of regionalization, consolidation, and expanded send-

receive relationships between and among our school districts; and **WHEREAS**, guidance from the New Jersey School Boards Association released on February 16, 2018 analyzed barriers to regionalization, consolidation, and expanded send-receive relationships between and among school districts titled, “Impediments to School District Regionalization” which suggests that first step in determining whether such actions are viable is to engage in a fact-gathering “feasibility study,” and **WHEREAS**, our community recognizes that this resolution is not a vote to regionalize, consolidate, create new send-receive relationships, or in any other way change our current and established school district; and **WHEREAS**, the Township of Frelinghuysen supports and agrees to participate in a feasibility study, as facilitated by Blairstown Township, which will be reimbursed by the State of New Jersey. **CERTIFICATION:** It is hereby certified that this is a true and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey at a Regular Meeting held on May 15, 2019.

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

**#2019-39 PROCLAIMING TO LOCAL RESIDENTS AND BUSINESSES THAT THE MUNICIPALITY WILL NOT COLLECT NEW STORMWATER MANAGEMENT OR RAIN TAXES** WHEREAS, Bill S1073/A2694 authorizing municipalities and counties to establish stormwater utilities was signed into law by Governor Phil Murphy; and WHEREAS, municipalities or counties that choose to establish a stormwater utility will be allowed to apply an undetermined tax on property and business owners based on the amount of impervious surface they have, often referred to as a rain tax; and WHEREAS, there is no limit to the amount property owners and local businesses can be taxed as long as it can be justified as going towards improving stormwater management, however, 5 percent or \$50,000 of the revenue is required to be paid to the state and another 5 percent can be used for a locality's general fund; and WHEREAS, sewage authorities must adhere to a two-percent cap on annual increases to property owners and businesses, but stormwater utilities will not have to adhere to the cap; and WHEREAS, municipalities and counties already have stormwater systems in place that manage stormwater without the need of creating another level of bureaucracy; and WHEREAS, New Jersey property taxpayers already pay the highest taxes in the nation, and the creation of any new tax is an impossible burden to put on their backs; and WHEREAS, New Jersey's Business Tax Climate was named last in the nation by the nonpartisan Tax Foundation, and any new taxes to our business owners are not feasible; and WHEREAS, State Senator Steve Oroho, Assemblyman Parker Space, and Assemblyman Hal Wirths are calling on municipalities and counties to come together and signal to their tax-paying residents and businesses that they're aware that New Jersey's tax burden is already too high by making their intentions known through this resolution; and now be it RESOLVED, that the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, already has a system in place to manage stormwater and will not create a stormwater utility that would impose new taxes on its residents; and be it further RESOLVED, that the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, understands and sympathizes with the heavy tax burden already placed on New Jersey residents and businesses and, therefore, will not charge them an extra tax for having driveways, parking lots and other impervious surface RESOLVED, that certified copies of this Resolution be forwarded to Governor Phil Murphy, Lieutenant Governor Sheila Oliver, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Craig Coughlin, New Jersey Assembly Republican Leader Jon Bramnick, State Senator Steve Oroho, Assemblyman Parker Space, and Assemblyman Hal Wirths. **CERTIFICATION:** It is hereby certified that this is a true and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey at a Regular Meeting held on May 15, 2019.

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

**#2019 – 40 Stigma Free Communities WHEREAS**, the Warren County Board of Chosen Freeholders, along with the Warren County Department of Human Services, supports the designation of **Stigma-Free Communities** in every municipality, and; **WHEREAS**, at their November 14, 2018 meeting the Warren County Board of Chosen Freeholders unanimously passed a resolution supporting the designation of Warren County as a Stigma-Free Community, and; **WHEREAS**, Warren County recognizes that one in four Americans has experienced mental illness, including substance use disorders, in a given year according to the National Institute of Mental Health, and; **WHEREAS**, mental health problems are more common than cancer and heart disease combined, affecting children and adults, including more than half of our Iraq and Afghanistan Veterans treated at Veteran's Administration hospitals, and; **WHEREAS**, given the serious nature of this public health problem, we must continue to reach the millions who need help; **WHEREAS**, the stigma associated with the disease of mental illness is identified as the primary reason individuals fail to seek the help they need to recover from the disease, and; **WHEREAS, Stigma-Free Communities** aim to inspire public interest and open dialogues about stigma, raise awareness of the disease of mental illness and create a culture wherein residents who have the disease of mental illness feel supported by their community and neighbors and feel free to seek treatment for the disease without fear of stigma and; **WHEREAS**, promoting awareness that there can be no "health" without mental health will break down barriers and encourage residents of all ages to be mindful of their mental health and ask for help when needed, and; **WHEREAS**, local resources are available to treat the disease of mental illness so no one resident needs to suffer alone or feel hopeless, and; **WHEREAS**, establishing **Stigma-Free Communities** will raise awareness of resources and encourage residents to engage in care as soon as the need is identified so recovery can begin, hope is inspired and tragedies are avoided, and; **NOW THEREFORE BE IT RESOLVED** that the Township of Frelinghuysen, County of Warren, State of New Jersey, recognizes the community needs and supports the efforts of the County of Warren in designating The Township of Frelinghuysen as a **Stigma-Free Community**. **CERTIFICATION:** It is hereby certified that this is a true and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey at a Regular Meeting held on May 15, 2019.

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

**#2019-41 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF MAY 2019** 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 MAY 2019; 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. Marra			x			
Mr. McPeek			x			
Mr. Stracco	x		x			

**#2019-42 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit: R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office. NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Frelinghuysen, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance. I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON MAY 15, 2019.

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

#2019-43 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with regard to personnel matters. WHEREAS, under the Open Public Meetings Act (number 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 May 15, 2019 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. Marra			x			
Mr. McPeek			x			
Mr. Stracco	x		x			

**OLD BUSINESS:**

- Mr. Stracco has not heard back from Congressman Gottheimer on Service Electric and will follow up with his office.
- Rural Econnectivity Grant was discussed and Ed Wacks explained that a nonexclusive franchise can service but they cannot use the service electric cables. Mr. Wacks will look into this further and report back to the committee.
- Scott Hendricks gave a presentation on animal control and shared services to all present. Copies were handed to the committee and attorney. Mr. Stracco asked where he got the information for Hope and Frelinghuysen. Mr. DeCarolis inquired why he wasn't involved as he is the ACO for Frelinghuysen Township. Mr. Stracco explained that Mr. Desiderio and Mr. Hendricks were chosen to look into the process of shared services for the town to consider in the future.
- Mr. Desiderio explained that there has been no information on the FFP barn as they haven't heard back from Wayne McCabe.
- Ms. Zilberfarb explained that the employee handbook revisions are almost complete and hope to have all changes by June.
- Mr. Wacks handed out the proposed language for the nonbinding referendum for November's ballot. After discussion a motion was made by Mr. McPeek to not make a nonbinding referendum, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-no; Mr. Desiderio-yes; Mr. Marra-No; Mr. McPeek-yes; Mr. Stracco-no.

Motion did not pass. Mr. Wacks will have a resolution for the next meeting in June.

#### **NEW BUSINESS:**

- Paul Avery and John Hauck discussed the Fourth of July festivities in Blirstown and let everyone know it will be held on July 5<sup>th</sup> with a rain date of July 6<sup>th</sup>. Mr. Avery asked for a donation of \$1,000.00 from Frelinghuysen. The committee handed him a check for \$400.00 which was all that was budgeted for. Ms. Zilberfarb asked that they come to the budget meetings in January to see if we could increase the amount next year. Mr. Desiderio stated that recreation booster club would add to that amount with what they gave last year. Mr. Avery thanked the committee.
- Rich Wilburn, Ackerson Road, asked the committee what was being done with the noise complaint on Ackerson road where a generator is being run almost 24 hours a day. He did state that they have been turning it off from 10 am to 4 pm, but still runs all night. Mr. Marra is going to stop at the State Police in Hope and ask them to go out after 5 pm. Mr. Wilburn asked if an Ordinance could be made for this type of nuisance. It was determined that the WC Board of Health can look into for the noise levels. Mr. Desiderio will reach out to them.
- A letter from the Green Township Fire Chief regarding a standpipe at 48 Ramsey Road. After discussion it was determined that Mr. Desiderio will reach out to the homeowner and ask if it's possible to access the pond. He will report back to the committee.
- Marty Connor discussed the trails and ash tree removal at the FFP. He feels they should be harvested now. Ms. Zilberfarb asked where the monies would come from for this. Mr. Connor will reach out to the forester and get a price. He also asked about the trails being damaged by the horses and asked if they could be horse free. The committee asked if we could prohibit horses on Green Acres property. Mr. Connor will reach out to Sandy Urgo.
- Ms. Zilberfarb explained that the insurance has requested that the township has a dedicated employer representative (DER). This person would be required to take immediate action to remove employees from safety-sensitive duties if test results warrant that action in compliance with Federal laws. A motion was made by Mr. Stracco to designate Donna Zilberfarb as the DER for the township, seconded by Mr. Boynton. All were in favor.
- Ms. Zilberfarb asked the committee for summer hours for the DPW only. After discussion a motion was made by Mr. Stracco to grant summer hours to the dpw, seconded by Mr. McPeek. All in favor – aye. Mr. Marra opposed. The hours for dpw will be 6:00 am – 2:00 pm Monday through Friday from June 1<sup>st</sup> or after schools get out to August 31<sup>st</sup>.

#### **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:

- Mr. DeCarolis mentioned that the dpw should back the trucks in so the beepers aren't going off at 6 am each morning.
- Dave Hocking, South Street, asked if consideration on moving salt shed was taken for the past issues with the DOT and the elementary school. Mr. Desiderio explained how they are regulated now.
- Mr. Hocking asked about using a generator when building their house if that is going to cause a problem if they are running it for many hours a day. The committee stated that it would not be a problem.
- Debra Natyzak asked Mr. McPeek where he got the information from the state historic preservation. Mr. McPeek explained that Mr. Desiderio gave him the information as he worked on it previously. Ms. Natyzak stated that no permits or requirements are required.
- Dan Kohuth asked if any more estimates or plans for the salt shed were done. He also asked how does the salt shed impact the rec area by being here as it is used in the winter months and there is minimal loss of parking.
- Mr. DeCarolis asked about the guiderails and being so close to the road. He added they are constantly getting hit and that has to cost the town. Mr. Desiderio and Mr. Stracco explained that they have tried to have them put back further. Ms. Zilberfarb explained that there has been no cost to date for any guiderails that were hit as the people that hit them paid the cost of fixing.

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

**EXECUTIVE SESSION:**

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

No action was taken.

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

**RETURN TO REGULAR SESSION:**

Executive session was for personnel matters. No action was taken.

**DEPARTMENT REPORTS:**

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

**DPW** – Report is in the book. Ms. Zilberfarb did explain the pickup truck and that it is in need of major repairs and asked the committee if they want to move forward. Repairs could cost up to \$10,000.00. The committee did not wish to fix it. They said yes to having the truck and the roller be placed on munibid. A motion was made to place the Ford pickup on muni-bid with a reserve of \$2,500.00 and the roller with a reserve of \$1,200.00. Ms. Zilberfarb will have a resolution ready for the next meeting.

**Land Manager** – No report

**Rec Center Coordinator** – Not present, no report

**Legal Report** – No report all items were discussed throughout the meeting.

**Recreation Committee** – Mr. Desiderio asked the committee if he could be authorized to hire someone to mow the fields and rec center at \$10.00 per hour so there is no waiting for the next meeting. Motion was made by Mr. Desiderio to hire part time person to mow fields and rec center at \$10.00, seconded by Mr. Marra. Mr. Desiderio reminded everyone that Founders Day will be on June 1<sup>st</sup> at the town hall.

**Environmental Commission** – No meeting

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

**Historic Committee** – No meeting

**Mayor report** – Nothing to report

**Deputy Mayor report** – Nothing to report

**Committeeman Boynton** – Nothing to report

**Committeeman Marra** – Nothing to report

**Committeeman McPeek** – Nothing to report

**Clerk report** – Ms. Zilberfarb reminded the committee that there was a legislative meeting in Belvidere on May 20<sup>th</sup> at 10 am. Asked if anyone was going and asked if no coverage for her is she could attend the meeting and shut town hall for a few hours. The committee was ok with the closure but asked to put up a notice as soon as she could to let the residents know.

She also explained that the bills list was amended and added Bedrock construction for \$1,570.00 for escrow owed back to them.

Ms. Zilberfarb gave the safety results from the insurance company and explained what issues arose and needed to be fixed or repaired as soon as possible. The issues that

came up were, 1. Playground needs more mulch in various locations. All wood chips must be certified and maintained at 9" through the use zone. 2. Salt shed needs to be repaired or replaced. 3. 2 extension cords were being used in place of a permanent electrical fixture. The extension cords were removed. Recreation Committee Chair has been made aware of what needs to be completed. We received an 88 out of 100 points for 2018 for the safety incentive program.

**CORRESPONDENCE:**

- Congress of the United States – Congressman Gottheimer federal grants
- New Jersey Senate – Path to Progress resolution
- State of New Jersey DOT – Agreement Municipal aid Program for Greendell Road
- State of New Jersey DOE – 2019-2020 Municipal percentage shares for tax levies for regional school districts merged pursuant to P.L.2009, c.78.
- Green Township – Ordinance revising section 30-83.1(f) regarding sign illumination
- Green Township – Ordinance amending section 30-34.3 for uses permitted in the agricultural and residential zoning districts
- Blairstown Township – Feasibility study resolution #2019-067
- Wacks DeBona Beilin & Weber – letter to Debbie and Jeffrey Crisman (sale of property route 94)
- Wacks Debona Beilin & Weber – letter to Kenneth and Andrea Ruch (sale of property route 94)
- The Land conservancy – 2018 annual report (in clerks office)
- Blairstown Hose company – April 2019

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Stracco, seconded by Mr. Marra to adjourn the meeting at 10:03 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC