

MINUTES OF REGULAR MEETING OF MAY 16, 2018
Amended

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, May 16, 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, Christopher Kuhn, Committeeman, Attorney Rich Beilin, and Municipal Clerk Donna Zilberfarb.

PROCLAMATION:

Municipal Clerks Week May 6 - 12, 2018 **Whereas**, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and **Whereas**, The Office of the Municipal Clerk is the oldest among public servants, and **Whereas**, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and **Whereas**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all. **Whereas**, The Municipal Clerk serves as the information center on functions of local government and community. **Whereas**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations. **Whereas**, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk. **Now, Therefore, I**, Frank D. Desiderio, Jr., Mayor of Frelinghuysen Township do recognize the week of May 6 through May 12, 2018, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Donna Zilberfarb and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent. Dated this 16th day of May, 2018. Motion was made by Mr. Boynton to concur, seconded by Mr. Kuhn. All were in favor.

MINUTES:

1. April 18, 2018 regular session meeting minutes were approved as amended on a motion by Mr. Boynton, seconded by Mr. Marra. All were in favor.
2. April 18, 2018 executive session meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. Marra. All were in favor.

ORDINANCES:

#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 code enforcement officer that: a. The property is in need of rehabilitation in the reasonable judgment of the code enforcement 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. Motion was made by Mr. Stracco to hold until the May 16, 2018 meeting, seconded by Mr. Boynton. All were in favor. Second reading for adoption will be on Wednesday, May 16, 2018. Motion was made by Mr. Kuhn to open for 2nd reading for adoption, seconded by Mr. Stracco. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Stracco. All were in favor. Public that spoke were: Wendy Goetz asked what constitutes abandoned. Mr. Stracco and Mr. Kuhn explained that it is geared towards foreclosures. Dan Kohuth asked who the public officer is. Mr. Desiderio stated that it is the zoning/code official. Mr. Kohuth also asked how much weight does it hold to the financial institutions. Mr. Kuhn suggested tabling until we define the enforcing official within the ordinance. Mr. Beilin asked who the township wants and was determined the public officer will be changed to the enforcement official. Motion was made to close to the public, seconded

by Mr. Boynton. All were in favor. Motion was made by Mr. Kuhn to change “public officer” to the enforcement official, seconded by Mr. Stracco. All were in favor. Motion was made by Mr. Boynton for adoption, seconded by Mr. Kuhn. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes.

#2018-10 ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY TO REGULATE THE RUNNING AT LARGE OF LIVESTOCK WITHIN THE TOWNSHIP WHEREAS, the Mayor and Committee of the Township of Frelinghuysen have found that the running of livestock in the Township of Frelinghuysen jeopardizes the public health, safety and welfare by exposing injury to persons and other animals and causing damage to personal property such as lawns, shrubs, flowers, grounds and other vegetation; and WHEREAS, the Mayor and Committee of the Township of Frelinghuysen have determined that N.J.S.A. 40:48-1 expressly permits municipalities to adopt ordinances that will regulate the running at large of livestock; and WHEREAS, the Mayor and Committee of the Township of Frelinghuysen believe that the adoption of such an ordinance is appropriate and would be a reasonable exercise of the municipality’s police powers. NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren, State of New Jersey, as follows:

Section I Chapter 5 of the Frelinghuysen Township Code is amended by adding thereto a new Section 5-8, to read as follows: **5-8 RUNNING AT LARGE OF LIVESTOCK.** **5-8.1 Purpose.** This section shall be constructed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as residents are affected by injury to any persons or other animals, or cause damage to personal property including lawn, shrubbery, flowers, grounds, trees or any property of persons other than the owner or person having the care, custody or control of such unrestrained livestock running at large within the Township of Hope and to assess violations and penalties accordingly. (Ord. #2015-07 § 1) **5-8.2 Definitions.** Livestock shall mean all horses, ponies, donkeys, mules, miniature breeds and all other equine; all domestic and exotic pigs, hogs, and other swine; all cattle, goats, sheep, and all other bovine; all llamas, alpacas, camels, and all other camelids; all chickens, ducks, geese, guinea hens, peacocks, turkeys, emus, rheas, and all other poultry and fowl; domestic rabbits, and all other animals traditionally raised for food, fiber, fur, or production means; as well as any exotic animals or reptiles. Running at large shall mean any livestock situated upon any public street, park, or any other public place while unrestrained or situated upon any private property, while not restrained by a sufficient fence, enclosure or tether and which is not attended by the owner or his or her representative. **5-8.3 General Requirements.** a. Any person or persons, firm, partnership or corporation having the care, control, custody or management of any livestock as defined above shall prohibit the animals to stray or run at large within the limits of the Township of Hope. b. Fencing Requirements. A fence shall comply with the standards of the New Jersey State Department of Agriculture Management Practices and shall be sufficiently enclosed and strong enough to prevent livestock from escaping, going through or under it and is hereby required wherever livestock is kept. If any livestock escapes from within the confines of any fence it shall be presumed that such fence has not met the provisions of this section. Any owner or lessee of the land on which such fence is located is subject to the requirements of this subsection. **5-8.4 Distained Livestock; Impounding.** a. When any livestock are taken up and distained by any person for running at large, they shall be forthwith impounded by the Animal Control Officer and shall be furnished with suitable food and water, so long as they are detained. b. The owner of livestock in the custody or possession of the Animal Control Officer pursuant to this section may claim and be entitled to the possession of the livestock. Upon payment to the Animal Control Officer of reasonable compensation for the care and keeping of the livestock, upon satisfactory proof of ownership of the livestock, and upon making reparation as provided in subsection 5-3.5, the livestock shall be returned to its owner. **5-8.5 Violations and Penalties.** Any person or persons, firm, partnership or corporation violating or failing to comply with any provision of this section shall be guilty of an offense punishable as follows:

a. A fine for a first violation in the amount of \$100.00; b. A fine for a second violation in the amount of \$250.00; c. A fine for a third violation in the amount of \$500.00; and d. A fine for subsequent offenses in the amount of \$1,000 each. Each day for which a violation of this section occurs shall be considered a separate offense. **5-8.6 Notices and Orders.**

a. *Notice.* The Township, or any duly authorized Code or Animal Control Official, shall cause a notice to be issued to the applicable person or persons, firm, partnership or corporation when a violation of this section occurs. b. *Form.* Such notice prescribed in paragraph a. above shall be in accordance with all of the following: 1. Be in writing. 2. Include the identity or description of the animal. 3. A statement of when, where, what damage was done if known. 4. Include a correction order allowing a reasonable time for restitution of penalties and damages to be made. 5. Inform the property owner of the right to appeal. c. *Method of Service.* Such notice shall be deemed to be properly served if a copy thereof is sent by first-class mail, express mail, overnight carrier or certified mail addressed to the last known address. **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.

ATTEST: TOWNSHIP OF FRELINGHUYSEN DONNA ZILBERFARB, Clerk FRANK DESIDERIO, Mayor **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 April 18, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on May 16, 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 to first reading introduction, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes. Second reading for adoption will be held on May 16, 2018. Motion was made by Mr. Kuhn to open for 2nd reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made to open to the public, seconded by Mr. Marra. Public that spoke: George Kuhn, 65 Heller Road, explained that he has had cows out since June 1, 2017 and did not get any help from the animal control officer. He explained that he had to put 3 down and is still trying to find the last 2. Would like to find them for meat and donate to a food pantry. After discussion, he asked if this ordinance passes if he will be penalized. The attorney stated no he would not. Wendy Goetz asked what constitutes a large animal? Mr. Kuhn read the listing of animals within the ordinance. There were no further questions. Motion was made to close to the public by Mr. Boynton, seconded by Mr. Stracco. All were in favor. Motion was made by Mr. Marra to hold this ordinance, seconded by Mr. Kuhn. Roll call vote to hold ordinance: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Kuhn-yes; Mr. Marra-yes; Mr. Stracco-Yes. Motion is held until a further date to be determined.

#2018-11 AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN WITH RESPECT TO BULK REGULATIONS AND SETBACK REQUIREMENTS CONCERNING CORNER LOTS.

WHEREAS, there is a need to amend the provisions of the Frelinghuysen Township Code, to clarify what constitutes the front yard when a property fronts upon multiple roadways. NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren, State of New Jersey, as follows:

Section I Section 200 of the Land Development Ordinance of the Township of Frelinghuysen shall be and is hereby amended by deleting therefrom, in its entirety, the definition of "Lot, Corner" and replacing it with the following: Lot, Corner: On a corner lot, the front yard shall be deemed to be where the driveway intersects a public street.

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. ATTEST: TOWNSHIP OF FRELINGHUYSENDONNA ZILBERFARB, Clerk FRANK DESIDERIO, Mayor **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 April 18, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on May 16, 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 for introduction, seconded by Mr. Marra. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Kuhn-yes; Mr. Marra-yes; Mr. Stracco-yes. Second reading for adoption will be held on May 16, 2018. Motion was made by Mr. Kuhn to open for 2nd reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Stracco. All were in favor. Public that spoke: Wendy Goetz asked if this pertained to houses with circular driveways. Mr. Desiderio explained that this is to redefine what a front yard is. There were no further 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. Boynton for adoption, seconded by Mr. Marra. Roll call vote: Mr. Boynton-yes; Mr. Kuhn-yes; Mr. Desiderio-yes; Mr. Marra-yes; Mr. Stracco-yes.

#2018-12 ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY TO REGULATE THE MAINTENANCE OF BAMBOO

WHEREAS, the Mayor and Committee of the Township of Frelinghuysen have received complaints regarding the unwanted spread of bamboo, which has become a nuisance to the residents of the Township in areas where it encroaches on the public right-of-way or creates a safety or health issue; and WHEREAS, the Township currently does not have an ordinance to control the maintenance of bamboo, and the Mayor and Township Committee find it in the public interest to regulate the maintenance of bamboo so that it does not encroach into the public right-of-way, or negatively impact the public health, safety or welfare; and WHEREAS, the Mayor and Committee of the Township of Frelinghuysen believe that the adoption of such an ordinance is appropriate and would be a reasonable exercise of the municipality's police powers. NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren, State of New Jersey, as follows:

Section I Chapter 9 of the Frelinghuysen Township Code is amended by adding thereto a new Section 9-2, to read as follows:

9-2 BAMBOO

A. No persons, residents, citizens, property owners and/or tenants of the Township shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Township of Frelinghuysen in such a manner as to: (a) cause any portion of the plant or roots to encroach on the public right-of-way, or (b) negatively impact the public health, safety or welfare.

B. Complaint and notice, order for removal and compliance. Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant or root into the public right-of-way or the existence of a condition negatively impacting the public health, safety or welfare, or whenever the Township, on its own observations and inspections, same, the Township shall cause notice to be served and the following actions to occur:

- (1) The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first-class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office. First-class mail shall be deemed

delivered within five calendar days of its being mailed by the Township.

(2) The notice shall specify the nature of the violation(s).

(3) The notice shall state that the violation(s) must be corrected within 30 calendar days from the date of the received or returned mailing.

(4) The notice shall state specifically what must be done by the responsible party to correct the violation(s).

C. Investigations; reports. The Director of Public Works, Road Supervisor, Construction Official or the Health Officer of the Township shall be considered the proper officers to investigate all lands within the limits of the Township to determine violations of this section, and to issue notices pertaining to same.

D. Violations and penalties; remediation and collection of remediation costs.

(1) Any person who shall violate any of the provisions of this section shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5.

(2) In addition to and not in lieu of any penalties that may be assessed, if the violation is not remedied within the time set forth in the notice sent pursuant to Section 9-2B hereof, the Township is hereby authorized to remove or have removed any bamboo encroaching on the public right-of-way or negatively impacting the public health, safety or welfare, and to take all reasonable steps to eradicate the regrowth of the bamboo into the public right-of-way or to the extent that it negatively impacts the public health, safety or welfare, and to restore the land to the condition in which it existed prior to such removal and eradication, all at the cost and expense of the property owner from whose property the bamboo emanated. Upon such removal, the following procedure shall apply regarding the payment and collection of the amounts expended by the Township of Frelinghuysen

(3) The officer or employee of the Township in charge of the removal of bamboo shall certify the cost thereof to the Mayor and Committee. The Mayor and Committee shall examine such certificate and, if found to be correct, shall cause such cost to be charged against such lands after affording the owner of the property a reasonable opportunity to appear before the Mayor and Committee or its designated agent.

(4) The amounts charged shall immediately become due and payable to the Township. If the owner of the property fails to pay such amounts, the same shall become a lien on the property of such owner and shall bear interest in the same manner as is charged on unpaid taxes. Such unpaid amounts shall be deemed, for the purpose of collection thereof, a tax upon such real estate to be added to and become a part of the taxes next to be levied and assessed against that real estate. Such tax shall be enforced and collected with interest by the same officer and in the same manner as all other municipal taxes.

E. In the event that the Township of Frelinghuysen shall cause bamboo to be removed, the owner of the property from which the bamboo emanated shall indemnify and hold harmless the Township of Frelinghuysen and its officers and employees from and against all liability, including loss, damage, costs, attorneys' fees, causes of action, claims and/or judgments arising from said bamboo removal and restoration of the property. For the sole purpose of this section and for no other purpose, the owner or developer shall be deemed to have appointed the Township of Frelinghuysen as the owner's or developer's agent should the Township cause bamboo to be removed from such owner's or developer's property.

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 May 16, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on June 20, 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. Kuhn to open for introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Kuhn-yes; Mr. Marra-yes; Mr. Stracco-yes. Second reading for adoption will be on June 20, 2018.

Performance Guarantee Ordinance. This was for discussion only. Mr. Beilin explained that he reached out to Mr. Sterbenz, Maser consulting, and they've agreed to start over with the current law. He will work and have it for the first reading for the June meeting.

RESOLUTIONS:

#2018-43 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 2017 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. CERTIFICATION I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do certify the foregoing to be a true copy adopted by the Frelinghuysen Township Committee at the regular meeting of May 16, 2018.

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

#2018-44 WHEREAS, a fundamental purpose of government is to protect the health, safety, and welfare of citizens; and WHEREAS, the Delaware River Basin Commission

has in place a moratorium that currently prohibits natural gas development, including drilling, fracking, wastewater processing and discharges from and water withdrawals for drilling and fracking operations, in the Delaware River Basin; and WHEREAS, the Township supports the continuation of these DRBC prohibitions; and WHEREAS, the Delaware River Basin Commission is actively considering the possibility of draft regulations that include "prohibitions related to the production of natural gas utilizing horizontal drilling and hydraulic fracturing within the Basin", but also the allowance for "...storage, treatment, disposal and/or discharge of wastewater within the basin associated with horizontal drilling and hydraulic fracturing for the production of natural gas where permitted" and "...the inter-basin transfer of water and wastewater for purposes of natural gas development where permitted"; and WHEREAS, the Township considers that the weight of evidence shows that natural gas development and its operations cannot be done safely and/or without degrading the exceptional water quality of the Delaware River and tributary streams; NOW, THEREFORE, BE IT RESOLVED that:

1. The Township calls upon the Delaware River Basin Commission to enact a complete and permanent ban on natural gas development and fracking and all related activities (including drilling, fracking, wastewater processing and discharges from and water withdrawals for drilling and fracking operations) throughout the Basin.
2. That an official copy of this resolution be provided to the Delaware River Basin Commission, 25 Cosey Road, P.O. Box 7360, West Trenton, NJ 08628-0360, and sent to the Office of the Governor of the State of New Jersey.

CERTIFICATION I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do certify the foregoing to be a true copy adopted by the Frelinghuysen Township Committee at the regular meeting of May 16, 2018. Motion was made with deletion in accordance with discussion by Mr. Boynton, seconded by Mr. Stracco.

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

#2018-45 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF MAY 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 MAY 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	x			
Mr. Stracco			x			

#2018-46 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with discussion of personnel matters. WHEREAS, under the Open Public Meetings Act (number 8 of the permitted exceptions to the requirements that a public body hold its meetings in public) it is permissible that such matters be discussed in executive or private session. NOW, THEREFORE BE IT RESOLVED, on May 16, 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			

#2018-47 RESOLUTION OF THE FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE GRANTING TAX EXEMPTION FOR A TOTALLY DISABLED VETERAN

WHEREAS, Richard J. Tilney, who resides at and is the co-owner of real property located in the Township of Frelinghuysen and known as 194 Lincoln Laurel Road, Newton, New Jersey, a/k/a Block 201, Lots 3 and 4 on the Frelinghuysen Township tax map (the "Property"), has been deemed a 100% totally and permanently disabled veteran in accordance with the provisions of N.J.S.A. 54:4-3.30; and WHEREAS, the said property owner has made application to the Township for a tax exemption as a totally disabled veteran, and this application should be deemed effective as of January 1, 2018; and WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the Township Committee has the authority to cancel charges for a totally disabled veteran for taxes incurred since January 1, 2018, when a N.J.S.A. 54:4-3.30 Certification of Assessment Credit for Exemption has been granted. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey that Richard J. Tilney entitled to a tax exemption as a totally disabled veteran as of January 1, 2018, and is hereby granted a discharge of debt for real property taxes incurred since January 1, 2018, as follows:

<u>Block/Lot</u>	<u>Homeowner</u>	<u>Date Exempt</u>	<u>Taxes Cancelled</u>	
201/3 & 4	Richard J. Tilney	1/1/18	\$5,554.51	BE IT

FURTHER RESOLVED, that a properly executed copy of this resolution be forwarded to the Tax Collector and Treasurer for their records. 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 May 16, 2018.

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

Motion to table and have the tax collector send a letter explaining to the lender and home owner.

OLD BUSINESS:

- Service Electric Cable – Mr. Stracco discussed the meeting with Service electric cable and said it was a productive meeting. Areas of non coverage were raised – Lincoln Laurel Road, Bear Creek Road and Saddle Ridge Road. He discussed that 219 and 210 Main Street can be hooked up with cable and it will cost the township \$17.00 a month for internet per building. Motion was made by Mr. Stracco to have the Clerk contact Robin Blessing in regards to cable for the garage (219 Main Street) and 210 Main Street (town hall), seconded by Mr. Boynton. All were in favor.
- Shared Services for Animal Control – Hold
- Rec Center AC Quotes – After discussion on the 2 quotes a motion was made by Mr. Kuhn to award RLD Cooling and Heating, seconded by Mr. Boynton. All were in favor. Ms. Zilberfarb will get a PO ready and contact RLD to get the install started.
- Sale of property on Route 94 – Hold to June. Mr. Desiderio is waiting for a CMV from ReMax in Hope.

NEW BUSINESS:

- Mr. Desiderio asked that Justin Stanley be placed on the Recreation Committee. Motion was made to concur with appointment by Mr. Kuhn, seconded by Mr. Boynton. All were in favor.
- Insurance employment practices liability program – after discussion, it was determined that most of the items we already have or do but legal counsel will work with the clerk to implement some of the other items.
- All members looked at the Frelinghuysen Elementary school Certified tax sheet. The tax increase was 2%.

OPEN MEETING TO THE PUBLIC:

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

Wendy Goetz discussed JCP&L extending to gas pipelines and is worried about explosions that could go 30 feet in the air. She also discussed net neutrality and that it has voted for an appeal from the Senate to keep prices fair. She is asking

Congressman as well to appeal this. She also discussed NAFTA and the trade resolution and let the committee know she would keep them up to date.

Mr. Kohuth asked where these explosions happened and Ms. Goetz explained in Vernon and about 5 nationwide. Mr. Kuhn stated that propane gas could be just as explosive.

Mr. Kohuth asked how the air conditioning unit was funded at the rec center. Mr. Desiderio explained that it was through the capital ordinance.

Ms. Goetz thanked the committee for passing the resolution for fracking in the Delaware basin.

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

DEPARTMENT REPORTS:

Motion made by Mr. Stracco for consent agenda items 1-9 seconded by Mr. Boynton. All were in favor.

Emergency Management Coordinator: Mr. Desiderio explained that he attended a meeting from the power company and that OEM should call the county OEM during any storms. He also reiterated to all members and the public that each resident needs to call in their own outages.

DPW – Ms. Zilberfarb explained the report was in each book and had nothing further to discuss. Mr. Desiderio discussed the storms with the committee.

Land Manager – Mr. Conner told the committee that there were a lot of trees down from the storms. Mr. Desiderio offered to look and see what he could do to help with the removal of them.

Legal Report – Reported throughout the meeting.

Recreation Committee – Mr. Desiderio discussed the upcoming comedy/ventriloquist fundraiser for recreation booster club. They will be donating 6 sets of tickets to the seniors.

Environmental Commission – Nothing to report

Farmland Preservation/Open Space Committee – No meeting

Historic Committee – working on getting internet access

Mayor report – Told the committee of a resident with complaints on speeding on Kerrs Corner Road and Mill and Mott Roads too. Mr. Desiderio asked Mr. Marra to reach out to the State Police.

Deputy Mayor report – Asked about sweeping the roads. Mr. Desiderio explained the roads that get swept and which roads are blown.

Committeeman Boynton – Observed a Hope resident drive through the new stop sign on State Park and Shiloh. Suggested State Police presence.

Committeeman Kuhn – Thanked the road crew and JCP&L for their hard work.

Committeeman Marra – Nothing to report

Clerk report – Ms. Zilberfarb explained the voucher for the Blairstown Animal Hospital and that the cat had to be quarantined for 10 days.

Ms. Zilberfarb explained that a resident on Lincoln Laurel Road, Ronit Sallei, called and complained about the garbage that the bears were getting into and asked if there was something that could be done. After discussion it was determined that nothing could be done.

A resident on Ackerson Road, Rob Lally, stopped by to ask why the dirt/girt was blown onto his lawn. Ms. Zilberfarb will contact the county for that complaint per the committee.

Ms. Zilberfarb also explained there was a question on the yellow house and mill again and after discussion it was determined that she will reach out to the Construction Official and ask him to go out and look and contact the property owner.

Ms. Zilberfarb also asked about squirrels being rehabilitated at Antler Ridge being released back at the FFP. Mr. Desiderio explained in further detail and was determined that yes they can be released back at the FFP.

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. Boynton. All were in favor.

Mr. Beilin explained that the discussion during executive session was in regards to an employee returning from disability leave and attorney client privilege.

Motion was made by Mr. Stracco to authorize legal counsel to contact the insurance company, seconded by Mr. Boynton. All were in favor.

ADJOURNMENT:

There being no further business, motion was made by Mr. Stracco, seconded by Mr. Boynton to adjourn the meeting at 9:48 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC