

MINUTES OF REGULAR MEETING OF AUGUST 15, 2018

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, August 15, 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, Committeeman Christopher Kuhn, Attorney Rich Beilin, and Municipal Clerk Donna Zilberfarb.

EXECUTIVE SESSION:

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

No action was taken.

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

BACK TO REGULAR MEETING:

Mr. Beilin explained the executive session was for pending litigation and that the minutes will be made available at the time that the litigation has been satisfactorily addressed.

MINUTES:

Motion was made by Mr. Kuhn to table the minutes to the next work session meeting, seconded by Mr. Boynton. All were in favor.

Motion was made by Mr. Stracco to rescind the motion to table minutes, seconded by Mr. Boynton. All were in favor.

1. July 18, 2018 regular session meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. Kuhn. All were in favor.
2. July 18, 2018 executive session meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. Kuhn. All were in favor.
3. July 24, 2018 special session meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. Kuhn. All were in favor.
4. July 24, 2018 executive session special meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. Kuhn. All were in favor.
5. August 8, 2018 work session meeting minutes were approved as amended on a motion by Mr. Marra, seconded by Mr. Stracco. All were in favor. Mr. Kuhn and Mr. Boynton abstained.

ORDINANCES:

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 to encroach on the public right-of-way.

B. Complaint and notice, order for removal and compliance. Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant 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 Ordinance will be reintroduced for first reading at the regular meeting of the Frelinghuysen Township Committee held on July 18, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on August 15, 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 to first reading/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 held on August 15, 2018 at 7:30 pm. Motion to open to second reading for adoption was made by Mr. Kuhn, seconded by Mr. Boynton. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Marra. Public: Mr. Bennett Bean, Main Street Johnsonburg, spoke and understands the problems within the road ways but questioned about the roots and the removal of them. Ms. Cathy Bao Bean, Main Street, also asked about who the people for investigation were and how is a cost determined. The committee addressed the concerns with the roots and explained that the dpw personnel would be the people to investigate and that certified people would determine any costs. Motion to close to the public was made by Mr. Stracco, seconded by Mr. Boynton. Motion to amend section 1, 9.2 A and B to strike root or roots was made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor. Motion for adoption as amended was made by Mr. Stracco, seconded by Mr. Marra. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-yes; Mr. Kuhn-yes; Mr. Marra-Yes; Mr. Stracco-yes.

#2018-13 ORDINANCE AMENDING SECTION 902 OF THE FRELINGHUYSEN TOWNSHIP LAND DEVELOPMENT ORDINANCE TO CONFORM TO AMENDMENTS TO THE MUNICIPAL LAND USE LAW WHEREAS, On January 16, 2018, P.L.2017, c.312 was signed into law, amending N.J.S.A. 40:55D-53 of the MLUL with regard to performance, maintenance and other guarantee requirements; and WHEREAS, the Mayor and Committee wish to modify the Frelinghuysen Township Land Development Ordinance in order to assure that it conforms with the said amendments to the Land Use Law. NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren and State of New Jersey that Section 902 of the Land Development Ordinance are amended to read as follows:

Section I Section 902 of the Frelinghuysen Township Land Development Ordinance is hereby amended to read as follows:

902 Guarantees and Inspections.

A. Before recording final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:55D-65, the Township or Land Use Board may require and shall accept, in accordance with the standards adopted herein, for the purpose of assuring the installation and maintenance of certain on-tract improvements:

(1) The furnishing of a performance guaranty in favor of the Township of Frelinghuysen in an amount equal to 120% of the cost of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the developer and approved by the Township Engineer, according to the method of calculation set forth in N.J.S.A. 40:55D-53.4, for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," N.J.S.A. 46:23-9.9, *et seq.*, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements. The performance guarantee may also be required to include, at the discretion of the Township or Land Use Board, a guarantee for the installation of privately-owned perimeter buffer

landscaping. At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping. The developer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee for review and approval by the Township Engineer, which improvements shall be appended to each performance guarantee posted by the obligor.

(2) The developer shall post with the Township, prior to the release of the performance guarantee, a maintenance guarantee in an amount equal to 15% of the cost of the installation of the improvements covered under the performance guarantee, along with the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which itemized cost shall be determined by the developer and approved by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4. The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) The furnishing of a "safety and stabilization guarantee" in favor of the Township of Frelinghuysen to ensure that the Township has an adequate guarantee to return the property that has been disturbed to a safe and stable condition or otherwise implement measures to protect the public from access to an unsafe or unstable condition. The Township shall be permitted to access the guarantee when (a) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure; and (b) work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality's intent to claim payment under the guarantee. At the developer's option, the "safety and stabilization guarantee" may be included as a line item for safety and stabilization in the performance guarantee rather than in the form of a separate guarantee. The amount of the safety and stabilization guarantee shall be calculated pursuant to N.J.S.A. 40:55D-53.4 as follows:

- (i) \$5,000 for the first \$100,000 of bonded improvement costs, plus
- (ii) Two and a half percent (2.5%) of bonded improvement costs in excess of \$100,000 up to \$1,000,000; plus
- (iii) One percent (1%) of bonded improvement costs in excess of \$1,000,000.

B. The time allowed for installation of the bonded improvements for which the performance guaranty has been provided may be extended by the governing body by resolution. As a condition or part of any such extension, the amount of any performance guaranty shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation as determined by the developer and approved by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 as of the time of the passage of the resolution.

C. If the required bonded improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township may, either prior to or after the receipt of the proceeds thereof, complete such improvements.

D. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements and the connection of same to the public system, the obligor may notify the governing body in writing by certified mail addressed in care of the Municipal Clerk of the completion or substantial completion of bonded improvements and shall send a copy thereof to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements of which such notice has been given and shall file a detailed report, in writing, with the governing body, indicating either approval, partial approval or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.

E. The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the governing body,

the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and “safety and stabilization guarantee” posted may be retained to ensure completion and acceptability of all improvements. The “safety and stabilization guarantee” shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction. For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate which formed the basis of the performance guaranty and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee and “safety and stabilization guarantee” to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a “temporary certificate of occupancy guarantee” has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30 percent.

F. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete such improvements, and upon completion, the same procedure of notification as set forth in this section shall be followed.

G. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Township Engineer.

H. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of the improvements, which fees shall not exceed the sum of the amount set forth in N.J.S.A. 40:55D-53. The municipality may require the developer to post the inspection fees in escrow in an amount calculated as follows: (1) except for extraordinary circumstances, the greater of \$500 or 5% of the cost of improvements subject to a performance guarantee; plus (2) an amount not to exceed 5% of the cost of private site improvements not subject to a performance guarantee, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4.

If the Township determines that the amount in escrow for the payment of inspection fees, as calculated herein, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request which informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

I. In the event that final approval is by stages or sections of development pursuant to Subsection a of Section 29 of the Municipal Land Use Law (N.J.S.A. 40:55D-38), the provisions of this section shall be applied by stage or section.

J. In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a “temporary certificate of occupancy guarantee” in favor of the Township of Frelinghuysen in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a “temporary certificate of occupancy guarantee,” all sums remaining under a performance guarantee which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the “temporary certificate of occupancy guarantee” shall be determined by the Construction Code Official, Zoning Officer, Township Engineer, or any other municipal official designated by ordinance. The “temporary certificate of occupancy guarantee” shall be released by the construction code official, zoning officer, Township Engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

K. If the property or any part of same is sold, or otherwise conveyed to a successor Developer prior to the completion and acceptance of all improvements, an Assignment of Developer’s Agreement, and new performance, maintenance or other guarantees shall be

required from the new owner or successor Developer. Upon the transfer of ownership of property that is the subject of a construction permit, and prior to beginning or continuing work authorized by the construction permit, the new owner or successor Developer shall file with the building department an application for a permit update to notify the building department of the name and address of the new owner or successor Developer and of all other changes to information previously submitted to the building department. The building department shall not approve the application for a permit update until it receives notification from the governing body or its designee that the new owner or successor Developer has furnished adequate replacement performance, maintenance or other guarantees and Assignment of Developer's Agreement.

Section II

1. Any section or subsection of the Frelinghuysen Township Code not specifically addressed in this Ordinance is to remain unchanged and continue with full force and effect.

2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

3. 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.

4. This ordinance shall take effect immediately upon final passage and publication as required by law. 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 June 20, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on August 15, 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 to table for Land Use Board comments by Mr. Kuhn, seconded by Mr. Marra. After discussion, Mr. Kuhn made a motion to rescind to table, seconded by Mr. Marra. All were in favor. Motion was made to open for second reading for adoption by Mr. Kuhn, seconded by Mr. Boynton. Motion was made to open to the public by Mr. Stracco, seconded by Mr. Boynton. Public: Ms. Natyzak asked how this change from the state and if it was because of Christie. Mr. Beilin explained that it is now easier for a builder. The ordinance was referred to the township engineer and land use board. Motion to close to the public was made by Mr. Stracco, seconded by Mr. Boynton. Motion for adoption was made by Mr. Stracco, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Kuhn-no; Mr. Marra-yes; Mr. Stracco-yes.

#2018-14

ORDINANCE AMENDING THE FRELINGHUYSEN TOWNSHIP LAND DEVELOPMENT ORDINANCE TO SET FORTH GRADING AND OTHER REQUIREMENTS IN CONNECTION WITH NEW HOME CONSTRUCTION WHEREAS,

it is in the public interest to assure that parties constructing new homes within Frelinghuysen Township observe proper grading procedures, and install proper tracking pads to control soil erosion prior to commencement of work; and WHEREAS, the Mayor and Committee wish to modify the Frelinghuysen Township Land Development Ordinance in order to provide for same. NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren and State of New Jersey that the Frelinghuysen Land Use Ordinance is amended by adding thereto a new Section 527, to read as follows: **Section I** The Frelinghuysen Township Land Development Ordinance is hereby amended by adding thereto a new Section 527, to read as follows: **§ 527.1. Grading for new construction on residential lots.** The following provisions shall be applicable to the construction of new homes on residential lots: A. Sites shall be graded to secure proper drainage and to prevent undesirable ponding of surface water. Grading shall be performed in a manner which will minimize land disturbance, soil compaction, and damage to or destruction of trees. (1) Topsoil shall be provided and/or redistributed on the graded surface as cover and shall be stabilized by seeding or planting. (2) Grading plans shall have been submitted and approved with the subdivision plat or site plan, and any departure from these plans must be approved by the Land Use Board. (3) Grading shall be designed to prevent or minimize damage to structures or improvements when major storms exceeding the one-hundred-year storm design of the storm drainage system occur. B. The site shall be graded to a storm drainage collector system of interior drainage, designed in accordance with the standards for storm drainage facilities, and suitable drainage easements shall be provided. C. All tree stumps, masonry and other obstructions shall be removed and recycled according to Township or county standards. D. Residential lot

grading. (1) The minimum slope for lawns shall be 2% and for smooth hard-finished surfaces 0.75%. (2) The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 12 units horizontal (1:12) for a minimum distance of eight feet. (3) A minimum of 15 feet behind the rear of any residential unit shall be graded at a maximum of 9% so as to provide a usable rear yard. (4) Where a lot cannot be graded in the rear yard in accordance with the provisions in this section, the Board may permit the construction of a deck or patio to serve as the usable rear yard area. The size of the deck or patio required would be at the discretion of the Land Use Board. E. Swales. (1) When the terrain is such that stormwater will be directed toward a building foundation, appropriate measures such as swales and storm sewers shall be provided to intercept and drain surface water. (2) Swales must be located at least 15 feet from the front and rear faces of a building and 10 feet away from any side walls. Swales shall not cross any driveways. (3) Where swales are run across property boundaries, easements must be dedicated by recorded instrument in such a way as to give notice to future property owners of the need to preserve and maintain the swale. F. The grade of land located within the dripline of a tree that is to remain pursuant to subdivision or site plan approval shall not be raised or lowered. Tree wells, retaining walls, and other approved means shall be employed in this case to preserve the integrity of the tree. **§ 527.2. Tracking pads.** Prior to the issuance of any permits in connection with the construction of a new home on a residential lot, and prior to commencement of any work in connection with same, the owner shall install a tracking pad of suitable materials. **Section II1.** Any section or subsection of the Frelinghuysen Township Code not specifically addressed in this Ordinance is to remain unchanged and continue with full force and effect.2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. 3. 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. 4. 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 June 20, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on August 15, 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 to open for second reading by Mr. Kuhn, seconded by Mr. Boynton. Motion was made to open to the public by Mr. Boynton, seconded by Mr. Kuhn. Public: Mr. Beilin inquired if there was a grading plan approval process in addition to this ordinance and that if there is going to be one that another ordinance will need to be passed for that. Motion to close to the public was made by Mr. Stracco, seconded by Mr. Boynton. Motion was made for adoption by Mr. Stracco, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Kuhn-yes; Mr. Marra-yes; Mr. Stracco-yes.

#2018-16 ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRELINGHUYSEN CONCERNING COMMUNICATIONS FACILITIES AS A CONDITIONAL USE, IN ORDER TO ADDRESS COLLOCATION OF COMMUNICATION EQUIPMENT ON EXISTING TOWERS

WHEREAS, the Frelinghuysen Township Mayor and Committee have reviewed 601(M) of the Code of the Township of Frelinghuysen, pertaining to communications facilities as a conditional use,” and has determined this section must be revised in order to comply with recent law and regulations; and WHEREAS, on October 21, 2014, the Federal Communications Commission issued a Report and Order which sweepingly overrides and preempts State and local land use law with respect to wireless collocation applications; and WHEREAS, under §6409(a) of the Spectrum Act, federal law provides that governments may not deny, and shall approve, eligible facilities' request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. §6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L. 112-96, §6409 (2012); and WHEREAS, a local government may continue to enforce and condition approval on compliance with general applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety and allows municipalities to have discretion over a modification application if it: entails any excavation or deployment outside the current site of the tower or base station; would defeat the existing concealment elements of the structure; or does not comply with

conditions associated with the prior approval of the structure, subject to certain exceptions such as non-substantial increase in height; and. WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-46.2, holds that an application for development to collocate wireless communications equipment (including, but not limited to, equipment shelters and emergency generators) on a wireless communications support structure or in an existing equipment compound shall not be subject to site plan review, subject to certain requirements: the wireless communications structures was previously granted all necessary approvals; the proposed collocation shall not increase the overall height of the wireless communications support structure by more than ten (10) percent of the original height, the width of the wireless communications support structure, or the square footage of the existing equipment compound to an area greater than 2,500 square feet; and the proposed collocation complies with the final approval of the wireless communications support structure and all conditions attached thereto and does not create a condition for which a variance would be required. NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen as follows: Section I Section 601(M) of the Frelinghuysen Township Land Development Ordinance is amended by adding thereto new subsections 4 through 8, to read as follows: 4. Collocation and New Facilities. (a) Purpose and Substantial Change. It is the purpose of these subsection provisions to provide specific conditions and standards for the location, collocation and operation of cellular antennas and cellular towers within the Township of Frelinghuysen. These subsection provisions recognize that there may be benefits to the construction and operation of cellular antennas and cellular towers and that state and/or federal laws and/or regulations specifically regulate aspects of such operation. These article provisions also acknowledge the need to safeguard the public good and preserve the intent and purposes of the Frelinghuysen Township zoning plan. These subsection provisions enable the location and collocation of cellular antennas and cellular towers within the Township of Frelinghuysen in order to provide the fullest extent of communications services while simultaneously limiting the number of cellular towers to the fewest possible. These provisions further seek to preserve the rural, agricultural character of the Township of Frelinghuysen and to protect its historical resources. (b) This subsection also sets forth requirements for Eligible Facilities Requests, for modifications to existing Wireless towers or base stations that do not constitute a substantial change. (c) The definitions set forth in 47 U.S.C. 1455 are incorporated herein, as may be amended, including the following definition of "substantial change", per 47 CFR 1.4000I(c): Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria: i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height must be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height must be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. 47 CFR §1.4000I(b)(7)(i)(A); ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet; iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure; iv. It entails any excavation or deployment outside the current site; v. It would defeat the concealment elements of the eligible support structure; or vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (i)-(iv) of this section. 5. Certain Communications Facilities as Permitted Use. a. The uses listed in this section are deemed to be permitted uses and shall not require a conditional use permit or variance application, notwithstanding any other provision of the chapter. Jurisdiction shall rest with the Land Use Board of the Township of Frelinghuysen. b. Permitted uses. The following uses are specifically permitted: Antennas in any zone on property owned by the Township of Frelinghuysen upon which is located an existing wireless communication facility or an existing

electric transmission tower. c. The Land Use Board may waive the submission requirements of §601(M)(3) for any permitted use. 6. Application procedure. a. Collocation on an Existing Structure; Eligible Facilities Request. i. Application. Frelinghuysen Township shall prepare and make publicly available an application form which shall contain the information necessary for Frelinghuysen Township to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification. ii Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Land Use Board Engineer shall review such application to determine whether the application so qualifies. iii. Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, Frelinghuysen Township shall approve the application unless it determines that the application is not covered by this Chapter. iv. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by Frelinghuysen Township and the applicant, or in cases where the Land Use Board Engineer determines that the application is incomplete. (A) To toll the timeframe for incompleteness, the Land Use Board Engineer must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application. (B) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Land Use Board Engineer's notice of incompleteness. (C) Following a supplemental submission, the Land Use Board Engineer will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (7) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness. v. If the Land Use Board Engineer determines that the applicant's request for collocation is a substantial change to collocation on an existing structure as defined in this Ordinance, the presumptively reasonable timeframe, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the Land Use Board Engineer's decision that the application is not a covered request. To the extent such information is necessary the Land Use Board Engineer may request additional information from the applicant to evaluate the application. When the Land Use Board Engineer determines that such an application constitutes a substantial change, §B below must be complied with. vi. Failure to Act. In the event the Land Use Board Engineer fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies Frelinghuysen Township in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted. vii. Remedies. Applicants and the Land Use Board Engineer may bring claims related to this section to any court of competent jurisdiction. b. New Wireless Facility and Substantial Change to Collocation on an Existing Structure. i. All cellular antenna applications in zones in which cellular antennas are a conditional use shall be submitted to the Land Use Board of Frelinghuysen Township. All cellular antenna applications in zones where cellular antennas are prohibited uses shall be submitted to the Frelinghuysen Township Land Use Board for a use variance. ii. The Land Use Board reserves the right to engage, at the applicant's expense, a radio frequency engineer to review the documentation submitted by the applicant in its comprehensive plan and to testify as to the engineer's findings. iii. The applicant shall, as part of its application, prepare and submit a comprehensive plan. Each comprehensive plan shall be presented in single, bound volumes. The comprehensive plan does not supplant or supersede any other site plan submission requirements. The comprehensive plan shall contain, at a minimum, a complete presentation on each of the following topics: (A) Existing service. The applicant shall address whether its subscribers can receive adequate service from cellular antennas located outside of the borders of Frelinghuysen Township. (B) Existing antenna locations. The applicant shall graphically depict the location of existing cellular antennas in Frelinghuysen Township and explain how the proposed cellular antenna interacts with the existing cellular antennas. (C) Collocation. The applicant shall demonstrate all existing structures that are available for location of the proposed cellular antennas. In the event that the application does not utilize any existing structure and instead proposed the construction of a new cellular tower, the applicant shall demonstrate either that it is impossible to obtain similar proposed signal coverage by collocating the cellular antennas on existing structures or that no such structures are available. (D). Frelinghuysen Township coverage. The applicant shall set forth its strategy for providing the fullest possible signal coverage within the borders of Frelinghuysen Township. The applicant shall additionally demonstrate how the proposed cellular antennas advance its strategy for fullest possible signal coverage within the borders of Frelinghuysen Township. (E) Emissions standards. The applicant shall set forth the applicable emission standards set by the

Federal Communications Commission and all other applicable technical requirements of other federal and/or state governmental agencies with appropriate jurisdiction. The applicant shall demonstrate that the proposed cellular antennas meet all such technical emission standards. (F) Actual emissions. The applicant shall submit a full report of aggregate emissions of its own cellular antennas and of all other cellular antennas located on the same structure once the proposed cellular antennas are in operation. (G) Municipal property preference. The applicant shall demonstrate whether the proposed cellular antennas can be located on municipally owned property. (H) Architectural harmony. The applicant shall demonstrate how its proposed cellular antennas and/or cellular towers are designed to blend in with their surroundings and be as visually unintrusive and as inconspicuous as possible. (I) Written notice to other service providers. The applicant shall supply copies of correspondence to all other owners and/or operators and/or providers of cellular antennas, wireless communication services and/or cellular towers regarding inquiry as to availability of existing cellular tower space and whether the construction of an additional cellular tower is required. (J) Appearance. The applicant shall demonstrate how the proposed location of the cellular tower attempts to minimize the visual prominence and solitary appearance of the cellular tower when viewed from either residential areas or from the public right-of-way. (K) Cellular tower design. The applicant shall demonstrate that the proposed cellular tower design is the safest and least visually intrusive design and the design most accommodating for collocation of other cellular antennas. If a monopole design is not submitted, the applicant shall demonstrate why the submitted design is superior to a monopole design. iv. The maximum height of any towers within the township is 199 feet. c. All applications for cellular towers, including collocation or new towers, shall comply with any and all general applicable building, structural, electrical, and safety codes, as well as any others deemed by the Township to be related to health and safety. Further, all such applications shall also comply with the requirements of any Historic Preservation District as applicable, and any concerns or comments made by the Historic Preservation Committee. d. Failure of the applicant to submit a completed comprehensive plan according to the specifications set forth above shall render an application incomplete and thereby prevent hearing of the application by the appropriate board. e. All applicants shall appropriately conceal the cell tower antennae and related structures. 7. Restoration and removal of cellular antennas and cellular towers. a. The applicant shall post a performance bond for the demolition, dismantling and removal of any cellular antenna and/or cellular tower. b. Every cellular antenna and cellular tower shall be demolished, removed and dismantled promptly after 180 continuous days of nonuse. C. The applicant and/or operator of the cellular antenna shall provide the Township with a copy of any notice or letter of intent to cease operations in the event that such a notice or letter is sent by the applicant and/or owner to the FCC. 8. Eligible Facilities Request Application and Fee. An Eligible Facilities Request Application shall include but is not limited to the following: a. Address of the Wireless Tower. b. The height (measured in feet above ground level) of the existing Tower as originally approved, including any modifications approved prior to February 22, 2012. c. What is the height (measured in feet above ground level) at which the modifications to the Transmission Equipment will occur on the Tower? d. What will the height (measured in feet above ground level) of the existing Tower after the modifications to the Transmission Equipment are installed? e. Effect of modifications of Transmission Equipment on Tower height: i. Will the modifications in Transmission Equipment (addition, removal or replacement of Transmission Equipment) result in increasing the height above ground level of the existing Tower? ii. Will the modifications in Transmission Equipment result in increasing the height above ground level of the existing Tower by more than: (A) 10% of the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012; or (B) twenty feet above the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012, whichever height increase is greater? f. Will the modifications in Transmission Equipment (measured at the height above ground level where the Transmission Equipment will be attached to the tower) result in any Transmission Equipment protruding horizontally from the edge of tower by more than twenty (20) feet or by more than the existing width of the tower at that height, whichever of these dimensions is greater? g. Will the proposed changes in Transmission Equipment involve excavation or placement of new equipment outside the existing Tower site or outside any access or utility easements currently related to the site? h. Will the proposed modification in Transmission Equipment involve installation of more than the standard number of new equipment cabinets for the technology involved, but no to exceed four? i. Will the proposed modification in Transmission Equipment defeat the existing concealment elements of the Tower? j. Prior Conditions of Approval. i. Will the proposed modification in Transmission Equipment comply with conditions of approval imposed on the Tower prior to February 22, 2012? ii. If the answer to (j)(i) is "No," is the non-compliance due solely to any of the conditions addressed in questions (e) through (h) above? k. List of all equipment to be collocated or added to the Tower or ground equipment. l.

Applicant's Certification that they have the legal authority to collocate/modify support structure which may include approvals from the jurisdiction authorizing the initial placement of transmission equipment on the tower or other structure. m. The identity of the owner of the parcel and the owner of the existing tower(s), and proof that the owner of the parcel and tower have authorize the applicant to collocate on the tower. n. Detailed site plan. Except where the facility will be located entirely within an existing structure or an existing building, a detailed site plan shall show: i. Existing and proposed improvements. The location and dimensions of the existing facility and the maximum height above ground of the facility (also identified in height above sea level). ii. Elevation. The benchmarks and datum used for elevations. iii. Design. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of applicant's existing and proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure shall be depicted. iv. Setbacks. All existing setbacks. v. Location of access ways. The location of all existing access ways and the location and design of all proposed access ways. o. Application Fee. All applicants shall pay an application fee of \$500.00 at the time that the application is filed. Section II 1. Upon introduction of this Ordinance it shall be referred to the Township of Frelinghuysen Land Use Board for review pursuant to N.J.S.A. 40:55D-64 prior to final adoption by the Frelinghuysen Township Committee. 2. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective. 3. This ordinance shall take effect upon final adoption, publication and the filing of a copy of said ordinance with the Warren County Planning Board, all in accordance with the law, and applies to any new or pending application and to any matter on appeal to any municipal agency or to any Court. 4. The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Warren County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and to file a copy of the ordinance as finally adopted with the Warren County Planning Board, as required by N.J.S. 40:55D-16. **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 October 17, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 19, 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. Desiderio to hold ordinance until October 17, 2018, seconded by Mr. Boynton. All were in favor. First reading will be held on October 17, 2018.

RESOLUTIONS:

2018-62 TAX COLLECTOR WHEREAS, a resolution is required by the Tax Collector to cancel 2018 taxes (deemed uncollectible), and WHEREAS, the following property owner has applied for and been granted a 100% disabled veteran exemption **by the Tax Assessor effective January 5th, 2018**, therefore the following 2018 taxes must be canceled of record;

BLOCK LOT OWNER AMOUNT
201 4 Tilney, Richard J & Patricia A \$ 9,896.10

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the above taxes be canceled of record as they are uncollectible. I hereby certify the foregoing to be a true and accurate copy of a resolution adopted by the Township Committee at its' meeting held August 15th, 2018.

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

#2018-63 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF AUGUST 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 AUGUST 2018; and WHEREAS, the Finance Committee find the bills to be in

order and recommend to the Township Committee that they be paid by the Chief Finance Officer. NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that all bills submitted for the above named month are reasonable and proper and are to be paid from their appropriate account.

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

#2018-64 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with pending litigation issues. 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 August 15, 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			
Mr. Desiderio			X			
Mr. Kuhn			X			
Mr. Marra		X	X			
Mr. Stracco	X		X			

#2018-65 RESOLUTION APPOINTING SECRETARY, HISTORICAL PRESERVATION COMMITTEE AND THE ENVIRONMENTAL COMMISSION WHEREAS, a vacancy exists in the position of Secretary to the Historical Preservation Committee and the Environmental Commission; and WHEREAS, Stacy Gallante has the qualifications to service as the Secretary to the Historical Preservation Committee and the Environmental Commission. NOW, THEREFORE BE IT RESOLVED, by the Mayor and the Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Stacy Gallante is hereby appointed to serve as the Secretary to the Historical Preservation Committee and the Environmental Commission, commencing on September 1, 2018. BE IT FURTHER RESOLVED, that subject to proper and valid appropriation of the funds for same, Stacy Gallante shall be paid the salary of \$520.00 annually for the Historical Preservation Committee and \$1,067.00 annually. This Resolution shall take effect according to law. CERTIFICATION I, Donna Zilberfarb, Township Clerk of the Township of Frelinghuysen, do hereby certify the above to be a true copy of a resolution adopted by the Frelinghuysen Township Committee at their meeting of August 15, 2018.

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

OLD BUSINESS:

Service Electric Cable – Mr. Stracco explained that a meeting was held in the town hall which included Blairstown, Hope, Hardwick, Frelinghuysen and Green Township, as well as

Congressman Gottheimer and Service Electric members. They discussed a franchise where it could be 20 houses per mile versus without a franchise agreement the number would go to 35 houses per mile. Different options were discussed in regards to all the towns being in a franchise, Hardwick not certain of going into this franchise. It was also stated that Service Electric was contacted PenTeleData, a highspeed internet company with 5G, and that they would be willing to be a test case and put broadband antennas on either side of Saddle Ridge and see if that would help with the internet issues. This would be for internet only.

Motion was made by Mr. Kuhn to send a letter to service electric to start to move forward with PenTeleData, seconded by Mr. Boynton. All were in favor.

Sale of property on Route 94 – The committee discussed the terms and Mr. Beilin will have a resolution for the September meeting.

Ms. Zilberfarb will send a letter to the high school regarding the speeding on Kerrs Corner Road, as well as other township roads within Frelinghuysen.

Bid for Deck and ramp - Two bids were presented for the deck and Kise Carpentry was the lowest bid. Motion was made by Mr. Kuhn to accept Kise Carpentry's bid for the deck and ramp, seconded by Mr. Boynton. All in favor - 4. Mr. Desiderio Opposed.

Municipal Alliance appointment - Mr. Boynton is looking into finding someone.

NEW BUSINESS:

Mr. Togno, of Lackawanna Drive, presented the committee with a letter requesting a resolution for denouncing Sanctuary Statehood. After reading the letter, Motion was made by Mr. Boynton to draft a resolution to have for the September meeting, seconded by Mr. Kuhn. All were in favor.

Mr. Desiderio discussed that he would like a resolution on background checks for coaches assistant coaches, trainers, instructors, etc. and asked legal counsel to have one ready for the September meeting.

Charity for payment of property taxes was discussed by Mr. Stracco and after discussion it was determined that Frelinghuysen would not partake in this.

Mr. Boynton discussed a property on Route 519 that a resident asked him if the town would be interested. After discussion it was determined that the township was not interested.

Ms. Zilberfarb let the committee know that Noelle Kacerek, the new TACO, resigned and we will need to replace her. After discussion with the Construction Official, Ms. Zilberfarb will stay in that position until there is a replacement. Motion was made by Mr. Kuhn to accept the resignation and have letter sent with regrets, seconded by Mr. Stracco. 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:

Cathy Bao Bean spoke regarding background checks and that one was completed for her group and wanted to make sure the exercisers were ok and were not going to be stopped. Mr. Kuhn stated that the resolution in September will address this.

Marty Conner spoke regarding the turtles in the pond and spoke with Fish and Game and he explained that there is an open season on fishing license for catching turtles. He also discussed the theft of the cow from the FFP property and that he reported it to the police and it was recovered a week later. Mr. Desiderio explained the repairs needed on that cow and that it will cost approximately \$1600-\$1800 to purchase a new one. They will raise money to buy a new one. Mr. Desiderio also spoke about putting security cameras up at the recreation center.

Debra Natyzak asked about the lights in the tunnel on Route 661/ Ramsey Road not working ever since the tractor trailer accident and she also stated that there was no verizon service in that area. Ms. Zilberfarb will look into the lights in the tunnel.

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

DEPARTMENT REPORTS:

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

DPW – Nothing to report.

Land Manager – Mr. Conner explained that Sandy Urgo was working on the gps mapping for the FFP south and updated the mapping.

Legal Report – Legal was discussed throughout the meeting as well.

Recreation Committee – Mr. Desiderio updated the committee on the recreation center and let them know that the roof has a few spots where it is leaking, there is a need for pest control, and he'd like to stain the deck, and purchase the security cameras. Motion was made by Mr. Kuhn to authorize the Mayor to purchase security cameras from the Rec Trust Fund up to \$350.00, for the recreation center, seconded by Mr. Stracco. All were in favor.

Environmental Commission – No meeting

Farmland Preservation/Open Space Committee – Marty Conner mentioned the website not being updated.

Historic Committee – Covering the roof of the boat house was discussed at their meeting and the funding for it.

Mayor report – Nothing to report

Deputy Mayor report – Nothing to report

Committeeman Boynton – Mr. Boynton questioned the drainage issue on State Park Road and asked about why replace the ceiling in the town hall as he feels the tiles can be cleaned. After discussion, Mr. Boynton will write the specs on the ceiling in the meeting room at the town hall.

Committeeman Kuhn – Nothing to report

Committeeman Marra – Nothing to report

Clerk report – Ms. Zilberfarb explained her disappointment with the committee by tabling the minutes. After discussion, Mr. Stracco made a motion to rescind holding the minutes, seconded by Mr. Boynton. All were in favor. The minutes were reviewed.

Ms. Zilberfarb also asked the committee if the town hall could be closed early on Thursday, August 16 and hours of 9-3 on Friday, August 17, as she was going to be out of town and those days had been previously covered by the TACO that resigned. Donna VanTassel offered to cover Friday from 9-3. Mr. Desiderio made a motion to close the town hall at 12pm on Thursday August 16, seconded by Mr. Marra. All were in favor. Ms. Zilberfarb thanked the Committee.

ADJOURNMENT:

There being no further business, motion was made by Mr. Kuhn, seconded by Mr. Boynton to adjourn the meeting at 9:41 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC