

MINUTES OF REGULAR MEETING OF SEPTEMBER 12, 2018

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, September 12, 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 Edward Wacks, 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. Wacks explained the executive session was for township property and no decisions were made. The minutes will be made available at the time that the issue has been satisfactorily addressed.

MINUTES:

1. August 15, 2018 regular session meeting minutes were held until the September 19, 2018 meeting.
2. August 15, 2018 executive session meeting minutes were held until the September 19, 2018 meeting.

PROCLAMATION:

Knock Out Opioid Abuse Day October 6, 2018 WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and WHEREAS, the Partnership for a Drug-Free New Jersey has designated October 6, 2018 as Knock Out Opioid Abuse Day – an initiative with a dual purpose: to educate families of the addictive qualities of opioid pain medicines and their link to heroin abuse rates in New Jersey, and communicate to physicians information on safer prescribing messages found in the Centers for Disease Control and Prevention guidelines for prescribing opioids, which include considering other therapies, setting realistic treatment goals with patients and discussing with patients the positives and negatives of opioids; and WHEREAS, the State Senate and General Assembly jointly resolved that October 6 shall be permanently designated as Knock Out Opioid Abuse Day in New Jersey in order to raise awareness about the dangers of, and the link between, opioid abuse and heroin addiction and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout the State of New Jersey and across the country; and WHEREAS, Freedom House, Inc. supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction; THEREFORE BE IT RESOLVED, that October 6, 2018 be recognized as Knock Out Opioid Abuse Day in Frelinghuysen Township, Johnsonburg, New Jersey. Motion was made by Mr. Stracco to concur, seconded by Mr. Boynton. All were in favor. Ms. Zilberfarb

ORDINANCES:

#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. Held for first reading on October 17, 2018.

#2018-17 ORDINANCE TO AMEND CHAPTER 21 OF THE CODE, ENTITLED "MUNICIPAL STORM WATER CONTROL ORDINANCE", SECTION 804 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED "SUBMISSION OF PRELIMINARY MAJOR

SUBDIVISION PLATS AND PRELIMINARY MAJOR SITE PLANS”, AND THE VARIOUS APPLICATION CHECKLISTS IN SECTION 800 OF THE LAND DEVELOPMENT ORDINANCE TO ADDRESS NEW REQUIREMENTS IN THE TOWNSHIP’S TIER ‘B’ MUNICIPAL ADDRESS NEW REQUIREMENTS IN THE TOWNSHIP’S TIER ‘B’ MUNICIPAL STORMWATER GENERAL PERMIT. Held for first reading on October 17, 2018.

#2018-18 ORDINANCE FOR BACKGROUND CHECKS. After discussion, more information is needed and Mr. Desiderio will speak with Ms. Kleber and find out what the standards are for these back ground checks and he will get back to the committee and legal counsel.

RESOLUTIONS:

GRANT AGREEMENT BETWEEN TOWNSHIP OF FRELINGHUYSEN (Name of Grantee) AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT IDENTIFIER: FS19-004 GOVERNING BODY RESOLUTION 2018-66

The governing body of TOWNSHIP OF FRELINGHUYSEN desires to further the public interest by obtaining a grant from the State of New Jersey in the amount, for up to \$ 3,000.00 to fund the following project: NJFS Urban and Community Forestry Program Green Communities Grant Therefore, the governing body resolves that Frank D. Desiderio, Jr., Mayor or the successor to the office of Mayor is authorized a) to make application for such a grant, (b) if awarded, to execute (print title of authorized official) a grant agreement with the State for a grant in an amount not less than \$ 0.00 and not more than \$ 3,000.00 and (c) to execute ___ any amendments thereto ___ any amendments thereto which do not increase the Grantee's obligations.

*The _____ Township Committee _____ authorizes and hereby agrees to

(print name of Grantee's governing body, e.g., board of chosen freeholders) match 50 % of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified, 100 % of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement). *The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement. Introduced and passed on September 12, 2018 Motion made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor. Roll call vote: Mr. Boynton-yes; Mr. Kuhn-Yes; Mr. Desiderio-yes; Mr. Marra-Yes; Mr. Stracco-yes. The portion of this form between the asterisks should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking

CERTIFICATION*

I, _____, Donna Zilberfarb Municipal clerk County clerk
(print name) Utilities Authority Clerk

Other, specify _____ of TOWNSHIP OF FRELINGHUYSEN certify that this resolution was duly adopted by Township Committee at a meeting duly held on the 12th day of September, 2018; that this resolution has not been amended or repealed; and that it remains in full force and effect on the date I have subscribed my signature. Donna Zilberfarb, Municipal Clerk

*Certification must be signed by an official other than the individual authorized to execute the agreement. **This date must be no more than sixty (60) days prior to the Grantee's execution of the agreement. If the original certification expires prior to the Grantee's execution, the Grantee must submit a currently certified copy of this Attachment C when it returns the executed agreement to the Department.

Motion was made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor. Ms. Zilberfarb and Mr. Desiderio will sign documents.

#2018-67 RESOLUTION OF THE FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE OPPOSING DESIGNATION OF NEW JERSEY AS A SANCTUARY STATE

WHEREAS, Governor Phil Murphy has indicated that he is open to making New Jersey a sanctuary state, shielding undocumented and/or illegal immigrants from deportation; and WHEREAS, certain municipalities within the State of New Jersey have designated themselves as sanctuary cities, similarly offering protection to undocumented and/or illegal immigrants; and WHEREAS, these designations encourage unlawful activity and present a danger to residents of New Jersey; and WHEREAS, the Mayor and Committee of the Township of Frelinghuysen wish to indicate their opposition to the establishment and maintenance of sanctuary cities, and in particular to the potential designation of New Jersey as a sanctuary state, which would impose requirements upon Frelinghuysen Township that are highly objectionable to the Township and its residents. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey as follows:

1. The Mayor and Committee hereby state their opposition in the strongest possible terms to any effort on the part of the Governor or the State Legislature to designate New Jersey as a sanctuary state, and further state their opposition to the establishment and maintenance of sanctuary cities.
2. A copy of this resolution shall be forwarded to State Senator Steven V. Oroho, State Assemblymen Parker Space and Harold J. Wirths, the New Jersey State League of Municipalities and the Office of the Governor.

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 September 12, 2018.

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

#2018-68 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with purchase of property. WHEREAS, under the Open Public Meetings Act (number 7 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 September 12, 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		x			
Mr. Marra			x			
Mr. Stracco			x			

#2018-69 RESOLUTION APPROVING THE ISSUANCE OF RAFFLE LICENSES FOR ANTLER RIDGE WILDLIFE SANCTUARY WHEREAS, the Antler Ridge Wildlife Sanctuary has applied for a raffle license to conduct an on premises tricky tray consisting of application #2018-08; and WHEREAS, the Findings and Determination by the Municipal Clerk has determined that the organization is qualified to conduct such raffle. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Antler Ridge Wildlife Sanctuary raffle application #2018-08 is hereby approved.

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

2018-70 AUTHORIZING THE PUBLIC SALE BY WAY OF AUCTION OF REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF FRELINGHUYSEN AS BLOCK 201, LOT 31, BEING MORE COMMONLY KNOWN AS 730 ROUTE 94, TO BE UNDERTAKEN PURSUANT TO N.J.S.A. 40A: 12-13(a) WHEREAS, N.J.S.A. 40A:12-13 (a) authorizes the sale by municipalities of any real property, capital improvements, or personal property, or interest therein, not needed for public use by sale in the manner provided by law; and WHEREAS, the Township of Frelinghuysen ("Township") is the owner of certain real property, which is located within the Township and is known as Block 201, Lot 31, and more commonly known as 730 Route 94 (the "Property"); and WHEREAS, the

Mayor and Committee have determined that the Property is not needed for public use and that that a sale of the Property will generate revenue that will serve the public interest. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey as follows:

1. The Mayor and Committee hereby Township hereby declares that the Property is no longer needed for public use and may be offered for public sale in accordance with N.J.S.A. 40A: 12-13(a), and hereby authorizes the public sale of the Property.

2. The Property shall not, under any circumstances, be sold at public sale for less than its fair market value, \$194,000.00, which shall be the minimum selling price.

3. The public auction of the Property shall be conducted by the Township Attorney on Friday, October 12, 2018 at 2:00 p.m. at the Municipal Building, Township of Frelinghuysen, 210 Main Street, Johnsonburg, New Jersey. All interested parties shall appear at the auction in person. The successful bidder must submit a deposit of 10 percent of the amount of the successful bid to the Escrow Account of the Township Attorney to be held on behalf of the Township at the conclusion of the auction. The deposit money shall be in the form of cash, money order, or certified or bank check. If the deposit is made by money order, certified check or bank check, then the successful bidder shall have until 3:00 PM on the auction date to deliver the deposit to the office of the Township Attorney. Said 10 percent deposit shall be made with the successful bidder's or bidders' understanding that the deposit is not refundable. In the event that the successful bidder or bidders fail to close title to the Property in accordance with the terms and conditions hereof; or if they fail to close title to the Property within 120 days of the date of the auction; and/or if they fail to close title to the Property in accordance with applicable law, then any and all money deposited with the Township Attorney shall be forfeited and the Township Attorney shall be authorized to release the sums paid to the Township of Frelinghuysen.

4. The title to the Property shall be transferred and the Property shall be sold in accordance with the following restrictions and terms of sale:

(a) That the description of the Property is intended as a general guide only and may not be accurate. NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE TOWNSHIP OF FRELINGHUYSEN AS TO THE CONDITION OF THE PROPERTY, SAID PREMISES ARE BEING SOLD IN THEIR PRESENT CONDITION, "AS IS."

(b) That should the title to the property prove to be unmarketable for any reason, the liability of the Township shall be limited to the repayment to the purchaser of the amount of deposit and any portion of the purchase price paid and shall not extend to any further costs, expense, damages, or claims. Notice of any alleged defect in title or claim of unmarketability must be served on the Township Clerk, by the purchaser, in writing no later than thirty (30) days after the sale is approved by the Township Committee. Failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition.

(c) That the sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Frelinghuysen. The use of the Property shall be in accordance with the appropriate zoning, subdivision, health and building regulations, and this sale cannot be used as grounds to support any variance from said regulations.

(d) That no employee, agent or officer of the Township of Frelinghuysen has any authority to waive, modify or amend any of the conditions of sale.

(e) That the Township shall convey the property by a Quitclaim Deed unless an adequate title binder, sufficient in the sole discretion of the Township Attorney, which is prepared at the expense of the purchaser, by a title company licensed to do business in the State of New Jersey, is forwarded to the Township prior to the conveyance, in which case a Bargain and Sale Deed will be the form of conveyance.

(f) The successful bidder shall pay at the time of closing: (1) The balance of the purchase price; (2) All costs associated with the sale of the property, including but not limited to, the cost of preparation of all legal documentation, survey(s), any title work, cost of advertisement of the sale and the cost of recording the deeds, which deeds shall be recorded on behalf of the purchaser by the Township Attorney, (3) Prorated real estate taxes for the balance of the current year as of the date of the closing.

5. The Mayor and Township Clerk, together with all appropriate officers, employees, professionals and staff of the Township are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution. 6. This Resolution shall take effect immediately according to law. CERTIFICATION 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 September 12, 2018.

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

Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Marra-yes; Mr. Stracco-yes

OLD BUSINESS:

Mr. Stracco discussed that service electric is doing a survey on Greendell road for the antennas for Saddle Ridge Road. He will also be forwarding the letter from the attorneys that was received onto service electric. Mr. Stracco also discussed that there are 2 options for the town, 1. Frelinghuysen entering into our own agreement with Service Electric or 2. Form our own region with Hope, Knowlton and Hardwick (if they wish to proceed). After discussion, Mr. Desiderio will reach out to Mayor McDonough and Mayor Starrs. Mr. Desiderio also added that Century Link boosters are getting ready to upgrade within the next two weeks.

Municipal Alliance appointment – Mr. Boynton spoke with Brenda Kleber and she said she would be the coordinator. Ms. Zilberfarb stated that there was someone that the Mayor and she had spoken with and would be getting an answer next week. She will get back to the committee at the meeting on September 19, 2018.

NEW BUSINESS:

Paul Sterbenz discussed with the committee that local aid applications for next year have opened and can be applied for. The close date of applications is October 8, 2018 for 2019. After discussion it was determined that Greendell Road should be the road to proceed with application for. Motion was made by Mr. Kuhn to have Paul Sterbenz submit application for Greendell Road for 2019 paving job, seconded by Mr. Boynton. All were in favor.

Mr. Sterbenz also discussed the stormwater training and let the committee know what will be needed after January 1, 2019 from the homeowners that have retention basins on their property. These logs will contain maintenance of the retention basins from the property owners. Mr. Sterbenz will meet with those property owners prior to 2019.

Mr. Sterbenz updated the committee on the Kerrs Corner Road phase IV project. The paving should begin the first week of October but could be earlier if the paving company has any cancellations. He explained that the town will need to handle the traffic control. He also discussed the meeting with Road Safety Systems and the Mayor about removal and install of new guiderails and Mr. Desiderio explained that he will be working with the dpw with removing the old guiderails. This will give the town a savings of approximately \$4,000.00-5,000.00.

Mr. Desiderio discussed the need for a tax payment lock box for the townhall that the tax collector only has access to. After discussion a motion was made by Mr. Boynton, seconded by Mr. Marra to put in a lockbox for tax payments. All were in favor. Mr. Desiderio will work with Ms. Zilberfarb on getting one.

Mr. Desiderio discussed the need to put in new security cameras at the townhall and would recommend 4 cameras and 1 wireless for the Morton building. After discussion a motion was made by Mr. Kuhn for the purchase of cameras with a \$500.00 cap, seconded by Mr. Marra. All were in favor. Ms. Zilberfarb will order the same cameras that were put on the dpw garage.

Mr. Desiderio discussed a beech tree on Main Street that is in the right of way of the township that needs to be taken down. He obtained a quote from Aspen Tree Service of \$1,700.00 for the removal of the beech tree. The owner of the property asked if they could cut it into 8 foot 6 inch sections and leave on property. Mr. Stracco asked about the maple tree next to it and the homeowner stated that it is not in good condition either. Motion was made by Mr. Stracco for removal of the beech tree at the Banta property not to exceed \$1,700.00 by Aspen Tree Service and have the wood cut into 8 foot, 6 inch sections and leave on the property, seconded by Mr. Boynton. All were in favor.

Mr. Desiderio discussed the letter from the Recreation Committee regarding the boat house at the FFP. The Recreation Committee is not interested in the building. Ms. Zilberfarb will forward a copy of the letter to the Historic Committee.

Mr. Desiderio discussed the need for a laptop or chromebook for the recreation center. Mr. Kuhn asked for the specs and what type of model they need. Mr. Desiderio will have a model by the September 19 meeting.

AGREEMENTS:

Motion was made for the Mayor to sign the pest service agreement for the Recreation Center by Sentry, Four Seasons Service by Mr. Stracco, seconded by Mr. Boynton. All were in favor. Mr. Marra abstained.

OPEN MEETING TO THE PUBLIC:

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

Ms. Natyzak asked where the monies for the agreement for the pest service for the recreation center would come from. She asked if it would be from the open space fund or the recreation trust fund. Mr. Kuhn explained that it would be paid from the recreation trust fund account.

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

DEPARTMENT REPORTS:

Motion was made by Mr. Kuhn to table items 1 and 3 and consent agenda for items 2, 4-10, seconded by Mr. Boynton. All were in favor.

DPW – No report

Land Manager – Marty Conner discussed that they mapped the trail on FFP South and will add to the maps.

Legal Report – Mr. Wacks thanked the committee for moving the meeting dates to accommodate the attorneys.

Recreation Committee – Nothing to report

Environmental Commission – No meeting

Farmland Preservation/Open Space Committee – closed on the Pittenger Farm and close to closing on the Murlan Farm. There are 3 new targeted farms.

Historic Committee – No meeting

Mayor report – Nothing to report

Deputy Mayor report – Mr. Stracco discussed the email from the league of municipalities that went out regarding marijuana and the 3 different types of licenses. He asked if this was something that the township was ready to take on or allow? He believes legalization will take place after elections but prior to next year.

Committeeman Boynton – Nothing to report

Committeeman Kuhn – Nothing to report

Committeeman Marra – Nothing to report

Clerk report – Ms. Zilberfarb asked the committee who would be attending the NJ League of Municipalities this year. Mr. Desiderio and Mr. Stracco will be signed up from the committee members.

Ms. Zilberfarb discussed the pickup truck and that it needs repairs that could cost at a minimum of \$2,400.00. She asked the committee what they'd like to do. After discussion it was determined not to fix it and to place on munibid for sale of not less than \$5,000.00. Motion was made by Mr. Desiderio, seconded by Mr. Stracco to sell the township owned 2006

Ford pickup truck on munibid with sale not less than \$5,000.00. Roll call vote: Mr. Boynton-yes; Mr. Kuhn-yes; Mr. Marra-yes; Mr. Stracco-yes; Mr. Desiderio-yes.

Ms. Zilberfarb told everyone that the lights in the tunnel have been turned back on and that the breaker was not turned back on after the last accident that occurred.

Ms. Zilberfarb brought to the attention of the committee that a resident went directly to the township attorney and asked that all issues/concerns be brought to the clerk and she would forward to the attorney or whomever needed to be involved. This was all discussed with the attorneys prior to this meeting. The committee agreed.

ADJOURNMENT:

There being no further business, motion was made by Mr. Kuhn, seconded by Mr. Boynton to adjourn the meeting at 9:15 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC