

MINUTES OF MEETING OF NOVEMBER 9, 2016

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, November 9, 2016 and was called to order at 7:30 p.m. by Mayor, Christopher Kuhn.

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 Christopher Kuhn, Deputy Mayor Christopher Stracco, Committeeman David Boynton, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Attorney Edward Wacks, and Acting Clerk Donna Zilberfarb.

MINUTES:

The minutes of the October 26, 2016 Regular Meeting and of the Executive Session Meeting were approved on a consent agenda with a motion by Mr. Boynton, seconded by Mr. Stracco. All were in favor.

ORDINANCES:

NO. 2016-07 ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A STREET KNOWN AS OLD DARK MOON ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY AND RESERVING ACCESS EASEMENTS. WHEREAS, a road known as Old Dark Moon Road, in the Township of Frelinghuysen, as fully described in the Schedule attached hereto ("Old Dark Moon Road"), is no longer needed for any public purpose; and WHEREAS, as such, Old Dark Moon Road should be vacated, except to retain an easement for utility access and for access to a certain cemetery formerly known as the Hibler Burying Ground, a graveyard of Hardwick Church, and now known as the "Dark Moon Cemetery." NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, and State of New Jersey, as follows: 1. Subject to the reservations specified in this ordinance, the public rights and interests are hereby vacated with respect to a portion of Old Dark Moon Road, which portion is more specifically set forth in the metes and bounds description which is attached as a Schedule hereto and made a part hereof. 2. All the rights of any and all public utilities, as defined at N.J.S.A. 48:2-13 and cable television companies, as defined at N.J.S.A. 48:5A-1, et seq., to provide future utilities or to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated are hereby expressly reserved and excepted from this vacation in perpetuity. 3. All of the rights of the public to traverse upon the area formerly known as Old Dark Moon Road as described in this ordinance for the purpose of ingress and egress to and from the Dark Moon Cemetery are hereby reserved and excepted from this vacation and the rights of the public are expressly preserved in perpetuity. Any entry by the public onto these lands for this limited purpose shall be at the sole and exclusive risk of the public so entering the land area formerly known as Old Dark Moon Road as described herein. 4. Upon final adoption, a copy of this Ordinance shall be transmitted to the Warren County Clerk for recording as required by law. 5. This Ordinance shall take effect 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 October 26, 2016 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on November 9, 2016 at 7:30 pm 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 for first reading, seconded by Mr. Boynton. All were in favor. Second Reading for Final Adoption will be held on November 9, 2016 at 7:30 p.m. Motion was made by Mr. Desiderio for second reading, seconded by Mr. Boynton. Committee discussion, Mr. Kuhn explained reasoning for doing this. Motion was made by Mr. Desiderio to open to public for discussion, seconded by Mr. Boynton.

All were in favor. Public discussion: Ms. Natyazak questioned if this vacation was all around Route 519. Mr. Kuhn and Mr. Wacks discussed the specifics. Motion was made to close to public by Mr. Stracco, seconded by Mr. Boynton. All were in favor. Motion to adopt on second reading was made by Mr. Stracco, seconded by Mr. Desiderio. Roll call vote: Mr. DeCarolus-Yes; Mr. Desiderio-Yes; Mr. Stracco-Yes; Mr. Boynton-yes; Mr. Kuhn-Yes.

#2016-08 ORDINANCE AMENDING SECTION 2-27, ET SEQ. OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING THE RECREATION COMMITTEE

WHEREAS, Section 2-27 of the Frelinghuysen Township Code sets forth, among other things, the membership, duties and responsibilities of the Frelinghuysen Township Recreation Committee; and WHEREAS, it is in the best interests of the Township and its residents to revise these provisions, to modify and clarify the membership, duties and responsibilities of the Recreation Committee as set forth below. NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen as follows: **Section I** 1. Section 2-27.2 of the Frelinghuysen Township Code is amended to read as follows (deletions are stricken through; additions are underlined): **2-27.2 Membership Terms.**

The Recreation Committee shall be comprised of not less than five (5) nor more than nine (9) members and four (4) alternate members, who shall be citizens and residents of the Township of Frelinghuysen. ~~The members first appointed shall hold office for one (1), two (2), three (3), four (4) and five (5) years respectively in such a manner that the term of at least one (1) member, and not more than two (2) members shall expire in each year. Thereafter, a~~All appointments shall be for a term of five (5) years and all vacancies shall be filled for the unexpired term only. One member of the Township Committee appointed by the Mayor shall serve as an ex-officio member of the Recreation Committee, but shall have no vote unless he also be formally appointed as a member of the Recreation Committee. Alternate members may participate in discussions of Recreation Committee proceedings but may not vote, except in the absence or disqualification of a regular member. **Section II** Section 2-27.4 of the Frelinghuysen Township Code is deleted in its entirety and replaced with the following:

§ 2-27.4 Duties of the Recreation Committee. The primary purpose of the Recreation Committee shall be to provide advice to the Township Committee with respect to the initiation and coordination of recreational programs for the citizens of the Township. In addition, the Recreation Committee shall perform such other duties as the Township Committee may prescribe to it concerning recreation within the Township.

Section III Section 2-27.7 of the Frelinghuysen Township Code is amended to read as follows: **§ 2-27.7 Activities to Raise Funds.**

In order to provide funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places within the Township, the Recreation Committee may arrange and provide for the giving of outdoor exhibitions, concerts, games and contests and may use and employ such playgrounds or recreation places for the purpose of giving thereon outdoor exhibitions, concerts, games and contests. It may charge and collect a reasonable admission fee therefor. All funds raised by the Recreation Committee shall be accounted for, and placed in a special Township fund or account. These funds can only be spent in connection with the duties and activities of the Recreation Committee as hereinbefore defined.

Section IV Section 2-27.8 of the Frelinghuysen Township Code is deleted in its entirety and replaced with the following: **§ 2-27.8 Rydell Field; Bear Creek Greenway; FFP North; Rules and Regulations.**

- A. The Recreation Committee shall have control over Rydell Field and the recreation fields and facilities associated with the Bear Creek Greenway, and control of any recreation fields or facilities for active recreation use which is designated and approved in the Forestry and Use Plan for the FFP North adopted by the Township, , and may adopt such suitable rules, regulations and bylaws for the scheduling and use of same as it may deem necessary, subject to the review and approval of the Township Committee. The Township Committee retains the ability to schedule maintenance fees, and control over all areas not used for active recreation purposes set forth above.
- B. For these purposes the term “active recreation” includes recreation activities that are usually rigorously athletic, not quiet, and have a noticeable impact on the

surrounding environment. These may include individual or team sports, large picnic grounds, children's playgrounds, and recreational events with a high density of people. Parks that provide active recreation commonly include tennis, volleyball and basketball courts; swing sets, playgrounds, and tot-lots; or fields for team sports such as football, soccer, and baseball/softball. Active recreation parks can be quite small, as in the case of a tot-lot, or they can cover multiple acres, as in the case of a sports field complex. Examples include: athletic team sports, archery, obstacle courses, concerts, festivals, summer camps, organized camping events, cookouts, golf, BMX, cycling, mountain biking, organized foot racing, any form of motorized activity, boating activity, swimming, community gardens, and equestrian activities.

C. For these purposes the term "passive recreation" includes recreation activities that are usually quiet and not rigorously athletic, and have a low impact on the surrounding environment. These activities may include walking, hiking, fishing, bird watching, and quiet picnicking. Parks that provide passive recreation may include trails, public gardens or memorial parks, open areas, and picnic areas. Passive recreation parks tend to be larger than active recreation facilities and may have natural or scenic significance, containing a stream, woodland, or historically significant resource. County or state facilities are primarily designed for passive recreation and may require a further distance to travel. Examples include: astronomy, bird/wildlife observation, kite flying, group meetings, conservation activities, hiking, trail walking, open air theatre, orienteering, photography, picnics, and indoor meetings.

D. All control of hunting, fishing or trapping is reserved exclusively for the Township Committee. **Section V** Section 2-27.9 of the Frelinghuysen Township Code is amended to read as follows: **§ 2-27.9 Personnel.** Subject to the approval of the Township Committee, the Recreation Committee may hire custodians, supervisors and assistants for the purpose of preserving order and observance of its rules, regulations and bylaws at the facilities under its full control. **Section VI** Section 2-27.10 of the Frelinghuysen Township Code is amended to read as follows: **§ 2-27.10 Violations and Penalties.** Any person violating any provisions of this section or violating any of the rules and regulations or bylaws of the Township Committee or Recreation Committee shall be subject to a fine not exceeding two hundred (\$200.00) dollars or imprisonment for a period of thirty (30) days, or both, in the discretion of the Judge of the Municipal Court before whom the cause shall be heard. Each day that a violation is permitted to exist shall constitute a separate offense. **Section VI** 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 November 9, 2016 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 21, 2016, 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. DeCarolis to change the term to (3) three years, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-No; Mr. DeCarolis-Yes; Mr. Desiderio-No; Mr. Kuhn-Yes; Mr. Stracco-No. The term will stay at (5) five years. Motion was made by Mr. Desiderio to change to not less than (6) six nor not more than (11) eleven members with (2) two alternates, seconded by Mr. Kuhn. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes. Motion was made by Mr. Kuhn to change FFP North to say FFP North and South, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes. Motion was made by Mr. Stracco for introduction on first

reading as amended, seconded by Mr. Desiderio. All were in favor. Second reading for final adoption will be on December 21, 2016 at 7:30 pm.

#2016-09 ORDINANCE AMENDING SECTION 2-41.1 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING THE OPEN SPACE ADVISORY COMMITTEE

WHEREAS, Section 2-41.1 of the Frelinghuysen Township Code sets forth, among other things, the duties and responsibilities of the Frelinghuysen Township Open Space Advisory Committee; and WHEREAS, it is in the best interests of the Township and its residents to revise these provisions, to provide for the establishment of a Trails Subcommittee, and to modify and clarify the duties of the Open Space Advisory Committee as set forth below. NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen as follows: Section I Section 2-41.1 of the Frelinghuysen Township Code is amended to read as follows [additions are underlined]: **§ 2-41.1 Establishment of an Open Space Advisory Committee.** There hereby exists a Frelinghuysen Township Open Space Advisory Committee (the "Advisory Committee") to consider and implement recommendations of the Open Space and Recreation Plan element of the Frelinghuysen Master Plan, to advise the Township Committee on suitable properties for preservation, foster environmental stewardship projects, and sponsor passive recreation activities. For purposes of this section, "passive recreation" shall have the meaning set forth at Section 2-27.8(C) of the Frelinghuysen Township Code. The Advisory Committee may conduct fund raising activities to support its mission and activities in accordance with law, and all funds raised by the Committee shall be accounted for, and shall be placed in a special Township fund or account. These funds will only be permitted to be used and spent in connection with the duties and activities of the Committee. Section II Section 2-41.2(e) of the Frelinghuysen Township Code is amended to read as follows [deletions are stricken through]: e. Three (3) citizens of the Township. ~~The citizens appointed shall hold no other municipal office, position or employment in the municipal government.~~ Section III The Frelinghuysen Township Code is amended by adding thereto a new Section 2-41.8, to read as follows: **§ 2-41.8 Establishment of Trails Subcommittee; Duties.** (a) The Open Space Advisory Committee shall have and oversee a Trails Subcommittee. The Trails Subcommittee shall consist of ten (10) members, at least one of whom shall be a member of the Recreation Committee. The members of the Trails Subcommittee shall be selected by the Chair of the Open Space Advisory Committee with the consent of the Committee. (b) Members of the Trails Subcommittee shall serve terms of two (2) years. Vacancies in the Subcommittee shall be filled for the unexpired term in the same manner as the original appointments. (c) The Trails Subcommittee shall: (i) be responsible for the design, management and maintenance of trails located within the Frelinghuysen Forest Preserve ("FFP"); (ii) recommend environmentally and ecologically sound plans and goals for trails under its responsibility; (iii) educate the public and promote usage of the trails under its responsibility; and (iv) address other trail-related issues, and make recommendations, as may be requested by the Open Space Advisory Committee. Section IV 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 November 9, 2016 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 21, 2016, 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 strike "and in such other areas of the Township as may be designated to the Subcommittee by the Open Space Advisory Committee", seconded by Mr. Stracco. All were in favor. Motion was made by Mr. Stracco for introcution on first reading as amended, seconded by Mr. Boynton. The second reading for final adoption will be held on December 21, 2016 at 7:30 pm.

#2016-10 ORDINANCE ESTABLISHING AN ENERGY AGGREGATION PROGRAM IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, NEW JERSEY WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric bills; and WHEREAS, the realization of energy costs savings is in the interests of the health, safety and welfare of the residents of Frelinghuysen Township (the "Township"); and WHEREAS, the Township hereby finds that it is in the best interests of residential and non-residential electric ratepayers for the Township to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric rates; and NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren, New Jersey, as follows:

1. The Township publicly declares its intent to become an aggregator of electric power on behalf of its residential and non-residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.

2. The Township will utilize approved vendor Concord Engineering's d/b/a Concord Energy Services Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c. 30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire, while non-residential ratepayers would also have the right to participate.

3. The Mayor and Township Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.

4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

5. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

6. This ordinance shall be effective immediately upon adoption and publication in accordance with law. **NOTICE NOTICE IS HEREBY GIVEN** that the above entitled ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Frelinghuysen on November 9, 2016, and will be considered for final reading and adoption at the Regular Meeting of the Township Committee to be held on December 21, 2016, at 7:30 p.m. at the Municipal Building, 210 Main Street, Frelinghuysen, New Jersey. Motion was made by Mr. Stracco for introduction on first reading amending and removing "natural gas", seconded by Mr. Boynton. All were in favor. The second reading for adoption will be held on December 21, 2016 at 7:30 pm.

2016-11 ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A STREET KNOWN AS CAMP WEAHQUA ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY AND RESERVING ACCESS EASEMENTS. WHEREAS, a road known as

Camp Weahqua Road, in the Township of Frelinghuysen, as fully described in the Schedule attached hereto ("Camp Weahqua Road"), is no longer needed for any public purpose; and WHEREAS, as such, Camp Weahqua Road should be vacated, except to retain an easement for utility access and an access easement, as described in the attached Schedule. NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, and State of New Jersey, as follows: 1. Subject to the reservations specified in this ordinance, the public rights and interests are hereby vacated with respect to a portion of Camp Weahqua Road, which portion is more specifically set forth in the metes and bounds description which is attached as a Schedule hereto and made a part hereof. 2. All the rights of any

and all public utilities, as defined at N.J.S.A. 48:2-13 and cable television companies, as defined at N.J.S.A. 48:5A-1, et seq., to provide future utilities or to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated are hereby expressly reserved and excepted from this vacation in perpetuity. 3. All of the rights in a certain access easement as described in the Schedule attached hereto are to expressly reserved and excepted from this vacation in perpetuity. 4. Upon final adoption, a copy of this Ordinance shall be transmitted to the Warren County Clerk for recording as required by law. 5. This Ordinance shall take effect 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 November 9, 2016 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 21, 2016 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 for introduction of first reading, seconded by Mr. Stracco. All were in favor. Second reading for final adoption will be held on December 21, 2016 at 7:30 pm.

RESOLUTIONS:

#2016-108 RENEWAL OF LIQUOR LICENSES IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY FOR THE YEAR 2016-2017 WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2016-2017 2106-33-001-005 Joseph McEvoy WHEREAS, Clearance Certificates have been received from the New Jersey Division of Taxation, verifying compliance with Chapter 161, Laws of New Jersey and the Section 1239 clearance has been obtained by the above applicants. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen on this 9th day of November, 2016 that the renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses is granted for the year 2016-2017. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor. Mr. DeCarolis absented.

2016-109 A RESOLUTION OF THE MAYOR AND COMMITTEE OF FRELINGHUYSEN TOWNSHIP, COUNTY OF WARREN, STATE OF NEW JERSEY, ENDORSING AND SUPPORTING THE PASSAGE OF ASSEMBLY, NO. 3686, DESIGNATED AS "RALPH AND DAVID'S LAW," WHEREAS, on February 26, 2004, David Heim, a thirteen-year-boy was tragically killed by a drunk driver in Sussex County; and WHEREAS, the drunk driver who hit David was convicted solely of drunk driving and served only thirty days in jail, the maximum term of imprisonment for a first offense under the State's Drunk Driving Law; and WHEREAS, another tragic death occurred on May 5, 2012 when Ralph Politi, Jr., an East Hanover Township community activist and business owner, was killed by a drunk driver who swerved out of her lane and struck him as he stood by his parked pickup truck; and WHEREAS, in the case of Ralph Politi, the drunk driver was recently acquitted of first-degree aggravated manslaughter and second-degree vehicular homicide, and instead received a two-year suspension of her driver's license, and was ordered to perform thirty days of community service and pay \$733 in fines and penalties; and WHEREAS, as a result of the untimely deaths of both David Heim and Ralph Politi, and the penalty limitations imposed by current law, members of both sides of the aisle have crafted Assembly, No. 3686, which establishes the crime of strict liability vehicular homicide and the conditions under which a defendant may be charged with such a violation; and WHEREAS, under Assembly, No. 3686, strict liability vehicular homicide would be a third-degree crime, but neither the presumption of non-imprisonment that normally applies to first-time offenders convicted of third-degree crimes, nor the causal requirements of N.J.S.A. 2C:2-3, would apply; and WHEREAS, Assembly, No. 3686 would also amend various sections of statutory law to strengthen penalties for vehicular homicide caused by drunk or drugged drivers; and WHEREAS, Assembly, No. 3686 would be known as "Ralph and David's Law" in honor of Ralph Politi and David Heim; and WHEREAS the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, applauds the bi-partisan efforts of members of the General Assembly in strengthening the penalty provisions for operating a vehicle or vessel under the influence of drugs or alcohol,

closing any loopholes that would set a violator free. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey as follows:

1. The governing body endorses and supports the bi-partisan efforts of the General Assembly in the introduction of Assembly, No. 3686, which establishes the third-degree crime of strict liability vehicular homicide, amends various sections of statutory law, and designates Assembly, No. 3686 as "Ralph and David's Law."
2. The Township Committee calls upon all mayors and governing bodies in the other twenty-two Warren County Municipalities to approve and adopt resolutions in support of Assembly, No. 3686.
3. That certified copies of this resolution shall be transmitted to the sponsors of Assembly, No. 3686; namely Assemblymen John F. McKeon and Anthony M. Bucco, Assemblywomen Mila M. Jasey, Nancy F. Munoz and Valerie Vainieri Huttel, Assembly Speaker Vincent Prieto, Senate President Stephen M. Sweeney, members of Legislative Districts 21, 25, 26, 27 and 40, the New Jersey State League of Municipalities and all Warren County municipalities.

CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk of Frelinghuysen Township, Warren County do hereby certify the above to be a true copy of a resolution adopted by the Frelinghuysen Township Committee at their meeting of November 9, 2016. Motion was made by Mr. Desiderio with amending #3 with not certified mail for warren county municipalities, seconded by Mr. Boynton. All were in favor.

2016-110 TRANSFER RESOLUTION WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2016 budget to pay, and WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands, NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make the following transfers: TRANSFER FROM:
TRANSFER TO:

Employee Group Insurance o/e	350.00	Solid Waste Collection o/e	350.00
Total	350.00	Total	350.00

CERTIFICATION I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen, at a meeting held November 9, 2016. Motion was made by Mr. Boynton, seconded by Mr. Desiderio. All were in favor.

2016-111 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of possible litigation and 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 November 9, 2016 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. **CERTIFICATION** I, Donna Zilberfarb, Acting Municipal Clerk of Frelinghuysen Township, Warren County do hereby certify the above to be a true copy of a resolution adopted by the Frelinghuysen Township Committee at their meeting of November 9, 2016. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.

EXECUTIVE SESSION:

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

No action was taken

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

REGULAR MEETING RETURNED TO SESSION:

Mr. Wacks explained to the public that the executive session was in regards to ongoing litigation.

Motion was made by Mr. Boynton to authorize Mr. Wacks to appeal the judgement by Superior Court of Warren County, seconded by Mr. Desiderio. All were in favor.

OLD BUSINESS:

Mr. Kuhn is working on developing a Recreation Booster Club policy with legal counsel.

Salt Shed – no update at this time

Service Electric Cable has requested that the township provide to them the number of homes wishing to subscribe, they do 20 homes per linear mile and asked if the users would want tv, phone and internet. The town will survey the residents and once the information is collected it will be sent to service electric. Motion was made by Mr. Desiderio to send out survey to Saddle Ridge residents with township funds, seconded by Mr. Boynton. All were in favor. Mr. Stracco abstained.

Cash for crash policies were discussed and the town needs to come up with a fee schedule and then this can move forward.

The Land Use Board Secretary position was discussed and was determined that an ad needs to be placed at the League of Municipalities to do a shared service with a town.

NEW BUSINESS:

NJ State Troopers Wheatley and Klecka were in attendance. Discussed the homicide/suicide that had happened recently. There have been no new burglaries within Frelinghuysen or the surrounding townships. They mentioned they are trying to maintain a presence on Route 612. Mr. Desiderio asked if they could have a presence on State Park Road and Shiloh Roads, due to cars travelling at high speeds. Mr. Boynton offered his driveway for them to sit in. Mr. Conner, from the public also inquired if they could patrol in the FFP.

Resignation of Greg Chontow, Electrical Inspector, was given to all committee members. Mr. Chontow's last day will be December 28, 2016. Motion was made by Mr. Boynton to accept with regrets, seconded by Mr. Desiderio. All were in favor.

OPEN MEETING TO THE PUBLIC:

Motion was made by Mr. Desiderio, seconded by Mr. Boynton to open meeting to the public. All were in favor. Spoke were:

Wendy Goetz inquired about a COAH update. Mr. Wacks explained to all how the township has dismissed themselves. She also inquired about the salt shed and which side it would be located on. Mr. Kuhn explained the location of the salt shed. She would like to do a presentation on pesticides – glofosides specifically, to the committee and Bob Stock would like to counter this presentation. Mr. Stracco suggested she make a request at the January 18, 2017 meeting with the new governing body. He suggested either coming to the meeting or contacting the clerk.

Ms. Goetz also informed the committee that Hardwick and Hampton townships have passed the TPP zones and that AR79 is sitting with the Labor committee. She asked if we could pass a resolution to have the Senate pass AR79. Mr. Stracco will draft something for meeting in December. She also thanked everyone for their dedication.

Ms. Natyzak inquired if the Warren County soils were for the salt shed. Mr. Kuhn explained that it was for the paving for the salt shed.

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

DEPARTMENT REPORTS:

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

Legal Report – Mr. Wacks discussed that the Post farm will be closing shortly. It was discussed about a driveway not approved at 10 Lackawanna Drive and Mr. Wacks asked for permission to write a letter to the builder to make those repairs.

Motion was made by Mr. Kuhn to give Mr. Wacks permission to write a letter to the builder of 10 Lackawanna Drive to make all necessary repairs to the driveway, seconded by Mr. Boynton. All were in favor.

DPW Report – Continuing to mow the sides of the roads, winterizing the trucks and backhoe, and repaired the catch basin on Main Street. All other work is listed in the report.

Land Managers – Mr. Connor discussed the open house and said it went well. Ms. Natyzak did a presentation on Indian artifacts. He also thanked the DPW for cleaning up the FFP community center outside and stated they did a great job. The girl scouts will need to utilize the town hall on December 10, 2016 if that date works for them, as the FFP community center will not be available yet.

Recreation Committee – Mr. Desiderio explained that the soccer season has gone well and has two games left. He explained that Halloween went well. They served 265 hotdogs, 27 dozen donuts and 11 gallons of apple cider. The Halloween decorating contest winners were the Schwenke's won for the scariest and the Baguley's won for the most original. The Mayor thanked Recreation and Municipal Alliance for the Halloween festivities .

Environmental Commission– Working on a green team and looking at grants for next year.

Farmland Preservation Committee – Letter of completeness was received on the Pittenger farm.

Open Space Advisory Committee – Working on an Ordinance for the trails committee.

Mayor report – Mr. Kuhn is working on a policy for the recreation booster club, changing the conforming use to change research office and mfg ordinance and will email legal counsel to get the Ordinance started.

Deputy Mayor report – For the Land Use Board 2 applications were approved – one for a storage building for James Alexander and another a landscaping business. A cell tower on Dutch Hill road will be in front of the board in December. The Master Plan re-exam committee has completed recommendations and a draft will be introduced at the meeting in December.

Committeeman Boynton – Mr. Boynton thanked Ms. Kleber and Ms. Schwartz for participating and setting up for Halloween for Municipal Alliance. He discussed having a parent costume contest possibly next year. He also discussed the fence at the town hall being in bad shape. He met with Bedell Brothers for cleaning of FFP community center and still waiting on estimates from them and he will be meeting with another group too. He explained that during the open house event the alarm for the UV system on the water went off and will speak with Mr. Cooke.

Committeeman DeCarolis – Mr. DeCarolis asked if the town is allowing ice skating on the FFP North property and stated that he thinks it is a bad idea. Mr. Connor stated that it is not prohibited.

Committeeman Desiderio – Nothing to report at this time but thanked everyone for voting him in again.

Clerk report – Ms. Zilberfarb asked the committee to think of the date for the reorganization meeting in January and to let her know at the December 14th work session as she needs to advertise the date.

CORRESPONDENCE:

State Of New Jersey DEP – NJDEP CASE NUMBER: 16-10-26-1541-58
State of New Jersey Highlands water protection and planning council – Highlands open space partnership funding program (Pittenger)
Warren County Soils – Project #17023 Municipal complex
Alexander J. Rinaldi attorney for James Alexander – Notice of Hearing to other property owners within 200 feet
Hardwick Township – Ordinance 2016-09 establishing an energy and natural gas aggregation program in Hardwick Township
New Jersey League of Municipalities – Notice of proposed Membership Dues
County of Warren Engineering Department, Frelinghuysen Township Zoning Official, Frelinghuysen Township Municipal Clerk – Property block 1801, Lot 6
Township of Green – Ordinance to amend chapter XXX of the revised general ordinances of the Township of Green, being the land use regulations chapter, for the purpose of revising and updating the Township’s Land Use Regulations.
JCP&L – Matter of the verified petition of Jersey Central Power & Light Company for review and approval of increases in and other adjustments to its rates and charges for electric service, and For Approval of other proposed tariff revisions in connection therewith; and for approval of an accelerated reliability enhancement program (“2016 Base Rate Filing”) BPU docket no. ER16040383
Maser consulting – T1 Sanitary Subsurface Disposal – General permit NJPDES#: NJG0174947
Statewide Insurance Fund – Law enforcement and/or public officials and employment practices liability coverage

ADJOURNMENT:

There being no further business, motion was made by Mr. Desiderio, seconded by Mr. Boynton to adjourn the meeting at 9:11 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk