

MINUTES OF SPECIAL MEETING OF NOVEMBER 28, 2016

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, November 28, 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, Committeeman David Boynton, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, and Acting Clerk Donna Zilberfarb.

RESOLUTIONS:

#2016-113 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of land acquisition and personnel matters; and WHEREAS, under the Open Public Meetings Act (number 4 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 28, 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. Motion 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. Desiderio, seconded by Mr. Boynton to exit executive session. All were in favor.

REGULAR MEETING STARTED BACK:

Mayor Kuhn explained to the public that possible litigation and potential land acquisition was discussed during executive session.

RESOLUTIONS (Continued after Executive Session):

#2016-114 A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT FOR THE PREPARATION OF A TITLE SEARCH REPORT AND TITLE INSURANCE COMMITMENT FOR PROPERTY KNOWN AS BLOCK 801, LOT 16, 17, 17.01, 17.02, AND 18.03, IN THE TOWNSHIP OF FRELINGHUYSEN WHEREAS, there exists a need for title services to be rendered to the Township of Frelinghuysen in the possible acquisition of a Farmland Easement on certain real property located within the Township of Frelinghuysen; and WHEREAS, funds are available for this purpose; and WHEREAS, the title report and commitment must be completed in accordance with the specifications of the State Agriculture Development Committee; and WHEREAS, The Township wishes to retain the services of Heritage Abstract Company, in accordance with its proposal letter dated November 21, 2016, and; WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$2848.00 for Heritage Abstract Company, and the Chief Financial Officer has certified that funds are available for this purpose; NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen in the County of Warren and State of New Jersey as follows:

1. The Township of Frelinghuysen hereby awards and authorizes Heritage Abstract Company to perform title services on the above-referenced property in accordance with SADC standards, for an amount not to exceed \$2848.00.

2. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

On a motion by Mr. Desiderio, seconded by Mr. Boynton the aforementioned Resolution Number 2016-114 be adopted as read. Roll Call Vote_4__ - Yes__ - No __1_-Absent/Abstained Dated: November 28, 2016 CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Frelinghuysen Township Committee on, November 28, 2016. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-yes; Mr. Decarolis-Yes; Mr. Kuhn-Yes; Mr. Stracco-Absent.

#2016-115 A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT FOR THE PREPARATION OF A SURVEY TO SADC STANDARDS OF PROPERTY KNOWN AS BLOCK 801, LOT 16, 17, 17.01, 17.02, AND 18.03 IN THE TOWNSHIP OF FRELINGHUYSEN WHEREAS, there exists a need for survey services to be rendered to the Township of Frelinghuysen in preparation for acquisition of a Farmland Easement on certain real property located within the Township of Frelinghuysen; and WHEREAS, funds are available for this purpose; and WHEREAS, the survey must be completed in accordance with the specifications of the State Agriculture Development Committee; and WHEREAS, The Township wishes to retain the services of L.J. Brill & Associates, P.A., in accordance with its proposal letter dated November 15, 2016, and; WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$17,000.00 for L.J. Brill & Associates, P.A., and the Chief Financial Officer has certified that funds are available for this purpose; NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen in the County of Warren and State of New Jersey as follows:

1. The Township of Frelinghuysen hereby awards and authorizes L.J. Brill Associates, P.A. to complete a survey of the above-referenced property in accordance with SADC standards, for an amount not to exceed \$17,000.00.
2. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

On a motion by Mr. Desiderio, seconded by Mr. Boynton, the aforementioned Resolution Number 2016-115 be adopted as read. Roll Call Vote_4__ - Yes ____ - No __1__ - Absent/Abstained Dated: November 28 ,2016 CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Frelinghuysen Township Committee on November 28, 2016. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-yes; Mr. Decarolis-Yes; Mr. Kuhn-Yes; Mr. Stracco-Absent.

#2016-116 Township of Frelinghuysen Municipal Building 210 Main Street Johnsonburg, NJ 07825 On a motion made by Mr. Desiderio, and seconded by Mr. Boynton, the following resolution was adopted by the Committee of the Township of Frelinghuysen at a meeting held on November 28, 2016. **RESOLUTION GRANTING THE APPROVAL OF THE PURCHASE OF THE DEVELOPMENT EASEMENT ON MURPHY FARM KNOWN AS BLOCK 801/LOTS 16, 17, 17.01, 17.02, 18.03 IN FRELINGHUYSEN TOWNSHIP** WHEREAS, the Committee of the Township of Frelinghuysen has determined that the property known as Murphy Farm, Block 801/Lots 16, 17, 17.01, 17.02, 18.03 in Frelinghuysen Township, consisting of approximately 206.44 acres and is available for purchase of a development easement in accordance with the requirements of the farmland preservation programs; and **WHEREAS**, a 3.7 acre exception area for an existing home is contemplated and there is a 30 foot access easement between Lots 17 and 17.02 to provide access to Lot 17.01 from Lanning Road; and **WHEREAS**, a net easement area of approximately 202.74 acres is anticipated and is to be confirmed by survey; and **WHEREAS**, preservation of this land would encourage the survivability of agricultural production in Frelinghuysen Township, and said tract falls within a predetermined Agricultural Development Area and is adjacent to other preserved farms; and **WHEREAS**, the pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and **WHEREAS**, the State Agricultural Development Committee (SADC) has certified the fair market value of said farm; and **WHEREAS**, a contract for \$4,800 per acre with the landowners is anticipated with an estimated total value of \$973,152 the exact compensation to be determined by a final survey; and **WHEREAS**, the farm will be preserved via the SADC Municipal Planning

Incentive Grant Program and will be funded in accordance with an agreement executed by Frelinghuysen Township and The Warren County Board of Chosen Freeholders dated June 22, 2016, wherein Frelinghuysen Township's SADC Municipal Planning Incentive Grant will pay \$3,280 per acre and The Warren County Board of Chosen Freeholders will pay \$1,520 per acre; and **WHEREAS**, the Township is authorized to provide 100% of due diligence funding to be paid from the Township's Open Space Trust, and will file for 50% reimbursement of the due diligence expenses from the SADC Municipal Planning Incentive Grant. **NOW THEREFORE BE IT RESOLVED**, by the Committee of the Township of Frelinghuysen as follows: The Committee of the Township of Frelinghuysen hereby supports the purchase of a development easement on Murphy Farm under the Township's Municipal Planning Incentive Grant Farmland Preservation program, in partnership with the County of Warren and the State Agriculture Development Committee. Roll Call Vote: Mr. Desiderio – Yes; Mr. DeCarolis – Yes; Mr. Boynton – Yes; Mr. Kuhn – Yes; Mr. Stracco – Absent I hereby certify the above to be a true copy of a Resolution adopted by the Committee of the Township of Frelinghuysen on the date above-mentioned. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-yes; Mr. Decarolis-Yes; Mr. Kuhn-Yes; Mr. Stracco-Absent.

#2016-117 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF NOVEMBER 2016 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 NOVEMBER 2016; 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 was made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.

#2016-118 On a motion made by Mr. Desiderio and seconded by Mr. Boynton, the following resolution was adopted by the Committee of the Township of Frelinghuysen at a meeting held on November 28, 2016. **RESOLUTION GRANTING THE APPROVAL OF THE PURCHASE OF THE DEVELOPMENT EASEMENT ON DARK MOON FARM KNOWN AS BLOCK 1301, LOT 3 AND BLOCK 1201, LOT 34 IN FRELINGHUYSEN TOWNSHIP** WHEREAS, the Committee of the Township of Frelinghuysen has determined that the property known as Dark Moon Farm, Block 1301, Lot 3 and Block 1201, Lot 34 (the "Property"), consisting of approximately 100.44 acres is available for purchase of a development easement in accordance with the requirements of the farmland preservation programs; and **WHEREAS**, (a) there is a driveway easement across the Property, the area of which shall not be included in the acreage to be restricted pursuant to the development easement; (b) one 2.00 acre non-severable exception area for an existing home shall be located on Block 1301, Lot 3, and (c) one 1.60 acre non-severable exception area for a future single family home shall be located on Block 1201, Lot 34; and **WHEREAS**, a net easement area of approximately 96.84 acres is anticipated and is to be confirmed by survey; and **WHEREAS**, preservation of this land would encourage the survivability of agricultural production in Frelinghuysen Township, and said tract falls within a predetermined Agricultural Development Area and is adjacent to other preserved farms; and **WHEREAS**, the pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and **WHEREAS**, the State Agricultural Development Committee (SADC) has certified the fair market value of said farm; and **WHEREAS**, a contract for \$3,700 per acre with the landowners is anticipated with an estimated total value of \$358,308 the exact compensation to be determined by a final survey; and **WHEREAS**, the farm will be preserved via the SADC Municipal Planning Incentive Grant Program and will be funded through an agreement between Frelinghuysen Township and The Warren County Board of Chosen Freeholders, and by a grant from the Highlands Council, pursuant to which 50 percent of the contract amount shall be paid by the Highlands Council grant and the remaining 50 percent shall be paid through the use of cost-share funds from the SADC Municipal Planning Incentive Grant Program; and **WHEREAS**, the Township is authorized to provide 100% of due diligence funding to be paid from the Township's Open Space Trust, and will file

for 50% reimbursement of the due diligence expenses from the SADC Municipal Planning Incentive Grant. **NOW THEREFORE BE IT RESOLVED**, by the Committee of the Township of Frelinghuysen as follows: The Committee of the Township of Frelinghuysen hereby supports the purchase of a development easement on Dark Moon Farm under the Township's Municipal Planning Incentive Grant Farmland Preservation program, in partnership with the County of Warren and the State Agriculture Development Committee. Roll Call Vote: Mr. Boynton – Yes; Mr. Decarolis – Yes; Mr. Desiderio – Yes; Mr. Kuhn – Yes; Mr. Stracco – Absent I hereby certify the above to be a true copy of a Resolution adopted by the Committee of the Township of Frelinghuysen on the date above-mentioned. Motion made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor. Mr. Boynton – Yes; Mr. DeCarolis – Yes; Mr. Desiderio – Yes; Mr. Kuhn – Yes.

NEW BUSINESS:

Motion was made by Mr. Desiderio to have the Land Conservancy make the prehighlands value offer to the landowner, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Absent.

Part time employee Jamie Depuy resigned effective November 22, 2016. Her last day will be December 1, 2016. Motion was made by Mr. Boynton to accept the resignation with regrets, seconded by Mr. Desiderio. All were in favor.

An advertisement will need to be posted to fill a full time laborer position within dpw. Motion was made by Mr. DeCarolis to post advertisement as soon as possible, seconded by Mr. Boynton. All were in favor.

Discussion was made for Ms. Zilberfarb and Ms. Dyer to look into leasing a new copier next year to see if there is a cost savings doing so.

Mr. Boynton discussed the bid for the cleaning service for the FFP community center and feels it's reasonable and should move forward to be able to get the community center open for January. Mr. Kuhn asked for a finance meeting to discuss funding. Ms. Zilberfarb will set up meeting before the work session on December 14, 2016.

Mr. Desiderio inquired where the funding for the wood carpet is coming from and explained that it should come out of open space as that is where the funding has always come from. Ms. Zilberfarb will speak with Ms. Dyer.

OPEN MEETING TO THE PUBLIC:

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

Mr. Connor inquired if the part time laborer resigned. Mr. Kuhn answered yes she resigned.

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

ADJOURNMENT:

There being no further business, motion was made by Mr. Desiderio, seconded by Mr. Boynton to adjourn the meeting at 8:11 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk