

MINUTES OF MEETING OF DECEMBER 21, 2016

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, December 21, 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:

#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 six (6) nor more than eleven (11) members and two (2) 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,~~ aAll 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 and South; 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 and South 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 for second reading, seconded by Mr. Stracco. Mr. Desiderio and Mr. Boynton voted no for second reading. Committee discussion: Mr. Wacks explained that this Ordinance is made for the committee changing the makeup of the members, duties and responsibilities. Mr. Desiderio inquired about who picks the members and thinks it should be the recreation committee and not the Mayor and Committee. Motion was made by Mr. Stracco to open to the public, seconded by Mr. Desiderio. Discussion regarding the picking of the members was discussed. Motion was made to close to the public by Mr. Stracco, seconded by Mr. Desiderio. All were in favor. Motion was made by Mr. DeCarolis for final adoption, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-No; Mr. DeCarolis-Yes; Mr. Desiderio-No; Mr. Kuhn-Yes; Mr. Stracco-Yes.

#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. Boynton for second reading, seconded by Mr. DeCarolis. All were in favor. Motion was made by Mr. Desiderio to open to the public, seconded by Mr. Boynton. All were in favor. No public comment. Motion was made by Mr. Desiderio to close to the public, seconded by Mr. Stracco. Motion was made by Mr. Desiderio, for final adoption, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-No; Mr. DeCarolis-Yes; Mr. Desiderio-No; Mr. Kuhn-Yes; Mr. Stracco-Yes.

#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 second reading, seconded by Mr. Desiderio. All were in favor. Committee debate: Mr. Desiderio stated he was ok with this program provided the number is large and if not the town can opt out at anytime with no penalites. Mr. Boynton discussed the complaints and concerns within the 23rd district and that he did not feel the township committee should initiate a program for the residents such as this one. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Stracco. All were in favor. Mayor

McDonough of Hope spoke in regards to Hope Township being in the program and stated it is going very well. Ms. Lisa Hibbs, of Commercial Utility Consultants, Inc. spoke in regards to the program and how it works for the residents. She explained opting in and out of the program. An April timeframe for starting and its a 20 month contract. Questions were asked regarding the township committee being involved and Mayor McDonough explained that the committee is involved because its a savings for the residents. It was explained that solar panels will not be part of the program. Ms. Hibbs explained that if the Ordinance passes she will be in touch with Ms. Zilberfarb for the next steps. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Boynton. Motion was made by Mr. Desiderio for final adoption, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-No; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes.

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 second reading, seconded by Mr. Stracco. All were in favor. Motion was made by Mr. Desiderio to open to the public, seconded by Mr. Stracco. All were in favor. Mr. Wacks explained the process in vacating a road. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Desiderio. Motion was made by Mr. Desiderio for final adoption, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes.

#2016-12 ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A STREET KNOWN AS CROSS ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY AND RESERVING ACCESS EASEMENTS.

WHEREAS, a road known as Cross Road, in the Township of Frelinghuysen, as fully described in the Schedule attached hereto ("Cross Road"), is no longer needed for any public purpose; and WHEREAS, as such, Cross 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 and exceptions specified in this ordinance, the public rights and interests are hereby vacated with respect to a portion of Cross 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 right of way as described in the Schedule attached hereto are to expressly reserved and excepted from this vacation in perpetuity.

4. This vacation is subject to the private rights of owners of lands whose curtilage contains the Cross Road right of way in order that said lands do not become landlocked.

5. Upon final adoption, a copy of this Ordinance shall be transmitted to the Warren County Clerk for recording as required by law.

6. This Ordinance shall take effect according to law. ATTEST: TOWNSHIP OF FRELINGHUYSEN DONNA ZILBERFARB, Acting Clerk CHRISTOPHER KUHN, Mayor **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Frelinghuysen Township Committee held on November 21, 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 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. Boynton for second reading, seconded by MR. Desiderio. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Desiderio. All were in favor. Discussion was made on where Cross Road was located. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Desiderio. All were in favor. Motion was made by Mr. Desiderio for final adoption, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-Abstent; Mr. Desiderio-Yes; Mr. Kuhn-Abstain; Mr. Stracco-Yes.

RESOLUTIONS:

#2016-124 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of pending and ongoing litigation; 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 December 21, 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 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 CONTINUED:

Mr. Wacks discussed what happened in executive session to the public. He explained what's going on in regards to the south street rock picking case and has filed an appeal on behalf of the township. Also discussed was personnel issues and when all issues are resolved the minutes of the executive session will be made available.

Motion was made by Mr. Boynton to authorize a voucher for payment of \$500.00 for transcripts of the Giresi/Morgan case, seconded by Mr. Desiderio. All were in favor.

RESOLUTIONS (Continued):

#2016-125 RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES (TOWNSHIP ATTORNEY,

TOWNSHIP ENGINEER AND AUDITOR) WHEREAS, the Township Committee of the Township of Frelinghuysen acknowledges the need for Professional Services to be provided to the Township of Frelinghuysen; and **WHEREAS**, pursuant to the Local Public Contracts Law, contracts for the provision of professional services are not subject to competitive bidding, but are subject to the requirements of the “New Jersey Local Unit Pay to Play Law;” and **WHEREAS**, pursuant to N.J.S.A. 19:44A-20.1, et seq. a municipality may not award a contract with a value in excess of \$17,500.00 to a business entity that has made a contribution within one (1) year of the date of the contract that is reportable by the recipient pursuant to N.J.S.A. 19:44A-1, et seq. to a municipal political party committee in that municipality if a member of that party is serving in elective public office when such contract is awarded, or to any candidate committee of any person who is serving in an elective public office of the municipality when such contract is awarded, unless the contract is awarded under a “fair and open process”; and **WHEREAS**, the Township Committee of the Township of Frelinghuysen believes it is in the best interest of the Township of Frelinghuysen to select professionals primarily on the basis of their qualifications, including qualifications uniquely suited to the needs of the Township of Frelinghuysen, and to do so under a fair and open process. **NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Frelinghuysen as follows:

1. The Township Attorney is authorized and directed to prepare a Legal Notice and Criteria for Submission of Qualifications for the positions of Township Attorney, Township Engineer and Auditor, which Legal Notice shall be published in the official newspaper of the Township, and posted on the Township website.
 2. The said Legal Notice shall solicit submissions which shall be due on January 3, 2017 at 12:00 p.m.
 3. Appointments to the said positions shall be considered at the meeting of the Township Committee on January 3, 2017.
 4. This Resolution shall take affect according to law.
- Motion was made by Mr. Stracco, seconded by Mr. Desiderio. All were favor.

#2016-126 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:

<u>TRANSFER FROM:</u>		<u>TRANSFER TO:</u>	
DPW s/w	1,772.00	Administration o/e	1,000.00
		PERS o/e	772.00
Total	<u>1,772.00</u>	Total	<u>1,772.00</u>

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 December 21, 2016. Motion was made by Mr. Boynton, seconded by Mr. Desiderio. All were in favor.

#2016-127 Resolution **WHEREAS**, the Township Committee authorized an emergency resolution in 2015 for the purpose of COAH Element Fair Share Plan Expenses in the amount of \$13,685, and **WHEREAS**, all charges and expenses for this project have been paid and this project has been deemed complete, and it is necessary to formally cancel the remaining balance dedicated to this project, **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 cancel the remaining balance of \$6,421.25, and that said balance be credited to surplus. 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 December 21, 2016. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.

#2016-128 **WHEREAS**, due to various reasons there are unexpended balances remaining in several 2016 budget line items, and **WHEREAS**, it is in the best interest of the Township to cancel these balances to surplus in the current budget year, to have use of such surplus in the upcoming 2017 budget year, **NOW, THEREFORE, BE IT RESOLVED**, by the Committee of the Township of Frelinghuysen that the Chief

Financial Officer is hereby authorized to cancel, from various line items to be determined at year end, and amount not to exceed \$60,000, and that said balances be credited to surplus. 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 December 21, 2016. Motion was made by Mr. Boynton, seconded by Mr. DeCarolis. All were in favor.

#2016-129

LEGAL COUNSEL HAS RESOLUTION

Motion was made by Mr. Stracco, seconded by Mr. Desiderio. All were in favor.

#2016-130 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF DECEMBER 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 DECEMBER 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. Stracco, seconded by Mr. Desiderio. All were in favor.

#2016-131 CAPITAL ACCOUNT RESOLUTION WHEREAS, it is the desire of the Committee of the Township of Frelinghuysen to review and update the line items within each open Capital Ordinance, and WHEREAS, after review it has been decided to transfer budgeted amounts within each ordinance to better serve the purposes of the allotted capital expenditures, NOW, THEREFORE BE IT RESOLVED by the Committee of the Township of Frelinghuysen that the following budget transfers be recorded by the CFO:

<u>DESCRIPTION</u>	<u>CURRENT BUDGET</u>	<u>ADJUSTMENT</u>	<u>ADJUSTED BUDGET</u>
<u>Ordinance 2016 Various Projects</u>			
Road Repairs/Overlay	45,041.87	-614.94	44,426.93
Hope Fire Dept Equipment	-28.94	+28.94	0
Purchase DPW Truck	-586.00	+586.00	0

I hereby certify the above to be a true copy of a Resolution adopted by the Committee of the Township of Frelinghuysen at a meeting held on December 21, 2016. Motion was made by Mr. Stracco, seconded by Mr. Desiderio. All were in favor.

#2016-132 AMENDING 2016-123 RESOLUTION TO APPOINT DPW Laborer – Full Time WHEREAS, a vacancy exists in the position of DPW Laborer; and WHEREAS, Trevor Burd has the qualifications to service as the DPW Laborer, full time (40 hours per week). NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Trevor Burd is hereby appointed as the DPW Laborer with a start date of December 16, 2016; and BE IT FURTHER RESOLVED, that subject to proper and valid appropriation of the funds for same, Trevor Burd shall be paid the rate of \$18.50 per hour. This Resolution shall take effect according to law. Motion was made by Mr. Desiderio, seconded by Mr. Stracco. All were in favor.

#2016-133 RESOLUTION TO APPOINT a Plumbing Subcode Official WHEREAS, a vacancy exists in the position of Plumbing Subcode Official; and WHEREAS, Richard O'Connor has the qualifications to service as the Plumbing Subcode Official. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Richard O'Connor is hereby appointed as the Plumbing Subcode Official with a start date of January 3, 2017; and BE IT FURTHER RESOLVED, that subject to proper and valid appropriation of the funds for same, Richard O'Connor shall be paid a salary of \$10,100 per year. This Resolution shall take effect according to law. Motion was made by Mr. Stracco, seconded by Mr. DeCarolis. All were in favor.

#2016-134 RESOLUTION TO APPOINT an Electrical Subcode Official on a six (6) month provisional basis WHEREAS, a vacancy exists in the position of Electrical Subcode Official; and WHEREAS, Robert S. Klinger has the qualifications to service as the Electrical Subcode Official. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Robert S. Klinger is hereby appointed as the Electrical Subcode Official with a start date of January 3, 2017; and BE IT FURTHER RESOLVED, that subject to proper and valid appropriation of the funds for same, Robert S. Klinger shall be paid at \$40.00 per hour during the provisional period. This Resolution shall take effect according to law. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor.

OLD BUSINESS:

Mr. Kuhn presented a letter to the committee in regards to a policy for non-profit organizations within Frelinghuysen Township. Motion was made by Mr. Stracco to adopt the policy, seconded by Mr. Desiderio. All were in favor.

Salt Shed – Tabled to January

Service Electric Cable - results from the survey that were sent to the residents on Saddle Ridge Road and Homestead Drive were compiled and was favorable for internet service, as well as television and telephone. Mr. Kuhn will write a letter and send to legal counsel prior to sending out.

Cash for crash policies - Tabled to January

The Land Use Board Secretary position was discussed with the possibility of raising the fees collected by the applicant to cover the secretarial cost. Legal counsel will let us know if doable.

NEW BUSINESS:

Master Plan Reexamination Report - Mr. Stracco discussed the process of the reexamination and the subcommittee formed. The Land Use Board has adopted it and a copy was given to Mr. Wacks. Ms. Zilberfarb will get a copy for Mr. Desiderio too and an electronic copy will be forwarded to Mr. Jurena to place on the website.

Mr. Desiderio explained a fire that occurred in Frelinghuysen Township, per Tom Charles, that 911 dispatched to the wrong town. Everything did turn out ok but Green Township fire department would like Warren County 911 center to dispatch those calls for Frelinghuysen rather than Sussex County. Mr. Pachnos, OEM, wrote a letter to Mr. Wheatley at the county 911 center explaining everything and Mr. Pachnos would like the Mayor to also write a letter in support. Mr. Kuhn will write a letter as well.

OPEN MEETING TO THE PUBLIC:

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

No public comment

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 explained the LUB secretary being paid by the fees collected. The application fee would need to be raised not the escrow fees. Mr. Wacks also explained that the Pittenger Road Vacation Ordinance will need to be amended to accommodate his driveway and will be ready for the January meeting. He also discussed that he would update the committee on any new regulations in January.

Mayor report - Mr. Kuhn reported that 2017 will be the last year on the contract for the

statewide JIF and that Jim Gilmore would be at a meeting in January. Mr. Kuhn discussed with Mr. Wacks the amendments for the Recreation Ordinance and the Open space Ordinance and would like them for first reading at the re-org meeting, and to change the research office and land use in the zoning ordinance. He mentioned that the zoning map and the tax maps will be put into the budget to have them both redone in 2017. Mr. Kuhn also thanked everyone for a good 2 years and thanked Ms. Dyer for giving 100% to the township. He will also write letters for the cable, the exercisers and karate group, and for 911 before his term as Mayor is up.

DPW Report – Report is in the binder

Recreation Committee – Mr. Desiderio let everyone know that casino night will be held at the Green Township Fire house on February 28th.

Environmental Commission– Nothing to report

Farmland Preservation Committee – All active applications are moving forward.

Open Space Advisory Committee – Passed its trails committee.

Deputy Mayor report – Mr. Stracco thanked everyone.

Committeeman Boynton – Mr. Boynton explained that the self closing hinges aren't working properly. Mr. DeCarolis offered to go and work on the hinges. Mr. Boynton also discussed replacing a toilet that wasn't working with one that Howard Jungkind donated. He wished everyone a Happy Christmas.

Committeeman DeCarolis – Mr. DeCarolis thanked everyone for the 9 years of working with everyone on the committee.

Committeeman Desiderio – Mr. Desiderio discussed multiple complaints on State Park road with speeding. He spoke with Mr. Sterbenz and suggested putting up a 3-way stop. Motion was made by Mr. Boynton to authorize Mr. Sterbenz to go and investigate the 3-way stop area, seconded by Mr. Stracco. All were in favor.

Mr. Desiderio will reach out to Mr. Sterbenz on that issue and will also ask about the school bus sign for Route 94 and Muller Road and the status of it.

Clerk report – Nothing to report

CORRESPONDENCE:

- State Of New Jersey DOT – 2017 FY 2017 State Aid programs
- State of New Jersey DEP – NJDEP Case Number: 16-12-14-1530-55
- State of New Jersey DEP – Radon Action Month (January)
- Warren County Soils – Approval – project number: 17023
- Warren County Board of Taxation – Hearing notices
- Frelinghuysen Township – Land Use Board Notice sent by the applicant
- Township of Fredon – 2016 Housing Element and Fair Share Plan (Clerk has attachment in office)
- Green Township Land Use Board – Public hearing for consideration of revised housing element and fair share plan for master plan
- Knowlton Township – Resolution regarding Columbia Lake Dam removal and the results of the November 2016 referendum
- Borough of Chester – Resolution in Support of Senate Bill S-2254 and Assembly Bill A-3821 which affirms the language and legislative intent of the Fair share housing act.
- Stillwater Township – Amendment to the Master Plan – Master Plan Housing Element and Fair Share Plan
- Hampton Township – Resolution opposing extension of certain federal trade policies
- Fredon Township – Land Use Amendment – Ordinance No. 2016-09
- The Land Conservancy of NJ – Municipal Planning Incentive Grant FY2018
- New Jersey Conference of Mayors – COAH Legislation information and

resolution

- New Jersey League of Municipalities – Legislative bulletin – October 2016
- Statewide Insurance Company – 2017 Fund Year Coverage and Assessments
- JCP&L – “Merry and Bright” Holiday Lights Photo Contest
- JCP&L – Conducting Thermovision Inspections to help enhance customer service reliability
- Blairstown Hose Company #1 – October 2016 Fire Report
- Antler Ridge Wildlife Sanctuary – Thank you for donation from clean communities
- Anonomous Letter – Frelinghuysen Township
- Frelinghuysen Township – Letter to Saddle Ridge Road/Homestead Drive – Service Electric Cable Interest Survey

ADJOURNMENT:

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

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk