

MINUTES OF REGULAR MEETING OF DECEMBER 18, 2019

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, December 18, 2019 and as called to order at 7:30 p.m. by Mayor, Frank Desiderio.

SUNSHINE LAW STATEMENT:

Under the provisions of the Open Public Meetings Act, adequate notice of this meeting was provided by posting notice on the Township bulletin board and by e mailing notice to the New Jersey Herald and The Express-Times.

ROLL CALL:

Those present were: Mayor Frank Desiderio, Deputy Mayor Chris Stracco (8:47), Committeeman David Boynton, Committeeman Charles Marra, Committeeman Todd McPeek, Attorney Richard Beilin and Municipal Clerk Donna Zilberfarb.

PROCLAMATIONS:

IN HONOR OF JOHN JURENA WHEREAS, John Jurena has voluntarily provided his time and talents to the citizens of the Township of Frelinghuysen over the years, including overseeing its web page, managing its twitter account, as well as other endeavors; WHEREAS, John Jurena has resided in Frelinghuysen Township at 71 Greendell Road for since in or about 1989 with his spouse Carolyn, and their children Chelsea and Christie; WHEREAS, due to technical legal requirements imposed on municipalities, including compliance of its website with the American With Disabilities Act, Frelinghuysen Township was required to employ a professional web design and maintenance company for the development and maintenance of a new website; WHEREAS, during John Jurena’s operation of the Township website it was ranked third in Warren County by the Monmouth University Polling Institute; WHEREAS, John Jurena will cease operating the Township’s website effective on or about December 31, 2019; and WHEREAS, during his term of service, John Jurena has worked tirelessly and selflessly for the good of the Township of Frelinghuysen and all of its residents.

NOW, THEREFORE BE IT PROCLAIMED on this 18th day of December, 2019, by the Frelinghuysen Township Committee, on behalf of the residents of the Township of Frelinghuysen, that we hereby convey our deepest thanks and gratitude to for John Jurena his outstanding public service and dedication to the betterment of our township community, and wish the best of luck to him in all of his future endeavors.

MINUTES:

- 1. Motion was made by Mr. Boynton to approve the November 13, 2019 regular meeting minutes, seconded by Mr. McPeek. All were in favor.
- 2. Motion was made by Mr. Boynton to approve the November 25, 2019 work session meeting minutes, seconded by Mr. McPeek. All were in favor.

RESOLUTIONS:

2019-81 WHEREAS, the Township of Frelinghuysen, County of Warren, desires to amend the 2019 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown in such budget for the following reason:

Purchase of Pickup Truck

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Frelinghuysen of the County of Warren, as follows:

Section 1. The 2019 Capital Budget of the Township of Frelinghuysen is hereby amended by adding thereto a Schedule to read as follows (this amendment does not change project financing):**AMENDMENT NO. 1**

CAPITAL BUDGET OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN

Project Schedules for 2019

PROJECT	ORIGINAL BUDGET	AMENDMENT	FINAL BUDGET
Purchase Pickup Truck		45,500	

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2019 Capital Budget, to be included in the 2019 Capital Budget as adopted.

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 18, 2019.

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

2019-82 TRANSFER RESOLUTION WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2019 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>
Telephone O/E \$665.00	Legal O/E \$665.00

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 December 18, 2019

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

RESOLUTION # 2019-83 December 2019 WHEREAS, a resolution is required by the Tax Collector to cancel 2019 taxes deemed uncollectible, and WHEREAS, the following property owner has applied for and been granted a 100% disabled veteran exemption by the Tax Assessor effective July 1st, 2019, therefore the following 2019 taxes must be canceled of record;

BLOCK	LOT	OWNER	AMOUNT
1201	17.24	Jackson, Clifford & Julia	\$ 4,970.24

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the above taxes be canceled of record as they are uncollectible. I hereby certify the foregoing to be a true and accurate copy of a resolution adopted by the Township Committee at its' meeting held December 18th, 2019.

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

2019 - 84 December 2019 WHEREAS, a resolution is required by the Tax Collector to refund an overpayment of 2019 taxes. The property owner's filed for and received a 100% disabled veteran exemption granted by the Tax Assessor effective July 1st, 2019. They paid the 3rd and 4th quarter taxes as billed and are now entitled to a refund,

Block	Lot	Pay To	Amount
1201	17.24	Jackson, Clifford & Julia	\$ 4,970.24

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the above property taxes. I hereby certify the foregoing to be a true and accurate copy of a resolution adopted by the Township Committee at its' meeting held on December 18th, 2019.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton	X		X			

Mr. Desiderio			X			
Mr. Marra						X
Mr. McPeek		X	X			
Mr. Stracco						X

#2019-85 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF DECEMBER, 2019 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, 2019; and WHEREAS, the Finance Committee find the bills to be in order and recommend to the Township Committee that they be paid by the Chief Finance Officer. NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that all bills submitted for the above named Month are reasonable and proper and are to be paid from their appropriate account.

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

#2019-86 RESOLUTION ADOPTING A DOMESTIC VIOLENCE POLICY WHEREAS, on or about October 15, 2019, the New Jersey Civil Service Commission issued a Statewide Domestic Violence Policy (“CVP”) for Public Employers, which is attached hereto; and WHEREAS, pursuant to N.J.S.A. 11A:2-6a(b)(1), “The [Civil Service Commission] shall develop a uniform domestic violence policy, which all public employers shall adopt and distribute to their employees, regardless of whether a public employer is subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes;” and WHEREAS, the Township of Frelinghuysen seeks to update its Personnel Policies and Procedures Manual to comply with N.J.S.A. 11A:2-6a(b)(1). NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Township of Frelinghuysen Policies and Procedures Manual is updates as follows:

1. The Statewide DVP (a copy of which is attached hereto) shall be referenced and adopted in the Township of Frelinghuysen Personnel Policies and Procedures Manual.

2. The Township of Frelinghuysen Personnel Policies and Procedures Manual shall designate Donna Zilberfarb as the primary Human Resources Officer and Christopher Stracco as the secondary Human Resources Officer for purposes of the DVP.

3. The Table of Contents of the Personnel Policies and Procedures Manual shall be updated to reflect the inclusion of the Township’s adoption of the DVP.

IT IS FURTHER RESOLVED that a copy of the updated Township of Frelinghuysen Personnel Policies and Procedures Manual is on file with the Township Clerk’s office; and IT IS FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Township Clerk for distribution to all Township employees. CERTIFICATION

I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on December 18, 2019.

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

RESOLUTION 2019-87 IN SUPPORT OF S2505/A2558 – “VEGETATION MANAGEMENT RESPONSE ACT”-- URGING LEGISLATORS TO PASS THE BILLS FOR VEGETATION MANAGEMENT RELATED TO ELECTRIC UTILITY INFRASTRUCTURE WHEREAS, it is the desire of the Township Committee of the

Township of Frelinghuysen to promote matters that benefit the health, welfare, comfort and safety of the citizens of Frelinghuysen Township; and WHEREAS, the Frelinghuysen Township Committee finds that Superstorm Sandy, Hurricane Irene and recent snow storms and nor'easters have inflicted unprecedented damage on the citizens of the Township in recent years; and WHEREAS, these storms left extensive downed or damaged utility poles leaving Township residents and businesses without power and, as a result, the Board of Public Utilities ordered the State's electric public utilities to undertake additional efforts to better prepare for any major weather event in the future; and WHEREAS, the Township Committee feels it is necessary for electric public utilities to maintain, remove and replace dangerous vegetation to prevent future power disruptions and preserve the uninterrupted transmission and distribution of power to the residents and businesses in Frelinghuysen Township. NOW, THEREFORE, BE IT RESOLVED that the Frelinghuysen Township Committee supports the passage of New Jersey Senate Bill S2505/Assembly Bill A2558 which concerns "Vegetation Management Response Act" and urges the legislative leadership to ensure this bill becomes law before the New Year 2020. BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Governor Phil Murphy, Senate President Stephen Sweeney, Assembly Speaker Craig Coughlin, Minority Leader Jon Bramnick, Republican Leader Thomas Kean, Jr., Senator Steven Oroho, Assemblyman Parker Space, Assemblyman Harold "Hal" Wirths, New Jersey League of Municipalities Executive Director Mike Darcy, New Jersey League of Municipalities Deputy Executive Director Mike Cerra, New Jersey League of Municipalities Legislative Analyst Lori Buckelew, New Jersey League of Municipalities President James Perry, Sr., Warren County Freeholders, and the Warren County Emergency Management Coordinator. CERTIFICATION Certified as a true copy of a Resolution adopted by the Frelinghuysen Township Committee, Warren County, New Jersey at a meeting held on December 18, 2020.

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

2019-88 IN SUPPORT OF S-719/A-2426, THE "RELIABILITY, PREPAREDNESS, AND STORM RESPONSE ACT," WHICH REQUIRES PUBLIC UTILITIES TO SET BENCHMARKS FOR POWER RESTORATION DURING STORM MANAGEMENT AND STIPULATES PENALTIES FOR FAILURE TO REASONABLY COMPLY

WHEREAS, the Frelinghuysen Township Committee finds that Superstorm Sandy, Hurricane Irene and recent snow storms and nor'easters have inflicted unprecedented damage on the citizens of the Township in recent years; and **WHEREAS**, weather incidents leaving residents without power for more than 5 days have occurred annually for several years in a row; and **WHEREAS**, the Township of Frelinghuysen relies upon well water, which means loss of power leaves residents without electricity, heat, and water, circumstances that quickly become dangerous to the health and safety of residents; and **WHEREAS**, the Board of Public Utilities ordered the State's electric public utilities to undertake additional efforts to better prepare for any major weather event in the future; and **WHEREAS**, despite these additional efforts, power restoration during storms continues to focus on more populated areas leaving those in rural towns such as Frelinghuysen without power for days on end; and **WHEREAS**, legislation S-719/A-2426 calls for the "designation and prioritization of areas where a power outage may result in... the loss of drinkable water due to customers' use of electric well water"; and **WHEREAS**, legislation S-719/A-2426 calls for the imposition of civil administrative penalties "If, after evidentiary hearings or other investigatory proceedings... the length of the widespread outage was materially longer than it would have been but for the electric public utility's failure or the electric public utility's communications were materially less effective than they would have been but for the electric public utility's failure;" and **WHEREAS**, the legislation referenced above successfully passed the NJ State Assembly but awaits a vote in the NJ State Senate. **NOW, THEREFORE, BE IT RESOLVED** that the Frelinghuysen Township Committee supports the passage of New Jersey Senate Bill S-719/Assembly Bill A-2426 which concerns "RELIABILITY, PREPAREDNESS, AND STORM RESPONSE ACT" and urges the legislative leadership to ensure this bill becomes law as soon as possible. **BE IT FURTHER RESOLVED** that

certified copies of this Resolution be forwarded to Governor Phil Murphy, Senate President Stephen Sweeney, Assembly Speaker Craig Coughlin, Minority Leader Jon Bramnick, Republican Leader Thomas Kean, Jr., Senator Steven Oroho, Assemblyman Parker Space, Assemblyman Harold "Hal" Wirths, New Jersey League of Municipalities Executive Director Mike Darcy, New Jersey League of Municipalities Deputy Executive Director Mike Cerra, New Jersey League of Municipalities Legislative Analyst Lori Buckelew, New Jersey League of Municipalities President James Perry, Sr., Warren County Freeholders, and the Warren County Emergency Management Coordinator.

December 18, 2019 Motion: David Boynton

Second: Todd McPeek **CERTIFICATION** Certified as a true copy of a Resolution adopted by the Frelinghuysen Township Committee, Warren County, New Jersey at a meeting held on December 18, 2020.

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

#2019-89 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with regard to acquisition of property. WHEREAS, under the Open Public Meetings Act (number 5 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 18, 2019 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned and results or portions of that discussion will be made known in reasonable length of time.

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

ORDINANCES:

2019-08 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A PICKUP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$45,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$43,225 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be undertaken by the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$45,500, said sum being inclusive of a down payment in the amount of \$2,275 now available for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. **SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$45,500 appropriation not provided for by the down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in a principal amount not exceeding \$43,225 pursuant to and within the limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$43,225 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. The improvement hereby authorized and the purpose for the financing of which the bonds or notes are to be issued is for the acquisition of a pickup truck for use by the Department of Public Works, including, as applicable, all work, materials, equipment and appurtenances necessary therefor or incidental thereto. (a) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$43,225. (b) The estimated cost of said improvement or purpose is \$45,500, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of \$2,275, which is the down payment available for such improvement or purpose. **SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Warren make a contribution or grant in aid to the Township for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Warren. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Warren shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. **SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon, if any, from their dates to the date of delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser. **SECTION 6.** The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the Office of the Clerk of the Township and will be available for public inspection. **SECTION 7.** The following additional matters are hereby determined, declared, recited and stated: (a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby. (b) The period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years. (c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$43,225 and said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law. (d) An amount not exceeding \$1,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvement or purpose described in Section 3 hereof. **SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for

the payment of the principal of bonds or notes and the interest thereon without limitation as to rate or amount. **SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$43,225. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2). **SECTION 10.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code, of the interest on all bonds and notes issued under this bond ordinance. **SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law. Motion was made by Mr. Stracco to open for first reading for introduction, seconded by Mr. Marra. Roll call vote: Mr. Boynton-Absent; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes. Second reading for adoption will be held on December 18, 2019. Motion was made by Mr. Boynton to open for 2nd reading for adoption, seconded by Mr. McPeek. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. McPeek. All were in favor. Public comment: Mr. Kohuth asked why the cost is now \$45,500 when originally discussed it was \$35,000-\$38,000. Ms. Zilberfarb explained that the cost originally was an estimate. There were no other comments. Motion was made by Mr. Boynton to close to the public, seconded by Mr. McPeek. All were in favor. Motion was made by Mr. Boynton to approve for adoption, seconded by Mr. McPeek. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Marra-absent; Mr. McPeek-yes; Mr. Stracco-yes.

2019-09 ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY TO REGULATE THE RUNNING AT LARGE OF LIVESTOCK WITHIN THE TOWNSHIP WHEREAS, the Mayor and Committee of the Township of Frelinghuysen have found that the running of livestock in the Township of Frelinghuysen jeopardizes the public health, safety and welfare by exposing injury to persons and other animals and causing damage to personal property such as lawns, shrubs, flowers, grounds and other vegetation; and WHEREAS, the Mayor and Committee of the Township of Frelinghuysen have determined that N.J.S.A. 40:48-1 expressly permits municipalities to adopt ordinances that will regulate the running at large of livestock; and WHEREAS, the Mayor and Committee of the Township of Frelinghuysen believe that the adoption of such an ordinance is appropriate and would be a reasonable exercise of the municipality's police powers. NOW,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren, State of New Jersey, as follows: **Section I** Chapter 5 of the Frelinghuysen Township Code is amended by adding thereto a new Section 5-8, to read as follows:

5-8 RUNNING AT LARGE OF LIVESTOCK. 5-8.1 Purpose.

This section shall be constructed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as residents are affected by injury to any persons or other animals, or cause damage to personal property including lawn, shrubbery, flowers, grounds, trees or any property of persons other than the owner or person having the care, custody or control of such unrestrained livestock running at large within the Township of Frelinghuysen and to assess violations and penalties accordingly. (Ord. #2015-07 § 1) **5-8.2 Definitions.** For purposes of this Section 5-8, "livestock" shall mean all horses, ponies, donkeys, mules, miniature breeds and all other equines; all llamas, alpacas, camels, and all other camelids.

"Running at large" shall mean any livestock situated upon any public street, park, or any other public place while unrestrained or situated upon any private property, while not restrained by a sufficient fence, enclosure or tether and which is not attended by the owner or his or her representative. **5-8.3 General Requirements.** a. Any person or persons, firm, partnership or corporation having the care, control, custody or management of any livestock as defined above shall prohibit the animals to stray or run at large within the limits of the Township of Frelinghuysen. b. Fencing Requirements.

A fence shall comply with the standards of the New Jersey State Department of Agriculture Management Practices and shall be sufficiently enclosed and strong enough to prevent livestock from escaping, going through or under it and is hereby required wherever livestock is kept. If any livestock escapes from within the confines of any fence it shall be presumed that such fence has not met the provisions of this section. Any owner or lessee of the land on which such fence is located is subject to the requirements of this subsection. **5-8.4 Distraigned Livestock; Impounding.**

a. When any livestock are taken up and distraigned by any person for running at large, they shall be forthwith impounded by the Animal Control Officer and shall be furnished with suitable food and water, so long as they are detained. b. The owner of livestock in the custody or possession of the Animal Control Officer pursuant to this section may claim and be entitled to the possession of the livestock. Upon payment to the Animal Control Officer of reasonable compensation for the care and keeping of the livestock, upon satisfactory proof of ownership of the livestock, and upon making reparation as provided in subsection 5-3.5, the livestock shall be returned to its owner.

5-8.5 Violations and Penalties. Any person or persons, firm, partnership or corporation violating or failing to comply with any provision of this section shall be guilty of an offense punishable as follows: a. A fine for a first violation in the amount of \$100.00; b. A fine for a second violation in the amount of \$250.00; c. A fine for a third violation in the amount of \$500.00; and d. A fine for subsequent offenses in the amount of \$1,000 each. Each day for which a violation of this section occurs shall be considered a separate offense. **5-8.6 Notices and Orders.** a. *Notice.* The Township, or any duly authorized Code or Animal Control Official, shall cause a notice to be issued to the applicable person or persons, firm, partnership or corporation when a violation of this section occurs. b. *Form.* Such notice prescribed in paragraph a. above shall be in accordance with all of the following: 1. Be in writing. 2. Include the identity or description of the animal. 3. A statement of when, where, what damage was done if known. 4. Include a correction order allowing a reasonable time for restitution of penalties and damages to be made. 5. Inform the property owner of the right to appeal. c. *Method of Service.* Such notice shall be deemed to be properly served if a copy thereof is sent by first-class mail, express mail, overnight carrier or certified mail addressed to the last known address. **Section II** 1. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. 2. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect. 3. This ordinance shall take effect immediately upon final passage and publication as required by law. **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on November 13, 2019 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township

Committee to be held on December 18, 2019 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Stracco to open for first reading for introduction, seconded by Mr. McPeek. Roll call vote: Mr. Boynton-absent; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes. Final reading for adoption will be held on December 18, 2019. Motion was made by Mr. Boynton to open for 2nd reading for adoption, seconded by Mr. McPeek. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. McPeek. All were in favor. No public comment. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Stracco for adoption, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Marra-absent; Mr. McPeek-yes; Mr. Stracco-yes.

COMMITTEE REPORTS:

- Mayor Desiderio thanked Ms. Zilberfarb for getting the carpet/flooring completed and stated it looked good. He also spoke about possibly overseeing the rec center. During the previous storm there was no power and no one knew and there was some loss of food. He also thanked the dew for maintaining the roads and work load during the storms and feels they went above and beyond.
- Deputy Mayor Stracco discussed the storm and asked for reimbursements at the Governors office, which he received no answer, Congressman Gottheimer was in contact with Mr. Stracco and he stated it was discerning to him that the Governor has no concern for this part of the state.
- Committeeman McPeek thanked and said the dpw worked when in dangerous conditions and did a phenomenal job keeping what they could open.
- Committeeman Boynton discussed that he had Scott Cooke come and fix the blower fan on the furnace at the dpw garage and that he also fixed the toilet at the town hall.
- Mr. Wacks discussed litigation against Mr. Gill and is deciding if they will defend or if the insurance company attorneys will. He also wished everyone happy holidays and looking forward to serving again if the committee will have them next year.
- Ms. Zilberfarb let the committee know that the rabies clinic was held on December 14th there was a total of 62 vaccination's given out. She also let them know the floors were completed on December 5-9. The total cost was less than anticipated as we did not need to put plywood on all floors only where the linoleum was put down. Total amount due is \$21,375.36 for entire building. We saved \$3,347.24. The website should be done and up and running by January end. The company will be training her on the system. Ms. Zilberfarb also spoke about moving into 2020 modifying job descriptions, if needed and have them in a central file and also, performance reviews should be started for all employees, including part time and seasonal workers.

Ms. Zilberfarb explained the storm on December 1-6 was a pretty bad storm with ice and with that the problems that were the worst are the service lines – ie. Phone, cable, internet wires. She asked for help in obtaining emergency numbers that she can call into and felt that the town hall beomg down with no phones or internet for an entire week was troubling. We need to figure out how to get communication with these groups for storm and work repairs for all the residents within the township. Mr. Wacks gave suggestions for the bpu numbers in Newark.

AGREEMENTS:

- Ms. Zilberfarb asked the committee to approve the agreement with Revize for the email accounts for the township. There will be 9 total email addresses and will cost \$100.00 each email account. Mr. Stracco made a motion authorize the Mayor to sign the agreement with Revize for the email accounts totalling \$900.00 per year to start January 2020, seconded by Mr. Boynton. All were in favor.

OLD BUSINESS:

- Mr. Stracco has been in contact with Congressman Gottheimer regarding cable service for internet. He also emailed service electric and never received a response. He asked about residents bringing a petition or sue the BPU to get service electric and would like to appropriate money next year in the budget for legal moving forward to sue them.

- Mr. Desiderio had nothing new to discuss regarding the barn at the FFP. He also has not had any response on the stand pipe on Ramsey Road.
- The salt shed was held until 2020.
- Mr. Stracco discussed budgeting an extra \$1,000 per month for court costs for next year. Mr. Desiderio said he was going to sit with Hope Township Court to discuss options with that court and that Mr. Wacks should talk to Allamuchy. Ms. Zilberfarb will forward any numbers for court costs etc to Mr. Wacks.
- Mr. Desiderio discussed the post office box and suggested removing it from the location. There are outgoing mail slots already there and asked Ms. Zilberfarb to contact the post office to remove it.

NEW BUSINESS:

- Trooper Chris Madia introduced himself and asked if anyone had any questions or concerns for him. There were no questions. He let the committee and public know that they would try to make a more regular appearance at the meetings each month.
- Motion was made by Mr. Boynton to accept with major regrets the resignation letter of Brenda Kleber from the recreation committee, seconded by Mr. McPeek. All were in favor.
- The farmland preservation plan needs to be updated and after discussion a motion was made by Mr. Boynton to update the Farmland Preservation Plan with the Land Conservancy, seconded by Mr. McPeek. All were in favor. Ms. Zilberfarb will contact Barbara Davis from the Land Conservancy and also make a note for the budget to increase for this plan update.
- Marty Connor discussed the 2% cable franchise fee that the town receives that service electric doesn't pay but the users of service electric pay. He explained that there are under 200 subscribers that pay this fee. He was concerned because directv users do not pay a fee and didn't seem fair. Legal counsel will look into the contract with Service Electric and will update the ordinance. They will also look at the BPU and the rate structure to make sure we are not obligated to change it.

DEPARTMENT REPORTS:

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

DPW – Report is in the book.

Land Manager – Nothing to report

Rec Center Coordinator – Nothing to report

Legal Report – Covered throughout the meeting.

Recreation Committee – 2 resignations were submitted and accepted, Mr. Desiderio and Ms. Kleber.

Environmental Commission – No meeting

Farmland Preservation/Open Space Committee – No meeting

Historic Committee – Mr. Desiderio explained that the barn at the FFP is non registerable as historic and he is looking at prices for the removal.

OPEN MEETING TO THE PUBLIC:

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

- Bennett Bean spoke regarding the storm and asked what could be done in the future with trees and the phone company not trimming them back. He asked if tree is in the right of way and falls on a home is the township responsible. Legal explained that if the tree were diseased and the town was notified it would be a claim on the insurance company. After discussion, Mr. Desiderio will go with Mr. Bean to look at the trees in question and make a list of the trees that should come down.

- Mr. Kohuth spoke regarding the storm and asked where the warming center was and why nothing was put on the sign outside. Mr. Desiderio explained that Green Township Fire Department was the warming center. Ms. Zilberfarb explained that when she got back in town she opened the town hall for anyone that wanted to charge, cook or get warm. She stated there was no phones or internet at the town hall all week.
- Mr. Kohuth also thanked the town for the free rabies clinic and asked why nothing has been discussed for a salt shed or having the garage built up in the location across the street. Mr. Desiderio explained about the septic for that parcel. Mr. Kohuth asked about the landowner next door giving them some property for the dPW garage. Mr. Desiderio stated that he has never been offered any land.
- Mr. Ramos inquired about the bills for the great blue and the taxes that were cancelled. Ms. Zilberfarb explained.
- Mr. Jurena asked if OEM declared a state of emergency for the storm. Mr. Desiderio explained that no it wasn't declared.

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

EXECUTIVE SESSION

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

No business was conducted.

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

REGULAR SESSION CONTINUED:

Mr. Wacks discussed the property that Mr. Finn owns that needs to come down and will invite him to the work session or regular session in January to discuss with him further.

CORRESPONDENCE:

- State of New Jersey DOT – Funding for Greendell Road Phase 2, \$130,000.00
- NJDOT – Commitment to Communities
- State of New Jersey SADC – County Planning Incentive Grants
- Paulus, Sokolowski and Sartor, LLC – multi-permit application for power line rights of way vegetative and structural maintenance (Book is in clerk's office)
- The Land Conservancy – Municipal Planning Incentive Grant FY 2021
- The Land Conservancy – Outdoor Issues Fall 2019
- NJLM – November bulletin 2019
- Warren County Board of Taxation – Appeal block 201, Lot 14
- Frelinghuysen Township Zoning Department – Block 104, Lot 3 Abandon Vehicle
- Stillwater Township – Ordinance 2019-10 soil and Fill Replacement
- Town of Belvidere – Resolution R2019x60 to support White township's reexamination of its Master Plan
- Rydt Consulting – Wetlands Block 201, Lot 6.07
- Garden State Lab – Water test Rec Center
- Little Hill Foundation Newsletter
- Blairstown Hose Company – Monthly report

ADJOURNMENT:

There being no further business, motion was made by Mr. Boynton, seconded by Mr. Stracco to adjourn the meeting at 9:06 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC