

## MINUTES OF MEETING OF JULY 15, 2015

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, July 15, 2015 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 Frank Desiderio, Committeeman Alan DeCarolis, Committeeman David Boynton, Attorney Edward Wacks and Acting Clerk Donna Zilberfarb.

### ORDINANCES:

#2015-13 (Bond Ordinance)

#### TOWNSHIP OF FRELINGHUYSEN

#### BOND ORDINANCE NUMBER 2015-13

**BOND ORDINANCE AMENDING AND RESTATING BOND ORDINANCE NUMBER 2015-12 (WHICH PROVIDES FOR VARIOUS 2015 CAPITAL IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, ON APRIL 15, 2015 TO INCREASE THE APPROPRIATION TO \$695,000 (INCLUDING INCREASING NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANTS TO \$280,000), TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES TO \$394,250, TO INCREASE THE DOWN PAYMENT TO \$20,750 AND TO AMEND THE DESCRIPTION OF THE IMPROVEMENTS AND PURPOSES AUTHORIZED THEREBY** 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 bond ordinance of the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the "Township"), heretofore finally adopted by the Township Committee thereof on April 15, 2015, numbered 2015-12 and entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS 2015 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$425,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$150,000) AND AUTHORIZING THE ISSUANCE OF \$261,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), is hereby amended and restated in its entirety, as follows, including increasing the appropriation to \$695,000 (including increasing New Jersey Department of Transportation Grants to \$280,000), increasing the authorization of bonds or notes to \$394,250, increasing the down payment to \$20,750 and amending the description of the improvements and purposes authorized thereby:

**"SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken by the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$695,000, said sum being inclusive of two (2) grants expected to be received from the New Jersey Department of Transportation, one in the amount of \$150,000 (the "State

Park Grant”), and one in the amount of \$130,000 (the “Kerrs Corner Road Grant”, and together with the State Park Grant, the “Grants”), and a down payment in the amount of \$20,750 now available for said improvements or purposes 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 therefore 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 improvements or purposes described in Section 3 hereof and to meet the part of said \$695,000 appropriation not provided for by the Grants or said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$394,250 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in the principal amount not exceeding \$394,250 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2015 Capital Improvement Program (the “Program”), which includes, but is not limited to, the acquisition of hardware and software for a geographical information engineering system to be used for capital planning and road maintenance, State Park road improvements (a \$150,000 portion of such improvements being funded by the State Park Grant), the design phase of an engineering project in connection with improvements to Kerrs Corner Road, the resurfacing of Kerrs Corner Road (a \$130,000 portion of the costs of such resurfacing being funded by the Kerrs Corner Road Grant), and road overlay, tarring, chipping and micro paving of various roads within the Township, including, as applicable, all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto, all in accordance with the plans therefore on file in the office of the Township Clerk and available for public inspection and hereby approved.

(a) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$394,250.

(b) The estimated cost of said improvements or purposes is \$695,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$300,750, which amount is comprised of the down payment available for said improvements or purposes in the amount of \$20,750 and the Grants in the amount of \$280,000.

**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 improvements and purposes authorized hereby which is in addition to the Grants 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 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 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, 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 improvements or purposes 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 9.41 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 \$394,250 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 \$20,000 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 improvements or purposes hereinbefore described.

**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 improvements or purposes 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 improvements or purposes 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 improvements or purposes 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 improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$394,250. 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 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.

**ADOPTED ON FIRST READING**

**DATED: May 13, 2015**

**Dated: July 15, 2015** Motion was made by Mr. Boynton to adopt said Bond Ordinance #2015-13, seconded by Mr. DeCarolis. Roll Call Vote: Mr. Boynton-Yes, Mr. DeCarolis-Yes, Mr. Desiderio-No, Mr. Kuhn-Yes, Mr. Stracco-Yes.

#2015-14 (Outdoor Boiler Ordinance) First Reading and motion to introduce, July 15, 2015. Second reading and public participation will be August 19, 2015. ORDINANCE AMENDING SECTION 525 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING WOOD-FIRED BOILERS, STOVES OR FURNACES. WHEREAS, Section 525 of the Frelinghuysen Township Code regulates the use of wood-fired boilers, stoves and furnaces; and WHEREAS, the Land Use Board has recommended certain amendments to Section 525, to address land use concerns relating to the use of such wood-fired boilers, stoves and furnaces, and good cause having been shown. NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen as follows:

Section I Section 525(B) is amended by adding to the definitions set forth therein the following: Dual Stage Wood Gasification Boiler: A wood-fired boiler in which combustion gases from the burning wood are mixed with air in a secondary combustion chamber and burn at high temperature resulting in complete combustion, high efficiency and little or no ash or creosote. These boilers are commonly used with an auxiliary heat storage water tank.

Section II Section 525(C)(1) is amended to read as follows in its entirety: 1. All outdoor wood-fired boilers, stoves or furnaces shall be EPA Hydronic Heater Phase 2 Program qualified or greater, and shall be of the Dual Stage Wood Gasification type.

Section III Section 525(C)(2) is deleted in its entirety and replaced with the following: 2. The outdoor wood-fired boiler, stove or furnace shall be located in the side or rear yard at least two hundred feet (200') from the nearest neighboring residential structure not served by the boiler, stove or furnace, and no boiler, stove, or furnace shall be located in the front yard of the property on which it is located.

Section IV Section 525(E) is amended by adding thereto a new subsection 525(E)(4) to read as follows: 4. Any outdoor wood-fired boiler, stove or furnace in place on a property as of August 15, 2015 that does not comply with 525(C)(2), as amended, shall be allowed to remain in place, provided that the owner applies for and receives all appropriate permits within one year of the effective date of this Ordinance. If the owner of an existing outdoor wood-fired boiler, stove or furnace does not receive a permit or receive an approval from the Land Use Board within one year of August 15, 2015, the outdoor wood-fired boiler, stove or furnace shall be removed by the homeowner at the direction of the Township Construction Official.

Section V 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.

Motion to introduce first reading, seconded by Mr. DeCarolis. Roll call vote: Mr. Boynton-Yes, Mr. DeCarolis-Yes, Mr. Desiderio-Yes, Mr. Kuhn-Yes, Mr. Stracco-Yes. Second reading August 19, 2015.

**RESOLUTIONS:**

#2015-69 (Professional Services-Tilcon)

WHEREAS, The Township of Frelinghuysen plans to improve the third section of Kerrs Corner Road between Silver Lake Road and Route 94; and WHEREAS, the Township has obtained a grant from the municipal aid portion of the Transportation Trust Fund to help fund the project; and WHEREAS, the Township has appropriated the funds and plans on constructing the improvements in July 2015; and WHEREAS, the Township plans on utilizing Tilcon New York, Inc. ("Tilcon") Road Safety Systems, LLC ("Road Safety") and Denville Line Painting Inc. ("Denville") through its membership in the Morris County Cooperative Pricing Council ("MCCPC") to perform the required milling, paving,

guide rail and striping work on Kerrs Corner Road; and WHEREAS, Tilcon, Road Safety and Denville are qualified contractors and have been found to be in compliance with the contract documents and technical specifications; and NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE of the Township of Frelinghuysen, that the Township shall utilize Tilcon, Road Safety and Denville through its membership in the MCCPC, to perform the following work:

1. HMA Milling, 2" Depth at \$3.05/SY for a total of \$38,430.00 (Tilcon);
2. HMA Milling, 3" Depth at \$3.10/SY for a total of \$3,906.00 (Tilcon);
3. Hot Mix Asphalt 9.5M64 Surface Course at \$76.25/ton for a total of \$114,375.00 (Tilcon);
4. Hot Mix Asphalt 19M64 Base Course at \$68.25/Ton for a total of \$15,015.00 (tilcon);
5. Beam Guide Rail at \$45.00/LF for a total of \$28,125.00 (Road Safety)
6. Tangent Guide Rail Terminal at \$950.00/Unit for a total of \$11,400.00 (Road Safety);
7. Traffic Stripes, Long Life, Epoxy Resin at \$0.30/LF for a total of \$5,700.00 (Denville).

BE IT FURTHER RESOLVED, that copies of this Resolution shall be forwarded to the N.J.D.O.T.'s Bureau of Local Government Services. Motion was made by Mr. Boynton, seconded by Mr. DeCarolis to adopt said resolution. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-No; Mr. Kuhn-Yes; Mr. Stracco-Yes

**#2015-70 (Petty Cash Fund)**

WHEREAS, Brenda Kleber was the custodian of the Frelinghuysen Township Petty Cash fund, and WHEREAS, in accordance with N.J.S.A. 40:5-21, Frelinghuysen Township is changing custodians to Donna Zilberfarb; and WHEREAS, Donna Zilberfarb is bonded in the amount of \$1,000,000 by virtue of a surety bond; NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Frelinghuysen, County of Warren, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval. Motion was made by Mr. Boynton, seconded by Mr. DeCarolis to adopt said resolution. Roll call vote: Mr. Boynton-Yes, Mr. DeCarolis-Yes, Mr. Desiderio-Yes, Mr. Kuhn-Yes, Mr. Stracco-Yes.

**#2015-71 (AWARD)**

A RESOLUTION AUTHORIZING THE AWARD FOR REMEDIATION AND STRUCTURE DEMOLITION AND REMOVAL ON FRELINGHUYSEN FOREST PRESERVE NORTH (BLOCK 104, LOT 10) IN THE TOWNSHIP OF FRELINGHUYSEN TO J.J. RICH FOR THE AMOUNT OF \$170,840.00 WHEREAS, the Township of Frelinghuysen received proposals for Structure Demolition for the property known as Frelinghuysen Forest Preserve North (Block 104, Lot 10) located at 137 Lincoln Laurel Road; and WHEREAS, The Township purchased Frelinghuysen Forest Preserve North on December 18, 2014 for open space and recreation purposes, and; WHEREAS, in order for the Township to gain Green Acres reimbursement funds for the acquisition, unnecessary and dilapidated structures on the property must be demolished; and; WHEREAS, demolition of dilapidated structures is also necessary in order to make the property safe to open to the public for recreational purposes, and; WHEREAS, a demolition plan has been developed to identify as much of the infrastructure to be removed as possible, and; WHEREAS, Requests For Proposals (RFP's) were sent to seven demolition contractors and of those, four vendors sent representatives to "vendor day" at the property to look over the work to be completed for the purpose of informing their quotes, and; WHEREAS, two of the Vendors who attended "vendor day" provided quotes, and; WHEREAS, the lowest responsible quote was provided by J.J. Rich, a U.S.M.C. Veteran Owned Company located at 99 Goodale Road Newton New Jersey 07860, whose quote totaled \$170,840.00 THEREFORE, the Committee wishes to award a contract in an amount not to exceed \$170,840.00 to J.J. Rich 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 J.J. Rich, to perform the demolition of the structures as described in the attached Proposal and demolition plan on the above-referenced property in accordance with all applicable county, state and local standards, for an amount not to exceed \$170,840.00
2. The Acting 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. Boynton seconded by Mr. DeCarolis the aforementioned Resolution Number 2015-71 be adopted as read. Roll Call Vote   4   - Yes        - No   1   - Absent/Abstained

**#2015-72 (PROFESSIONAL SERVICES)**

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 1803 , LOT 8.01, AND BLOCK 1804 LOT 5 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 Title Lines, in accordance with its proposal letter dated May 12, 2015, and; WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$1,639 for Title Lines, 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 Title Lines to perform title services on the above-referenced property in accordance with SADC standards, for an amount not to exceed \$1,639. 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 2015-72 be adopted as read. Roll Call Vote   5   - Yes        - No        - Absent/Abstained Dated: July 15, 2015

**#2015-73 (PROFESSIONAL SERVICES)**

A RESOLUTION AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES CONTRACTS FOR THE PREPARATION OF TWO APPRAISALS TO SADC STANDARDS OF PROPERTY KNOWN AS BLOCK 1101 , LOT 3.01 IN THE TOWNSHIP OF FRELINGHUYSEN WHEREAS, there exists a need for appraisal 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 appraisals must be completed in accordance with the specifications of the State Agriculture Development Committee; and WHEREAS, The Township wishes to retain the services of Robert F. Heffernan Associates, in accordance with its proposal letter dated May 12, 2014 and Landmark I Appraisal, LLC in accordance with its proposal letter dated May 22, 2015, and; WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$1,725 for Robert F. Heffernan Associates, and a second contract in an amount not to exceed \$1,750 for Landmark I Appraisal, LLC, 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 Robert F. Heffernan Associates, to perform the appraisal report on the above-referenced property in accordance with SADC standards, for an amount not to exceed \$1,725. 2. The Township of Frelinghuysen hereby awards and authorizes Landmark I Appraisal, LLC, to perform the appraisal report on the above-referenced property in accordance with SADC standards, for an amount not to exceed \$1,750. 3. 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 2015-73 be adopted as read. Roll Call Vote   5   - Yes        - No        - Absent/Abstained Dated: July 15, 2015

**#2015-74 (Liquor Licenses)**

RENEWAL OF LIQUOR LICENSES IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY FOR THE YEAR 2015-2016

WHEREAS, the following Plenary Distribution Liquor Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2015-2016

2106-44-002-002 Gerald Chrusz

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2015-2016

2106-33-003-008 Sweet Janes Café and Bar

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2015-2016

2106-33-004-001 Katharina Reay

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2015-2016

2106-33-001-005 Joseph McEvoy

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2015-2016

2106-33-005-006 Plan B Pub LLC

WHEREAS, Clearance Certificates have been received from the New Jersey Division of Taxation, verifying compliance with Chapter 161, Laws of New Jersey by the above applicants. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen on this 15<sup>th</sup> day of June, 2015 that the renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses is granted for the year 2015-2016. A motion by Mr. Desiderio, seconded by Mr. Boynton to adopt said resolution. Roll call vote: Mr. Boynton-Yes, Mr. DeCarolis-Abstain, Mr. Desiderio-Yes, Mr. Kuhn-Yes, Mr. Stracco-Yes.

#### #2015-75 (Appointment)

WHEREAS, a vacancy exists in the position of Forestry Management Secretary; and WHEREAS, Wendy Buttgerit has the qualifications to service as the Forestry Management Secretary. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Wendy Buttgerit is hereby appointed as the Forestry Management Secretary, commencing on July 1, 2015; and BE IT FURTHER RESOLVED, that subject to proper and valid appropriation of the funds for same, Wendy Buttgerit shall be paid the stipend of \$946.00 This Resolution shall take effect according to law. Motion was made by Mr. DeCarolis, seconded by Mr. Boynton to adopt said resolution. Roll call vote: Mr. Boynton-Yes, Mr. DeCarolis-Yes, Mr. Desiderio-Yes, Mr. Kuhn-Yes, Mr. Stracco-Yes.

#### #2015-76 (PROFESSIONAL SERVICES)

A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT FOR THE PREPARATION OF A SURVEY TO SADC STANDARDS OF PROPERTY KNOWN AS BLOCK 1803 , LOT 8.01, AND BLOCK 1804 LOT 5 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, in accordance with its proposal letter dated July 10, 2015, and; WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$12,000 for L.J. Brill Associates, 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 to complete a survey of the above-referenced property in accordance with SADC standards, for an amount not to exceed \$12,000. 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 2015-76 be adopted as read. Roll Call Vote   5   - Yes        - No        - Absent/Abstained

#### #2015-77 (Bills Payment - July)

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 July 2015; 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 to adopt said resolution. Roll call vote: Mr. Boynton-Yes, Mr. DeCarolis-Yes, Mr. Desiderio-Yes, Mr. Kuhn-Yes, Mr. Stracco-Yes.

#2015-78 (Setting Executive Session)  
No executive session

#2015-79 (Authorize Amended Agreement)  
RESOLUTION AUTHORIZING MAYOR AND CLERK TO EXECUTE AMENDED AGREEMENT TO PURCHASE DEVELOPMENT EASEMENT ON SHILOH HILL FARM (BERRY) WHEREAS, on May 20, 2015, the Frelinghuysen Township Mayor and Committee authorized the purchase a development easement from Joyce Lynette Berry and Patricia A. Berry for property located at Block 1803, Lot 8.01 and Block 1804, Lots 5 and 6 in Frelinghuysen Township for the estimated price of \$609,500.00 based on \$5,750.00 per acre, with the final price to be determined based on a survey, with funding of up to 17.17% to be provided by the Township from the Open Space Trust; and WHEREAS, it has been determined that Block 1804, Lot 6 should not be included in the purchase, reducing the estimated price to \$595,125.00, as a result of which it is necessary to amend the Agreement of Sale between the parties. NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen authorizes the Mayor and Acting Clerk to execute an amended Agreement to Sell Development Easement, in a form acceptable to the Township Attorney, with Joyce Lynette Berry and Patricia A. Berry for property located at Block 1803, Lot 8.01 and Block 1804, Lot 5, for the estimated price of \$595,125.00 based on \$5,750.00 per acre, with the final price to be determined based on a survey. Motion made by Mr. Boynton, seconded by Mr. DeCarolis to adopt said resolution. Roll call vote: Mr. Boynton-Yes, Mr. DeCarolis-Yes, Mr. Desiderio-Yes, Mr. Kuhn-Yes, Mr. Stracco-Yes.

**QUOTES:**

- The quotes for the painting of the lodge at Kids Camp were discussed with 2 bids being received. Due to funding, Mr. Boynton will ask for new bids with minor corrections – bids will be for exterior only.
- The quotes for the gutters at Kids Camp were discussed with 1 bid being received. Mr. Boynton will contact Imperial and ask for them to re-bid including gutter guards.

**OLD BUSINESS:**

- Meadow Oak/Storm Water Facility - Property was walked last year and Mr. Kuhn will send a letter for Warren County Mosquito Control to proceed.
- Maser Consulting – Mr. Sterbenz discussed State Park Road paving and what steps are next. Next steps are QP on sides of road by DPW, guardrails and Mr. Sterbenz will submit the final bill when all is complete. Also discussed Kerrs Corner Phase III, plans have been submitted to the DOT. Discussed the resurfacing project of Stillwater Road, some guiderails need to be placed and some reconstruction needs to be done at time of paving. He recommended adoption of Resolution and Bond Ordinance 2015-13 tonight to keep the process moving forward. Plans to be complete by September. Looking at getting on Tilcon schedule for August for Kerrs Corner Road.
  - Motion to open to public was made by Mr. Boynton, seconded by Mr. DeCarolis. Public comment: Mr. Grecco inquired if Saddle Ridge Road was included in this Bond Ordinance. Mr. Kuhn responded no. Mr. Grecco inquired with Mr. Sterbenz why micro paving vs. tar and chip for Saddle Ridge Road. Mr. Sterbenz responded that micro paving is better longevity and prepping has already been done.
  - Motion to close to public was made by Mr. Boynton, seconded by Mr. DeCarolis.
  - Mr. Boynton made a motion to adopt Bond Ordinance 2015-13, seconded by Mr. DeCarolis. Roll call vote: Mr. DeCarolis – Yes; Mr. Desiderio – No; Mr. Boynton – Yes; Mr. Kuhn – Yes; Mr. Stracco – Yes.

- Site Plan – Mr. Sterbenz prepared a site plan for proposal for improvements at the municipal building with salt shed and driveway all being in accordance with SHIPO. Total fee will be \$10,500. This will be Phase I – salt shed and Phase II the parking area. Mr. Decarolis stated to first get approval from SHIPO prior to approving the site plan. Mr. Stracco did not think this would be a problem after his conversation with them. Mr. Sterbenz will revise the proposal and will have answers from SHIPO for August meeting. He will also have a rep from SHIPO come and look at area in question. Mr. Desiderio asked what the costs would be to meet their requirements, as in the past with the sidewalks, there was more money spent than originally anticipated. Mr. Sterbenz did not feel that was the same as the sidewalk project had issues from residents and site and is doubted it will be that way with this project as it is set back and hopefully will be deemed not an encroachment and not need to go to the historical sites council.
- Kids Camp – Ms. Urgo presented the demolition issues and showed mapping of all buildings to be removed. The well house now needs to come down but must be done by hand and walked across the bridge and will have a separate quote for that. JJ Rich was the low bidder and most qualified vendor being used. Cost of the demo is approximately \$170,000 and the town received \$200,000 from the County. Discussion of the farmhouse took place with all concurring that this building is not salvageable and would be extremely costly to restore it.

### **NEW BUSINESS:**

- Green Fire Department - Jon Dooley and Tom Charles presented to the Committee their budget and asked if they could help out with some purchases. 4 sets of turnout gear - \$10,000; Radios - \$7,000; or AEDs - \$5,000. Mr. Dooley thanked the township for the donations already made this year. Discussion of their expenses ie. installation dinner and upcoming fundraisers were brought up. Mr. Kuhn inquired about Cash for Crash Ordinances and said after paving complete will look at capital to see what is left if anything else can be donated. He asked that they come back during budget time to hopefully get more for the fire department. Mr. Charles also asked that we remind residents about Frelinghuysen's ordinance for house numbers (3x3 signs with reflective numbers) so they are aware of the correct house. Mr. Kuhn will add to his newsletter and give the phone number for the fire department for residents to order.
- Town hall hours – After discussion regarding changing the hours at town hall, a motion was made by Mr. Desiderio to approve changing the hours of the town hall to 8am-3pm, seconded by Mr. DeCarolis. All were in favor. Hours will be posted on the door, the website and Mr. Kuhn will add to the Mayor update newsletter as well.
- Vacation Day Payout Allotment – A motion was made to pay 12.5 accumulated vacation time for Brenda Kleber by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.
- Gypsy Moth Egg Masses – A survey sent to the township and Mr. Kuhn will handle. A motion was made to allow Mr. Kuhn to complete the survey, by Mr. Stracco seconded by Mr. DeCarolis. All were in favor.
- Hunting on FFP – A motion was made by Mr. DeCarolis to not have a hunt on the FFP for this year, seconded by Mr. Stracco. All were in favor with Mr. Desiderio abstaining.

### **OPEN MEETING TO THE PUBLIC:**

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

- Loren Greco who stated that the Hope Fire Department received \$4,000 and asked if Blairstown was getting anything. Ms. Dyer stated we haven't received vouchers back from them yet.
- Marty Conner who stated that the Township website needed a lot of work – there was no consistencies and suggested that each Committee work on it. Mr. Kuhn stated that he has tried in the past to have the chairs update and it hasn't worked and now has Jackie Mowbray working on it. Mr. Conner commented that dates and

times of meetings for open space should be on page. Mr. Stracco added that for a town our size our website is pretty good and not bad at all.

- Jean Smolha who suggested that each Chair be asked to give a report of what need to be changed. Mr. Kuhn stated again that was already tried and has Ms. Mowbray working on it. Mr. Stracco made mention that they are working on it and will be taken care of.
- Loren Greco who asked what Ms. Mowbrays official title was. Mr. Kuhn stated she is temporary help and will be up to the committee in January if they appoint her to deputy at that time.

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

#### **DEPARTMENT REPORTS:**

Motion was made by Mr. Stracco, seconded by Mr. Boynton to approve the department reports 1-9 on a consent agenda motion. All were in favor.

Mayor Christopher Kuhn-Discussed Berry Farm agreement for farmland preservation, discussed the \$200,000 from the county for Open Space and discussed demolition of buildings at Kids Camp. In regards to open space, need to look at PIG grant and update properties. Mr. Kuhn also, received a note from a resident regarding collapsing structures around the town. Mr. Kuhn is looking into this.

Deputy Mayor Christopher Stracco-The carbonate rock ordinance is being considered and will be on the Land Use Board's August agenda for their recommendations. Mr. Stracco will be addressing the cluster option with the Land Use Board, after consultation with Mr. Desiderio.

Committeeman Alan DeCarolis-Discussed throughout the meeting.

Committeeman Frank Desiderio-Discussed throughout the meeting.

Committeeman David Boynton-discussed Kids Camp, finished the plumbing issues and sinks and toilets should all be functional. Town hall had no water and a new pump switch was replaced.

Attorney Edward Wacks-Office of Cable TV- Hardwick is a problem thus may not happen. Heard from Janene Morgan's attorney, 29 South Street, Mr. Wacks will send a memo to the Township Committee. The Declaratory Judgment Act on Affordable Housing has been filed. Stated Darlene Jay has done a fabulous job thus far on this.

#### **EXECUTIVE SESSION:**

No executive session

#### **CORRESPONDENCE:**

DEP News Release Re:

1. Christie Adm. Adds land to Princeton Battlefield Park
2. Above ground oil tank – Spring Valley road
3. Draft Ground Water Renewal Permit Action – Forest Manor

NJ DOT RE: Route 94 and Route 80 east bound resurfacing projects

Warren County Dept of Public Health re: New 911 County Coordinator

Dwight Klett re: Thank you

NJ Div of Revenue and Enterprise Services re: Records Management

JCP&L re: Annual Vegetation Mgmt Aerial Patrol

NJ Department of Human Services re: Expiration of the HHE & HAP pilots

NJ DCA Local Finance Board re:

1. July announcements
2. minimum bid threshold adjustments

Resolution #068-2015 re: supporting of Assembly bill A-4235

Ordinance #15-05 re: Hope Township amend/revise Chapter 20 Sect 4 Ord 20-4.5a

New Jersey State League of Municipalities Re:

1. Legislative Bulletin
2. Weekly policy updates
3. Washington Watch Advisory
4. Weekly policy update

5. Weekly policy update

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Boynton, seconded by Mr. DeCarolis to adjourn the meeting. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk