

MINUTES OF MEETING OF DECEMBER 16, 2015

The work meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, December 16, 2015 and was called to order at 7:30 p.m. by Deputy Mayor Christopher Stracco.

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: Deputy Mayor Christopher Stracco, Committeeman Frank Desiderio, Committeeman Alan DeCarolis (8:15 pm), Committeeman David Boynton, and Acting Clerk Donna Zilberfarb.

MINUTES:

- Minutes of executive session of September 16, 2016 were approved with a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. 4-0
- Minutes of regular meeting of October 21, 2015 were approved as amended with a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. 4-0
- Minutes of regular meeting of November 11, 2015 were approved with a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. 4-0
- Minutes of executive session of November 11, 2016 were approved with a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. 4-0
- Minutes of meeting of November 23, 2015 were approved with a motion made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. 4-0
- Minutes of work meeting of December 9, 2015 were approved with a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. 4-0

ORDINANCES:

#2015-16 ORDINANCE AMENDING SECTION 526 OF THE FRELINGHUYSEN TOWNSHIP CODE, ESTABLISHING A CARBONATE AREA DISTRICT WHEREAS, areas of Frelinghuysen Township sit on carbonate bedrock, making them potentially unstable and creating the possibility of surface collapse, groundwater contamination, and other hazards; and WHEREAS, it is in the best interests of the Township and its residents to establish a Carbonate Area District, and to regulate development in that District. NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen as follows: Section I The Frelinghuysen Township Code is amended by adding thereto a new Section 526, to read as follows:

526 Carbonate Area District. a. Purpose. Areas within the Township of Frelinghuysen are underlain with carbonate bedrock such as limestone and dolomite. The solution of this bedrock causes surface depressions, open drainage passages, and the development of irregular, subsurface rock topography known as karst. These conditions make such areas potentially unstable and susceptible to subsidence and surface collapse. As a result, the alteration of drainage patterns in these areas by the placement of impervious coverage, grade changes, or increased loads from site improvements can lead to land subsidence and sinkholes. Fractures or solution openings and fissures in the limestone rock may lead to public or private water supplies, making those sources especially susceptible to groundwater contamination. Contamination of water sources can occur from solid and liquid wastes, contaminated surface water, septic tank effluent, or other hazardous substances moving through fractures or solution openings and fissures within the rock. Carbonate aquifers are an important source of groundwater in the municipality. The Township of Frelinghuysen relies on a clean supply of subsurface water to foster and promote human health, welfare and economic and social development. Therefore, the purposes of enacting this chapter are to protect, preserve and enhance a sensitive and valuable potable groundwater resource area and to reduce the frequency of structural damage to public and private improvements by sinkhole collapse or subsidence in areas of carbonate rock geology, thus protecting the public health, safety and welfare and insuring orderly development within the municipality. b. Definitions. For the purposes of this Section, the following definitions shall apply: *Agricultural use* shall mean the production, keeping or maintenance of plants or animals for sale, lease or personal use. *Bedding* shall mean the arrangement of a sedimentary rock in layers of varying

thickness and character. *Bedrock* shall mean a general term for the rock that underlies soil or other unconsolidated material. *Carbonate Area District* ("CAD") shall mean and is comprised of the Carbonate Rock District and the Carbonate Drainage Area. *Carbonate Drainage Area* shall mean watershed areas which directly drain into the Carbonate Rock District. *Carbonate rock* shall mean rock consisting chiefly of calcium and magnesium carbonates. *Carbonate Rock District* shall mean those land areas underlain by carbonate rock formations. *Cave* shall mean a natural opening of a size permitting human exploration and extending into a region of sharply reduced or no light. *Closed depression* shall mean a shallow, dish-shaped hollow on the land surface which, in areas of limestone geology, may be indicative of old sinkholes or incipient collapse. *Collapse sinkhole* shall mean a sinkhole caused by the collapse of the roof of a bedrock cavern. *Development* for this section shall be defined as set forth in the Municipal Land Use Law. *Disappearing stream* shall mean a stream that enters the subsurface through a sinkhole or other entrance. *Dissolution* shall mean a space or cavity in or between rocks, formed by the solution of part of the rock material. *Doline*. See Sinkhole. *Dolomite* shall mean a carbonate rock that contains more than fifteen (15%) percent magnesium carbonate. *Drainage* shall mean the process by which water moves from an area by stream or overland sheet flow and/or the removal of excess surface water from soil by downward flow through the soil profile. *Fault* shall mean a surface or zone of rock fracture along which there has been noticeable differential movement. *Fissure* shall mean an extensive crack, break, or fracture in the rock. *Geologic investigation program* shall mean a program which identifies the geologic nature of the bedrock materials underlying the site, and provides solutions directed at preserving the water quality and assuring the safety of any planned facility or improvement built over carbonate rocks. *Joint* shall mean a fracture in rock generally more or less vertical or transverse to bedding, along which no appreciable movement has occurred. *Karst* shall mean a type of topography that is formed over limestone or dolomite by dissolving or solution of the carbonate rocks, characterized by sinkholes, closed depressions, caves, solution channels, internal drainage, and irregular bedrock surfaces. *Limestone* shall mean a carbonate sedimentary rock consisting primarily of calcium carbonate. Limestone is commonly used as a general term for that class of rocks, which consists of at least eighty (80%) percent calcium or magnesium carbonate. In this subsection the term "limestone" shall be used generically to refer to carbonate rocks, limestone formations and Precambrian marble. *Lineation* shall mean any straight line or alignment of natural features seen on an aerial photograph or any geographically referenced source. Although some lineations may be geologically controlled, ground-based geologic investigations are necessary to define their existence and significance. *Marble* shall mean a metamorphic rock consisting primarily of crystallized limestone or dolomite. *Outcrop* shall mean an exposure of bedrock projecting through the ground surface. *Pinnacle* shall mean an irregular rock projection often buried beneath the ground surface. *Shear zone* shall mean a zone in which shearing has occurred on a large scale so that the rock is crushed and brecciated (broken). *Sinkhole (Doline)* shall mean a localized land subsidence, generally a funnel-shaped or steep-sided depression, caused by the dissolution of underlying carbonate rocks or the subsidence of the land surface into a subterranean passage, cavity or cave. Sinkholes are formed by the underground removal of soil and rock material. *Soil* shall mean the material found in the surface layer of the earth's crust which may be moved by a spade or shovel. *Solutioned carbonates* shall mean carbonate rocks that have had cavities formed, fractures widened, and passages in the rock created through the dissolution of the rock by the passage of surface water. *Solution channels* shall mean tubular or planar channels formed by solution in carbonate rock terrains, usually along joints and bedding planes. These openings may serve as the water-bearing openings in carbonate rocks. *Solution sinkhole* shall mean a depression formed from the slow dissolution of bedrock. *Spring* shall mean a place where water naturally flows from rock or soil upon the land or body of surface water. *Subsidence sinkholes* shall mean sinkholes formed by the downward settlement of unconsolidated overburden into openings in the underlying, soluble bedrock. *Surface runoff* shall mean the part of the precipitation that passes over the surface of the soil. *Void* shall mean an opening in the soil or rock materials. c. *Disclaimer*. In limestone areas, the alteration and development of land may be hazardous with respect to the foundation safety of structures, the creation of unstable land as a result of changes in drainage and grading, and the contamination of ground and surface waters. The exact occurrence of sinkholes and/or subsidence is not always predictable; therefore, the administration of these regulations, as contained in the Frelinghuysen Township Carbonate Area District Ordinance herein, shall create no liability on behalf of

Frelinghuysen Township, the Land Use Board Engineer, municipal employees, municipal officials, or any municipal agencies or professionals as to damages which may be associated with the formation of sinkholes or subsidence. Compliance with these regulations represents no warranty, finding, guarantee, or assurance that a sinkhole and/or subsidence will not occur on an approved property. Frelinghuysen Township, its Board Engineer, municipal employees, municipal officials, and any municipal agencies and professionals assume no liability for any financial or other damages which may result from sinkhole activity. It is also noted that sinkholes and ground subsidence may occur in areas outside the Carbonate Area District and/or in areas of carbonate geology presently not identified as such. The applicant and/or property owner should always make independent investigations of these matters prior to using land for construction of a building or structure or any activity which alters the soil and bedrock materials.

d. *Applicability.* 1. The provisions of this Section shall be applicable to all development activities in the Carbonate Area District as determined from the Critical Composite Map Set dated October 28, 2012 prepared as part of the Township's Environmental Assessment depicting the Critical Areas Maps of Frelinghuysen Township or as mapped by the USDA Natural Resource Conservation Service for Warren County requiring subdivision approval, site plan approval, or a building permit for new construction in connection with a major subdivision, including single-family detached dwellings to be constructed in connection with an application for a major subdivision, pursuant to this chapter. Nothing in this Section shall be applicable to developments for which preliminary or final site plan or subdivision approval was granted prior to the effective date of this Ordinance. 2. The requirements of this Section are not applicable to the following which are exempt from its application: (a) Applicants seeking minor subdivision approval for the construction of single family residences; (b) Applicants requesting a zoning and/or building permit for new construction on an existing lot of a single-family home in which they will reside, (c) additions to an existing single-family home in which they reside, and/or, (d) any structure within the Carbonate Drainage Area and one thousand (1,000') feet or more from the boundary with the Carbonate Rock District as determined from the Critical Composite Map Set dated October 28, 2012 prepared as part of the Township's Environmental Assessment depicting the Critical Areas Maps of Frelinghuysen Township or as mapped by the USDA Natural Resource Conservation Service for Warren County.

e. *District Identification.* 1. Carbonate Area District. The Carbonate Area District is hereby created and shall be any area identified as such within Critical Composite Map Set dated October 28, 2012 prepared as part of the Township's Environmental Assessment depicting the Critical Areas Maps of Frelinghuysen Township or as mapped by the USDA Natural Resource Conservation Service for Warren County. The district shall be constituted as secondary, or as an "overlay," to the zoning districts heretofore established by the Zoning Map and may encompass all or portions of more than one existing zoning district. Regulation of the Carbonate Area District shall be in addition to those requirements governing the existing zoning district. The Carbonate Area District shall contain two areas, which shall be known as the Carbonate Rock District, and the Carbonate Drainage Area.

2. Carbonate Rock District. The Carbonate Rock District is composed of those areas of the municipality underlain by carbonate rocks. The geologic mapping utilized to prepare the Carbonate Rock District overlay boundary is derived from New Jersey Geologic Survey and United States Geological Survey maps. These maps are interpretations developed from available field observations and subsurface data; additional unmapped areas of limestone may exist in the Township of Frelinghuysen. Therefore, the provisions of this Section may be applied to any development which, in the opinion of the Township of Frelinghuysen, is located in an area underlain by carbonate rock. The Carbonate Rock District map shall be updated as information is developed through the application of this Section. 3. Carbonate Drainage Area. The Carbonate Drainage Area shall consist of all lands, which drain surface water into the Carbonate Rock District. Changes in the quantity, quality and rate of discharge of surface water runoff from land upslope of the Carbonate Rock District can adversely affect the Carbonate Rock District. Therefore, development activities in the Carbonate Drainage Area which may alter the surface drainage patterns or affect the water quality or increase runoff into the Carbonate Rock District shall be subject to the requirements of this Section.

f. *Performance Standards for Carbonate Rock District.* The following performance standards shall be applicable to development activities occurring in the Carbonate Rock District requiring major subdivision approval, site plan approval, or a building permit for new construction in connection with a major subdivision, including single-family detached dwellings to be constructed in connection with an

application for a major subdivision: 1. The location of all sinkholes, disappearing streams, or other karst features identified during the geologic investigation program and shown on documents submitted shall be drawn on all final plats. The plats shall also note any site remediation techniques utilized to stabilize any solution channels or subsidence karst features. All final subdivision deeds shall contain the following wording: *“Block XX, Lot XX is underlain by limestone formations. Limestone formations are susceptible to surface collapse (or sinkholes) and subsidence caused by the physical erosion and chemical alteration of the soil and bedrock. In limestone areas the alteration and development of land may be hazardous with respect to the foundation safety of structures, the creation of unstable land as a result of changes in drainage and grading, and the contamination of ground and surface waters. The exact occurrence of sinkholes and/or subsidence is not always predictable; therefore, the administration of the Frelinghuysen Township Carbonate Area District Ordinance shall create no liability on behalf of Frelinghuysen Township, the Board Engineer, municipal employees, municipal officials, or any municipal agencies or professionals as to damages which may be associated with the formation of sinkholes or subsidence. Compliance with these regulations represents no warranty, finding, guarantee, or assurance that a sinkhole and/or subsidence will not occur on an approved property. Frelinghuysen Township, the Board Engineer, municipal employees, municipal officials, municipal agencies or and professionals assume no liability for any financial or other damages which may result from sinkhole activity. It is also noted that sinkholes and ground subsidence may occur in areas outside the Carbonate Area District and/or in areas of carbonate geology presently not identified as such. The applicant and/or property owner should always make independent investigations of these matters prior to using this land for construction of a building or structure or any activity which alters the soil and bedrock materials.”* 2. The design and construction of the improvements listed in Table 1, annexed to this Ordinance, shall be accomplished so as to minimize, to the greatest extent practical, the development of future sinkholes or other karst hazards and the pollution of surface and groundwater resources. Carbonate formations present complex design and engineering challenges. As a result, the provisions of Table 1 were developed to provide an outline of geologic procedures, and minimum standards that might be useful to those using this Section. None of the items is intended to preclude the application of judgment, innovation and experience. Table 1 represents the best technical judgment available at this time. As Frelinghuysen Township gains experience with this Ordinance and the local geologic conditions, both the level of review and the scope of Table 1 may be evaluated. A number of "testing" procedures are presented in Table 1. These include direct methods, such as site reconnaissance, test pits, test probes and test borings. These direct methods are essentially those procedures that allow the investigator to physically see or sample some of the geologic parameters of the site. Direct methods can provide an accurate picture of known site locations. It is then necessary to extrapolate these known data points to the entire site. Indirect methods include the use of such items as aerial photography, satellite imagery and geophysical procedures. With geophysical procedures, one records some earth properties and attempts to correlate each property with more specific site characteristics, such as rock properties or depths. Indirect methods must be used with great care because of the complex nature of karst sites. Indirect methods may not detect small variations in the carbonate bedrock features, which may be of great significance to the project design. For purposes of better understanding Table 1, a number of specific items are discussed herein. 3. Direct Methods. (A) Site Reconnaissance. An on-site reconnaissance, by a person with knowledge of local geology, is important to develop an understanding of the site constraints. Prior to conducting reconnaissance on-site, field personnel should review aerial photography to look for the presence of such features as photo lineaments, vegetation changes and depression areas. Black and white aerial photographs, when viewed in a stereo image, can reveal such features as sinkholes, closed surface depressions, lineaments and bedrock pinnacles. Older aerial photographs are a valuable resource to document changes in the landforms or karst features, which have occurred on the site over time. (B) Test Pits. Test pits are a simple, inexpensive way to view the overburden materials and the condition and variability of the carbonate rock surface. Test pits are backhoe excavations generally to the depth of the bedrock or limitation of backhoe. (C) Test Probes. These generally consist of advancing a steel bit into the ground by an air-percussion machine. Essentially a large, mobile "jack-hammer" is used. Depth of normal penetration is usually less than fifty (50') feet. The "cuttings" are blown out of the hole and examined. Although quite disturbed, these cuttings yield a sample of the materials penetrated. The amount of air injected and return of cuttings at the surface

can indicate the presence of fractures and cavities. The rate of speed of the advance of the probe provides a qualitative estimate of the competency of the material encountered. Backfilling with a fluid cement grout and recording the volume of materials placed in the drill hole (of known dimension) can also yield a measure of the size of openings encountered in the subsurface during the downward progress of the probe.

(D) Test Borings. As discussed in Phase II, test borings can yield virtually complete and relatively undisturbed soil and rock samples. These borings provide visual evidence of fractures, weathering, fracture fillings and even the vertical dimensions of cavities. A measure of the drilling fluid losses can also indicate the volume and nature of any soil or rock cavities encountered. Backfilling with a fluid cement grout and recording the volume of materials placed in the drill hole (of known dimension) can also yield a measure of the size of openings encountered in the subsurface during the downward progress of the probe.

4. Indirect Methods. (A) Aerial Photography. This is the simplest indirect technique, particularly when photos taken over a long time period are analyzed. Open depressions, bedrock exposures, vegetation and moisture changes over time can be detected on either black and white or color photographs. Piles of rock or small groups of brush or trees in otherwise open fields can indicate active sinkholes or rock pinnacles breaking the ground surface. Images defined at wavelengths other than visible light can be as useful as, or even more useful than, conventional aerial photographs. These images are generally available from satellite mapping work.

(B) Geophysical Procedures. Various geophysical investigation techniques can be used in karst terrains including: ground penetrating radar, electrical conductivity, electrical resistivity, electromagnetic conductivity, very low frequency (VLF) measurement, gravity field recording and seismic velocity measurements. In general, none of these methods has the ability to discriminate all fractures and small cavities. The data provides information on the variation in underground conditions, which should be interpreted by a person trained in geophysics. These procedures are used to identify zones of variation across a site. Areas showing variation are then targeted for additional direct testing procedures. Geophysical procedures should not be used as the only method of verifying underground conditions. Information gathered with geophysical procedures is useful when extrapolating directly measured data. The variability in physical properties and the solutioned nature of most carbonate rocks require an increase in the number of locations analyzed and the use of several investigation methods to provide a reliable interpretation of the subsurface conditions.

g. Procedures and Submission Requirements for the Carbonate Area District.

1. General Requirements. (A) All applicants for subdivision approval, site plan approval, or building permit for new construction, including single family detached dwellings in connection with major subdivision approval, shall undertake a geologic investigation program. Projects located in the Carbonate Drainage Area shall comply with this Chapter and shall be based on the recommendation of the Board Engineer as per subsection (F), below. (B) A professional engineer or geologist with experience in karst terrains shall prepare the geologic investigation program. The Board Engineer shall be similarly qualified to review all project submittals. (C) The Geologic Investigation Program shall identify the nature of materials underlying the site.

(D) The geologic investigation report shall evaluate site information gathered during the geologic investigation, and provide recommendations for the planning, engineering design, and construction techniques to be utilized. All design recommendations shall minimize, to the greatest extent practical, impacts upon water quality and structural hazards associated with limestone formations. (E) In the case of applications for site plans or subdivisions, the geologic investigation program may be completed and filed prior to a formal application for preliminary approval. (F) After the submission of the information required in the Phase I and reviewing the Board Engineer's report, the Land Use Board may grant a waiver from the requirement of part or all of the geologic investigation and report requirements under subsections 4 and 5, below.

2. Geologic Investigation Program Process. For all properties located in the CAD, the applicant shall conduct a comprehensive geologic investigation program. The purpose of this program is to provide the Land Use Board with sufficient data to define the nature of all existing geologic conditions that may affect construction and land use activities on the site. Specifically, the investigations shall yield information, which shall demonstrate that the proposed development will identify any existing geologic conditions for which appropriate site design and/or engineering solutions may be necessary to minimize any adverse environmental impacts caused by the project. A geologic investigation program involves the following: (A) Phase I – submission of the application with appropriate mapping and indication as to whether the application impacts Carbonate Rock Areas in accordance with this chapter, and a review and report of the application by the Board

Engineer. (B) Phase II – completion of the proposed Geologic Investigation Program by applicant, review by the Board Engineer and action on completeness by the Land Use Board; issuance of permit to undertake on-site testing. (C) Applicant undertakes on-site geologic investigation program, with observation by the Board Engineer.

(D) Submission of a Geologic Investigation Report and site recommendation by applicant. (E) Board Engineer's review, report and final recommendation forwarded to Land Use Board. (F) Land Use Board acts on the geologic aspects of the proposed project. 3. Geological Investigation Program Time Limits.

(A) Completing the Phase I process shall commence an investigation program. A report from the Board Engineer shall be rendered to the Land Use Board within thirty (30) days of the submission by the applicant of the application. The Land Use Board shall rule on the completeness of the Phase I submission within thirty (30) days of the receipt of the Board Engineer's completeness report. The Board Engineer's report shall either recommend that Phase II shall be commenced, or in the alternative, that portions or all of the requirements of the Phase II be waived. (B) If Phase II is required, the application shall be submitted to the Land Use Board and reviewed by the Board Engineer for completeness upon completion of the Phase II study. A completeness report shall be made to the Land Use Board within thirty (30) days of the submission by applicant of the Phase II study. The Land Use Board shall rule on the completeness of the application within thirty (30) days of the receipt of the Board Engineer's completeness report. The Board Engineer's completeness report shall also advise the applicant as to whether any proposed testing methodology is prohibited because of the potential danger the methodology may pose to the integrity of the site or the health, safety and welfare of the community. If the Board Engineer recommends the disapproval of the testing program, the recommendation shall include suggestions on alternate methodology, which would provide the requisite data. The Board Engineer may also recommend waiver of some or all of the required investigations in appropriate cases. (C) At the applicant's option, it may comply with Phase I and/or Phase II simultaneously, in which case the Township Geologist shall submit a completeness report to the Land Use Board within thirty (30) days of submission of the appropriate studies by the applicant. The Land Use Board shall act on the completeness report within thirty (30) days of submission of the Board Engineer's report. (D) After the Phase I and Phase II submissions have been made, and the application has been deemed complete by the Land Use Board and the Board Engineer has advised that the testing methodology poses no danger to the integrity of the site or to the health, safety and welfare of the community, a permit shall be issued to the applicant authorizing the commencement of the testing. 4. On-Site Investigation Protocol. (A) Any on-site investigations and tests undertaken pursuant to this Section shall not begin until the applicant has received a permit pursuant to subsection 3, above. The applicant shall also be responsible for providing, at least fifteen (15) days prior to commencement of any testing procedures, written notice of same to the Land Use Board Secretary for investigations related to subdivision and site plan applications, or to the Zoning Officer for investigations related to building permit applications, which notice shall be transmitted by certified mail, return receipt requested or served personally. All site investigations shall be properly closed in accordance with N.J.A.C. 7:9-9.1 et seq.

(B) The proposed development site shall be subject to inspection by the Board Engineer or designated municipal inspectors at any time. All testing data and results shall be made available to municipal officials and inspectors on demand. (C) All samples taken shall be properly preserved and shall be available for examination by the Township upon request until the Land Use Board takes final action on the application.

5. Geological Investigation Report Requirements. (A) At the completion of the field investigation, a formal site investigation report shall be submitted to the Township and include any of the following required information gathered during the testing protocol: logs of all borings, test pits, and probes including evidence of cavities, loss of drilling fluid circulation during drilling, voids encountered and similar cavities, type of drilling or excavation technique employed, drawings of monitoring or observation wells as installed, time and dates of explorations and tests, reports of chemical analyses of on-site surface and groundwater, names of individuals conducting tests if other than the professional engineer or geologist referred to in the application or studies submitted by the applicant, analytical methods used on soils, water samples, and rock samples; a 1" = 100' scale topographic map of the site (at a contour interval of two (2') feet) locating all test pits, borings, wells, seismic or electromagnetic conductivity or other geophysical surveys and analysis of the groundwater including any potentiometric maps constructed from site data or aquifer tests with rate and direction of flow; a geologic interpretation of the observed subsurface conditions, including soil and rock type; jointing (size and

spacing), faulting, voids, fracturing, grain size, and sinkhole formation. (B) The report shall define the extent of geological findings at the site in relation to the planned development or land use. The recommendations proposed to minimize environmental and structural impacts for the useful life of the project, as well as during construction, must be clearly detailed. 6. Township Review of Geologic Investigation Report.

(A) Within forty-five (45) days of submission of the Geological Investigation Report by the applicant, the Board Engineer shall review and prepare a completeness report for submission to the Land Use Board. During the Board Engineer's review of the Geological Investigation Report for proposed development in the Carbonate Rock District, the Board Engineer shall consider the data, formal maps, drawings and related submission materials and shall advise the Land Use Board whether or not the applicant has provided the Township with: (i) Sufficient design, construction and operational information to insure that the proposed development of the property will not adversely impact on the health, safety and welfare of the community; (ii) Proof that the proposed method of development of the property will minimize any adverse effects on the quality of surface or subsurface water, and will not alter the character of surface and/or subsurface water flow in a manner detrimental to known on-site or off-site conditions; (iii) Specific details insuring that design concepts and construction and operational procedures intended to protect surface and subsurface waters will be properly implemented; (iv) Specific details on inspection procedures to be followed during construction and after project completion. (B) The Land Use Board shall, within forty-five (45) days of the receipt of the report from the Board Engineer, approve or disapprove the proposed geologic aspects of the development plan and associated construction techniques. In the event the Land Use Board denies the proposed development plan and associated construction procedures the Land Use Board shall state in the resolution its reasons for disapproval. h. Reevaluation. 1. In certain situations, a specific geologic hazard may not be identified while the geologic investigation program is underway and may be discovered during or after construction. In such cases the applicant shall: (A) Report the occurrence of the hazard to the Township Clerk within twenty-four (24) hours of discovery; (B) Halt construction activities which would impact the geologic hazard; (C) Prepare a report on the geologic hazard which analyzes the impact of the hazard and details a remediation plan for review and approval by the Board Engineer; (D) After obtaining approval from the Township, perform necessary remediation of the hazard to prevent or minimize damage to buildings, structures, utilities, driveways, parking areas, roadways, and other site improvements, and to minimize pollution of the groundwater; (E) Repair any damage to improvements and restore ground cover and landscaping; (F) In those cases where the hazard cannot be repaired without adversely affecting the site plan or subdivision, file an amended application for a site plan or subdivision approval in compliance with the provisions of this Section. i. Compliance and Enforcement.

1. Compliance with this Section is required prior to the granting of Township subdivision or site plan approval, the granting of building permits, except as exempted in subsection d herein, or the Township endorsement of State permits and treatment works approvals, unless the applicant is exempted from the provisions of this Section or the requirements in this Section have been waived. The enforcement officials for any application requiring the approval of the Land Use Board shall be the Board Engineer. The enforcement official for building permit applications that are subject to this Section shall be the Zoning Officer or Construction Code Official. For well and septic system installation, the Board Engineer shall serve as the enforcement officer. The Board Engineer shall serve as the enforcement official for wastewater systems requiring NJDEP permits or Treatment Works Approvals. 2. Failure to comply with any of the conditions in this may result in the issuance of a stop-work order, revocation of building permits, or denial of certificates of occupancy. Remedial and corrective measures may be mandated if the appropriate construction and site planning techniques as outlined in the applicant's approved geologic report, are not followed and result in actions which adversely impact karst features. j. Carbonate Area District Data Distribution. On-site geologic information collected through the provisions of this Section represents important resource data. Copies of the final geologic investigation report and all maps and accompanying data shall be submitted to the Township Clerk, Warren County Board of Health, and a copy filed with the Land Use Board Secretary. The Township shall develop a catalogue system of all available municipally-generated geologic reports. This file shall be accessible to the public during normal working hours. k. Application and Escrow Fees. The applicant shall submit the application fees and escrow deposits specified in the Township Code for any project in the Carbonate Area District requiring a submission. l. Investigation Required. 1. All applications for

subdivision approval, site plan approval, or building permit for new construction, including single family detached dwellings and located within the Carbonate Area District shall be accompanied by completed submissions as an initial step of the geologic investigation required herein. 2. Procedure for Submission of Documents. (A) The applicant shall submit the completed Phase I submission to the Township of Frelinghuysen Land Use Board for distribution to the Board Engineer. Applicants shall also submit the required application fee and escrow as per the Township's posted escrow and fee requirements. (B) Phase I and II submissions may be completed and filed prior to the completion of other required submissions at the applicant's option. (C) The applicant and the municipal Land Use Board will be advised within thirty (30) days of submission of the Phase I submission whether a waiver of completion of the Phase II study is being recommended by the Board Engineer. The Board Engineer may recommend a waiver of some or all of the required investigations as provided herein. The Land Use Board will act on the Board Engineer's completion report within thirty (30) days of receipt. Notice of the Township's action will be forwarded to the applicant in writing. 3. The Phase I submission is intended to ensure that the information to be submitted by the applicant demonstrates that the applicant has sufficient information available on geologic issues to enable the applicant to prepare a plan for investigation of the proposed development site. 4. Any applicant with questions regarding whether applicant is entitled to a waiver of some or all segments of the geologic investigation is encouraged to contact the Board Engineer prior to the commencement of the preparation of the geotechnical investigation program. 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 11, 2015 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 16, 2015 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, seconded by Mr. Boynton. Roll call vote: Stracco-Yes; Desiderio-Yes; Boynton-Yes; DeCarolis-Absent; Kuhn-Absent.

#2015-17 BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2015-12 (PROVIDING 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 (THE "TOWNSHIP"), ON APRIL 15, 2015, AS PREVIOUSLY AMENDED AND RESTATED BY BOND ORDINANCE NUMBER 2015-13 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP ON JULY 15, 2015, TO AMEND THE DESCRIPTION THEREOF WHEREAS, the Township Committee of the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the "Township"), heretofore finally adopted Bond Ordinance Number 2015-12 on April 15, 2015 providing for various 2015 capital improvements (the "2015-12 Ordinance"); and **WHEREAS,** the Township Committee of the Township heretofore finally adopted Bond Ordinance Number 2015-13 on July 15, 2015, which amended and restated the 2015-12 Ordinance to (i) increase the amounts of the appropriation (including increasing the amount of the New Jersey Department of Transportation Grants), the authorization of bonds or notes and the down payment thereunder, and (ii) amend the description of the improvements and purposes authorized thereby (the "2015-13 Ordinance", and together with the 2015-12 Ordinance, the "Existing Ordinance"); and **WHEREAS,** the Township's 2015 Capital Improvement Program includes the acquisition of turnout gear for use by the Green Township Fire Department; and **WHEREAS,** the Township has determined that the improvements and purposes of Section 3(a) of the Existing Ordinance should be amended to include the acquisition of turnout gear for use by the Green Township Fire Department. **NOW, THEREFORE, 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.** Section 3(a) of the Existing Ordinance is hereby amended and restated in its entirety to read as follows: **"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, the acquisition of turnout gear for use by the Green Township Fire Department, 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 micropaving of various roads within the Township, including, as applicable, all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the Township Clerk and available for public inspection and hereby approved.”

SECTION 2. Except as expressly amended, supplemented and restated hereby, the Existing Ordinance shall remain in full force and effect. **SECTION 3.** 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: November 11, 2015 DONNA ZILBERFARB, Acting Township Clerk ADOPTED ON SECOND READING DATED: December 16, 2015 DONNA ZILBERFARB, Acting Township Clerk APPROVAL BY THE MAYOR ON THIS 16th DAY OF DECEMBER 2015.**

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN PUBLIC NOTICE NOTICE OF PENDING ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Frelinghuysen, in the County of Warren, State of New Jersey, held on November 11, 2015. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Building, in said County, on December 16, 2015 at 7:30 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk’s office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2015-12 (PROVIDING 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 (THE “TOWNSHIP”), ON APRIL 15, 2015, AS PREVIOUSLY AMENDED AND RESTATED BY BOND ORDINANCE NUMBER 2015-13 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP ON JULY 15, 2015, TO AMEND THE DESCRIPTION THEREOF

Purpose(s): The acquisition of hardware and software for a geographical information engineering system to be used for capital planning and road maintenance, the acquisition of turnout gear for use by the Green Township Fire Department, 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 micropaving of various roads within the Township

Appropriation: \$695,000 (Unchanged)

Bonds/Notes

Authorized: \$394,250 (Unchanged)

Grants Two Grants expected to be received from the New Jersey Department of Transportation, one in the amount of \$150,000 and one in the amount of

Appropriated: \$130,000 (Unchanged)

Section 20 Costs: \$20,000 (Unchanged)

Average Useful Life: 9.41 years (Unchanged)

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN PUBLIC NOTICE BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township Committee of the Township of Frelinghuysen, in the County of Warren, State of New Jersey on December 16, 2015, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law (N.J.S.A. 40A:2-1 et seq.), has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours at the Township Clerk’s Office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2015-12 (PROVIDING 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 (THE “TOWNSHIP”), ON APRIL 15, 2015, AS PREVIOUSLY AMENDED AND RESTATED BY BOND ORDINANCE NUMBER 2015-13 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP ON JULY 15, 2015, TO AMEND THE DESCRIPTION THEREOF

Purpose(s): The acquisition of hardware and software for a geographical information engineering system to be used for capital planning and road maintenance, the acquisition of turnout gear for use by the Green Township Fire Department, 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 micropaving of various roads within the Township

Appropriation: \$695,000 (Unchanged)

Bonds/Notes Authorized: \$394,250 (Unchanged)

Grants Appropriated: Two Grants expected to be received from the New Jersey Department of Transportation, one in the amount of \$150,000 and one in the amount of \$130,000 (Unchanged)

Section 20 Costs: \$20,000 (Unchanged)

Average Useful Life: 9.41 years (Unchanged)

CERTIFICATE OF INTRODUCTION I, the undersigned Acting Clerk of the Township of Frelinghuysen, in the County of Warren, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Township duly called and held on November 11, 2015 at 7:30 p.m. at the Township Municipal Building, in said County, and that the following was the roll call:

Present: Mr. Boynton, Mr. DeCarolis, Mr. Desiderio, Mr. Kuhn, Mr. Stracco
Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 11th day of November 2015. CERTIFICATE OF FINAL ADOPTION I, the undersigned Acting Clerk of the Township of Frelinghuysen, in the County of Warren, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Township duly called and held on December 16, 2015 at 7:30 p.m. at the Township Municipal Building, in said County, and that the following was the roll call:

Present: Boynton, Desiderio, Stracco
Absent: Kuhn, DeCarolis

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 16TH day of DECEMBER 2015. ACTING CLERK'S CERTIFICATE I, DONNA ZILBERFARB, DO HEREBY CERTIFY that I am the Acting Clerk of the Township of Frelinghuysen, in the County of Warren (the "Township"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that, as such, I am duly authorized to execute and deliver this certificate on behalf of the Township. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all resolutions and ordinances of the Township. The representations made herein are based upon the records of the Township. I DO HEREBY FURTHER CERTIFY THAT: (1) Attached hereto is the bond ordinance introduced on November 11, 2015 and finally adopted on December 16, 2015. (2) After introduction, the bond ordinance was published as required by applicable law on November 18, 2015 in the New Jersey Herald (the name of the newspaper). (3) Following the passage of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Township at the place where public notices are customarily posted, a copy of said bond ordinance, or a summary thereof, and a notice that copies of the bond ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body of the Township. Copies of the bond ordinance were made available to all who requested same. (4) After final passage, the ordinance was duly approved by the Mayor of the Township on December 16, 2015 (if applicable) and was duly published as required by law on December 22, 2015 in The New Jersey Herald (the name of the newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof. (5) The bond ordinance has not been amended, added to, altered or repealed and said bond ordinance is now in full force and effect. (6) A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of

Local Government Services, New Jersey Department of Community Affairs, as applicable. (7) The official seal of the Township is the seal, an impression of which is affixed opposite my signature on this Certificate. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 16 day of December 2015. Motion to adopt on second reading was made by Mr. Desiderio, seconded by Mr. Boynton. Role call vote: Desiderio-Yes; Boynton-Yes; Stracco-Yes; Kuhn-Absent; DeCarolis-Absent.

RESOLUTIONS:

#2015-111 UNCOLLECTIBLE TAXES December 2015 WHEREAS, a resolution is required by the Tax Collector to cancel 2015 taxes deemed uncollectible, and WHEREAS, the following properties have 2015 taxes that must be canceled of record;

BLOCK	LOT	OWNER	AMOUNT
104	10	Frelinghuysen Township	\$ 3,764.02

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 16th, 2015. Motion was made by Mr. Desiderio, seconded by Mr. Boynton, all were in favor. 3-0 vote

2015-112 CLOSE OUT ORDINANCE #2007-11 WHEREAS, there is Ordinance #2007-11 in the General Capital Fund entitled Lake and Stream Restoration Project, and WHEREAS, this project has been completed and closed out with the NJDEP, and WHEREAS, it is necessary to formally cancel the remaining balance of the ordinance and the offsetting debt for completed projects, NOW, THEREFORE BE IT RESOLVED, that the following Capital Ordinance Balance is hereby cancelled:

Ordinance	Funded	Unfunded
2007-11 Lake and Stream Restoration		\$201,371.02

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 16, 2015. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. Roll call vote: Stracco-Yes; Desiderio-Yes; Boynton-Yes; Kuhn-Absent; DeCarolis-Absent 3-0 vote

#2015-113 CAPITAL BUDGET AMENDMENT WHEREAS, the Township of Frelinghuysen, County of Warren, desires to amend the 2015 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown in such budget for the following reason: **Purchase Fire Department Equipment** NOW, **THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Frelinghuysen of the County of Warren, as follows: **Section 1.** The 2015 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. 3 CAPITAL BUDGET OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN Project Schedules for 2015**

PROJECT	ORIGINAL BUDGET	AMENDMENT	FINAL BUDGET
Geographical Information System	31750.00	(11,000.00)	20,750.00
Purchase Fire Department Equipment	11,000.00	11,000.00	

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 2015 Capital Budget, to be included in the 2015 Capital Budget as adopted. Motion made by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. 3-0 vote.

#2015-114 CLOSE OUT STATE PARK APPROPRIATIONS WHEREAS, there is Ordinance #2015-13 in the General Capital Fund entitled State Park Road Improvements, WHEREAS, this project has been completed and closed out with the NJ Department of Transportation, and WHEREAS, the NJDOT allocated \$150,000 for project costs but the actual eligible costs were \$118,227.87, and it is necessary to formally cancel the remaining grant receivable balance as well as the offsetting ordinance balance for this project, NOW, THEREFORE BE IT RESOLVED, that the following balances are hereby cancelled: NJDOT Grant Receivable State Park Road \$31,772.13 Ordinance 2015-13 State Park Road Appropriation \$31,772.13

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 16, 2015. Motion made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor. 3-0 vote.

#2015-115 GRANT APPROPRIATIONS WHEREAS, there are several Grant Fund appropriated reserves on the Current Fund Balance sheet for prior year projects, and WHEREAS, after review by the CFO and Municipal Auditor it was determined that these reserves should be cancelled from the Current Fund, NOW, THEREFORE BE IT RESOLVED, that the following Grant Fund Appropriated reserves be cancelled.

Grant Appropriation

NJ Transportation Trust Fund State Park Road 3	\$407.00
NJ Transportation Trust Fund Kerrs Corner Road 2	\$33,100.00

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 16, 2015. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor. 3-0 vote.

#2015-116 TRANSFER OF FUNDS WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2015 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>	
Finance o/e	1,000.00	General Admin s/w	3,900.00
Land Use Administration o/e	2,000.00	Legal o/e	2,000.00
Diesel o/e	2,500.00	Telephone o/e	
100.00			
Environmental Health o/e	650.00	Emergency Management s/w	800.00
Electricity o/e	1,000.00	DPW o/e	<u>4,350.00</u>
Social Security o/e	2,000.00		
Fuel Oil o/e	<u>2,000.00</u>		
Total	11,150.00	Total	11,150.00

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 16, 2015. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor. 3-0 vote.

#2015-117 PAYMENT OF VOUCHERS 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 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. All were in favor. 3-0 vote.

#2015-118 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of pending litigation and personnel matters/employee handbook in private or executive session; and WHEREAS, under the Open Public Meetings Act (number 7 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 16, 2015 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. DeCarolis, seconded by Mr. Boynton. All were in favor. 4-0 vote.

OLD BUSINESS:

- Paul Sterbenz, Engineer Report – Mr. Sterbenz presented a spreadsheet to all the Committeemen present on the costs of all the road projects for 2015. He explained in detail and stated that there is approximately \$120,000 for 2016 for road work remaining. Mr. Desiderio inquired as to why the higher cost when

budgeting these projects. Mr. Sterbenz explained that the savings were due to less field costs for engineering and the contributions from the dpw workers also brought those costs down.

The Kerrs Corner Road project has all the paperwork submitted and has been closed out. The Township should receive the final check in the amount of \$32,500 for reimbursement from the grant. Mr. Sterbenz asked for approval to pay Denville Line Painting \$136.08 for the strip stop bar in the intersection of Kerrs Corner Road and Silverlake Road. Mr. Boynton asked if the guide rails were able to be moved back like discussed previously. Mr. Sterbenz stated they tried.

- Salt Shed – Mr. Sterbenz presented mapping to all Committeemen and asked that this be held until the next meeting when Mr. Kuhn and Mr. DeCarolis are in attendance.
- Storm Water Management – Mr. Sterbenz presented information regarding storm water permitting. He discussed and educated the public and the Committee on the Rules and Regulations on storm water management for Frelinghuysen Township and the State of New Jersey. Mr. Sterbenz will be issuing the annual report in first quarter. Mr. Sterbenz also asked that the dpw workers look at the existing drains and make sure they are all marked properly and to fix, if necessary.
- Employee handbook – This will be addressed in executive session, with a possible work session at the end of December.
- Board Meetings – After discussion, it was decided to hold until January to approve or not approve Township Committee members to be at any public meeting in Frelinghuysen Township (Open Space, Farmland Preservation, Environmental and Historical).
- Part time plow drivers – A discussion was made regarding allowing a committeemen to be able to plow and get paid. After discussion, Mr. Desiderio stated he would rather not plow.

A motion was made by Mr. Boynton to approve the 3 part time plow drivers, seconded by Mr. DeCarolis. All were in favor. Motion passed with a 4-0 vote.

NEW BUSINESS:

- Ordinance 2015-16 Final Reading for Adoption
Mr. Boynton made a motion to open to the public, seconded by Mr. Desiderio.
Public questions:
 - Loren Greco asked what this Ordinance means? Mr. Stracco explained that it addresses development on certain areas with carbonate rock and that it would be for major developments and that it is basically an aquifer protection program.
 - Wendy Goetz asked if it only pertains to housing subdivisions and Mr. Stracco explained it is wise to anything and explained in further detail.Mr. Boynton made a motion to close to the public, seconded by Mr. Desiderio.

Mr. Desiderio made a motion to adopt Ordinance 2015-16, seconded by Mr. Boynton. Roll Call vote: Stracco-Yes; Desiderio-Yes; Boynton-Yes. Ordinance was adopted on a 3-0 vote. Mr. DeCarolis and Mr. Kuhn were not present.

- Ordinance 2015-17 Final Reading for Adoption
Mr. Desiderio made a motion to open to the public, seconded by Mr. Boynton. No public comment
Mr. Desiderio made a motion to close to the public, seconded by Mr. Boynton.

Mr. Desiderio made a motion to adopt Ordinance 2015-17, seconded by Mr. Boynton. Roll call vote: Boynton-yes; Desiderio-yes; Stracco-yes. Ordinance was adopted on a 3-0 vote. Mr. DeCarolis and Mr. Kuhn were not present.

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 – With regard to the fence for the DPW, Mr. Greco thinks that monies could be better allocated for bathroom facilities and/or hot water. Discussion was made by the Committee and was decided to look into the septic again and will continue from there.
- Wendy Goetz – Reminder to be put on agenda for Sustainable Jersey at next regular meeting and would like a copy of the 2010 resolution prior to the January meeting. Ms. Goetz will bring a new Resolution to the meeting. Also will be bringing another Resolution for the Trans Pacific Partnership (TPP). Discussion was made by the Committee and Ms. Goetz will be placed on the agenda for the January 20th meeting for 10 minutes for Sustainable Jersey. She will be placed on the agenda for the February meeting for 10 minutes for TPP. Ms. Goetz should coordinate with Ms. Zilberfarb in January.
- Shannon Drylie – As a resident and not an employee, she commended the Committee on this meeting and how everyone is getting along. She stated that it was a pleasure to sit in the room and she hopes that this moves forward.
- Marty Conner – Thanked Mr. DeCarolis for installing the catch basin lids, at his own expense, at the FFP South.

Also, Mr. Conner added that he was in communication with Ms. Urgo and the first funding reimbursement from Green Acres is approximately \$400,000, which should be received soon. The next round of funding will come in after the ROSI is completed. Ms. Urgo is in need of Township owned easements. After discussion Mr. Wacks will complete a title search to obtain said easements. The Committee will approve after exiting the public session.

Mr. Desiderio asked that from now on that he and the entire committee be copied on any correspondence from Ms. Urgo or anyone else that pertains to Frelinghuysen Township. Mr. Conner did clarify that this issue came up in a conversation and it wasn't the first time he was hearing about it.

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

Motion was made by Mr. Desiderio to authorize Mr. Wacks to do a title search to find Township owned easements in Frelinghuysen, seconded by Mr. Boynton. All were in favor.

DEPARTMENT REPORTS:

Motion was made by Mr. Boynton to hold the consent agenda for department reports until the next meeting, seconded by Mr. DeCarolis. All were in favor.

EXECUTIVE SESSION:

Motion was made by Mr. DeCarolis to enter into executive session, seconded by Mr. Boynton.

Motion was made by Mr. DeCarolis to exit executive session, seconded by Mr. Boynton.

Discussion in executive session included issues regarding the personnel manual and also discussed matters concerning existing litigation and potential litigation.

A special executive session meeting will be held on December 22, 2015 at 7pm to work on the personnel handbook. Ms. Zilberfarb will advertise notice of this meeting.

CORRESPONDENCE:

DEP News Release Re:

1. Hunter pleads guilty to illegally killing black bear in NJ

2. Comprehensive black bear management policy adopted
3. Flood hazard grant information
4. Christie Administration awards \$1.75 million in grants for five water quality improvement projects
5. Allaire State Park continues annual tradition of old world Christmas events
6. Ringwood State Park and Skylands Manor to host annual holiday events the first two weekends of December
7. Annual black bear hunt starts Monday in Northeastern NJ
8. Annual Black bear hunt begins Monday
9. Season of Service
10. Black Bear Hunt extended an additional four days

Local Finance Services

1. Implementation of GASB 58- Accounting & Financial reporting for public employee pensions

US Department of Homeland Security FEMA

1. External Affairs Bulletin – November 12, 2015
2. NFIP Transformation task force update
3. External Affairs Bulletin – November 18, 2015
4. External Affairs Bulletin – November 25, 2015
5. FEMA Region II Intergovernmental Advisory – Assistance to Firefighters Grants Programs Update
6. NFIP Transformation Task Force Update – December 4, 2015

State of New Jersey Department of Human Services – 1099 Adjustment file process for CY2015

US Small Business Administration – SBA reopens disaster loan filing period for superstorm sandy survivors

Frelinghuysen Township School – Tree Lighting Invitation

JCP&L – Tree clearance cutting

Maser Consulting – Project closeout – Kerrs Corner Phase 3

State of New Jersey Department DEP – Radon Action Month

Edward Wacks & Association, LLC – Township of Frelinghuysen – COAH Docket No. WRN-L-231-15

Warren County Health Department – Abandonments – Frelinghuysen Township, Block 104 Lot 10

US Census – American Community Survey (ACS)

Allamuchy Township Land Use Board – Public Hearing Master Plan Periodic Reexamination Report

Allamuchy Township Clerk's Office – Amendment to the Land Development Ordinance

Roger J. Skoog, Attorney At Law – Liberty Township withdrawal from North Warren Municipal Court

Arturi, D'Argenio, Guadlardi & Meliti, LLP – Renewal of cable television franchise

William J. Gold, Esq. – Appeal added assessment, Block 502, Lot 32

Township of Hardwick – Land Use Amendment – Ordinance No. 2015-10

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