

## **MINUTES OF MEETING OF FERUARY 17, 2016**

The work meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, February 17, 2016 and was called to order at 7:00 p.m. by 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, and Acting Clerk Donna Zilberfarb.

### **EXECUTIVE SESSION:**

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

No action was taken

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

### **Regular Meeting started:**

Mr. Wacks' statement: We have been working for a number of months on finalizing the personnel policy and handbook. During the course of discussion there have been changes made. We now have a policy that everyone is satisfied with and will ask to make a motion to adopt this policy as amended during the executive session.

Motion was made by Mr. Boynton to adopt the personnel policy and handbook as amended during the executive session, seconded by Mr. Desiderio. All were in favor.

Mr. Wacks continued his statement: In addition there was a discussion regarding benefits for Dan Harman. A resolution will be prepared that will provide Mr. Harman with agreed upon amount of \$4,136.16 with respect to accumulated days that he is going to receive and from that day forward he will be covered under the PTO days in the personnel policy and handbook. Also in that resolution will be added that the balance of that fund will be transferred back into the general fund.

Motion was made by Mr. Desiderio to provide Mr. Harman with agreed upon amount of \$4,136.16 for accumulated sick days and from that day forward will be covered under the new policy and that the balance of that fund will be transferred into the general fund, seconded by Mr. Boynton. All were in favor.

### **MINUTES:**

The minutes of the January 20, 2016 regular meeting were approved on a motion by Mr. Stracco, seconded by Mr. Boynton. All were in favor.

The minutes of the January 20, 2016 executive session meeting were approved as amended on a motion by Mr. Stracco, seconded by Mr. DeCarolis. All were in favor.

The minutes of the January 28, 2016 budget meeting were approved on a motion by Mr. Stracco, seconded by Mr. DeCarolis. All were in favor.

#### **ORDINANCES:**

#### **CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) #2016-01**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and, **WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and, **WHEREAS**, the Frelinghuysen Township Committee of the Township of Frelinghuysen in the County of Warren, finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and, **WHEREAS**, the Frelinghuysen Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$27,673.31 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and, **WHEREAS** The Frelinghuysen Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years. **NOW THEREFORE BE IT ORDAINED**, by the Frelinghuysen Township Committee of the Township of Frelinghuysen, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Frelinghuysen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 27,673.31, and that the CY 2016 municipal budget for the Township of Frelinghuysen be approved and adopted in accordance with this ordinance; and, **BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and, **BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and, **BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption. **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Frelinghuysen Township Committee held on January 20, 2016 at 7:30 p.m. and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on February 17, 2016 at 7:30 p.m. 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. **NOTICE** Notice is hereby given that the foregoing Ordinance was adopted at the meeting of the Frelinghuysen Township Committee held on the 17th day of February, 2016 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey. Roll call vote: Boynton-Y; Desiderio-Y; DeCarolis-Y; Kuhn-Y; Stracco-Y.

Mr. Boynton made a motion for introduction of second reading, seconded by Mr. DeCarolis. All were in favor.

Mr. Boynton made a motion to open to the public for discussion, seconded by Mr. DeCarolis. All were in favor.

Public Comment:

Spoke were:

Ms. Goetz inquired if there were more people moving to town and where the extra monies are needed?

Ms. Dyer explained that this ordinance is regarding how much your budget can increase.

Mr. Stracco made a motion to close to the public, seconded by Mr. Desiderio. All were in favor. The Cap Bank Ordinance passed with a 5-0 roll call vote (above) with a motion by Mr. Boynton, seconded by Mr. DeCarolis.

**ORDINANCE 2016-02 AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY FIXING SALARIES FOR THE YEAR 2016**

BE IT ORDAINED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren and State of New Jersey that the annual, monthly or hourly salaries of the elected officials, appointees and employees of the Township of Frelinghuysen, effective January 1, 2016 shall be as follows:

MAYOR - \$3,296.00 annually

TOWNSHIP COMMITTEE MEMBERS-\$3,295.00 annually

MUNICIPAL CLERK (1/1-3/31 35 hr week) - \$52,468.00 annually

MUNICIPAL CLERK (4/1-12/31 40 hr week) - \$59,966.00 annually

ASSESSMENT SEARCH OFFICER-\$2,580.00 annually

PART TIME CLERICAL HELP-\$13.20 hour

TAX COLLECTOR-\$15,000.00 annually

TAX ASSESSOR-\$30,250.00 annually

CHIEF FINANCIAL OFFICER-\$15,998.00 annually

QUALIFIED PURCHASING AGENT-\$1,015.00 annually

BOARD OF HEALTH MEMBERS-\$26.39 annually

BOARD OF HEALTH SECRETARY-\$708.00 annually

ANIMAL CONTROL OFFICER-\$7,510.00 annually

OPEN SPACE SECRETARY-\$279.00 annually

FARMLAND PRESERVATION SECRETARY-\$279.00 annually

CLEAN COMMUNITIES COORDINATOR-\$533.00 annually

RECYCLING COORDINATOR-\$533.00 annually

FORESTRY MANAGEMENT SECRETARY-\$960.00 annually

ENVIRONMENTAL COMMISSION SECRETARY-\$1,025.00 annually

HISTORIC PRESERVATION SECRETARY-\$500.00 annually

EMERGENCY MANAGEMENT COORDINATOR-\$1,000.00 annually

DEPUTY EMERGENCY MANAGEMENT COORDINATOR-\$1,000.00 annually

ASSISTANT EMERGENCY MANAGEMENT COORDINATORS (4)-\$250.00 annually

STATE OF EMER VARIABLE COMP-Not to exceed \$100.00 per day of emergency

CONSTRUCTION OFFICER-\$46,622.00 annually

TEMP SUBCODE INSPECTOR-\$36.78 per hour

FIRE INSPECTOR OFFICIAL-\$2,378.00 annually

ELECTRICAL SUBCODE INSPECTOR-\$10,100.00 annually  
PLUMBING SUBCODE INSPECTOR-\$10,100.00 annually  
TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICIAL-\$13.00 per hour  
ZONING OFFICER-\$5,542.00 annually  
LAND USE BOARD SECRETARY-\$1,500.00 annually  
DPW SUPERVISOR-\$1,218.00 annually  
DPW FOREMAN-\$25.42 per hour  
DPW ASSISTANT ROAD FOREMAN-\$24.62  
DPW MECHANIC-\$4,330.00 annually  
TEMPORARY DPW LABORER-range \$10-\$20 per hour  
TEMPORARY DPW EQUIPMENT OPERATOR WITH CDL-\$25.00 per hour (eff 1/28/16)  
TEMPORARY DPW EQUIPMENT OPERATOR WITHOUT CDL-\$20.00 per hour (eff 1/28/16)  
SAFETY DIRECTOR-\$1,880.00 annually  
MANAGER OF PUBLIC LANDS-\$609.00 annually  
ASSISTANT MANAGER OF PUBLIC LANDS-\$609.00 annually

BE IT FURTHER ORDAINED, that the Mayor and Township Committee establishes the reimbursement for mileage at \$0.54 per mile. BE IT FURTHER ORDAINED, by the Mayor and Township Committee that all salaries shall be retroactive as of January 1, 2016. BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon publication and final adoption pursuant to law. NOTICE Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on February 17, 2016 and will be considered for final reading and adoption at a meeting of the Mayor and Township Committee to be held on March 16, 2016 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Desiderio for intro of Ordinance 2016-02, seconded by Mr. Boynton. All were in favor. Second reading for adoption will be March 16, 2016.

#### **RESOLUTIONS:**

**#2016-25** SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of personnel policy and pending litigation 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 February 17, 2016 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned and results or portions of that discussion will be made known in reasonable length of time. Motion was made by Mr. Boynton seconded by Mr. Desiderio. All were in favor.

**#2016 -26 TAX COLLECTOR** WHEREAS, M and V Liens acquired a lien against **Block 1001, Lot 10** at the Tax Sale held **December 26<sup>th</sup>, 2013 (Certificate #2013-06). Reverse Mortgage Servicing Department**, for the owner of said property has paid the amount to redeem the lien. NOW, THEREFORE BE IT RESOLVED that the Township Treasurer is hereby authorized to issue a check in the amount of **\$ 14,483.27** to M and V Liens. I hereby certify the foregoing to be true and accurate copy of a resolution adopted by the Township Committee at its' meeting held February 17<sup>th</sup>, 2016. Motion was made by Mr. Boynton, seconded by Mr. Desiderio. All were in favor.

**#2016-27** RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF FEBRUARY 2016 WHEREAS, the Finance Committee of the Township of Frelinghuysen have reviewed the bills submitted by the Municipal Clerk to the Frelinghuysen Township Committee for the month of FEBRUARY 2016; and WHEREAS, the Finance Committee find the bills to be in order and recommend to the Township Committee that they be paid by the Chief Finance Officer. NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that all bills submitted for the above named month are reasonable and proper and are to be paid from their appropriate account. Motion made by Mr. Stracco with exceptions, seconded by Mr. Desiderio. All were in favor.

**#2016-28 (Amending and Updating the Personnel Policies and Procedures Manual of the Township of Frelinghuysen)** WHEREAS, the Township of Frelinghuysen is a member of the New Jersey Municipal Excess Liabilities Fund ("MEL"); and WHEREAS, every two years, the MEL distributes a model personnel policies and procedures manual and encourages its members to update their policies and procedures; and WHEREAS, the Township of Frelinghuysen seeks to update its Personnel Policies and Procedures Manual to conform with the MEL's standards, and to make other modifications as set forth therein, to assure that the Personnel Manual accurately reflects the terms and conditions of employment with the Township. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey as follows:

1. The Frelinghuysen Township Personnel and Policies Manual is hereby revised and modified to read as set forth in the copy of same as attached hereto.
2. The Township Clerk is hereby directed to distribute a copy of the Personnel and Procedures Manual, as revised and modified, together with a copy of this Resolution, to all Township employees, and to have each employee sign an acknowledgement of receipt of same.
3. This Resolution, and the terms of the revised and modified Personnel and Procedures Manual, shall take effect immediately upon passage of this Resolution. CERTIFICATION I, Donna Zilberfarb, Acting Clerk of the Township of Frelinghuysen do hereby certify the above to be a true copy adopted by the Frelinghuysen Township Committee at a meeting held on February 17, 2016. Motion was made by Mr. Boynton, seconded by Mr. Desiderio. All were in favor.

**#2016-29** (Authorizing Settlement of Claim of Daniel Harman for Unused Sick Time, and Transferring Balance of Funds from Reserve for Accumulated Sick Pay) WHEREAS, Daniel Harman, an employee of Frelinghuysen Township (the "Employee"), has accrued substantial compensable sick time during his term of employment; and WHEREAS, the Mayor and the Committee have negotiated an agreement with the Employee pursuant to which the Township will pay, and the Employee will accept, a lump sum of \$4,136.16 in full settlement of his claim for compensation; and WHEREAS, the settlement of the Employee's claim will result in savings to the Township; and WHEREAS, effective February 17, 2016, employees are subject to the Personal Time Off ("PTO") System under which employees may roll over unused personal time off only until June 30 of the year after which it is incurred; and WHEREAS, Frelinghuysen Township previously established a reserve for accumulated sick pay, in order to resolve claims by Township employees; and WHEREAS, all potential claims for accumulated sick pay have been resolved, and as such the reserve is no longer necessary and the reserved funds can be used for the general health,

safety and welfare of the Township. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, as follows:

1. Frelinghuysen Township shall pay the sum of \$4,136.16 to Daniel Harman in full settlement of his claim for accumulated compensable sick time. This payment is conditioned upon Daniel Harman's execution of a release in a form favorable to the Township Attorney.

2. The said payment to Daniel Harman shall be made from the reserve for accumulated sick pay. After the disbursement to Daniel Harman, all remaining funds in the reserve for accumulated sick pay shall be transferred to the Current Fund.

3. This Resolution shall take effect according to law. CERTIFICATION I, Donna Zilberfarb, Acting Clerk of the Township of Frelinghuysen do hereby certify the above to be a true copy adopted by the Frelinghuysen Township Committee at a meeting held on February 17, 2016. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.

### **OLD BUSINESS:**

**Dpw report** – Mr. Inscho presented what has been done this past month. Discussion was made with some questions. Mr. Boynton questioned the status of the sander, Mr. Desiderio will handle. Mr. Boynton questioned regarding OT hours not being the same with both employees. Mr. Inscho explained that he was ill during the first storm and had a death in the family during the second storm. Mr. DeCarolis had a question regarding montage tools and if items were delivered or picked up. Mr. Inscho explained they were picked up. Mr. Boynton asked if anyone had taken him out for driving test and Mr. Inscho explained no. Mr. Desiderio offered to drive with Mr. Inscho during the next storm. Mr. Boynton questioned the road miles and difference in salt use. Mr. Inscho explained reasoning. Mr. Inscho inquired about CPWM courses and asked if he could sign up for the fall courses. After discussion, Mr. Kuhn explained there is no money in the budget for this year but to remind them at budget time next year. Mr. Inscho stated he was asking as it was brought up during his interview.

**Rock Wall/Snow Plow** – Mr. Giordano, the home owner, was present in the audience and explained the history of the home and that this is the 3<sup>rd</sup> time it is being hit and would like to remedy the problem. Mr. Wacks did explain that it is the homeowners responsibility but recommended that Mr. Sterbenz the town engineer go take a look at it. Mr. Kuhn would like Mr. Inscho to coordinate with Mr. Sterbenz and go out to look at it and see what can be done.

**Bus stop sign on Route 94** – Mr. Kuhn will write a letter to the DOT regarding the bus stop sign being placed on a state road.

**Fire truck and Ship** – Mr. Desiderio is looking into this.

### **NEW BUSINESS:**

**Letter of Credit** – Mr. Wacks explained that there is a letter of credit that cannot be found. He drafted a new one and recommends the Mayor sign this one.

Motion was made by Mr. Boynton to have the Mayor sign the letter of credit, seconded by Mr. DeCarolis. All were in favor. Ms. Zilberfarb will forward to Mr. Wacks via mail.

**COAH Lawsuit** – Mr. Wacks explained briefly what was going on with this and stated that a check for \$5,000.00 is needed.

Motion was made by Mr. Stracco to give Mr. Wack's office a check in the amount of \$5,000.00 payable to the Clerk of Superior Court, seconded by Mr. Boynton. All were in favor. Ms. Dyer will cut a check and Ms. Zilberfarb will send to Mr. Wacks' office.

**Legal Report:**

Rock Picking – Mr. Wacks explained that based on discovery, they are bringing in soil and now have been fined again. They understand that they are under a microscope and if there is any work being done that they will be taken back to municipal court. The matter is now over.

The Berry Farm, 150 acres, has been approved and is on its way for finalization. The Post Farm, 40 acres, has also been approved. All funding for the Post Farm will come from the SADC and the county with the township handling the soft costs.

**OPEN MEETING TO THE PUBLIC:**

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

Wendy Goetz spoke about the school bus sign that was discussed earlier and asked if that was the same that she had mentioned last month and she stated she is looking forward to seeing everyone at the Land Use Board in March.

Loren Greco spoke about bringing in soil and being fined for that. Mr. Wacks explained the rules and regulations. Mr. Greco also inquired about Howard the House Doctor on the bills list.

Marty Conner spoke about propane and ordering it. He explained there is no heat in room #1 and will bring to Mr. Boynton's attention. Mr. Boynton will be out on Friday after 10 am to check it. He also wanted to thank the dpw for the snow removal after the storm.

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

**DEPARTMENT REPORTS:**

Motion was made by Mr. Boynton for the consent agenda for department reports 1-9, seconded by Mr. DeCarolis. All were in favor.

**Bills** – Hold Beyer Brothers and Cliffside until letter from Beyer Brothers comes in. Hold David Gill's, invoice he will need to submit on time. Also, hold Scott Cooke's bill for an itemized bill.

**Open Space report:** Finalize all Kids Camp paperwork for reimbursement.

**Committeeman DeCarolis report:** Thanked Ms. Zilberfarb for stepping up in Mr.

Inscho's absence. Inquired about putting a stop ahead sign on County Road 661 and State Route 94 and should discuss with Mr. Sterbenz. Dog licenses are overdue and the date for summons will be April 1<sup>st</sup>.

**Committeeman Boynton report:** Imperial gutter started today, February 17<sup>th</sup>, Howard the house doctor will be starting tomorrow. Mr. Boynton's crew painted on Friday – the hall, the bigger left room and room #1.

**Land Use Board Report:** The board will appoint a temporary secretary at their next meeting. Pamela Brady is interested. Will reappoint next year and get certification.

**Clerks Report:** Discussed a situation on Allamuchy Road in regards to stray cats. Mr. DeCarolis will go out and handle. There have been 524 dogs licensed to date. The total cost for the dinner will be \$3,340.80 which includes a 20% gratuity and the \$200.00 deposit, 87 will be in attendance. Also gave a list of time off that she will be taking.

### **CORRESPONDENCE FOR MEETING OF FEBRUARY 17, 2016**

State of New Jersey Department of Environmental Protection – Trails Grant awarded for \$14,400.00.

Warren County Planning Department – Public hearing regarding Warren County Development Review Regulations on February 24, 2016.

Warren County Department of Land Preservation – Warren County Preservation Day at Ramsaysburg Homestead held on May 21, 2016

SBA Disaster News – SBA to close some recovery centers in NJ

JCP&L – Notice of Public Hearing regarding proposed increase in Company's Rider

RRC – RGGI Recovery Charge

JCP&L – Winter storm Jonas update

Brady & Correale, LLP (Ed Wacks) – court notices

Blairstown Hose Company #1 – January 2016 Fire Report

### **ADJOURNMENT:**

There being no further business, motion was made by Mr. Desiderio, seconded by Mr. DeCarolis to adjourn the meeting at 9:05 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk