

**MINUTES OF MEETING OF MAY 18, 2016  
AMENDED**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, May 18, 2016 and was called to order at 7:30 p.m. by Mayor, Christopher Kuhn.

**SUNSHINE LAW STATEMENT:**

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

**ROLL CALL:**

Those present were: Mayor Christopher Kuhn, Deputy Mayor Christopher Stracco, Committeeman Boynton, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, and Acting Clerk Donna Zilberfarb.

**PRESENTATIONS:**

Sara Bilotti and Chris Hagel from North Warren High School presented the budget for the school and explained the savings for Frelinghuysen. They discussed student performance, programs, enrollment and budget facts. Discussion and questions were raised by members of the audience and were answered. Mr. Kuhn thanked Mr. Hagel and Ms. Bilotti for their attendance and their presentation.

**MINUTES:**

The minutes of the April 20, 2016 Regular Meeting were approved as amended on a motion by Mr. DeCarolis, seconded by M. Desiderio. All were in favor. Mr. Boynton and Mr. Kuhn abstained.

**ORDINANCES:**

2016-04 AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY AMENDING SALARIES FOR THE YEAR 2016 WHEREAS, an ordinance of the Township of Frelinghuysen fixing salaries for the year 2016 was adopted on March 16, 2016, AND WHEREAS, it is the desire of the Mayor and Township Committee to amend said Ordinance, 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 April 1, 2016 shall be as follows: DPW FOREMAN-\$28.50 per hour 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 April 20, 2016 and will be considered for final reading and adoption at a meeting of the Mayor and Township Committee to be held on May 18, 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. NOTICE Notice is hereby given that the foregoing Ordinance was adopted at a meeting of the Frelinghuysen Township Committee on May 18, 2016. Motion was made by Mr. Boynton to open to public, seconded by Mr. DeCarolis. No discussion. Motion was made by Mr. Stracco to close to the public, seconded by Mr. DeCarolis. Motion was made to adopt by Mr. DeCarolis, seconded by Mr. Boynton. All were in favor. Roll Call vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes.

**RESOLUTIONS:**

#2016-49 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and, WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and, WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each

municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and, WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and, WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and, WHEREAS, all members of the governing body have received and familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and, WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit: R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance. CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do certify the foregoing to be a true copy adopted by the Frelinghuysen Township Committee at the work meeting of May 11, 2016. **CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT GROUP AFFIDAVIT FORM NO PHOTO COPIES OF SIGNATURES** STATE OF NEW JERSEY COUNTY OF WARREN We, members of the governing body of the Township of Frelinghuysen, in the County of Warren, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Committee of the Township of Frelinghuysen in the County of Warren; 2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2015; 3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations." Christopher Kuhn, Mayor, Christopher Stracco, Deputy Mayor, David Boynton, Committeeman, Frank Desiderio, Committeeman, Alan DeCarolis, Committeeman, Sworn to and subscribed before me this 18th day of May 2016 The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body. **IMPORTANT:** This certificate must be sent to the Bureau of Financial Regulations and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625. \*copies of signatures are in the Clerk's office\* Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor.

**#2016-50 RESOLUTION OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF A 1998 FORD, 1986 EGER BEEVER BY MOR BARK CHIPPER, AND MAULDIN ROLLER TO BE PLACED ON MUNI-BID.** WHEREAS, the Township of Frelinghuysen has in its possession a 1998 Ford, VIN Number 1FDVS80E2WVA22760, an Eger Beever by Mor Bark Chipper, serial No. 2629, and a Mauldin Roller, Model Number 276-XK14CGH2YG Serial No. 00276; and WHEREAS, the Township of Frelinghuysen has determined that it no longer needs the 1998 Ford, VIN Number 1FDVS80E2WVA22760, an Eger Beever by Mor Bark Chipper, serial No. 2629, and a Mauldin Roller, Model Number 276-XK14CGH2YG Serial No. 00276 and NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that the sale of the 1998 Ford, VIN Number 1FDVS80E2WVA22760, an Eger Beever by Mor Bark Chipper, serial No. 2629, and a Mauldin Roller, Model Number 276-XK14CGH2YG Serial No. 00276, belonging to the Township of Frelinghuysen shall take place as soon as it is mutually convenient for both parties. Said purchase of equipment shall constitute the entirety of the purchase with monetary consideration. Motion was made by Mr. Boynton with amendments as follows, seconded by Mr. Desiderio. The Amendments were to add minimum bids, Chipper \$1,500.00; Roller \$500.00; and Ford Truck \$5,500.00.

**#2016-51 RESOLUTION TO APPOINT SAFETY DIRECTOR** WHEREAS, a vacancy exists in the position of Safety Director; and WHEREAS, Donna Zilberfarb has the

qualifications to service as the Safety Director. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Donna Zilberfarb is hereby appointed as the DPW Foreman commencing January 1, 2016; and BE IT FURTHER RESOLVED, that subject to proper and valid appropriation of the funds for same, Donna Zilberfarb shall be paid \$1880.00 annually. This Resolution shall take effect according to law.

**#2016-52** WHEREAS, there is an Ordinance #2010-04 in the General Capital Fund entitled Various Capital Improvements, and WHEREAS, the projects within this ordinance have been completed, 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   |
|------------------------------|--------|------------|
| 2010-04 Various Improvements |        | \$6,465.55 |

**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 May 18, 2016. Motion made by Mr. Desiderio, seconded by Mr. Stracco. All were in favor.

**#2016-53 CAPITAL ACCOUNT RESOLUTION** WHEREAS, it is the desire of the Committee of the Township of Frelinghuysen to review and update the line items within each open Capital Ordinance, and WHEREAS, after review it has been decided to transfer budgeted amounts within each ordinance to better serve the purposes of the allotted capital expenditures and to move dollars to alleviate line items that have small or overspent balances within each ordinance, NOW, THEREFORE BE IT RESOLVED by the Committee of the Township of Frelinghuysen that the following budget transfers be recorded by the CFO:

| DESCRIPTION                            | CURRENT<br>BUDGET | 10/14/15<br>ADJUSTMENT | ADJUSTED |
|--|-------------------|------------------------|----------|
| <u>Ordinance 2015 Various Projects</u> |                   |                        |          |
| Road Improvements State Park Road      | 6901.40           | -6901.40               | .00      |
| Road Improvements Kerrs Corner Road    | 52703.84          | -52703.84              | .00      |
| Road Overlay                           | 18,228.89         | -18,228.89             | .00      |
| Purchase Fire Department Equipment     | 103.53            | -103.53                |          |
| .00                                    |                   |                        |          |
| Tar/Chip/Micropave Various Roads       | -3064.40          | +77,937.66             |          |
| 74,873.26                              |                   |                        |          |

I hereby certify the above to be a true copy of a Resolution adopted by the Committee of the Township of Frelinghuysen at a meeting held on May 18, 2016. Motion made by Mr. Desidero, seconded by Mr. DeCarolis. All in favor.

**#2016-54 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF MAY 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 MAY 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. Boynton, seconded by Mr. Desiderio. All were in favor.

**#2016-55** On a motion made by Mr. Boynton and seconded by Mr. Desiderio the following resolution was adopted by the Committee of the Township of Frelinghuysen at a meeting held on May 18, 2016. **RESOLUTION GRANTING THE APPROVAL OF THE PURCHASE OF THE DEVELOPMENT EASEMENT ON POST FARM KNOWN AS B1101 / L3.01 IN FRELINGHUYSEN TOWNSHIP** WHEREAS, the Committee of the Township of Frelinghuysen has determined that the property known as Post Farm, Block 1101 / Lot 3.01 in Frelinghuysen Township, consisting of approximately 40.71 acres to be preserved, is available for purchase of a development easement in accordance with the requirements of the farmland preservation programs; and **WHEREAS**, preservation of this land would encourage the survivability of agricultural

production in Frelinghuysen Township, and said tract falls within a predetermined Agricultural Development Area and is adjacent to other preserved farms; and **WHEREAS**, the pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and **WHEREAS**, the State Agricultural Development Committee has certified the fair market value of said farm; and **WHEREAS**, a contract for \$4,400 per acre with the landowners is anticipated with an estimated total value of \$179,124, the exact compensation to be determined by a final survey; and **WHEREAS**, the Township is authorized to provide funding up to 15.5% of the purchase price (or \$680 per acre of the easement) to be paid from the Township's Open Space Trust, contingent on receiving a signed contract from the landowner. **NOW THEREFORE BE IT RESOLVED**, by the Committee of the Township of Frelinghuysen as follows: The Committee of the Township of Frelinghuysen hereby supports the purchase of a development easement on Post Farm under the Township's Municipal Planning Incentive Grant Farmland Preservation program, in partnership with the County of Warren and the State Agriculture Development Committee. Roll Call Vote: Mr. Boynton – Yes; Mr. DeCarolis – Yes; Mr. Desiderio – Yes; Mr. Kuhn - Yes; Mr. Stracco - Yes

**#2016-56 A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT FOR THE PREPARATION OF A SURVEY TO SADC STANDARDS OF PROPERTY KNOWN AS BLOCK 1101 , LOT 3.01 IN THE TOWNSHIP OF FRELINGHUYSEN**

**WHEREAS**, there exists a need for survey services to be rendered to the Township of Frelinghuysen in preparation for acquisition of a Farmland Easement on certain real property located within the Township of Frelinghuysen; and **WHEREAS**, funds are available for this purpose; and **WHEREAS**, the survey must be completed in accordance with the specifications of the State Agriculture Development Committee; and **WHEREAS**, The Township wishes to retain the services of Dykstra Associates, in accordance with its proposal letter dated November 13, 2015, and; **WHEREAS**, the Committee wishes to award a contract in an amount not to exceed \$7,335.00 for Dykstra Associates, and the Chief Financial Officer has certified that funds are available for this purpose; **NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Frelinghuysen in the County of Warren and State of New Jersey as follows:

1. The Township of Frelinghuysen hereby awards and authorizes Dykstra Associates to complete a survey of the above-referenced property in accordance with SADC standards, for an amount not to exceed \$7,335.00.
2. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

On a motion by Mr. Desiderio seconded by Mr. Boynton the aforementioned Resolution Number 2016-56 be adopted as read. Roll Call Vote 5 – Yes; 0 – No; 0 - Absent/Abstained.

**OLD BUSINESS:**

Community Service Award - Mr. Kuhn asked the Committee members for their thoughts on who should receive the community service award this year. After discussion, a motion was made by Mr. Boynton, seconded by Mr. Stracco to nominate Charles and Fran Muller. All were in favor.

The Mill on Mill Road update - Ms. Bisilicato presented the township with a print of the old train station to be hung in the town hall. She also asked about the work to be done on the old mill and when it would begin. She also inquired as to who makes the Ordinances in town and why isn't there a maintenance one. Mr. Boynton clarified that the owner of the mill has building permits for the work to be done. A copy of the letter from the restoration group in regards to the work on the mill was given to Ms. Bisilicato stating that work will commence soon. They were at the site on 5/13/16. Ms. Bisilicato also asked if Mr. DeCarolis if he had gone out to look at the tree she spoke of that is laying close to road. Mr. DeCarolis also mentioned that we will be chipping debris along the roads in the fall. Mr. Stracco thanked her for the print.

**NEW BUSINESS:**

Jackie Espinoza of JCP&L discussed power outages and stated that the trimming of the trees have been completed for Frelinghuysen Township. Ms. Espinoza answered questions regarding the presentation at the work session meeting. She explained that JCP&L stays out of that and has no opinion on it. JCP&L still provides the service.

Tax sale - Natures Conservancy - Block 1201 Lots 29, 29.01 and 37. After discussion, a motion was made by Mr. Desiderio to authorize Ed Wacks to proceed with in rem tax sale foreclosure, seconded by Mr. Stracco. All were in favor.

Master Plan - Darlene Green of Maser Consulting will be doing the work to update the master plan. A contract was presented to the committee for moving forward with a cost of \$6,250.00. A motion was made by Mr. Desiderio to approve the contract for \$6,250.00, seconded by Mr. Boynton. All were in favor.

Fair Share Housing Act - Mr. Wacks explained in detail what this means for the Township of Frelinghuysen and how it affects COAH. Mr. Wacks handed out a letter to be sent to the Legislators in regards to the gap period. Ms. Zilberfarb will send the letter out to list given.

**OPEN MEETING TO THE PUBLIC:**

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

Mr. Marra spoke regarding the State giving monies to Kids Camp but not having COAH housing. He asked if they could take the property. Mr. Wacks explained that the monies received were specifically for that property and there is a very slight chance that would happen.

Marty Connor spoke regarding an Ordinance regarding the FFP rules and regulations that was to be done according to the minutes in September but didn't believe it was completed. Mr. Wacks will look into and get a report back. Mr. Connor also asked about opening the camp and asked if there were any legal issues. Mr. Wacks discussed that as long as the committee feels comfortable they can open. Ms. Natyzak discussed that it shouldn't be opened as there is no one to police or manage it. Mr. Kuhn explained that Mr. Connor and Ms. Buttgerreit manage the property.

Debra Natyzak spoke regarding the change of use for the kids camp property and asked why the change. Ms. Buttgerreit stated it is just for the lodge.

Dan Kohuth inquired what the road department consisted of. Mr. Kuhn explained, Mr. Harman is the Foreman, Ms. Zilberfarb is the Supervisor and Mr. Pitalla is a part time Laborer. Mr. Kohuth also asked about the salt shed. After discussion, Mr. Kuhn explained all the different options and how the plan for the new salt shed came to be. Discussion from audience as to where the new salt shed would go and if the septic system has been considered.

Joyce Pinho asked if the residents have any say in the cost of this salt shed.

Loren Greco asked if it was true that the cost spent to date was \$21,000.00. Mr. Kuhn responded yes.

Charlie Marra asked if anyone approached the state to do a shared services for salt storage. He also asked why can't they leave it where it is but move back a bit into the mountain and clear the area to have tables so the families can see all the fields at once.

Mr. Desiderio handed to all members copies of a petition signed by approximately 80+ residents asking this to be put on the ballot as a question.

Motion was made by Mr. Desiderio, seconded by Mr. Stracco to close meeting to the public. All in favor - Mr. Kuhn opposed.

**New Business Continued:**

Motion was made by Mr. Desiderio for approval for the COAH gap to send the letter to the Legislators, seconded by Mr. Boynton. All were in favor.

Motion was made by Mr. Desiderio to table the opening of Kids Camp, seconded by Mr. DeCarolis. All were in favor.

Motion was made by Mr. Desiderio directed from Recreation that a new salt shed should not be built in the parking lot and should be placed on the ballot in November, seconded

There was no second. Motion denied.

Motion was made to table the salt shed, seconded by Mr. Boynton. All were in favor. Mr. DeCarolis opposed.

**DEPARTMENT REPORTS:**

Motion made by Mr. DeCarolis for consent agenda items 1-10, seconded by Mr. Boynton. All were in favor.

FFP - Mr. Connor stated that all plumbing has been completed.

Mr. Boynton discussed some issues regarding Kids Camp and work that has been done thus far. He publicly stated that he was thrown under the bus and is bothered by it. He stated that he will no longer do any work for free anymore. When something needs to be taken care of the township will need to hire someone to do it from now on.

Ms. Zilberfarb asked if the Mullers could enlarge the 911 map. Motion was made by Mr. Desiderio to make the map larger, seconded by Mr. DeCarolis. All were in favor.

Recreation - Founders Day is June 4th. Mr. Desiderio discussed the dunk tank that the PTO wanted to have and stated that it was not going to be at this event this year.

Mayor report - Mr. Kuhn discussed continuing on the energy aggregation for information. Work on the maple syrup ordinance continues and would like to invite Mr. Kapitko to the next meeting. He also explained that there is no ANJEC grant funding this year.

Deputy Mayor report - Discussed the Land Use Board and the Master Plan update being worked on.

Committeeman Boynton report - Asked to hire someone to paint the exterior of the lodge and to hire someone to install the John Lotz sign at the field at the town hall. Mr. Desiderio stated that the Recreation booster club will pay for the sign to get put up.

Committeeman Desiderio – nothing to report at this time.

Committeeman DeCarolis – nothing to report at this time.

Clerk report - Ms. Zilberfarb discussed that the storm jonas paperwork has been filed with FEMA for reimbursement. She also stated that all financial disclosures were filed for 2016. Ms. Zilberfarb discussed the classes that were taken and the CEU credits earned for each class. A safety meeting with the insurance company representative, Ivan Cohen was held and after discussion, a few minor issues need to be taken care of.

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Desiderio, seconded by Mr. Stracco to adjourn the meeting at 10:45 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk