

## MINUTES OF MEETING OF JULY 20, 2016

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, July 20, 2016 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 Boynton, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Attorney Edward Wacks, and Acting Clerk Donna Zilberfarb.

### MINUTES:

The minutes of the June 15, 2016 Executive Session Meeting were approved on a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. Mr. Stracco abstained.

The minutes of the June 15, 2016 Regular Meeting were approved on a motion by Mr. Boynton, seconded by Mr. DeCarolis. All were in favor. Mr. Stracco abstained.

### AGREEMENTS:

Valley Medical Group for drug and alcohol testing. On hold until the August meeting

License Agreement for vehicle access to property – Kerr Road. This is an agreement for the homeowners on Kerr Road to sign for the access of the township trucks to go on private property to be able to turn around.

Motion was made by Mr. Desiderio authorizing the Clerk to send the agreement to each property owner, seconded by Mr. DeCarolis. All were in favor. Vote: 4-0..

### ORDINANCES:

**#2016-05 BOND ORDINANCE PROVIDING FOR VARIOUS 2016 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$280,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$266,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF** BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS: SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$280,000, said sum being inclusive of a down payment in the amount of \$14,000 now available for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$280,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$266,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$266,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2016 Capital

Improvement Program (the "Program"), which includes, but is not limited to, the acquisition and installation of a new phone system and desk in the town hall; the acquisition of playground equipment and mower equipment for the Recreation Department; the acquisition of a cutter for jaws of life and other miscellaneous equipment for the Green Township Fire Department, a hose and other miscellaneous equipment for the Blairstown Fire Department, and various fire equipment for the Hope Fire Department; the acquisition of road signs, a tailgate sander, tools and a single axle truck for the Department of Public Works; and various repairs and improvements to roads, storm drains and paving within the Township, including, but not limited to, Bear Creek Road, 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. (b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$266,000. (c) The estimated cost of said improvements or purposes is \$280,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of \$14,000, which is the down payment available for such improvements or purposes. SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Warren make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Warren. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Warren shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser. SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection. SECTION 7. The following additional matters are hereby determined, declared, recited and stated: (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby. (b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.21 years. (c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the

Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$266,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law. (d) An aggregate amount not exceeding \$13,800 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described. SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount. SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.1481 of the bonds or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$266,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2). SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance. SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Motion was made by Mr. DeCarolis to open to the public, seconded by Mr. Desiderio. All were in favor – Open to public

- Ms. Natyzak inquired the amount the bond is for. Mr. Boynton explained \$280,000.00.
- Ms. Smolha asked what the bond ordinance was for. Mr. Boynton read the ordinance to the public.
- Mr. Conner asked about the mower that was included. Mr. Desiderio explained it was a push mower for recreation.

Motion was made by Mr. DeCarolis, seconded by Mr. Desiderio to close to the public. All were in favor. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Stracco-Yes. **ADOPTED ON SECOND READING**  
**DATED: JULY 20, 2016**

**2016-06 ORDINANCE AMENDING CHAPTER XXII OF THE FRELINGHUYSEN TOWNSHIP CODE TO ESTABLISH RULES AND REGULATIONS FOR THE USE OF THE FRELINGHUYSEN FOREST PRESERVE.** WHEREAS, Chapter XXII of the Frelinghuysen Township Code sets forth rules and regulations applicable to parks and recreation areas located within Frelinghuysen Township; and WHEREAS, Frelinghuysen Township has acquired and preserved for the public use and benefit a property known as the "Frelinghuysen Forest Preserve;" and WHEREAS, it is necessary and appropriate at this time for the Mayor and Township Committee to adopt rules and regulations specific to the Frelinghuysen Forest Preserve to uphold the public health, safety and welfare and protect and enhance the Frelinghuysen Forest Preserve. NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen as follows: **Section I** Chapter XXII of the Frelinghuysen Township Code is amended by adding thereto a new Section 22-1.5, to read as follows: **§ 22-1.5. Frelinghuysen Forest Preserve; Rules and Regulations.**

A. In addition to the Rules and Regulations set forth in this Chapter, the following Rules and Regulations shall be applicable to the Frelinghuysen Forest Preserve ("FFP"). In the event of a conflict between the terms of this Section 22-1.5 and any other provision of this Chapter, the terms of this Section shall take precedence with respect to the Frelinghuysen Forest Preserve.

B. **General Rules:**

1. **Hours:** The FFP shall be open to the public between sunrise and sunset.
2. **Smoking:** Smoking is prohibited on all preserve property.
3. **Pets:** Pets must be leashed at all times. All pet waste must be picked up and removed from the property. With the exception of companion or assistance animals, pets are prohibited from entering indoor facilities.
4. **Littering:** Littering is strictly prohibited. All garbage and trash shall be removed from the property upon leaving the FFP.
5. **Vehicles and Parking:**
  - a) Parking for the FFP South property is provided at the Lincoln Laurel Road parking area across from the FFP South sign.
  - b) Motorized vehicles are prohibited on grass or trails.
  - c) Vehicles must be parked in designated area.
  - d) Vehicles may not be parked in parking areas overnight.
6. **Alcoholic Beverages:** Alcoholic beverages are prohibited without a permit. With a permit, alcoholic beverages are allowed only in designated areas of the FFP.
7. **Glass Containers:** Glass containers are not allowed.
8. **Plants and Wildlife:**
  - a) Collection of plants and animals is strictly prohibited. This includes harvesting firewood; collecting mushrooms, wildflowers or other wild plants and their seeds; and otherwise removing or damaging any plants or trees.
  - b) Hunting or trapping is not allowed on any Frelinghuysen Forest Preserve property. Visitors may not kill, injure or otherwise disturb any animals or their nests.
  - c) Feeding of wildlife is strictly prohibited.
9. **Firearms and Weapons:** No firearms or other weapons are allowed on the FFP property, with the sole exception of archery as may be permitted by the Township Committee.
10. **Archaeology, Salvage and Preservation of Property:**
  - a) Any and all historic or prehistoric ruins found in the Frelinghuysen Forest Preserve are the property of Frelinghuysen Township and may not be removed without consent.
  - b) Metal detecting is prohibited.
  - c) Patrons may not alter, deface, damage or otherwise change any monuments, either natural or manmade, within the Frelinghuysen Forest Preserve property.
11. **Recreational Activities:**
  - a) Swimming in any natural body of water is prohibited.

- b) Non-motorized boating is allowed in the two large ponds on the FFP property.
  - c) Boating is prohibited in all vernal (seasonal) ponds.
  - d) Model airplane and drone flying is prohibited.
12. Commercial Activity:
- a) Vendors must obtain a license pursuant to Section 4-3 to conduct business on the FFP property.
  - b) Patrons may not post advertisements on the FFP property.
13. Picnics:
- a) Permits are required for groups of 20 or more.
  - b) Picnicking may be prohibited in certain areas. Please observe posted signs.
14. Trails:
- a) Trail users are asked to be polite and courteous to fellow visitors.
  - b) Mountain biking is allowed only on designated trails.
  - c) Trail users must ride or walk on the right side of the trail.
  - d) Trail users must give an audible warning before passing others. Announce yourself and slow down to pass.
  - e) Trail users must obey all signs.
  - f) Speeding is not allowed.
  - g) Dogs must be leashed and in control on the right side of the trail.
  - h) Helmets are recommended for all riders, and required for riders 16 and under.
  - i) Bicyclists and horses must ride single-file.
  - j) Stopping is allowed only on the shoulder of the trail.
  - k) Users shall travel at a responsible, controlled speed. No racing is allowed.
  - l) Users of paved trails shall stay in their own lane.
  - m) Equestrian use of paved trails is prohibited.
  - n) On unpaved trails, Bicyclists and equestrians must stay on designated trails. Bicyclists shall yield to hikers and equestrians. Hikers shall yield to equestrians. Trail users shall ask for permission from equestrians prior to passing them.
  - o) Hikers and snowshoers shall stay out of cross-country skiing tracks.
15. Winter Sports:
- a) Cross-Country Skiing: Cross-country skiing is permitted in all areas of the FFP. Skiers shall not endanger other FFP users and shall abide by the following:
    - i. Ski to the right: Ski the right-hand track when available. Groups should ski single file on the right side of the trail.
    - ii. Meeting: Keep to the right when meeting. On hills, downhill skiers have the right of way.
    - iii. Poles In: Keep your poles close to your body when near other skiers.
    - iv. Keep Trails Clear: If you stop, get out of the track. If you fall, get up and out of the track quickly.
    - v. Watch Your Speed: Suit your skiing speed to your personal ability, the terrain, visibility especially on hills. Keep a safe distance from skiers ahead. As a last resort, fall intentionally to avoid a collision.
  - b) Snowmobiling: Snowmobiling is prohibited in the Frelinghuysen Forest Preserve.
  - c) Sledding:
    - i. Visitors who sled in the Frelinghuysen Forest Preserve do so at their own risk.
    - ii. Proper use of appropriate sledding devices which are in good repair and have no sharp edges is required. Use of skis (in sledding areas), non-winter style tubes, carpets, snowboards and metal-railed sleds is strictly prohibited.
    - iii. Unauthorized building of ramps, bumps, moguls, hills or jumps out of a material or substance is strictly prohibited.
    - iv. Children under the age of 12 should wear a bicycle or multi-sport helmet and must be supervised by an adult.
    - v. The Township reserves the right to refuse admittance to sledding hills by anyone who fails to comply with the Rules and Regulations.

d) Ice Skating: Ice skating is permitted in designated areas only. Visitors use the FFP skating areas at their own risk.

16. Fishing:

- a) All fishing in the preserve is catch and release. Practicing CPR (catch, photograph and release) will help maintain the preserve's fisheries.
- b) Fishing is allowed only in designated areas.
- c) Bow and arrow fishing is not permitted.
- d) A valid sport fishing license is required.
- e) All waters within the preserve are designated "Fish Preserves." Each fisherman is limited to two lines with no more than two hooks per line and no trolley lines. Additional preserve regulations regarding size, creel limit and/or closings may be in effect and will be posted when applicable. These special regulations are used for management of the preserve's waters and to improve fish populations.
- f) Anyone required to have a valid State fishing license must also have a valid State Inland Trout Stamp when fishing for trout within the preserve's trout lakes.
- g) Ice fishing is permitted only in designated areas. All ice fisherman fish at their own risk as the preserve does not monitor ice conditions. Ice fishermen should check ice thickness before going out on any frozen body of water. A minimum of four inches of solid ice over the entire lake is recommended before individuals attempt ice fishing.
- h) Patrons may not release any fish, including minnows and goldfish, in any preserve water, except in the waters from which they were taken.
- i) Patrons must dispose of their fishing line properly. Discarded fishing line presents a hazard to birds and other wildlife.

17. Boating:

- a) Boating is permitted in designated areas only. No watercraft other than rowboats, canoes and kayaks shall be permitted. Motorboats are prohibited.
- b) Radio controlled boats and floatplanes are prohibited.
- c) Personal floatation devices, as mandated by federal law, are required for all watercraft.

Section II

Chapter XXII of the Frelinghuysen Township Code is amended by adding thereto a new Section 22-1.6, to read as follows: **§ 22-1.6. Frelinghuysen Forest Preserve; Enforcement and Violations.**

A. The Frelinghuysen Township Managers of Public Lands shall enforce these Rules and Regulations, and shall have the power to issue summonses for violations.

B. In the event that any person is found guilty of a violation of Section 22-1.5 of this Code, a fine in the amount of \$50.00 may be imposed. In the event of a second violation, a fine of \$100.00 may be imposed. In the event of any subsequent violations, a fine of \$250.00 may be imposed. Section III

1. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

2. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

3. This ordinance shall take effect immediately upon final passage and publication as required by law. Motion to approve first reading made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor. The second reading for final adoption will be August 17, 2016.

**RESOLUTIONS:**

#2016-67 FRELINGHUYSEN TOWNSHIP TAX COLLECTOR WHEREAS, a resolution is required by the Tax Collector to refund an overpayment of 2016 2<sup>nd</sup> quarter taxes, Barbara Vanderslice sold her property in February of this year and the new owners mortgage company paid the 2<sup>nd</sup> quarter as billed (the homestead benefit credit was applied which created the overpayment) as listed below:

Block	Lot	Pay to	Amount
901	10	Barbara Vanderslice	\$528.66

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the above property taxes. I hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Township Committee at its' meeting held on July 20, 2016. Motion was made to approve via consent agenda for Resolutions #67, 68, 69 and 72 by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. Vote was 4-0.

#2016-68 CAPITAL ACCOUNT 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	ADJUSTED
BUDGET	BUDGET	ADJUSTMENT

Ordinance 2015 Various Projects

Geographical Information System	15,320.89	-1381.60	13,939.29
Tar/Chip/Micropave Various Roads	-1381.60	+1381.60	0

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 July 20, 2016. Motion was made to approve via consent agenda for Resolutions #67, 68, 69 and 72 by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. Vote was 4-0.

**#2016-69 WHEREAS**, the Township of Frelinghuysen, County of Warren, desires to amend the 2016 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown in such budget for the following reason: **Various Improvements** NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Frelinghuysen of the County of Warren, as follows: **Section 1.** The 2016 Capital Budget of the Township of Frelinghuysen is hereby amended by adding thereto a Schedule to read as follows: **AMENDMENT NO. 1 CAPITAL BUDGET OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN Project Schedules for 2016 Method of Financing**

PROJECT	ESTIMATED COST	CAPITAL IMPROVEMENT FUND	GENERAL NOTES/ BONDS
Recreation Mower/ Playground Equipment	\$6,000.00	\$300.00	\$5,700.00
Town Hall Phone System/clerk desk	\$6,500.00	\$325.00	\$6,175.00
Fire Department Equipment	\$44,200.00	\$2,210.00	\$41,990.00
DPW equipment/ Single axle truck	\$92,500.00	\$4,625.00	\$87,875.00
Road Repairs/ Overlay	\$130,800.00	\$6,540.00	\$124,260.00
Totals	\$280,000.00	\$14,000.00	\$266,000.00

**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 2016 Capital Budget, to be included in the 2016 Capital Budget as adopted. Motion was made to approve via consent agenda for Resolutions #67, 68, 69 and 72 by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. Vote was 4-0.

**#2016-70 A RESOLUTION AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES CONTRACTS FOR THE PREPARATION OF TWO APPRAISALS TO SADC STANDARDS OF PROPERTY KNOWN AS BLOCK 801, LOT 16,17,17.01,17.02, AND 18.03 IN THE TOWNSHIP OF FRELINGHUYSEN** WHEREAS, there exists a need for appraisal services to be rendered to the Township of Frelinghuysen in the possible acquisition of a Farmland Easement on certain real property located within the Township of Frelinghuysen; and WHEREAS, funds are available for this purpose; and WHEREAS, the appraisals must be completed in accordance with the specifications of the State Agriculture Development Committee; and WHEREAS, The Township wishes to retain the services of Robert F. Heffernan Associates, in accordance with its proposal letter dated May 24, 2016 and Joshua D. Mackoff, LLC in accordance with its proposal letter dated May 18, 2016, and; WHEREAS, the

Committee wishes to award a contract in an amount not to exceed \$2,395 for Robert F. Heffernan Associates, and a second contract in an amount not to exceed \$2,000 for Joshua D. Mackoff, LLC and the Chief Financial Officer has certified that funds are available for this purpose; **NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Frelinghuysen in the County of Warren and State of New Jersey as follows:

1. The Township of Frelinghuysen hereby awards and authorizes Robert F. Heffernan Associates, to perform the appraisal report on the above-referenced property in accordance with SADC standards, for an amount not to exceed \$2,395.
2. The Township of Frelinghuysen hereby awards and authorizes Joshua D. Mackoff, LLC, to perform the appraisal report on the above-referenced property in accordance with SADC standards, for an amount not to exceed \$2,000.
3. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

On a motion by Mr. Boynton seconded by Mr. Desiderio, the aforementioned Resolution Number 2016-70 be adopted as read. Roll Call Vote 4 – Yes 0 – No 1 - Absent/Abstained Dated: July 20, 2016 CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Frelinghuysen Township Committee on July 20, 2016. Motion was made by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. Vote: 4-0.

**#2016-71 RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT (REEXAMINATION OF MASTER PLAN BY LICENSED PROFESSIONAL PLANNER)**

WHEREAS, the need exists to have the Township Planner prepare a Master Plan Reexamination Report; and WHEREAS, Darlene Green and Joseph J. Layton of the firm of Maser Consulting P.A. are licensed professional planners and have the necessary expertise to perform this work; and WHEREAS, Maser Consulting P.A. has represented that the cost of the work will be \$6,550.00, and these funds have been budgeted for this purpose and the availability of same has been certified by the Township's Chief Financial Officer; and WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. requires that this resolution awarding the award of a contract for professional services without competitive bids, and the contract itself, be made available for public inspection. **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey as follows:

1. That the firm of Maser Consulting P.A. be and the same is hereby retained to perform a reexamination of the Master Plan, in accordance with the Scope of Work set forth in that firm's August 7, 2015 proposal.
2. The cost of the said services shall not exceed \$6,550.00, absent approval of the Mayor and Committee.
3. This contract is awarded without competitive bidding as a professional service in accordance with the provision of the Local Public Contracts Law, because the said services are performed by a person licensed under law to practice a recognized profession.
4. Notice of this action shall be published once in the Township's official newspaper as required by law, and a copy of this resolution, and the agreement, shall be kept on file by the Township Clerk, and made available for public inspection during regular office hours.
5. Any resolutions or motions inconsistent with the terms hereof are hereby rescinded to the extent of such inconsistency.
6. This resolution shall take effect as provided by law. CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do hereby certify that the foregoing is a true and exact copy of a resolution duly authorized by the Frelinghuysen Township Committee on July 20, 2016. Motion made by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. Vote: 4-0.

**#2016-72 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF JULY 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 JULY 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 was made to approve via consent agenda for Resolutions #67, 68, 69 and 72 by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. Vote was 4-0.

**#2016-73 RESOLUTION OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF A 1986 EGER BEEVER BY MOR BARK CHIPPER** WHEREAS, the Township of Frelinghuysen has in its possession an Eger Beaver by Mor Bark Chipper, serial No. 2629; and WHEREAS, the Township of Frelinghuysen previously, by Resolution, placed the Eger Beaver by Mor Bark Chipper on Muni-Bid, and has received a highest bid of \$2,616.09, at the close of auction; and WHEREAS, the personal property being sold is no longer needed for a public purpose. 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 Eger Beaver by Mor Bark Chipper, Serial No. 2629 belonging to the Township of Frelinghuysen shall take place as soon as it is mutually convenient for both parties. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor. Vote 4-0.

**#2016-74 RESOLUTION OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF A 1998 FORD L8, VIN No. 1FDVS80E2WVA22760** WHEREAS, the Township of Frelinghuysen has in its possession a 1998 Ford L8, VIN No. 1FDVS80E2WVA22760; and WHEREAS, the Township of Frelinghuysen previously, by Resolution, placed the 1998 Ford L8, VIN No. 1FDVS80E2WVA22760 on Muni-Bid, and has received a highest bid of \$5,500.00, at the close of auction; and WHEREAS, the personal property being sold is no longer needed for a public purpose. 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 L8, VIN No. 1FDVS80E2WVA22760 belonging to the Township of Frelinghuysen shall take place as soon as it is mutually convenient for both parties. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor. Vote: 4-0.

**#2016-75 RESOLUTION APPOINTING ASSISTANT TO THE CONSTRUCTION OFFICIAL** WHEREAS, a vacancy exists in the position of Assistant to the Construction Official; and WHEREAS, Jacquelyn Mowbray has the qualifications to service as the Assistant to the Construction Official. NOW, THEREFORE BE IT RESOLVED, by the Mayor and the Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Jacquelyn Mowbray is hereby appointed to serve as the Assistant to the Construction Official, commencing on June 27, 2016. BE IT FURTHER RESOLVED, that subject to proper and valid appropriation of the funds for same, Jacquelyn Mowbray shall be paid the salary of \$13.00 per hour. This Resolution shall take effect according to law. Motion was made by Mr. Desiderio, seconded by Mr. DeCarolis. All were in favor. Vote: 4-0.

**#2016-76 RESOLUTION TO RESCIND RESOLUTION #2016-57** WHEREAS, Resolution #2016-57 was adopted by the Mayor and Township Committee at the regular meeting of June 15, 2016 resulting in granting approval of the liquor license renewals; and WHEREAS, the State Alcoholic Beverage Control has informed that License number 2106-33-001-005, Joseph McEvoy, must obtain a section 1239 clearance this year prior to license being issued; after Resolution #2016-57 was adopted; NOW, THEREFORE IT BE RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen that resolution #2016-57 be rescinded and two new resolutions will be prepared (see resolution #2016-77 and the second once the clearance is approved for the August meeting). Motion was made by Mr. Desiderio, seconded by Mr. Boynton. All were in favor. Vote: 4-0.

**#2016-77 RENEWAL OF LIQUOR LICENSES IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY FOR THE YEAR 2016-2017** WHEREAS, the following Plenary Distribution Liquor Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2016-2017

2106-44-002-002 Gerald Chrusz

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2016-2017

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

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2016-2017

WHEREAS, Clearance Certificates have been received from the New Jersey Division of Taxation, verifying compliance with Chapter 161, Laws of New Jersey by the above applicants. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen on this 20<sup>th</sup> day of July, 2016 that the renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses is granted for the year 2016-2017. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. Mr. DeCarolis abstained. Vote: 3-0 with 1 abstain.

**#2016-78 SETTING EXECUTIVE SESSION** WHEREAS, it is necessary to discuss items dealing with the discussion of land aquisition in private or executive session; and WHEREAS, under the Open Public Meetings Act (number 8 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 July 20, 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. DeCarolis, seconded by Mr. Desiderio. All were in favor.

### **OLD BUSINESS:**

Salt Shed and shared services with Warren County – Mr. Lazorisak, Director of The Department of Public Works, Warren County, listened to discussions amongst committeemen in regards to a shared service agreement with the County. It was discussed by Mr. Desiderio to possibly have the county have an extra 500-600 tons of salt available to Frelinghuysen Township on a temporary basis with the potential of going yearly. After discussion, Mr. Lazorisak asked for someone to get him information on exactly what we would like and he will take to the Freeholders and move forward from there. After discussion it was decided a letter would be sent to the county.

Motion was made by Mr. Desiderio to send a letter to Mr. Lazorisak on behalf of the County requesting a shared service agreement in regards to the discussion with a 400 ton limit, seconded by Mr. DeCarolis. Roll call vote: Mr. Boynton-Opposed; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Stracco-Yes.

Girl Scout Troop utilizing meeting room – Ms. Baguley explained that the girl scout troop would like to utilize the meeting room for a couple of days in December for a drop off babysitting service for local families. Mr. Wacks explained the insurance liability to the Town. After discussion, Ms. Baguley will be put on the agenda for the August meeting and will come back with more specifics and will inquire with the girl scout council in regards to their insurance.

Tom Giordano, 70 Camp Wasigan Road, spoke to the committee and inquired what can be done regarding the rock wall that was hit during a snow storm. After discussion it was determined that Mr. Desiderio and Mr. DeCarolis will go out and discuss with the homeowner what he would like done and after meeting the committeemen will get in touch with our Engineer. Mr. Desiderio will go out this weekend.

### **NEW BUSINESS:**

Bid for single axle truck – Motion was made by Mr. Boynton to authorize the Clerk to advertise the truck bid, seconded by Mr. Desiderio. All were in favor. The bid will be sent to the paper in the morning with a bid opening date of August 10, 2016 at 3:30 pm in the Town Hall.

Water testing FFP – Mr. Conner explained that Garden State does testing quarterly but needs someone to coordinate those quarterly tests. After discussion it was determined that a contract should be entered into with Garden State for quarterly testing on the water.

Motion was made by Mr. Desiderio to enter into a contract agreement with Garden State for quarterly water testing at the FFP, seconded by Mr. Boynton. All were in favor. Mr. Conner or Ms. Buttgerit will speak with Garden State.

Mr. Desiderio inquired about the septic and the outcome and would like the phone number of the contact person at the NJDEP. After discussion it was decided that Mr. Sterbenz will handle.

Motion was made by Mr. Desiderio to ask Mr. Sterbenz to review the septic issue at the FFP, seconded by Mr. Boynton. All were in favor.

**OPEN MEETING TO THE PUBLIC:**

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

Ms. Natyzak inquired when the tax bills would be mailed out. Ms. Zilberfarb explained that they were waiting for the County tax rate.

Loren Greco inquired about the air conditioner unit in the meeting room and what was being done. Mr. Boynton explained the cost to repair/purchase.

Mr. Marra explained that a mower should be purchased for FFP/Kids Camp which should cost \$600-\$1,000 and should be considered for budget next year.

Ms. Muller – Inquired if the seniors needed to be concerned about the water in the town hall. It was explained that for coffee it was fine and to use the water machine in the town hall.

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

**EXECUTIVE SESSION:**

Motion was made to enter into executive session with a motion by Mr. DeCarolis, seconded by Mr. Desiderio. All were in favor.

No action was taken

Motion was made to close executive session with a motion by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.

**ENTERED BACK INTO REGULAR MEETING:**

Mr. Wacks explained that executive session was needed for discussion on pending ongoing litigation in regards to COAH and Fair Share Housing.

**DEPARTMENT REPORTS:**

Motion made by Mr. DeCarolis for consent agenda items 1-12, seconded by Mr. Boynton. All were in favor.

Legal Report – Mr. Wacks explained the property search on foreclosures on properties within the township and explained there is now a need to do a genealogical study to find the owner.

Motion was made by Mr. Desiderio to authorize Mr. Wacks to communicate with Natures Conservancy to advise them on what has been found, seconded by Mr. Boynton. All were in favor.

Mr. Wacks also advised that the search on the Post property came back good and can now move forward.

Recreation – Mr. Desiderio explained that everything is going fine, soccer signups are good and that mowing is being done at Kids Camp.

Environmental – Nothing to report at this time

Mayor report – Absent

Deputy Mayor report – Nothing to report at this time

Committeeman Boynton report – Nothing to report at this time

Committeeman Desiderio – Mr. Desiderio inquired about the parking lot at FFP and that all the expenditures should go through the Committee. He also asked about following policies for zoning in regards to complaints. Mr. Wacks recommended this be placed on the agenda for the August 17<sup>th</sup> regular meeting when the entire committee is present.

Committeeman DeCarolis – Discussed how he attended the Liberty Township Committee meeting and it was only 26 minutes. They did most of their business through consent agendas. Mr. Wacks recommended having an agenda meeting and a regular meeting.

Clerk report – Nothing to report at this time

**CORRESPONDENCE:**

**State of New Jersey Department of Environmental Protection** – Compliance evaluation and assistance inspection Kids Camp **State of New Jersey Department of Transportation** – Local Aid Grant Recipients Executive order No. 210 **State of New Jersey Department of Community Affairs** – 2017 Small cities CDBG application workshop **New Jersey Legislature, Senator Seve Oroho and the LD24 Office** – Meeting re: TTF and ways to control costs July 27, 2016 at 6 pm **NJLM** – 19<sup>th</sup> Annual elected officials hall of fame and Legislative Bulletin **Warren County Soil Conservation District** – Stop work order for 210 Allamuchy Road **Warren County Department of Human Services Division of Administration** – Public hearing notice re: 2017 senior citizen and disabled residents transportation assistance program. **Frelinghuysen Township, Zoning Department** – Zoning denial – 73 Silver Lake Road needs to seek approval via the land use board. **Frelinghuysen Township, Zoning Department** – Abandon Vehicle – 20 South Street **Frelinghuysen Township, Zoning Department** – Review of Block 1301, Lots 9 and 10, Route 519 **Township of Fredon** – Land Use Amendment Ordinance No. 2016-07 **Township of White** – shared services for municipal court **Township of West Milford** – Resolution 2016-245 supporting senate bill S2440 **Wacks Beilin & Weber** – Service Electric Cable/Frelinghuysen Township **JCP&L** – Annual filing with respect to the non-utility generation charge clause of its filed Tarriff (“2014 NGC Filing”) BPU Docket No. ER15080960 **Blairstown Hose Company** – Call report **Frelinghuysen Township Historical Committee** – vacant seat

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Boynton, seconded by Mr. DeCarolis to adjourn the meeting at 9:17 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk