

**MINUTES OF MEETING OF AUGUST 17, 2016
AMENDED**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, August 17, 2016 and was called to order at 7:05 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: Mayor Christopher Kuhn (7:06), Deputy Mayor Christopher Stracco, Committeeman David Boynton, Committeeman Frank Desiderio, Committeeman Alan DeCarolis, Attorney Richard Beilin, Danette Dyer, CFO and Acting Clerk Donna Zilberfarb.

EXECUTIVE SESSION:

Motion was made by Mr. Stracco to enter into Executive Session, seconded by Mr. Desiderio. All were in favor.

No action was taken.

Motion was made by Mr. Desiderio to exit out of Executive Session, seconded by Mr. Boynton. All were in favor.

ENTERED BACK INTO REGULAR MEETING:

Mr. Kuhn explained to the public that ongoing and potential litigation was discussed during the executive session.

MINUTES:

The minutes of the July 20, 2016 Executive Session Meeting were approved as amended on a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. Mr. Kuhn abstained.

The minutes of the July 20, 2016 Regular Meeting were approved on a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor. Mr. Kuhn abstained.

The minutes of the August 10, 2016 Executive Session Meeting were approved on a motion by Mr. Boynton, seconded by Mr. DeCarolis. All were in favor.

The minutes of the August 10, 2016 Work Meeting were approved on a motion by Mr. Boynton, seconded by Mr. Desiderio. All were in favor.

BID/CONTRACT AWARDS:

1. Hope Fire Department - Motion was made by Mr. Boynton to approve the purchase of a thermal imaging camera through capital to the lowest bidder, not to exceed \$5,500.00 and the purchase of a cutter, via the state contract, Fire Fighter One, for

- \$2,150.72, seconded by Mr. Desiderio. All were in favor.
2. Blairstown Fire Department – Motion was made by Mr. Boynton to approve the purchase of hose through capital to the lowest bidder, Firefighters Equipment, for \$15,000.00, seconded by Mr. Desiderio. All were in favor.
 3. Recreation Department – Motion was made by Mr. Boynton to approve the purchase of playground equipment through capital, to On Time Playground Solutions, for \$5,000.00, seconded by Mr. Desiderio. All were in favor.
 4. Admin – Motion was made by Mr. Stracco to approve the purchase of a phone system through capital, via state contract – E.comm - Avaya, for \$4,853.46, seconded by Mr. Desiderio. All were in favor.
 5. DPW – Motion was made by Mr. Desiderio to approve the purchase of a 2017 Freightliner with dump body through capital to the lowest bidder, Robert H. Hoover & Sons, Inc., for \$139,965.00, seconded by Mr. Boynton. Roll Call Vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes.
 6. Exterior Painting of Lodge at Kids Camp – Motion was made by Mr. Stracco to table the paint bids, seconded by Mr. Boynton. All were in favor.

AGREEMENTS:

Valley Medical Group for drug and alcohol testing. Motion was made by Mr. Desiderio to authorize the clerk to sign the agreement, seconded by Mr. Stracco. Mr. Desiderio rescinded this motion. Motion was made by Mr. Boynton to table to the September meeting, seconded by Mr. Desiderio. All were in favor.

Warren County Shared Services Agreement. Motion was made by Mr. Desiderio to approve Resolution #2016-91, authorizing the Mayor and Clerk to sign the agreement, seconded by Mr. Stracco. All were in favor.

ORDINANCES:

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 was made by Mr. Stracco for second reading for adoption, seconded by Mr. Desiderio. All were in favor. Motion was made by Mr. Stracco to open to the public for comment, seconded by Mr. Desiderio. All were in favor. Public Comment: Mr. Conner inquired when it will take effect. Ms. Dyer and Mr. Kuhn explained 20 days after adoption and the legal advertising date. No further questions. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Desiderio. All were in favor. Motion was made by Mr. Stracco to adopt Ordinance 2016-06, seconded by Mr. Desiderio. Roll call vote: Mr. Desiderio-Yes; Mr. Stracco-Yes; Mr. Kuhn-Yes; Mr. Boynton-Yes; Mr. DeCarolis-Yes.

#2016-03 ORDINANCE AMENDING CHAPTER XXII OF THE FRELINGHUYSEN TOWNSHIP CODE, TO PROVIDE FOR AND REGULATE TAPPING AND COLLECTING SAP FROM MAPLE TREES ON MUNICIPALLY OWNED PROPERTY

WHEREAS, the Mayor and Committee have determined that it is necessary and appropriate to amend Chapter XXII of the Frelinghuysen Township Code, to permit tapping and collecting sap from maple trees that are on designated municipally owned property, to assure responsible use of and access to this valuable natural resource.

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 Article III, to read as follows: **ARTICLE III**

TAPPING AND COLLECTING SAP FROM MAPLE TREES ON MUNICIPALLY OWNED PROPERTY § 22-15. Purpose.

The purpose of this article is to provide guidelines for the production of maple sap as part of a long-term sustainable forest management practice on lands owned by the Township of Frelinghuysen. **§ 22-16.**

Tapping and collecting of sap permitted; permit required. A. General restrictions.

Except as expressly permitted herein, tapping and collecting sap from maple trees is prohibited on municipally owned property. Tapping and sap collection shall be permitted only in strict accordance with the provisions of this article. B. Permit required.

No person shall be permitted to tap or collect sap from trees on municipally owned property unless that person has applied for and received a permit for such activity. C. Tapping and Sap Collection Dates. Tree tapping and sap collection on municipal property shall be permitted only during the months of **January through March.**

§ 22-17. Annual report and recommendation. On or before September 15 of each year, the Public Land Managers shall recommend to the governing body whether tree tapping and sap collection should take place, the number of permits that should be issued, which shall not exceed _____ () permits per year, the dates on which permit applications will be accepted, and the areas in which tapping and sap collection shall be allowed. The Mayor and Council shall consider the recommendations and, if

they agree, pass a resolution setting forth the details of of tree tapping and collection for that year, including the permit application dates. The resolution shall be posted in the Township and on the Township's website. **§ 22-18. Application process.** A. Prior to engaging in maple tree tapping and sap collection on municipally owned property, any individual desiring to engage in such activities and who meets the eligibility requirements set forth in this article shall apply for and receive a permit from the Township. A permit shall be obtained by application to the Township, which application shall contain the following:

- (1) Photocopy of driver's license or other issued government photo ID.
- (2) The applicant's license plate number and car registration.
- (3) A signed waiver, indemnification and release of liability agreement.
- (4) Description of the proposal including approximate number of taps proposed, equipment to be used, access to be used, identification of site-specific constraints and how these will be addressed by the applicant, and a description of the applicant's sugaring expertise, knowledge, experience, and commitment to sound resource management and stewardship.
- (5) Payment of the application fee.

B. Applications shall be available in the Township Clerk's Office and on the Township website. C. Any applicant who has violated local regulations pertaining to parks or will be disqualified. D. Applicants who engaged in tree tapping and sap collection in prior years must have submitted a usage report prior to a permit being issued. E. Applicants must be fourteen (14) years of age or older to be eligible for a permit. F. Applications shall be filed during the dates set by the Mayor and Committee. In the event that the number of applications exceeds the number of permits, then permits shall be awarded by lottery drawing.

§ 22-19. Application and Permit fees. Application and permit fees shall be determined by resolution. **§ 22-20. Rules and regulations.** The following rules and regulations shall apply to any tree tapping and collection permit issued by the Township: A. Tapping Guidelines:

1. Sugar or hard maple (*Acer saccharum*) and red maple (*Acer rubrum*) shall both be considered tappable species. The Township may review and approve all trees to be tapped prior to tapping in any year. The health of individual tappable trees must be assessed and the allowable taps reduced or deferred where a tree shows signs of stress. Tappable trees shall have a healthy crown and show minimal sign of dieback.

2. Tree health may be evaluated by the Township, and at-risk trees may be reserved from tapping at the Township's discretion for health or other reasons. Indicators of tree risk include, but are not limited to, poor crown condition, slow tap hole closure, predicted or prior defoliation, weather damage, visible damage due to disease, fungus, insect infestation, drought or physical trauma. 3. Trees that are not at risk may be tapped according to the following standards: (i) Trees of less than 10-inch DBH shall not be tapped. Trees of 10-20 inch DBH shall be limited to one tap. Trees of over 20-inch DBH shall be limited to two taps. Diameter at breast height ("DBH") means tree diameter measured outside the bark at a level 54 inches above the ground on the highest side of the tree when the tree is on a slope, and measured from between any root buttresses. DBH shall be measured with a diameter tape as used in the forestry profession and not with calipers, a Biltmore stick or its equivalent, or any other means than a diameter tape. Where a swell, abnormality, deformity or other protuberance occurs at the prescribed height of measurement, the measurement shall be taken immediately above the swell, abnormality, deformity or other protuberance. All doubts as to whether a tree is of sufficient DBH to qualify for tapping shall be resolved in favor of not tapping. (ii) No tree shall contain more than two taps and tap holes should be

placed as far apart as possible. In an ideal situation, tap holes should not be placed closer than three inches horizontally and twelve inches vertically from an open tap hole. Holes should not be placed closer than three inches horizontally from a visible dead seam if possible. Tap holes shall not exceed 5/16" in diameter and shall be drilled no deeper than 1.5" total depth into the tree's white wood. Trees shall be tapped only once per year. Taps must be removed from each tree at the end of each sugaring season.

(iii) For multi-stem trees that separate within 4.5 feet from the ground each stem shall be considered one tree, for trees that fork higher than 4.5 feet from the ground, the stems shall be collectively considered a single tree. (iv) No sanitizing materials may be used in tap holes. (v) Permit holder must take precautions to avoid tree wounding such as vehicle and other mechanical damage during operations and maintenance activities. Soil compaction by vehicles must be minimized. (vi) Any proposed vegetation management must be approved in writing in advance by Township in a document setting forth the approved activity and any requirements and/or limitations associated therewith. This includes, but is not limited to fertilization, thinning, treatment of invasive or native species, and any use of a pesticide. The permit holder will encourage regeneration of appropriate species in the understory. Chainsaws may be used to remove downed limbs that are in the way of or have damaged tubing systems. Felling of trees of any size (live or dead) without prior approval of the Township is prohibited. (vii) Sap may be collected using either buckets or tubing. All tubing systems shall be installed and managed according to best management practices as outlined in "North American Maple Syrup Producers Manual" (most recent edition) or approved document(s). Tubing systems may be left in place during the off-season if they do not interfere with trail-related activities as determined by the Township and as specified in individual permit agreements. Township and as specified in individual license agreements. Vacuum pumps may be used for sap collection and the noise from these vacuum pumps kept to a minimum. (viii) The ends of mainlines may be anchored into trees using lag bolts or sleeved wires. (ix) The use of nails to support tubing, either main lines or laterals is prohibited. (x) Where wires or cables come into contact with a tree, either blocking or sleeves shall be used to prevent the wire or cable from becoming imbedded into the tree. (xi) The use of an ATV or snowmobile may be allowed for the installation and maintenance of tapping systems. The use of these vehicles shall be restricted to the areas specifically identified for each licensed site and shall be restricted to the permit holder or those working for the permit holder for the installation and maintenance of tapping systems only. The permit holder will report any unauthorized use of motorized vehicles that occurs on the site in any season to the Township staff. (xii) The Township may, on a case-by-case basis for extensive tapping installations, authorize the seasonal use of larger equipment to transport main lines for installation and removal. The Township must approve the use of larger motor vehicles in advance, in writing in the permit agreement or in a separate document. Such written approval shall contain conditions and limitations on use including, but not limited to the following: (a) the equipment shall be used only under dry or frozen conditions and may be further limited by the Township based on the season and on-site conditions; (b) identification of authorized vehicle access route(s); (c) entry shall be as minimal as possible; (d) requirements to install and replace or repair any gates, barricades or berms as soon as the work using the vehicles is completed; (e) Where a motorized vehicle must cross a permanent stream, a temporary bridge shall be constructed and utilized and the Township notified. Permit holders must comply with all specific requirements related to the use of all existing or constructed roads. (xiii) The Permit holder is responsible for installing and maintaining all erosion control and water quality protection measures

during and after the sugaring season. Permit holders shall submit plans and maps that show the expected road and access trail usage as well as main lines and the approximate number of taps that will be served by them. Permit holders will be required to repair any damage to Township roads, trails or property that their use may cause. (xiv) Snowplowing to access sugaring operations will be of the shortest distance possible and on paved or gravel surfaces for sap collection and related purposes only. The Township shall be notified before snowplowing operations are to begin. (xv) Vehicles will not ford streams or wet areas. (xvi) Power sources for pumps, reverse osmosis systems (R/O's), storage tanks and/or generators associated with a tapping operation may be authorized by the Township in a permit agreement. Fuel tanks for generators and/or pumps are allowed but must be installed and maintained under all local, state and federal regulations. The location of any tanks and generators must be approved by the Township. The permit holder shall immediately report any fuel spills or leaks. (xvii) The permit holder shall be responsible for obtaining and complying with any and all other permits that may be required. (xviii) At the termination of the permit period, the permit holder must remove all equipment, and the ground must be smoothed, grass seed spread and mulched. (xix) Any permit issued by the Township of Frelinghuysen may contain such additional conditions as the Township of Frelinghuysen determines are reasonably required to ensure the safety and well being of the Township's residents and property. **§ 22-21. Duration of permit.** Permits shall be valid only during the months of **January through March** of the calendar year for which they are issued. **§ 22-22. Revocation of permit.** The Township shall be authorized to revoke a permit issued hereunder at any time if the safety of any persons or the safety of property, including that of the Township, is threatened. Violations by any permittee of any state or local rules and regulations shall also cause the permit to be revoked. Where such permit has been revoked or where persons or property are endangered as set forth above, the Township is authorized to require take all steps necessary to eliminate the condition which endangers persons or personal property, which may include removing the permittee from municipally owned property. **§ 22-23. Violations and penalties.** A. Violation of this article, any special condition of a permit or any applicable state or local regulation will result in the immediate loss of tree tapping and sap removal on municipally owned property, and will subject the person who commits the violation to any applicable penalties. B. Any person violating any of the provisions of this article or any rule or regulation promulgated pursuant hereto shall, upon conviction, be required to repair, replace or restore and property damaged by that person. C. Any person violating any of the provisions of this subject to the general penalty provisions set forth at Sections 1-5.1 *et seq.* of the Frelinghuysen Township Code. D. Any person engaging in tree tapping or sap removal on Township property hunting without a permit shall be considered to be trespassing and subject to the fines and penalties in set forth in this section, and may be prosecuted as a trespasser. **Section II** 1. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected. 2. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency. 3. This ordinance shall take effect immediately upon adoption and publication according 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 August 17, 2016 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on September 21, 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. Stracco for a first reading, seconded by Mr. Boynton. Roll call vote: Mr. DeCarolis-Yes; Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes. Second reading will be held on September 21, 2016.

RESOLUTIONS:

2016-83 WHEREAS, a resolution is required by the Tax Collector to cancel 2016 taxes (partial) deemed uncollectible, and WHEREAS, the following property owner has applied for and been granted a 100% disabled veteran exemption **by the Tax Assessor effective March 8, 2016**, therefore the balance of 2016 taxes must be canceled of record;

BLOCK	LOT	OWNER	AMOUNT
1401	21.04	Alessio, Frank P. & Judy L.	\$ 8,060.97

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the above taxes be canceled of record as they are uncollectible. Motion was made on a consent agenda for Resolutions #2016-83 to #2016-85 by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.

2016 – 84 WHEREAS, a resolution is required by the Tax Collector to refund a portion of **2016** 1st quarter taxes paid in February of this year (due to the homeowner applying for and receiving a 100% veteran exemption for 2016). The owner paid the 1st quarter as billed and a pro-rated amount must be refunded, as listed below:

Block	Lot	Pay To	Amount
1401	21.04	Frank P. & Judy L. Alessio	\$ 746.18

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the above property taxes. Motion was made on a consent agenda for Resolutions #2016-83 to #2016-85 by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.

2016-85 WHEREAS the Township of Frelinghuysen, County of Warren, State of New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property; WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan; WHEREAS a *Hazard Mitigation Plan* (HMP) has been developed by the Mitigation Steering and Planning Committees; WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the Warren County website so as to introduce the planning concept and to solicit questions and comments; and to present the HMP and request comments, as required by law, and **NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey:

1. The *Warren County Multi-Jurisdictional Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on **April 29, 2016** by the Warren County Department of Public Safety/Office of Emergency Management is hereby adopted as an official

plan of the Township of Frelinghuysen, County of Warren, State of New Jersey; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.

2. The Township of Frelinghuysen departments identified in the HMP are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the HMP shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township Committee, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Warren County Deputy Public Safety Director and Deputy Office of Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Warren County Department of Public Safety/Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

PASSED by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, this 17th day of August, 2016. 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 August 17, 2016. Motion was made on a consent agenda for Resolutions #2016-83 to #2016-85 by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.

#2016-86 RESOLUTION FOR PLACE TO PLACE TRANSFER FOR PLAN B PUB, LLC WHEREAS, Plan B Pub, LLC has submitted an application for a place to place transfer of Liquor License #2106-33-005-006;¹and WHEREAS, the Mayor and Township Committee have determined that they have received no objections to the place to place transfer, and are aware of the opening and acknowledge that the license will be active and do not find any reason to withhold approval of the place to place transfer of Liquor License #2106-33-005-006; NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the place to place transfer of Liquor License #2106-33-005-006 issued to Plan B Pub, LLC be and is hereby approved. CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen do hereby certify the above to be a true copy adopted by the Frelinghuysen Township Committee at their meeting of August 17, 2016. Alan DeCarolis has an interest in Plan B Pub, LLC, and has absented himself from discussing or voting on this matter. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. Roll call vote: Mr. DeCarolis-Abstain; Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Stracco-Yes.

#2016- 87 RESOLUTION TO RELIEVE THE TAX COLLECTOR FROM COLLECTING CERTAIN TAXES Township of Frelinghuysen County of Warren, New Jersey WHEREAS, the Assessor has discovered an error in the Tax Book of the Township of Frelinghuysen, County of Warren, State of New Jersey. WHEREAS, the Assessor of

the Township of Frelinghuysen during his course of work has discovered that the following errors: **Block 902, Lot 2, Qual # Q0135** This said line item was assessed incorrectly in the Tax Book for \$3,900. This block/lot is a duplicate of Q0117. This assessment should be **\$ 0** since the line is a duplicate of Q0117. NOW, THEREFORE BE IT RESOLVED that the Township of Frelinghuysen Committee relieve the Tax Collector from collecting taxes on this block / lot. Certification I hereby certify that the foregoing resolution is a true and accurate copy of a resolution duly adopted by the Township Committee of the Township of Frelinghuysen, at its meeting held on Aug 17, 2016. Motion was made by Mr. Boynton, seconded by Mr. DeCarolus. All were in favor.

#2016-88 WHEREAS, it is the desire of Frelinghuysen Township to open a bank account with Lakeland Bank for Developers Escrow deposits, and WHEREAS, three signatures are required for checks on said account, NOW THEREFORE BE IT RESOLVED that the following Officials of Frelinghuysen Township are authorized to sign checks for the Developers Escrow Account: Christopher Kuhn, Mayor; Christopher Stracco, Deputy Mayor; Donna Zilberfarb, Acting Municipal Clerk; Danette Dyer, CFO 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 August 17, 2016. Motion was made by Mr. Desiderio, seconded by mr. Boynton. All were in favor.

#2016-89 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF AUGUST 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 AUGUST 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 by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.

#2016-90 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of potential and ongoing litigation 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 August 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. Stracco, seconded by Mr. Desiderio. All were in favor.

#2016-91 RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO SIGN SHARED SERVICES AGREEMENT WHEREAS, the County of Warren has presented a shared services agreement to provide public works equipment and related

services; and WHEREAS, the Frelinghuysen Township Committee is interested in such services and wish to proceed with the agreement. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee that the Mayor and Clerk are authorized to execute a shared services agreement for public works equipment with the County of Warren. Motion was made by Mr. Desiderio, seconded by Mr. Stracco. All were in favor.

#2016-92 AUTHORIZING PURCHASE OF TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS WHEREAS, bids were received on August 10, 2016 for the purchase of a 2017 Freightliner with Dump Body (the "Truck") for use by the Department of Public Works; and WHEREAS, these bids were advertised as required by law; and WHEREAS, all responsive bids were duly examined, and Robert H. Hoover & Sons, Inc. was found to be the lowest responsible bidder, and it has been recommended that a contract be awarded to Robert H. Hoover & Sons, Inc. for the purchase of the said Truck. NOW THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen as follows:

1. A contract for the purchase of the Truck is hereby awarded to Robert H. Hoover & Sons, Inc.
2. This contract is awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq.
3. The Chief Financial Officer of the Township of Frelinghuysen has provided a certification as to the availability of funds for the purchase of the Truck.
4. This Resolution shall take affect according to law.

CERTIFICATION I, Donna Zilberfarb, Acting Municipal 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 August 17, 2016. Motion was made by Mr. Desiderio, seconded by Mr. Boynton. Roll Call Vote Mr. Boynton – Yes; Mr. DeCarolis – Yes; Mr. Desiderio – Yes; Mr. Kuhn – Yes; Mr. Stracco – Yes.

OLD BUSINESS:

Mr. Sterbenz explained the DEP permit that needs to be transferred for the septic at Kids Camp. After discussion, it was decided to allow Mr. Sterbenz to move forward with the permits. Motion was made by Mr. Stracco to authorize Paul Sterbenz, Maser Consulting, to complete the permits for Kids Camp, seconded by Mr. Boynton. All were in favor.

Mr. Sterbenz also discussed the Bear Creek Road paving project. There will be a few drains that will need to be repaired prior to paving by the dpw, Finn Bohn will reach out to Dan Harman. Cost should be approximately \$115,000.00 for improvement of the 2 sections of road, which will be done in late September early October. Motion was made by Mr. Desiderio to authorize Mr. Sterbenz to move forward with the paving for Bear Creek Road, seconded by Mr. Boynton. All were in favor.

Mr. Sterbenz handed out to all members present, new salt shed plans with 2 different locations. The shed will be 40x55 and can hold 705 tons of salt. After discussion it was decided that Mr. Sterbenz will draw up new plans with the location approximately where the shed is now.

Motion was made by Mr. Desiderio to have Mr. Sterbenz draw up plans for the new location, seconded by Mr. Stracco. Mr. Desiderio rescinded this motion.

Motion was made by Mr. DeCarolis to oppose the new location and leave where originally stated. There was no second, Mr. Decarolis rescinded this motion.

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

Charlie Marra spoke in regards to the hill behind the old salt shed, stating that for years they've discussed cleaning it up and putting picnic tables etc there so families could see all fields at once. Mr. Kuhn thought that was a great idea.

Tammy Beckenthal asked about the buffering that was referred to. She also thinks that something needs to be done because the site looks bad.

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

Motion was made by Mr. Desiderio to move forward with moving salt shed to the opposite side of complex, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-No; Mr. Desiderio-No; Mr. Kuhn-Yes; Mr. Stracco-Yes. Mr. Sterbenz will email new plans to the Committee members prior to the work session in September.

Ms. Baguley, with the GS Troop, was not able to attend the meeting tonight in regards to the utilization of the meeting room in December. She did send a copy of the insurance certificate and after discussion, Ms. Zilberfarb will forward onto legal counsel to look at.

Ms. Buttgerreit and Mr. Conner discussed the water testing and explained how Garden State Labs were chosen and how they work. After discussion it was suggested to contact another company.

NEW BUSINESS:

Mayor Timothy McDonough, of Hope Township, discussed the energy aggregation that Hope Township is participating in and explained that they are looking to get other towns involved in a coop for this. He explained the savings that can occur between 6% to 20% savings to the homeowner. He also explained that Hardwick or a town in Sussex county will be the lead town entering into this. After discussion, Mayor Kuhn asked legal to prepare an Ordinance for the September meeting.

Ms. Zilberfarb explained the need for a deputy registrar to be appointed, as Mary Pat from Hope Township was the deputy registrar and she is no longer at Hope Township. Ms. Zilberfarb recommends having Jackie Mowbray be trained for this position for coverage when she is out of the office. Motion was made by Mr. Stracco to send Ms. Mowbray to registrar classes in Trenton, seconded by Mr. Boynton. All were in favor.

Motion was made by Mr. Desiderio to accept with regrets, the resignation of Jackie Mowbray as the Historical Preservation Secretary, seconded by Mr. Boynton. All were in favor. They will appoint the new secretary at the work session meeting in September.

In Rem Foreclosure was discussed by Mr. Beilin and he will send the copy of the search to Mr. Kuhn. Mr. Kuhn will then share with Nature conservancy the findings.

Mr. Beilin also discussed service electric cable and suggested keeping pressure on the BPU and service electric. Motion was made by Mr. Stracco to allow Mr. Beilin to keep moving forward, seconded by Mr. Desiderio. Roll call vote: Mr. Boynton-Yes; Mr. DeCarolis-Yes; Mr. Desiderio-yes; Mr. Stracco-Yes; Mr. Kuhn-No.

Tax presentation by the Mayor is tabled until the September 21, 2016 meeting.

Anonymous complaints were discussed and it was determined that the Committee should not accept anonymous complaints any longer.

Mr. DeCarolis inquired with the committee who's responsible for the recreation booster club, he would like to know how much money is in the account, if it is in the townships name and where the money goes for the clothing bin. Mr. Desiderio explained that it is the Frelinghuysen Recreation Booster Club and not in the name of the town. He also explained that the clothing bin is a fundraiser for the booster club. Mr. Kuhn asked that the mail no longer be sent to the town hall and should be a separate PO Box and that the booster club should not vote on issues during a township recreation meeting. After discussion, Mr. Desiderio will ask Ms. Kleber to change the address and the booster club will not have meetings at the town hall. Mr. Desiderio would also like to discuss this further at the September meeting when legal counsel is present. Recreation booster club will be placed on the agenda for September 21, 2016 meeting.

OPEN MEETING TO THE PUBLIC:

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

There was no public comment

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

DEPARTMENT REPORTS:

Motion made by Mr. Desiderio for consent agenda items 1-9 seconded by Mr. Boynton. All were in favor.

Legal Report – Notes are under new business

Recreation Committee – Nothing to report at this time

Environmental Commission– Nothing to report at this time

Farmland Preservation Committee – Dark Moon Farm is moving forward with application.

Open Space Advisory Committee – Nothing to report at this time

Mayor report – Mr. Kuhn discussed his meeting with William Ethel of the WC Prosecutors office, in regards to OEM and the GXP program. The cost is approximately \$1100-1200 for the GIS system. Mr. Kuhn will look at GIS from capital to help fund this.

Mr. Kuhn reminded everyone that the breakfast for the planning officials is on September 16th at 7:30 in the Somerset Hills Hotel, where Frelinghuysen Township will be receiving an award for the Land Use Board. He asked all the committee members if they'd like to attend and to get back to Ms. Zilberfarb with a response. Also invited were land use board members.

He also mentioned the life sciences seminar on October 5th and asked anyone interested in attending to let him know.

The Appalachian Trail Community support letter was sent to Ms. Zilberfarb.

Mr. Kuhn also asked that the vacation of roads be placed on the agenda for the September work session meeting. He would also like to send residents on Old Stage Coach Road and Camp Weaqua Road the agreement that was sent to residents on Kerr Road.

Deputy Mayor report – Stated that the State police have not been to a meeting in a while and would like them to attend Septembers meeting. Mr. DeCarolis will reach out and have someone in attendance.

Committeeman Boynton report – Nothing to report at this time

Committeeman Desiderio – Nothing to report at this time

Committeeman DeCarolis – Nothing to report at this time

Clerk report – Ms. Zilberfarb asked if hunting would be allowed on FFP property – answer is no, not at this time. She will get back to the resident asking. Discussed how the exercisers are annoyed and aggravated by the lack of AC in the meeting room. Ms. Zilberfarb explained how they complain about it but wanted to let the committee know of their frustrations.

Motion was made by Mr. Desiderio to end all non-meeting in the meeting until the AC is fixed, seconded by Mr. Stracco. Roll call vote: Mr. DeCarolis-No; Mr. Boynton-No; Mr. Desiderio-Yes; Mr. Stracco-Yes; Mr. Kuhn-No.

CORRESPONDENCE:

State of New Jersey Department of Transportation – Transportation Alternatives Program **New Jersey Legislature, Senator Seve Oroho and the LD24 Office** – Meeting re: TTF and ways to control costs July 27, 2016 at 6 pm **Warren County Department of Human Services** – Notice of Public Hearing 10:00 am on Thursday, August 25, 2016. **Americorps** – Ready Corps request for proposal **NJM Insurance**

Group – Expansion of NJM eligibility to municipal employees **NJLM** – League’s Annual Audit Statement **NJLM** – Annual conference in Atlantic City November 15-17, 2016. Pre-registration. **Borough of Bloomingdale** – Resolution 2016-7.7 **JCP&L** – Matter of proposed transfer of Transmission Assets and lease of real property assets to mid-atlantic interstate transmission (MAIT), LLC BPU Docket No. EM15060733 **JCP&L** – Annual Universal service fund compliance filing BPU Docket No. ER16060536 **Foodshed Alliance** – Thank you letter for our support

ADJOURNMENT:

There being no further business, motion was made by Mr. Stracco, seconded by Mr. Desiderio to adjourn the meeting at 10:22 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk