

MINUTES OF REORG MEETING OF JANUARY 3, 2017

The reorganizational meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Monday, January 3, 2017 and was called to order at 7:00 p.m. by Acting Clerk Donna Zilberfarb.

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: Committeeman Christopher Stracco, Committeeman Frank Desiderio, Committeeman Charles Marra, Committeeman Christopher Kuhn, Committeeman David Boynton, Legal Counsel Edward Wacks, and Acting Clerk Donna Zilberfarb.

OATH OF OFFICE:

The Acting Municipal Clerk administered the oath of office to Committeeman Frank Desiderio and Committeeman Charles Marra.

NOMINATION FOR MAYOR:

The Acting Municipal Clerk called for nominations for Mayor for the year 2017. Motion was made by Mr. Kuhn to nominate Frank Desiderio for Mayor, seconded by Mr. Stracco. Mr. Marra made a motion to nominate David Boynton for Mayor, there was no second – motion did not succeed. Roll call vote was taken for Mr. Desiderio as Mayor. Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes, Mr. Marra-Yes; Mr. Stracco-Yes. Mr. Desiderio accepted the position.

NOMINATION FOR DEPUTY MAYOR:

Mayor Desiderio called for nominations for Deputy Mayor for the year 2017. Motion was made by Mr. Kuhn, seconded by Mr. Desiderio to nominate Chris Stracco as Deputy Mayor. Mr. Boynton made a motion to nominate Charles Marra as Deputy Mayor, there was no second – motion did not succeed. Roll call vote: Mr. Boynton-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Desiderio-Yes. Mr. Stracco accepted the position of Deputy Mayor.

2017 APPOINTMENTS:

Committee Appointments-Schedule A

Director of Public Works – Frank Desideiro

Finance Commission (includes Tax Assessor and Collector) – Christopher Kuhn, Frank Desiderio, Danette Dyer and Donna Zilberfarb

Buildings and Grounds – Charlie Marra

Open Space Committee Member – Christopher Kuhn

Farmland Preservation Committee Member – Christopher Kuhn

Land Use Board Member – Christopher Stracco

Environmental Commission Member – Charlie Marra

Board of Health Members (all committee members)

Personnel Committee Members – Christopher Kuhn and Frank Desiderio

Board of Education Liaison – David Boynton

Freeholder Liaison – David Boynton

Police Liaison – Charlie Marra

Safety Committee Liaison – Charlie Marra

COAH Coordinator – Christopher Stracco

Municipal Alliance Liaison – David Boynton

Legal Liaison – Christopher Stracco

Route 94 Township Property site plan manager – Frank Desiderio

Motion was made by Mr. Kuhn, seconded by Mr. Boynton to concur with the Mayor's appointments. All were in favor.

2017 Miscellaneous Appointments-Schedule B

Road Supervisor – Donna Zilberfarb
Deputy clerk –None
Tax Search Officer – Donna Van Tassel
Tax Collector – Donna Van Tassel
List of Certified Owners – David Gill
Deputy Tax Collector –
Board of Health Secretary –Donna Zilberfarb
Senior Citizen Coordinator – Hold to January 11, 2017
Solid Waste Advisory Commission member – Jim Banta
Animal Control Officer – Alan DeCarolis
Deputy Animal Control Officer – Nellie Klaver
Dog Licensing Official – Donna Zilberfarb
Municipal Alliance Coordinator – Ronnie Schwartz
Clean Communities Coordinator – Jackie Mowbray
Recycling Coordinator – Donna Zilberfarb
Forestry Management Coordinator – Donna Zilberfarb
Driveway Opening Official – Joe Golden
Building Department Technical Assistant – Jackie Mowbray
Zoning Officer/Enforcement Official – George Boesze
Temporary Construction Official – James O'Connor
Manager of Public Lands – Hold to January 11, 2017
Assistant Manager of Public Lands – Hold to January 11, 2017
Motion was made by Mr. Kuhn, seconded by Mr. Boynton to concur with the Mayor's appointments. All were in favor.

2017 Land Use Board Appointments - Schedule C

Frank Desiderio (Class I) – 1 year term (Mayor Appointment)
Christopher Stracco (class III) – 1 year term (Township Committee Appointment)
Jessica Caruso (alt) – 1 year term
Donna Eitner (Class IV) – 1 year term
Lowell Forbes (Alt #3) – 2 year term
Howard Jungkind (Class IV) – 4 year term
Max Klein (alt #1) – 1 year term
Donald Soisson (Class IV) – 4 year term
Nick Sorrano (Alt) – 2 year term
Nomination for Committee Appointment – Motion was made by Mr. Desiderio to nominate Mr. Desiderio, seconded by Mr. Boynton for the Land Use Board Representative. After discussion, Mr. Desiderio withdrew the motion. Motion was made by Mr. DeCarolis to nominate Mr. Stracco for the Land Use Board, seconded by Mr. Kuhn. All were in favor. Motion was made by Mr. Stracco, seconded by Mr. Boynton to concur with the Mayor's appointments. All were in favor.

2017 Environmental Commission Appointments - Schedule D

Charlie Marra – 1 year term (Township Committee Appointment)
Christopher Kuhn – 3 year term
Vacant (Dennis Lackovic) – 2 year term – Hold to January 11, 2017
Jim Simonetti – 3 year term
Robert Stock – 1 year term
Michael Tudor (Alt #1) – 2 year term
Motion was made by Mr. Stracco, seconded by Mr. Boynton to concur with the Mayor's appointments. All were in favor.

2017 Municipal Alliance Appointments - Schedule F

David Boynton – 1 year term (Township Committee Rep)
Frank Desiderio – 1 year term
Genevieve Jones – 1 year term (PTO)
Brenda Kleber – 1 year term
Dr. Nicholas Diaz – 1 year term
Ronnie Schwartz – 1 year term
Vacant (Jean Verbeke) – 1 year term – Hold to January 11, 2017
Motion was made by Mr. Desiderio, seconded by Mr. Boynton to concur with the Mayor's appointments. All were in favor.

2017 Recreation Committee Appointments - Schedule G

Charlie Marra (Township Committee Rep) – 1 year term

Frank Desiderio – 5 year term

The Mayor would like Kelly Simonetti on the board if an opening comes up. Motion was made by Mr. Boynton, seconded by Mr. Desiderio to concur with the Mayor's appointments. All were in favor.

2017 Open Space Committee Appointments - Schedule H

Wendy Buttgereit (Citizen) – 1 year term

Martin Connor (LUB rep) – 1 year term

Christopher Kuhn (Township Committee Rep) – 1 year term

Frank Desiderio (Recreation Rep) – 1 year term

David Boynton, II (Environmental Rep) – 1 year term

Dan Carson (Citizen) – 2 year term

Motion was made by Mr. Boynton, seconded by Mr. Desiderio to concur with the Mayor's appointments. All were in favor.

2017 Historical Committee Appointments - Schedule I

Wendy Buttgereit (Open space rep) – 1 year term

Marty Conner (LUB rep) – 1 year term

Christopher Kuhn (Mayor) – 1 year term

Scott Lance (citizen) – 2 year term

Tammy Beckenthal (Citizen) – 2 year term

Peter Lubrecht, Sr. (Alt) – 2 year term

Opening (Alt) – 2 year term hold to January 11, 2017

Motion was made by Mr. Desiderio, seconded by Mr. Boynton to concur with the Mayor's appointments. All were in favor.

ORDINANCES:

#2017-01 CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.

40A: 4-45.14) WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to **0.5%** unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and, **WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and, **WHEREAS**, the Township Committee of the Township of Frelinghuysen in the County of Warren finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and, **WHEREAS**, the Township Committee hereby determines that a **3.0%** increase in the budget for said year, amounting to **\$22,931.73** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and, **WHEREAS**, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years. **NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Frelinghuysen, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of Frelinghuysen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.5%**, amounting to \$ 26,753.69, and that the CY 2017 municipal budget for the Township of Frelinghuysen be approved and adopted in accordance with this ordinance; and, **BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and, **BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and, **BE IT FURTHER**

ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption. 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 January 3, 2017 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on January 18, 2017 at 7:30 pm 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. Kuhn for first reading for introduction, seconded by Mr. Boynton. The second reading for adoption will be held on January 18, 2017 at 7:30 pm. Roll call vote: Mr. Boynton – Yes; Mr. Desiderio – Yes; Mr. Kuhn – Yes; Mr. Marra – Yes; Mr. Stracco – Yes

#2017-02 ORDINANCE AMENDING ORDINANCE NO. 2016-08, CONCERNING THE RECREATION COMMITTEE, AND REVISING SECTION 2-27 OF THE FRELINGHUYSEN TOWNSHIP CODE

WHEREAS, Section 2-27 of the Frelinghuysen Township Code sets forth, among other things, the membership, duties and responsibilities of the Frelinghuysen Township Recreation Committee; and WHEREAS, in Ordinance No. 2016-08, the Mayor and Township Committee made certain revisions to Section 2-27, as set forth therein; and WHEREAS, it is in the best interests of the Township and its residents to revise Ordinance No. 2016 and Section 2-27 as set forth below. NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen as follows: **Section I** 1. Section 2-27.2 of the Frelinghuysen Township Code is amended to read as follows (deletions are stricken through; additions are underlined): **2-27.2 Membership Terms; Appointments.**

The Recreation Committee shall be comprised of not less than five (5) nor more than nine (9) members and four (4) alternate members, who shall be citizens and residents of the Township of Frelinghuysen. The members first appointed shall hold office for one (1), two (2), three (3), four (4) and five (5) years respectively in such a manner that the term of at least one (1) member, and not more than two (2) members shall expire in each year. Thereafter, aAll appointments shall be for a term of five (5) years and all vacancies shall be filled for the unexpired term only. Upon the occurrence of any vacancy or the expiration of a term of a Recreation Committee member, the Recreation Committee shall, within 30 days of the date of such vacancy or expiration of term, submit to the Mayor and Township Committee a list of candidates to fill the unexpired term (in the case of a vacancy), or to sit for a new, full term (in the case of an expired term). The Mayor and Committee shall make a selection from the list provided by the Recreation Committee. One member of the Township Committee appointed by the Mayor shall serve as an ex-officio member of the Recreation Committee, but shall have no vote unless he also be formally appointed as a member of the Recreation Committee. Alternate members may participate in discussions of Recreation Committee proceedings but may not vote, except in the absence or disqualification of a regular member. **Section II** Section 2-27.8 of the Frelinghuysen Township Code is deleted in its entirety and replaced with the following:

§ 2-27.8 Rydell Field; Bear Creek Greenway; FFP North; Rules and Regulations.

- A. The Recreation Committee shall have control over Rydell Field and the recreation fields and facilities associated with the Bear Creek Greenway, and control of any recreation fields or facilities for active recreation use which is designated and approved in the Forestry and Use Plan for the FFP North adopted by the Township, , and may adopt such suitable rules, regulations and bylaws for the scheduling and use of same as it may deem necessary, subject to the review and approval of the Township Committee. The Township Committee retains the ability to schedule maintenance fees, and control over all areas not used for active recreation purposes set forth above.
- B. For these purposes the term “active recreation” means and is intended to include any organized recreational activity. includes recreation activities that are usually rigorously athletic, not quiet, and have a noticeable impact on the surrounding environment. These may include individual or team sports, large picnic grounds, children’s playgrounds, and recreational events with a high density of people. Parks that provide active recreation commonly include tennis, volleyball and basketball courts; swing sets, playgrounds, and tot-lots;

or fields for team sports such as football, soccer, and baseball/softball. Active recreation parks can be quite small, as in the case of a tot-lot, or they can cover multiple acres, as in the case of a sports field complex. Examples include: athletic team sports, archery, obstacle courses, concerts, festivals, summer camps, organized camping events, cookouts, golf, BMX, cycling, mountain biking, organized foot racing, any form of motorized activity, boating activity, swimming, community gardens, and equestrian activities.

- C. For these purposes the term "passive recreation" includes recreation activities that are usually quiet and not rigorously athletic, and have a low impact on the surrounding environment. These activities may include walking, hiking, fishing, bird watching, and quiet picnicking. Parks that provide passive recreation may include trails, public gardens or memorial parks, open areas, and picnic areas. Passive recreation parks tend to be larger than active recreation facilities and may have natural or scenic significance, containing a stream, woodland, or historically significant resource. County or state facilities are primarily designed for passive recreation and may require a further distance to travel. Examples include: astronomy, bird/wildlife observation, kite flying, group meetings, conservation activities, hiking, trail walking, open air theatre, orienteering, photography, picnics, and indoor meetings.
- D. All control of hunting, fishing or trapping is reserved exclusively for the Township Committee.

Section III Section 2-27.10 of the Frelinghuysen Township Code is amended to read as follows: **§ 2-27.10 Violations and Penalties.** Any person violating any provisions of this section or violating any of the rules and regulations or bylaws of the Township Committee or Recreation Committee shall be subject to penalties as follows:

- A. For a first offense: A fine in the amount of two hundred (\$200.00) dollars, and, in the discretion of the Judge of the Municipal Court before whom the cause shall be heard, imprisonment for a period of thirty (30) days;
- B. For a second offense: A fine in the amount of two hundred (\$500.00) dollars, and, in the discretion of the Judge of the Municipal Court before whom the cause shall be heard, imprisonment for a period of thirty (30) days;
- C. For at third or additional offense: For a first offense: A fine in the amount of one thousand (\$1,000.00) dollars, and, in the discretion of the Judge of the Municipal Court before whom the cause shall be heard, imprisonment for a period of thirty (30) days. Each day that a violation is permitted to exist shall constitute a separate offense. Section IV

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

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

3. This ordinance shall take effect immediately upon final passage and publication as required by law. Notice 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 January 3, 2017 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on January 18, 2017 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. Kuhn for first reading and introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Desiderio-Yes. The second reading for adoption will be held on January 18, 2017 at 7:30 pm.

#2017-03 ORDINANCE AMENDING LAND DEVELOPMENT ORDINANCE CONCERNING USES IN THE AR-6, NC, VN01 & 2 AND ROM ZONING DISTRICTS, AND CONCERNING USES ON TOWNSHIP-OWNED LANDS WHEREAS, in furtherance of the purposes of the Frelinghuysen Township Land Development Ordinance as set forth at Section 102 thereof, it is necessary and appropriate at this time to make amendments to the Land Development Ordinance, in order to: (a) eliminate the cluster option and lot size averaging in the AR-6 Zone; (b) expand the NC Zone in accordance with the 2016 Master Plan Reexamination; (c) permit first floor

apartments in the VN-1 and VN-2 Zones; (d) permit landscaping businesses in the ROM Zone, and (e) permit cell towers and solar power farms on Township-owned lands; and WHEREAS, it is in the best interests of the Township and its residents to revise the Land Development Ordinance as set forth herein. NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen as follows:

Section I 1. Section 402(A) of the Frelinghuysen Township Land Development Ordinance is Code is amended to read as follows (deletions are stricken through; additions are underlined): **402 "AR-6" AGRICULTURAL RESIDENTIAL**

A. Principal Permitted Uses on Land and in Buildings

1. Farms. 2. Freestanding single-family homes. 3. Public playgrounds, public conservation areas, public parks, golf courses and public purpose uses. 4. Public and private day schools of elementary and/or high school grade licensed by the State of New Jersey as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 601 for standards). 5. Churches as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 601 for standards). 6. Public Utilities as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 601 for standards).

~~7. Residential Clusters (see Section 604 for standards and requirements).~~

~~7~~8. Accessory apartments in single-family detached dwellings or its accessory building on a residential lot, ~~not part of a "Residential Cluster,"~~ as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 601 for standards). **Section II** Section 305 of the Frelinghuysen Township Land Development Ordinance is amended by adding thereto a new Subsection 305(B), to read as follows:

305 ZONING MAP AMENDMENTS B. Pursuant to Resolution No.2016-135 adopted December 21, 2016, the NC Commercial Zone along Route 94 is expanded to encompass both sides of Route 94 from the Fredon Township border to Kerr Road, as shown in the 2016 Master Plan Reexamination, p. 30. **Section III** Section 403(A)(10) of the Frelinghuysen Township Land Development Ordinance Code is amended to read as follows: **403 "VN-1" and "VN-2" VILLAGE NEIGHBORHOOD** A. Principal Permitted Uses on the Land and in Buildings

10. Apartments in mixed-use buildings, ~~not located on the ground floor~~ and only if the second floor is limited to the permitted apartment residential use(s). Such apartment(s) shall be no less than seven hundred fifty (750) square feet each in floor area for a one-bedroom apartment or nine hundred (900) square feet each for a two-bedroom apartment. **Section IV**

Section 405(A) of the Frelinghuysen Township Land Development Ordinance is amended by adding thereto a new Subsection 405(A)(7), to read as follows:

405 "ROM" RESEARCH, OFFICE AND MANUFACTURING

A. Permitted Principal Uses on the Land and in Buildings

7. Landscaping businesses. **Section V** Section 601(M) of the Frelinghuysen Township Land Development Ordinance is amended by adding thereto a new Subsection 601(M)(4), to read as follows: **601 CONDITIONAL USES**

M. Communications Facilities as a Conditional Use

4. Notwithstanding any other provision of this Section or of the Land Development Ordinance, cellular communications facilities and the co-location of such facilities shall be a permitted use on any property owned by the Township of Frelinghuysen, and the provisions set forth at Section 601(M)(3) shall be inapplicable to such facilities on Township-owned property, except as otherwise required by law. **Section VI** Section 601(M) of the Frelinghuysen Township Land Development Ordinance is amended by adding thereto a new Subsection 601(N)(14), to read as follows: **601 CONDITIONAL USES**

N. Solar Energy Systems. 14. Notwithstanding any other provision of this Section or of the Land Development Ordinance, solar energy systems shall be a permitted use on any property owned by the Township of

Frelinghuysen, and the provisions set forth at Section 601(N)(1) through 601(N)(13) shall be inapplicable to such facilities on Township-owned property, except as otherwise required by law. Section VI

1. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. 2. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect. 3. This ordinance shall take effect immediately upon final passage and publication as required by law. Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Frelinghuysen Township Committee held on January 3, 2017 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on January 18, 2017 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. Kuhn for first reading and introduction, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Desiderio-Yes. Second reading for adoption will be held on January 18, 2017 at 7:30 pm.

RESOLUTIONS:

#2017-01 SETTING MEETING DATES FOR FRELINGHUYSEN TOWNSHIP COMMITTEE WHEREAS, section 12 of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that at least once a year, not later than January 10th of such year, every public body shall post and mail to newspapers designated by said body, a schedule of the location, time and date of each meeting of said body during the succeeding year. NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that the regular public meetings of the Frelinghuysen Township Committee will be held on the third Wednesday of each month at 7:30 p.m. at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey as follows:
REGULAR MEETING DATES FOR 2017

January 18, 2017	July 19, 2017
February 15, 2017	August 16, 2017
March 15, 2017	September 20, 2017
April 19, 2017	October 18, 2017
May 17, 2017	*November 8, 2017
June 21, 2017	December 20, 2017

BE IT FURTHER RESOLVED, that the following dates during the calendar year of 2017 are hereby designated as the workshop meetings of the Mayor and Committee of the Township of Frelinghuysen on an as needed basis.

January 11, 2017	July 12, 2017
February 8, 2017	August 9, 2017
March 8, 2017	September 13, 2017
April 12, 2017	October 11, 2017
May 10, 2017	*November 20, 2017
June 14, 2017	December 13, 2017

BE IT FURTHER RESOLVED, that all workshop meetings will begin at 7:00 p.m. at 210 Main Street, Johnsonburg, New Jersey unless otherwise specified. Workshop meetings may be subject to cancellation. Formal action may be taken at regular and workshop meetings. Executive sessions may be cancelled by the governing body at these meetings. **Denotes change in meeting dates due to the League of Municipalities Conference.* Motion was made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor.

#2017-02 BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the following resolution be adopted: Monthly department reports are required from the Tax Assessor, Tax Collector, Chief Finance Officer, Building Department, Zoning Officer, Warren County Health Department, Knowlton Court and Animal Licensing Official to be given to the Clerk one week prior to the Township Committee meeting. The Township Clerk, Building Department, Zoning Officer, and the Animal Licensing Official shall turn over monies collected to the Township Clerk to be deposited. The Lakeland Bank is depository for monies collected by the Tax Collector, Chief Finance Officer, Zoning

Officer, Animal Licensing Official, Building Department, COAH, Small Cities and Township Clerk. The Lakeland Bank is the depository for monies collected by the Chief Finance Officer for escrow account. The Tax Collector is authorized to issue tax search requests. The Tax Assessor is authorized to issue certified list of property owners. Motion was made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor.

#2017-03 TEMPORARY APPROPRIATIONS FOR OPERATING PURPOSES

WHEREAS, 40A:4-19 Local Budget Act provides that (where any contracts, commitments or payments are to be made prior to the final adoption of the 2017 budget) temporary appropriations be made for the purposes and amounts required in the manner and time therein provided; and WHEREAS, the date of this resolution is within the first thirty days of 2017, and WHEREAS, the total appropriations in the 2016 budget, less appropriations made for capital improvement fund, debt service and relief of the poor (public assistance) are as follows:

GENERAL \$1,324,965 WHEREAS, 26.25 percent of the total appropriations in the 2016 budget less appropriations for capital improvement fund, debt service and relief of the poor (public assistance) in the said 2016 budget is as follows:

GENERAL \$347,803 NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Frelinghuysen Township, County of Warren that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for her records. CERTIFICATION: I hereby certify that the above is a true and correct copy of a resolution adopted by the governing body of the Township of Frelinghuysen at a meeting held on January 3, 2017. Motion was made Mr. Kuhn seconded by Mr. Boynton. All were in favor.

#2017-04 RESOLUTION SETTING THE OPEN SPACE TAX FOR 2017 WHEREAS, section 2-39.3 of the Ordinances of the Township of Frelinghuysen requires that the Open Space tax for the year 2017 be set at or before the meeting when the budget is adopted; and WHEREAS, the Township Committee of the Township of Frelinghuysen desires to establish a \$0.02 cent open space tax per \$100.00 of ratable for each and every taxable property located within the Township. NOW, THEREFORE BE IT RESOLVED, that the 2017 Open Space Tax is hereby established at \$0.02 cents per \$100.00 of ratable pursuant to Section 2-39.2. Motion was made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor.

#2017-05 RESOLUTION APPOINTING TOWNSHIP PROFESSIONALS WHEREAS, there exists a need for various Township Professionals; WHEREAS, the Local Public Contracts law (N.J.S.A.40A:11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised. WHEREAS, the following award is for a contract that is not in excess of \$40,000 as certified by the Chief Finance Officer of the Township of Frelinghuysen, and pursuant to N.J.S.A.19:44A-20.4, may be awarded by the Township Committee. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized to execute an agreement with the following for the term indicated:

The Land Conservancy of New Jersey	Land Consultants	1 year
Wilentz, Goldman & Spitzer	Bond Counsel	1 year

2. This contract is awarded without competitive bidding as a "Professional Services" under the provisions of the Local Public Contracts Law because these are recognized professionals licensed and regulated by law and it is not feasible to obtain competitive bids.

3. A copy of this resolution shall be published in the New Jersey Herald and The Express-Times as required by law, within ten days of its passage. Motion was made by Mr. Kuhn seconded by Mr. Boynton. All were in favor.

#2017-06 RESOLUTION AUTHORIZING SIGNATURES ON TOWNSHIP CHECKS

WHEREAS, it is necessary and appropriate to designate the Frelinghuysen Township officials who are authorized to sign checks on behalf of the township. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen that the following Frelinghuysen Township officials are authorized to sign checks where multiple signatures are required: Mayor – Frank Desiderio; Deputy Mayor – Christopher Stracco; Acting Township Clerk - Donna Zilberfarb; Chief

Finance Officer- Danette Dyer BE IT FURTHER RESOLVED, that signature cards with the signatures of the persons authorized to sign be forwarded to all Township depositories. This resolution shall take effect as provided by law. Motion was made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor.

#2017-07 WHEREAS, the Township Committee needs to designate two official newspapers for the legal advertising of legal ads for the township. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen that the New Jersey Herald hereby be designated as the official newspaper and The Express-Times as the secondary newspaper of the Township of Frelinghuysen for the year 2017. BE IT FURTHER RESOLVED, that the bulletin board in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey is designated as the place where all official notices are to be posted. Motion was made by Mr. Boynton, seconded by Mr. Kuhn. All were in favor.

#2017-08 RESOLUTION AUTHORIZING THE INTEREST RATE/GRACE PERIOD/YEAR-END PENALTY WHEREAS, N.J.S.A.54:4-67 et seq., permits the governing body to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal charges. **NOW, THEREFORE BE IT RESOLVED**, by the governing body of Frelinghuysen Township that the rate of interest on unpaid taxes shall be eight percent (8%) per annum on the first One Thousand Five Hundred (\$1,500.00) Dollars of delinquency and 18 percent per annum on any amount in excess of One Thousand Five Hundred (\$1,500.00) Dollars to be calculated from the date the tax was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the date upon which the same became payable; and **BE IT FURTHER RESOLVED**, that in addition to the interest provided above, on all delinquencies in excess of Ten Thousand (\$10,000.00) Dollars and which are not paid prior to the end of the calendar year, the tax collector shall also collect a penalty of six (6) percent of the amount of the delinquency in excess of Ten Thousand (\$10,000.00) Dollars. **BE IT FURTHER RESOLVED**, that the Municipal Clerk provide a certified copy of this resolution to the Tax Collector. Motion was made by Mr. Boynton, seconded by Mr. Kuhn. All were in favor.

#2017-09 APPOINTING RISK MANAGMENT CONSULTANT WHEREAS, the Township of Frelinghuysen (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and NOW, THEREFORE, BE IT RESOLVED by the governing body of the "Local Unit", in the County of Warren and State of New Jersey, as follows:

1. Frelinghuysen Township hereby appoints Jim Gilmore, of Bollinger Inc. as its local Risk Management Consultant.
2. The Mayor (authorized representative of the public entity) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2017 in the form attached hereto. **Certification** I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen, County of Warren, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on January 3, 2017. Motion was made by Mr. Kuhn, seconded by Mr. Stracco. All were in favor.

#2017-10 WAS HELD

#2016-11 RESOLUTION TO APPOINT PERSONNEL OF THE PUBLIC WORKS DEPARTMENT WHEREAS, the Department of Public Works for the Township of Frelinghuysen shall have charge of and supervision over the care, maintenance and construction of all streets, alleys and public ways; the construction, operation and maintenance of all storm-water and sanitary sewers, and all street gutters and drains and the appurtenances thereto; and WHEREAS, the Department of Public Works consist of the Director of Public Works and shall be under the immediate control and

direction of a Township Committeeman in charge of public works, who shall be designated as "Director of Public Works" and who shall be subject and subordinate to the ultimate control and direction of the Township Committee. NOW, THEREFORE BE IT RESOLVED, that Frank Desiderio shall be appointed as "Director of Public Works" for the year 2017. Motion was made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor.

#2017-12 RESOLUTION APPOINTING QUALIFIED PURCHASING AGENT

WHEREAS, the term of Qualified Purchasing Agent has expired and; WHEREAS, Danette Dyer has the qualifications to service as the Qualified Purchasing Agent and; NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Danette Dyer is hereby appointed to serve as the Qualified Purchasing Agent, commencing January 1, 2017 and continuing through December 31, 2017. BE IT FURTHER RESOLVED, that subject to proper and valid appropriation of the funds for same, Danette Dyer shall be paid the salary of \$1,015.00 annually. This Resolution shall take effect according to law. Motion was made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor.

#2017-13 STATEWIDE INSURANCE FUND RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, The Township of Frelinghuysen (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and **WHEREAS**, the Fund's Bylaws require participating members to appoint a Fund Commissioner; **NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of Frelinghuysen that Christopher Stracco is hereby appointed as the Fund Commissioner for the Local Unit for the year 2017; and **BE IT FURTHER RESOLVED** that Christopher Kuhn is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2017; and **BE IT FURTHER RESOLVED** that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund. This Resolution agreed to the 3rd day of January, 2017 by a vote of: 5 Affirmative; 0 Abstain; 0 Negative; 0 Absent. Motion was made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor.

#2017-14 RESOLUTION AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACTS PURSUANT TO FAIR AND OPEN PROCESS (TOWNSHIP ATTORNEY, TOWNSHIP ENGINEER AND AUDITOR)

WHEREAS, the Township of Frelinghuysen has determined that it shall use a fair and open process to acquire certain professional services in accordance with the provisions of N.J.S.A. 19:44A-20.5; and WHEREAS, N.J.S.A. 19:44A-20.5 provides that contracts awarded through a fair and open process may be awarded based on price and other factors; and WHEREAS, it has been determined and certified that the value of these services are likely to exceed \$17,500; and WHEREAS, the Township Attorney, Township Engineer and Auditor are hereby awarded one (1) year contracts, to commence on January 1, 2017 and terminate on December 31, 2017; and WHEREAS, each of the professional named herein submitted responsive and responsible proposals, price and other factors considered, to provide professional services, and each has provided a Business Entity Disclosure Certification, the terms of which are incorporated herein; and WHEREAS, funding for these contracts shall be encumbered by the Frelinghuysen Township Chief Finance Officer. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized to execute agreements for professional services, awarded pursuant to a fair and open process, to the following, which services shall be performed in accordance with the terms and conditions contained in the supplemental documents which are on file in the Office of the Township Clerk.

Edward Wacks	Township Attorney	1 year
Edward Wacks & Associates		
Paul Sterbenz	Township Engineer	1 year
Maser Consulting		
Ardito & Co.	Municipal Auditor	1 year

2. A copy of this resolution shall be published in the New Jersey Herald and The Express-Times as required by law, within ten days of its passage. Motion was made by Mr. Boynton, seconded by Mr. Kuhn. All were in favor.

OLD BUSINESS:

The zoning officer, clerk dog licensing and vital statistics, and the construction yearend reports were approved.

NEW BUSINESS:

Exercise group – Mr. Desiderio asked to go off the agenda to accommodate the exercise group in the audience. Motion was made by Mr. Stracco to open to the public, seconded by Mr. Boynton.

Cathy Bao Bean spoke in regards to the exercisers moving from the town hall to the FFP lodge for the exercise classes. Her concerns were lightening, parking and accessibility with any storms. Mr. Desiderio explained that there was more parking than what they saw and offered to meet them at the lodge to show them it.

Bertha Paul inquired as to what the reason for making them leave the town hall was. Mr. Desiderio explained that the township has a new facility that will handle recreation needs much better and that the town hall is a meeting room.

Cathy Bao Bean also inquired about additional costs and Mr. Desiderio stated that they are working them out through the recreation committee. Mr. Desiderio gave Ms. Bao Bean and all the exercisers his phone number to contact him and they will meet and go to the lodge after class on Wednesday the 4th.

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

CONTRACTS

1. Professional services contract – Ardito & Co., LLP
2. Professional services contract – Edward Wacks & Associates, LLC
3. Professional services contract – Maser Consulting P.A.
4. Professional services contract – The Land Conservancy of New Jersey
5. Professional services contract – Municipal Software, Inc (MSI)
6. Space Farms annual contract
7. Pollution Control Financing Authority of Warren County annual contract
8. Statewide Insurance Fund Risk Management Consultants Agreement
9. Space Farms annual contract
10. Pollution Control Financing Authority of Warren County annual contract
11. Statewide Insurance Fund Risk Management Consultants Agreement

Motion was made by Mr. Kuhn to approve contracts 1-8 on a consent agenda, seconded by Mr. Stracco. All were in favor. Mayor Desiderio and Ms. Zilberfarb will sign the contracts and mail out.

Mr. Wacks thanked the committee for the re-appointment and told of when he was hired 20 years ago by Mr. Rydell, Mr. Lotz and Mr. Charles.

OPEN MEETING TO THE PUBLIC:

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

Debra Natyzak inquired if the committee could wait until winter was over for the move of the exercisers to the lodge as their main concern was the late afternoon classes. Mr. Desiderio let Ms. Natyzak know that he will be in contact with Ms. Bao Bean to discuss further.

Loren Greco inquired if the exercisers could possibly move the time to earlier.

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

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

There being no further business, motion was made by Mr. Kuhn, seconded by Mr. Stracco to adjourn the meeting at 8:12 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk