

MINUTES OF REGULAR MEETING OF APRIL 17, 2019

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, April 17, 2019 and as called to order at 7:30 p.m. by Mayor, Frank Desiderio.

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 Frank Desiderio, Deputy Mayor Chris Stracco, Committeeman David Boynton, Committeeman Charles Marra (7:33), Committeeman Todd McPeek, Attorney Ed Wacks, and Municipal Clerk Donna Zilberfarb.

MINUTES:

1. Motion was made by Mr. Boynton to approve the March 20, 2019 regular session meeting minutes, seconded by Mr. Marra. All were in favor.
2. Motion was made by Mr. Boynton to approve the March 20, 2019 executive session meeting minutes, seconded by Mr. Stracco. All were in favor.
3. Motion was made by Mr. Stracco to approve the April 10, 2019 work session meeting minutes, seconded by Mr. Boynton. All were in favor. Mr. Marra abstained.

ORDINANCES:

#2019-04 ORDINANCE AMENDING SECTION 7-3.7 OF THE FRELINGHUYSEN TOWNSHIP CODE PROHIBITING PARKING ON SNOW-COVERED STREETS

WHEREAS, the Frelinghuysen Township Code presently prohibits parking on certain Township streets when there are more than two inches of snow on the ground; and WHEREAS, the Frelinghuysen Township Mayor and Committee have determined that it serves the public health, safety and welfare to prohibit parking on all Township streets when there are more than two inches of snow on the ground, and good cause having been shown. NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey as follows: Section I Section 7-3.7 is deleted in its entirety and replaced with the following: **7-3.7 Parking Prohibited When Snow is on Ground.** No person shall park a vehicle upon any Township street or part of such street when there are more than two (2) inches of snow on the ground. Section II 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 All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. 2.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** 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 March 20, 2019 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on April 17, 2019 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 to open for first reading/introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes. Second reading for final adoption will be held on April 17, 2019. Motion was made by Mr. Stracco to open for 2nd reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Stracco. All were in favor. Public: Mr. Kohuth asked if this was needed and if signs would be posted? Mr. Desiderio explained that signs will be posted at entry points to the township and that they will be enforced by the State Police. Fran Muller asked which roads this ordinance will affect and Mr. Desiderio explained that it affects all roads within the township. Mr Greco asked if the town was going to do anything about plowing snow across the roads. Mr. Desiderio stated no because it is a state law. Motion was made by Mr. Boynton to close to the public, seconded by Mr. Stracco. All were in favor. Motion was made by Mr Boynton to

approve for adoption, seconded by Mr. Marra. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes.

#2019-05 ORDINANCE AMENDING SECTION 8-1.7(h) OF THE FRELINGHUYSEN TOWNSHIP CODE CONCERNING FEES FOR SMOKE AND CARBON MONOXIDE DETECTOR CERTIFICATES

WHEREAS, the Frelinghuysen Township Mayor and Committee have determined that it is necessary and appropriate at this time to revise the fees for smoke detector certificates, and to explicitly provide that the said fees apply to carbon monoxide detectors, and good cause having been shown. NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey as follows: Section I Section 8-1.7(h) of the Frelinghuysen Township Code is amended to read as follows: h.

Certificate of Smoke/Carbon Monoxide Detector: \$90.00 five or more days before closing date; \$150.00 one to four days before closing date. Section II 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** 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 March 20, 2019 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on April 17, 2019 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 to open for first reading/introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Marra-No; Mr. McPeek-Yes; Mr. Stracco-yes. Second reading for adoption will be on April 17, 2019. Motion was made by Mr Stracco to open for 2nd reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Stracco to open to the public, seconded by Mr. Boynton. All were in favor. No public comments. Motion was made by Mr Stracco to close to the public, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Boynton to approve for adoption, seconded by Mr. Marra. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes.

RESOLUTIONS:

#2019-34 RESOLUTION APPROVING THE ISSUANCE OF RAFFLE LICENSES FOR FRELINGHUYSEN TOWNSHIP RECREATION BOOSTER CLUB WHEREAS, the Frelinghuysen Township Recreation Booster Club has applied for a raffle license to conduct an on premises 50/50 consisting of application #2019-03; and WHEREAS, the Findings and Determination by the Municipal Clerk has determined that the organization is qualified to conduct such raffle. 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 Frelinghuysen Township Recreation Booster Club raffle application #2019-03 is hereby approved.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton	X		X			
Mr. Desiderio			X			
Mr. Marra		X	X			
Mr. McPeek			X			
Mr. Stracco			X			

#2019-35 RESOLUTION APPOINTING NICK PACHNOS AS THE 9-1-1 COORDINATOR FOR THE TOWNSHIP OF FRELINGHUYSEN WHEREAS, in accordance with N.J.A.C. 17:24-5.1 the governing body of each municipality shall appoint a Municipal 9-1-1 Coordinator; and WHEREAS, the position of Municipal 9-1-1 Coordinator does not require an individual salary; and WHEREAS, the Township of Frelinghuysen is in need of a Municipal 9-1-1 Coordinator; and WHEREAS, Nick Pachnos is currently the OEM Coordinator for the Township of Frelinghuysen; and WHEREAS, Nick Pachnos has the requisite skills and experience to serve as the Municipal 9-1-1 Coordinator for the Township of Frelinghuysen. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, as follows: 1.

Nick Pachnos is hereby appointed as the Township of Frelinghuysen 9-1-1 Coordinator for the remainder of the 2019 calendar year. 2. This Resolution is effective as of March 1, 2019. CERTIFICATION I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on April 17, 2019.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton	X		X			
Mr. Desiderio			X			
Mr. Marra		X	X			
Mr. McPeek			X			
Mr. Stracco			X			

#2019-36 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF APRIL 2019 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 APRIL 2019; 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	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton		X	X			
Mr. Desiderio			X			
Mr. Marra			X			
Mr. McPeek			X			
Mr. Stracco	X		X			

#2019-37 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with attorney client privileges with potential litigation. WHEREAS, under the Open Public Meetings Act (number ___ 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 April 17, 2019 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	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton		x	x			
Mr. Desiderio			x			
Mr. Marra			x			
Mr. McPeek			x			
Mr. Stracco	x		x			

OLD BUSINESS:

- Mr. Stracco had nothing additional to report and let the committee know that Congressman Gottheimer was supposed to have a meeting with Service Electric but it was cancelled.
- Mr. Stracco will forward on the memo from Paul Sterbenz regarding the Rural Econnectivity pilot program grant.
- The sale of the property on Route 94 went to auction today, April 17, 2019 and was sold to the highest bidder, Kenneth and Andrea Ruch for \$148,500. Mr. Wacks explained that they signed the contract and understand about the tenant farmer and there are no broker fees to the town and the buyer pays the townships attorney fees. A motion was made by Mr. Stracco to accept the offer, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes. Mr. Desiderio and Ms. Zilberfarb will sign the contract and return to Mr. Wacks for execution. Mr. Wacks also discussed that Max Spann did an excellent job and felt it would be wise to send a note thanking them for their services.
- Nothing was discussed for shared services for ACO. Mr. Desiderio did update the committee that a rabid fox had bitten a person twice and that the fox was caught.
- There was a discussion with the salt shed and it was decided by the committee to put a non-binding referendum on the ballot in November. Motion was made

by Mr. Boynton to have Mr. Stracco draft a non-binding referendum for the salt shed, seconded by Mr. Marra. All were in favor.

- After discussion it was determined that the vacation of certain roads within the township is not viable at this time and will be removed from the agenda.
- Mr. Conner inquired about the purchase of the brush hog mower. Motion was made by Mr. Stracco to authorize the purchase of John Deere MX6 lift type rotary cutter from Power Place, Inc. via the coop in the amount of \$2,991.92, seconded by Mr. Boynton. All were in favor.

NEW BUSINESS:

- Rina Chughhatta of Girl Scout Troop 95665 discussed their Silver Award that they'd like to do at the recreation fields behind town hall. They discussed replacing some of the pavers in the pavilion, replacing the bird netting, fixing and/or replacing the picnic tables and possibly acquiring more seating for the fields. They have already met with the recreation committee and are looking for the approval of the township committee to move forward with their project. After discussion, a motion was made by Mr. Boynton to endorse the Silver Award for GS Troop 95665, seconded by Mr. Marra. All were in favor.
- Sadie Forbes, a senior level girl scout, discussed her Gold Award and explained to the committee what she wanted to do within the township. She would like to create a self guided historical walking tour of Johnsonburg and have a kiosk in or around the recreation fields to make the town aware of the history of Johnsonburg. Ms. Forbes has already met with the historical and recreation committees and now would like the approval from the township committee to move forward with this Gold Award. After discussion a motion was made by Mr. Boynton to endorse Sadie Forbes for her Gold Award, seconded by Mr. Marra. All were in favor.
- Ms. Zilberfarb told the committee that there will be a State Legislative meeting on May 20th and asked the members to let her know if they will be in attendance.
- A memo from George Boesze on the proposed Senate Bill No. 1155 was discussed and after discussion Mr. Stracco stated that if the Bill gets passed then legal counsel will need to amend the Ordinance that the township has now.

OPEN MEETING TO THE PUBLIC:

Motion was made by Mr. Boynton, seconded by Mr. Marra limiting it to 15 minutes to open meeting to the public. All were in favor. Spoke were:

- Mr. Kohuth explained that he OPRA'd information on the driveway permit and stated that he contacted the state and they told him the permit was expired and can not be renewed. Asked about plans for the salt shed. Mr. Desiderio explained that they are in the process of getting prices and that the engineer is working with the State. Mr. Kohuth asked if there were going to be any planning meetings. Mr. Desiderio explained the referendum for November. Ms. Natyzak asked why have the referendum and that there are site plans drawn up for this location and nothing for Route 94. Mr. Stracco explained that there was dispute within the town as to the location of the salt shed. Mr. Wacks stated that the referendum would simply ask where it should be placed, yes or no to the Route 94 property.
- Mr. Greco asked what the \$148,500 from the sale of the property goes toward. Mr. Desiderio explained that it will be going towards paying down the debt.
- Ms. Muller asked what the floor of the salt shed would be. Mr. Desiderio stated it would be asphalt.
- Richard Wilburn, 5 Ackerson Road, spoke regarding a neighbor at 15 Ackerson Road running their generator for about 4 weeks straight and asked if there was something the town could do and asked if something else could be going on. After discussion it was determined that Mr. Marra would contact the state police and have them do a wellness check.

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

EXECUTIVE SESSION:

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

No action was taken.

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

RETURN TO REGULAR SESSION:

Mr. Wacks explained that the executive session dealt with tax appeals and nothing to report and a request to waive late fees. A motion was made by Mr. Stracco to waive late fees for both residents, Block 502, Lot 29 and Block 1401 Lot 1.05, seconded by Mr. Marra. Mr. Boynton opposed. Ms. Zilberfarb will reach out to the 2 residents.

DEPARTMENT REPORTS:

Motion was made by Mr. Stracco for consent agenda for items 1-10, seconded by Mr. McPeek. All were in favor.

DPW – Report is in the book.

Land Manager – Mr. Connor discussed the new brochures and FFP maps that are being made up. He also discussed the pond treatment and getting it started for this year.

Rec Center Coordinator – Mr. Desiderio explained that someone was asking about renting the lodge and asked to be able to camp out that night as well. After discussion it was determined that it wasn't a good idea.

Legal Report – No report all items were discussed throughout the meeting.

Recreation Committee – Mr. Desiderio asked that members be placed from alternates to full voting members. Motion was made by Mr. Stracco to move Justin Stanley and Keith Ramos to full voting members, seconded by Mr. Boynton. All were in favor. Founders Day was also discussed and Mr. Desiderio mentioned it at the FFP lodge but that the seniors didn't want to go there. He is going to meet with the seniors to discuss further.

Environmental Commission – Mr. Connor discussed the bat houses project and that the building event went well. 14 bat houses were assembled by approximately 60 kids.

Farmland Preservation/Open Space Committee – No meeting

Historic Committee – No meeting

Mayor report – Nothing to report

Deputy Mayor report – Nothing to report

Committeeman Boynton – Nothing to report

Committeeman Marra – Nothing to report

Committeeman McPeek – Nothing to report

Clerk report – Ms. Zilberfarb asked about mowing the ballfields and the rec center and the age required for that. She also asked about a seasonal worker for the dpw. A motion was made by Mr. Boynton to hire a seasonal worker for the dpw at \$13.00 per hour less than 25 hours per week, seconded by Mr. McPeek. All were in favor. A motion was made by Mr. Desiderio to advertise for a part time person to mow the ballfields and rec center at \$10.00 per hour, seconded by Mr. Boynton. All were in favor. Ms. Zilberfarb will advertise.

CORRESPONDENCE:

- State of New Jersey DEP – FY 2019 Annual Fee Report and Assessment Fees

- State of New Jersey DEP – Final FFY18 and FFY19 Priority system, intended Use Plan and Project Priority List for the Clean Water Financing program (emailed to committee 3/28/19)
- State of New Jersey DOT – 2019 Municipal Aid grant for \$140,000.00 for the Greendell Road improvement project.
- Frelinghuysen Township Zoning Officer – 2nd violation notice Block 701, Lot 1.01
- The Land Conservancy of NJ – SADC non-Profit Farmland Preservation Application Block 601, Lots 1, 1.01, 2)
- NJLM – Legislative Bulletin March 2019
- Thank you – The Mullers
- Thank you – Girl Scout Troop 97441
- Blairstown Hose company – March report
- Garden State Labs – Test results for Town hall, dpw garage, and ffp lodge

ADJOURNMENT:

There being no further business, motion was made by Mr. Stracco, seconded by Mr. Marra to adjourn the meeting at 9:13 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC