

MINUTES OF REGULAR MEETING OF APRIL 18, 2018

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, April 18, 2018 and was 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 Charles Marra, Committeeman David Boynton, Christopher Kuhn, Committeeman, Attorney Ed Wacks, CFO Danette Dyer, and Municipal Clerk Donna Zilberfarb.

PROCLAMATION:

PROCLAIMING JULY 31st TO AUGUST 5th “YOUTH SUICIDE PREVENTION WEEK”

WHEREAS, Hope 4 The Hurt is a developing organization working toward taking a stand in eliminating the factors that deprive our youth the potential of a healthy mental growth; and **WHEREAS**, many young teens and adolescents currently struggle with suicide, substance abuse, depression, anxiety, self-harm, and bullying; and **WHEREAS**, the Centers for Disease Control in 2015 found that suicide is the second leading cause of death for individuals aged 10-24; and **WHEREAS**, suicide is endemic to all regions of the world and all walks of life, and suicide accounted for 1.4% of all deaths worldwide, making it the 17th leading cause of death in 2015 and 2nd leading cause of death among ages 15-29 globally according to the World Health Organization; and **WHEREAS**, without the awareness of the causes and how frequently suicides take place, the world will just continue to “brush it under the carpet”; and **WHEREAS**, Hope 4 The Hurt will hold a day of awareness and prevention on July 29th on the grounds of Warren Hills Regional Middle School; **NOW BE IT THEREFORE RESOLVED**, by the Council of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Hope 4 The Hurt shall be commended for its plans to bring students together as a part of a club dedicated to raising awareness and funds for partnered non-profit organizations that address one or more of the critical issues of suicide, substance abuse, depression, anxiety, self-harm, and bullying through advocacy programs which will give students service opportunities, event planning experience, and leadership roles in the implementation of community school based programs. **ATTEST** Frank D. Desiderio, Jr., Mayor. Donna Zilberfarb, Municipal Clerk Adopted: April 18, 2018. Motion was made by Mr. Stracco to adopt, seconded by Mr. Marra. All were in favor. A copy will be mailed to Hope for the Hurt.

MINUTES:

- 1. March 26, 2018 regular session meeting minutes were approved on a motion by Mr. Stracco, seconded by Mr. Boynton. All were in favor. Mr. Kuhn abstained.
- 2. March 26, 2018 executive session meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. Marra. All were in favor. Mr. Kuhn abstained.

ORDINANCES:

#2018-06 BOND ORDINANCE PROVIDING FOR VARIOUS 2018 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$447,090 THEREFOR (INCLUDING TWO NEW JERSEY TRANSPORTATION TRUST FUND GRANTS TOTALING \$211,500) AND AUTHORIZING THE ISSUANCE OF \$435,310 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS: SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the “Township”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$447,090, said sum being inclusive of

two (2) New Jersey Transportation Trust Fund Grants expected to be received from the New Jersey Department of Transportation, one in the amount of \$105,000, and one in the amount of \$106,500 (collectively, the "NJTTF Grants"), and a down payment in the amount of \$11,780 now available for a portion of said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law, no down payment is required for a portion of the improvements or purposes set forth in Section 3 hereof, as a \$211,500 portion of the costs of such improvements or purposes is expected to be permanently funded by the NJTTF Grants. **SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$447,090 appropriation not provided for by the down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$435,310 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$435,310 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Notwithstanding anything herein to the contrary, if the Township receives all or a portion of the NJTTF Grants prior to the issuance of any bonds or notes authorized by this Section 2 to temporarily fund all or a portion of the \$211,500 of costs which are expected to be permanently funded by the NJTTF Grants, the amount of the bonds and notes authorized by this Section 2 shall be reduced by the amount of the NJTTF Grants received in accordance with Section 4 hereof.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2018 Capital Improvement Program, which includes, but is not limited to, the acquisition of a fire truck (a portion of the cost of such acquisition having been previously authorized by Bond Ordinance Number 2012-04), a glass cutter, Automated External Defibrillator (AED) devices and turnout gear for the Green Township Fire Department; the acquisition of turnout gear and hose for the Blairstown Fire Department; the acquisition of self-contained breathing apparatus (scba) bottles and turnout gear for the Hope Fire Department; repairs and improvements to various roadways in the Township, including, but not limited to, Kerrs Corner Road (all such repairs and improvements shall include, but are not limited to, paving, tarring, chipping, crack filling, line striping and cross drains); the acquisition of street signs; the acquisition and installation of a new computer and server and office furniture for the town hall; and the acquisition and installation of a generator for the Frelinghuysen Forest Preserve (FFP) Recreation Center (a portion of the cost of such acquisition and installation having been previously authorized by Bond Ordinance Number 2017-09). Such improvements or purposes shall also include, as applicable, all engineering and design work, surveying, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the Township Clerk and available for public inspection and hereby approved. As noted in Section 1 hereof, the Township expects to receive the NJTTF Grants to permanently fund a portion (\$211,500) of the anticipated costs of the repairs and improvements to Kerrs Corner Road described above. (b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$435,310. Notwithstanding anything herein to the contrary, if the Township receives all or a portion of the NJTTF Grants prior to the issuance of any bonds or notes authorized by Section 2 hereof to temporarily fund all or a portion of the \$211,500 of costs which are expected to be permanently funded by the NJTTF Grants, the estimated maximum amount of the bonds and notes set forth in the preceding sentence shall be reduced by the amount of the NJTTF Grants received in accordance with Section 4 hereof. (c) The estimated cost of said improvements or purposes is \$447,090, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$11,780, which is the down payment available for such improvements or purposes not permanently funded by the NJTTF Grants.

SECTION 4. In the event the Township receives all or a portion of the NJTTF Grants prior to the issuance of any bonds or notes authorized by Section 2

hereof to temporarily fund all or a portion of the costs which are expected to be permanently funded by the NJTTF Grants, or in the event the United States of America, the State of New Jersey, and/or the County of Warren make any other contribution or grant in aid to the Township for the improvements and purposes authorized hereby which is in addition to the NJTTF Grants and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount of the NJTTF Grants or such other amounts so received from the United States of America, the State of New Jersey and/or the County of Warren. In the event, however, that the Township receives all or a portion of the NJTTF Grants or such other amounts to be contributed or granted by the United States of America, the State of New Jersey and/or the County of Warren after the issuance of the bonds or notes authorized in Section 2 hereof, then such amounts so received shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. **SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser. **SECTION 6.** The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection. **SECTION 7.** The following additional matters are hereby determined, declared, recited and stated: (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby. (b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.54 years. (c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$435,310 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law. (d) An aggregate amount not exceeding \$3,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described. **SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the

payment of the bonds or notes and the interest thereon without limitation as to rate or amount. **SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$435,310. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2). **SECTION 10.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance. **SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

CERTIFICATE OF INTRODUCTION I, the undersigned Clerk of the Township of Frelinghuysen, in the County of Warren, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Township duly called and held on March 26, 2018 at 7:30 p.m. at the Township Municipal Building, in said County, and that the following was the roll call: Present: Mr. Boynton; Mr. Desiderio; Mr. Marra; Mr. Stracco Absent: Mr. Kuhn I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 26th day of March, 2018. Motion was made to open to first reading and introduction by Mr. Stracco, seconded by Mr. Marra. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Kuhn-Absent. All were in favor. Second reading will be held on April 18, 2018. Motion was made by Mr. Stracco to open for second 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. Marra. All were in favor. Public comment: Debra Natyzak asked what was being amended. Ms. Zilberfarb explained that a line item is the amendment. The \$10,000 for a generator for the Rec center will now be an air conditioning unit for the rec center. There were no further questions. Motion was made by Mr. Boynton to close to the public, seconded by Mr. Marra. All were in favor. Mr. Kuhn made a motion for adoption, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes. Mr. Desiderio explained the amendment. Motion was made by Mr. Boynton to amend Ordinance 2018-06 to include the

AC unit for the Rec Center, seconded by Mr. Marra. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes.

#2018-07

WHEREAS, AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN ESTABLISHING SALARY RANGES was adopted on March 15, 2017, and

WHEREAS, the need exists to amend the ordinance,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren and State of New Jersey, that the annual, monthly or hourly salary ranges of the following elected officials, appointees and employees of the Township of Frelinghuysen, effective January 1, 2018 shall be as follows:

TITLE:	MINIMUM	TO	MAXIMUM	
FIRE INSPECTOR OFFICIAL	\$2,000.00	\$	12,000.00	ANNUAL

BE IT FURTHER ORDAINED, that all salaries shall be retroactive to January 1, 2018 except as otherwise noted.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon publication and final adoption pursuant to law.

CERTIFICATION

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 26, 2018 and will be considered for final reading and adoption at a meeting of the Mayor and Township Committee to be held on April 18, 2018 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 and introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Kuhn-Absent. All were in favor. Second reading will be held on April 18, 2018. Motion was made by Mr. Kuhn to open for second reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Kuhn to open to the public, seconded by Mr. Boynton. All were in favor. No public comment. 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 for adoption, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes.

#2018-08 ORDINANCE AMENDING SECTION 513 OF THE FRELINGHUYSEN TOWNSHIP CODE, TO PROVIDE FOR FARM SIGNS

WHEREAS, Section 513 of the Frelinghuysen Township Code establishes regulations for signs located within the Township; and

WHEREAS, farm signs are not addressed in Section 513 of the Frelinghuysen Township Code, and it is necessary and appropriate at this time to amend that Section to provide for same. NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, and State of New Jersey, as follows:

Section I Section 513(A) is amended by adding thereto a new subsection 513(A)(17), to read as follows:

17. Farm Signs.

Farm signs shall be permitted on all properties that qualify as a "farm," as defined at Section 200 hereof, provided that the following requirements and regulations are met:

(a) Farm signs shall not exceed thirty-two (32) square feet.

(b) Farm signs shall not exceed eight (8) feet in height.

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 26, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on April 18, 2018 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. Boynton to open for first reading and introduction. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Kuhn-Absent. All were in favor. Motion was made by Mr. Boynton to open for second reading, seconded by Mr. Stracco. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Marra. All were in favor. Public comment: Loren Greco asked what this Ordinance was for. Mr. Desiderio explained its for farm signs and now shows dimensions. Debra Natyzak asked if the ordinance still follows all other signs. Mr. Desiderio stated that dimensions for farm signs was all that was added. Motion was made by Mr. Boynton to close to the public, seconded by Mr. Marra. All were in favor. Motion was made by Mr. Stracco for adoption, seconded by

Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Kuhn-yes; Mr. Marra-yes; Mr. Stracco-yes.

#2018-09 ORDINANCE CREATING A NEW SECTION 9-2 OF THE FRELINGHUYSEN TOWNSHIP CODE CONCERNING VACANT AND ABANDONED BUILDINGS AND PROPERTIES, AND PROVIDING FOR REGISTRATION OF ABANDONED PROPERTIES AND PROPERTIES PENDING FORECLOSURE

WHEREAS, the Township of Frelinghuysen contains several structures which are vacant in whole or in large part; and WHEREAS, in many cases the owners, foreclosing lenders or other responsible parties of these structures are neglectful of them, are not maintaining or securing them in adequate condition, or restoring them to productive use; and WHEREAS, vacant and abandoned structure cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire, and potential increases in criminal activity and public health risk; and WHEREAS, it is in the public interest for the Township of Frelinghuysen to establish minimum standards of accountability on the owners, foreclosing lenders or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township of Frelinghuysen; and WHEREAS, it is also in the public interest for the Township of Frelinghuysen to establish a procedure for registration of vacant and abandoned properties and maintenance of those properties by owners, foreclosing lenders and other responsible parties, and to impose a fee for registration of same, in light of the disproportionate costs imposed on the Township by the presence of these structures. NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Frelinghuysen, as follows: **Section I** The Frelinghuysen Township Code is amended by added thereto a new Section 9-2, to read as follows: **9-2 Buildings, Vacant, Abandoned or Pending Foreclosure ARTICLE I. VACANT OR ABANDONED BUILDINGS §9-2.1. Definitions.** As used in this Chapter: “Abandoned property” as defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., shall mean the following: Except as provided in section 6 of P.L.2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that: a. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period; b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section; c. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the public officer pursuant to this section; or d. The property has been determined to be a nuisance by the public officer in accordance with section 5 of P.L.2003, c. 210 (N.J.S.A. 55:19-82). A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L.2003, c. 210 (N.J.S.A. 55:19-78 et al.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either subsection a. or subsection d. of this section. “Evidence of Vacancy” means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three (3) or more months. Such evidence would include but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned, infestation by insects, vermin, rats or other pests, windows or entrances that are boarded up or closed off, multiple window panes that are damaged, broken or unrepaired, doors that are smashed, broken, unhinged or continuously unlocked or any uncorrected violation of a municipal building, housing or similar code during the preceding year. Property determined to be “abandoned property” in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq, shall also be deemed to be vacant property for the purposes of this ordinance. “Owner” shall include

the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17), or any other entity determined by the Township of Frelinghuysen to have authority to act with respect to the property. "Vacant Property" shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Township for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

§9-2.2. General Requirements. A. The owner of any vacant property, as defined herein, shall within thirty (30) days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Frelinghuysen Township Clerk on forms provided by the Clerk for such purposes, as well as any additional information that the Clerk may reasonably request. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31st as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 9-2.4 of this ordinance for each vacant property registered. B. Any owner of any building that meets the definition of vacant property prior to date of adoption of this ordinance shall file a registration statement for that property on or before January 31, 2015. The registration statement shall include the information required under Section 9-2.3 of this ordinance, as well as any additional information that the Township may reasonably require. C. The owner shall notify the Clerk within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose. D. The registration statement shall be deemed prima facie proof of the information therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Frelinghuysen against the owner or owners of the property.

§9-2.3. Registration Statement Requirements; Property Inspection. A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide the Frelinghuysen Township Construction Official or Code Enforcement Official with access to the property, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Certificate of Occupancy inspection as provided in the applicable provisions of the Frelinghuysen Township Code. B. The registration statement shall include the name, street address, and telephone number of a natural person twenty-one (21) years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent. C. An owner who is a natural person and who meets the requirements of this Ordinance as to availability of a contact number on a 24 hour emergency basis may designate him or herself as agent. D. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Township of Frelinghuysen of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this ordinance.

§9-2.4. Fee Schedule. The initial registration fee for each building shall be \$250.00. The fee for the first renewal shall be \$500.00. The fee for the second, third or fourth renewal shall be \$1,000.00. After five years, the registration fee shall be \$5,000.00.

§9-2.5. Requirements for Owners of

Vacant and Abandoned Property. The owner of any building that has become vacant or abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant shall, immediately: A. Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Section 9-2.3 of this ordinance), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a locations so as to be legible, to the extent possible, from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15" x 17"; and B. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Township of Frelinghuysen and maintain the sign required in (A) above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete, ; and C. Make provision for the maintenance of the lawn and yard, including at least monthly grass cutting; and D. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Frelinghuysen Township Clerk for the delivery of circulars and advertisements to the property; and E. Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; and F. Make provision for the cessation of electric or gas utility services to the property; and G. Make provision for the regular maintenance of the exterior of the property. **§9-2.6.**

Administration. The Frelinghuysen Township Mayor and Council may issue rules and regulations for the administration of the provisions of this ordinance. **§9-2.7. General**

Requirements. A. Any owner who is not in full compliance with this ordinance or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500.00 dollars and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this ordinance shall be recoverable from the owner and shall be a lien on the property. B. For purposes of this ordinance, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 9-2.5 of this ordinance, or such other matters as may be established by the rules and regulations of the Council of the Township of Frelinghuysen shall be deemed to be violation of this ordinance. **§9-2.8. Compliance with Other Provisions** Nothing in this ordinance is intended to nor shall be read to conflict or prevent the Township of Frelinghuysen from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Township Code and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this Ordinance. **ARTICLE II. BUILDINGS PENDING FORECLOSURE**

§9-2.9. Purpose. The intent of this Article is to provide for the enforcement of Township property maintenance Standards and the State Housing Code against vacant properties pending foreclosure, and to provide for responsibility on the part of foreclosing creditors for the care, maintenance, security and upkeep of residential properties. **§9-2.10. Service of Notice, Contents.** A creditor serving a summons and complaint in an action to foreclose on a mortgage on property located with the Township of Frelinghuysen shall serve the Township Clerk with a notice indicating that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The Notice may contain information about more than one property and shall be provided by mail or electronic communication at the discretion of the Township Clerk.

A. The Notice shall be served within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property. B. Within 60 days of the adoption of this Ordinance, any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the Township Clerk with a notice as described below for all residential properties in the Township for which the creditor has pending foreclosure actions. C. The notice shall contain:

- i. The name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations;
- ii. Whether the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act;"
- iii. The street address, lot and block number of the property;
- iv. The full name and contact information of an individual located within the state authorized to accept service on behalf of the creditor.
- v. In the event the creditor that

has served a summons and complaint in an action to foreclose on a residential property is located out-of-State, the notice shall also contain the full name and contact information of an in-State representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned. **§9-2.11. Creditor Responsibility.** A. Pursuant to the provisions of N.J.S.A. 40:48-2.12s and N.J.S.A. 46:10B-51, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by a public officer pursuant to the provisions of this Chapter or other applicable law. **§9-2.12. Violation of State or Local Law at Property on List; Responsibility of Creditor.** A. If the owner of a property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a property is otherwise vacated subsequent to the filing of the summons and complaint, but prior to the vesting of title in any third party; and B. If the property is found to be nuisance or in violation of any applicable state or local code, the appropriate local public officer shall notify the creditor. C. The creditor shall have the responsibility to abate the nuisance or correct the violation in the same manner and in the same extent as the title owner of the property, to such standard or specification as may be required by State law or by ordinance. **§9-2.13. Notification of Violation.** In the event of a violation of state law or a local ordinance, the Township shall serve the creditor with a notice that shall include a description of the condition(s) that gave rise to the violation and the state law or local ordinance that has been violated, and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation, provided that in the event that the violation presents an imminent threat to public health and safety, the notice may, in the discretion of the Township, provide that the violation shall be remedied within 10 days of the creditor's receipt of the notice **§9-2.14. Repair by Township.** If the Township expends public funds in order to abate a nuisance or correct a violation at a property in which the creditor was given notice pursuant to the provisions of Section 9-2.13, but failed to abate the nuisance or correct the violation as directed, the Township shall have the same recourse against the creditor as it would have had against the title owner of the property, including but not limited to the recourse provided at N.J.S.A. 55:19-100. **§9-2.15. Violations and Penalties.**

A. An out-of-State creditor subject to this Article found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Article shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (N.J.S.A. 46:10B-51) and Section 9-2.10 of this Ordinance for providing notice to the Township Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

B. A creditor subject to this Article found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Article shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

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 March 26, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on April 18, 2018 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, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Kuhn-Absent. All were in favor. Second reading for adoption will

be held on Wednesday, April 18, 2018. Motion was made by Mr. Stracco to hold until the May 16, 2018 meeting, seconded by Mr. Boynton. All were in favor. Second reading for adoption will be on Wednesday, May 16, 2018.

#2018-10 ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY TO REGULATE THE RUNNING AT LARGE OF LIVESTOCK WITHIN THE TOWNSHIP WHEREAS, the Mayor and Committee of the Township of Frelinghuysen have found that the running of livestock in the Township of Frelinghuysen jeopardizes the public health, safety and welfare by exposing injury to persons and other animals and causing damage to personal property such as lawns, shrubs, flowers, grounds and other vegetation; and WHEREAS, the Mayor and Committee of the Township of Frelinghuysen have determined that N.J.S.A. 40:48-1 expressly permits municipalities to adopt ordinances that will regulate the running at large of livestock; and WHEREAS, the Mayor and Committee of the Township of Frelinghuysen believe that the adoption of such an ordinance is appropriate and would be a reasonable exercise of the municipality's police powers. NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren, State of New Jersey, as follows:

Section I Chapter 5 of the Frelinghuysen Township Code is amended by adding thereto a new Section 5-8, to read as follows: **5-8 RUNNING AT LARGE OF LIVESTOCK.** **5-8.1 Purpose.** This section shall be constructed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as residents are affected by injury to any persons or other animals, or cause damage to personal property including lawn, shrubbery, flowers, grounds, trees or any property of persons other than the owner or person having the care, custody or control of such unrestrained livestock running at large within the Township of Hope and to assess violations and penalties accordingly. (Ord. #2015-07 § 1) **5-8.2 Definitions.** Livestock shall mean all horses, ponies, donkeys, mules, miniature breeds and all other equine; all domestic and exotic pigs, hogs, and other swine; all cattle, goats, sheep, and all other bovine; all llamas, alpacas, camels, and all other camelids; all chickens, ducks, geese, guinea hens, peacocks, turkeys, emus, rheas, and all other poultry and fowl; domestic rabbits, and all other animals traditionally raised for food, fiber, fur, or production means; as well as any exotic animals or reptiles. Running at large shall mean any livestock situated upon any public street, park, or any other public place while unrestrained or situated upon any private property, while not restrained by a sufficient fence, enclosure or tether and which is not attended by the owner or his or her representative. **5-8.3 General Requirements.** a. Any person or persons, firm, partnership or corporation having the care, control, custody or management of any livestock as defined above shall prohibit the animals to stray or run at large within the limits of the Township of Hope. b. Fencing Requirements. A fence shall comply with the standards of the New Jersey State Department of Agriculture Management Practices and shall be sufficiently enclosed and strong enough to prevent livestock from escaping, going through or under it and is hereby required wherever livestock is kept. If any livestock escapes from within the confines of any fence it shall be presumed that such fence has not met the provisions of this section. Any owner or lessee of the land on which such fence is located is subject to the requirements of this subsection. **5-8.4 Distained Livestock; Impounding.** a. When any livestock are taken up and distained by any person for running at large, they shall be forthwith impounded by the Animal Control Officer and shall be furnished with suitable food and water, so long as they are detained. b. The owner of livestock in the custody or possession of the Animal Control Officer pursuant to this section may claim and be entitled to the possession of the livestock. Upon payment to the Animal Control Officer of reasonable compensation for the care and keeping of the livestock, upon satisfactory proof of ownership of the livestock, and upon making reparation as provided in subsection 5-3.5, the livestock shall be returned to its owner. **5-8.5 Violations and Penalties.** Any person or persons, firm, partnership or corporation violating or failing to comply with any provision of this section shall be guilty of an offense punishable as follows:

a. A fine for a first violation in the amount of \$100.00; b. A fine for a second violation in the amount of \$250.00; c. A fine for a third violation in the amount of \$500.00; and d. A fine for subsequent offenses in the amount of \$1,000 each. Each day for which a violation of this section occurs shall be considered a separate offense. **5-8.6 Notices and Orders.**

a. *Notice.* The Township, or any duly authorized Code or Animal Control Official, shall cause a notice to be issued to the applicable person or persons, firm, partnership or corporation when a violation of this section occurs. b. *Form.* Such notice prescribed in paragraph a. above shall be in accordance with all of the following: 1. Be in writing. 2. Include the identity or description of the animal. 3. A statement of when, where, what damage was done if known. 4. Include a correction order allowing a reasonable time for restitution of penalties and damages to be made. 5. Inform the property owner of the right to appeal. c. *Method of Service.* Such notice shall be deemed to be properly served if a copy thereof is sent by first-class mail, express mail, overnight carrier or certified mail addressed to the last known address. **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.

ATTEST: TOWNSHIP OF FRELINGHUYSEN DONNA ZILBERFARB, Clerk FRANK DESIDERIO, Mayor **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on April 18, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on May 16, 2018 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. Boynton to open to first reading introduction, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-Yes; Mr. Desiderio-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes. Second reading for adoption will be held on May 16, 2018.

#2018-11 AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN WITH RESPECT TO BULK REGULATIONS AND SETBACK REQUIREMENTS CONCERNING CORNER LOTS.

WHEREAS, there is a need to amend the provisions of the Frelinghuysen Township Code, to clarify what constitutes the front yard when a property fronts upon multiple roadways. NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren, State of New Jersey, as follows:

Section I Section 200 of the Land Development Ordinance of the Township of Frelinghuysen shall be and is hereby amended by deleting therefrom, in its entirety, the definition of "Lot, Corner" and replacing it with the following: Lot, Corner: On a corner lot, the front yard shall be deemed to be where the driveway intersects a public street.

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.

ATTEST: TOWNSHIP OF FRELINGHUYSENDONNA ZILBERFARB, Clerk FRANK DESIDERIO, Mayor **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on April 18, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on May 16, 2018 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. Boynton to open for first reading for introduction, seconded by Mr. Marra. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Kuhn-yes; Mr. Marra-yes; Mr. Stracco-yes. Second reading for adoption will be held on May 16, 2018.

Bamboo Ordinance. Mr. Desiderio explained the reasoning for this ordinance due to the bamboo growing in the right of way and plow trucks not being able to plow the roads and after discussion motion was made by Mr. Stracco to ask Ed Wacks to draft an Ordinance per our discussion tonight, seconded by Mr. Boynton. All were in favor.

Performance Guarantee Ordinance. This was for discussion only. Motion was made by Mr. Stracco to hold the performance guarantee ordinance, seconded by Mr. Boynton. All were in favor.

RESOLUTIONS:

#2018-33 RESOLUTION OPPOSING NJDOT ROUTE 80 ROCK MITIGATION PROJECT THROUGH THE DELAWARE WATER GAP WHEREAS, the New Jersey Department of Transportation (NJDOT) intends to build a series of high industrial fences and a 60-foot concrete pyramid called a “rockfall berm” along Route 80 through the Delaware Water Gap; and WHEREAS, the proposed Route 80 Rockfall Mitigation will be built on lands located in Knowlton and Hardwick Townships and the Delaware National Water Gap Park; and WHEREAS, stakeholders Knowlton Township and Hardwick Township have formally opposed the project, and have not given their permission for this project within their boundaries; and WHEREAS, construction of the Route 80 fence is slated to begin in 2020, may last two years, and will cost between \$55 and \$58 million dollars according to NJDOT estimates; and WHEREAS, the stated intent of the fence and concrete berm is to prevent rockfall; and WHEREAS, the NJDOT’s Concept Development Report acknowledges that “NJDOT provided limited rockfall event data, and the actual frequency of rock activity is unknown” for this project; and WHEREAS, there are no documented rockfall events nor any recollections of significant rockfall events over the last ten years within Area “D” portion of the project where the concrete pyramid is to be placed; and WHEREAS, there are 70 to 80 motor vehicle accidents on Route 80 in this section of Route 80 annually due to speed and poor road conditions yet this project involves no road improvements; and WHEREAS, two years of construction on Route 80 will have significant negative impact on residents and on emergency personnel’s ability to get to nearby hospitals; and WHEREAS, the Delaware Water Gap is a nationally prominent scenic wonder and a gateway to the one of the most widely used National Parks in the nation; and WHEREAS, the proposed project will directly impact the viewshed of the Appalachian Trail, which has an entrance at the Delaware Water Gap Park; and WHEREAS, in 2016, 3.7 million visitors to the Delaware National Water Gap park spent \$126.3 million in communities within 60 miles of the park and supported 1887 jobs*; and WHEREAS, tourism to the Delaware Water Gap and the scenic value of Northwest New Jersey will likely be negatively impacted by the proposed fence; and WHEREAS, the millions of dollars appropriated for this non-essential project could be better directed to creating a safe passageway on Route 80 itself through the Delaware Water Gap. NOW, THEREFORE, BE IS RESOLVED on this 26th day of March 2018, the Township Committee of the Township Frelinghuysen, State of New Jersey, County of Warren, opposes the current NJDOT Route 80 Rockfall Mitigation Project and requests the assistance of the following elected representatives in halting the current NJDOT project.

- 1) U.S. Congressman Josh Gottheimer
- 2) U.S. Senator Cory Booker
- 3) U.S. Senator Bob Menendez
- 4) State Senator Steven Oroho
- 5) State Assemblyman Parker Space
- 6) State Assemblyman Harold Wirths
- 7) Warren County Freeholders Ed Smith, Jason Sarnoski, and Rick Gardner

BE IT FURTHER RESOLVED, that the Warren County Governing Officials Association encourages the NJDOT to continue Route 80 rock mitigation under the conditions that:

- a) Rock mitigation occurs in a manner that does not harm the viewsheds of the nationally recognized Delaware Water Gap and Appalachian Trail; and
- b) The project includes measures that address the speeding and/or dangerous road conditions causing far more accidents annually than rockfall.

**Data obtained from NPS Annual Visitor Spending Analysis for 2016, page 22.*

https://www.nps.gov/nature/customcf/NPS_Data_Visualization/docs/2016_VSE.pdf

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 March 26, 2018. RESOLUTION DID NOT PASS – April 18, 2018.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton	Y					
Mr. Desiderio	N					
Mr. Kuhn	N					
Mr. Marra	Y					
Mr. Stracco	N					

#2018-36 RESOLUTION APPROVING THE ISSUANCE OF RAFFLE LICENSES FOR NORTH WARREN ATHLETIC ASSN MIDGET FOOTBALL LEAGUE WHEREAS, the NORTH WARREN ATHLETIC ASSN MIDGET FOOTBALL LEAGUE has applied for a raffle license to conduct an on premises tricky tray consisting of application #2018-03; 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 NORTH WARREN ATHLETIC ASSN MIDGET FOOTBALL LEAGUE raffle application #2018-03 is hereby approved.

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

#2018-37 RESOLUTION APPROVING THE ISSUANCE OF RAFFLE LICENSES FOR NORTH WARREN ATHLETIC ASSN MIDGET FOOTBALL LEAGUE WHEREAS, the NORTH WARREN ATHLETIC ASSN MIDGET FOOTBALL LEAGUE has applied for a raffle license to conduct an on premises 50/50 consisting of application #2018-04; 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 NORTH WARREN ATHLETIC ASSN MIDGET FOOTBALL LEAGUE raffle application #2018-04 is hereby approved.

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

#2018-38 RESOLUTION APPROVING THE ISSUANCE OF RAFFLE LICENSES FOR FRELINGHUYSEN TOWNSHIP BOOSTER CLUB WHEREAS, the FRELINGHUYSEN TOWNSHIP BOOSTER CLUB has applied for a raffle license to conduct an on premises 50/50 consisting of application #2018-05; 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 BOOSTER CLUB raffle application #2018-05 is hereby approved.

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

#2018-39 RESOLUTION APPROVING THE ISSUANCE OF RAFFLE LICENSES FOR FRELINGHUYSEN TOWNSHIP BOOSTER CLUB WHEREAS, the FRELINGHUYSEN TOWNSHIP BOOSTER CLUB has applied for a raffle license to conduct an on premises 50/50 consisting of application #2018-06; 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 BOOSTER CLUB raffle application #2018-06 is hereby approved.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton		X	X			
Mr. Desiderio			X			
Mr. Kuhn	X		X			

Mr. Marra			X			
Mr. Stracco			X			

#2018-40 RESOLUTION OF THE FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE OPPOSING A-3103, CONCERNING ATHLETIC TRAINERS AT YOUTH EVENTS WHEREAS, the New Jersey Assembly has introduced Bill No. A-3103, which, if adopted, would require all schools and municipal and county recreation departments to ensure that a licensed athletic trainer is present during any event or practice that is sponsored, organized, or otherwise affiliated with such schools and municipal and county recreation departments; and WHEREAS, Bill No. A-3103 does not provide funding to enable municipalities, counties or schools to meet the requirement imposed by the bill; and WHEREAS, the Mayor and Committee are concerned that if A-3103 is signed into law, this will impose a serious financial burden on taxpayers, and will potentially limit the ability of the Township and schools to provide adequate recreation programs, either because a trainer is not available, or because the cost of same is prohibitive. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey that the Mayor and Committee hereby urge the New Jersey Legislature to oppose A-3103; and BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Steven V. Oroho, State Assemblymen Parker Space and Harold J. Wirths, the New Jersey State League of Municipalities and the Office of the Governor. 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 18, 2018.

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

#2018-45 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF APRIL 2018 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 2018; 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. Kuhn		X	X			
Mr. Marra			X			
Mr. Stracco			X			

#2018-42 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of personnel matters 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 April 18, 2018 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. Kuhn			X			
Mr. Marra		X	X			
Mr. Stracco			X			

OLD BUSINESS:

- Service Electric Cable – Mr. Stracco will coordinate a meeting for sometime in May and will get back to the committee in May on the outcome.
- Pedestrian crosswalk – Mr. Desiderio met with the County Engineer and it was determined that curbing and a handicap button would need to be placed at the intersection at the cost to the township. Mr. Desiderio recommended discussing during budget next year to see if the township would like to fund this.
- Shared Services for Animal Control – Hold

- Rec Center AC Quotes – Hold to May meeting after the Bond Ordinance passes.
- Sale of property on Route 94 – Mr. Desiderio asked Ms. Zilberfarb to find out from Mr. Gill the value of the property.
- Safety deposit box – Ms. Zilberfarb discussed that Ms. Dyer and herself had discussed possibly getting a fire proof safe to put at her house and save some money. After discussion it was determined that Ms. Zilberfarb will open a safety deposit box at Lakeland bank for the back up tapes.

NEW BUSINESS:

- Mr. Desiderio discussed the road/bridge closure on Silver Lake Road. The bridge is falling apart and they will be making it larger. The road will be closed at that point for approximately 2 months beginning after July 4th. Mr. Desiderio explained the detour will be at Route 94 in Marksboro and Route 519 in Hope to keep the extra traffic off the township and smaller roads.
- The historic Committee having internet access was discussed. After discussion it was determined that Ms. Zilberfarb will have the cable ready for the secretary for each meeting until the plug in the meeting room is fixed.
- The constable gun and panic button for the town hall was discussed. After discussion, Ms. Zilberfarb will contact the prosecutor's office and have them come and pick up the gun. Ms. Zilberfarb will also contact the state police about getting panic buttons placed within the town hall. Motion was made by Mr. Boynton to have the Prosecutor's office pick up the gun, seconded by Mr. Kuhn. All were in favor.
- Ms. Zilberfarb discussed with the committee the hiring of a part time secretary to help with coverage. She recommended that Stacy Galante be hired to fill that position. Motion was made by Mr. Stracco to hire Stacy Galante at \$13.00 per hour as a part time secretary backup for the Clerk, seconded by Mr. Marra. All were in favor.
- Barbara Smolha, 44 State Park Road, contacted the town hall in regards to flooding on her property after Hurricane Sandy. After discussion it was determined that nothing was done during that storm that impacted anything to that property. Ms. Zilberfarb will send a letter to Ms. Smolha.
- Ms. Zilberfarb let the committee and public know that seedlings will be available to the public from 12-3pm at the townhall on May 4th. The elementary school will also be receiving approximately 150 for the students. She asked Marty Conner if he would help with distribution since she would be out of town. Mr. Conner agreed to help.
- Mr. Stracco discussed potential zone regarding allowing medical cannabis dispensaries on municipal owned properties. After some discussion it was determined that this would be discussed more at the work session meeting.

OPEN MEETING TO THE PUBLIC:

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

- Debra Natyzak explained to Ms. Zilberfarb that the Green Allamuchy EMT's have panic buttons so they are hooked up for Warren County.
- Loren Greco asked why the town doesn't have an ewaste cleanup day. Ms. Zilberfarb explained the cost but is looking into having one and will let him know as soon as she finds a hauler.
- Carol Basilicato shared her concern with the gold house on main street. Mr. Desiderio stated that the town will look into and to have Mr. O'Connor, the construction official, go look at it. She also mentioned the iron fence on the property next to hers that needs to be fixed. Mr. Desiderio stated he would reach out to Mr. Carson the property owner. Ms. Basilicato also mentioned the property where they were logging and how it is a mess now. Mr. Desiderio stated that nothing can be done about it. Ms. Zilberfarb said that when the dpw goes out to look at the roads for chipping, they will look there to see if anything is in our right of way. She also inquired about her driveway by the mailbox that there is a pothole next to it. Ms. Zilberfarb will send the dpw out to look at it. She also asked when Mill Road will be paved. Mr. Stracco explained that they went out for a grant for that road but it was denied and there are very limited amounts of funds available.

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

DEPARTMENT REPORTS:

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

DPW – Ms. Zilberfarb explained the report was in each book and had nothing further to discuss. Mr. Desiderio stated that he felt the part time employees, Loren and Ed, did a wonderful job on the last storm as Dan was out of town.

Land Manager – Mr. Conner told the committee that they completed the trail off of Robins Trail and cleaned up several debris sites. The Mayor helped to clean it up and all work was done under the National Trails Grant.

Legal Report – Mr. Wacks let the committee know that Mr. Gallagher from RJ Gallagher insurance has picked up the entire claim from State Wide Insurance, which is approximately \$35,000.00, for transferring insurances. Mr. Wacks also let the committee know that a letter has been sent out to the attorneys in regards to the rock picking on South Street. He also stated that if anything happens on site that Mr. Boesze will need to summons the parties.

Recreation Committee – Mr. McPeck discussed the ventriloquist fundraiser for the recreation booster club on May 19th at the Recreation Center. He stated that baseball joined with North Warren this year and seems to be going well. Mr. McPeck also stated that softball was going good but they did have to send a couple of girls to other towns, as they couldn't field a team for that age.

Environmental Commission – Nothing to report

Farmland Preservation/Open Space Committee – Had their re-org meeting and Rich Dericks is the Chair of Farmland preservation and Marty Conner is the Chair of Open Space.

Historic Committee – Mr. Desiderio stated he is waiting for answers from Sandy Urgo, The Land Conservancy, to refurbish the boat house.

Mayor report – Nothing to report

Deputy Mayor report – Nothing to report

Committeeman Boynton – Nothing to report

Committeeman Kuhn – Gave his regrets on the passing of Elmer Jones.

Committeeman Marra – Nothing to report

Clerk report – Ms. Zilberfarb let the committee know that the Elected Officials meeting that was to be held at the town hall on April 20th will be rescheduled and she will forward on the date when she learns of it.

She also inquired about the Warren County Governing Officials Association meetings and if anyone will be attending them. After discussion it was determined that we would not like to be a part of. Motion was made by Mr. Boynton to have the clerk send a letter that we are not interested, seconded by Mr. Marra. All were in favor. Ms. Zilberfarb will send a letter out to the organization.

Ms. Zilberfarb discussed that the Right To Know Survey to the state is coming due and we are looking for a consultant. The insurance company has a group that does this for the township and Ms. Zilberfarb recommended that we utilize J.A. Montgomery to complete the Right to Know survey information at a cost of \$3,002.00, which has been budgeted for. Motion was made by Mr. Kuhn to authorize the Mayor to sign the agreement, seconded by Mr. Boynton. All were in favor.

Ms. Zilberfarb also explained that the Morris county JIF has been out and has completed many different inspections and that the majority of issues have been taken

care of and the ones that haven't been will be. Recreation was notified of what needed to be fixed.

EXECUTIVE SESSION:

Motion was made by Mr. Boynton to enter into executive session, seconded by Mr. Marra. All were in favor.

No Action was taken.

Motion was made by Mr. Stracco to exit executive session, seconded by Mr. Kuhn. All were in favor.

Mr. Wacks explained that the discussion during executive session was in regards to an employee on disability leave.

ADJOURNMENT:

There being no further business, motion was made by Mr. Stracco, seconded by Mr. Marra to adjourn the meeting at 9:20 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC