

MINUTES OF REGULAR MEETING OF APRIL 19, 2017

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, March 15, 2017 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, Committeeman Charlie Marra, Committeeman David Boynton, Attorney Edward Wacks, CFO Danette Dyer, Auditor Anthony Ardito, and Acting Clerk Donna Zilberfarb.

MINUTES:

1. March 15, 2017 regular session meeting minutes were approved on a motion by Mr. Desiderio, seconded by Mr. Boynton. All were in favor. Mr. Boynton abstained.
2. March 15, 2017 executive session meeting minutes were approved as amended on a motion by Mr. Desiderio, seconded by Mr. Marra. All were in favor. Mr. Boynton abstained.

BUDGET

A motion was made by Mr. Boynton for second reading for adoption, seconded by Mr. Marra. 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: Ms. Natyzak inquired about the debt service and if there was any more plans for more acquisitions in open space. Mr. Ardito explained the debt service and how paying them off works. Mayor Desiderio explained any future acquisitions. Mr. Ardito also explained that the municipal tax increase will be an \$11.00 increase per the average tax payer. Motion was made by Mr. Boynton to close to the public, seconded by Mr. Marra. All were in favor. Motion was made by Mr. Boynton to adopt the 2017 budget, seconded by Mr. Marra. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-Yes; Mr. Kuhn-Absent; Mr. Marra-yes; Mr. Stracco-Absent.

PROCLAMATIONS:

Older Americans Month MAY 2017 **Whereas**, the month of May is traditionally designated Older Americans Month by the U.S. Department of Health and Human Services; and **Whereas**, the theme for Older Americans Month 2017 is "Age Out Loud", emphasizing the ways older adults are living their lives with boldness, confidence and passion while serving as an inspiration to people of all ages; and **Whereas**, Frelinghuysen Township includes older Americans who richly contribute to our community; and **Whereas**, Frelinghuysen Township is committed to supporting older adults as they take charge of their health, explore new opportunities and activities, and focus on independence; and **Whereas**, Frelinghuysen Township can provide opportunities to enrich the lives of individuals of *all ages* by:

- involving older adults in the redefinition of aging in our community;
- promoting home- and community-based services that support independent living;
- encouraging older adults to speak up for themselves and others; and
- providing opportunities for older adults to share their experiences.

Now therefore, Frelinghuysen Township does hereby proclaim May 2017 to be Older Americans Month. Residents of all ages are encouraged to take time during this month to acknowledge older adults as influential and vital parts of our community. Dated this 19th day of April, 2017. Mr. Desiderio read in full to all present.

AGREEMENTS:

911 Interlocal agreement – Mr. Wacks explained the agreement and had no problem or issues signing this. Motion was made by Mr. Boynton to authorize the Mayor and Clerk to sign said agreement, seconded by Mr. Marra. All were in favor.

Kerr Road Agreement – After discussion on the modifications made a motion was made by Mr. Boynton to authorize the Mayor and Clerk to sign the agreement and send to Mr.

Kapitko and Mr. and Mrs. Schaffer for signature, seconded by Mr. Marra. All were in favor. Mr. Wacks will send Ms. Zilberfarb Old Stage Road agreement.

Pittenger Agreement – Mr. Wacks discussed the right of way and changes that were made and authorized the signatures of the Mayor and the Clerk. Ms. Zilberfarb will get agreements to Sandy Urgo, TLC, for the Pittengers signature.

Waste Management Agreement – Ms. Zilberfarb explained the contract is due and needs to be signed for the dumpster at the town garage. Motion was made by Mr. Boynton to authorize the Clerk to sign the agreement, seconded by Mr. Marra. All were in favor.

ORDINANCES:

2017-05 ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A STREET KNOWN AS OLD DARK MOON ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY AND RESERVING ACCESS EASEMENTS, AND RESCINDING ORDINANCE NO. 2016-07.

WHEREAS, a road known as Old Dark Moon Road, in the Township of Frelinghuysen, as fully described in the Schedule attached hereto (“Old Dark Moon Road”), is no longer needed for any public purpose; and

WHEREAS, as such, Old Dark Moon Road should be vacated, except to retain an easement for utility access. NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, and State of New Jersey, as follows: 1. Subject to the reservations specified in this ordinance, the public rights and interests are hereby vacated with respect to a portion of Old Dark Moon Road, which portion is more specifically set forth in the metes and bounds description which is attached as a Schedule hereto and made a part hereof. 2. All the rights of any and all public utilities, as defined at N.J.S.A. 48:2-13 and cable television companies, as defined at N.J.S.A. 48:5A-1, et seq., to provide future utilities or to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated are hereby expressly reserved and excepted from this vacation in perpetuity. 3. Ordinance No. 2016-07, adopted on November 9, 2016, be and the same is hereby rescinded. 4. Upon final adoption, a copy of this Ordinance shall be transmitted to the Warren County Clerk for recording as required by law. 5. This Ordinance shall take effect 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 April 19, 2017 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on May 17, 2017 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Boynton for first reading on introduction, seconded by Mr. Marra. All were in favor. Second reading for adoption will be held on May 17, 2017.

2017-08 AN ORDINANCE ESTABLISHING A THREE-WAY STOP INTERSECTION AT SHILOH AND STATE PARK ROADS WITHIN THE TOWNSHIP

WHEREAS, the Township Committee of the Township of Frelinghuysen finds it in the interest of public safety to establish a three-way “stop intersection” along the roadways indicated below, pursuant to N.J.S.A. 39:4-197. 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 7-6.2 of the Frelinghuysen Township Code is amended to read as follows: A. a three-way stop intersection shall be established at the intersection indicated, pursuant to N.J.S.A. 39:4-197.

Name of Street	Direction	Location
Shiloh Road	Both	A “Stop” sign shall be installed along the eastbound lane of Shiloh Road where it meets State Park Road.

State Park Road	Both	A "Stop" sign shall be installed at each end of State Park Road where it meets Shiloh Road.
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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 15, 2017 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on April 19, 2017 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Boynton to open for second reading, seconded by Mr. Marra. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Marra. All were in favor. Public: Ms. Natyzak inquired if there were a lot of accidents at this site. Mayor Desiderio explained the reasoning behind this new stop sign and Mr. Wacks also explained the responsibility as a township. Mr. Boynton recommended noticing Forest Manor. Ms. Zilberfarb will send a copy of the Ordinance to Forest Manor. Motion was made by Mr. Boynton to close to the public, seconded by Mr. Marra. All were in favor. Mr. Boynton made a motion to adopt, seconded by Mr. Marra. Roll call vote: Mr. Boynton- Yes; Mr. Marra –Yes; Mr. Desiderio –Yes.

2017-09 BOND ORDINANCE PROVIDING FOR VARIOUS 2017 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$295,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$280,725 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 \$295,500, said sum being inclusive of a down payment in the amount of \$14,775 now available for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$295,500 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$280,725 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 \$280,725 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2017 Capital Improvement Program (the "Program"), which includes, but is not limited to, the acquisition of a three-wheel field groomer/mower machine for the Recreation Department; the acquisition of scba bottles, turnout gear and portable radios for the Green Township Fire Department, scba bottles, turnout gear and hose for the Blairstown Fire Department, and scba

bottles and turnout gear for the Hope Fire Department; the acquisition of road signs and a backhoe/loader for the Department of Public Works; various repairs and improvements to roads and cross drains, including paving, tarring, chipping and crack filling within the Township; various repairs and improvements to the meeting room in the town hall, including, but not limited to, repairs and improvements to the air conditioning, painting, and replacement of existing ceiling, deck at the meeting room entrance and carpeting; the acquisition and installation of a generator for the Frelinghuysen Forest Preserve Recreation Center (the "FFP Recreation Center"); and the installation of a new parking area at the FFP Recreation Center, including, as applicable, all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the Township Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$280,725. (c) The estimated cost of said improvements or purposes is \$295,500, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of \$14,775, which is the down payment available for such improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Warren make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Warren. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Warren shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser. SECTION 6.

The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection. SECTION 7. The following additional matters are hereby determined, declared, recited and stated: (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited

thereby. (b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.37 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 \$280,725 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 \$5,000 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 \$280,725. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this

ordinance. SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law. Motion was made by Mr. Marra for introduction, seconded by Mr. Boynton. All were in favor. Second reading for adoption will be held on May 17, 2017.

RESOLUTIONS:

2017-35 WHEREAS, there is an Ordinance #2013-06 in the General Capital Fund entitled Various Capital Improvements, and WHEREAS, the projects within this ordinance have been completed, and WHEREAS, it is necessary to formally cancel the remaining balance of the ordinance and the offsetting debt for completed projects, NOW, THEREFORE BE IT RESOLVED, that the following Capital Ordinance Balance is hereby cancelled:

<u>Ordinance</u>	<u>Funded</u>	<u>Unfunded</u>
2013-06 Various Improvements		\$21,117.25

CERTIFICATION I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen, at a meeting held April 19, 2017. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

2017-36 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF APRIL 2017 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 2017; and WHEREAS, the Finance Committee find the bills to be in order and recommend to the Township Committee that they be paid by the Chief Finance Officer. NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that all bills submitted for the above named month are reasonable and proper and are to be paid from their appropriate account. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

2017-37 RESOLUTION OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF A SWENSON STAINLESS STEEL 8 FT HYDRAULIC SPREADER TO BE PLACED ON MUNI-BID. WHEREAS, the Township of Frelinghuysen has in its possession a Swenson stainless steel 8 ft hydraulic spreader, and WHEREAS, the Township of Frelinghuysen has determined that it no longer needs the Swenson 8 ft stainless steel hydraulic spreader; and NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that the sale of the Swenson 8 ft stainless steel hydraulic spreader, belonging to the Township of Frelinghuysen shall take place as soon as it is mutually convenient for both parties. Said purchase of equipment shall constitute the entirety of the purchase with monetary consideration. **CERTIFICATION** I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do hereby certify that the foregoing is a true and exact copy of a resolution duly authorized by the Frelinghuysen Township Committee on April 19, 2017. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

2017-38 WHEREAS, the Mandatory Source separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including by not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Donna Zilberfarb as recycling coordinator for the year 2017 to ensure that the application is properly filed; and BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling fund to be used solely for the purpose of

recycling. CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do certify the foregoing to be a true copy adopted by the Frelinghuysen Township Committee at the regular meeting of April 19, 2017. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

2017-39 DEDICATION BY RIDER Affordable Housing Trust Requesting approval of the Director of Local Government Services to Establish a Dedicated Trust by Rider for Affordable Housing (COAH) fees Pursuant to NJSA40A: 12A-3 et seq. **WHEREAS**, permission is required of the Director of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and **WHEREAS**, NJSA40A: 12A-3 et seq. allows Municipalities to receive amounts for costs incurred for Affordable Housing Trust Fund and **WHEREAS**, N.J.S.A 40A:4-39 provides that the Director of Local Government Services may approve expenditures of monies by dedication by rider, **NOW, THEREFORE, BE IT RESOLVED**, by Mayor and Committee of Frelinghuysen Township, County of Warren, State of New Jersey as follows:

1. The Mayor and Committee hereby request permission of the Director of Local Government Services to pay expenditures for Affordable Housing (COAH) fees as per N.J.S.A. 40-A:4-39
2. The Municipal Clerk of Frelinghuysen Township is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk of the Township of Frelinghuysen, County of Warren, and State of New Jersey, **DO HEREBY CERTIFY** that this is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at their regular meeting held on April 19, 2017. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

2017-40 RESOLUTION OF THE MAYOR AND Committee OF FRELINGHUYSEN Township, COUNTY OF Warren, STATE OF NEW JERSEY AUTHORIZING THE SIGNING OF GOVERNMENT ENERGY AGGREGATION PROGRAM AGREEMENTS

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric and natural gas utility markets; and WHEREAS, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, *N.J.S.A. 48:3-93.1 et seq.* ("Act") and the New Jersey Board of Public Utilities' implementing rules at *N.J.A.C. 14:4-6.1 et seq.* ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and WHEREAS, under a GEA Program the residential ratepayers may have the opportunity to receive a direct reduction in their electric bills through the bulk purchase of energy from a third-party energy supplier; and WHEREAS, pursuant to an ordinance adopted by Frelinghuysen Township on December 21, 2016, Frelinghuysen Township publicly declared its intent to commence a GEA Program; and WHEREAS, the Township of Fredon is the Lead Agency for the "SWAEC" program and shall accept or reject pricing on behalf of the Cooperative and its participant members; and WHEREAS, Frelinghuysen Township, wishes to be a participating member of the "SWAEC" program and hereby agrees to proceed with the program, by signing the Supplier Agreement, should the Township of Fredon accept pricing, which provides a savings on the supply portion of the electric bill for the residential energy aggregation program; and WHEREAS, the Township of Fredon appointed Concord Energy Services ("CES") for the "SWAEC" to serve as Energy Agency to assist and administer the GEA program at no cost to the Township of Fredon or "SWAEC" participating members; and NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of Frelinghuysen Township, in the County of Warren, New Jersey, duly assembled in public session, as follows: Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

1. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
2. Frelinghuysen Township as a participating member of the "SWAEC" program hereby agrees to proceed with the program, by signing the Supplier Agreement,

- should the Township of Fredon accept pricing, which provides a reduction on the supply portion of the electric bill for the residential energy aggregation program;
3. The Mayor, Chief Financial Officer, Treasurer or other municipal officer is hereby authorized and directed to execute, on behalf of Frelinghuysen Township, any documents necessary to carry out the purpose of this Resolution including the Supplier Services Agreement providing a reduction is achieved at the time of auction. ADOPTED at a regular meeting of the Mayor and Committee of Frelinghuysen Township, County of Warren, State of New Jersey held on May 17, 2017. This will be put on the agenda for the May 17, 2017 meeting when full members are present.

2017-41 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of potential litigation and; WHEREAS, under the Open Public Meetings Act (number 8 of the permitted exceptions to the requirements that a public body hold its meetings in public) it is permissible that such matters be discussed in executive or private session. NOW, THEREFORE BE IT RESOLVED, on April 19, 2017 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned and results or portions of that discussion will be made known in reasonable length of time. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

2017-42 RESOLUTION AUTHORIZING THE MAYOR, ACTING TOWNSHIP CLERK AND TOWNSHIP ATTORNEY TO EXECUTE DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF A DEVELOPMENT EASEMENT ON DARK MOON FARM, BLOCK 1301, LOT 3 AND BLOCK 1201, LOT 34 IN FRELINGHUYSEN TOWNSHIP
WHEREAS, by Resolution 2016-118 adopted on November 28, 2016, the Committee of the Township of Frelinghuysen The Committee of the Township of Frelinghuysen expressed its support of the purchase of a development easement on Dark Moon Farm, Block 1301, Lot 3 and Block 1201, Lot 34 in Frelinghuysen Township (the "Property"), under the Township's Municipal Planning Incentive Grant Farmland Preservation program, in partnership with the County of Warren and the State Agriculture Development Committee, in order to preserve the farm via the SADC Municipal Planning Incentive Grant Program, funded through an agreement between Frelinghuysen Township and The Warren County Board of Chosen Freeholders; and
WHEREAS, in connection with this transaction, it is necessary to prepare and execute certain transactional documents, including but not limited to the contract, grant agreement, and other documents usual and customary to a transaction of this nature.
NOW THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that the Mayor, Acting Clerk and Township Attorney are authorized to prepare and execute such documents as are reasonably required to complete the acquisition of the Municipal Planning Incentive Grant concerning the Property, and to complete the acquisition of a development easement on the Property. This Resolution shall take effect according to law.

Date: April 19, 2017 Township of Frelinghuysen Attest: Donna Zilberfarb, Acting Clerk
By: Frank Desiderio, Mayor CERTIFICATION I, Donna Zilberfarb, Acting Clerk of the Township of Frelinghuysen do hereby certify the above to be a true copy of the Resolution adopted by the Frelinghuysen Township Committee at a meeting held on April 19, 2017. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

OLD BUSINESS:

Energy Aggregation program – Lisa from Concord was present and explained the aspects to the committee again and asked them to pass Resolution 2017-40 to allow Frelinghuysen to be put into the program. After discussion it was voted down and it will be on the agenda for the May 17, 2017 meeting.

Service Electric Cable update – Residents on Saddle Ridge Road and Homestead Drive have received questionnaires from service electric cable. Ed explained the costs and issues that are ongoing with service electric.

911 dispatch update – there was nothing to report.

Cash for crash – Mr. Kuhn was not in attendance.

Pedestrian crosswalk update – nothing to report.

Verizon enhancing network and right of way (legal) – held to May meeting

Salt shed – held until January 2018.

NEW BUSINESS:

Trooper Van Tassel, badge 6886, was present and discussed with the committee and public that nothing has been reported within Frelinghuysen Township. He let everyone know that a new stop sign was placed on the Route 80 Hope exit ramp turning right off the exit (towards the Hope barracks/dunkin donuts). Loren Greco asked if they were issuing tickets and Trooper Van Tassel said right now just warnings.

Ms. Zilberfarb discussed the township clean up week being scheduled for June 5-10 and needs authorization to proceed. Motion was made by Mr. Boynton to approve said dates, seconded by Mr. Marra. All were in favor.

Russell Walters resignation from the Land Use Board, as he is moving out of town. Motion was made by Mr. Boynton to accept the resignation with regrets, seconded by Mr. Marra. All were in favor. Ms. Zilberfarb will send a letter to Mr. Walters. There are 2 vacancies for alternate positions on the Land Use Board.

OPEN MEETING TO THE PUBLIC:

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

Debra Natyzak let the Committee know that there was no road named Old Stage Coach Road in Frelinghuysen Township, it is Old Stage Road.

Marty Connor let the Committee know of his disappointment that the township did not go into the energy aggregation program. Dan Kohuth stated his disappointment as well. Debra Natyzak asked the committeemen if there was something that they know that the public should be aware of. Mr. Boynton replied that this has already been discussed.

Mr. Kohuth asked what the township is pursuing in regards to acquisitions. It was discussed about farmland that the township will only be paying soft costs on and will get 50% of those costs back.

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

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. Boynton to exit executive session, seconded by Mr. Marra. All were in favor.

The reason for the executive session was to discuss problems of equipment in town acquisition and the committee has authorized legal to take action.

DEPARTMENT REPORTS:

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

Legal Report – Mr. Wacks discussed a Proclamation that was sent to the Mayor regarding National Day of Prayer. He explained that if the Mayor wished to support it on a personal level he may. All other legal issues were discussed throughout the meeting.

Zoning Report – Mr. Boesze was in attendance and discussed that Natures Conservancy wanted to put up a sign, which a memo will be sent to the committee explaining more detail. Mr. Boesze explained the sign ordinance and asked the committee for their opinion. Mr. Desiderio said to have them come to the next meeting in May to discuss with the committee.

DPW Report – Nothing to report – monthly report was given to committee.

Land Managers – Nothing to report at this time.

Recreation Committee – Mr. Desiderio discussed the complaints at the parking lot on Lincoln Laurel Road and felt a sign should be placed saying closed at dusk rather than putting a gate across. Mr. Conner stated there already was a sign up.

A motion was made by Mr. Boynton to rescind the gate concept for the parking area on Lincoln Laurel Road, seconded by Mr. Marra. All were in favor.

Mr. Desiderio discussed the Easter Egg Hunt that was held at the elementary school. He stated it went well, 1100 eggs were put out and had 4 gift certificates from the local toy shop that were given out to the winners.

The Recreation Center needs to have the septic tanks pumped and the grease trap cleaned.

The fire extinguishers will be checked by Adams within the next couple of weeks.

The booster club is working on a website and hope to accept online registrations with a paypal account.

Renting of the Rec center is going well. There are a couple of graduation parties booked as of today.

Cliff Kimball has been asked to mow the ball fields. Motion was made by Mr. Boynton to authorize Cliff Kimball to mow the ballfields, seconded by Mr. Marra. All were in favor.

Founders Day will be June 3rd at the town hall.

Mr. Desiderio explained that he would like to change the community service award back to the way it was. Having nominations sent to the old recipients and they decide who gets the award. Mr. Kohuth suggested that the Julian Williams Humanitarian Award was given for a reason as she had an impact on the community. A motion was made by Mr. Boynton to bring the Julian Williams Humanitarian Award back and the winner shall be a township resident picked by past recipients, seconded by Mr. Marra. All were in favor.

Environmental Commission– The meeting was cancelled.

Farmland Preservation Committee – Mr. Kuhn was not in attendance.

Open Space Advisory Committee – Mr. Kuhn was not in attendance.

Historical Committee – No meeting.

Mayor report – Nothing to report at this time.

Deputy Mayor report – Mr. Stracco was not in attendance.

Committeeman Boynton – Discussed Founders Day and Municipal Alliance.

Committeeman Kuhn – Mr. Kuhn was not in attendance.

Committeeman Marra – Nothing to report at this time.

Clerk report – Reminded the committee of vacation dates at end of April.

CORRESPONDENCE:

New Jersey General Assembly – Nancy Munoz, response for Resolution 2016-109

State of New Jersey Highlands Water Protection and Planning Council –

Application to the Highlands Open Space Partnership Funding Program, Block 1301 Lot 3 and Block 1201 Lot 34

State of New Jersey Highlands Water Protection and Planning Council – 2016
Annual Report NOTE: copy is in the clerk's office not in packet

New Jersey State League of Municipalities – Legislative Bulletin

Count of Warren Office of the Prosecutor – Invitation to attend an informational session on the impact of the legalization of marijuana. May 2, 2017 @ 8am.

Frelinghuysen Land Use Board – Addendum to the 2016 master Plan Reexamination
Frelinghuysen Township Office of the Zoning Official – Surface Rock removal
Block 1301, Lot 7

Township of Knowlton – Shared Municipal Court Services

Township of Green – Ordinance 2017-02 Amendment

Township of Frelinghuysen – Public Notice CELLCO partnership public hearing at the land use board

ADJOURNMENT:

There being no further business, motion was made by Mr. Boynton, seconded by Mr. Marra to adjourn the meeting at 9:18 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk