

**MINUTES OF REGULAR MEETING OF JUNE 19, 2019**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, June 19, 2019 and as called to order at 7:30 p.m. by Mayor, Frank Desiderio.

**SUNSHINE LAW STATEMENT:**

Under the provisions of the Open Public Meetings Act, adequate notice of this meeting was provided by posting notice on the Township bulletin board and by e mailing notice to the New Jersey Herald and The Express-Times.

**ROLL CALL:**

Those present were: Mayor Frank Desiderio, Deputy Mayor Chris Stracco, Committeeman David Boynton, Committeeman Todd McPeek, Attorney Ed Wacks, and Municipal Clerk Donna Zilberfarb.

**MINUTES:**

1. Motion was made by Mr. McPeek to approve the May 15, 2019 regular session meeting minutes, seconded by Mr. Stracco. All were in favor. Mr. Boynton abstained.
2. Motion was made by Mr. Boynton to approve as amended, the May 15, 2019 executive session meeting minutes, seconded by Mr. McPeek. All were in favor.

**ORDINANCES:**

Discussion only for the following 2 topics that were brought to the committees attention.

- Discussion on soil importation was discussed and Mr. Wacks will look into what we have in our ordinance and will let us know if amending is needed at the next meeting.
- A resident asked about having an ordinance for a candidates night. After discussion, it was determined that if candidates wish to have a candidates night it will be up to the candidates and not the town. No ordinance will be made on this issue.

**RESOLUTIONS:**

**#2019-44 RENEWAL OF LIQUOR LICENSES IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY FOR THE YEAR 2019-2020** WHEREAS, the following Plenary Distribution Liquor Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2019-2020

2106-44-002-002 Gerald Chrusz

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2019-2020

2106-33-003-008 Sweet Janes Café and Bar

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2019-2020

2106-33-001-005 Joseph McEvoy

WHEREAS, Clearance Certificates have been received from the New Jersey Division of Taxation, verifying compliance with Chapter 161, Laws of New Jersey by the above applicants. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen on this 19<sup>th</sup> day of June, 2019 that the renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses is granted for the year 2019-2020. CERTIFICATION I, Donna Zilberfarb, Municipal Clerk of Frelinghuysen Township, Warren County do hereby certify the above to be a true copy of a resolution adopted by the Frelinghuysen Township Committee at their meeting of June 19, 2019.

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Boynton			x			
Mr. Desiderio			x			
Mr. Marra						x
Mr. McPeek		x	x			
Mr. Stracco	x		x			

**#2019-45 TOWNSHIP OF FRELINGHUYSEN COUNTY OF WARREN STATE OF NEW JERSEY RESOLUTION REQUESTING THAT THE COUNTY CLERK OF THE COUNTY OF WARREN PRINT UPON THE OFFICIAL BALLOT TO BE USED AT THE NEXT ENSUING GENERAL ELECTION A NON-BINDING REFERENDUM CONCERNING THE LOCATION OF THE SALT STORAGE SHED** WHEREAS, the

Township Committee of the Township of Frelinghuysen has determined that a non-binding referendum is appropriate at the next General Election, in which the public shall consider whether the Township of Frelinghuysen should relocate the salt storage shed presently located behind the Municipal Building and adjacent to a Township recreational facility at 210 Main Street, Johnsonburg, New Jersey to property owned by the Township and located at 720 State Route 94; and WHEREAS, for that purpose, the Township Committee of the Township of Frelinghuysen has approved the content of the referendum question and interpretive statement to appear on the ballot, as set forth below. NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey does hereby request that the Warren County Clerk, pursuant to N.J.S.A. 19:37-1, print upon the official ballot to be used at the next ensuing General Election the following question and interpretive statement: **TOWNSHIP QUESTION:**

Shall the Township of Frelinghuysen relocate the Salt Storage Shed from its present location at 210 Main Street, Johnsonburg, New Jersey to property owned by the Township and located at 720 State Route 94. **INTERPRETIVE STATEMENT:**

This non-binding referendum will give the elected officials of the Township of Frelinghuysen the sentiment of voters concerning the location of the Salt Storage Shed. The Salt Storage Shed is presently located behind the Municipal Building and adjacent to a Township recreational facility at 210 Main Street, Johnsonburg, New Jersey. The governing body is considering whether to replace the shed at its present site or to relocate it to property owned by the Township and located at 720 State Route 94.

CERTIFICATION I, Donna Zilberfarb, 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 June 19, 2019. Motion was made by Mr. Stracco to place referendum on the ballot. There was no second. Motion ends. Resolution does not pass. Discussion was brought back to the table by Mr. Desiderio. Mr. Stracco made a motion to reconsider the motion to 2019-45 for discussion, seconded by Mr. Boynton. All were in favor. After discussion the motion was approved to place the referendum on the ballot in November. Ms. Zilberfarb will send the resolution to the County Clerk. Vote is below.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton		X	Yes			
Mr. Desiderio			Yes			
Mr. Marra						Absent
Mr. McPeek				No		
Mr. Stracco	X		Yes			

**#2019-46 RESOLUTION OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF A 2006 FORD F350 PICKUP TRUCK WITH AN 8 FOOT MEYERS PLOW AND A MAULDIN BROTHERS ROLLER TO BE PLACED ON MUNI-BID.** WHEREAS, the Township of Frelinghuysen has in its possession a 2006 Ford F350 Pickup Truck with an 8 foot Meyers plow, and a Mauldin Brothers Roller, Model number: 276-XK14CGH2YG and; WHEREAS, the Township of Frelinghuysen has determined that it no longer needs the 2006 Ford F350 Pickup Truck with an 8 foot Meyers plow and the Mauldin Brothers Roller, Model number: 276-XK14CGH2YG; 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 2006 Ford F350 Pickup Truck with an 8 foot Meyers plow and the Mauldin Brothers Roller, Model Number: 276-K14CGH2YG, 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, 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 June 19, 2019.

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

**#2019-47 Township of Frelinghuysen Resolution:** Approval to submit a grant application and execute a grant contract with the NJDOT for the Greendell Road Phase 2 project. NOW, THEREFORE, BE IT RESOLVED that Council of Frelinghuysen Township formally approves the grant application for the above stated project. BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an

electronic grant application identified as MA-2020-Frelinghuysen Township-00190 to the NJDOT on behalf of Frelinghuysen Township. BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Frelinghuysen Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement. Certified as a true copy of the Resolution adopted by council on this 19<sup>th</sup> day of June, 2019. My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

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

#2019-48 Resolution Budget Amendment Certification Form, Appropriations Offset by Revenue. Counties/Municipalities (NJSA 40A:4-87). 2106 Frelinghuysen Township – County of Warren 2019 NJDEP Clean communities program appropriation amount \$9,958.04. Municipalities and counties only Chapter 85 – title and Text. By electronic transmittal of this form the county clerk of the Board/Municipal Clerk/fire District Executive Director certify that this resolution, reference above and included as an attachment with this form, is a true resolution and was properly adopted by the respective governing body. By electronic transmittal of this form the County/Municipality CFO or the Fire District Accountant certifies that this revenue has been realized and/or is in receipt of written notification from the funding source cited in the resolution and included as an attachment with this form and that the revenue/appropriation identified above meets all statutory requirements and that the Annual Operating Budget has been amended to include this item of revenue/appropriation. Approval is hereby given to the cited resolution adopted by the governing body pursuant to NJSA 40A: 4-87.

	MOTION	SECOND	Roll Call Vote	NAY	ABSTAIN	ABSENT
Mr. Boynton	X		YES			
Mr. Desiderio			YES			
Mr. Marra						X
Mr. McPeek			YES			
Mr. Stracco		X	YES			

#2019-49 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF JUNE 2019 WHEREAS, the Finance Committee of the Township of Frelinghuysen have reviewed the bills submitted by the Municipal Clerk to the Frelinghuysen Township Committee for the month of JUNE 2019; and WHEREAS, the Finance Committee find the bills to be in order and recommend to the Township Committee that they be paid by the Chief Finance Officer. NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that all bills submitted for the above named month are reasonable and proper and are to be paid from their appropriate account.

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

**OLD BUSINESS:**

- Mr. Stracco has not heard back from Congressman Gottheimer on Service Electric and will follow up with his office.
- Rural Econnectivity Grant was discussed and Ed Wacks explained that the cost factor will be high and will look into this further and report back to the committee.
- The shared services for animal control is not feasible to saving money at this time.
- There has been no update on the barn at the FFP
- Ms. Zilberfarb let the committee know that the employee handbook changes should be ready to go for the August meeting.
- The salt shed was discussed by the committee for the referendum for the ballot in November. See above Resolution 2019-45 for the motions that were made.

Ms. Zilberfarb will send the approved resolution to the county clerk for the inclusion on the ballot in November.

- Mr. Desiderio is working on talking to the owner of the pond on Ramsey Road for the standpipe. He will report to the committee.
- Marty Conner explained that the town can prohibit horses on the trails at the FFP but does not know if they can harvest the white ash trees at this time. Mr. Desiderio said they were being removed for allowing of new tree growth and asked if that would make a difference. Mr. Conner will speak with Sandy Urgo and get back to the committee.
- There was another complaint sent to the town regarding the use of the generator on Ackerson Road. The zoning officer has been out and hadn't heard any generator during the time he was out. Mr. Desiderio also explained that the health department has also been out to the location and heard nothing. The use of the generator has been less recently.

#### **NEW BUSINESS:**

- Ms. Zilberfarb explained that FEMA had sent outstanding claims that needed to be closed out. All have been signed and submitted to FEMA for reimbursement. These claims were all from super storm sandy, hurricane Irene and Storm Jonas. The town should receive approximately \$87,303.30 back to surplus this year.
- Wendy Goetz explained the dangers of pesticides and asked the committee if they would do a resolution stating that the township does not use pesticides within the township. Mr. Stracco will look into this further and get back to the committee at the July meeting.
- Concord Energy submitted a memo stating that the savings for Frelinghuysen Township was an average of approximately \$12.00 per month for the residents in the energy coop.

#### **OPEN MEETING TO THE PUBLIC:**

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

- Dan Kohuth asked what the \$8,859.00 on the bills list to cliffside body was for. Ms. Zilberfarb explained it was for a new plow that was damaged in an accident and that the insurance paid half of that price.
- Mr. Kohuth asked if there were any new plans for the salt shed and questioned the resolution that was passed tonight. Mr. Wacks explained that the resolution was passed correctly and referred Mr. Kohuth to Roberts Rules.
- Wendy Goetz asked if her friends company could help put the bat houses up. The committee was ok as long as they had a certificate of insurance and a copy needed to go to the clerk.
- Loren Greco asked if someone taking pictures of dpw workers and posting on social media with snide comments was stoppable. Mr. Wacks asked if it was on public or private property and Mr. Greco stated on public property. Mr. Wacks explained that unfortunately there is nothing that can be done for that, as its on public property.
- Marty Conner discussed the issues with the drainage at Robins Trail off of Route 94 and asked if he could discuss this issue with our State Representatives. Mr. Desiderio stated he had been to the state road department and has gotten no where and yes he can go the state representatives.
- Keith Ramos discussed his thoughts on candidates night and felt that it could get out of hand. Mr. Desiderio stated that they've agreed that the town will not be doing this.
- Mr. Ramos also inquired as to the issues with the roller and what was wrong with it. Mr. Desiderio explained that it was old and the parts were outdated and couldn't get parts for it.
- Mr. Ramos asked what the date on the petition that Mr. Stracco discussed was. Mr. Stracco explained that it showed opposition to the salt shed at the townhall and was from a few years ago. Mr. Ramos also asked if the dollar figure for the salt shed included all the expenses and feels it should be spelled out. He also asked about some of the bills on the bills list and Ms. Zilberfarb explained what they were all for.
- Ms. Goetz stated that it may be more palatable for the referendum if all information was included, and would like to see renewable energy and noise/light

reduction as well. Mr. Desiderio said they are looking into solar and water run off.

- Mr. Ramos asked if they had gotten any preliminary numbers for the project. Mr. Desiderio explained that they have only gotten numbers on the building.

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

**EXECUTIVE SESSION:**

There was no executive session

**DEPARTMENT REPORTS:**

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

**DPW** – Ms. Zilberfarb discussed the clean up this year and that it went well. She also let the committee know that Dan Harman is hurt and has been placed on light duty.

**Land Manager** – No report

**Rec Center Coordinator** – Report in book

**Legal Report** – Mr. Wacks let the committee and public know that the land on route 94 closed and a check for \$135,000.00 was sent to the clerk and that the new owners were well respected horse farmers in the area. Mr. Wacks also let the committee know that they are working on an OPRA matter with the clerk.

**Recreation Committee** – Mr. Desiderio let the committee and public know that Founders Day went well but someone was electioneering and that he spoke with them. He also discussed the softball tournament that was held Saturday, June 15<sup>th</sup> and that it went really well.

**Environmental Commission** – Marty Conner discussed the Resolution that was presented to the committee.

**Farmland Preservation/Open Space Committee** – No meeting

**Historic Committee** – Waiting for report on the building.

**Mayor report** – Mr. Desiderio wanted to clarify that he follows plans.

**Deputy Mayor report** – Mr. Stracco asked that the committee reconsider the cannabis growth ordinance and that he is going to look into the taxes for medical marijuana.

**Committeeman Boynton** – Nothing to report

**Committeeman Marra** – Not present

**Committeeman McPeek** – Mr. McPeek suggested we look into the bamboo ordinance in regards to the bamboo that is growing on properties that are going toward septic etc.

**Clerk report** – Mr. Wacks let the committee know that he nominated Ms. Zilberfarb to the 2019 Municipal Clerk Honor Roll and was chosen. She was 1 of 3 clerks in Warren County to receive this award. Ms. Zilberfarb thanked Mr. Wacks for nominating her.

Ms. Zilberfarb let the committee know that she was going to need to take some time off but has no coverage. She explained that Donna VanTassel is willing to cover for a day and a half but there are 2 days that she has no one else to cover. She asked the committee if she could close the town hall on those days. Mr. Desiderio made a motion to close the town hall for 2 days in August, the week of August 19<sup>th</sup>, seconded by Mr. McPeek. All were in favor. Ms. Zilberfarb thanked the committee for allowing her to shut down as it is much appreciated. With the time away for Ms. Zilberfarb she requested that the regular meeting be rescheduled to the 26<sup>th</sup> of August. A motion was made by Mr. Desiderio, seconded by Mr. McPeek to reschedule the August meeting to Monday, August 26<sup>th</sup> at 7:30 pm. All were in favor. Ms. Zilberfarb will advertise.

**CORRESPONDENCE:**

- State of New Jersey, DOT – new deadlines for grant submittal for municipal aid
- State of New Jersey, Highlands Water Protection and Planning Council – 2018 Annual Report (copy in Clerk’s office)
- New Jersey Food Council – disposable plastic bags
- Warren County Department of Human Services – Notice of public hearing 2020 Casino Revenue Grant
- Warren County Department of Human Services, Division of Aging & Disability Services – Notice of public hearing on 2020 update to the 2019-2021 Warren County Area Plan on Aging.
- New Jersey League of Municipalities – April 2019 Legislative Session
- Green Township – Ordinance 2019-10 permit medical cannabis growing, production and manufacturing as a conditionally permitted use in the A1-10 Zone
- Green Township – Ordinance 2019-11 regarding performance and maintenance guarantees and inspection fees in accordance with the municipal land use law.
- Blirstown Hose Company – May fire reports

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Boynton, seconded by Mr. McPeck to adjourn the meeting at 8:58 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC