

MINUTES OF REGULAR MEETING OF JUNE 20, 2018

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, June 20, 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 (7:34), Attorney Rich Beilin, and Municipal Clerk Donna Zilberfarb.

MINUTES:

1. May 16, 2018 regular session meeting minutes were approved as amended on a motion by Mr. Stracco, seconded by Mr. Marra. All were in favor. Mr. Boynton abstained.
2. May 16, 2018 executive session meeting minutes were approved on a motion by Mr. Stracco, seconded by Mr. Marra. All were in favor.
3. June 13, 2018 work session meeting minutes were approved on a motion by Mr. Stracco, seconded by Mr. Boynton. All were in favor.
4. June 13, 2018 executive session meeting minutes were held to the July meeting on a motion by Mr. Boynton, seconded by Mr. Marra. All were in favor.

ORDINANCES:

#2018-12 ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF

WARREN, STATE OF NEW JERSEY TO REGULATE THE MAINTENANCE OF

BAMBOO

WHEREAS, the Mayor and Committee of the Township of Frelinghuysen have received complaints regarding the unwanted spread of bamboo, which has become a nuisance to the residents of the Township in areas where it encroaches on the public right-of-way or creates a safety or health issue; and WHEREAS, the Township currently does not have an ordinance to control the maintenance of bamboo, and the Mayor and Township Committee find it in the public interest to regulate the maintenance of bamboo so that it does not encroach into the public right-of-way, or negatively impact the public health, safety or welfare; 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 9 of the Frelinghuysen Township Code is amended by adding thereto a new Section 9-2, to read as follows:

9-2 BAMBOO

A. No persons, residents, citizens, property owners and/or tenants of the Township shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Township of Frelinghuysen in such a manner as to: (a) cause any portion of the plant or roots to encroach on the public right-of-way, or (b) negatively impact the public health, safety or welfare.

B. Complaint and notice, order for removal and compliance. Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant or root into the public right-of-way or the existence of a condition negatively impacting the public health, safety or welfare, or whenever the Township, on its own observations and inspections, same, the Township shall cause notice to be served and the following actions to occur:

(1) The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first-class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office. First-class mail shall be deemed delivered within five calendar days of its being mailed by the Township.

(2) The notice shall specify the nature of the violation(s).

(3) The notice shall state that the violation(s) must be corrected within 30 calendar days from the date of the received or returned mailing.

(4) The notice shall state specifically what must be done by the responsible party to correct the violation(s).

C. Investigations; reports. The Director of Public Works, Road Supervisor, Construction Official or the Health Officer of the Township shall be considered the proper officers to investigate all lands within the limits of the Township to determine violations of this section, and to issue notices pertaining to same.

D. Violations and penalties; remediation and collection of remediation costs.

(1) Any person who shall violate any of the provisions of this section shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5.

(2) In addition to and not in lieu of any penalties that may be assessed, if the violation is not remedied within the time set forth in the notice sent pursuant to Section 9-2B hereof, the Township is hereby authorized to remove or have removed any bamboo encroaching on the public right-of-way or negatively impacting the public health, safety or welfare, and to take all reasonable steps to eradicate the regrowth of the bamboo into the public right-of-way or to the extent that it negatively impacts the public health, safety or welfare, and to restore the land to the condition in which it existed prior to such removal and eradication, all at the cost and expense of the property owner from whose property the bamboo emanated. Upon such removal, the following procedure shall apply regarding the payment and collection of the amounts expended by the Township of Frelinghuysen

(3) The officer or employee of the Township in charge of the removal of bamboo shall certify the cost thereof to the Mayor and Committee. The Mayor and Committee shall examine such certificate and, if found to be correct, shall cause such cost to be charged against such lands after affording the owner of the property a reasonable opportunity to appear before the Mayor and Committee or its designated agent.

(4) The amounts charged shall immediately become due and payable to the Township. If the owner of the property fails to pay such amounts, the same shall become a lien on the property of such owner and shall bear interest in the same manner as is charged on unpaid taxes. Such unpaid amounts shall be deemed, for the purpose of collection thereof, a tax upon such real estate to be added to and become a part of the taxes next to be levied and assessed against that real estate. Such tax shall be enforced and collected with interest by the same officer and in the same manner as all other municipal taxes.

E. In the event that the Township of Frelinghuysen shall cause bamboo to be removed, the owner of the property from which the bamboo emanated shall indemnify and hold harmless the Township of Frelinghuysen and its officers and employees from and against all liability, including loss, damage, costs, attorneys' fees, causes of action, claims and/or judgments arising from said bamboo removal and restoration of the property. For the sole purpose of this section and for no other purpose, the owner or developer shall be deemed to have appointed the Township of Frelinghuysen as the owner's or developer's agent should the Township cause bamboo to be removed from such owner's or developer's property. **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 May 16, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on June 20, 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. Kuhn to open for

introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Kuhn-yes; Mr. Marra-yes; Mr. Stracco-yes. Second reading for adoption will be on June 20, 2018. Second Reading: Motion was made by Mr. Stracco to open for 2nd reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Stracco. All were in favor. Public comment: Bennett Bean, 357 Main Street, Johnsonburg, wanted to know how the town establishes the township right of ways. Mr. Desiderio explained and Mr. Stracco explained the right of way per NJ per town can be different. Todd McPeck, 228 Main Street, stated that it grows like ragweed and is out of control. His neighbor has it and it comes into his yard. Debra Natayzak asked if it was for all roads or just the township roads. Mr. Stracco explained that it was for the right of way of any road within the township. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Boynton. All were in favor. After discussion, motion was made by Mr. Stracco to hold to July 18th meeting to re-introduce as amended for the 1st reading with the 2nd reading being August 15th, seconded by Mr. Boynton. All were in favor. Ms. Zilberfarb will readvertise for first reading on July 18th.

2018-13 **ORDINANCE AMENDING SECTION 902 OF THE FRELINGHUYSEN TOWNSHIP LAND DEVELOPMENT ORDINANCE TO CONFORM TO AMENDMENTS TO THE MUNICIPAL LAND USE LAW** WHEREAS, On January 16, 2018, P.L.2017, c.312 was signed into law, amending N.J.S.A. 40:55D-53 of the MLUL with regard to performance, maintenance and other guarantee requirements; and WHEREAS, the Mayor and Committee wish to modify the Frelinghuysen Township Land Development Ordinance in order to assure that it conforms with the said amendments to the Land Use Law. NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren and State of New Jersey that Section 902 of the Land Development Ordinance are amended to read as follows:

Section I

Section 902 of the Frelinghuysen Township Land Development Ordinance is hereby amended to read as follows:

902 Guarantees and Inspections.

A. Before recording final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:55D-65, the Township or Land Use Board may require and shall accept, in accordance with the standards adopted herein, for the purpose of assuring the installation and maintenance of certain on-tract improvements:

(1) The furnishing of a performance guaranty in favor of the Township of Frelinghuysen in an amount equal to 120% of the cost of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the developer and approved by the Township Engineer, according to the method of calculation set forth in N.J.S.A. 40:55D-53.4, for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," N.J.S.A. 46:23-9.9, *et seq.*, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements. The performance guarantee may also be required to include, at the discretion of the Township or Land Use Board, a guarantee for the installation of privately-owned perimeter buffer landscaping. At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping. The developer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee for review and approval by the Township Engineer, which improvements shall be appended to each performance guarantee posted by the obligor.

(2) The developer shall post with the Township, prior to the release of the performance guarantee, a maintenance guarantee in an amount equal to 15% of the cost of the installation of the improvements covered under the performance guarantee, along with the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which itemized cost shall be determined by the developer and approved by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4. The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) The furnishing of a "safety and stabilization guarantee" in favor of the Township of Frelinghuysen to ensure that the Township has an adequate guarantee to return the

property that has been disturbed to a safe and stable condition or otherwise implement measures to protect the public from access to an unsafe or unstable condition. The Township shall be permitted to access the guarantee when (a) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure; and (b) work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality's intent to claim payment under the guarantee. At the developer's option, the "safety and stabilization guarantee" may be included as a line item for safety and stabilization in the performance guarantee rather than in the form of a separate guarantee. The amount of the safety and stabilization guarantee shall be calculated pursuant to N.J.S.A. 40:55D-53.4 as follows:

- (i) \$5,000 for the first \$100,000 of bonded improvement costs, plus
- (ii) Two and a half percent (2.5%) of bonded improvement costs in excess of \$100,000 up to \$1,000,000; plus
- (iii) One percent (1%) of bonded improvement costs in excess of \$1,000,000.

B. The time allowed for installation of the bonded improvements for which the performance guaranty has been provided may be extended by the governing body by resolution. As a condition or part of any such extension, the amount of any performance guaranty shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation as determined by the developer and approved by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 as of the time of the passage of the resolution.

C. If the required bonded improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township may, either prior to or after the receipt of the proceeds thereof, complete such improvements.

D. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements and the connection of same to the public system, the obligor may notify the governing body in writing by certified mail addressed in care of the Municipal Clerk of the completion or substantial completion of bonded improvements and shall send a copy thereof to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements of which such notice has been given and shall file a detailed report, in writing, with the governing body, indicating either approval, partial approval or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.

E. The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction. For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate which formed the basis of the performance guaranty and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee

attributable to bonded improvements for which a “temporary certificate of occupancy guarantee” has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30 percent.

F. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete such improvements, and upon completion, the same procedure of notification as set forth in this section shall be followed.

G. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Township Engineer.

H. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of the improvements, which fees shall not exceed the sum of the amount set forth in N.J.S.A. 40:55D-53. The municipality may require the developer to post the inspection fees in escrow in an amount calculated as follows: (1) except for extraordinary circumstances, the greater of \$500 or 5% of the cost of improvements subject to a performance guarantee; plus (2) an amount not to exceed 5% of the cost of private site improvements not subject to a performance guarantee, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4.

If the Township determines that the amount in escrow for the payment of inspection fees, as calculated herein, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request which informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

I. In the event that final approval is by stages or sections of development pursuant to Subsection a of Section 29 of the Municipal Land Use Law (N.J.S.A. 40:55D-38), the provisions of this section shall be applied by stage or section.

J. In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a “temporary certificate of occupancy guarantee” in favor of the Township of Frelinghuysen in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a “temporary certificate of occupancy guarantee,” all sums remaining under a performance guarantee which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the “temporary certificate of occupancy guarantee” shall be determined by the Construction Code Official, Zoning Officer, Township Engineer, or any other municipal official designated by ordinance. The “temporary certificate of occupancy guarantee” shall be released by the construction code official, zoning officer, Township Engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

K. If the property or any part of same is sold, or otherwise conveyed to a successor Developer prior to the completion and acceptance of all improvements, an Assignment of Developer’s Agreement, and new performance, maintenance or other guarantees shall be required from the new owner or successor Developer. Upon the transfer of ownership of property that is the subject of a construction permit, and prior to beginning or continuing work authorized by the construction permit, the new owner or successor Developer shall file with the building department an application for a permit update to notify the building department of the name and address of the new owner or successor Developer and of all other changes to information previously submitted to the building department. The building department shall not approve the application for a permit update until it receives notification from the governing body or its designee that the new owner or successor Developer has furnished adequate replacement performance, maintenance or other guarantees and Assignment of Developer’s Agreement.

Section II

1. Any section or subsection of the Frelinghuysen Township Code not specifically addressed in this Ordinance is to remain unchanged and continue with full force and effect.

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

3. 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.

4. 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 June 20, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on August 15, 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. Marra. This will be referred to the township engineer and the land use board. Second reading will be held on August 15, 2018.

2018-14 ORDINANCE AMENDING THE FRELINGHUYSEN TOWNSHIP LAND DEVELOPMENT ORDINANCE TO SET FORTH GRADING AND OTHER REQUIREMENTS IN CONNECTION WITH NEW HOME CONSTRUCTION

WHEREAS, it is in the public interest to assure that parties constructing new homes within Frelinghuysen Township observe proper grading procedures, and install proper tracking pads to control soil erosion prior to commencement of work; and

WHEREAS, the Mayor and Committee wish to modify the Frelinghuysen Township Land Development Ordinance in order to provide for same.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren and State of New Jersey that the Frelinghuysen Land Use Ordinance is amended by adding thereto a new Section 527, to read as follows:

Section I

The Frelinghuysen Township Land Development Ordinance is hereby amended by adding thereto a new Section 527, to read as follows: **§ 527.1. Grading for new construction on residential lots.**

The following provisions shall be applicable to the construction of new homes on residential lots:

A. Sites shall be graded to secure proper drainage and to prevent undesirable ponding of surface water. Grading shall be performed in a manner which will minimize land disturbance, soil compaction, and damage to or destruction of trees.

(1) Topsoil shall be provided and/or redistributed on the graded surface as cover and shall be stabilized by seeding or planting.

(2) Grading plans shall have been submitted and approved with the subdivision plat or site plan, and any departure from these plans must be approved by the Land Use Board.

(3) Grading shall be designed to prevent or minimize damage to structures or improvements when major storms exceeding the one-hundred-year storm design of the storm drainage system occur.

B. The site shall be graded to a storm drainage collector system of interior drainage, designed in accordance with the standards for storm drainage facilities, and suitable drainage easements shall be provided.

C. All tree stumps, masonry and other obstructions shall be removed and recycled according to Township or county standards.

D. Residential lot grading.

(1) The minimum slope for lawns shall be 2% and for smooth hard-finished surfaces 0.75%.

(2) The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 12 units horizontal (1:12) for a minimum distance of eight feet.

(3) A minimum of 15 feet behind the rear of any residential unit shall be graded at a maximum of 9% so as to provide a usable rear yard.

(4) Where a lot cannot be graded in the rear yard in accordance with the provisions in this section, the Board may permit the construction of a deck or patio to serve as the usable rear yard area. The size of the deck or patio required would be at the discretion of the Land Use Board.

E. Swales.

(1) When the terrain is such that stormwater will be directed toward a building foundation, appropriate measures such as swales and storm sewers shall be provided to intercept and drain surface water.

(2) Swales must be located at least 15 feet from the front and rear faces of a building and 10 feet away from any side walls. Swales shall not cross any driveways.

(3) Where swales are run across property boundaries, easements must be dedicated by recorded instrument in such a way as to give notice to future property owners of the need to preserve and maintain the swale.

F. The grade of land located within the dripline of a tree that is to remain pursuant to subdivision or site plan approval shall not be raised or lowered. Tree wells, retaining walls, and other approved means shall be employed in this case to preserve the integrity of the tree. **§ 527.2. Tracking pads.**

Prior to the issuance of any permits in connection with the construction of a new home on a residential lot, and prior to commencement of any work in connection with same, the owner shall install a tracking pad of suitable materials.

Section II 1. Any section or subsection of the Frelinghuysen Township Code not specifically addressed in this Ordinance is to remain unchanged and continue with full force and effect. 2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. 3. 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. 4. 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 June 20, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on August 15, 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. Marra. This will be referred to the township engineer and the land use board. Second reading will be held on August 15, 2018.

2018-15 **ORDINANCE AMENDING SECTION 1003 OF THE FRELINGHUYSEN TOWNSHIP LAND DEVELOPMENT ORDINANCE TO REQUIRE INDICATION OF WETLANDS ON ZONING PERMIT APPLICATION** WHEREAS, in order to protect natural resources and assure proper land use within the Township, the Mayor and Township Committee deem it in the public interest to have applicants for zoning permits indicate on such applications whether there are any wetlands on the properties that are the subject of those applications. NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Frelinghuysen in the County of Warren and State of New Jersey as follows:

Section I

Section 1003(B)(2)(a) of the Frelinghuysen Township Land Development Ordinance is hereby amended to read as follows (additions are underlined):

1003 ENFORCEMENT

B. Construction and Zoning Permits

2. No land shall be used, no use shall be commenced and no structure shall be erected, constructed, reconstructed, altered, converted and no land, use or structure shall be changed from an existing use to a new use until a zoning permit is issued by the Zoning Officer pursuant to the procedures set forth below, stating that such use, structure or building conforms and complies with the provisions of this chapter by a board of competent jurisdiction.

a. Any person requesting a zoning permit shall complete a written application on a form prescribed by the municipality, which shall, in addition to the other information requested therein, require the applicant to indicate whether there are any wetlands on the property that is the subject of the permit. For purposes of N.J.S.A. 40:55D-18, a person shall be deemed to have requested a zoning permit only when each of the following has occurred: (i) the applicant for a zoning permit has completed a written application for a zoning permit on a form prescribed by the municipality, and the said application has been deemed complete by the Zoning Officer or his or her designee; (ii) the fee for the zoning permit has been paid to the municipality in the form of a certified check, cash or money order; and (iii) the applicant has supplied

the Zoning Officer with all supporting data reasonably requested by the Zoning Officer.

Section II

1. Any section or subsection of the Frelinghuysen Township Code not specifically addressed in this Ordinance is to remain unchanged and continue with full force and effect.
2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.
3. 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.
4. 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 June 20, 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on July 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/introduction, seconded by Mr. Boynton. All were in favor. Second reading will be July 18, 2018.

DISCUSSION ONLY - ORDINANCE REGARDING CELLULAR TOWER was discussed by Mr. Stracco and a copy of an ordinance from Joe Golden was given to members to review. After brief discussion, Mr. Beilin will draft an ordinance on this matter.

RESOLUTIONS:

#2018-50 RENEWAL OF LIQUOR LICENSES IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY FOR THE YEAR 2018-2019 WHEREAS, the following Plenary Distribution Liquor Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2018-2019

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 2018-2019

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 2018-2019

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 20th day of June, 2018 that the renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses is granted for the year 2018-2019.

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 20, 2018.

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

#2018-51 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF JUNE 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 JUNE 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
Mr. Marra			x			
Mr. Stracco	x		x			

#2018-52 TAX COLLECTOR WHEREAS, a resolution is required by the Tax Collector to refund a double payment of 1st quarter 2018 taxes. The property owner prepaid their 2018 1st & 2nd quarter taxes and the mortgage company also paid the 1st quarter taxes and have requested a refund of their payment and want it sent directly to the property owners.

Block Lot Pay To Amount
201 6.04 Ryan & Susan DeSautels \$ 1,847.48

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the above property taxes. 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 June 20th, 2018.

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

AGREEMENTS: Valley Medical Group Alcohol and Drug Testing Services. Motion was made by Mr. Boynton to approve and authorize the Clerk to sign the agreement, seconded by Mr. Marra. All were in favor.

OLD BUSINESS:

- Service Electric Cable – Ms. Zilberfarb explained that cable has been installed at the town garage and town hall but the town hall needs to get a separate static IP address for tax payments. With that there will be an additional cost per month and it will be \$99.95 per month, which is less than dsl charges each month. As soon as the new modem and static IP address are installed the new server will be installed as well. Looking at date of July 17th for server installation.
- Shared Services for Animal Control – Hold
- Sale of property on Route 94 – Mr. Desiderio received a CMV and it was \$4,500-\$5,500 per acre. The property that has the one acre exception area was estimated at \$30,000-40,000 because there was no perk test done. After discussion a motion was made by Mr. Stracco to offer to the adjacent property owners at \$194,000., seconded by Mr. Boynton. All were in favor.

NEW BUSINESS:

- Paul Avery from the Blairstown Rotary explained to the committee the expenses for the 4th of July celebration and that the expenses have gone up about \$2,000.00. The township committee made a donation of \$400.00 to the rotary for the 4th of July celebration. Mr. Desiderio said the booster club will donate the additional \$350.00 again this year, if the booster club couldn't donate then he would donate on his own. Mr. Avery thanked the township committee.
- John and Trisha Cowell, 25 Kerrs Corner Road, discussed the traffic and speed on Kerrs Corner Road. Although they appreciated the paving job, it has turned into a speedway by their home. They asked if speed limit signs could be installed. After discussion it was determined that a letter will go out to the high school with concerns of speeding for the new teenage drivers, speed limit signs will be installed, state police will be asked to have a heavier presence on Kerrs Corner Road, Mr. Desiderio will look into borrowing a speed sign to put up and Mr. Desiderio will look into putting rocks on the

side of the road going down the hill that have been washed away. The Cowell's thanked the Committee for their help.

- Mr. Desiderio explained that our insurance requires that all coaches have a background check completed. He explained that one person refused to do it. After discussion, Mr. Marra stated to have the clerk send a letter to the person in question and give them one month to complete the background check or they are out of the rec center. Mr. Stracco recommended the letter come from the township committee and that the attorney write it. A motion was made to open to the public for this topic only by Mr. Stracco, seconded by Mr. Boynton. All were in favor. Mr. Ramos, a member of the recreation committee, stated that it was a nice gesture to give a month but feels they should end the classes tonight as this has been going on for a while. A motion was made to close to the public by Mr. Stracco, seconded by Mr. Boynton. All were in favor. Mr. Beilin will speak to the Clerk and get the details for the letter.
- A letter of resignation from Jackie Mowbray was given to the committee. She accepted a full time position in Tewksbury. A motion was made by Mr. Boynton to accept with regrets, seconded by Mr. Marra. All were in favor. Ms. Zilberfarb will send a letter to Ms. Mowbray.

OPEN MEETING TO THE PUBLIC:

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

Fran Muller asked if the residents on Kerrs Corner Road could take a photo of the license plates of the speeding cars and send that to the police.

Motion was made by Mr. Stracco, 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 that the dpw is doing on going mowing and weed wacking. Getting ready to patch roads.

Land Manager – Mr. Conner explained that the pond condition is improving and they have done a few more treatments to get it that way. Mr. Conner also stated that the dpw is doing a great job mowing. Ms. Zilberfarb will pass that onto Ed.

Legal Report – Reported throughout the meeting.

Recreation Committee – Mr. Desiderio explained that he wrote a letter to Sandy Urgo in regards to the parking lot and driveway and was ok'd to proceed. He is starting to work on it and explained to the committee where it will be going.

Environmental Commission – Nothing to report

Farmland Preservation/Open Space Committee – Nothing to report

Historic Committee – Nothing to report

Mayor report – Nothing to report

Deputy Mayor report – Mr. Stracco discussed how a constituent talked to him about the mowing of the lilies on South Street. He also discussed a burglary at #36 Lincoln Laurel Road and that there are no suspects. Mr. Desiderio reiterated people should not post on Facebook that they are going away.

Committeeman Boynton – Nothing to report

Committeeman Kuhn – Absent

Committeeman Marra – Nothing to report

Clerk report – Ms. Zilberfarb explained that she received a complaint on noise and smoke on South Street and has forwarded it onto the zoning officer.

Ms. Zilberfarb let the committee know that she received a call regarding vacant properties and that she will be sending out a copy of the ordinance and fees to them. She also asked for a form from Mr. Beilin that they had previously discussed.

She also explained that there were 2 liquor licenses that still needed clearance from the state in order to be renewed by the township prior to June 30, 2018. She asked to have a special meeting to be able to approve those liquor licenses. The special meeting will be held on Wednesday, July 27th at 7:30 pm. Ms. Zilberfarb will advertise for this special meeting.

Ms. Zilberfarb also discussed summer hours and that the employees were not requesting them this year.

She also explained that she was subpoenaed to court on June 5, 2018 but due to primary election day she could not go. The attorney was notified.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

There being no further business, motion was made by Mr. Stracco, seconded by Mr. Boynton to adjourn the meeting at 8:50 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC