

**MINUTES OF REGULAR MEETING OF AUGUST 16, 2023  
Amended**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, August 16, 2023, and was called to order at 6:00 p.m. by Mayor Ramos.

**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 emailing notice to the New Jersey Herald and The Express-Times.

**ROLL CALL:**

Those present were: Mayor Keith Ramos, Deputy Mayor Stracco, Committeeman Boynton, Committeeman Stock, Attorney Rich Beilin, and Municipal Clerk Donna Zilberfarb.

**MINUTES:**

- Minutes of the July 19, 2023, regular meeting were approved as amended on a Motion by Mr. Stracco, seconded by Mr. Stock. All were in favor.
- Minutes of the July 25, 2023, special meeting were approved as amended on a motion by Mr. Stracco, seconded by Mr. Stock. All were in favor.
- Minutes of the August 7, 2023, special meeting were approved on a motion by Mr. Stracco, seconded by Mr. Boynton. All were in favor. Mr. Boynton abstained.

**RESOLUTIONS:**

#2023-62 TOWNSHIP OF FRELINGHUYSEN WARREN COUNTY, NJ WHEREAS, the Tax Assessor granted a **100% disabled veteran exemption** to **Jason Perez** on **Block 801, Lot 7.07, effective January 17<sup>th</sup>, 2023**. The Tax Collector is therefore relieved of collecting taxes in the amount of \$ **5,986.82** (this amount is for 3<sup>rd</sup> qtr & 4<sup>th</sup> qtr 2023 taxes). NOW, THEREFORE, BE IT RESOLVED on this 16<sup>th</sup> day of August, 2023 by the Mayor and Township Committee that the Tax Collector is hereby relieved from collecting the taxes as noted above. I, Donna M. Zilberfarb, Clerk of the Township of Frelinghuysen, do hereby certify the foregoing Resolution to be a true and accurate copy adopted by the Township Committee on August 16<sup>th</sup>, 2023.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton	x		x			
Mr. McPeek						x
Mr. Ramos			x			
Mr. Stock		x	x			
Mr. Stracco			x			

**#2023-63 RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND WHEREAS, Frelinghuysen Township**

is a member of the Morris County Municipal Joint Insurance Fund; and **WHEREAS**, said renewed membership terminates as of December 31, 2023 unless earlier renewed by agreement between the Municipality and the Fund; and **WHEREAS**, the Municipality desires to renew said membership; **NOW THEREFORE**, be it resolved as follows;

1. **Frelinghuysen Township** agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to the subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the fund.
2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made part of and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership. This Resolution agreed to this 16<sup>th</sup> day of August 2023 by a vote

of: 4 Affirmative 0 Negative MAYOR DATE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

**ROLL CALL VOTE:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton		x	x			
Mr. McPeek						X
Mr. Ramos			x			
Mr. Stock	x		x			
Mr. Stracco			x			

**# 2023-64 ACCEPTING BID FOR REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF FRELINGHUYSEN AS BLOCK 201, LOT 31.01, BEING MORE COMMONLY KNOWN AS 720 ROUTE 94, SOLD AT AUCTION PURSUANT TO N.J.S.A. 40A: 12-13(a)**

WHEREAS, N.J.S.A. 40A:12-13 (a) authorizes the sale by municipalities of any real property, capital improvements, or personal property, or interest therein, not needed for public use by sale in the manner provided by law; and WHEREAS, the Township of Frelinghuysen ("Township") is the owner of

certain real property, which is located within the Township and is known as Block 201, Lot 31.01, and more commonly known as 720 Route 94 (the "Property"); and WHEREAS, the Mayor and Committee have determined that the Property is not needed for public use and that that a sale of the Property will generate revenue that will serve the public interest; and WHEREAS, on August 16, 2023, pursuant to Resolution of the Frelinghuysen Township Committee, the Property was offered for sale at a public auction; and WHEREAS, at the said public auction, One Faith Wellness, LLC submitted the highest bid, in the amount of \$1,400,000.00, and submitted a deposit in the amount of \$140,000.00, and the Mayor and Committee therefore shall sell the Property to One Faith Wellness, LLC at the price of \$1,400,000.00, subject to the terms and conditions of the Agreement for Sale of Real Estate between the Township of Frelinghuysen and One Faith Wellness, LLC. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey as follows:

1. The Mayor and Committee hereby accept the bid of One Faith Wellness, LLC to purchase the Property for the sum of \$1,400,000.00.

2. One Faith Wellness, LLC shall pay, at the time of closing: (i) The balance of the purchase price; (ii) All costs associated with the sale of the Property, including but not limited to, the cost of preparation of all legal documentation, survey(s), any title work, cost of advertisement of the sale and the cost of recording the deed, which deed shall be recorded on behalf of the purchaser by the Township Attorney, and (iii) Prorated real estate taxes or other charges, if any, for the balance of the current year as of the date of the closing. 3. The Mayor and Township Clerk, together with all appropriate officers, employees, professionals and staff of the Township are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.

4. This Resolution shall take effect immediately according to law. CERTIFICATION  
I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on August 16, 2023. Donna Zilberfarb, RMC

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton	X		X			
Mr. McPeek						X
Mr. Ramos			X			
Mr. Stock		X	X			
Mr. Stracco			X			

#2023-65 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF AUGUST, 2023  
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 AUGUST; 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 date are reasonable and proper and are to be paid from their appropriate account. Donna M. Zilberfarb, RMC

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton			X			
Mr. McPeek						X
Mr. Ramos			X			
Mr. Stock		X	X			
Mr. Stracco	X		X			

#2023-66 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with contract negotiations, WHEREAS, under the Open Public Meetings Act (number \_\_\_ of the permitted exceptions to the requirements that a public body hold its meetings in public) it is permissible that such matters be discussed in executive or private session. NOW, THEREFORE BE IT RESOLVED, on August 16, 2023 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. Donna M. Zilberfarb, RMC

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton			X			
Mr. McPeek						X
Mr. Ramos			X			
Mr. Stock		X	X			
Mr. Stracco	X		X			

**ORDINANCES:**

#2023-14 AMENDING THE FRELINGHUYSEN TOWNSHIP CODE BY ADDING THERETO A NEW ARTICLE I TO CHAPTER 19, TO BE ENTITLED "RENTAL PROPERTY" AND ARTICLE II, TO BE ENTITLED "PUBLIC HEALTH NUISANCE CODE" WHEREAS, there exists a need in the Township of Frelinghuysen to promulgate standards for the maintenance and upkeep of residential rental properties, to assure the health, safety and welfare of tenants residing within the Township. NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen as follows: Section I Chapter 19 of the Frelinghuysen Township Code, "Health and Safety," is hereby amended by adding thereto a new Article I, "Rental Property" and Article II, "Public Health Nuisance Code," to read as follows: **CHAPTER 19 ARTICLE I RENTAL PROPERTY § 19-1. Purpose.** The purpose of this article is to ensure the health, safety and welfare of all tenants residing in rental properties, as well as

all other residents of the Township of Frelinghuysen. **§ 19-2. Definitions.** For use in this article only, the following words and phrases shall have the meanings respectively ascribed to them by this section: **LANDLORD AND OWNER** Any person who owns any legally cognizable interest in any rental property, including, but not limited to, outright ownership or ownership through a partnership, corporation or limited liability company. **OWNER-OCCUPIED** The primary residential living unit of the owner is located within the rental property. **PROPERTY MAINTENANCE** The cleanliness and proper working order and upkeep of all areas and facilities of the rental units other than owner-occupied houses, structures or buildings. **RENTAL PROPERTY** Any house, structure, building or structure rented or offered for rent, for living and dwelling purposes to individuals or family units. **RENTAL UNIT** Any individual unit located within a rental property, and which is rented or offered for rent for living and dwelling purposes to individuals or family units. **RESIDE** To live or dwell permanently or continuously at for more than 14 days. Said days need not be consecutive, but must occur within a reasonably short period of time to evidence an intent to utilize the rental unit as the person's primary place of residence. **TENANTS** Those persons who have leased the rental unit from the owner, regardless of the type of tenancy under which they occupy the rental unit. **§ 19-3. Housing excepted from coverage.** The provisions of this article shall not apply to owner-occupied units located within a rental property. The provisions of this article shall not apply to rental properties under the supervision of a public housing authority or that exclusively provide restricted housing for the developmentally disabled. **§ 19-4. Rental property registration.** A. On or before January 1 of each year, the owner of every rental property in the Township of Frelinghuysen and regulated by this article shall file a rental property registration statement with the Municipal Clerk. Forms for said filing can be obtained from the Municipal Clerk or from the Municipal website. The Municipal Clerk shall provide copies of all rental property registration statements to all applicable local agencies. Said information will be kept confidential, and any personal identifying information will not be distributed or utilized in any manner not set forth herein unless required by law. B. The rental property registration statement form shall require the submission of the following information: (i) The name, address and telephone number of the record owner or owners of the rental property. In the case of a partnership, the names of all general partners shall be provided. If the record owner is a corporation or limited liability company, the name and address of the registered agent and corporate officers or principals of said corporation or limited liability company; (ii) If the address of any record owner is not located in the county in which the rental property is located, the name, address and telephone number of a person who resides in the county in which the rental property is located and is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner; (iii) The name, address and telephone number of the managing agent of the rental property, if any; (iv) The name, address and telephone number, including the dwelling unit, apartment or room number, of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any; (v) The name, address and telephone number of an individual representative of the record owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the rental property or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building, any repair thereto, disruption of utilities or expenditures in connection therewith and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency; (vi) The name and address of every holder of a recorded mortgage on the rental property; (vii) If fuel is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel dealer servicing the building and the type of fuel used; (viii) The number of tenants over the age of two years authorized to reside in each unit, including the number of tenants over the age of two years but under the age of 19 years (school age children); the information contained in the rental property registration statement must set forth information for each unit within the rental property and must include the number of tenants actually residing in each rental unit; (ix) As to each rental unit, the owner shall provide a floor plan of the rental unit, which shall depict the number of rooms and the dimensions and location of each room in the rental unit. No space shall be used for sleeping purposes which has not been deemed so designated as a sleeping area on the floor plan provided by the owner and approved by the local enforcing agency, which shall be on file with the Construction Official; (x) Such other information as may be deemed necessary to enforce this article. C. In the event the tenancy of a rental unit changes during the year, the owner or managing agent shall, within 30 days of the change in tenancy, provide an amendment to the rental property registration. The amendment form can be obtained from the Municipal Clerk or from the Municipal website. A "change in tenancy" shall mean the addition of any person not included in the annual statement, or a deletion on the annual statement. Failure to provide the required information shall be deemed a violation of this article, and owners, managing agents and tenants may be held accountable for inaccurate rental property registrations statements. **§ 19-5. Maximum number of occupants.** The owner shall post the maximum authorized number of occupants in a conspicuous area within the rental unit. It shall be unlawful for any person, including the owner, managing agent and/or tenants, to allow greater number of persons than the posted maximum number of occupants to reside in the rental unit. This provision may be enforced against the owner, managing agent and/or tenants as well as against the unauthorized persons residing in the rental unit under this article or any other applicable local, state or federal law, regulation, ordinance or code. **§ 19-6. Nuisances.** No rental property or unit shall be conducted or maintained in a manner that constitutes a nuisance. The owner and the tenants will be held responsible for any such conditions and/or

activities, and such conditions and/or activities shall constitute a violation of this article as well as violations of any other applicable local, state or federal laws, regulations, ordinances and/or codes. §

**19-7. Rental unit license fee schedule.** The following is the rental unit license fee schedule:

<u>Number of Units</u>	<u>Annual License Fee</u>
2 or fewer	\$25
3 or more	\$10 per unit

The annual rental unit license registration and fee are due and payable to the Township of Frelinghuysen on January 1 of each year with a thirty-day grace period for same. Failure to register as of February 1 will be considered in violation of this article and a late fee of \$5 per month, per unit, will be assessed. §

**19-8. Specific Requirements for Rental Properties.** A. Heat. (i) Every owner of a rental property who permits the rental property or a unit therein to be occupied under any agreement, express or implied, to supply or furnish heat to the occupant thereof shall supply heat adequate to maintain therein a minimum inside temperature in all habitable rooms, including bathrooms, of 68 degrees Fahrenheit between the hours of 6:00 a.m. and 11:00 p.m., and 65 degrees Fahrenheit between the hours of 11:00 p.m. and 6:00 a.m. from October 1 of each year to the next succeeding May 15. (ii). In the absence of a contract or agreement to the contrary, an owner shall be obligated to provide heat in accordance with the standards set forth at subsection A hereof whenever heating facilities are under the control of the owner or whenever two or more dwelling units or lodging units are heated by a common facility. B. Enforcement. The provisions of this section may be enforced by the Warren County Board of Health or the Frelinghuysen Township Zoning Officer, or by such other Frelinghuysen Township official as may be designated by the Township Committee. §

**19-9. Violations and penalties.** A. Any person who violates any provision of Section 19-8 shall, upon conviction thereof, be liable for a penalty of not more than \$1,000 or imprisonment for not more than 90 days, or both, for each violation. Each day that said violation continues shall be deemed a separate and distinct violation. B. Any person violating any of the other provisions of this article, upon conviction thereof, shall be liable to a penalty of not less than \$50 nor more than \$500 for each violation. In addition, the owner will be subject to the increased license fees established in §19-7 for failure to timely register the rental unit. **ARTICLE II PUBLIC HEALTH NUISANCE CODE §**

**19-10. Definitions.** A. As used in this chapter, the Public Health Nuisance Code of New Jersey (1953) means and refers to that certain Code approved by the State Department of Health on September 16, 1953, for adoption by reference, as may be amended from time to time. In accordance with law, which Code defines and prohibits certain matters, things, conditions or acts, and each of them as a nuisance, prohibits certain noises or sounds, requires proper heating of apartments, prohibits the leasing or renting of certain buildings, prohibits spitting in or upon public buildings, conveyances or sidewalks, authorizes the inspection of premises by an enforcing official, and provides for the removal or abatement of certain nuisances and the recovery of expenses incurred by a municipality in removing or abating said nuisances. B. Whenever the following words, terms or phrases are used in the Public Health Nuisance Code of New Jersey (1953), they shall have the following meanings herein given: (i) "Board of Health" means and refers to the Warren County Health Department. (ii) "Municipality" means and refers to the Township of Frelinghuysen. §

**19-11. Adoption of Public Health Nuisance Code of New Jersey; Exceptions.**

A. Pursuant to and in accordance with the Public Health and Sanitation Codes Adoption by Reference Act (N.J.S.A. 26:3—69.1 to 26:3—69.6), there is hereby established and adopted as the Public Health Nuisance Code of the Township of Frelinghuysen, the whole of the Public Health Nuisance Code of New Jersey (1953), except that Sections 2.1(a) and 2.1(b) are specifically excluded from this adoption. Notwithstanding the foregoing, in the event that the provisions of the Frelinghuysen Township Code are more stringent those of the Public Health Nuisance Code of the State of New Jersey, then the provisions of the Frelinghuysen Township Code shall take precedence. B. A copy of the Public Health Nuisance Code of New Jersey, as adopted by the Township of Frelinghuysen, is annexed hereto and made a part hereof as fully and with the same effect as though it had been set forth at length herein. C. Three (3) copies of the Public Health Nuisance Code of New Jersey (1953) have been placed on file in the Office of the Township Clerk and the Warren County Health Department, and shall remain on file there for the use and examination of the public. §

**19-12. Penalty.** Any person who violates any provision of this article shall, upon conviction thereof, be liable for a penalty of not more than \$1,000 or imprisonment for not more than 90 days, or both, for each violation. Each day that said violation continues shall be deemed a separate and distinct violation. **Section II** 1. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected. 2. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency. 3. This ordinance shall take effect immediately upon adoption and publication according to law. ATTEST: TOWNSHIP OF FRELINGHUYSEN DONNA ZILBERFARB, Clerk KEITH RAMOS, Mayor **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on July 19 2023 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on August 16, 2023 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 to first reading for introduction, seconded by Mr.

Boynton. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on August 16, 2023. Motion was made by Mr. Stock to open for 2<sup>nd</sup> reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Stock to open to the public, seconded by Mr. Boynton. All were in favor. Public Comment: Alan DeCarolis asked about the annual fee and stated his attorney said it wasn't enforceable. Mr. Ramos explained that this ordinance was adding the health nuisance code back into the ordinance and that it needed to be added back for the Warren County Board of Health and that the township should not be involved in landlord tenant disputes. Jason Haley discussed the rental inspection and that it is a violation of his 4<sup>th</sup> amendment. Mr. Beilin explained that those inspections are a smoke certification and lead paint inspections which are the same as the sale of house for smoke certifications. Mr. Ramos explained that this is a state statute and mandated by the State. He explained how the process for an ordinance works, 1<sup>st</sup> legal will draft and committee will do 1<sup>st</sup> reading and then the 2<sup>nd</sup> reading is when all comments are spoken. He explained that sometimes it's unfortunate because there's no choice when mandated by the State. It was also explained that for lead paint the building inspector can be trained to conduct those visual inspections or the town has the opportunity to hire their own inspector. Laura Brill discussed checking with other towns and felt that this ordinance was very heavy handed. An example was given of the temperature control and she requested that the committee look into this further and not pass it. She offered to be on a sub committee if needed. Mr. Stracco asked if there were any specific modifications. Ms. Brill said the heat control. Ben Perez spoke of the board of education and rentals for admission for school. He explained that what happened was renters were going to school without being an actual resident. A background has to be done and this makes it easier to pinpoint residents. Mr. Beilin explained that since about 1981 landlords were required to register with the township. Doreen Rutherford discussed data storing, names and the security for these files. Mr. Ramos explained this is a secure facility. Mr. Beilin reiterated the legal requirements via the State with or without an ordinance and that the landlord portion needs to have the nuisance included. Ms. Rutherford asked if the town would be hiring another clerk to do the extra work. Ms. Zilberfarb explained that the work load would be manageable due to once a year renewals and really needed the landlords to register. She also let her know that the cost of training for lead paint is approximately \$880.00 through Rutgers. Mr. DeCarolis asked about the fee for lead inspections and if it was good for the property life. Ruth Perretti stated that she is from Montclair and there is nothing there. She stated nothing in the ordinance is in any ordinance in Montclair. Mr. Stracco asked for specifics. Ms. Brill stated #19-4 rental property registration #9 floor plan of rental. Mr. Beilin explained that the reason for that is due to stacking within the rental. Debra Natyzak Osadca stated she was in favor of the ordinance and said it was a good thing to have. Asked that the town send it out to everyone when passed. Mr. Stracco clarified that it was a 6 month grace period for registering name and address of fuel dealer. Mr. Ramos explained that things can be changed and reintroduced. Ms. Rutherford asked about COAH obligations and Mr. Beilin explained the court ordered mediation and dismissed the litigation. Ms. Perretti asked if this was for residential or commercial and Mr. Beilin explained living situations will be residential. There was no more public comment. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Stracco to approve for adoption, seconded by Mr. Stock. Roll call vote: Mr. Boynton-no; Mr. McPeek-absent; Mr. Ramos-no; Mr. Stock-no; Mr. Stracco-no. The Ordinance was not adopted and will be revised.

**#2023-15 AMENDING THE FRELINGHUYSEN TOWNSHIP CODE BY ADDING THERETO A NEW ARTICLE III TO CHAPTER 19, TO BE ENTITLED "PLAINLY AUDIBLE NOISE"** WHEREAS, excessive noise is a detriment to the public health, safety and welfare of the Township and its residents; and WHEREAS, in order to ensure that the residents of Frelinghuysen Township may live in an environment free of excessive noise, it is necessary and appropriate to the public health, safety and welfare to regulate noise as a nuisance where appropriate. NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen as follows: **Section I** Chapter 19 of the Frelinghuysen Township Code, "Health and Safety," is hereby amended by adding thereto a new Article III, "Plainly Audible Noise," to read as follows: **CHAPTER 19 ARTICLE III PLAINLY AUDIBLE NOISE § 19-13. Applicability.** This article shall cover any noise from any source location which is plainly audible in violation of the provisions of this article. **§ 19-14. Prohibited acts.** It shall be unlawful for any individual or entity to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the quiet enjoyment, comfort, repose, health, peace or safety of others. **§ 19-15. Loud, disturbing and unnecessary noise.** A. Without intending to limit the generality of §19-14, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this article. (1) Radios; televisions; sound amplifiers. The playing, use or operation of any radio receiving set, television, musical instrument, loudspeaker, amplifier or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room or building in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, machine or device between the hours of 10:00 p.m. and 7:00 a.m. so that it is clearly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this article. (2) Yelling; shouting. Yelling,

shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place, which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity. (3) Animals; birds. The keeping of animals or birds which, by causing frequent or long-continued noise, disturb the comfort or repose of any person in the vicinity, but nothing herein contained is intended to apply to a licensed dog pound or kennel, or to farming, when practiced according to customary farming practices. (4) Horns. The sounding of a horn or warning device on an automobile, motorcycle, bus or other vehicle except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as a warning of impending danger to persons driving other vehicles or to persons on the street. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound or for an unnecessary or unreasonable period of time. (5) Exhaust. The discharge into the open air of the exhaust of a steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises. (6) Defect in vehicle or load. The use of an automobile, motorcycle or vehicle so out of repair or so loaded that it creates loud and unnecessary grating, grinding, rattling or other noise. (7) Construction or repair. The carrying on of excavation, demolition, construction, repair or alteration work other than between the hours of 7:00 a.m. and 6:00 p.m., and the carrying on of construction, repair or alteration work by a homeowner on his own dwelling or property other than between the hours of 7:00 a.m. and 10:00 p.m. All motorized equipment used in construction and demolition activity shall be operated with a muffler. (8) Schools; courts; houses of worship; hospitals. The creation of excessive noise on a street adjacent to a school, institution of learning or house of worship while in use or adjacent to a medical facility which unreasonably interferes with the working of the institution or which disturbs or unduly annoys patients or residents of a medical facility, provided that conspicuous signs are displayed in such a street indicating that it is a school or medical facility. (9) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale. (10) Pile drivers, hammers, etc. The operation, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, of any pile driver, steam shovel, bulldozer or other earthmoving machinery, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise. (11) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noises. (12) Lawn mowers, snow blowers/throwers. The operation of any internal combustion engine lawn mower, or electric power lawn mower or of any snow blower or snow thrower before 7:00 a.m. or after 10:00 p.m. (13) Electric generators. The residential use of any fuel-powered device that produces electricity and produces sound that is clearly audible from a distance of 50 feet from the device except at times when electric power is interrupted for reasons beyond the control of the property owner or occupant or for the maintenance or testing of the generator unit for a period not to exceed 30 minutes. Such maintenance and testing shall only be conducted between the hours of 7:00 a.m. and 10:00 p.m. (14) Any noise that violates the provisions of the Public Health Nuisance Code of New Jersey, as adopted pursuant to Chapter 19, Article II of the Frelinghuysen Township Code. B. The above are intended to give typical illustrations of prohibited noise and shall not be construed as exclusive. **§ 19-16. Exceptions.** Nothing herein contained shall be construed to apply to: A. The use of bells, chimes or sound amplifiers by houses of worship engaged in house of worship activities. B. Activities of municipal departments in the performance of their duties, drills or public demonstrations. C. Police, fire, ambulance, air raid or other sirens which may be operated by the Township or civil defense or other governmental authorities, or any other emergency services responding to emergencies. D. Activities in public parks, playgrounds or public buildings under permission or authority of municipal officials. E. The playing by a band or orchestra in a hall or building or in the open air, where duly authorized. F. Activities of municipal or public utilities or municipal public works to respond to emergencies, public health or safety issues or to repair critical infrastructure. G. Construction activities carried out within reasonable daytime hours, subject to any additional restrictions imposed by the Township. H. Farming, when practiced according to customary farming practices. **§ 19-17. Enforcement; violations and penalties.** A. The provisions of this article shall be enforced by the State Police or the Warren County Board of Health. B. Any person or entity violating any provision of this article shall upon conviction be subject to a fine not exceeding \$2,000 or the maximum allowable under N.J.S.A. 40:49-5, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days or any combination thereof. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense. **Section II** 1. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected. 2. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency. 3. This ordinance shall take effect immediately upon adoption and publication according to law. **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on July 19, 2023 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on August 16, 2023 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 to first reading for introduction,

seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on August 16, 2023. Motion was made by Mr. Stock to open for second reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Stracco to open to the public, seconded by Mr. Stock. Public Comment: Mr. Ramos explained the changes and why we need an ordinance. It's for the community, for the disturbances in the middle of the night. The State Police need to have an ordinance in place. He explained about other towns, Blairstown specifically, and feels this ordinance is necessary but should be amended. Mr. DeCarolis stated pile drivers and steam engines should be removed. Debra Natyzak Osadca mentioned generators running all day/night and Mr. Haley stated that should be termed differently. Lori Billings asked about gunfire and that there were AR15's being shot off at 11-2 am. Mr. Ramos explained that it would not specifically state in the ordinance but would be in the catch all for noise between hours. Ms. Billings asked about fireworks and Mr. Ramos clarified that was part of a state statute and is illegal. Ms. Rutherford asked if the catch all was too broad. Mr. Stracco explained that it refers to the NJ State law. Mr. Ramos explained that the town hasn't had a noise ordinance and is listening to the community and felt it was a step in the right direction. Bob Garifellow stated he has the opposite feeling and would like to shoot on his 25 acres and with that he'd be in violation. Mr. Ramos explained that he understood but the town needs to look at the community as whole and not individually. He explained that they will revamp and tighten up the ordinance. Art Lizza asked if restricted to just resident shooting or can friends shoot on property as well. Mr. Ramos explained it would be revamped. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Stock. All were in favor. Motion was made by Mr. Stracco to approve for adoption, seconded by Mr. Stock. Roll call vote: Mr. Boynton-no; Mr. McPeek-absent; Mr. Ramos-no; Mr. Stock-no; Mr. Stracco-no. The Ordinance did not pass and will be revised.

#### **COMMITTEE REPORTS:**

- Mayor Ramos – nothing to report
- Deputy Mayor Stracco – nothing to report
- Committeeman Boynton – nothing to report
- Committeeman McPeek – absent
- Committeeman Stock – nothing to report
- Municipal Clerk Zilberfarb – nothing to report

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

- Motion was made by Mr. Stracco for the Clerk to sign the Edmunds agreement for tax system conversion, seconded by Mr. Stock. All were in favor.
- Motion was made by Mr. Stock to appoint Barbara Andreski as the FTVFC secretary at an annual stipend of \$250.00, seconded by Mr. Boynton. All were in favor.
- Mr. Ramos explained the change of contractors for paving Kerrs Corner Road and completing more of Camp Wasigan Road with the extra monies that were saved during the initial paving. Motion was made by Mr. Stracco to authorize Tilcon to proceed with the expenditures set forth and for Mayor to sign, seconded by Mr. Stock. Roll call vote: Mr. Boynton-yes; Mr. McPeek-absent; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes.

#### **DEPARTMENT REPORTS:**

Motion was made by Mr. Stracco for a consent agenda for department reports 1-16, seconded by Mr. Stock. All present were in favor.

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

Motion was made by Mr. Boynton, seconded by Mr. Stock limiting it to 20 minutes to open meeting to the public. All were in favor. Spoke were:

- Alan DeCarolis thanked the Committee for reconsidering the 2 ordinances.
- Debra Natyzak Osadca asked about the bill for fire fighter one and Mr. Ramos explained that it was for the fire department and was paid with the ARP funds.
- Loren Greco asked about something that was posted on facebook a few weeks ago about the old road department and being blamed for equipment and stated that they've been gone for 2 years and asked how things breaking down is the previous road department's fault. Mr. Ramos explained that they did not maintain the equipment correctly, in his opinion, and that the equipment is now being fixed properly. Mr. Greco stated there was never any money to properly fix things. He also asked how many days the backhoe was down after it was sabotaged. Mr. Ramos stated 3 days.
- Jeanette Hammeran asked what was going on with the dpw building. Mr. Ramos explained that it was going to be the fire department and that the dpw garage would now be the Morton building behind the townhall. He also explained that the fire department work is all being paid through the ARP funds. He also explained that they are in the process of obtaining a septic for that building. He explained that for years the dpw has been using a porta john.

- Art Lizza asked who the successful bidder was for the Route 94 property. Mr. Ramos state One Faith Wellness llc.

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

**EXECUTIVE SESSION:**

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

No action was taken

Motion was made by Mr. Boynton to exit out of executive session, seconded by Mr. Stock. All were in favor.

**RETURN TO REGULAR MEETING:**

Mr. Beilin explained that the executive session was for potential litigation and attorney client privilege.

**CORRESPONDENCE:**

- State of New Jersey – NJDOT Safe routes to school request for applications.
- Township of Woodbridge – 2023 Senior Olympics
- New Jersey Transit – Federal Fiscal year 2023 request for Federal Financial Assistance
- Blairstown Hose Company – July monthly
- Hope Township fire Department – July monthly
- Green Township Fire Department – June monthly

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Boynton, seconded by Mr. Stock to adjourn the meeting at 7:42 p.m. All were in favor.

Respectfully submitted,

Donna Zilberfarb, RMC