

**MINUTES OF REGULAR MEETING OF SEPTEMBER 21, 2022**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, September 21, 2022 and was called to order at 6:00 p.m. by Mayor Keith 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 e mailing notice to the New Jersey Herald and The Express-Times.

**ROLL CALL:**

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

**MINUTES:**

- Minutes of August 17, 2022 regular session meeting were approved on a motion by Mr. Boynton, seconded by Mr. Stock. All were in favor. Mr. Boynton abstained.
- Minutes of August 31, 2022 special session meeting were approved on a motion by Mr. McPeek, seconded by Mr. Boynton. All were in favor.

**ACKNOWLEDGEMENT OF DAVID GILL**

Last month, we lost a valued member of our team. On August 22<sup>nd</sup>, our Tax Assessor Mr. David Gill passed away unexpectedly. David was employed by the Township of Frelinghuysen for 33 years. During that time, he worked as a Tax Assessor for several other municipalities. David took his position and career as a Tax Assessor very seriously, as one could attest to with a simple browse of his website; a website that he worked very hard on and was extremely proud of. I for one found myself utilizing the website often, as I am sure many of his other townships did as well. David always tried his best to be fair, open and honest with everyone he dealt with. He could converse with the best of them, and would give you as much information as possible, occasionally more than you needed. At this time, we would like to take a moment to remember Mr. David Gill for all his years of service to our community as well as many others. When someone dedicates this many years in service of anything it is fair to say that they will be missed and remembered.

**RESOLUTIONS:**

**#2022-77 RESOLUTION OF THE MUNICIPALITY OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE APPOINTMENT OF KRISTY LOCKBURNER AS TAX ASSESSOR. WHEREAS**, N.J.S.A. 40A:9-146 requires every Municipality to provide for the appointment of a Tax Assessor; and **WHEREAS**, pursuant to N.J.S.A. 40A:9-148, where a vacancy occurs in the office of an assessor other than at the expiration of a term, the vacancy is filled by appointment for the unexpired portion of the term; and **WHEREAS**, also pursuant to N.J.S.A. 40A:9-148, an assessor holds office for a term of four years from the first day of July next following his or her appointment; and **WHEREAS**, it is the desire of the Mayor and Committee of The Township of Frelinghuysen to appoint Kristy Lockburner as the Tax Assessor, effective September 6, 2022 and running through June 30, 2023, and to a four-year term beginning July 1, 2023 and ending on June 30, 2027; and **WHEREAS**, the Assessor will hold public office hours on the 1st and 3rd Wednesday from 5:30 pm to 7:00 p.m. **NOW THEREFORE BE IT RESOLVED** by the Mayor and Committee of the Township of Frelinghuysen, County of Warren State of New Jersey that Kristy Lockburner is hereby appointed to serve as Tax Assessor, effective September 6, 2022 through June 30, 2023, and thereafter for a four-year term beginning on June 1, 2023 and ending on June 30, 3027. **BE IT FURTHER RESOLVED THAT**, certified copies of said Resolution shall be forwarded to the following:

1. Director, Division of Taxation; 2. Administrator, Board of Taxation; 3. Administrator of the Municipality; 4. Tax Assessor

I, **Donna Zilberfarb**, Municipal Clerk of the Township/Borough of The Township of Frelinghuysen, do hereby certify that the foregoing resolution was duly adopted by the Municipal Township Committee of the Township of Frelinghuysen at a public meeting held on September 21, 2022.

**ROLL CALL:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Boynton		X	X			
Mr. McPeek	X		X			
Mr. Ramos			X			
Mr. Stock			X			
Mr. Stracco			X			

**#2022-78 CHAPTER 159 RESOLUTION INSERTION OF 2022 RECYCLING TONNAGE GRANT**  
**WHEREAS**, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made by law and the amount thereof was not determined at the time of adoption of the budget, and **WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount, **NOW, THEREFORE, BE IT RESOLVED** that the Township of

Frelinghuysen hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$1,461.79; which item is now available as revenue from the State of NJ, Department of Treasury, Solid Waste Administration, pursuant to the provisions of statute, and **BE IT FURTHER RESOLVED** that a like sum of \$1,461.79 be and the same is hereby appropriated under the caption of:

*Public and Private Programs Offset by Revenues Recycling Tonnage Grant*

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Committee of the Township of Frelinghuysen, in the County of Warren, New Jersey, at a meeting held on September 21, 2022

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

#2022-79 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER 2022 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 SEPTEMBER 2022; 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.

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

#2022-80 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with personnel matters. WHEREAS, under the Open Public Meetings Act (number 8 of the permitted exceptions to the requirements that a public body hold its meetings in public) it is permissible that such matters be discussed in executive or private session. NOW, THEREFORE BE IT RESOLVED, on September 21, 2022 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned and results or portions of that discussion will be made known in reasonable length of time.

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

**ORDINANCES:**

**#2022-11 ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS CAMP WEAHQUA ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY** WHEREAS, a portion of a road known as Camp Weahqua Road, in the Township of Frelinghuysen ("Camp Weahqua Road"), 772.30 feet in length, more or less, and beginning at a point at the intersection of a 33 foot wide right of way known as Camp Weahqua Road where it intersects the centerline of a 33 foot wide right of way, being the original alignment of Bear Creek Road, as fully described in the Schedule attached hereto, is no longer needed for any public purpose, and should be vacated, except to retain certain rights of way and access easements as described in the attached Schedule; and WHEREAS, N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19 empower the governing body of a municipality to make, amend, repeal and enforce ordinances to vacate any public street, including the vacation of any portion of any public street. NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, and State of New Jersey, as follows: 1. Subject to the reservations specified in this ordinance, the public rights and interests are hereby vacated with respect to a portion of Camp Weahqua Road, which portion is more specifically set forth in the metes and bounds description which is attached as a Schedule hereto and made a part hereof. 2. All the rights of any and all public utilities, as defined at N.J.S.A. 48:2-13 and cable television companies, as defined at N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated are hereby expressly reserved and excepted from this vacation. 3. All of the rights in certain rights of way and access easements as described in the Schedule attached hereto are expressly reserved and excepted from this vacation in perpetuity. 4. Upon final adoption, a copy of this Ordinance shall be transmitted to the Warren County Clerk for recording as required by law. 5. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable. 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies. 7. This Ordinance shall take effect upon final publication as provided 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 Mayor

and Committee held on August 17, 2022 and will be considered for final reading and adoption at a meeting of the Township Committee to be held on September 21, 2012 at 7:30 p.m. at the Municipal Building, 210 Route 661, 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. McPeek to open for first reading for introduction, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-absent; Mr. McPeek-Yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on September 21, 2022 at 6 pm. Motion was made by Mr. Stracco to open for 2<sup>nd</sup> reading for adoption, seconded by Mr. Boynton. All were in favor. Mr. Ramos asked for the Committee's thoughts on the ordinance. Mr. Stracco felt it is a short road with very few homes for access and then turned it to the dpw. Mr. McPeek discussed his concern of being able to turn around the larger trucks during inclement weather and stated that the dpw has had to back down the road with lack of turn around area. His other concerns were the cost of maintaining during the winter season and estimated \$2,000.00 for that road alone. Mr. Boynton and Mr. Stock agreed with Mr. McPeek's concerns. Mr. Ramos concurred with the same and stated that it would cost about \$14,000.00 to tar and chip that road. Motion was made by Mr. Stock to open to the public, seconded by Mr. Boynton. All were in favor. Public comment: Marie Luciani asked how many times salted and plowed that road? Mario Luciani disagreed with the turnaround. He stated that the town maintains the road but they don't depend on the town as 99% of the road is plowed by the neighbors and asked when the last time the dpw was there and stated the town has never done anything there, drains etc. He also discussed the bus turnaround and that it makes a mess and now they would need to maintain that as well. He also stated that the tar and chip that was completed will not last and then asked if they have to buy a plow etc. will their taxes be lowered? Mr. Ramos explained that this was financially responsible for the town. Bryan James explained that there are 3 families who pay taxes and green acres behind the road and feels it is a bad idea. He stated the map that was sent out was an older map and that there will still be a section that would have to be maintained. Mr. James also asked about property in the back being land locked and that they'd be closing off the Nature Conservancy. He mentioned the hunting club that utilizes the back land. He also asked if they put up a gate if that would help so the trucks could then turn around better/easier. Mr. Beilin has looked into all of these issues and is confident that nothing is illegal. Mr. James also asked about the school bus turnaround. Mr. Ramos explained that would be taken up with the school. Mr. James discussed his understanding of keeping the town financially responsible but explained that this is a community. Mr. Ramos explained that the town doesn't take this lightly and that these are all their own opinions. Mr. Luciani asked about property value and if it would decrease now and if taxes will now go down. Mr. Boynton suggested a site committee as he was concerned with the gate issues. Mr. Ramos stated if consensus to shelf this then he suggested to vote it down. There was no further public comment. Motion was made by Mr. Stracco to close to the public, seconded by Mr. McPeek. All were in favor. Motion was made by Mr. McPeek to approve for adoption, seconded by Mr. Stracco. Roll call: Mr. Boynton-No; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Ordinance is adopted. Ms. Zilberfarb will send documents to the County Clerk for filing.

**#2022-10 ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS KERR ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY**

WHEREAS, a portion of a road known as Kerr Road, in the Township of Frelinghuysen ("Kerr Road"), beginning at a point in the northerly right of way line of New Jersey State Highway Route 94 at its intersection with the southerly terminus of a 33 foot wide right of way known as Kerr Road, as fully described in the Schedule attached hereto, is no longer needed for any public purpose, and should be vacated; and WHEREAS, N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19 empower the governing body of a municipality to make, amend, repeal and enforce ordinances to vacate any public street, including the vacation of any portion of any public street. NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, and State of New Jersey, as follows: 1. The public rights and interests are hereby vacated with respect to a portion of Kerr Road, which portion is more specifically set forth in the metes and bounds description which is attached as a Schedule hereto and made a part hereof. 2. Title to the vacated street shall be apportioned to adjacent property owners, if any, in accordance with law. 3. Pursuant to N.J.S.A. 40:67-1(b), all public easements, rights and interests to the Streets to be Vacated, as more particularly delineated in Exhibit "A" hereto, are hereby vacated, released and extinguished except for said easements and rights specifically set forth herein and except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any Cable Television Company, as defined in the "Cable Television Act," N.J.S.A. 48:5A1, et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated. 4. Upon final adoption, a copy of this Ordinance shall be transmitted to the Warren County Clerk for recording as required by law. 5. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable. 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies. 7. This Ordinance shall take effect upon final publication as provided 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 Mayor and Committee held on August 17, 2022 and will be considered for final reading and adoption at a meeting of the Township Committee to be held on September 21, 2012 at 6:00 p.m. 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 for introduction, seconded by Mr. McPeek. Roll call vote: Mr.

Boynton-absent; Mr. McPeek-Yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on September 21, 2022 at 6 pm. Motion was made by Mr. Boynton to open for 2<sup>nd</sup> reading for adoption, seconded by Mr. Stracco. All were in favor. Mr. Ramos asked the Committee their thoughts on this road vacation. Mr. Stracco explained that his concerns were the large properties on each side and was concerned with the access. Mr. McPeek explained his concerns of the turnaround having safety issues and estimated approximately \$3,000 per year to maintain. He stated it isn't maintained and tears up plows and takes longer to plow. Mr. Boynton explained that he wasn't for it years ago and still not for it. He agreed with Mr. Stracco. Mr. Stock explained that he was up in the air and would like to see a map. Mr. Ramos explained that he felt it is a long driveway and that there is a burden to the township financially and stated if tar and chipped today it would cost \$46,700.00. Motion was made by Mr. Boynton to open to the public, seconded by Mr. McPeek. All were in favor. Public comment: The Attorney from McKirdy, Riskin, Olson and DellaPelle handed the Clerk a letter and asked if this has been addressed at the Land Use Board. Mr. Beilin stated there is no procedural defect. The attorney asked if the bridge that is owned by the county would be able to be maintained by the County if road is vacated and this would be land locking property. He explained that if potential development were to occur this would severely impact that. He also discussed emergency vehicles and having access, and public rights on vacating street. Mr. Ramos asked how emergency vehicles would not be accessible and the attorney stated the county bridge would land lock it. Mr. Stracco explained that the values in property would possibly increase as it would be a private road and the property owners would own the easement. Ian Mount respectfully addressed Mr. Stracco and explained that it would not increase the values. The access for farmland utilizes the county bridge and should not abandoned the road. Mr. Stracco explained that if vacated road, then it goes to centerline to property owned. Mr. Mount explained that 10 years ago this was discussed and was put down. He explained that it is important to him as a farmer to access those fields. The property is actively farmed and trucks have been allowed to turn around in Mr. Kapitko's driveway. It was also discussed that Mr. Mount could put a gate up and then Mr. Kapitko would not have access any longer to his property. Mr. Kapitko explained that after the road was rebuilt, that he signed a document stating the trucks could turn around in his driveway. He explained that when the road was rebuilt that the town paid for no equipment or time as he did the work. There was no further public comment. Motion was made by Mr. Boynton 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. McPeek. Roll Call: Mr. Boynton-no; Mr. McPeek-yes; Mr. Ramos-no; Mr. Stock-no; Mr. Stracco-no. **ORDINANCE DID NOT PASS.**

#### **COMMITTEE REPORTS:**

- Mayor Ramos explained that Planet Networks will be installing internet at no charge at the FFP with their equipment and the town will pay a monthly cost. Altice is working on Kerrs Corner, Ackerson and Meadow Oak and should be completed the second half of month. He explained that when this process started the town had 3% with high speed internet and it now has 67% of the town covered. Mr. Ramos also discussed working with Paul Sterbenz, Colliers Engineering, on the new storm water regulations and looking at the burden for the town to fight this. Mr. Beilin stated that it is discouraging as they haven't thought about the municipalities. He discussed grants and that some could be competitive. The redesignation will be January 1<sup>st</sup> but will be phased in. Mr. Ramos also explained that he would like the Clerk to send letters to all the members on the various boards and ask if they wish to remain on the board. These letters will be sent out prior to next year's re-org meeting.
- Deputy Mayor Stracco explained that the Land Use Board memorialized the Master Plan reexamination and will have a resolution for the next meeting.
- Committeeman Boynton told the committee members that the John Lotz sign was hung at the softball field. He reminded the members that this sign was donated by Ed Wacks.
- Committeeman McPeek let the committee that the concrete floor has been poured and the shed was delivered.
- Committeeman Stock – Nothing to report
- Municipal Clerk Zilberfarb – Nothing to report

Mr. Ramos also let everyone know that at the special meeting on September 29<sup>th</sup> at 5pm the township will be introducing John Shoemaker and presenting him his Chief's hat.

#### **OLD BUSINESS:**

- Right of way – held.

#### **NEW BUSINESS:**

- Land use board appointment – Motion was made by Mr. Stracco to appoint Dan Rogers to the Land Use Board replacing Max Klein with a one year term until 12/31/2022, seconded by Mr. Boynton. All were in favor.
- Resignation, Amanda Schmidt – Motion was made by Mr. Stracco to accept with regrets, seconded by Mr. McPeek. All were in favor.
- Cleaning award – Motion was made by Mr. Boynton to award Bedell Brothers for cleaning the townhall at \$85.00 per week and \$65.00 per month for cleaning of the meeting room and award Ocean County Cleaning Services for cleaning the Rec Center at \$125.00 per month both awards on a month to month basis, seconded by Mr. McPeek. All were in favor. Ms. Zilberfarb will reach to both companies.

**DEPARTMENT REPORTS: \*1-15**

Motion was made by Mr. Stracco for a consent agenda for department reports 1-10, seconded by Mr. McPeek. All were in favor.

**OPEN MEETING TO THE PUBLIC:**

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

- Loren Greco, Greendell Road, asked if Greendell Road would be paved this year. Mr. McPeek stated that it would not, it would be next year.
- Cynthia Mardin, Kerrs Corner Road, explained to the committee that another accident has happened at the intersection of Kerrs Corner Road and Silver Lake Road and asked what is going to be done. She doesn't want a 4 way stop but feels that solar stop signs would be good, and stated that the crashes are disturbing to hear. She explained that the last time she came in front of the committee, she was told to speak with the County (Silver Lake Road is a County road) and she let the committee know that they put up more signage. Mr. Ramos will have Mr. Burns go and look and we will go from there and see if something can be done.
- Marty Connor, Lincoln Laurel Road, had a request for Mr. McPeek and the dpw for about 10 yards of DGA for Robins Trail and asked if they could also run the flail mower down the trail. Mr. McPeek stated that they were working on potholes but will get that taken care of.

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.

No action was taken

Motion was made by Mr. Boynton to exit executive session, seconded by Mr. Stracco.

**RETURN TO REGULAR MEETING:**

Mr. Beilin explained that the executive session was for dealing with personnel matters and were subject to a RICE Notice.

**CORRESPONDENCE**

- State of New Jersey DEP, Flood Damage prevention ordinance
- NJ SADC – Appraisal handbook Update (in clerk's office)
- Warren County Department of Human Services – Notice of public hearing – 2023 casino revenue grant
- Borough of Washington – Resolution in opposition of NJ Division of Alcoholic beverage control's special conditions on limited brewery licenses
- Frelinghuysen Township – donation letter
- Morris County Municipal Joint Insurance Fund – claim # 080542
- ISO – Hope FPSA public protection classification
- The Land Conservancy – municipal PIG Grant FY2024
- Sadie Forbes – letter to the committee
- Blairstown Hose Company – August Report
- Green Township Fire Department – July report

**ADJOURNMENT:**

There being no further business, motion was made by Mr. McPeek, seconded by Mr. Stock to adjourn the meeting at 7:59 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC