

MINUTES OF WORK MEETING OF OCTOBER 13, 2021

The work meeting of the Frelinghuysen Township Committee was held at the Township Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, October 13, 2021 and as called to order at 7:00 p.m. by Mayor, Chris Stracco.

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, Township website and by e mailing notice to the New Jersey Herald and The Express-Times.

FLAG SALUTE

ROLL CALL:

Those present were: Mayor Chris Stracco, Deputy Mayor Keith Ramos, Committeeman David Boynton, Committeeman Frank Desiderio, Committeeman Todd McPeek, CFO Danette Dyer (via phone), Engineer Paul Sterbenz, and Municipal Clerk Donna Zilberfarb.

MINUTES:

1. September 22, 2021 regular session meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. Boynton. All were in favor.
2. September 22, 2021 executive session meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. Boynton. All were in favor.
3. September 28, 2021 special meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. McPeek. All were in favor.

ORDINANCES:

#2021- 14 AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, WARREN COUNTY, NEW JERSEY ESTABLISHING PROCEDURE FOR VERIFICATION OF RESIDENCY OF INCUMBENT AND PROSPECTIVE TOWNSHIP COMMITTEE MEMBERS

WHEREAS, N.J.S.A. 40A:9-1.12 provides that “[n]o person shall be a candidate for, nor hold, any local elective office unless he is a resident of the local unit to which the office pertains;” and **WHEREAS**, in order to assure that any elected official or candidate for elected office is, in fact, a resident of the Township of Frelinghuysen, it is necessary and appropriate to establish procedures to verify residency; and **WHEREAS**, in accordance with the Superior Court of New Jersey’s decision in *Fay v. Medford Township Council*, 423 N.J. Super. 81 (Ch. Div. 2011), residency for these purposes is determined by domicile, which is to say, where that person is determined to reside, i.e., the place where the person has a true, fixed permanent home, and principal establishment, and the place where they reside with their nuclear or extended family, and **WHEREAS**, pursuant to N.J.S.A. 40A:16-3 the office of a member of the governing body of a municipality shall be deemed vacant upon a determination of the other members of the governing body that the mayor or a member of the governing body no longer resides within the corporate limits of the municipality from which they were elected. **NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Committee of the Township of Frelinghuysen, in the County of Warren, State of New Jersey, as follows:

Section I The Frelinghuysen Township Code is amended by adding thereto a new Section 2-10, to read as follows: **SECTION 2-10 VERIFICATION OF RESIDENCY FOR CANDIDATES AND INCUMBENTS** § 2-10.1 Applicability. This section shall apply to all members of the Frelinghuysen Township Committee, and all candidates or prospective appointees for the membership in the Frelinghuysen Township Committee. § 2-10.2. Residency requirements for new candidates. A. In addition to being a registered voter in the Township of Frelinghuysen at the time petitions of nomination are filed as required by New Jersey statute, candidates for membership in the Frelinghuysen Township Committee and prospective appointees must complete the Township of Frelinghuysen Candidate Affidavit Form with all required information, as set forth in this Section 2-10, to verify their residency in the Township of Frelinghuysen. All of the information and requirements set forth in the Township of Frelinghuysen Candidate Affidavit Form must be current and valid as of the date of submission to the Clerk to receive certification to appear on the ballot and through election, or to be appointed, as applicable, and in order to assume office, unless a valid and eligible change of address is submitted to the Clerk. B. To ensure all new candidates and prospective appointees live in the Township and to maintain the integrity of Frelinghuysen Township’s municipal elections, there is hereby created the Township of

Frelinghuysen Candidate Affidavit Form which must be completed by candidates and to which must be attached certain documents as specified below. The sole purpose of the submission is to serve as proof that the candidate lives in the Township. All candidates must submit the Township of Frelinghuysen Candidate Affidavit Form in the form prescribed herein under penalty of perjury, signed by the candidate verifying that the address on the documents is the candidate's primary residence. C. In addition to all other candidate qualifications requirements under New Jersey law, including but not limited to having the candidate's primary residence in the Township of Frelinghuysen, candidates and prospective appointees must provide the following: (1) Personal income tax returns for the last calendar preceding the year of the municipal election for which the candidate or prospective appointee seeks office, which may be redacted provided that information concerning the candidate's residency or address shall not, under any circumstances, be redacted. (2) Bank statements and utility bills, including but not limited to cable, phone, gas and electric, for the twelve (12) months preceding the submission of the affidavit showing the candidate's or prospective appointee's permanent residence, which may be redacted provided that information concerning the candidate's residency or address shall not, under any circumstances, be redacted. If a candidate or prospective appointee does not have bank statements or utility bills for their permanent address to submit, they shall set forth that information on the Township of Frelinghuysen Candidate Affidavit Form. In the event a utility bill has not been generated, a letter from an authorized representative of the utility provider stating that an account has been opened in the candidate's or prospective appointee's name will suffice. If there is an agreement with a landlord or other legal entity, as verified by a rental contract or lease contract, that the landlord or other legal entity will pay the bill and/or the utility bill, the candidate or prospective appointee must submit that information on the Township of Frelinghuysen Candidate Affidavit Form and attach an affidavit signed by the landlord or the other legal entity's authorized legal representative under penalty of perjury, verifying that the landlord or other legal entity is responsible for paying the utility bill; and (3) Recorded deed or rental or lease agreement for the candidate's or prospective appointee's permanent residence. If the candidate or prospective appointee is not living in the permanent residence under a rental or leasehold agreement, they shall set forth that information on the Township of Frelinghuysen Candidate Affidavit Form and attach an affidavit, in a form approved by the Clerk and the Township Attorney, from the homeowner or authorized legal representative of the owner of the property verifying that the candidate or prospective appointee is living at the property as his or her primary residence. (4) If the lease or rental agreement expiration date is prior to the date that on which the candidate or prospective appointee would take office, an updated lease or rental agreement shall be provided before taking office. (5) Proof of motor vehicle registration and insurance shall be provided if any motor vehicles are registered to the candidate or prospective appointee setting forth their permanent residence. In addition, proof of a valid New Jersey driver's license showing their permanent residence on the license must be consistent with the address shown on the nomination papers. If the residence address on either the driver's license or auto registration is in the process of being changed, the candidate or prospective appointee must provide a document from the New Jersey Department of Motor Vehicles (DMV) verifying the change is in process. If a candidate or prospective appointee does not own an automobile and does not have a New Jersey driver's license, the candidate shall that information on the Township of Frelinghuysen Candidate Affidavit Form and submit another State of New Jersey issued identification showing that the address on the identification document is consistent with the address shown. D. The candidate's or prospective appointee's name and address must be consistent with the information in the candidate's nomination or appointment papers. E. The failure to provide any of the above-required documents on or before the closing date to file nomination papers will disqualify a candidate from being certified to appear on the ballot for membership in the Frelinghuysen Township Committee, and will disqualify a prospective appointee from being appointed. F. Willfully submitting false, forged or altered documents or coercing or unduly influencing persons providing affidavit documents will disqualify candidates and prospective appointees, in addition to any other available legal remedy. § 2-10.3. Verifying residency and certification for Township Committee candidates. No earlier than the initial filing date for documents related to a candidate running for membership in the Frelinghuysen Township Committee, and no later than the closing date to file nomination papers, candidates are required to file all of the documents specified in Section 2-10.2 with the Frelinghuysen Municipal Clerk's office for verification. No later than three calendar days from the last day to file petitions of nomination, the Municipal Clerk will review and verify that all required information is correct and meets the requirements of the Uniform Non-Partisan

Election Law and the provisions of this Section 2-10. Prospective appointees for membership in the Frelinghuysen Township Committee shall submit same prior to appointment. The Municipal Clerk will then do one of the following: A. If any deficiencies are discovered in the documents provided or certain documents are missing, the Municipal Clerk's office will provide a letter to the candidate or prospective appointee showing the specific deficiencies or missing documents. The candidate or prospective appointee will have three calendar days from the last day to file petitions of nomination to correct the deficiencies and resubmit the required documents for verification to the Municipal Clerk; or B. If the candidate or prospective appointee either fails to complete verification of all of the requirements of this article within the prescribed time limits, or the resubmitted documents do not meet the requirements of the article, the Municipal Clerk's office will provide a letter to them advising of the failure to meet the requirements of this article and will not certify the candidate to appear on the ballot, or in the case of a prospective appointee, will notice them that they cannot be appointed; or C. If the resubmitted documents meet all the residency requirements of this article, the Municipal Clerk's office will certify that the residency requirements have been met and provide a letter to the candidate prospective appointee advising of same.

§ 2-10.4. Verifying residency for Local Elected Officials. All members of the Frelinghuysen Township Committee are required to reside in the Township of Frelinghuysen during their entire term in office. To ensure such residency, upon a majority vote of the Township Committee, any member of the Township Committee may be required to submit the following documents to the Municipal Clerk during any given year in office: A. In the event that a member of the Township Committee moves to a new residence within, or outside of the Township after the filing of the previous affidavit, the member shall confirm the new district address within 30 days of moving, by providing the documents set forth at Section 2-10.2 to the Municipal Clerk. B. Members who have not relocated since the information required by this article was last provided, may comply with this article by supplying a Township of Frelinghuysen Candidate Affidavit Form indicating that they have not relocated, and all previously supplied information remains true and correct.

§ 2-10.5. Investigation and enforcement. A. Willfully submitting false, forged, altered documents or coercing or unduly influencing persons providing affidavit documents shall disqualify a candidate and constitute a violation of law. Any candidate, prospective appointee or member of the Frelinghuysen Township Committee who fails to meet the requirements of this Section 2-10 shall not be permitted to take or remain in office. B. Any claim that a provision of this Section 2-10 has been violated by a candidate, prospective appointee or member of the Frelinghuysen Township Committee shall be submitted to the Township Attorney. The Township Attorney will review same, and may refer a complaint to the Warren County Prosecutor as appropriate. The Township may hire outside attorneys and/or investigators to investigate residency complaints and if sufficient evidence is found, may submit such information to be used in a determination of whether a candidate or prospective appointee shall be disqualified or a member of the Township Committee shall be removed by virtue of that seat being declared vacant pursuant to N.J.S.A. 40A:16-3.

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.

ATTEST:TOWNSHIP OF FRELINGHUYSEN DONNA ZILBERFARB, Clerk
CHRISTOPHER STRACCO, Mayor **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the work session meeting of the Frelinghuysen Township Committee held on October 13, 2021 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on November 10, 2021 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Boynton to open for first reading for introduction, seconded by Mr. Ramos. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Mcpeek-yes; Mr. Ramos-yes; Mr. Stracco-yes. Second reading for adoption will be on November 10, 2021 at 7:30 pm.

RESOLUTIONS:

2021-75 Cancel taxes uncollectable was held to the October 20, 2021 regular meeting.

COMMITTEE REPORTS:

- Mayor Chris Stracco – nothing to report

- Deputy Mayor Ramos – nothing to report
- Committeeman David Boynton let the committee know that he is working on painting the oil tank and cleaning up around the town hall.
- Committeeman Frank Desiderio discussed Hess Road and let the committee know that they built a parking area and that he also spoke with the homeowner, she showed videos of other cars that weren't hers parked on the road and asked if the road will now be repaired.
- Committeeman Todd McPeck - nothing to report
- Municipal Clerk Donna Zilberfarb – Nothing to report
- Engineer Paul Sterbenz reported that he has had 6 discussions with South State regarding paving project for Greendell Road and has been trying to get resolved. No payment of \$80,000 has been made to them. He stated he could go to Randolph and complain via the Morris county coop. Mr. Sterbenz also discussed the Denville line painting invoice and recommended payment. All information and invoice was sent to Ms. Dyer and Ms. Zilberfarb for the bills list for October 22, 2021. The payment that was held last month was released to Colliers and handed to Mr. Sterbenz. Mr. Sterbenz discussed the salt shed and that it is starting to be framed out. He is working with contractor to get the underground completed so the paving can be done prior to end of October. Mr. Sterbenz let the committee know that the NJDOT applications should be completed and will hear something by Thanksgiving. He will also get the information to Ms. Dyer for Camp Wasigan Road for the bond Ordinance prep.

OLD BUSINESS:

- Collier Engineering payment was discussed during Mr. Sterbenz' report.
- Salt shed update was discussed during Mr. Sterbenz' report.
- Stand pipe on Ramsey Road – no change
- Hess Road was discussed during Mr. Desiderio's committee report.

NEW BUSINESS:

- Rina Chughatta presented to the committee members her silver award project she would like to do at the townhall. She explained the lending library and how books would be collected, how the actual lending library would look and described the materials and how it would be built and placed. After the discussion, Mayor Stracco asked that the committee think this over and come back at the next meeting to give thoughts/concerns. Mr. Desiderio did suggest plexiglass for the door rather than glass. Mr. Ramos asked about ongoing maintenance and who would take care of that and recommended no box for overflow of books. He asked to see some more preliminary drawings. This will be discussed further.
- Shannon Drylie, Allamuchy Road, asked the committee if they would approve putting a permanent digital speed sign on Route 612 near South Street. She explained the speeding issues and the new bus stop. There were about 7 near misses at the bus stop. The county said they needed to have approval from the township for this. She was asking for the Frelinghuysen side and will be going to Allamuchy for one on that side of the road as well. Ms. Zilberfarb will reach out to the county engineer.
- Ms. Drylie also inquired about cable/internet by her. Altice says they do not do where she lives and asked if there was anything that could be done. Mr. Ramos asked her to email her details.
- Mr. Brennan, Bear Creek Road, wanted to share his observations on the increased number of large trucks, which are sizable box trucks to tractor trailers utilizing as a cut through on Bear Creek Road. He explained that there was a new nursery that opened in Great Meadows area. His concern is that with all the houses selling and new children and younger families moving in that there are more children at play and concerned for safety.
- Mr. Ramos also explained that he has identified other areas in the town with speed issues and said it would be hard to mitigate no tractor trailers and limiting size and weight on Bear Creek Road. The main issue is enforcement. Mr. Ramos discussed speeds on Bear Creek Road, Saddle Ridge Road, Lackawanna and Route 519 and Route 612 stretch. The intersection at the park (Route 519/Main Street) and the intersection at Route 612/Route 519 need something and suggested rumble strips or speed bumps, new ways to reduce the speed. Mr. Ramos would also like a cross walk from Lackawanna to the park. He explained he discussed with Mr. Sterbenz and he is looking into all of these

issues. Mr. Sterbenz will get together with the county to discuss speed limit and will look into more signage at those approaches. He also discussed speed bumps on Saddle Ridge and could have 2-3 within that development.

- Mr. Ramos discussed making the zoning officer permanent rather than acting. Motion was made by Mr. Ramos to appoint Andrew Melendez effective October 13, 2021 as the zoning officer at \$40.00 per hour, seconded by Mr. Boynton. All were in favor.

OPEN MEETING TO THE PUBLIC:

Motion was made by Mr. Boynton, seconded by Mr. Ramos to open meeting to the public limited to 20 minutes with 3 minutes per member of the public. All were in favor.

Spoke were:

- Loren Greco, Greendell Road, inquired how much the new dpw workers are being paid, how they were found so quickly and if they are related to anyone. Mr. Ramos explained that the Foreman is at \$30.00 per hour and the Laborer is at \$20.00 per hour. The Foreman had applied prior and he brought the laborer to our attention. Mr. Ramos also stated that no they were not related to anyone.
- Alan DeCarolis, Heller Road, discussed the speed limits on the road and said the county won't change them as the committee had tried previous. Mr. Ramos explained that the needs of the town are changing. Mr. DeCarolis also mentioned the speed bumps in Allamuchy that were challenged and suggested someone check into.
- Shannon Drylie, Allamuchy Road, added that about 15 years ago the state police came to a meeting for speed and suggested having a meeting again with state police and the residents also to discuss the areas.
- Alan DeCarolis also asked why propose to vacate Hess Road. Mr. Stracco explained the issues with parking and hazards on that road. The parking has been resolved at this time. Mr. DeCarolis also discussed the homeowner breeding dogs and will have the clerk print a report of all licensed dogs and will look into further and file a formal complaint with the zoning officer if needed.

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

EXECUTIVE SESSION:

No executive session

ADJOURNMENT:

There being no further business, motion was made by Mr. Boynton, seconded by Mr. Ramos to adjourn the meeting at 8:04 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC