

MINUTES OF REGULAR MEETING OF OCTOBER 17, 2018

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, October 17, 2018 and as called to order at 7:30 p.m. by Mayor, Frank Desiderio.

SUNSHINE LAW STATEMENT:

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

ROLL CALL:

Those present were: Mayor Frank Desiderio, Deputy Mayor Chris Stracco, Committeeman Charles Marra, Committeeman Christopher Kuhn, Attorney Edward Wacks, and Municipal Clerk Donna Zilberfarb.

MINUTES:

- 1. September 19, 2018 Work session meeting minutes were approved on a motion by Mr. Stracco, seconded by Mr. Marra. All were in favor. Mr. Kuhn abstained.

ORDINANCES:

2018-16 ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRELINGHUYSEN CONCERNING COMMUNICATIONS FACILITIES AS A CONDITIONAL USE, IN ORDER TO ADDRESS COLLOCATION OF COMMUNICATION EQUIPMENT ON EXISTING TOWERS

WHEREAS, the Frelinghuysen Township Mayor and Committee have reviewed 601(M) of the Code of the Township of Frelinghuysen, pertaining to communications facilities as a conditional use," and has determined this section must be revised in order to comply with recent law and regulations; and WHEREAS, on October 21, 2014, the Federal Communications Commission issued a Report and Order which sweepingly overrides and preempts State and local land use law with respect to wireless collocation applications; and WHEREAS, under §6409(a) of the Spectrum Act, federal law provides that governments may not deny, and shall approve, eligible facilities' request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. §6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L. 112-96, §6409 (2012); and WHEREAS, a local government may continue to enforce and condition approval on compliance with general applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety and allows municipalities to have discretion over a modification application if it: entails any excavation or deployment outside the current site of the tower or base station; would defeat the existing concealment elements of the structure; or does not comply with conditions associated with the prior approval of the structure, subject to certain exceptions such as non-substantial increase in height; and.

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-46.2, holds that an application for development to collocate wireless communications equipment (including, but not limited to, equipment shelters and emergency generators) on a wireless communications support structure or in an existing equipment compound shall not be subject to site plan review, subject to certain requirements: the wireless communications structures was previously granted all necessary approvals; the proposed collocation shall not increase the overall height of the wireless communications support structure by more than ten (10) percent of the original height, the width of the wireless communications support structure, or the square footage of the existing equipment compound to an area greater than 2,500 square feet; and the proposed collocation complies with the final approval of the wireless communications support structure and all conditions attached thereto and does not create a condition for which a variance would be required. NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen as follows: Section I Section 601(M) of the Frelinghuysen Township Land Development Ordinance is amended by adding thereto new subsections 4 through 8, to read as follows: 4. Collocation and New Facilities.

(a) Purpose and Substantial Change. It is the purpose of these subsection provisions to provide specific conditions and standards for the location, collocation and operation of cellular antennas and cellular towers within the Township of Frelinghuysen. These subsection provisions recognize that there may be benefits to the construction and operation of cellular antennas and cellular towers and that state and/or federal laws and/or regulations specifically

regulate aspects of such operation. These article provisions also acknowledge the need to safeguard the public good and preserve the intent and purposes of the Frelinghuysen Township zoning plan. These subsection provisions enable the location and collocation of cellular antennas and cellular towers within the Township of Frelinghuysen in order to provide the fullest extent of communications services while simultaneously limiting the number of cellular towers to the fewest possible. These provisions further seek to preserve the rural, agricultural character of the Township of Frelinghuysen and to protect its historical resources.

(b) This subsection also sets forth requirements for Eligible Facilities Requests, for modifications to existing Wireless towers or base stations that do not constitute a substantial change.

(c) The definitions set forth in 47 U.S.C. 1455 are incorporated herein, as may be amended, including the following definition of "substantial change", per 47 CFR 1.4000l(c):

Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height must be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height must be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. 47 CFR §1.4000l(b)(7)(i)(A);
- ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the eligible support structure; or
- vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (i)-(iv) of this section.

5. Certain Communications Facilities as Permitted Use.

a. The uses listed in this section are deemed to be permitted uses and shall not require a conditional use permit or variance application, notwithstanding any other provision of the chapter. Jurisdiction shall rest with the Land Use Board of the Township of Frelinghuysen.

b. Permitted uses. The following uses are specifically permitted: Antennas in any zone on property owned by the Township of Frelinghuysen upon which is located an existing wireless communication facility or an existing electric transmission tower.

c. The Land Use Board may waive the submission requirements of §601(M)(3) for any permitted use.

6. Application procedure.

a. Collocation on an Existing Structure; Eligible Facilities Request.

i. Application. Frelinghuysen Township shall prepare and make publicly available an application form which shall contain the information necessary for Frelinghuysen Township to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

ii. Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Land Use Board Engineer shall review such application to determine whether the application so qualifies.

iii. Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, Frelinghuysen Township shall approve the application unless it determines that the application is not covered by this Chapter.

iv. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by Frelinghuysen Township and the applicant, or in cases where the Land Use Board Engineer determines that the application is incomplete.

(A) To toll the timeframe for incompleteness, the Land Use Board Engineer must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

(B) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Land Use Board Engineer's notice of incompleteness.

(C) Following a supplemental submission, the Land Use Board Engineer will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (7) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

v. If the Land Use Board Engineer determines that the applicant's request for collocation is a substantial change to collocation on an existing structure as defined in this Ordinance, the presumptively reasonable timeframe, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the Land Use Board Engineer's decision that the application is not a covered request. To the extent such information is necessary the Land Use Board Engineer may request additional information from the applicant to evaluate the application. When the Land Use Board Engineer determines that such an application constitutes a substantial change, §B below must be complied with.

vi. Failure to Act. In the event the Land Use Board Engineer fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies Frelinghuysen Township in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

vii. Remedies. Applicants and the Land Use Board Engineer may bring claims related to this section to any court of competent jurisdiction.

b. New Wireless Facility and Substantial Change to Collocation on an Existing Structure.

i. All cellular antenna applications in zones in which cellular antennas are a conditional use shall be submitted to the Land Use Board of Frelinghuysen Township. All cellular antenna applications in zones where cellular antennas are prohibited uses shall be submitted to the Frelinghuysen Township Land Use Board for a use variance.

ii. The Land Use Board reserves the right to engage, at the applicant's expense, a radio frequency engineer to review the documentation submitted by the applicant in its comprehensive plan and to testify as to the engineer's findings.

iii. The applicant shall, as part of its application, prepare and submit a comprehensive plan. Each comprehensive plan shall be presented in single, bound volumes. The comprehensive plan does not supplant or supersede any other site plan submission requirements. The comprehensive plan shall contain, at a minimum, a complete presentation on each of the following topics:

(A) Existing service. The applicant shall address whether its subscribers can receive adequate service from cellular antennas located outside of the borders of Frelinghuysen Township.

(B) Existing antenna locations. The applicant shall graphically depict the location of existing cellular antennas in Frelinghuysen Township and explain how the proposed cellular antenna interacts with the existing cellular antennas.

(C) Collocation. The applicant shall demonstrate all existing structures that are available for location of the proposed cellular antennas. In the event that the application does not utilize any existing structure and instead proposed the construction of a new cellular tower, the applicant shall demonstrate either that it is impossible to obtain similar proposed signal coverage by collocating the cellular antennas on existing structures or that no such structures are available.

(D). Frelinghuysen Township coverage. The applicant shall set forth its strategy for providing the fullest possible signal coverage within the borders of Frelinghuysen Township. The applicant shall additionally demonstrate how the proposed cellular antennas advance its strategy for fullest possible signal coverage within the borders of Frelinghuysen Township.

(E) Emissions standards. The applicant shall set forth the applicable emission standards set by the Federal Communications Commission and all other applicable technical requirements of other federal and/or state governmental agencies with appropriate jurisdiction. The applicant shall demonstrate that the proposed cellular antennas meet all such technical emission standards.

(F) Actual emissions. The applicant shall submit a full report of aggregate emissions of its own cellular antennas and of all other cellular antennas located on the same structure once the proposed cellular antennas are in operation.

(G). Municipal property preference. The applicant shall demonstrate whether the proposed cellular antennas can be located on municipally owned property.

(H).Architectural harmony. The applicant shall demonstrate how its proposed cellular antennas and/or cellular towers are designed to blend in with their surroundings and be as visually unintrusive and as inconspicuous as possible.

(I) Written notice to other service providers. The applicant shall supply copies of correspondence to all other owners and/or operators and/or providers of cellular antennas, wireless communication services and/or cellular towers regarding inquiry as to availability of existing cellular tower space and whether the construction of an additional cellular tower is required.

(J) Appearance. The applicant shall demonstrate how the proposed location of the cellular tower attempts to minimize the visual prominence and solitary appearance of the cellular tower when viewed from either residential areas or from the public right-of-way.

(K) Cellular tower design. The applicant shall demonstrate that the proposed cellular tower design is the safest and least visually intrusive design and the design most accommodating for collocation of other cellular antennas. If a monopole design is not submitted, the applicant shall demonstrate why the submitted design is superior to a monopole design.

iv. The maximum height of any towers within the township is 199 feet.

c. All applications for cellular towers, including collocation or new towers, shall comply with any and all general applicable building, structural, electrical, and safety codes, as well as any others deemed by the Township to be related to health and safety. Further, all such applications shall also comply with the requirements of any Historic Preservation District as applicable, and any concerns or comments made by the Historic Preservation Committee.

d. Failure of the applicant to submit a completed comprehensive plan according to the specifications set forth above shall render an application incomplete and thereby prevent hearing of the application by the appropriate board.

e. All applicants shall appropriately conceal the cell tower antennae and related structures.

7. Restoration and removal of cellular antennas and cellular towers.

- a. The applicant shall post a performance bond for the demolition, dismantling and removal of any cellular antenna and/or cellular tower.
- b. Every cellular antenna and cellular tower shall be demolished, removed and dismantled promptly after 180 continuous days of nonuse.
- c. The applicant and/or operator of the cellular antenna shall provide the Township with a copy of any notice or letter of intent to cease operations in the event that such a notice or letter is sent by the applicant and/or owner to the FCC.

8. Eligible Facilities Request Application and Fee. An Eligible Facilities Request Application shall include but is not limited to the following:

- a. Address of the Wireless Tower.
- b. The height (measured in feet above ground level) of the existing Tower as originally approved, including any modifications approved prior to February 22, 2012.
- c. What is the height (measured in feet above ground level) at which the modifications to the Transmission Equipment will occur on the Tower?
- d. What will the height (measured in feet above ground level) of the existing Tower after the modifications to the Transmission Equipment are installed?
- e. Effect of modifications of Transmission Equipment on Tower height:
 - i. Will the modifications in Transmission Equipment (addition, removal or replacement of Transmission Equipment) result in increasing the height above ground level of the existing Tower?
 - ii. Will the modifications in Transmission Equipment result in increasing the height above ground level of the existing Tower by more than: (A) 10% of the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012; or (B) twenty feet above the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012, whichever height increase is greater?
- f. Will the modifications in Transmission Equipment (measured at the height above ground level where the Transmission Equipment will be attached to the tower) result in any Transmission Equipment protruding horizontally from the edge of tower by more than twenty (20) feet or by more than the existing width of the tower at that height, whichever of these dimensions is greater?
- g. Will the proposed changes in Transmission Equipment involve excavation or placement of new equipment outside the existing Tower site or outside any access or utility easements currently related to the site?
- h. Will the proposed modification in Transmission Equipment involve installation of more than the standard number of new equipment cabinets for the technology involved, but no to exceed four?
- i. Will the proposed modification in Transmission Equipment defeat the existing concealment elements of the Tower?
- j. Prior Conditions of Approval.
 - i. Will the proposed modification in Transmission Equipment comply with conditions of approval imposed on the Tower prior to February 22, 2012?
 - ii. If the answer to (j)(i) is "No," is the non-compliance due solely to any of the conditions addressed in questions (e) through (h) above?
- k. List of all equipment to be collocated or added to the Tower or ground equipment.
- l. Applicant's Certification that they have the legal authority to collocate/modify support structure which may include approvals from the jurisdiction authorizing the initial placement of transmission equipment on the tower or other structure.
- m. The identity of the owner of the parcel and the owner of the existing tower(s), and proof that the owner of the parcel and tower have authorize the applicant to collocate on the tower.
- n. Detailed site plan. Except where the facility will be located entirely within an existing structure or an existing building, a detailed site plan shall show:
 - i. Existing and proposed improvements. The location and dimensions of the existing facility and the maximum height above ground of the facility (also identified in height above sea level).
 - ii. Elevation. The benchmarks and datum used for elevations.
 - iii. Design. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of applicant's existing and proposed antennas and other equipment. The method(s)

by which the antennas will be attached to the mounting structure shall be depicted.

iv. Setbacks. All existing setbacks.

v. Location of access ways. The location of all existing access ways and the location and design of all proposed access ways.

o. Application Fee. All applicants shall pay an application fee of \$500.00 at the time that the application is filed.

Section II 1. Upon introduction of this Ordinance it shall be referred to the Township of Frelinghuysen Land Use Board for review pursuant to N.J.S.A. 40:55D-64 prior to final adoption by the Frelinghuysen Township Committee.

2. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

3. This ordinance shall take effect upon final adoption, publication and the filing of a copy of said ordinance with the Warren County Planning Board, all in accordance with the law, and applies to any new or pending application and to any matter on appeal to any municipal agency or to any Court.

4. The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Warren County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and to file a copy of the ordinance as finally adopted with the Warren County Planning Board, as required by N.J.S. 40:55D-16. **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 October 17, 2018 2018 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 19, 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, seconded by Mr. Marra. Roll call vote: Mr. Boynton-absent; Mr. Desiderio-yes; Mr. Kuhn-Yes; Mr. Marra-yes; Mrs. Stracco-yes. Second reading for adoption will be held on December 19, 2018.

2018-17 ORDINANCE TO AMEND CHAPTER 21 OF THE CODE, ENTITLED "MUNICIPAL STORM WATER CONTROL ORDINANCE", SECTION 804 OF THE LAND DEVELOPMENT ORDINANCE ENTITLED "SUBMISSION OF PRELIMINARY MAJOR SUBDIVISION PLATS AND PRELIMINARY MAJOR SITE PLANS", AND THE VARIOUS APPLICATION CHECKLISTS IN SECTION 800 OF THE LAND DEVELOPMENT ORDINANCE TO ADDRESS NEW REQUIREMENTS IN THE TOWNSHIP'S TIER 'B' MUNICIPAL STORMWATER GENERAL PERMIT WHEREAS, the Township of Frelinghuysen has authorization to discharge stormwater in accordance with a Tier 'B' Municipal Stormwater Permit that was issued by the New Jersey Department of Environmental Protection ("NJDEP") on December 8, 2017; and **WHEREAS**, the permit issued by the NJDEP on December 8, 2017 became effective on January 1, 2018; and **WHEREAS**, the permit issued by the NJDEP on December 8, 2017 has a five (5) year term and shall expire on December 31, 2022; and **WHEREAS**, the permit that became effective on January 1, 2018 replaced a permit that became effective on January 1, 2009; and **WHEREAS**, the permit that became effective on January 1, 2018 contained several new requirements; and **WHEREAS**, several of the new requirements require changes to the Code of the Township to revise certain documents to be submitted either as part of a subdivision plan or site plan submission or in accordance with an approved or recorded maintenance plan; **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 CODE OF THE TOWNSHIP OF FRELINGHUYSEN IS AMENDED AS FOLLOWS:** Section One - Section 21-10b of the Municipal Storm Water Control Ordinance entitled "General Maintenance" shall be amended to read as follows: b. General Maintenance.

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. Maintenance plans.

a. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New

Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

- b. Stormwater facilities shall be constantly maintained by the owner or association to assure continual functioning of the system at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. Maintenance responsibilities, inspection schedules and tasks will be clearly shown in the proposed plan. In no case shall water be allowed to remain in any facility long enough to trigger a mosquito breeding disease or cause any other type of health problem. The maintenance plan must include inspection routines to reduce the potential for extensive, difficult, and costly remedial or emergency maintenance efforts, including inspection checklists. Inspection checklists may address such items as:
 - (1) Obstruction of inlet or outlet devices by trash and debris;
 - (2) Evidence of erosion, sedimentation or instability;
 - (3) Malfunctioning of valves, gates, locks, access hatches or equipment;
 - (4) Deteriorated conduit outlet or seepage around outlet;
 - (5) Cracks or other deterioration of inlets, outlets, pipes, and conduits;
 - (6) Inadequate draining, clearing or clogging of control devices;
 - (7) Trimming, cutting or mowing of vegetation as required;
 - (8) Erosion and debris in emergency spillways and/or filter strips;
 - (9) Deterioration of downstream channels/conduits;
 - (10) Invasive or noxious weeds out of character with those specified;
 - (11) Saturated conditions or standing water;
 - (12) Animal burrowing; and
 - (13) Vandalism or other non-specified occurrences.
3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
4. If the person responsible for maintenance identified under Subsection 2(a) above is not a public agency, the maintenance plan and any future revisions based on Subsection 7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
6. The person responsible for maintenance identified under Subsection 2(a) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
7. The person responsible for maintenance identified under Subsection 2(a) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
8. The person responsible for maintenance identified under Subsection 2(a) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsections 6 and 7 above. Beginning on January 31, 2019, persons responsible for maintenance under Subsection 2(a) above shall make annual submissions to the municipality, by January 31st, containing excerpts of the detailed log of all preventative and corrective maintenance that was performed for the calendar year that just ended for all structural stormwater measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance related work orders.
9. The requirements of Subsections 3 and 4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency. Where the ordinance requires the facility to be dedicated to the municipality, certain aspects of the maintenance and repair plan may be deleted, but otherwise should require the posting of a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Guidelines for developing a maintenance and inspection program are provided in the New Jersey Stormwater Best Management Practices Manual and the NJDEP Ocean County

Demonstration Study, Stormwater Management Facilities Maintenance Manual, dated June 1989, available from the NJDEP, Watershed Management Program.

10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- Section Two - Section 804 of the Land Development Ordinance entitled "Submission of Preliminary Major Subdivision Plats and Preliminary Major Site Plans" shall be revised to add Subparagraph e to Section 190-804B(23) that shall read as follows: e. Completed "Major Development Stormwater Summary Form" that is contained within Attachment D in the Township's Tier 'B' Municipal Stormwater General Permit for each stormwater management basin that is proposed on the project.
- Section Three - All checklists referenced in Section 801A of the Land Development Ordinance entitled "Checklists for Land Use Applications" and found at the end of Section 800 shall be amended to include a checklist item indicating that the "Major Development Stormwater Summary Sheet" referenced in Section Two shall be submitted when a stormwater management basin is proposed on a project.
- Section Four- If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.
- Section Five - This ordinance shall take effect upon the publication of notice of final adoption as provided by law.
- NOTICE Notice is hereby given that the aforesaid ordinance was introduced at a regular meeting of the Township Committee of the Township of Frelinghuysen, New Jersey, held on October 17, 2018 and that at a regular meeting of the same to be held on November 7, 2018 at the Municipal Building, 210 Main Street, Frelinghuysen, New Jersey, at the hour of 7:30 p.m., the said Township Committee will consider the final passage of said ordinance. Motion was made by Mr. Kuhn to open for first reading, seconded by Mr. Marra. Roll call vote: Mr. Boynton-absent; Mr. Desiderio-yes; Mr. Kuhn-yes; Mr. Marra-yes; Mr. Stracco-yes. Second reading for final adoption will be held on November 7, 2018.

RESOLUTIONS:

#2018-75 RESOLUTION APPROVING THE ISSUANCE OF RAFFLE LICENSES FOR FRELINGHUYSEN TOWNSHIP SCHOOL PTO WHEREAS, the Frelinghuysen Township school PTO has applied for a raffle license to conduct an on premises 50/50 consisting of application #2018-09; and WHEREAS, the Findings and Determination by the Municipal Clerk has determined that the organization is qualified to conduct such raffle. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Frelinghuysen Township School PTO raffle application #2018-09 is hereby approved.

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

#2018-76 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 Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees and a section 1239 clearance has been approved 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 17th day of October 2018 that the renewal of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution license 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 October 17, 2018.

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

Mr. Marra		X	X			
Mr. Stracco	X		X			

#2018-77 WHEREAS, there is a 2018 Current Fund Budget Revenue entitled Clean Communities Grant and an offsetting 2018 Current Fund Budget Appropriation in the amount of \$9,664.00, and WHEREAS, the actual amount received for this grant revenue is \$9,239.72, and it is necessary to formally cancel the remaining receivable balances and remaining appropriation balances to cancel the uncollected deficit, NOW, THEREFORE BE IT RESOLVED, that the following current fund Balance Sheet line items be cancelled;

Revenue:Federal and State Grants Receivable
 Clean Communities Grant \$424.28
 Appropriation:Federal and State Grants Appropriation
 Clean Communities Grant \$424.28

CERTIFICATION I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen, at a meeting held October 17, 2018

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

#2018-78 RESOLUTION TO APPOINT DPW Laborer – Full Time WHEREAS, a vacancy exists in the position of DPW Laborer; and WHEREAS, Edmund Rosenbergh has the qualifications to service as the DPW Laborer, full time (40 hours per week). NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Edmund Rosenbergh is hereby appointed as the DPW Laborer with an anticipated start date of November 1, 2018; and BE IT FURTHER RESOLVED, that subject to proper and valid appropriation of the funds for same, Edmund Rosenbergh shall be paid the rate of \$18.00 per hour. This Resolution shall take effect according to law. CERTIFICATION I, Donna Zilberfarb, Municipal Clerk of Frelinghuysen Township, Warren County do hereby certify that the foregoing resolution was duly adopted by the Mayor and Committee at the October 17, 2018 meeting.

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

#2018-79 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF OCTOBER 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 OCTOBER 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
Mr. Desiderio			X			
Mr. Kuhn	X		X			
Mr. Marra		X	X			
Mr. Stracco			X			

#2018-80 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with potential litigation. WHEREAS, under the Open Public Meetings Act (number 7 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 October 17, 2018 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. Desiderio			X			
Mr. Kuhn	X		X			
Mr. Marra			X			
Mr. Stracco		X	X			

OLD BUSINESS:

Mr. Stracco explained that pentedata can not do the mini cells with 5G broadband. There are two options with Service Electric Cable to bring high speed internet to Frelinghuysen. The Mayor has discussed with Hope and Knowlton and they are in agreement to go with a franchise. The other option is to do our own franchise. Mr. Stracco and Mr. Desiderio will update when more information comes.

Mr. Desiderio let the committee know that no one came to bid on the property on Route 94 and that he would like to have Max Spann do this sale. Motion was made by Mr. Kuhn to get a proposal from Max Spann and similar auctioneers, seconded by Mr. Marra. All were in favor.

Ms. Zilberfarb attended the coordinators meeting on the 10th and will hopefully have a coordinator for the November 7th meeting to appoint.

No one showed up for the street light at Route 94 and Lincoln Laurel road. After discussion, a motion was made by Mr. Kuhn to have Maser Consulting research the need for and placement of a street light at Route 94 and Lincoln Laurel road, seconded by Mr. Marra. All were in favor.

NEW BUSINESS:

Trooper Wolcott of the State Police, Hope Barracks, came and updated the committee on incidents in town and in surrounding towns. The car break ins that happened on Saddle Ridge Road has no suspects, but they are looking for a green suburu wagon vehicle.

He discussed the 2 breakins in Knowlton and said they are not related. The Mayor asked if the car had been cleared at Saddle Ridge and Allamuchy road. Trooper Wolcott stated not as of today it had not been cleared.

Mr. Greco, in the public, asked how far a home owner can go if someone breaks into your home. The Trooper told him that was a legal question. He did say that putting deer cameras by your cars outside will work to see if anyone is breaking into them.

Patricia and Richard Tillney came to the committee regarding refunding taxes for a veteran exemption on their property. After discussion, a motion was made by Mr. Kuhn to have legal counsel draft a Resolution to cancel taxes and to exempt property to date forward and refund in the amount of \$208.11, seconded by Mr. Marra. All were in favor. Mr. Desiderio personally apologized for any issues they may have had with the assessor.

Ms. Zilberfarb explained that the neighbors next to the town hall, would like to trim the tree in the front parking lot that is next to their house. An estimate was given and the cost was \$319.88, which the homeowner will pay. After discussion it was determined that as long as the company removing the branches has insurance and they are paying for the work, then it can be done. Advanced Tree Care is who they will be using. Ms. Zilberfarb will speak with the owners.

Mr. Desiderio explained that the recreation committee would like to obtain a bear proof dumpster for the FFP lodge. After discussion, a motion was made by Mr. Kuhn to allow recreation to obtain a 1 yard bear proof container, seconded by Mr. Stracco. All were in favor. Ms. Zilberfarb asked is she can then decrease the size of the container at the town garage as it was increased for the trash from the ffp. It was determined to decrease the container at the town garage.

A letter from the recreation committee regarding different issues at recreation were discussed including garbage cans being emptied, fields maintained, equipment maintained, dogs at the fields, salt shed, playground area maintained, benches in the pavilion and area behind the storage trailer. After discussion it was determined that a part time person would be hired to maintain the mowing of the fields, the old steps behind the storage container will be removed, the benches will be looked at and fixed or removed. Mr. Desiderio has wireless cameras that could be put up around the snack shed and more no dog signs will be purchased. A motion

was made by Mr. Kuhn to order 4 more no dog signs, including the ordinance number and fine on them, seconded by Mr. Stracco. All were in favor.

The environmental and Historic committees have recommended that with the failure of attending 3 consecutive meetings, that Chris Kuhn be removed from those boards. Mr. Kuhn will hand in a resignation letter and apologized for not making those meetings.

OPEN MEETING TO THE PUBLIC:

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

Wendy Goetz asked why Mr. Kuhn had to resign after missing 3 meetings when more members don't attend? Mr. Desiderio explained that you must attend 3 consecutive meetings. She also asked when they get a container at the recreation center will it be emptied. Mr. Desiderio explained yes it will be emptied and it will be bear proof, so there should be no problems with trash all over the lawn.

Ms. Goetz also asked the committee to consider a resolution banning legal chemicals for use on residential properties. After discussion, it was determined for Ms. Goetz to bring to the Environmental Commission and let them bring to the township committee.

Marty Connor mentioned that the lights were out in the tunnel again. He also asked about the IDT contract. Mr. Desiderio explained that the current contract expires at the end of the month and the new one will start back up in March.

Todd McPeek discussed a new cooler for the rec center. After discussion a motion was made by Mr. Kuhn to authorize Mr. Desiderio and Mr. McPeek to look at the new cooler and bring back to the November 7th meeting the cost, seconded by Mr. Marra. All were in favor.

Mr. Desiderio discussed shared services with Animal Control and explained that he would like to get Scott Hendricks involved in helping build a plan for these services. After discussion, a motion was made by Mr. Kuhn for a sub committee with Scott Hendricks and Mr. Desiderio, seconded by Mr. Stracco. All were in favor.

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

EXECUTIVE SESSION:

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

No action was taken.

Motion was made to exit executive session by Mr. Stracco, seconded by Mr. Marra. All were in favor.

BACK TO REGULAR MEETING:

Mr. Wacks explained the executive session was for ongoing and potential litigation. The minutes will be made available at the time that the issue has been satisfactorily addressed.

DEPARTMENT REPORTS:

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

DPW – Ms. Zilberfarb explained to the committee that the spreader and the pickup truck did not meet the minimum bid requirements but that we could still offer to the highest bidder. After discussion, a motion was made by Mr. Desiderio to sell the spreader to the highest bidder and put the pickup truck back on municipal bid with a minimum price of \$3,500.00, seconded by Mr. Marra.

Land Manager – no report given

Legal Report – Discussed throughout meeting.

Recreation Committee – Nothing to report

Environmental Commission – Discussed the roundup that Ms. Goetz spoke of during public session.

Farmland Preservation/Open Space Committee – Sandy Urgo gave updates.

Historic Committee – Nothing to report

Mayor report – Nothing to report

Deputy Mayor report – Nothing to report.

Committeeman Boynton – Nothing to report

Committeeman Kuhn – Nothing to report

Committeeman Marra – Nothing to report

Clerk report – Ms. Zilberfarb reminded the committee that the meetings for November are November 7th at 7:30 pm for the regular meeting and November 19th at 7 pm for the payment of vouchers. The change was made due to the League of Municipalities.

Ms. Zilberfarb asked the committee what could be done to get escrows on 2 accounts for the land use board. Ms. Kleber has tried and there are 2 bills that need to be paid, one of which is from 2017. Mr. Stracco said to send to the chairman of the land use board.

ADJOURNMENT:

There being no further business, motion was made by Mr. Kuhn, seconded by Mr. Stracco to adjourn the meeting at 10:07 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC