

MINUTES OF REGULAR MEETING OF NOVEMBER 7, 2018

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, November 7, 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, Committeeman Charles Marra, Committeeman David Boynton, Attorney Rich Beilin, and Municipal Clerk Donna Zilberfarb.

MINUTES:

1. October 17, 2018 regular and executive session meeting minutes were held on a motion by Mr. Boynton to hold until the November 19, 2018 meeting, seconded by Mr. Marra. All were in favor.

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 Second reading scheduled for 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. Mr. Boynton made a motion to open for second reading for adoption, seconded by Mr. Marra. All were in favor. Mr. Boynton made a motion to open to the public, seconded by Mr. Marra. All were in favor. There was no public discussion. Mr. Boynton made a motion to close to the public, seconded by Mr. Marra. All were in favor. Mr. Boynton made a motion to adopt, seconded by Mr. Marra. All were in favor. Mr. Stracco and Mr. Kuhn were absent.

RESOLUTIONS:

#2018-81 RESOLUTION OF THE FRELINGHUYSEN TOWNSHIP MAYOR AND COMMITTEE APPROVING REFUND FOR TAX OVERPAYMENT WHEREAS, Richard J. Tilney ("Tilney"), who resides at and is the co-owner of real property located in the Township of Frelinghuysen and known as 194 Lincoln Laurel Road, Newton, New Jersey, a/k/a Block 201, Lot 3 on the Frelinghuysen Township tax map (the "Property"), has been deemed a 100% totally and permanently disabled veteran in accordance with the provisions of N.J.S.A. 54:4-3.30; and WHEREAS, the said property owner has made application to the Township for a tax exemption as a totally disabled veteran, and has qualified for same; and WHEREAS, the Property was previously designated as Block 201, Lots 3 and 4, but on or about August 9, 2018 a Deed was recorded combining Block 201, Lots 3 and 4 into a single lot; and WHEREAS, it has been determined that the Property, as a single lot, is exempt from taxation based on Mr. Tilney's status as a totally disabled veteran; and WHEREAS, it has been determined that Tilney is entitled to a tax exemption on Lot 4 dating back to the time he purchased the Property on December 8, 2017, and was obligated to pay taxes on Lot 3 until the recording of the said Deed on August 9, 2018; and WHEREAS, Tilney made a payment of

\$312.83 toward the payment of taxes for Lot 3 on August 1, 2018 which was applied to prior balances; and WHEREAS, at the present time the sum of \$434.18 is due and owing for Lot 3, and the Tilney is entitled to a refund of \$642.29 for taxes paid from which he should be exempt, so that if the refund is set off against the outstanding balance a refund of \$208.11 due to Tilney. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey that Richard J. Tilney is entitled to and a refund shall be issued to him in the amount of \$208.11. BE IT FURTHER RESOLVED, that as of August 9, 2018 Tilney is exempt from paying taxes on the Property based on Mr. Tilney's qualification as a totally disabled veteran. BE IT FURTHER RESOLVED, that a properly executed copy of this resolution be forwarded to the Tax Collector and Treasurer for their records. I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on November 7, 2018.

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

#2018 - 82 WHEREAS, Philip Nadler acquired a lien against **Block 103, Lot 13Q** at the Tax Sale held **December 14th, 2016 (Certificate #2016-01)**. **Day Pitney, LLP** for the new owner of said property has paid an amount of \$ 1,887.47 to redeem the lien. NOW, THEREFORE BE IT RESOLVED that the Township Treasurer is hereby authorized to issue a check in the amount of **\$ 1,887.47** to Philip Nadler. I hereby certify the foregoing to be true and accurate copy of a resolution adopted by the Township Committee at its' meeting held November 7th, 2018.

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

2018-83 TRANSFER RESOLUTION WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2018 budget to pay, and WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands, NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make the following transfers:

<u>TRANSFER FROM:</u>		<u>TRANSFER TO:</u>	
Road Department S/W	\$2,550.00	Administration O/E	\$1,500.00
		Board of Health O/E	\$50.00
		Diesel & Gasoline O/E	\$1,000.00

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 November 7, 2018.

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

2018-84 WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4 now allows a local unit to enact a standard policy through resolution, to not require claimant certification where the vendor or claimant does not provide such certification as part of its normal course of business, and WHEREAS, it is already the responsibility of each department head to certify each voucher to verify that the goods and services that they have ordered have in fact been received or delivered prior to submitting for payment, and WHEREAS, implementation of this policy should reduce mailing costs, as well as expediting payments to the vendors, NOW, THEREFORE BE IT RESOLVED that Frelinghuysen Township has elected to waive the claimant certification on all transactions except for the following:

- 1) Single purchases above the QPA dollar threshold of \$6,000.00
- 2) Reimbursement to Town employees
- 3) Payment of advances for officers and employees
- 4) Services provided exclusively or entirely by Sole Proprietors
- 5) Professional fees for legal services, engineering services, and auditing services

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 November 7, 2018.

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

OLD BUSINESS:

Service Electric - Held

Sale of property on Route 94 - Mr. Beilin handed out some examples of agreements. Will review documents and look at for the November 19, 2018 meeting.

Municipal Alliance - A motion was made by Mr. Boynton to appoint Lori Nienstadt from Blairstown Township, to be the Municipal Alliance Coordinator for Frelinghuysen Township, seconded by Mr. Marra. All were in favor.

Street light on Route 94 and Lincoln Laurel was held.

Shared Services for Animal Control was held.

NEW BUSINESS:

Howard Solomon, 122 Lincoln Laurel Road, came to the Committee to discuss a 501C3 foundation for the elementary school. Mr. Solomon explained that his child attends the elementary school and there is no air conditioning. He offered to purchase the a/c and was told no. With state aide being cut each year he thought a non profit foundation could help the school. Mr. Desiderio asked if residents make a donation to the school isn't that a tax deduction. It was determined that only for businesses is it a tax deduction. After discussion the committee asked Mr. Solomon to investigate and get back to the committee.

The best practices was seen and a motion was made by Mr. Boynton acknowledging receipt and review, seconded by Mr. Marra.

The construction shared services agreement is being discussed with Green Township and Dick O'Connor will get back to the committee.

The employee handbook needs to be amended for the employee benefits piece. Ms. Zilberfarb will get necessary changes to the committee for approval and amendment.

A motion was made by Mr. Boynton to purchase up to \$1,000.00 worth of propane for the Rec center, seconded by Mr. Marra. All were in favor.

The Mullers sent a letter of resignation from their positions as the 911 coordinators. The position will get filled and appointed in January. Mr. Boynton will reach out to Ralf Irizarry and Mr. Desiderio will reach out to Mr. Pachnos. A motion was made by Mr. Boynton to purchase a \$100.00 gift card to Cesco's, seconded by Mr. Marra. A letter of regrets will accompany the gift card.

The construction department would like to complete the retention of their files. Motion was made by Mr. Boynton to have Allison Zilberfarb complete the filing at \$10.00 per hour for up to 80 hours and to be paid out of recycling funds, seconded by Mr. Marra. All were in favor.

The warranty on the backhoe is expiring on November 21, 2018 and Ms. Zilberfarb inquired if the committee would like to extend the warranty. Ms. Zilberfarb will obtain quotes by the meeting on the 19th.

OPEN MEETING TO THE PUBLIC:

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

Mr. Greco asked if the backhoe is under warranty then why is the town paying \$567.00? Mr. Desiderio explained the cost breakdown for the repairs of the backhoe.

Mr. McPeek spoke about obtaining a warranty on the computer components and get the warranty on just the electronic parts if possible.

Mr. Connor asked if there was any more information on the JCP&L imposter that was on Main Street. The committee stated that no one else has been made aware of this happening.

Mr. Connor thanked Ms. Zilberfarb for helping on Election day.

Mr. Solomon inquired about the internet and technology for Lincoln Laurel Road. Mr. Desiderio explained that Mayor McDonough is frustrated and that the company is not doing what they say. He also explained about service electric cable and doing a franchise agreement with Knowlton and Hope.

Mr. Ramos asked if the recreation center was making money and asked how is that known and asked if there was a P&L for the monies collected. Mr. Desiderio explained that they do collect monies from every use of the rec center.

Mr. Kohuth also asked what the funds being made were being used for. Mr. Desiderio will discuss with Ms. Dyer and have answers at the December meeting.

Mr. Ramos also asked about the no dog signs for the fields in back of town hall. Ms. Zilberfarb explained that she was waiting on the fines and Ordinance number. Mr. Desiderio stated he will get that information to Ms. Zilberfarb.

Ms. Goetz - Asked about the franchise agreement with service electric and asked if they could kick back to the town for allowing the towns the usage of the roads and sidewalks. Mr. Beilin explained that the are regulated by Federal law and that trumps the state law.

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

DEPARTMENT REPORTS:

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

DPW – Ms. Zilberfarb will give report at the meeting on the 19th.

Land Manager – Marty spoke about selling red cedar logs at \$.50 per linear foot. All monies collected would be deposited directly to the Open Space Trust Fund. Mr. Marra made a motion to send information to John Jurena to put on website, seconded by Mr. Boynton. All were in favor. He also discussed how the front porch on the boat house is falling down and feels it should have some fencing around it. Mr. Desiderio stated that recreation has fencing and that he will have the dow or Marty fence it off. Mr. Desiderio will get the fencing to Mr. Connor.

Legal Report – Discussed throughout meeting.

Recreation Committee –Mr. Desiderio thanked Dan Harman, Foreman dpw, for donating his time again this year at Halloween, Rich Dericks for the use of a tractor and driving the hay wagon, and Loren Greco for traffic control and volunteering his time on Halloween. Mr. Desiderio stated they went through 220 hotdogs on Halloween night and also mentioned the golden ticket candy bars given out by a recreation member and thought that was great.

Environmental Commission – No meeting

Farmland Preservation/Open Space Committee – No Meeting

Historic Committee – Ms. Natyzak stated that the committee found a consultant, Michael Marguilies, to look at the repairs to the barn. A proposal will be ready for the meeting in December.

Mayor report – Nothing to report

Deputy Mayor report – Absent

Committeeman Boynton – Nothing to report but mentioned that Halloween went well for Municipal Alliance and they had a lot of children and ran out of candy.

Committeeman Kuhn – absent

Committeeman Marra – Mr. Marra discussed how furniture has been thrown all over the roads lately and that there is a recliner on Golden Chain Road that someone left on the side. Mr. Marra feels that as a town we should pick that up. Mr. Desiderio explained the policy on road side garbage within the town. Mr. Marra opposed and stated that he didn't want the town to look bad. After discussion, a motion was made by Mr. Marra to have the township pick up the large trash that is being dumped, seconded by Mr. Boynton. All were in favor.

Clerk report – Ms. Zilberfarb asked about the fence that was supposed to go at the dpw garage and if it could be put up soon. After discussion, it was determined to get pricing on a 6 foot chain link fence that slots can be added if necessary. Ms. Zilberfarb will look at the coop for pricing.

Ms. Zilberfarb apologized for being late and thanked them for their understanding. She then asked what our town does for drug abuse, understanding we have a municipal alliance. A discussion took place that there are places to go to if needed. There is a community outreach in Blirstown that Alena Lodge opened, Mr. Solomon discussed the drug court and that they have programs to help get people clean. It was suggested that the state police give a presentation and invite the BOE and Mr. Sylvester and Ms. Bilotti. Drug raids in the high school were mentioned. After discussion, it was decided that a letter to the prosecutor and school be put together by legal counsel asking about random drug raids within the school.

ADJOURNMENT:

There being no further business, motion was made by Mr. Boynton, seconded by Mr. Marra to adjourn the meeting at 9:08 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC