

## MINUTES OF REGULAR MEETING OF NOVEMBER 13, 2019

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, November 13, 2019 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 David Boynton (8:29), Committeeman Charles Marra, Committeeman Todd McPeek, Attorney Richard Beilin and Municipal Clerk Donna Zilberfarb.

### CLERKS REPORT:

- Ms. Zilberfarb asked for donations toward gift cards for Nick Pachnos and John Jurena. She also mentioned that Nick was also the 911 Coordinator and that position will need to be filled as well. Mayor Desiderio will reach out to Colin Kellaher and inquire if he is interested in filling those positions.
- The website is moving along and Ms. Zilberfarb explained that Revize will also be handling our email accounts. Those costs are comparable to what we pay now. They estimate \$84.00 per account per year. Ms. Zilberfarb has sent them the email accounts and should receive an agreement from Revize soon for that.
- Ms. Zilberfarb discussed the pickup truck and roller that was placed on munibid. These pieces were offered to someone in Maine but to date they have not been here to pickup and no monies have been sent. She explained that numerous messages have been left and emails sent with no response. She let the committee know that there were a few residents asking about them and asked if she could reach out to them to see if they were interested, unless they wanted to do something else. After discussion it was determined for Ms. Zilberfarb to reach out to the residents and get back to the committee on November 25, 2019.
- Ms. Zilberfarb mentioned the lease on the Route 94 property that Crisman Farms farms. She mentioned that a new contract/agreement should be drawn up since part of those acreages were sold off, and if the town still wanted to allow them to lease the land still. Mr. Desiderio will reach out to them to discuss further.
- The quarterly insurance safety meeting was held on October 29<sup>th</sup> and all previous dpw issues were fixed and in good standing. The only issue that arose was the playground mulch had not been done. Ms. Zilberfarb let the committee know that she made a note for the 2020 budget meetings to discuss and told the insurance company that the mulch would be down by spring of 2020.
- Ms. Zilberfarb explained the Jesco extended warranty has been taken care of and reminded the committee that the extended warranty would now be for 2 years rather than one. She explained that the original cost was not correct and 2 years was cheaper. The vote was unanimous from the committee when polled. The extended warranty will now cost \$2,170.00 for the entire machine for 1500 max hours for 2 years.
- Ms. Zilberfarb let the committee know that the animal control officer ad would be sent to the newspaper next week and run one time and resumes will be accepted until December 20, 2019 and given to the personnel department.
- The reorganizational meeting was discussed and was determined to be January 2, 2020 at 7:00 pm. Ms. Zilberfarb will advertise and reach out to all professionals.
- Ms. Zilberfarb explained that she listened to the tape from the April 17, 2019 meeting and had determined that the minutes that had been amended were correct the way they originally were accepted and asked the committee to return those minutes back to the original meeting minutes. Motion was made by Mr. Stracco to reestablish the original minutes for April 17, 2019 meeting minutes and rescind the amended minutes for April 17, 2019, seconded by Mr. McPeek. All were in favor. Ms. Zilberfarb also stated that she should have went back and listened to the tape when the minutes were questioned instead of listening to the residents questioning them.

- Ms. Zilberfarb spoke to the committee and public and explained that she is disappointed with the committee and residents with the lack of respect that is shown in the meeting room each meeting is wrong and she asked that everyone, whether they like each other or not, be respectful and remember that we are all here for the Township of Frelinghuysen. She asked moving forward into the new year that we all remember that and work together and show more respect toward each other.

Mr. Stracco added that although it happens, Frelinghuysen Township is not as dysfunctional as many other towns that are larger and that it is amazing the things that go on in those towns.

**MINUTES:**

1. Motion was made by Mr. Stracco to approve the October 16, 2019 regular session meeting minutes, seconded by Mr. Marra. All were in favor.
2. Motion was made by Mr. Stracco to approve the October 16, 2019 executive session minutes, seconded by Mr. Marra. All were in favor.

**ORDINANCES:**

**#2019-07 ORDINANCE AMENDING THE ZONING MAP AND LAND USE REGULATIONS OF THE TOWNSHIP OF FRELINGHUYSEN AT BLOCK 501, LOTS 9, 10 AND 11 FROM "AR6" ZONE CLASSIFICATION TO "NC" ZONE**

**CLASSIFICATION** WHEREAS, the Township of Frelinghuysen desires to amend its Zoning Map and land use and development regulations to re-designate certain property on the Zoning Map located at Block 501, Lots 9, 10 and 11 from the present zoning classification of "AR6" (Residential) to the "NC" (Neighborhood Commercial) zone classification; and WHEREAS, the Mayor and Township Committee believe that such rezoning is consistent with the Zoning Ordinance and Master Plan of the Township, and would provide for appropriate development on these respective parcels of a type, density and scale that is consistent with the surrounding properties. NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey as follows: Section I

1. The Zoning Map of the Township of Frelinghuysen is hereby amended as follows: **Block 501, Lots 9, 10 and 11** are hereby rezoned from "AR6" (Residential) to the "NC" (Neighborhood Commercial) AR6 to NC.

2. The Zoning Map is hereby considered and shall be amended to reflect the depiction of the above zoning changes. The official map of the municipality shall not take effect until filed with the county recording officer as per N.J.S.A. 40:55D-16. Section II If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof. Section III All ordinances, policies and/or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency. Section IV Pursuant to the Municipal Land Use Law, the Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the County Planning Board pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance with the County Planning Board as required by N.J.S.A. 40:55D-16. Section V Pursuant to N.J.S.A. 40:55D-62,1, notice of scheduled the hearing date and this ordinance shall be given at least ten (10) days prior to the hearing by the Municipal Clerk by either personal service or certified mail and regular mail to the owners of all real property as shown on the current tax duplicates, located, in the case of a classification change, within the district and within the State within two hundred feet (200') to all directions of the boundaries of the district, and located in the case of a boundary change, in the State within two hundred feet (200') in all directions of the proposed new boundaries of the district. Section VI This Ordinance shall take effect upon final passage and publication as provided by law, however, subsequent to first reading, this ordinance must be referred to the Township Land Use Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Land Use Board has a period of thirty-five (35) days after referral to report on the proposed ordinance.

ATTEST: TOWNSHIP OF FRELINGHUYSEN DONNA ZILBERFARB, Clerk FRANK DESIDERIO, Mayor **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on September 18, 2019 and will be considered for final

reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on November 13, 2019 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Stracco to open to first reading/introduction with changes making "ROM" to "AR6", seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes. Second reading will be held on November 13, 2019. Mr. Stracco made a motion to open for 2<sup>nd</sup> reading for adoption, seconded by Mr. McPeek. All were in favor. Motion was made by Mr. Stracco to open to the public, seconded by Mr. Marra. All were in favor. No public comment. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Marra. All were in favor. Motion was made by Mr. Stracco for adoption, seconded by Mr. Marra. Roll call vote: Mr. Boynton-absent; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes.

**2019-08 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A PICKUP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$45,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$43,225 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF** BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be undertaken by the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$45,500, said sum being inclusive of a down payment in the amount of \$2,275 now available for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. **SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$45,500 appropriation not provided for by the down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in a principal amount not exceeding \$43,225 pursuant to and within the limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$43,225 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** The improvement hereby authorized and the purpose for the financing of which the bonds or notes are to be issued is for the acquisition of a pickup truck for use by the Department of Public Works, including, as applicable, all work, materials, equipment and appurtenances necessary therefor or incidental thereto. (a) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$43,225. (b) The estimated cost of said improvement or purpose is \$45,500, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of \$2,275, which is the down payment available for such improvement or purpose. **SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Warren make a contribution or grant in aid to the Township for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Warren. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Warren shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. **SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to

this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon, if any, from their dates to the date of delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the Office of the Clerk of the Township and will be available for public inspection. **SECTION 7.** The following additional matters are hereby determined, declared, recited and stated: (a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby. (b) The period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years. (c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$43,225 and said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law. (d) An amount not exceeding \$1,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvement or purpose described in Section 3 hereof. **SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of bonds or notes and the interest thereon without limitation as to rate or amount. **SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-(1)(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds

of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$43,225. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2). **SECTION 10.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code, of the interest on all bonds and notes issued under this bond ordinance. **SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law. Motion was made by Mr. Stracco to open for first reading for introduction, seconded by Mr. Marra. Roll call vote: Mr. Boynton-Absent; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes. Second reading for adoption will be held on December 18, 2019.

**2019-09 ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY TO REGULATE THE RUNNING AT**

**LARGE OF LIVESTOCK WITHIN THE TOWNSHIP** WHEREAS, the Mayor and

Committee of the Township of Frelinghuysen have found that the running of

livestock in the Township of Frelinghuysen jeopardizes the public health, safety

and welfare by exposing injury to persons and other animals and causing

damage to personal property such as lawns, shrubs, flowers, grounds and other

vegetation; and WHEREAS, the Mayor and Committee of the Township of

Frelinghuysen have determined that N.J.S.A. 40:48-1 expressly permits

municipalities to adopt ordinances that will regulate the running at large of

livestock; and WHEREAS, the Mayor and Committee of the Township of

Frelinghuysen believe that the adoption of such an ordinance is appropriate and

would be a reasonable exercise of the municipality's police powers. NOW,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of

Frelinghuysen in the County of Warren, State of New Jersey, as follows: **Section**

**L** Chapter 5 of the Frelinghuysen Township Code is amended by adding thereto a

new Section 5-8, to read as follows:

**5-8 RUNNING AT LARGE OF LIVESTOCK. 5-8.1 Purpose.**

This section shall be constructed to secure its expressed intent, which is

to ensure public health, safety and welfare insofar as residents are

affected by injury to any persons or other animals, or cause damage to

personal property including lawn, shrubbery, flowers, grounds, trees or any

property of persons other than the owner or person having the care,

custody or control of such unrestrained livestock running at large within

the Township of Frelinghuysen and to assess violations and penalties

accordingly. (Ord. #2015-07 § 1) **5-8.2 Definitions.** For purposes of

this Section 5-8, "livestock" shall mean all horses, ponies, donkeys, mules,

miniature breeds and all other equines; all llamas, alpacas, camels, and all

other camelids.

"Running at large" shall mean any livestock situated upon any public

street, park, or any other public place while unrestrained or situated upon

any private property, while not restrained by a sufficient fence, enclosure

or tether and which is not attended by the owner or his or her

representative. **5-8.3 General Requirements.** a. Any person or

persons, firm, partnership or corporation having the care, control, custody

or management of any livestock as defined above shall prohibit the

animals to stray or run at large within the limits of the Township of

Frelinghuysen. b. Fencing Requirements. A fence shall comply with the

standards of the New Jersey State Department of Agriculture

Management Practices and shall be sufficiently enclosed and strong

enough to prevent livestock from escaping, going through or under it and

is hereby required wherever livestock is kept. If any livestock escapes

from within the confines of any fence it shall be presumed that such fence

has not met the provisions of this section. Any owner or lessee of the land

on which such fence is located is subject to the requirements of this

subsection. **5-8.4 Distressed Livestock; Impounding.** a. When

any livestock are taken up and distrained by any person for running at large, they shall be forthwith impounded by the Animal Control Officer and shall be furnished with suitable food and water, so long as they are detained. b. The owner of livestock in the custody or possession of the Animal Control Officer pursuant to this section may claim and be entitled to the possession of the livestock. Upon payment to the Animal Control Officer of reasonable compensation for the care and keeping of the livestock, upon satisfactory proof of ownership of the livestock, and upon making reparation as provided in subsection 5-3.5, the livestock shall be returned to its owner. **5-8.5 Violations and Penalties.**

Any person or persons, firm, partnership or corporation violating or failing to comply with any provision of this section shall be guilty of an offense punishable as follows: a. A fine for a first violation in the amount of \$100.00; b. A fine for a second violation in the amount of \$250.00; c. A fine for a third violation in the amount of \$500.00; and d. A fine for subsequent offenses in the amount of \$1,000 each. Each day for which a violation of this section occurs shall be considered a separate offense. **5-8.6 Notices and Orders.** a. *Notice.* The Township, or any duly authorized Code or Animal Control Official, shall cause a notice to be issued to the applicable person or persons, firm, partnership or corporation when a violation of this section occurs.

b. *Form.* Such notice prescribed in paragraph a. above shall be in accordance with all of the following: 1. Be in writing. 2. Include the identity or description of the animal. 3. A statement of when, where, what damage was done if known. 4. Include a correction order allowing a reasonable time for restitution of penalties and damages to be made. 5. Inform the property owner of the right to appeal. c. *Method of Service.* Such notice shall be deemed to be properly served if a copy thereof is sent by first-class mail, express mail, overnight carrier or certified mail addressed to the last known address. **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. **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 November 13, 2019 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 18, 2019 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Stracco to open for first reading for introduction, seconded by Mr. McPeek. Roll call vote: Mr. Boynton-absent; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes. Final reading for adoption will be held on December 18, 2019.

Method of Service. Such notice shall be deemed to be properly served if a copy thereof is sent by first-class mail, express mail, overnight carrier or certified mail addressed to the last known address. **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. **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 November 13, 2019 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 18, 2019 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Stracco to open for first reading for introduction, seconded by Mr. McPeek. Roll call vote: Mr. Boynton-absent; Mr. Desiderio-yes; Mr. Marra-yes; Mr. McPeek-yes; Mr. Stracco-yes. Final reading for adoption will be held on December 18, 2019.

## **RESOLUTIONS:**

**#2019 - 70 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"** WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and WHEREAS, the Frelinghuysen Township Mayor and Committee have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they

pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto. NOW, THEREFORE BE IT RESOLVED, That the Mayor and Committee of the Township of Frelinghuysen, hereby states that they have complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance, and hereby direct the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance. **CERTIFICATION** I, Donna Zilberfarb, Clerk of the Township of Frelinghuysen, do hereby certify the above to be a true copy of a resolution adopted by the Frelinghuysen Township Committee at their meeting of November 13, 2019. **GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C. 183 OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964” GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES** STATE OF NEW JERSEY COUNTY OF WARREN We, members of the governing body of the Township of Frelinghuysen being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Mayor and Township Committee of Township of Frelinghuysen in the county of Warren;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012);
3. We are familiar with the local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history;
4. We certify that the local unit’s hiring practices comply with the above-referenced enforcement guidance.

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

**2019-71 RESOLUTION FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM A RESOLUTION AUTHORIZING THE TOWNSHIP OF FRELINGHUYSEN TO ENTER INTO A COOPERATIVE PRICING AGREEMENT** WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the “Lead Agency ” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; WHEREAS, on November 13, 2019 the governing body of the Township of Frelinghuysen, County of Warren, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; NOW, THEREFORE BE IT RESOLVED as follows: **TITLE** This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Frelinghuysen **AUTHORITY** Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency. **CONTRACTING UNIT** The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey. **EFFECTIVE DATE** This resolution shall take effect immediately upon passage. **CERTIFICATION**

BY:

\_\_\_\_\_  
Frank Desiderio, Mayor

ATTEST BY:

\_\_\_\_\_  
MOTION SECOND AYE NAY ABSTAIN ABSENT

Mr. Boynton

X

Mr. Desiderio		X
Mr. Marra	X	X
Mr. McPeek		X
Mr. Stracco	X	X

**2019-72 TRANSFER RESOLUTION** WHEREAS, certain bills have been presented for payment for which there are insufficient funds in the 2019 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>	
Buildings/Grounds O/E	\$2,200.00	Legal O/E	\$1,800.00
		Solid Waste O/E	\$400.00

**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 November 13, 2019

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

**2019-73 RESOLUTION CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT** WHEREAS, the Township of Frelinghuysen strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and **WHEREAS**, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited expectations, for public access and simplifying the procedures for requesting such specific records; and **WHEREAS**, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and **WHEREAS**, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and **WHEREAS**, the Township of Frelinghuysen has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and **WHEREAS**, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and **WHEREAS**, the Township of Frelinghuysen received and responded to 73 OPRA requests received in 2017, 54 OPRA requests received in 2018, and to date has received and responded to 48 OPRA requests as of September 1, 2019; and **WHEREAS**, the Township of Frelinghuysen municipal staff has spent approximately 104 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 312 hours since 2017; and **WHEREAS**, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Township of Frelinghuysen must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees. These fees have all been covered under the monthly retainer fee for 2017, 2018 and 2019; and **WHEREAS**, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and **WHEREAS**, as the current law approaches its twentieth (20<sup>th</sup>) anniversary it has outgrown its original intended use and has become



ripe for comprehensive review and reform; **NOW, THEREFORE BE IT RESOLVED** that the governing body of the Township of Frelinghuysen appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission’s findings to perform a comprehensive reform of OPRA; and **BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to Assemblyman Parker Space, Assemblyman Harold J. “Hal” Wirths, Senator Steven V. Oroho, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, The Governor of the State of New Jersey, the Municipal clerks Association of New Jersey and New Jersey State League of Municipalities. **CERTIFICATION:** It is hereby certified that this is a true and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey at a Regular Meeting held on November 13, 2019.

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

**2019-74 FORM 1B Municipal Grant Funding 2021-2025 WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Township Council of the Township of Frelinghuysen County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and, **WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and, **WHEREAS**, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Warren; **NOW, THEREFORE, BE IT RESOLVED** by the Township of Frelinghuysen, County of Warren, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the North Warren Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR           \$2,546.00  
Cash Match   \$ 637.00  
In-Kind       \$1,910.00

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: Frank D. Desiderio, Jr., Mayor **CERTIFICATION** I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 13th day of November, 2019.

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

**#2019-75 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MEETING OF NOVEMBER 13, 2019** 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 MEETING of NOVEMBER 13, 2019; 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 MEETING 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. Marra		X	X			
Mr. McPeek			X			
Mr. Stracco	X		X			

**OLD BUSINESS:**

- Mr. Stracco discussed filing complaints as private citizens against service electric for their inadequacy of service. He also explained that Altice is not interested in doing residential. Mr. Stracco asked to keep on the agenda.
- Mr. Desiderio discussed the barn at the FFP and let everyone know that the barn is not listed as historic within the NJ State Records and asked if the town should move forward with demolishing. Mr. Stracco suggested speaking with the Historic Committee and Mr. Desiderio agreed and will discuss at the Historic Meeting.
- Mr. McPeek asked to hold the salt shed and do our due diligence as he felt it was a lot for one person to do. The ballot question came back as no to moving it to Route 94. Mr. Sterbenz explained that he did submit to SHIPO but moving forward will need architectural plans to submit to them as well. He also explained that as for the Route 94 property, the driveway opening permit has lapsed but would just need to go the NJ DOT. After discussion, Mr. Desiderio asked Mr. Sterbenz to get an estimate on architectural plans and costs for the salt shed behind townhall.

Mr. Stracco also inquired about subdividing Route 94 and selling that property and Mr. Desiderio agreed and thought the town should subdivide to 2 acre parcels and sell. He explained that soil logs could be done in house and asked Mr. Sterbenz to get us costs for subdividing and soil logs.

- Mr. Desiderio explained that he has heard nothing from the homeowner in regards to placing a stand pipe on the homeowners property for the fire department.
- Court services in Knowlton was discussed. Mr. Stracco stated that we are under a contract and have to do nothing but should consider giving a bit more and should be brought up at the budget meetings. Ms. Zilberfarb will get in touch with Debra Shipps.
- Mr. Desiderio and Mr. McPeek discussed the meeting with Green Township and Green Township Fire Department regarding a new truck. They stated it was an informational meeting and that nothing has transpired yet.

**NEW BUSINESS:**

- Jim Gallagher from South Street asked the committee if there were any ordinances regarding unregistered cars within the township. He mentioned there were a few on South Street. Mr. Desiderio explained that the zoning officer was working on this and has sent notices to residents on Lincoln Laurel and Stillwater Roads and will be looking into the remaining areas of Frelinghuysen. He also asked if Mr. Gallagher could let himself or Mr. Boesze know the location of the unregistered cars so they can be looked into as well.
- Mr. Sterbenz discussed the NJDOT grants for Greendell Road and phase I was awarded \$140,000 and phase II the town should be hearing soon, \$175,000 was requested. He let the committee know that Tilcon received the bid for asphalt for 2020. Mr. Sterbenz also discussed stormwater management compliance and that he is working with Ms. Dyer and Ms. Zilberfarb for compliance on roadway cleanups, etc and will need to followup with homeowners and business owners that have retention basins.

- The best practices report was completed and submitted to the State. A copy was handed to all committeemen.
- Mr. Desiderio submitted his resignation letter for being on the Recreation Committee. Motion was made by Mr. Marra to accept with regrets, seconded by Mr. McPeek. All were in favor. Mr. Stracco and Mr. Marra thanked Mr. Desiderio for all his service.
- Ms. Zilberfarb discussed the need to replace the concrete slab for the blue post office box outside. She asked the committee if anyone remembered how it was done in the past and no one could remember who installed it. Ms. Zilberfarb will speak with the post master in Blairstown and get specs of what is needed.

**DEPARTMENT REPORTS:**

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

**DPW** – Report is in the book.

**Land Manager** – Mr. Connor discussed another encounter with horses and that the gentleman used profanity and was rude toward him.

**Rec Center Coordinator** – Nothing to report

**Legal Report** – Covered throughout the meeting.

**Recreation Committee** – Mr. Desiderio stated that Halloween was held on Halloween and had a nice turn out. The only thing cancelled was the hay ride. Mr. Stracco commended him for not postponing and said he made a good call.

**Environmental Commission** – No meeting

**Farmland Preservation/Open Space Committee** – Waiting on an update from Sandy Urgo and the farmland plan needs to be updated.

**Historic Committee** – Meeting is Monday

**Mayor report** – Mr. Desiderio mentioned that everyone talks about the recreation center as being a money pit and feels that maybe moving forward the committee should think about selling it.

**Deputy Mayor report** – Mr. Stracco let the committee know that Lafayette plans on selling marijuana and that we may want to consider in the new year.

**Committeeman Boynton** – Mr. Boynton reported that Municipal Alliance went well for Halloween. He also let the committee know that the blower fan on the furnace at the dpw garage is not working and that he dropped off 2 space heaters to use so pipes didn't freeze. He also talked to Scott Cooke and he will be out to look at it and repair. Mr. Boynton also discussed that Kevin Brennan, the NWHS board of ed representative, has retired again.

**Committeeman Marra** – Mr. Marra let the committee know that he sold his house and thanked everyone on the committee for allowing him to voice his opinions and that it will be sad to leave since he's been in Frelinghuysen for 35 years. Mr. Ramos thanked him for all he has done for the town.

**Committeeman McPeek** – Nothing to report

**OPEN MEETING TO THE PUBLIC:**

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

- Mr. Greco spoke regarding the past elections and stated that the letter that had gone out to voters was in poor taste and was offended by it. He asked if anyone knew who sent it. Mr. Ramos stated he never received the letter.
- Mr. Ramos asked about the cost of demolition for the FFP barn and the coop costs and asked if we needed to be in those. Ms. Zilberfarb explained the

reasoning behind that coop but was looking into to see if all things purchased via that coop are on another one.

- Ms. Natyzak commended Mr. McPeek for bringing up the salt shed issued. She asked going forward, what they would do with the monies that are earmarked for the salt shed. It was explained that the monies would stay where they were as they are earmarked for a salt shed that is needed.
- Mr. Kohuth thanked Mr. McPeek for the salt shed and he clarified that he did not send out the letter that Mr. Greco discussed.
- Mr. Ramos discussed the Halloween festivities and let the committee know that it was complimented that Frelinghuysen was so neighborly by the surrounding towns that had cancelled their festivities.

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

#### **EXECUTIVE SESSION**

None

#### **CORRESPONDENCE:**

- David Zimmer – Update counties and municipalities on the State’s Transportation Bank Financing Program
- Township of Frelinghuysen Zoning Department – Block 1302, Lot 3.13
- Township of Frelinghuysen Zoning Department – Warning Notice of Violation Block 103, Lot 4
- Blairstown Hose Company – Monthly report

#### **ADJOURNMENT:**

There being no further business, motion was made by Mr. Boynton, seconded by Mr. Marra to adjourn the meeting at 8:56 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC