

**MINUTES OF REGULAR MEETING OF DECEMBER 20, 2023**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, December 20, 2023, and was called to order at 9:00 a.m. by Mayor Ramos.

**SUNSHINE LAW STATEMENT:**

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

**ROLL CALL:**

Those present were: Mayor Ramos, Deputy Mayor Stracco, Committeeman Boynton, Committeeman Stock, Attorney Rich Beilin, and Municipal Clerk Donna Zilberfarb.

**MINUTES:**

- Minutes of the November 8, 2023, regular meeting were approved as amended on a Motion by Mr. Stock, seconded by Mr. Boynton. All were in favor.
- Minutes of the November 8, 2023, executive session meeting were approved as amended on a Motion by Mr. Stracco, seconded by Mr. Boynton. All were in favor.
- Minutes of the November 20, 2023 bills/work session meeting were approved on a motion by Mr. Stracco, seconded by Mr. Stock. All were in favor. Mr. Boynton abstained.

**RESOLUTIONS:**

**#2023-82 TOWNSHIP OF FRELINGHUYSEN 2023 LEAGUE RESOLUTION (V.2) OPPOSING ASSEMBLY BILL A-5659 WHEREAS** Local Government is facing the largest budget increase for property/casualty insurance since the mid-1980's; and **WHEREAS** the property/casualty budget for the typical municipality has already experienced a 20% to 25% increase since 2021 and will experience another 12% to 20% increase in 2024; and **WHEREAS** New Jersey now has the highest workers' compensation premium rates in the country based on data from the US Bureau of Labor Statistics; and **WHEREAS** Worker's compensation escalated because New Jersey judges are now reopening cases up to four and five times, whereas in the past they rarely reopened a case more than once; and **WHEREAS** Workers compensation also escalated because of a 2021 Department of Labor decision that directed workers' compensation to pay many accidental disability claims that previously were paid by the pension plans; and **WHEREAS** another recent law created a presumption that firefighters diagnosed with cancer are eligible for workers' compensation; and **WHEREAS** during the COVID 19 pandemic, the Legislature approved a law that made COVID contracted by first responders and essential employees compensable under New Jersey's workers' statute resulting in the COVID cost per employee being the second highest in the country; and **WHEREAS** Liability has increased because of the erosion of Title 59 protections in the New Jersey's courts. Judges are now reluctant to grant summary judgement dismissing even frivolous claims because of the 2021 New Jersey Supreme Court decision in Gonzalez v. Jersey City; and **WHEREAS** the recent amendment in the sexual molestation statute of limitations also increased Title 59 liability costs. In some cases, towns are being sued based on allegations going back to the 1970s; and **WHEREAS** Property premiums are increasing rapidly because the world-wide frequency of large natural disasters has almost tripled since 2000. New Jersey alone was hit with Hurricane Irene in 2011, Superstorm Sandy in 2012 and Tropical Storm Ida in 2012; and **WHEREAS** property insurance premiums are also indexed to replacement values that have jumped because of supply chain issues and the labor shortage; and **WHEREAS** Cyber liability premiums have more than doubled in recent years. Organizations without strong cyber risk controls are finding it difficult to purchase any coverage. **NOW THEREFORE BE IT RESOLVED BY THE NEW JERSEY LEAGUE OF MUNICIPALITIES THAT:**

1. The Legislature is urged to adopt budget and levy cap exemptions for property/casualty insurance and claims; and
2. The Administration and the Legislature should not adopt additional legislation or regulations that will increase municipal claims without a thorough and complete analysis of the cost; and
3. The New Jersey Department of Labor, the New Jersey Department of Banking and Insurance and the New Jersey Department of Community Affairs should meet with representatives of municipal government to discuss ways to reduce property/casualty costs.
4. Copies of this Resolution shall be sent to New Jersey State Governor Murphy, the State of New Jersey Assembly and Senate representatives, Speaker, Craig J. Coughlin and heads of the New Jersey Departments of Labor, Banking and Insurance and Community Affairs and the League of Municipalities.

**CERTIFICATION** I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Committee of the Township of Frelinghuysen, in the County of Warren, New Jersey, at a meeting held on December 20, 2023 Donna Zilberfarb, RMC

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Boynton		x	x			
Mr. McPeck						x
Mr. Ramos			x			
Mr. Stock			x			

Mr. Stracco	x		x			
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**#2023-83 TRANSFER RESOLUTION WHEREAS**, N.J.S.A. 40A:4-58 permits appropriation transfers to be made during the last two months of the fiscal year, and **WHEREAS**, it is necessary to transfer appropriations between line items presently located in the Current Year (2023) Current Fund Budget; **NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Township of Frelinghuysen, County of Warren, State of New Jersey that the following transfers be made.

<b>From:</b>		<b>To:</b>	
Tax Assessment OE	\$3,350.00	Land Use Admin S&W	\$350.00
Road Maintenance OE	\$5,000.00	Land Use Admin OE	\$1,000.00
		Building Subcode S&W	\$5,000.00
		Legal Services OE	\$2,000.00
<b>Total:</b>	<b>\$8,350.00</b>	<b>Total:</b>	<b>\$8,350.00</b>

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

**#2023-84 RESOLUTION TO AUTHORIZE THE PURCHASE OF FIRE DEPARTMENT VEHICLE FROM SPECTRUM COMMUNICATIONS WHEREAS**, The Township of Frelinghuysen requires a Command/Chief Vehicle for the Frelinghuysen Township Fire Department; and **WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq; and **WHEREAS**, the Township of Frelinghuysen has received multiple quotes for comparable vehicles and accessories; and **WHEREAS**, Spectrum Communications has provided the best vehicle option for the purpose as stated. **NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, as follows:

1. The Township authorizes a purchase of a 2015 Ford Explorer, Fully Outfitted with Radios, Warning Lights and Cabinet.
2. The Chief Financial Officer is hereby authorized and directed on behalf of the Township to execute steps necessary for the acquisition of the aforementioned vehicle.

**CERTIFICATION** I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Committee of the Township of Frelinghuysen, in the County of Warren, New Jersey, at a meeting held on December 20, 2023 Donna Zilberfarb, RMC

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

**#2023-85 RESOLUTION APPROVING PAYMENT OF BILLS FOR DECEMBER 2023**

**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 DECEMBER 2023; and **WHEREAS**, the Finance Committee find the bills to be in order and recommend to the Township Committee that they be paid by the Chief Finance Officer. **NOW, THEREFORE BE IT RESOLVED**, by the Frelinghuysen Township Committee that all bills submitted for the above named date are reasonable and proper and are to be paid from their appropriate account. Donna M. Zilberfarb, RMC

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

**#2023-86 CHAPTER 159 RESOLUTION: INSERTION OF STORMWATER MANAGEMENT GRANT**

**WHEREAS**, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made by law and the amount thereof was not determined at the time of adoption of the budget, and **WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount, **NOW, THEREFORE, BE IT RESOLVED** that the Township of Frelinghuysen hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$50,000.00; which item is now available as revenue from the State of NJ, Department of Treasury, Stormwater Grant, pursuant to the provisions of statute, and **BE IT FURTHER RESOLVED** that a like sum of \$50,000.00 be and the

same is hereby appropriated under the caption of: *Public and Private Programs Offset by Revenues Stormwater Grant* CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Committee of the Township of Frelinghuysen, in the County of Warren, New Jersey, at a meeting held on December 20, 2023 Donna Zilberfarb, RMC

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

**ORDINANCES:**

**#2023-17 AMENDING THE FRELINGHUYSEN TOWNSHIP CODE BY ADDING THERETO A NEW ARTICLE III TO CHAPTER 19, TO BE ENTITLED “PLAINLY AUDIBLE NOISE”** WHEREAS, excessive noise is a detriment to the public health, safety and welfare of the Township and its residents; and WHEREAS, in order to ensure that the residents of Frelinghuysen Township may live in an environment free of excessive noise, it is necessary and appropriate to the public health, safety and welfare to regulate noise as a nuisance where appropriate. NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen as follows: **Section I** Chapter 19 of the Frelinghuysen Township Code, “Health and Safety,” is hereby amended by adding thereto a new Article III, “Plainly Audible Noise,” to read as follows: **CHAPTER 19 ARTICLE III PLAINLY AUDIBLE NOISE § 19-13. Applicability.** This article shall cover any noise from any source location which is plainly audible in violation of the provisions of this article. **§ 19-14. Prohibited acts.** It shall be unlawful for any individual or entity to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the quiet enjoyment, comfort, repose, health, peace or safety of others. **§ 19-15. Loud, disturbing and unnecessary noise.** A. Without intending to limit the generality of §19-14, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this article. (1) Radios; televisions; sound amplifiers. The playing, use or operation of any radio receiving set, television, musical instrument, loudspeaker, amplifier or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants. The operation of such a set, instrument, machine or device between the hours of 11:00 p.m. and 6:00 a.m. so that it is clearly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this article. (2) Yelling; shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 6:00 a.m., or at any time or place, which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity. (3) Animals; birds. The keeping of animals or birds which, by causing frequent or long-continued noise, disturb the comfort or repose of any person in the vicinity, but nothing herein contained is intended to apply to a licensed dog pound or kennel, or to farming, when practiced according to customary farming practices. (4) Horns. The sounding of a horn or warning device on an automobile, motorcycle, bus or other vehicle except when required by law, and which emits an unreasonably loud or harsh sound or for an unnecessary or unreasonable period of time. (5) Construction or repair. The carrying on of excavation, demolition, construction, repair or alteration work other than between the hours of 7:00 a.m. and 7:00 p.m., and the carrying on of construction, repair or alteration work by a homeowner on his own dwelling or property other than between the hours of 7:00 a.m. and 10:00 p.m. All motorized equipment used in construction and demolition activity shall be operated with a muffler. (6) Schools; courts; houses of worship; hospitals. The creation of excessive noise on a street adjacent to a school, institution of learning or house of worship while in use or adjacent to a medical facility which unreasonably interferes with the working of the institution or which disturbs or unduly annoys patients or residents of a medical facility, provided that conspicuous signs are displayed in such a street indicating that it is a school or medical facility. (7) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale. (8) Pile drivers, hammers, etc. The operation, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, of any pile driver, steam shovel, bulldozer or other earthmoving machinery, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise. (9) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noises. (10) Lawn mowers, snow blowers/throwers. The operation of any internal combustion engine lawn mower, or electric power lawn mower or of any snow blower or snow thrower before 6:00 a.m. or after 10:00 p.m. (11) Electric generators. The residential use of any fuel-powered device that produces electricity and produces sound that is clearly audible from a distance of 50 feet from the device except at times when electric power is interrupted for reasons beyond the control of the property owner or occupant or for the maintenance or testing of the generator unit for a period not to exceed 30 minutes. Such maintenance and testing shall only be conducted between the hours of 7:00 a.m. and 10:00 p.m. (12) Any noise that violates the provisions of the Public Health Nuisance Code of New Jersey, as adopted pursuant to Chapter 19, Article II of the Frelinghuysen Township Code. B. The above are intended to give typical illustrations of prohibited noise and shall not be construed as exclusive. **§ 19-16. Exceptions.**

Nothing herein contained shall be construed to apply to: A. The use of bells, chimes or sound amplifiers by houses of worship engaged in house of worship activities. B. Activities of municipal departments in the performance of their duties, drills or public demonstrations. C. Police, fire, ambulance, air raid or other sirens which may be operated by the Township or civil defense or other governmental authorities, or any other emergency services responding to emergencies.

D. Activities in public parks, playgrounds or public buildings under permission or authority of municipal officials. E. The playing by a band or orchestra in a hall or building or in the open air, where duly authorized. F. Activities of municipal or public utilities or municipal public works to respond to emergencies, public health or safety issues or to repair critical infrastructure. G. Construction activities carried out within reasonable daytime hours, subject to any additional restrictions imposed by the Township. H. Farming, when practiced according to customary farming practices. § 19-17.

Enforcement; violations and penalties. A. The provisions of this article shall be enforced by the State Police or the Warren County Board of Health. B. Any person or entity violating any provision of this article shall upon conviction be subject to a fine not exceeding \$500.00. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

Section II 1. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected. 2. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency. 3. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

DONNA ZILBERFARB, Clerk, KEITH RAMOS, 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 November 8, 2023 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 20, 2023 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. DONNA ZILBERFARB, Clerk. Motion was made by Mr. McPeek to open for first reading for introduction, seconded by Mr. Stock. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on December 20, 2023 at 6 pm. Motion was made by Mr. Boynton to open for second reading for adoption, seconded by Mr. Stracco. All were in favor. Mr. Stock felt a very compromised ordinance and fair and best interest for the community. Motion was made by Mr. Stracco to open to the public, seconded by Mr. Stock. All were in favor. Public comment: Bruce Barbour asked for a quick synopsis of this ordinance. Mr. Ramos explained it was within the ordinance spelled out. There were no other comments. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Stock. All were in favor. Motion was made by Mr. Stracco to approve for adoption, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. McPeek-absent; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Ordinance passed.

**#2023-18 AMENDING THE FRELINGHUYSEN TOWNSHIP CODE BY ADDING THERETO A NEW CHAPTER 26, "STORMWATER QUALITY" WHEREAS**, the Township of Frelinghuysen has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey; and **WHEREAS**, the Township of Frelinghuysen has obtained a new five (5) year Municipal Stormwater Permit from the State in 2023 to cover the five-year period between January 1, 2023 and December 31, 2027; and **WHEREAS**, the Township of Frelinghuysen was classified as a Tier B municipality prior to the renewal of its five (5) year municipal stormwater permit in 2023; and **WHEREAS**, the Township of Frelinghuysen has been reclassified as a Tier A municipality and is subject to the Community-wide Ordinance requirements of the new Tier A Municipal Stormwater Permit; and **WHEREAS**, the Community-Wide Ordinance requirements in the Township of Frelinghuysen's new Tier A Municipal Stormwater Permit necessitate the adoption of the ordinances herein on or before January 1, 2024. NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen as follows: Section I The Frelinghuysen Township Code is hereby amended by adding thereto a new Chapter 26, "Stormwater Quality," to read as follows: **CHAPTER 26 STORMWATER QUALITY §26-1.**

**Containerized Yard Waste §26-1.1. Scope and Purpose.** To establish requirements for the proper handling of yard waste in the Township of Frelinghuysen, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. **§26-1.2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. **CONTAINERIZED** Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater. **PERSON** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. **STREET** Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines. **YARD WASTE** Means leaves and grass clippings. **§26-1.3. Prohibited Conduct.** The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard

waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance. **§26-1.4. Enforcement.** The provisions of this ordinance shall be enforced by the Zoning Officer of the Township of Frelinghuysen. **§26-1.5. Violations and Penalties.** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided by Chapter 1, Section 1-5, General Penalty, of the Code. **§26-2. Pet Waste Control** **§26-2.1. Purpose.** To establish requirements for the proper disposal of pet solid waste in the Township of Frelinghuysen, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply. **§26-2.2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. **IMMEDIATE** Shall mean that the pet solid waste is removed at once, without delay. **OWNER/KEEPER** Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet. **PERSON** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. **PET** A domesticated animal (other than a disability assistance animal) kept for amusement or companionship. **PET SOLID WASTE** Waste matter expelled from the bowels of the pet; excrement. **PROPER DISPOSAL** Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal. **§26-2.3. Requirement for Disposal.** All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person. **§26-2.4. Exemptions.** Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose. **§26-2.5. Enforcement.** The provisions of this Article shall be enforced by the Zoning Officer of the Township of Frelinghuysen. **§26-2.6. Violations and Penalties.** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided by Chapter 1, Section 1-5, General Penalty, of the Code. **§26-3. Private Storm Drain Inlet Retrofitting** **§26-3.1. Purpose.** An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Frelinghuysen so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. **§26-3.2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Frelinghuysen or other public body, and is designed and used for collecting and conveying stormwater. **PERSON** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. **STORM DRAIN INLET** An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet. **WATERS OF THE STATE** Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction. **§26-3.3. Prohibited Conduct.** No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in Section 26-3.4 below prior to the completion of the project. **§26-3.4. Design Standard.** Storm drain inlets identified in Section 26-3.3 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 26-3.4C below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

2. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

- C. This standard does not apply:

1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
2. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
  - b. A bar screen having a bar spacing of 0.5 inches.
3. Where flows are conveyed through a trash rack that has parallel bars with one inch (1") spacing between the bars; or
4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property. **§26-3.5. Enforcement.** This ordinance shall be enforced by the Municipal Engineer of the Township of Frelinghuysen. **§26-3.6. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided by Chapter 1, Section 1-5, General Penalty, of the Code. for each storm drain inlet that is not retrofitted to meet the design standard. **26-4. Wildlife Feeding Control**

**§26-4.1. Purpose.** To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Frelinghuysen, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply. **§26-4.2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. **FEED** To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game. **PERSON** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. **WILDLIFE** All animals that are neither human nor domesticated. **§26-4.3. Prohibited Conduct.** No person shall feed, in any public park or on any other property owned or operated by the Township of Frelinghuysen, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program). **§26-4.4. Enforcement.** This ordinance shall be enforced by the Zoning Officer of the Township of Frelinghuysen. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately. **§26-4.5. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided by Chapter 1, Section 1-5, General Penalty, of the Code. **§26-5 Yard Waste Collection** **§26-5.1. Purpose.** To establish a yard waste collection and disposal program in the Township of Frelinghuysen, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. **§26-5.2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. **CONTAINERIZED** Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater. **PERSON** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. **STREET** Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines. **YARD WASTE** Means leaves and grass clippings. **§26-5.3. Yard Waste Collection.** Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is

a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance. **§26-5.4. Enforcement.** The provisions of this ordinance shall be enforced by the Zoning Officer of the Township of Frelinghuysen. **§26-5.5. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided by Chapter 1, Section 1-5, General Penalty, of the Code.

**§26-6 Illicit Connection §26-6.1. Purpose.** To prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Frelinghuysen, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. **§26-6.2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2. **DOMESTIC SEWAGE** Waste and wastewater from humans or household operations. **ILLICIT CONNECTION** Any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Frelinghuysen, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system. **INDUSTRIAL WASTE** Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)). **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Frelinghuysen or other public body, and is designed and used for collecting and conveying stormwater. **NJPDES PERMIT** A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A. **NON-CONTACT COOLING WATER** Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors. **PERSON** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. **PROCESS WASTEWATER** Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water. **STORMWATER** Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment. **§26-6.3. Prohibited Conduct.** No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Frelinghuysen any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater). **§26-6.4. Enforcement.** This ordinance shall be enforced by the Municipal Engineer of the Township of Frelinghuysen. **§26-6.5. Penalties.** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided by Chapter 1, Section 1-5, General Penalty, of the Code. **§26-7 Improper Disposal of Waste §26-7.1. Purpose.** To prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Frelinghuysen, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. **§26-7.2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Frelinghuysen or other public body, and is designed and used for collecting and conveying stormwater. **PERSON** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. **STORMWATER** Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment. **§26-7.3. Prohibited Conduct.** The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Frelinghuysen is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited. **§26-7.4. Exceptions to Prohibition.**

A. Water line flushing and discharges from potable water sources

- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- C. Air conditioning condensate (excluding contact and non-contact cooling water)
- D. Irrigation water (including landscape and lawn watering runoff)
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water, and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water
- H. Flows from firefighting activities.
- I. Flows from rinsing of the following equipment with clean water:
  - 1. Beach maintenance equipment immediately following their use for their intended purposes; and
  - 2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

**§26-7.5. Enforcement.** This ordinance shall be enforced by the Zoning Officer of the Township of Frelinghuysen. **§26-7.6. Penalties.** Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed the maximum penalty as provided by Chapter 1, Section 1-5, General Penalty, of the Code. **§26-8. Privately-Owned Salt Storage**

**§26-8.1. Purpose.** The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of Frelinghuysen to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply. **§26-8.2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. **DE-ICING MATERIALS** Means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow. **IMPERVIOUS SURFACE** Means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. **STORM DRAIN INLET** Means the point of entry into the storm sewer system. **PERMANENT STRUCTURE** Means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall). A fabric frame structure is a permanent structure if it meets the following specifications:

- A. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- B. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- C. The structure shall be erected on an impermeable slab;
- D. The structure cannot be open sided; and
- E. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

**PERSON** Means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. **RESIDENT** Means a person who resides on a residential property where de-icing material is stored. **§26-8.3. Deicing Material Storage Requirements.**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
  - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - 4. Loose materials shall be covered as follows:
    - a. The cover shall be waterproof, impermeable, and flexible;
    - b. The cover shall extend to the base of the pile(s);
    - c. The cover shall be free from holes or tears;
    - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
    - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
      - i. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;



5. Containers must be sealed when not in use; and
  6. The site shall be free of all de-icing materials between April 16 th and October 14 th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
  - C. All such temporary and/or permanent structures must also comply with all other applicable local ordinances, including building and zoning regulations.
  - D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
    1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

**§26-8.4. Exemptions.** Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 26-9.3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

**§26-8.5. Enforcement.** This ordinance shall be enforced by the Zoning Officer of the Township of Frelinghuysen during the course of ordinary enforcement duties.

**§26-8.6. Violations and Penalties.** Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines not to exceed the maximum penalty as provided by Chapter 1, Section 1-5, General Penalty, of the Code. After notification, each day of continuing violation of the terms of this section shall be deemed to be a separate and distinct offense hereunder.

**§26-9. Refuse Containers / Dumpsters §26-9.1. Purpose.**

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Frelinghuysen and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§26-9.2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Frelinghuysen or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**REFUSE CONTAINER** Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

**STORMWATER** Means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**WATERS OF THE STATE** Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§26-9.3. Prohibited Conduct.** Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Frelinghuysen.

**§26-9.4. Exceptions to Prohibition.**

- A. Permitted temporary demolition containers
- B. Litter receptacles (other than dumpsters or other bulk containers)
- C. Individual homeowner trash and recycling containers
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

**§26-9.5. Enforcement.** This ordinance shall be enforced by the Zoning Officer of the Township of Frelinghuysen.

**§26-9.6. Penalties.** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided by Chapter 1, Section 1-5, General Penalty, of the Code.

Section II Section 3-2.1 of the Frelinghuysen Township Code is amended to add the following definitions therein: **LITTER RECEPTACLE** A container suitable for the depositing of litter. **PERSON** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Section III Section 3-2.1 of the Frelinghuysen Township Code is further amended delete the definition of "Litter" in its

entirety, and replace it with the following: LITTER Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing. Section IV 1. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected. 2. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency. 3. This ordinance shall take effect immediately upon adoption and publication according to law. DONNA ZILBERFARB, Clerk, KEITH RAMOS, 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 November 8, 2023 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 20, 2023 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. Boynton. Roll call vote:** Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on December 20, 2023 at 6 pm. Motion was made by Mr. Stracco to open for second reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Stock to open to the public, seconded by Mr. Boynton. All were in favor. Public comment: Bruce Barbour asked if someone could explain the ordinance. Mr. Beilin and Mr. Ramos explained the state mandates and how the tiers are and how the town went to a new one. Mr. Ramos also explained that his concerns are any recurring costs as the grants are paying for all the upfront costs. Cheryl Towey asked if this affects her property. Mr. Ramos explained that as of now there should be no affect and explained that if something changed all property owners would be notified. There were no other comments. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Stock. All were in favor. Motion was made by Mr. Stracco to approve for adoption, seconded by Mr. Stock. Roll call vote: Mr. Boynton-yes; Mr. McPeek-absent; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Ordinance was approved.

**#2023-19 AMENDING THE FRELINGHUYSEN TOWNSHIP CODE BY ADDING THERETO A NEW ARTICLE I TO CHAPTER 19, TO BE ENTITLED "RENTAL PROPERTY" AND ARTICLE II, TO BE ENTITLED "PUBLIC HEALTH NUISANCE CODE** WHEREAS, there exists a need in the Township of Frelinghuysen to promulgate standards for the maintenance and upkeep of residential rental properties, to assure the health, safety and welfare of tenants residing within the Township. NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen as follows: **Section I** Chapter 19 of the Frelinghuysen Township Code, "Health and Safety," is hereby amended by adding thereto a new Article I, "Rental Property" and Article II, "Public Health Nuisance Code," to read as follows: **CHAPTER 19 ARTICLE I RENTAL PROPERTY § 19-1. Purpose.** The purpose of this article is to ensure the health, safety and welfare of all tenants residing in rental properties, as well as all other residents of the Township of Frelinghuysen. **§ 19-2. Definitions.** For use in this article only, the following words and phrases shall have the meanings respectively ascribed to them by this section: **LANDLORD AND OWNER** Any person who owns any legally cognizable interest in any rental property, including, but not limited to, outright ownership or ownership through a partnership, corporation or limited liability company. **OWNER-OCCUPIED** The primary residential living unit of the owner is located within the rental property. **RENTAL PROPERTY** Any house, structure, building or structure rented or offered for rent, for living and dwelling purposes to individuals or family units. **RENTAL UNIT** Any individual unit located within a rental property, and which is rented or offered for rent for living and dwelling purposes to individuals or family units. **TENANTS** Those persons who have leased the rental unit from the owner, regardless of the type of tenancy under which they occupy the rental unit. **§ 19-3. Housing excepted from coverage.** The provisions of this article shall not apply to owner-occupied units located within a rental property. The provisions of this article shall not apply to rental properties under the supervision of a public housing authority or that exclusively provide restricted housing for the developmentally disabled. **§ 19-4. Rental property registration.** A. On or before January 1 of each year, the owner of every rental property in the Township of Frelinghuysen and regulated by this article, with the exception of owner-occupied two-unit premises, shall file a rental property registration statement with the Municipal Clerk. Forms for said filing can be obtained from the Municipal Clerk or from the Municipal website. The Municipal Clerk shall provide copies of all rental property registration statements to all applicable local agencies. Said information will be kept confidential, and any personal identifying information will not be distributed or utilized in any manner not set forth herein unless required by law. B. The rental property registration statement form shall require the submission of the following information: (i) The name, address and telephone number of the record owner or owners of the rental property. In the case of a partnership, the names of all general partners shall be provided. If the record owner is a corporation or limited liability company, the name and address of the registered agent and corporate officers or principals of said corporation or limited liability company; (ii) If the address of any record owner is not

located in the county in which the rental property is located, the name, address and telephone number of a person who resides in the county in which the rental property is located and is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner; (iii) The name, address and telephone number of the managing agent of the rental property, if any; (iv) The name, address and telephone number, including the dwelling unit, apartment or room number, of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any; (v) The name, address and telephone number of an individual representative of the record owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the rental property or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building, any repair thereto, disruption of utilities or expenditures in connection therewith and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency; (vi) The name and address of every holder of a recorded mortgage on the rental property, and (vii) If fuel is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel dealer servicing the building and the type of fuel used. C. Every landlord required to file a certificate of registration hereunder file an amended certificate of registration within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership of the premises is changed. **§ 19-5. Rental unit license fee schedule.** The following is the rental unit license fee schedule:

<u>Number of Units</u>	<u>Annual License Fee</u>
2 or fewer	\$25
3 or more	\$10 per unit

The annual rental unit license registration and fee are due and payable to the Township of Frelinghuysen on January 1 of each year with a thirty-day grace period for same. Failure to register as of February 1 will be considered in violation of this article and a late fee of \$5 per month, per unit, will be assessed. **§ 19-6. Violations and penalties.**

B. Any person violating any of the provisions of this article, upon conviction thereof, shall be liable to a penalty of not less than \$50 nor more than \$500 for each violation. In addition, the owner will be subject to the increased license fees established in §19-5 for failure to timely register the rental unit. **ARTICLE II PUBLIC HEALTH NUISANCE CODE § 19-7. Definitions.**

A. As used in this chapter, the Public Health Nuisance Code of New Jersey (1953) means and refers to that certain Code approved by the State Department of Health on September 16, 1953, for adoption by reference, as may be amended from time to time. In accordance with law, which Code defines and prohibits certain matters, things, conditions or acts, and each of them as a nuisance, prohibits certain noises or sounds, requires proper heating of apartments, prohibits the leasing or renting of certain buildings, prohibits spitting in or upon public buildings, conveyances or sidewalks, authorizes the inspection of premises by an enforcing official, and provides for the removal or abatement of certain nuisances and the recovery of expenses incurred by a municipality in removing or abating said nuisances.

B. Whenever the following words, terms or phrases are used in the Public Health Nuisance Code of New Jersey (1953), they shall have the following meanings herein given: (i) "Board of Health" means and refers to the Warren County Health Department. (ii) "Municipality" means and refers to the Township of Frelinghuysen. **§ 19-8. Adoption of Public Health Nuisance Code of New Jersey; Exceptions.**

A. Pursuant to and in accordance with the Public Health and Sanitation Codes Adoption by Reference Act (N.J.S.A. 26:3—69.1 to 26:3—69.6), there is hereby established and adopted as the Public Health Nuisance Code of the Township of Frelinghuysen, the whole of the Public Health Nuisance Code of New Jersey (1953), except that Sections 2.1(a) and 2.1(b) are specifically excluded from this adoption. Notwithstanding the foregoing, in the event that the provisions of the Frelinghuysen Township Code are more stringent those of the Public Health Nuisance Code of the State of New Jersey, then the provisions of the Frelinghuysen Township Code shall take precedence. B. A copy of the Public Health Nuisance Code of New Jersey, as adopted by the Township of Frelinghuysen, is annexed hereto and made a part hereof as fully and with the same effect as though it had been set forth at length herein. C. Three (3) copies of the Public Health Nuisance Code of New Jersey (1953) have been placed on file in the Office of the Township Clerk and the Warren County Health Department, and shall remain on file there for the use and examination of the public. **§ 19-9. Penalty.**

Any person who violates any provision of this article shall, upon conviction thereof, be liable for a penalty of not more than \$1,000 or imprisonment for not more than 90 days, or both, for each violation. Each day that said violation continues shall be deemed a separate and distinct violation. **Section II 1.** Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected. 2. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency. 3. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law. DONNA ZILBERFARB, Clerk, KEITH RAMOS, 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 November 8, 2023 and will be considered for final reading

and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 20, 2023 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. DONNA ZILBERFARB, Clerk. Motion was made by Mr. Stracco to open for first reading for introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on December 20, 2023 at 6 pm. Motion was made by Mr. Stracco to open for second reading for adoption, seconded Mr. Stock. All were in favor. Motion was made by Mr. Stock to open to the public, seconded by Mr. Boynton. All were in favor. Public comment: Cheryl Towey asked what this ordinance was for. Mr. Beilin explained that 1. This sets up registration for rentals and 2. The township works with the board of health of Warren County and a number of years ago we repelled this code. This will readopt that code so it will be enforceable for Warren County Health department. There was no more public comments. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Stock. Motion was made by Mr. Stracco to approve for adoption, seconded by Mr. Stock. Roll call vote: Mr. Boynton-yes; Mr. McPeek-absent; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Ordinance was approved.

#### **COMMITTEE REPORTS:**

- Mayor Ramos – nothing to report
- Deputy Mayor Stracco – nothing to report
- Committeeman Boynton – nothing to report
- Committeeman McPeek – absent
- Committeeman Stock – nothing to report
- Attorney Rich Beilin – Explained the new tax rules for tax foreclosures and issues that are considered unconstitutional.
- Municipal Clerk Zilberfarb – Ms. Zilberfarb recognized Mr. Boynton's time on the Township Committee and thanked him for all his years serving Frelinghuysen Township.

#### **OLD BUSINESS:**

There was no old business discussed

#### **NEW BUSINESS:**

There was no new business discussed

#### **DEPARTMENT REPORTS:**

Motion was made by Mr. Stracco for a consent agenda for department reports 1-16, seconded by Mr. Stock. All present were in favor.

#### **OPEN MEETING TO THE PUBLIC:**

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

- Loren Greco asked about the chief vehicle and if it would be used for personal use. Mr. Ramos stated that it would not be utilized for personal use and that it was half paid for by donations and that the vehicle was a \$140,000. Vehicle which the town paid \$20,000.00 for and that essentially the town paid \$10,000 for a fully loaded vehicle. He also stated that DFS could explain the need for a chiefs vehicle.
- Bruce Barbour asked how the board came to the decision for a fire department and if he could see the notes on how it was decided and where in the budget it would be. Mr. Ramos explained the cost spent on the 3 fire departments and paying \$105,000 total to them and explained that in the budget it will be a line item and that the fire department has been established. Mr. Barbour asked if the elected officials receive health benefits. Mr. Ramos stated that they do not.
- Dan Kohuth asked as of January 1<sup>st</sup> will payments still be made to the fire departments. Mr. Ramos stated yes until we are released by DFS we will pay until done.
- Mr. Kohuth eluded that the chief vehicle will be used to go to work. Mr. Ramos stated that no the vehicle will not be driven and will sit at the firehouse or the chiefs house. He also stated that the Chief would be able to explain.
- Debra Natyzak asked what the status of fire coverage on January 1<sup>st</sup> per the letter sent out. Mr. Ramos stated that yes the fire departments will respond if DFS has not released us.
- Cheryl Towey asked that shouldn't there be a document in place for them to continue coverage? Mr. Ramos stated again that there will be coverage. Ms. Towey asked what the hold up is for our fire department. Mr. Ramos explained that we are waiting for DFS to release us.
- Cheryl Towey asked if everyone graduated from the fire school. Mr. Ramos answered yes 5 total.
- Cheryl Towey asked if any of the money from the land sale was going to the fire department. Mr. Ramos stated that yes \$200,000.00 was going toward it.
- Cheryl Towey asked if the same money was being allocated then why change anything? Mr. Ramos explained the expenses and how there was no cap. He stated that adding emergency services was done fiscally responsible and stated he doesn't understand what the issue is. Ms.

Towey explained she was disappointed with how the ties were cut and that they are still mutual aid and asked why such negative feelings. Mr. Ramos stated that the town did not do what she thought and explained the threatening conversations regarding stopping coverage and not being able to use fire trucks the town helped pay for and how the town had contracts and they were broken because of other towns. He explained that we dropped the lawsuit and that the town is trying to move forward. He then told her to OPRA any of the information as well.

- Debra Natyzak asked what the \$20,000. to spectrum communications was for. Mr. Ramos explained it was for the Chiefs vehicle.

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

**CORRESPONDENCE:**

- State of New Jersey DOT – FY 2024 Local Freight Impact Fund
- Warren County Board of County Commissioners – annual reorg meeting
- JCP&L – BPU docket number: ER23070453
- NJ Transit – Public hearing
- Municipal Excess Liability JIF – Community Risk Management Manual
- Green Township Fire Department – September and October monthly
- Blairstown Hose Company – July monthly

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Stock, seconded by Mr. Boynton to adjourn the meeting at 9:46 a.m. All were in favor.

Motion was made by Mr. Stracco to reopen the meeting at 9:47 am, seconded by Mr. Stock. All were in favor. Motion was made by Mr. Stracco to allow the Mayor to sign the amended agreement, seconded by Mr. Stock. All were in favor.

Motion was made by Mr. Stracco to adjourn the meeting at 9:47 am, seconded by Mr. Stock. All were in favor.

Respectfully submitted,

Donna Zilberfarb, RMC