

**MINUTES OF REGULAR MEETING OF JUNE 21, 2017**

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, June 21, 2017 and was 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, Committeeman Charlie Marra, Committeeman Christopher Kuhn, Attorney Richard Beilin, and Acting Clerk Donna Zilberfarb.

**MINUTES:**

- 1. May 17, 2017 regular session meeting minutes were approved on a motion by Mr. Marra, seconded by Mr. Boynton. All were in favor. Mr. Boynton abstained.

**CONTRACTS:**

The dpw would like to purchase a backhoe from JESCO via the MRESC coop in the amount of \$83,538.68 which includes a trade in value of \$13,000. Motion was made by Mr. Stracco to approve the purchase, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Desiderio-Yes.

**ORDINANCES:**

**2017-10 ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A STREET KNOWN AS WYLLY ROAD IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY AND RESERVING ACCESS EASEMENTS.** WHEREAS, a road known as Wyllly Road, in the Township of Frelinghuysen, as fully described in the Schedule attached hereto ("Wyllly Road"), is no longer needed for any public purpose; and WHEREAS, as such, Wyllly Road should be vacated, except to retain an easement for utility access and an access easement, as described in the attached Schedule. NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, and State of New Jersey, as follows:1. Subject to the reservations and exceptions specified in this ordinance, the public rights and interests are hereby vacated with respect to a portion of Wyllly Road, which portion is more specifically set forth in the metes and bounds description which is attached as a Schedule hereto and made a part hereof. 2. All the rights of any and all public utilities, as defined at N.J.S.A. 48:2-13 and cable television companies, as defined at N.J.S.A. 48:5A-1, et seq., to provide future utilities or to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated are hereby expressly reserved and excepted from this vacation in perpetuity. 3. Upon final adoption, a copy of this Ordinance shall be transmitted to the Warren County Clerk for recording as required by law. 4. This Ordinance shall take effect according to law NOTICE: Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Frelinghuysen Township Committee held on June 21, 2017 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on July 19, 2017 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Boynton to enter into first reading for introduction, seconded by Mr. Stracco. Roll call vote: Mr. Boynton-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Desiderio-Yes. Second reading will be on July 19, 2017.

**RESOLUTIONS:**

#2017-47 WHEREAS, a resolution is required by the Tax Collector to refund a double payment of 2017 2<sup>nd</sup> quarter taxes. The taxes were paid at a closing (property was sold) and by the mortgage company of the previous owner. The mortgage company has requested that the refund be sent to them.

Block	Lot	Pay To	Amount
1302	3.03	CoreLogic	\$ 1,924.45

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the above property taxes. I hereby certify the foregoing

to be a true and accurate copy of a resolution adopted by the Township Committee at its' meeting held on June 21<sup>st</sup>, 2017. Motion was made by Mr. Kuhn, seconded by Mr. Boynton. All were in favor.

#2017-48 RENEWAL OF LIQUOR LICENSES IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY FOR THE YEAR 2017-2018 WHEREAS, the following Plenary Distribution Liquor Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2017-2018

2106-44-002-002 Gerald Chrusz

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2017-2018

2106-33-003-008 Sweet Janes Café and Bar

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2017-2018

2106-33-004-001 Katharina Reay

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2017-2018

2106-33-001-005 Joseph McEvoy

WHEREAS, the following Plenary Retail Consumption Licensee has filed an application with the Municipal Clerk together with the necessary fees for the year 2017-2018

2106-33-005-006 Plan B

WHEREAS, Clearance Certificates have been received from the New Jersey Division of Taxation, verifying compliance with Chapter 161, Laws of New Jersey by the above applicants. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen on this 21st day of June, 2017 that the renewals of the above mentioned Plenary Retail Consumption and Plenary Retail Distribution licenses is granted for the year 2017-2018. CERTIFICATION I, Donna Zilberfarb, Acting Municipal Clerk of Frelinghuysen Township, Warren County do hereby certify the above to be a true copy of a resolution adopted by the Frelinghuysen Township Committee at their meeting of June 21, 2017. Motion was made by Mr. Boynton, seconded by Mr. Marra. Roll call vote: Mr. Boynton-Yes; Mr. Kuhn-Yes; Mr. Marra-Yes; Mr. Stracco-Yes; Mr. Desiderio-Yes.

#2017-49 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF JUNE 2017 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 JUNE 2017; and WHEREAS, the Finance Committee find the bills to be in order and recommend to the Township Committee that they be paid by the Chief Finance Officer. NOW, THEREFORE BE IT RESOLVED, by the Frelinghuysen Township Committee that all bills submitted for the above named month are reasonable and proper and are to be paid from their appropriate account. Motion was made by Mr. Boynton, seconded by Mr. Kuhn. All were in favor.

#2017-50 **RESOLUTION CONSENTING TO VERIZON WIRELESS PERFORMANCE OF LOCATION STUDY FOR SMALL NETWORK NODES** WHEREAS, Verizon Wireless has requested consent from the Township of Frelinghuysen for the location and operation of small network nodes in the public right-of-way, in order to upgrade and enhance its network; and **WHEREAS**, the Mayor and Committee of the Township of Frelinghuysen seek to obtain a greater understanding of the nature and extent of the work that Verizon Wireless will seek to perform within the Township. **NOW THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey as follows:

1. The Mayor and Committee hereby grant the consent of the Township of Frelinghuysen to Verizon Wireless to perform a study of Verizon Wireless's specific needs within the Township, and to provide the Mayor and Committee with a report showing the specific types of equipment to be installed, the exact location and appearance of same, and a radio frequency evaluation to determine compliance with FCC guidelines associated with radio frequency emissions.
2. Upon completion of the study, Verizon Wireless shall provide a copy of same to the Mayor and Committee.
3. Nothing in this Resolution shall be construed as a consent by the Township of Frelinghuysen to install any small network nodes or other equipment in the public rights of way within the Township.

**Certification** I, Donna Zilberfarb, Acting Township Clerk of the Township of Frelinghuysen, in the County of Warren, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Mayor and Committee at a meeting held on June 21, 2017. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor. Mr. Stracco abstained.

#2017-51 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of potential purchase of property and potential litigation and; WHEREAS, under the Open Public Meetings Act (number 8 of the permitted exceptions to the requirements that a public body hold its meetings in public) it is permissible that such matters be discussed in executive or private session. NOW, THEREFORE BE IT RESOLVED, on June 21, 2017 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned and results or portions of that discussion will be made known in reasonable length of time. Motion was made by Mr. Stracco, seconded by Mr. Boynton. All were in favor.

#### **OLD BUSINESS:**

Energy Aggregate Program update – An agreement for the Sussex-Warren area energy cooperative agreement for a cooperative pricing system was asked to be signed by Concord Energy to move forward and go out to bid for pricing. Motion was made by Mr. Stracco to permit the Mayor to sign the agreement, seconded by Mr. Kuhn. Roll call vote: Mr. Boynton-No; Mr. Kuhn-Yes; Mr. Marra-No; Mr. Stracco-Yes; Mr. Desiderio-Yes. After bids come in, Concord will reach out to the township and then discuss next steps moving forward.

Service electric cable update – Mr. Kuhn had an article added into each Committeeman's packet and asked them to review it. After discussion it was decided to have legal counsel reach out and invite service electric cable to the July 17, 2017 meeting.

911/fire dispatch update – Mr. Kuhn discussed speaking with Mr. Wheatley and asked to pay \$700.00 for radios to get Green township fire department dispatched via Warren County. After discussion a motion was made by Mr. Kuhn to pay the \$700, seconded by Mr. Stracco. Roll Call vote: All in favor 2 – ayes with 3 opposed. Motion fails. Mr. Desiderio asked to table until the executive session.

Mr. Kuhn discussed the letter from the Office of the Warren County Prosecutor discussing the GXP program that was sent to the Mayor asking for \$1,200.00 for the equipment necessary. Motion was made by Mr. Kuhn to authorize payment of \$1,200.00, seconded by Mr. Marra. All were in favor.

Cash for crash ordinance update – Mr. Kuhn and Mr. Marra met to review the process. After meeting they are recommending that the township gets some type of billing set up and amend the ordinance to reflect the billing procedures. Motion was made by Mr. Marra to authorize legal counsel to draft the ordinance, seconded by Mr. Boynton. All were in favor.

Pedestrian crosswalk – The letter that was sent from Mayor Desiderio was given to all committee members. There is no update at this time.

#### **NEW BUSINESS:**

Ms. Bilotti and Mr. Heagel from North Warren Regional High School presented the 2017-18 budget to the committee and public. All questions were answered and the committee thanked them for explaining it to them.

Mr. Sterbenz discussed with the committee the DOT grant that was awarded for Kerrs Corner Road for phase IV in the amount of \$105,000.00. This is a 2 year contract. Mr. Sterbenz will go out and determine the total cost of the job and let the committee know so they can decide if they want to do this in 2017 or 2018. Mr. Sterbenz estimated costs of \$120,000 for paving and \$80,000 for guide rail replacement. After discussion, a motion was made by Mr. Kuhn to authorize Mr. Sterbenz to look at guiderails and obtain a better estimate on what needs to be completed including costs, seconded by Mr. Desiderio. All were in favor.

Mr. Sterbenz also discussed the Kids Camp/FFP permit revocation. He explained that he has been in contact with the state, Kerry Pflugh, and that he recommends not paying the invoice the township has received.

The performance/maintenance bond that was submitted by North Warren properties was also discussed by Mr. Sterbenz. North Warren properties has requested the release of these escrow monies. Mr. Sterbenz explained that he went out and did the inspection and that there were a couple of issues. The township will need to do sealing of the pavement in some areas, there's a shade tree missing at #14 and at #12 there are marks in the sidewalk. After discussion, a motion was made by Mr. Desiderio to conditionally release the cash bond after the crack filling is complete and payment of outstanding escrow is complete, seconded by Mr. Stracco. All were in favor.

Mr. Sterbenz discussed #63 Bear Creek Road and recommended that the berm stay in place and complete some driveway work on the top of the driveway and fix the water issue. He spoke with the homeowner and Mr. Berthold agreed to extend the berm an extra 100 feet into the swamp and away from his property. After discussion, a motion was made by Mr. Desiderio to authorize Mr. Sterbenz to get some quotes from paving contractors (driveway contractors) to do the driveway, seconded by Mr. Kuhn. All were in favor.

Mr. Sterbenz also discussed stormwater management within the township. He explained that the retention basins that are maintained within privately owned areas need to be keeping a maintenance log of them and they could be fined by the state if not being taken care of. Mr. Sterbenz recommends putting a list together of these retention basins within the next couple of months.

The Warren County Municipal and Charitable Conservancy Trust Fund Committee is requesting another member from Frelinghuysen as Ms. Buttgerit has resigned. After discussion Mr. Desiderio will attend the meeting in July and look for a member for the remainder of the year.

Elinor Dowd, the winner of the Charles Rydell Scholarship, sent a thank you card and Mr. Desiderio read it to all present.

Motion was made to appoint Scott Klinger to the electrical inspector position with a 4 year term at \$8,400 per year, seconded by Mr. Boynton. All were in favor.

Mr. Desiderio appointed Alternate LUB members #3 and #4 consecutively to Brian Sassman and Scott Hendricks. Motion was made by Mr. Kuhn to concur with said appointments, seconded by Mr. Stracco. All were in favor.

Jackie Mowbray resigned effective May 31, 2017 as the clean communities coordinator and Ms. Zilberfarb will send a letter to her with regrets. Mr. Desiderio appointed Donna Zilberfarb as clean communities coordinator effective June 1, 2017. Motion was made by Mr. Stracco to concur with said appointment, seconded by Mr. Boynton. All were in favor.

Mr. Desiderio discussed putting speed limit signs on Main Street between the spur and Mill Road. He also asked if he could go door to door and speak to each resident on the spur regarding making that road a dead end at the 4 way stop. Motion was made by Mr. Stracco to approve the 2 speed limit signs and for the Mayor to speak with the residents on the spur, seconded by Mr. Boynton. All were in favor.

Mr. Kuhn inquired about Balbi closing and where the residents can take their recycling and possibly bring it back to the town. Ms. Zilberfarb explained that the recycling that was here was too expensive and that Balbi was a courtesy to the residents. All residents that do not have curb side garbage pickup will need to take directly to the land fill in Oxford. Ms. Zilberfarb will make sure there is a link on the website directing them to the PCFA in Oxford.

Ms. Zilberfarb presented to the committee summer hours for the townhall and dpw. After discussion the committee will allow summer hours. Motion was made by Mr. Kuhn, seconded by Mr. Stracco. All were in favor. The hours will be as follows:  
DPW

Monday – Thursday  
6:30 am – 3:30 pm  
Office Staff

Friday  
6:30 am – 10:30 am

Monday – Thursday  
7:30 am – 4:30 pm

Friday  
7:30 am – 11:30 am

Ms. Zilberfarb will post on the door of the town hall and on the website.

**OPEN MEETING TO THE PUBLIC:**

Motion was made by Mr. Stracco, seconded by Mr. Boynton to open meeting to the public. All were in favor. Spoke were:

Ms. Natyzak inquired what “it” was that the committee was speaking about earlier with regards to the fire department and 911. Mr. Desiderio explained about dispatching out of Warren County for Green township fire department.

Ms. Natyzak discussed at the Historic Meeting that there was a concern regarding the boat house at the FFP and inquired if they should continue looking into it being historic and getting funding. Mr. Desiderio said to find out if its historic.

Mr. Berthold inquired if anyone has reached out to service electric cable as he had no problems getting it at his location. Mr. Stracco explained the difference with the development and having all the lines underground versus on poles along the roadway. It was also explained that the BPU has been contacted as well.

Mr. Connor asked if it was possible to get a franchise approval with service electric cable. Mr. Beilin stated that they would need to look at a consortium.

Mr. Connor stated that there was inconsistencies within the Township Code and that some may need to be amended. Mr. Beilin explained why it said what it did but will look into that section.

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

**EXECUTIVE SESSION:**

Motion was made by Mr. Stracco to enter executive session, seconded by Mr. Boynton.

No action was taken

Motion was made by Mr. Kuhn to exit executive session, seconded by Mr. Stracco.

Mr. Beilin explained that a number of matters were discussed during the executive session those being potential purchase of property and possible litigation.

Motion was made by Mr. Stracco authorizing the clerk to request the LUB secretary to respond to the county engineer letter from October/November 2016 regarding Plan B, seconded by Mr. Marra. All were in favor.

Motion was made by Mr. Boynton to pay the \$700.00 to TuWay Communications for the 911 and Green Township fire department and seek county reimbursement, seconded by Mr. Marra. All were in favor.

**DEPARTMENT REPORTS:**

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

Legal Report – Mr. Beilin discussed the truck and let the committee know that an agreement has been signed by Hoover and they will pick up the truck and fix the initial 7 items. When the truck is returned they will be paid 2/3's of monies owed to them and will not get the rest until the rear axle and re-certification is completed. There is a deadline set in the contract and for each day going over is a cost of \$500/per day.

DPW Report – Report is in binders

Land Managers – Left at the executive session.

Recreation Committee – Mr. Desiderio stated that Founders Day was a huge success and would like to apologize to Deputy Mayor Stracco for forgetting his name when he was announcing him. He also would like to thank publically, Brian Sassman for the donation of the tent, silverlake farms for the donation of the corn and Cliff Kimball for hooking up the outdoor BBQ.

Environmental Commission – Mr. Kuhn explained that they are meeting on Monday and looking to go over some items to make meetings more productive.

Farmland Preservation Committee –Meet in July

Open Space Advisory Committee – Meet in July

Historical Committee – Nothing at this time

Mayor report – Mr. Desiderio explained to the committee that he is tired of people saying that he wanted the farmhouse on the FFP when in fact he did not want the farmhouse for himself but he did consider it for NORWESCAP and COAH. He also mentioned that the signs and kiosks are being put up without permits. Mr. Desiderio also discussed 3 pine trees that need to come down that are next to the rec center, he will be getting some quotes. He also mentioned his concerns regarding the township insurance and would like to go out to bid when that contract is up, as he is not satisfied with the current insurance. Mr. Beilin will need to do a resolution for not going into the coop.

Deputy Mayor report – Mr. Stracco let the committee know that the Verizon application was carried again.

Committeeman Boynton – Concurred that Founders Day was great and Municipal Alliance had a full table and it went very well.

Committeeman Kuhn – Agreed that Founders Day was great. He explained that he would be going to ANJEC's conservation project on June 27<sup>th</sup> at 6 pm at the Four Sisters Winery. He will also be attending the Green Township fire department golf outing on Thursday. He attended the fundraiser for Jason Sarnoski and said that it went well. He also inquired how to get wetlands as part of the application for the land use board. Mr. Stracco will speak with Ms. Kleber and have it added to the application. Mr. Desiderio stated it should be wetlands and not a request for an LOI.

Committeeman Marra – Mr. Marra reached out to the State Police in Hope to have a presence in Marksboro. He also discussed that he and Mr. Kuhn are looking into having a classical concert or something behind townhall.

Clerk report – Nothing to report at this time.

#### **CORRESPONDENCE:**

**Congress of the United States House of Representatives** – Josh Gottheimer, grants available. **State of New Jersey Department of Environmental Protection** – Storm water program. **State of New Jersey Department of Transportation** – Municipal Aid Program funding for Kerrs Corner Road. **State of New Jersey Office of the Attorney General** – OEM plan expiration August 21, 2017. **State of New Jersey Department of Transportation** – Retirement of Debbie Hirt. **New Jersey Courts** – 2016/2017 annual visitation of Frelinghuysen Municipal Court, June 6, 2017. **New Jersey State League of Municipalities** – Nominations for Michael Al. Pane Memorial Award. **New Jersey State League of Municipalities** – Annual Conference hotel reservations for conference in November. **New Jersey State League of Municipalities** – Legislative Bulletin. **Public Alliance Insurance Coverage Fund** – Return of Surplus. **Warren County Department of Human Services** – Public hearing notice for the 2018 senior citizen and disabled residents transportation assistance program, funded through the NJ transit

corporation. **Office of the County Engineer County of Warren** – Schedule for road and drainage improvements. **Knowlton Township** – Ramsayburg Historic Homestead's 2017 summer concerts in the barn series. **Allamuchy Township** – Public Notice Land Use Board public hearing on the Allamuchy Township Housing Element and Fair Share Plan. **Township of Frelinghuysen** – Copy of letter sent to county engineer regarding pedestrian walkway. **Township of Frelinghuysen** – Copy of letter sent to Hope Township regarding new stop sign and 3 way intersection, State Park Road. **Township of Frelinghuysen** – Notice regarding Cellco Partnership application. **Township of Mount Olive** – Resolution in support of Assembly Bill No. 4532 / Senate Bill No. 3049 Amending the Open Public Records Law.

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Boynton, seconded by Mr. Kuhn to adjourn the meeting at 9:50 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk