

MINUTES OF REGULAR MEETING OF AUGUST 16, 2017

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, August 16, 2017 and was called to order at 6:30 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, Attorney Richard Beilin, and Acting Clerk Donna Zilberfarb.

EXECUTIVE SESSION:

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

No action was taken

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

Regular meeting started:

Legal statement, Rich Beilin stated that the township committee entered into executive session to discuss contract negotiations and possible litigation covered by attorney/client privilege.

PROCLAMATION:

Austin Andersen was presented a proclamation recognizing his Eagle Scout Award and the work done to achieve it at the FFP. Mr. Andersen thanked the committee.

MINUTES:

1. July 19, 2017 regular session meeting minutes were approved on a motion by Mr. Stracco, seconded by Mr. Marra. All were in favor.

ORDINANCES:

#2017-11 AN ORDINANCE ESTABLISHING A PROCEDURE FOR EMERGENCY SERVICES COST RECOVERY

WHEREAS, response to and recovery from emergencies and disaster requires purchases to replace supplies, periodic and scheduled maintenance on apparatus, fuel purchases, staffing expenses, cleaning and repair and replacement of protective gear and equipment as required by law or to assure that responses are appropriate and adequate; and WHEREAS, the Mayor and Committee of the Township of Frelinghuysen wish to authorize the fire departments and first aid squads servicing the Township to recover the actual costs incurred in the course of protecting life and property that exceed the usual and customary expenses anticipated; and WHEREAS, the Mayor and Committee believe that the Township's taxpayers should not be required to bear the extraordinary costs of responding to hazardous materials incidents, regardless of size, and that such extraordinary costs should be charged to the liable party and/or transporters and users of hazardous materials; and WHEREAS, the Mayor and Committee have determined that vehicle accidents frequently involve traffic control, scene safety, detours and other services necessary to reduce further liability, damage or injury to non-involved parties; and WHEREAS, standard responses to such events require placement of emergency flares, as well as dealing with spillage or leakage of liquids, such as oil, battery acid, fuel, antifreeze, brake fluid, transmission fluid, and other petroleum based products, all of which constitute hazardous materials; and WHEREAS, a cost recovery plan is necessary to assure that the responsible parties are held liable for these response costs; and WHEREAS, Section 2-64 of the Frelinghuysen Township Code provides for third-party billing for fire department and rescue services, and it is necessary and appropriate to revise that provision at this time. NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, and State of New Jersey, as follows: Section I Section 2-64 of the Frelinghuysen Township

Code is repealed in its entirety and replaced with the following: § 2-64.1. Purpose. The purpose of this article is to provide authority, procedures and requirements to seek collection and reimbursement for the actual costs of responding to such incidents by the fire departments and first aid squads for fire service calls, hazardous material incidents, environmental incidents, and safety and rescue incidents coordinated via Warren County Dispatch and 911 responses, and those that use hazardous material abatement equipment and materials are also eligible for reimbursement. § 2-64.2. Authorization to recover costs and expenses. The governing body of the Township of Frelinghuysen authorizes the fire departments and first aid squads servicing the Township to recover the actual costs incurred for firefighting materials or equipment used and expended; the costs of the use of fire trucks, fire engines, rescue equipment, tankers and other vehicles; the costs of hazardous situation abatement materials involved in any fire, safety and rescue incident or operation, and hazardous abatement incident, including vehicular accidents or fires. The Township of Frelinghuysen and/or the fire departments and first aid squads servicing the Township may bill additionally for material and vehicle costs in the case of any major, extraordinary or unique incidents, including, but not limited to, hazardous material spills, fire emergency and rescue incidents that destroy or severely damage emergency services equipment. § 2-64.3. Policy for billing. A. The Township of Frelinghuysen recognizes the need for the fire departments and first aid squads servicing the Township to bill for volunteer fire, rescue and hazmat services to aid in the provision of emergency services. B. No person requiring emergency services shall be denied services due to lack of insurance or ability to pay. C. Any applicable charges for emergency services rendered shall be billed directly to the insurance company of the user of such services. § 2-64.4. Procedure for billing. A. Following the rendering of emergency services, the fire department and/or first aid squad rendering those services shall submit the Township Clerk a certification of (1) the date, time and place that a response by the fire department and/or first aid squad was made; (2) the equipment, supplies, treatments, etc. used by the fire department and/or first aid squad in responding to such automotive incident, and (3) the cost of repair and/or replacement of equipment that was damaged or destroyed in responding to such automotive incident. B. The Township of Frelinghuysen and/or the fire departments and first aid squads servicing the Township are hereby authorized to enter into a contract with a third-party billing agency and/or collection agency for the performance of emergency, rescue and hazmat services billing and/or collection services. **Section II**
1. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. 2. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect. 3. This ordinance shall take effect immediately upon final passage and publication as required by law. NOTICE Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Frelinghuysen Township Committee held on July 19, 2017 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on August 16, 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 open for 2nd reading for adoption, seconded by Mr. Marra. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Marra. All were in favor. No public comment. Motion was made by Mr. Boynton to close to the public, seconded by Mr. Marra. All were in favor. Motion was made by Mr. Boynton for adoption, seconded by Mr. Marra. Roll call vote: Mr. Boynton – Yes; Mr. Desiderio – Yes; Mr. Kuhn – Absent; Mr. Marra – Yes; Mr. Stracco – Yes.

RESOLUTIONS:

#2017-58 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with the discussion of potential litigation and potential contract negotiations 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 August 16, 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. Desiderio, seconded by Mr. Stracco. All were in favor.

#2017-59 RESOLUTION APPROVING THE ISSUANCE OF RAFFLE LICENSES FOR ANTLER RIDGE WILDLIFE SANCTUARY WHEREAS, the Antler Ridge Wildlife Sanctuary has applied for a raffle license to conduct a tricky tray for October 8, 2017 consisting of application #2017-04; and WHEREAS, the Findings and Determination by the Acting Municipal Clerk has determined that the organization is qualified to conduct such raffle. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Antler Ridge Wildlife Sanctuary raffle application #2017-04 is hereby approved. Motion was made by Mr. Boynton, seconded by Mr. Marra. All were in favor.

#2017-60 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF AUGUST 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 AUGUST 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. Marra. All were in favor.

QUOTES:

1. After review of the quotes, RLD Cooling & Heating of Wantage, NJ was awarded the contract. Motion was made by Mr. Stracco to award the contract for the air conditioning unit in the meeting room with a 60 day completion timeframe, to RLD Cooling & Heating, seconded by Mr. Boynton. All were in favor. Ms. Zilberfarb will contact them and schedule the installation.

OLD BUSINESS:

Energy Aggregate program – Letters went out to residents and the first town hall public meeting was held on August 15th. There will be another meeting for the residents on August 23rd at 6 pm.

Verizon enhancing network – An email was sent to the Clerk and Ms. Zilberfarb will forward the cell tower ordinance to them.

Service Electric Cable – this was discussed in executive session.

Pedestrian walkway – there is no update.

Shared services for animal control – Mayor Desiderio stated that he is still working on it but has reached out to Hope and Liberty and they are both interested. He is also reaching out to Hardwick.

Salt shed and bond referendum – Mayor Desiderio explained that he no longer wishes to put this on the ballot in November. After discussion a motion was made by Mr. Desiderio to move the salt shed to the Route 94 property and authorize the engineer to design the building, seconded by Mr. Marra. Roll call vote: Mr. Boynton-Yes; Mr. Marra-yes; Mr. Desiderio-Yes; Mr. Stracco-Yes. Mr. Desiderio stated that this will start after January when funds can be allocated.

WC MCCTFC membership – Mayor Desiderio appointed Debra Natyzak. Ms. Natyzak will attend the next meeting which is August 26th, which consists of site visits.

NEW BUSINESS:

Jackie Espinoza from JCP&L discussed the problems that are continuing with the emerald ash borer and explained what it does to the ash trees. The power company are looking at the trees to be sure they are still healthy and stable.

The recent accident on Route 94 was explained as to what happened with the power outage. The power outage during the storms last week, where power went out, was explained that the pole was a Verizon pole and JCP&L had to wait for Verizon before fixing the wires.

Mr. Desiderio explained to Mr. Berthold, in the audience, that the engineer sent out RFP's for the repairs of the driveway and awaiting responses for August 31, 2017.

Mr. Desiderio explained to the committee that he has gotten many complaints on the current cleaning company for the recreation center. Mr. Desiderio explained that the new recreation assistant manager would be willing to clean weekly for \$50.00/week. After discussion, Mayor Desiderio appointed Pamela Brady to clean the recreation center, effective September 1st at \$50.00 per week.

State police presence – Mr. Marra stated that he contacted the State Police. He explained that there have been 3 or 4 cars stolen in Sparta from residents driveways at night.

Reservation of Rights – Statewide Insurance Fund – Ms. Zilberfarb asked for the correct answer as to whether or not we would be joining Statewide or going out for bids for 2018. After discussion it was determined that we will be obtaining competitive quotations. Ms. Zilberfarb will send this to Arthur J. Gallagher Risk Management Services Inc.

Mr. Desiderio explained that the recreation center was booked for Saturday and the power went out. He, with the help of Mr. Grecco, moved tables and chairs to the persons house. He asked the committee if there should be a charge for that and after discussion it was determined that no charge should be made and a refund for the \$300.00 rental fee should be returned. Mr. Desiderio will get a voucher for that reimbursement.

He will pursue the generator and is working with Mr. Durling and stated the generator will be donated.

He also let everyone know that the trees have been taken down and that Aspen Tree Service will come back and help him grind out the stumps free of charge.

OPEN MEETING TO THE PUBLIC:

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

Mr. Connor spoke in regards to the energy aggregate meeting and stated it was worthwhile to come and listen.

Ms. Natyzak inquired about what the shared service for animal control was. Mr. Desiderio explained that Frelinghuysen would be the lead town and have surrounding towns join in. Ms. Natyzak asked how that would save money. Mr. Desiderio explained we would be collecting all fees.

Mr. Kohuth asked about the acres of property that Mr. Desiderio was interested in selling off and if they were farmland preserved and if the township knew the market value of that parcel. Mr. Beilin explained the process of the sale to Mr. Kohuth and the public. Mr. Kohuth also questioned what else needed to be done to meet the DEP requirements, ie. Leech field, septic, wash bays etc., for the building being put on this parcel. Mr. Desiderio explained the septic work and that there would be no wash bays.

Mr. Kohuth also inquired as to the driveway permit approval for Route 94. He stated that when the salt shed was staying at townhall the permit was not approved, and now it's being stated that is approved. Mr. Desiderio stated that he knew for a fact that the driveway permit was approved for the Route 94 property.

Mr. Desiderio explained that he will be working with the engineer as to the salt shed that would be put on the Route 94 property.

Mr. Kohuth inquired about what trees have been cut down. Mr. Desiderio explained which trees and why they were taken down.

Ms. Natyzak asked about the Route 94 property being COAH approved. Mr. Stracco explained that it has been removed and taken out of the COAH plan.

Mr. Grecco asked if there was a way to put a cap on the engineering costs for Route 94. Mr. Desiderio explained that he will be involved and working with the engineer on the project and stated the state garage was \$84,800.00 and that was all that was needed for a salt shed.

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

DEPARTMENT REPORTS:

Motion made by Mr. Stracco for consent agenda items 1-12 seconded by Mr. Boynton. All were in favor.

Legal Report – Nothing to report

Recreation Committee – Mr. Desiderio discussed the comedy night, which will be held on September 30th, there will be free beer, wine and nachos. He has tickets for anyone interested.

He also reminded everyone of movie night this Friday night at the fields behind town hall where Charlie and the Chocolate Factory will be shown.

Mr. Desiderio also mentioned that the WC Mosquito control will be spraying the fields Thursday evening.

Environmental Commission – Nothing to report

Farmland Preservation Committee –Mr. Kuhn not present to report

Open Space Advisory Committee – Mr. Kuhn not present to report

Mayor report – Mayor Desiderio let everyone know that the FFP pond will be stocked tomorrow (8/17/17).

He also discussed the need for a bulldozer to be able to get started on the parking lot at the rec center. Motion was made by Mr. Boynton to rent a bulldozer to start the parking lot, operated by Mr. Desiderio at no cost, seconded by Mr. Stracco. All were in favor.

Mayor Desiderio mentioned the sign on county route 519 and after discussion it was determined that Mr. Boesze will handle. Mr. Desiderio will speak to Mr. Boesze and update him on this matter.

Deputy Mayor report – Nothing to report.

Committeeman Boynton – Nothing to report

Committeeman Kuhn – Nothing to report

Committeeman Marra – Nothing to report

Clerk report – Ms. Zilberfarb asked for authorization to hire Charlie Schaffer to draw up the sealed plans for the deck replacement at the townhall at a price of \$1,200.00. Motion was made by Mr. Marra to authorize Mr. Schaffer to draw up plans for \$1,200.00 for the townhall deck, seconded by Mr. Boynton. All were in favor. Mr. Stracco abstained.

Ms. Zilberfarb asked all committeemen to let her know if they will be attending the League of Municipalities November 14-17, and to let her know by Septembers meeting.

CORRESPONDENCE:

State of New Jersey Department of Transportation – NJDOT FY 2018 Grant applications
State of New Jersey State Agriculture Development Committee – Farmland Preservation Appropriation Bills Signed
Warren County Purchasing Department – 2017 Road resurfacing and rehabilitation for county routes #612, #629, & #632
Warren County Department of Human Services Division of Aging and Disability Services – Notice of Public Hearing, August 24, 2017 at 10 am.
Borough of Washington – Resolution in support of Hunterdon Medical Center becoming a full service angioplasty provider
Township of Blairstown – Master Plan Housing element & fair share plan hearing
Township of Frelinghuysen Zoning Department – Block 1101, Lot 12 application denial
Blairstown Hose Company – Fire reports March 2017 – June 2017

ADJOURNMENT:

There being no further business, motion was made by Mr. Boynton, seconded by Mr. Stracco to adjourn the meeting at 8:34 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, Acting Township Clerk