

MINUTES OF REGULAR MEETING OF MAY 17, 2023

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, May 17, 2023 and was called to order at 6:00 p.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 Keith Ramos, Deputy Mayor Chris Stracco, Committeeman Boynton, Committeeman McPeek, Committeeman Stock, Attorney Rich Beilin, CFO Ashley Kannaley, and Municipal Clerk Donna Zilberfarb.

MINUTES:

- Minutes of April 19, 2023, regular meeting were approved as amended on a motion by Mr. Stracco, seconded by Mr. Boynton. All were in favor.

RESOLUTIONS:

#-2023-42 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 \$25,000.00; 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 \$25,000.00 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 May 17, 2022. Donna Zilberfarb, RMC

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

#2023-43 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT **WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and **WHEREAS**, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and, **WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and, **WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and, **WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and, **WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and, **WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and **WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit: R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office. **NOW, THEREFORE BE IT RESOLVED**, That the Township Committee of the Township of Frelinghuysen, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of

said compliance. I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON MAY 17, 2023. Donna Zilberfarb, RMC

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

#2023-44 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF MAY, 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 MAY; 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

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

#2023-45 A RESOLUTION IN SUPPORT OF THE CONTINUED ENJOYMENT OF THE STATE'S WATERS FOR DRINKING WATER AND RECREATION WITHOUT HARM TO AGRICULTURE

WHEREAS, Township of Frelinghuysen has approximately 2,200 residents, most of whom receive drinking water from underground aquifers; and WHEREAS, Township of Frelinghuysen contains approximately 34 streams and rivers; and WHEREAS, significant investments have been made for the acquisition of land for the public use and enjoyment, especially land with surface waters, through use of public funds by Township of Frelinghuysen and governmental and non-governmental agencies; and WHEREAS, clean water from streams, rivers, lakes, and other surface waters contribute to the municipality's scenic and aesthetic qualities, real estate, and home values and economic opportunities from recreation and tourism; and WHEREAS, the loss of good water quality in stream, rivers, lakes, and other surface waters can result in a loss of the municipality's scenic and aesthetic qualities, real estate and home values, and the economic opportunities from recreation and tourism; and WHEREAS, recreational uses have not been incorporated by the N.J. Department of Environmental Protection into assessments for developing anti-degradation safeguards for the discharges to surface waters; and WHEREAS, the waters in streams and rivers are held in the public trust and recreation may occur on those waters, but the land underlying them may be owned privately or publicly, and trespass on private lands is prohibited; and WHEREAS, agriculture is an important activity, and no additional restriction or the undue burden should be placed on agriculture with regard to water withdrawals, which are already regulated by the Water Supply Management Act, and WHEREAS, municipal residents rely on underground aquifers as their drinking water source; and WHEREAS, underground aquifers can include porous rock formations, vulnerable to the mixing of contaminated surface and ground waters, such as carbonate bedrock; and WHEREAS, the presence of pollutants in a surface water or groundwater may inadvertently put drinking water aquifers at risk; and WHEREAS, the additional costs associated with the treatment of degraded drinking water supplies can be a burden to homeowners, industry, and drinking water suppliers; and **NOW, BE IT RESOLVED**, that Township of Frelinghuysen encourages:

- 1) The Department of Environmental Protection to develop methods for identifying waters already utilized for recreational purposes to ensure water quality in these areas are not degraded by new discharges; and
- 2) The Department of Environmental Protection to promote the protection of drinking water aquifers, including waters in in carbonate rock areas
- 3) The Department of Environmental Protection to establish anti-degradation standards for small public water supply systems and waters in the Highlands Region to protect drinking water quality; and
- 4) The Department of Environmental Protection to preserve and enhance water quality by protecting headwater streams from disturbances; and
- 5) That any actions the Department of Environmental Protection may take in response to this resolution, be done so in consultation with stakeholders, including municipalities; and
- 6) That the state should provide adequate resources to ensure the public's access to state lands and waters. **CERTIFICATION** I, Donna Zilberfarb, hereby certify that the foregoing

Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on May 17, 2023. Donna Zilberfarb, RMC

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

#2023-46 REJECTING PUBLIC AUCTION BID TO PURCHASE REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF FRELINGHUYSEN AS BLOCK 201, LOT 31.01,

BEING MORE COMMONLY KNOWN AS 720 ROUTE 94 WHEREAS, the Township Committee of the Township of Frelinghuysen, in accordance with the provisions of N.J.S.A. 40A:12-13(a), offered for sale and conducted a public auction the property known as Block 201, Lot 31.01, and more commonly known as 720 Route 94 (the "Property"), owned by the Township; and **WHEREAS**, the Township Committee expressly reserved the right to reject all bids at the said public auction; and **WHEREAS**, on May 10, 2023, at a duly conducted and advertised public auction, a bid was received on the Property from Tri Top Realty, c/o Simon Holy, 85 Main Street, Hackensack, New Jersey 07601 in the amount of \$900,000.00, plus a buyer's premium in the amount of \$90,000.00, for a total of \$990,000.00 (the "Bid"), which Bid was the sole and highest bid received at the auction, and which Bid was received under reservation and contingent upon approval of the Township Committee of the Township of Frelinghuysen; and **WHEREAS**, the Township Committee has reviewed the Bid, and determined that the said bid should be rejected. **NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Frelinghuysen, County of Warren and State of New Jersey, that the Bid on the Property received from Tri Top Realty, c/o Simon Holy, 85 Main Street, Hackensack, New Jersey 07601 in the amount of \$900,000.00, plus a buyer's premium in the amount of \$90,000.00, for a total of \$990,000.00, be and the same is hereby rejected. This Resolution shall take effect immediately according to law. **CERTIFICATION** I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on May 17, 2023. Donna Zilberfarb, RMC

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

#2023-47 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with litigation and contract negotiations and client attorney privilege matters. **WHEREAS**, under the Open Public Meetings Act (number ___ 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 May 17, 2023 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. Donna M. Zilberfarb, RMC

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

ORDINANCES:

#2023-11 TOWNSHIP OF FRELINGHUYSEN BOND ORDINANCE NUMBER 2023-11 BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:** SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$200,000, said sum being inclusive of a down payment in the amount of \$10,000 now available for said improvements or purposes required by the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$200,000 appropriation not provided for by said down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$190,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law. SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are for various 2023 capital improvements, which include, but are not limited to: (i) various improvements and upgrades to the Township's Morton Building, including, but not limited to, a build-out of the existing building structure; and (ii) repairs and improvements to various roadways in the Township, including, but not limited to, milling, paving, tarring, chipping and cross drains. Such improvements or purposes shall also include, as applicable, all engineering and design work, surveying, construction management services, preparation of plans and specifications, permits, bid documents, contract administration, and

all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the Township Clerk and available for public inspection and hereby approved. (b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$190,000. (c) The estimated cost of said improvements or purposes is \$200,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of \$10,000, which is the down payment available for such improvements or purposes. SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Warren make a contribution or grant in aid to the Township for the improvements or purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Warren. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Warren shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid. SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser. SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Township and will be available for public inspection. SECTION 7. The following additional matters are hereby determined, declared, recited and stated: (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby. (b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 16.44 years. (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$190,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law. (d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described. SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount. SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation

Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$190,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2). SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance. SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law. **ADOPTED ON FIRST READING DATED: May 17, 2023.** DONNA ZILBERFARB, Township Clerk **ADOPTED ON SECOND READING DATED: June 21, 2023** DONNA ZILBERFARB, Township Clerk **APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2023.** KEITH RAMOS, Mayor. Motion was made by Mr. McPeek 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. Final reading for adoption will be held on June 21, 2023 at 6 pm.

#2023-12 BOND ORDINANCE BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; REAPPROPRIATING \$41,776.97 IN EXCESS NOTE PROCEEDS FROM VARIOUS BOND ORDINANCES NOT NEEDED FOR THEIR ORIGINAL PURPOSES TO FINANCE THE COSTS THEREOF 63,000

WHEREAS, the Township Committee of the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the "Township"), finally adopted various bond ordinances, as more fully described in Section 1 herein (collectively, the "Ordinances"); and **WHEREAS**, following the effective dates, respectively, of the Ordinances, the Township issued notes to fully fund the same and to finance the improvements or purposes authorized therein; and **WHEREAS**, the Township has determined that the capital improvements or purposes set forth in the Ordinances have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinances, as applicable; and **WHEREAS**, there currently remains on deposit in the Township's General Capital Fund excess note proceeds allocable to the Ordinances (the "Excess Proceeds"), but no longer necessary to complete the improvements or purposes authorized therein; and ~~63,000~~ **WHEREAS**, in accordance with the statutory powers set forth in Section 39 of the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the Township Committee has determined that it is in the best interest of the Township to reappropriate the Excess Proceeds to finance the costs of various roadway improvements in the Township (the "New Purpose"), for which bonds or notes may be issued, thereby eliminating the need for the Township to incur additional debt to finance such current capital needs; and **WHEREAS**, the Township Committee of the Township now desires to reappropriate the Excess Proceeds to undertake the New Purpose. **BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS: SECTION 1.** The following amounts of Excess Proceeds from the Ordinances listed below are no longer necessary for the improvements or purposes for which they were appropriated, authorized and issued:

Bond Ordinance Number and Date of Adoption	Excess Proceeds Amount	Section of Bond Ordinance Reappropriated From
2020-08, finally adopted 6/17/20	\$10,545.14	Sections 3(a)(iii), (v), (vi) and (vii)
2020-13, finally adopted 12/16/20	\$19,225.83	Section 3(a)
2021-05, finally adopted 4/21/21	\$12,006.00	Sections 3(a)(ii), (vi), (vii) and (viii)
TOTAL:	<u>\$41,776.97</u>	

**Bond Ordinance Number
and Date of Adoption**

**Excess
Proceeds Amount**

**Section of Bond
Ordinance
Reappropriated From**

SECTION 2. The total amount of \$41,776.97 ~~109,600~~ ~~63,000~~ in Excess Proceeds is hereby reappropriated pursuant to N.J.S.A. 40A:2-39, and shall be used to finance the cost of the undertaking by the Township of general capital improvements or purposes for which bonds or notes may be issued. Said general capital improvements or purposes are set forth in Section 3(a) of this bond ordinance.

SECTION 3. (a) The capital improvements hereby authorized and purposes for which the Excess Proceeds are to be reappropriated are for the New Purpose. ~~an outdoor ticket vending kiosk~~ ~~23,0a security upgrade at the Midland Yard.~~ ~~4063,000(b)~~ The improvements or purposes set forth above in Section 3(a) shall also include, as applicable, all engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Warren make a contribution or grant in aid to the Township for the improvement or purpose authorized hereby and the same shall be received by the Township, then such funds shall be applied to the payment of debt service on the bonds or notes issued for such improvement or purpose and shall be used for no other improvement or purpose.

SECTION 5. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 6. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bond or note proceeds reappropriated by this bond ordinance.

SECTION 7. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING DATED: May 17, 2023 DONNA ZILBERFARB, Township Clerk
ADOPTED ON SECOND READING DATED: June 21, 2023 DONNA ZILBERFARB, Township Clerk
APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2023. KEITH RAMOS, Mayor.

Motion was made by Mr. McPeek, seconded by Mr. Boynton to open for first reading for introduction. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Final reading for adoption will be held on June 21, 2023 at 6 pm.

#2023-13 ORDINANCE REVISING SECTION 8-1.7 OF THE FRELINGHUYSEN TOWNSHIP CODE, "CONSTRUCTION FEE SCHEDULE"

WHEREAS, revisions to the Construction Fee Schedule of the Township of Frelinghuysen were made in in Ordinance No. 2023-05; and WHEREAS, it is necessary and appropriate at this time to make the following additional revisions to the said Construction Fee Schedule. NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey as follows:

Section I. Section 8-1.7 of the Frelinghuysen Township Code is amended to read as set forth at Schedule A attached hereto and including the Plumbing Fee Inspection Schedule.

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.

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 May 17, 2023 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on June 21, 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.

SCHEDULE A REVISED CONSTRUCTION FEE SCHEDULE (Deletions are Stricken Through, Additions Appear in Boldface)

§ 8-1.7 Construction Fee Schedule. The following schedule of fees is hereby established for various activities within the Township of Frelinghuysen: The fee for plan review shall be 20% of the construction permit fee and shall be paid before the plans are reviewed. The fee shall be credited toward the fee for the construction permit, but shall not be refundable in the event a permit is not issued.

Fee Schedule

a. New structure fees:

- | | | |
|---|---|-----------------------|
| 1. Use Groups B, H, I-1, I-2, I-3, M, E, R-1, R02, R-3, R-4, U, A-1, A-2 A03, A04, F-1, F-2, S-1, S-2 | Volume of bldg. _____ cu. ft. x 0.030 \$0.038 = | \$ _____ (volume fee) |
| 2. Commercial farm buildings | Volume of bldg. _____ cu. ft. x 0.030 \$0.038 = | \$ _____ (volume fee) |

REVISED PLUMBING FEE SCHEDULE

(Deletions are Stricken Through, Additions Appear in Boldface)

Ln #	Fee Description	Basis	From	To	Amount	Incr.	Amt. Per.	Min Fee	Max Fee
22	Sewer Connection	Per Item	0	0	82.00 91.00	0.00	0	\$0.0 0	\$0.0 0
23	Water Service Connection	Per Item	0	0	82.00 91.00	0.00	0	\$0.0 0	\$0.0 0
24	Stacks	Per Item	0	0	13.00 15.00	0.00	0	\$0.0 0	\$0.0 0
25	Water-cooled Air Conditioning	Per Item	0	0	82.00 91.00	0.00	0	\$0.0 0	\$0.0 0
26	Refrigeration Units	Per Item	0	0	82.00 91.00	0.00	0	\$0.0 0	\$0.0 0
27	Active Solar Systems	Per Item	0	0	82.00 91.00	0.00	0	\$0.0 0	\$0.0 0
28	Other Fixtures	Per Item	0	0	13.00 15.00	0.00	0	\$0.0 0	\$0.0 0
29	Other Special Devices	Per Item	0	0	82.00 91.00	0.00	0	\$0.0 0	\$0.0 0

Motion was made by Mr. McPeek, seconded by Mr. Boynton to open for first reading for introduction. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Final reading for adoption will be held on June 21, 2023 at 6 pm. DONNA ZILBERFARB, Clerk

COMMITTEE REPORTS:

- Mayor Ramos – nothing to report
- Deputy Mayor Stracco – nothing to report
- Committeeman Boynton – nothing to report
- Committeeman McPeek – nothing to report
- Committeeman Stock – nothing to report.
- Municipal Clerk Zilberfarb thanked the Mayor and 2 residents for nominating her for the Clerk’s Honor Roll. She let the committee and public know that she had received this recognition for 2023 and noted that this award is nation wide and that there were only 18 people from NJ that received this year. She explained that the other time she received this award was in 2019 and Mr. Wacks nominated her that year.

OLD BUSINESS:

NEW BUSINESS:

- Mr. McPeek made a motion was made to appoint Bob Stock as the Frelinghuysen seat on the Warren County Solid Waste Advisory Committee, replacing Jim Banta, seconded by Mr. Boynton. All were in favor.
- Mr. Hauck, a Frelinghuysen resident and member of the Blairstown Rotary, spoke about the annual 4th of July event and asked if Frelinghuysen could donate again this year. Mr. Ramos and Ms. Kannaley both stated funds were allocated and that the township would donate the same as last year. Mr. Hauck thanked the committee.
- Mr. Ramos discussed the 2024 Municipal Aid funding and explained that Lincoln Laurel should be the next road for the DOT grant application. He explained that the State grants go toward the paving job and doesn’t include the engineering costs, that is the cost to the township. He also explained that the town plans to pave Kerrs Corner road from Lanning Road to Mill and Mott Roads. He explained other roads in the township and how they should be done as well in the future. Motion was made by Mr. McPeek to authorize Mr. Sterbenz to prepare FY2024 Municipal Aid Funds for Lincoln Laurel Road, seconded by Mr. Boynton. All were in favor.
- Mr. Ramos explained the Stormwater pollution prevention plan and the tiers. He explained we’ve received grant monies to help cover costs of the new tier status for the township. Motion was made by Mr. Stracco to authorize Mr. Sterbenz to prepare the Stormwater pollution prevention plan (SPPP), seconded by Mr. McPeek. All were in favor.

DEPARTMENT REPORTS:

Motion was made by Mr. Stracco for a consent agenda for department reports 1-15, seconded by Mr. Boynton. All were in favor.

OPEN MEETING TO THE PUBLIC:

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

- Loren Greco, Greendell Road, asked why the town rejected the bid. Mr. Beilin explained that the terms and conditions of sale required 10% by end of day and those were not met.
- Rick Murphy, Lanning Road, asked what the bid was. Mr. Ramos stated \$900,000.00.
- Joe Talerico, Muller road, asked if they will go back to auction. Mr. Ramos explained that the township has always wanted to sell and yes it will go back. The committee is committed to selling it.
- Mr. Greco asked again about using it as a parking lot for storage of trucks etc. Mr. Ramos said it is ROM zone and to speak with zoning.
- Mr. Murphy asked if the criteria of \$90,000 was met would it have been sold. Mr. Ramos stated that for himself, probably not.

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. McPeek to enter into executive session, seconded by Mr. Stock. 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.

RETURN TO REGULAR SESSION:

Mr. Beilin explained that the committee went into executive for pending litigation matters.

CORRESPONDENCE:

- NJDEP – Stormwater Assistance grant application
- NJDEP – Incident No. 858516 Freshwater wetlands protection
- Warrn County Planning Department – Public hearing on Warren County Transportation Plan
- NJLM – Legislative bulletin 2022 #4
- JCP&L – BPU Docket No. ER23020060
- Blairstown Hose Company – April monthly
- Hope Township fire Department – April monthly
- Green Township Fire Department – March monthly

ADJOURNMENT:

There being no further business, motion was made by Mr. McPeek, seconded by Mr. Stock to adjourn the meeting at 6:55 p.m. All were in favor.

Respectfully submitted,

Donna Zilberfarb, RMC