

MINUTES OF REGULAR MEETING OF OCTOBER 21, 2020

The regular meeting of the Frelinghuysen Township Committee was held virtual via zoom virtual meeting service and in person, Township Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, October 21, 2020 and as called to order at 7:30 p.m. by Mayor, Chris Stracco.

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, Township website and by e mailing notice to the New Jersey Herald and The Express-Times.

FLAG SALUTE

ROLL CALL:

Those present were: Mayor Chris Stracco, Deputy Mayor Keith Ramos, Committeeman David Boynton, Committeeman Frank Desiderio, Committeeman Todd McPeek, Attorney Rich Beilin via zoom, David Gill via zoom, and Municipal Clerk Donna Zilberfarb.

MINUTES:

1. September 16, 2020 regular meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. McPeek. All were in favor.
2. September 16, 2020 executive session meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. Ramos. All were in favor.
3. October 14, 2020 work session meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. Ramos. All were in favor.
4. October 14, 2020 work executive session meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. Boynton. All were in favor.

ORDINANCES:

#2020-11 AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF FRELINGHUYSEN, NEW JERSEY TO CSC TKR, LLC WHEREAS, the governing body of Township of Frelinghuysen (hereinafter referred to as the "Township") determined that CSC TKR, LLC (hereinafter referred to as "the Company") has the technical competence and general fitness to operate a cable television system in the Municipality (as defined in Section 1 of this Ordinance), and by prior ordinance granted its municipal consent for the Company's predecessor in interest, Service Electric Cable T. V. of New Jersey, Inc. ("SECTV") to obtain a non-exclusive franchise (the "Franchise") for the placement of facilities and the establishment of a cable television system in the Municipality; and **WHEREAS**, by application for renewal consent filed with the Township and the Office of Cable Television on or about October 14, 2011, SECTV, and the Company as its successor in interest, has sought a renewal of the Franchise; and **WHEREAS**, on or about July 14, 2020; with the prior approval of the Board of Public Utilities of the State of New Jersey (hereinafter the "Board") the Company completed its purchase of the assets of SECTV, including the cable television franchise for, and the cable television system within the territorial limits governed by, the Township, and **WHEREAS**, the Township having held public hearings has made due inquiry to review The Company's performance under the Franchise, and to identify the Township's future cable-related needs and interests and has concluded that the Company has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Township's future cable-related needs and interests; **WHEREAS**, the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided the Company's proposal for renewal embodies the commitments set forth below, the Township's municipal consent to the renewal of the Franchise should be given; and **WHEREAS**, imposition of the same burdens and costs on other competitors franchised by the Township is a basic assumption of the parties; **NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township Frelinghuysen, County of Warren, and State of New Jersey, as follows:

SECTION 1. DEFINITIONS For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean the Company's application for Renewal of Municipal Consent, which application is on file in the Township Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.

- (d) "Township" shall mean the governing body of the Township Frelinghuysen in the County of Warren, and the State of New Jersey.
- (e) "Company" shall mean CSC TKR, LLC, the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) "Municipality" shall mean the area contained within the present municipal boundaries of the Township of Frelinghuysen in the County of Warren, and the State of New Jersey.
- A.
- (j) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (k) "State" shall mean the State of New Jersey.
- (l) "State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Township having received all comments regarding the qualifications of the Company to receive this consent, the Township hereby finds the Company possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that the Company's operating and construction arrangements are adequate and feasible. **SECTION 3. GRANT OF AUTHORITY** The Township hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the Municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities. **SECTION 4. DURATION OF FRANCHISE** This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board. **SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL** If the Company seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Township and the Company shall be bound by the terms of this municipal consent until such time as the Company converts the municipal consent (and any certificate of approval) into a system-wide franchise. **SECTION 6. FRANCHISE TERRITORY** The consent granted under this Ordinance to the Company shall apply to the entirety of the Municipality and any property hereafter annexed. **SECTION 7. SERVICE AREA** The Company shall be required to proffer video programming service along any public right-of-way to any person's residence within the "primary service area," as it exists on the effective date of any written approval order by the Board of this consent, at The Company's schedule of rates for standard and nonstandard installation. The "primary service area" shall include the development known as "Homestead Farms" located within the Municipality; where construction of the cable system commenced, or shall commence, no later than January 14, 2021. **SECTION 8. EXTENSION OF SERVICE** Pursuant to the requirements of the Board, as ordered in its approval of the transfer of the Franchise from SECTV to the Company (Docket No. CM20030211, effective July 6, 2020), upon request, the Company shall extend service along any public right of way outside its primary service area to those residences or small businesses within the franchise territory which are located in areas that have a residential home density of twenty-five (25) homes per mile or greater (as measured from the then existing primary service area), or areas with less than twenty-five (25) homes per mile where residents and/or small businesses agree to share the cost of such extension in accordance with the line extension formula as provided by the Company in its application for municipal consent. **SECTION 9. FRANCHISE FEE** Pursuant to the terms and conditions of the Cable Television Act, the Company shall pay to the Township, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Municipality. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Township and the Company shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by the Company that is

higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 10. FREE SERVICE Subject to applicable federal regulations, the Company shall, upon written request, provide free of charge, 200 Mbps service one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal buildings located within the Municipality.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS The Company shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Municipality: (a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work. (b) If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense. (c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required. (d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

The Company shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT The Company shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE The Company agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND The Company shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the Township in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law. B. The Company shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

- (v) C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Municipality files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Municipality. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

(vi) **SECTION 18. EMERGENCY USES**

The Company shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Municipality creates a significant competitive disadvantage to the Company, the Company shall have the right to request from the Township lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support The Company's request for such relief from the Board. In any subsequent municipal consent, Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES Upon expiration, termination or revocation of this Ordinance, the Company at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless the Company, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. The Company shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Municipality as described in the Application for municipal consent. All the Company support for PEG access shall be for the exclusive benefit of the Company's subscribers.

B. The Township agrees that the Company shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on such channel. C. The Company shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

SECTION 22. INCORPORATION OF APPLICATION

B. All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other written amendments thereto submitted by the Company in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time. **SECTION 24. SEPARABILITY** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof. **SECTION 25. NOTICE** Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA

1 Court Square West, 49th Floor

Long island City, NY 11101

Attention: Senior Vice President for Government Affairs

With a copy to:

CSC TKR, LLC

c/o Altice USA

1 Court Square West

Long island City, NY 11101

Attention: Legal Department

Notices to the Township shall be mailed to:

Township of Frelinghuysen

210 Main Street

Johnsonburg, NJ 07825

Attention: Township Clerk

SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon The Company converting the municipal consent (and any certificate of approval) into a system-wide franchise.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law. **NOTICE** Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on October 21, 2020 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on November 18, 2020 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.

Ordinance 2020-12 for soil importation was in all meeting books and was decided for all members to look over and consider it at the work session in November.

RESOLUTIONS:

#2020-79 TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY LOCAL GOVERNMENT EMERGENCY FUND (CRF) GRANT WHEREAS, as the public health emergency associated with the COVID-19 pandemic continues, the most significant negative financial impacts faced by county and municipal governments throughout New Jersey result from extreme economic contraction, deficits in tax and fee revenues, and extraordinary increases in public safety and health and human services expenditures; and WHEREAS, severe fiscal stress limits the ability of counties and municipalities to maintain essential services and take the steps necessary to fight COVID-19; and WHEREAS, without substantial federal assistance, residential taxpayers would absorb the primary impact of meeting these extraordinary needs and closing any associated operating deficits; and WHEREAS, the Department of Community Affairs (“DCA”), through the Division of Local Government Services (“DLGS” or “Division”), has been deemed the lead agency for the distribution of the Local Government Emergency Fund (the “LGEF” or “Program”), provided through an allocation of the State of New Jersey’s CARES Act Coronavirus Relief Fund (CRF Funds); and WHEREAS, counties and municipalities excluded from the federal government’s direct CRF allocation plan, as well as those counties and municipalities that are currently the most impacted by COVID-19 in comparison to their available resources, are eligible for LGEF funds pursuant to a maximum distribution determined by formula; and WHEREAS, a total of \$60 million is currently being made available under the Program, with a potential \$60 million more to be allocated; and WHEREAS, LGEF Grants exist to support costs incurred as part of a local unit’s response to COVID-19. NOW, THEREFORE, BE IT RESOLVED by

the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren that the Township of Frelinghuysen will apply for a LGEF Grant in the amount of \$17,504.00 **CERTIFICATION** I, Donna M. Zilberfarb, RMC Municipal Clerk of the Township of Frelinghuysen in the County of Warren, and the State of New Jersey do hereby Certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Frelinghuysen Township Committee at its meeting of October 21, 2020. Donna M. Zilberfarb, RMC **ROLL CALL VOTE:**

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Boynton	X		X			
Mr. Desiderio			X			
Mr. McPeek			X			
Mr. Ramos		X	X			
Mr. Stracco			X			

#2020-80 RESOLUTION OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF A 1997 4900 INTERNATIONAL 10 FT DUMP WITH PLOW AND SANDER

WHEREAS, the Township of Frelinghuysen has in its possession a 1997 4900 International 10 ft dump with plow and sander; and WHEREAS, the Township of Frelinghuysen previously, by Resolution, placed the 1997 4900 International 10 ft dump with plow and sander, on Muni-Bid, and has received a highest bid of \$4,000.00, at the close of auction; and WHEREAS, the personal property being sold is no longer needed for a public purpose. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that the sale of the 1997 4900 International 10 ft dump with plow and sander belonging to the Township of Frelinghuysen shall take place as soon as it is mutually convenient for both parties.

CERTIFICATION I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do hereby certify that the foregoing is a true and exact copy of a resolution duly authorized by the Frelinghuysen Township Committee on October 21, 2020.

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

#2020-81 RESOLUTION APPOINTING DONNA ZILBERFARB AS MUNICIPAL CLERK

WHEREAS, pursuant to N.J.S.A. 40A:9-133, every municipality in the State of New Jersey is required to have a Municipal Clerk, who serves a three-year term; and WHEREAS, Donna Zilberfarb was appointed to as Township Clerk on October 11, 2017, has the certification and qualifications required by law, has agreed to perform the duties of this position, and has performed her duties in an exemplary manner. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that Donna Zilberfarb is hereby appointed Municipal Clerk for the Township of Frelinghuysen for a three-year term, said appointment being retroactive to October 11, 2020.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Division of Local Government Services, Department of Community Affairs. **CERTIFICATION** I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do hereby certify that the foregoing is a true and exact copy of a resolution duly authorized by the Frelinghuysen Township Committee on October 21, 2020.

ROLL CALL VOTE:

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Boynton	X		X			
Mr. Desiderio			X			
Mr. McPeek			X			
Mr. Ramos		X	X			
Mr. Stracco			X			

#2020-82 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF

OCTOBER 2020 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 OCTOBER 2020; 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.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton		X	X			
Mr. Desiderio			X			

Mr. McPeek			X			
Mr. Ramos	X		X			
Mr. Stracco			X			

#2020-83 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with contract negotiations and personnel matters. WHEREAS, under the Open Public Meetings Act (number 7 and 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 October 21, 2020 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	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton		X	X			
Mr. Desiderio			X			
Mr. McPeek	X		X			
Mr. Ramos			X			
Mr. Stracco			X			

#2020-84 RESOLUTION OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF A 1997 4900 INTERNATIONAL 10 FT DUMP WITH PLOW AND SANDER WHEREAS, the Township of Frelinghuysen has in its possession a 1997 4900 International 10 ft dump with plow and sander; and WHEREAS, the Township of Frelinghuysen previously, by Resolution, placed the Pickup Truck on Municibid, and received a highest bid of \$4,000.00 at the close of auction; and WHEREAS, the personal property being sold is no longer needed for a public purpose; and WHEREAS, John Spagnuolo has offered to purchase the 1997 4900 International 10 ft dump with plow and sander at private sale, for the sum of \$4,000.00, which was received as the high bid received at public sale, and represents the estimated fair market value of the 1997 4900 International 10 ft dump with plow and sander. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that sale of the 1997 4900 International 10 ft dump with plow and sander to John Spagnuolo for the sum of \$4,000.00 be and the same is hereby approved. CERTIFICATION I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do hereby certify that the foregoing is a true and exact copy of a resolution duly authorized by the Frelinghuysen Township Committee on October 21, 2020.

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

COMMITTEE REPORTS:

- Mayor Chris Stracco had nothing to report.
- Deputy Mayor Ramos let the committee know that Altice has run the lines in Saddle Ridge and Homestead and houses are now able to hook up.
- Committeeman David Boynton commended Mr. Ramos, Mr. Stracco and Mr. Desiderio for all their dealings with Service Electric. He discussed the recreation center and that the propane has stayed the same as last month. He will be meeting with Mr. McPeek at 5 pm to make sure everything is good for the wedding that will be there on Saturday.
- Committeeman Frank Desiderio had nothing to report.
- Committeeman Todd McPeek had nothing to report.
- Attorney Rich Beilin sent the employee handbook out to the personnel committee. A conference call will be done by Mr. Boynton, Mr. Beilin and Ramos. Mr. McPeek will not be available. Mr. Beilin also discussed the state regulations from the local finance notice that was sent out in regards to OPMA via the hybrid with remote and public access. He advised adopting a resolution for remote meetings and have for the next meeting.
- Municipal Clerk Donna Zilberfarb had nothing to report.

OLD BUSINESS:

- The salt shed was discussed with regards to the subsurface exploration and Mr. Ramos will discuss further with Mr. Sterbenz with the possibility of doing internal. This will be held to the work session and Mr. Ramos will have a revision to the agreement for then.
- Energy Coop was discussed and after discussion it was determined that the township committee did not wish to pursue going into the contract again as they felt they should not manage where a resident can get their electric from. They don't manage propane,

garbage etc and don't know why they should be managing residents electric. This item will be removed from the agenda.

- The employee handbook is held until the work session meeting in November.

NEW BUSINESS:

- Mr. Stracco appointed Bob Stock to the Land Use Board. A motion was made by Mr. Desiderio to concur, seconded by Mr. Boynton. All were in favor.
- Mr. Stracco appointed Alan DeCarolis to the Environmental Commission. A motion was made by Mr. Desiderio to concur, seconded by Mr. Boynton. All were in favor.
- The JA Montgomery Loss Control Report was discussed. Signs will be ordered by Ms. Zilberfarb for the different areas in the dpw and will include CAS numbers, all PPE signage has been taken care of. Recreation will handle the mulch needed for the playground area.

DEPARTMENT REPORTS:

Motion was made by Mr. Ramos for a consent agenda for department reports 1-10, seconded by Mr. Desiderio. All were in favor.

DPW – Report in the book. Ms. Zilberfarb discussed the interviews for the laborer position and after discussion the dpw and personnel committee recommends hiring Michael Weir. Motion was made by Mr. McPeek to approve Michael Weir for the Laborer position at \$18.50 per hour on a contingency of passing the drug screen, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes. Ms. Zilberfarb will reach out to Mr. Weir and schedule the pre-employment drug screening.

Land Manager – Mr. Connor commented on the green house structure and asked if there were plans for this structure and if not, can it be sold. The green house is approximately 40 x 30 feet and has a few holes in parts of the plastic. Motion was made by Mr. Boynton to place the green house on Municibid with a reserve price of \$3,000.00 and the buyer remove and take down seconded by Mr. Ramos. All were in favor. Ms. Zilberfarb will get some photos of the structure and place on Municibid.

Recreation committee – Mr. Mcpeek read a letter that explained the monies given by the booster club and stated the recreation committees intentions were to seek no further action or correspondence at this time.

Environmental Commission - no meeting.

Farmland/Open space Committee – no meeting

Historic Committee – no meeting.

OPEN MEETING TO THE PUBLIC:

Motion was made by Mr. Boynton, seconded by Mr. Desiderio to open meeting to the public limited to 20 minutes with 3 minutes per member of the public. All were in favor. Spoke were:

- Mr. Connor stated his disappointment of the lack of the energy coop. He also asked about the cable tv and if it is a stand alone agreement or a regional one. Mr. Ramos explained it was just a stand alone agreement.
- Mr. Kohuth asked about vacations in the dpw. Mr. Stracco stated that they are being addressed in the employee handbook.

Mr. Kohuth also mentioned a typo in the soil importation ordinance at 14-2.4.

He expressed his surprise of seeking no further action with the booster club. Mr. Ramos stated that no further action needs to be taken. Mr. Kohuth asked how that money would be used and Mr. Ramos stated there were no plans at this time. Mr. Kohuth mentioned reading the recreation minutes and raising the prices for the sports program fees and asked why if they have this money now. Mr. Ramos explained that registration is costly and has been losing money and the shortfalls would fall back to the tax payers. Mr. Kohuth asked how the booster club had so much money. Mr. Ramos explained that costs were fundraised for that organization. Mr. Kohuth stated he was happy to see it resolved.

- Edyta Markowitz stated she was happy to see the booster club monies have been resolved but dissappointed in the amount.
- Ms. Markowitz asked about street sweeping in Lackawanna and asked why it hasn't been done. Mr. Stracco stated this will be looked at during budget time. Ms. Zilberfarb explained

it is costly and the town does not have a street sweeper. Mr. Ramos also explained that when looking into its a broader section and not just one area.

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

EXECUTIVE SESSION:

Motion was made by Mr. McPeek, seconded by Mr. Ramos to enter into executive session.

No action was taken.

Motion was made by Mr. Boynton, seconded by Mr. Ramos to exit executive session.

RETURN TO REGULAR SESSION:

Mr. Beilin explained that the executive session was to discuss personnel issues, contract negotiations and pending litigation.

CORRESPONDENCE:

- State of New Jersey – NJDOT – applications for fright impact fund 2021
- State of New Jersey – NJDEP – freshwater wetlands general permit 16 and 18
- State of New Jersey – DLGS – Local Finance Notice
- Warren County – Board of Chosen Freeholders – Resolution 379-20
- Warren County – Dept of Land Preservation – County Annual PIG Submission
- Warren County – Planning department – Traffic Analysis of Light Industrial Zone (Book is in Clerk’s office)
- Warren County – Board of taxation – Roll back assessment
- Frelinghuysen Township – Municipal court
- Frelinghuysen Township – Saddle Ridge and Homestead Drive residents
- Township of Green – Ordinance 2020-08
- Maser Consulting – MC project No. FRT-047
- Houser Engineering – Freshwater wetlands general permit 24
- Blairstown Hose Company – September 2020
- Green Township Fire Department – September 2020

ADJOURNMENT:

There being no further business, motion was made by Mr. McPeek, seconded by Mr. Ramos to adjourn the meeting at 9:33 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC