

## MINUTES OF REGULAR MEETING OF FEBRUARY 16, 2022

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, February 16, 2022 and was called to order at 6:00 p.m. by Mayor Keith 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 e mailing notice to the New Jersey Herald and The Express-Times.

### ROLL CALL:

Those present were: Mayor Keith Ramos, Deputy Mayor Chris Stracco, Committeeman David Boynton, Committeeman Todd McPeek, Committeeman Robert Stock, Attorney Rich Beilin, CFO Danette Dyer, and Municipal Clerk Donna Zilberfarb.

### MINUTES:

- Minutes of February 9, 2022 budget/work session meeting were approved as amended on a motion by Mr. Boynton, seconded by Mr. McPeek. All were in favor.
- Minutes of February 9, 2022 executive session meeting were approved as amended on a motion by Mr. Stracco, seconded by Mr. Stock. All were in favor.

### AGREEMENTS:

- Motion was made by Mr. Boynton, seconded by Mr. McPeek to approve and sign the Pollution Control Financing Authority of Warren County agreement. All were in favor.

### ORDINANCES:

**#2022-01 CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to **2.5%** unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and, **WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and, **WHEREAS**, the Township Committee of the Township of Frelinghuysen in the County of Warren finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and, **WHEREAS**, the Township Committee hereby determines that a **1.0%** increase in the budget for said year, amounting to **\$8,970.96** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and, **WHEREAS** the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years. **NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Frelinghuysen, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Frelinghuysen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to **\$ 31,398.36**, and that the CY 2022 municipal budget for the Township of Frelinghuysen be approved and adopted in accordance with this ordinance; and, **BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and, **BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and, **BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption. **CERTIFICATION** I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen do hereby certify the above to be a true copy introduced by the Frelinghuysen Township Committee at a meeting held on January 3, 2022 and was considered and adopted on final reading at the meeting of the Frelinghuysen Township Committee held on February 16, 2022 at 7:30 pm at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Stracco to open for first reading for introduction, seconded by Mr. McPeek. **Roll Call Vote Introduction:** Mr. Boynton – Yes; Mr. McPeek – Yes; Mr. Ramos – Yes; Mr. Stracco – Yes. Motion was made by Mr. Boynton to open for second reading for adoption, seconded by Mr. McPeek. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. McPeek. All were in favor. No public comment. Motion was made by Mr. Stracco to close to the public, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Stracco to approve for adoption, seconded by Mr. Boynton. **Roll Call Vote Adoption:** Mr. Boynton – Yes; Mr. McPeek – Yes; Mr. Ramos – Yes; Mr. Stock – Yes; Mr. Stracco – Yes

**#2022-02 ORDINANCE AMENDING SECTION 2-41 OF THE FRELINGHUYSEN TOWNSHIP CODE CONCERNING OPEN SPACE ADVISORY COMMITTEE MEMBERSHIP AND MEETINGS** WHEREAS, Section 2-41 of the Frelinghuysen Township Code establishes the Open Space Advisory Committee and sets forth the membership criteria concerning same; and WHEREAS, it is necessary and appropriate at this time to amend those membership criteria and in order to assure the continued efficient operation of the said Committee by providing procedures for the removal of members who fail to meet those criteria; and WHEREAS, it is also necessary and appropriate at this time to amend this Section of the Frelinghuysen Township Code concerning meetings of the said Committee. **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 2-41.2 of the Frelinghuysen Township Code is amended by adding thereto a new Subsection (d) to read as follows: **§ 2-41.2. Membership.** d. In the event that any member or alternate member fails to attend two (2) consecutive meetings without being excused by a majority of the authorized members, the seat of that member or alternate member shall be deemed vacant effective immediately. **Section II** Section 2-41.5 of the Frelinghuysen Township

Code is amended to read as follows (additions are underlined, deletions are stricken through): **§ 2-41.5. Meetings..** The Advisory Committee shall hold public meetings in accordance with the Open Public Meetings Act. A total of ~~six (6)~~ four (4) meetings shall be held per year, on ~~alternate months~~ a quarterly basis, provided that special meetings may be held as necessary and according to law. **Section III 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. ATTEST: TOWNSHIP OF FRELINGHUYSEN 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 February 16, 2022 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on March 16, 2022 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. 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. Second reading for adoption will be held on March 16, 2022.

**#2022-03 ORDINANCE AMENDING SECTION 2-40 OF THE FRELINGHUYSEN TOWNSHIP CODE CONCERNING FARMLAND PRESERVATION ADVISORY COMMITTEE MEMBERSHIP AND MEETINGS**

WHEREAS, Section 2-40 of the Frelinghuysen Township Code establishes the Farmland Preservation Advisory Committee and sets forth the membership criteria concerning same; and WHEREAS, it is necessary and appropriate at this time to amend those membership criteria and in order to assure the continued efficient operation of the said Committee by providing procedures for the removal of members who fail to meet those criteria; and WHEREAS, it is also necessary and appropriate at this time to amend this Section of the Frelinghuysen Township Code concerning meetings of the said Committee. 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 2-40.2 of the Frelinghuysen Township Code is amended by adding thereto a new Subsection (d) to read as follows: **§ 2-40.2. Membership.** d. In the event that any member or alternate member fails to attend two (2) consecutive meetings without being excused by a majority of the authorized members, the seat of that member or alternate member shall be deemed vacant effective immediately. **Section II** Section 2-40.5 of the Frelinghuysen Township Code is amended to read as follows (additions are underlined, deletions are stricken through): **§ 2-40.5. Meetings..** The Advisory Committee shall hold public meetings in accordance with the Open Public Meetings Act. A total of ~~six (6)~~ four (4) meetings shall be held per year, on ~~alternate months~~ a quarterly basis, provided that special meetings may be held as necessary and according to law. **Section III 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. ATTEST: TOWNSHIP OF FRELINGHUYSEN 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 February 16, 2022 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on March 16, 2022 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 first reading for introduction, seconded by Mr. Stock. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on March 16, 2022.

**#2022-04 ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY REPEALING ORDINANCE NO. 2021-16 CONCERNING OPTION TO LEASE AGREEMENT FOR ELECTRICITY SOLAR FACILITY AT PROPERTY KNOWN BLOCK 201, LOT 31.01** WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14 authorizes the lease by a municipality of any real property, capital improvements or personal property or interests therein not needed for public use to the highest bidder by open public sale at auction, or by submission of sealed bids after the required newspaper advertisements; and **WHEREAS, the Township of Frelinghuysen** is the owner of certain real property located at Block 201, Lot 31.01 on the Frelinghuysen Township Tax Map, a/k/a 720 State Highway 94 (the "Property"); and WHEREAS, on December 15, 2021, the Township Committee adopted Ordinance No. 2021-16 pursuant to the above, authorizing an Option to Lease Agreement with SunPower Corporation/SunPower DevCo, LLC ("SunPower") for an electrical solar facility at the Property; and WHEREAS, thereafter, SunPower requested modifications to the said Option to Lease Agreement, the terms of which are not acceptable to the Township Committee, and the Township Attorney has notified SunPower that these modifications are unacceptable, and that the Township will not proceed with an agreement that includes those modifications; and WHEREAS, as a result of same, and in order to confirm the termination of the said Option to Lease Agreement, it is necessary and appropriate at this time to repeal Ordinance No. 2021-16. NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that: 1. Ordinance No. 2021-16, adopted by the Mayor and Committee of the Township of Frelinghuysen on December 15, 2021, be and the same is hereby repealed. 2. The Township Attorney is directed to transmit a copy of this Ordinance to SunPower following adoption hereof. 3. This ordinance shall take effect immediately upon final passage and publication as required by law. ATTEST: TOWNSHIP OF FRELINGHUYSEN 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 February 16, 2022 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on March 16, 2022 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 first reading for introduction, seconded by Mr. McPeek. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on March 16, 2022.

**#2022-05 AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN ESTABLISHING SALARY RANGES FOR EMPLOYEES AND OFFICERS**

BE IT ORDAINED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren and State of New Jersey,

that the annual, monthly or hourly salary ranges of the elected officials, appointees and employees of the Township of Frelinghuysen, effective January 1, 2022 shall be as follows:

TITLE:	MINIMUM		MAXIMUM	
MAYOR	\$3,000.00	to	\$5,000.00	ANNUAL
TOWNSHIP COMMITTEE MEMBERS	\$3,000.00	to	\$5,000.00	ANNUAL
MUNICIPAL CLERK	\$50,000.00	to	\$90,000.00	ANNUAL
ASSESSMENT SEARCH OFFICER	\$2,000.00	to	\$5,000.00	ANNUAL
PART TIME CLERICAL HELP	\$15.00	to	\$20.00	PER HOUR
TAX COLLECTOR	\$15,000.00	to	\$30,000.00	ANNUAL
TAX ASSESSOR	\$15,000.00	to	\$40,000.00	ANNUAL
CHIEF FINANCIAL OFFICER	\$15,000.00	to	\$30,000.00	ANNUAL
QUALIFIED PURCHASING AGENT	\$1,000.00	to	\$5,000.00	ANNUAL
BOARD OF HEALTH MEMBERS	\$25.00	to	\$50.00	ANNUAL
BOARD OF HEALTH SECRETARY	\$500.00	to	\$1,500.00	ANNUAL
ANIMAL CONTROL OFFICER	\$5,000.00	to	\$15,000.00	ANNUAL
OPEN SPACE/FARMLAND PRESERVATION SECRETARY	\$15.00	to	\$25.00	PER HOUR
CLEAN COMMUNITIES COORDINATOR	\$500.00	to	\$2,000.00	ANNUAL
RECYCLING COORDINATOR	\$500.00	to	\$2,000.00	ANNUAL
FORESTRY MANAGEMENT SECRETARY	\$15.00	to	\$30.00	PER HOUR
ENVIRONMENTAL COMM SECRETARY	\$15.00	to	\$30.00	PER HOUR
RECREATION SECRETARY (FFP)	\$15.00	to	\$25.00	PER HOUR
EMERGENCY MANAGEMENT COORDINATOR	\$1,000.00	to	\$3,000.00	ANNUAL
DEPUTY EMERGENCY MGT COORDINATOR	\$1,000.00	to	\$3,000.00	ANNUAL
ASSISTANT EMERGENCY MGMT COORDINATORS (4)	\$250.00	to	\$2,000.00	ANNUAL
STATE OF EMERGENCY VARIABLE COMP	\$100.00	to	\$500.00	PER DAY
CONSTRUCTION OFFICER	\$15,000.00	to	\$80,000.00	ANNUAL
TEMP SUBCODE INSPECTOR	\$30.00	to	\$50.00	PER HOUR
FIRE INSPECTOR OFFICIAL	\$2,000.00	to	\$15,000.00	ANNUAL
ELECTRICAL INSPECTOR	\$30.00	to	\$50.00	PER HOUR
ELECTRICAL INSPECTOR	\$2,000.00	to	\$20,000.00	ANNUAL
PLUMBING SUBCODE INSPECTOR	\$2,000.00	to	\$20,000.00	ANNUAL
TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICER	\$15.00	to	\$25.00	PER HOUR
TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICER	\$2,000.00	to	\$12,000.00	ANNUAL
ZONING OFFICER	\$5,000.00	to	\$15,000.00	ANNUAL
CODE ENFORCEMENT OFFICER	\$30.00	to	\$50.00	PER HOUR
LAND USE SECRETARY	\$15.00	to	\$30.00	PER HOUR
DPW SUPERVISOR	\$1,000.00	to	\$7,500.00	ANNUAL
DPW FOREMAN	\$20.00	to	\$50.00	PER HOUR
DPW OPERATOR/LABORER	\$18.00	to	\$30.00	PER HOUR
TEMPORARY DPW LABORER	\$15.00	to	\$25.00	PER HOUR
TEMPORARY DPW EQUIPMENT OPERATOR WITH CDL	\$30.00	to	\$40.00	PER HOUR
TEMPORARY DPW EQUIPMENT OPERATOR WITHOUT CDL	\$25.00	to	\$35.00	PER HOUR
SAFETY DIRECTOR	\$1,500.00	to	\$3,000.00	ANNUAL
MANAGER OF PUBLIC LANDS	\$500.00	to	\$3,000.00	ANNUAL
ASSISTANT MANAGER OF PUBLIC LANDS	\$500.00	to	\$3,000.00	ANNUAL

This ordinance shall take effect immediately upon final passage and publication as required by law. ATTEST: TOWNSHIP OF FRELINGHUYSEN 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 February 16, 2022 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on March 16, 2022 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. 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. Second reading for adoption will be held on March 16, 2022.

**#2022-06 ORDINANCE ESTABLISHING FIRE DEPARTMENT, AND AMENDING THE FRELINGHUYSEN TOWNSHIP CODE BY ADDING A NEW CHAPTER 11 THERETO** WHEREAS, pursuant to N.J.S.A. 40A:14-7, a governing body of any municipality may, by ordinance, create and establish a part-paid fire department, and provide for the maintenance, regulation and control there, and except as otherwise provided by law, appoint such members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties, and adopt and promulgate rules and regulations for the government of the department, and for the discipline of its members; and WHEREAS, in order to effectively and efficiently provide for the health, safety and welfare of Frelinghuysen Township, its residents and businesses, it is necessary and appropriate to establish a fire department. 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** The Frelinghuysen Township Code is amended by adding thereto a new Chapter 11, to read as follows: **CHAPTER 11. FIRE DEPARTMENT § 11-1. Fire Department established.** There is hereby created a fire department (referred to in this Chapter as the “Company,” which shall be an independent, part-paid and part volunteer municipal fire and rescue fire department serving the Township of Frelinghuysen and such other areas as may be designated by the Township Committee, known as the “Frelinghuysen Township Volunteer Fire Company.” **§ 11-2. Composition.** A. The Company shall consist of a Chief and Deputy Chief and such firefighters, engineers, lieutenants and captains as established in the Company's bylaws as shall be appointed as hereinafter set forth. B. There shall be a liaison representative from the Township Committee, who

shall attend all Company meetings. **§ 11-3. Bylaws.** The Company shall prepare its own bylaws. The Company shall provide a copy of the bylaws to the Township Committee and shall provide the Township with copies of any updates or amendments that are adopted. In the event of a conflict between the bylaws and this ordinance, this ordinance shall take precedence. **§ 11-4. Administrative control; Ownership of Firehouse, Equipment and Apparatus.** A. Administrative control of the Company shall reside with the Company, with oversight by the Township Committee. The Chief of the Company shall provide regular reports to the Township Committee. The Company shall provide copies of its meeting minutes to the Township Committee upon request. B. The Township Committee shall approve all grant applications prior to the Company submitting same. All grant proceeds shall be payable to and shall be disbursed by the Township, unless the terms of the grant specifically require otherwise. C. The Township shall have title to the firehouse, all equipment and apparatus used by the Company. **§ 11-5. Records.** The Company shall maintain all records, including meeting minutes, as required by state law and regulations. The Company shall produce records in response to requests made under the Open Public Records Act as required under the Act. The Company shall produce records for inspection by the Township Committee liaison or Township Committee upon request. **§ 11-6. Expulsion or suspension.** After discipline has been implemented by the Company's Disciplinary Committee, the Township Committee shall have the right to expel or suspend any member or officer of the Company upon charges preferred, related to a violation of the Company's bylaws or the Township's personnel policies, provided that the member or officer of the Company who is the subject of the discipline shall be entitled to notice and a hearing before the Township Committee. **§ 11-7. Election of officers.** The officers of the Company shall be elected annually by ballot at an election of the Company, to be held on such date and time and at such location as shall be designated by the Company, and they shall hold office for one year from the first day of January following their election; provided, however, that the election of the Chief and Deputy Chief shall be confirmed by the Township Committee before they shall assume the duties of their office. **§ 11-8. Duties of Chief.** The duties of the Chief shall be as follows: A. The Chief shall preside at all meetings of the Company and shall maintain order and decorum therein. B. The Chief shall order any special meetings as required. C. The Chief, together with officers and trustees, shall have the power to refer, to the Disciplinary Committee, disciplinary matters against a member for improper conduct. D. The Chief shall order a fire drill or other exercise pertaining to fire duties at least once per month, and the members shall be notified of such at a regular meeting. E. It shall be the duty of the Chief, from the time the apparatus leaves the firehouse until it returns, when in attendance, to lead the operations of the Company while at fires, drills or parades. F. The Chief shall order the time for working the apparatus and shall set such time as he/she deems best for the welfare of the Company. G. The Chief shall appoint all special and standing committees and members as shall be deemed necessary for the proper transaction of the business of the Company. H. The Chief shall appoint three persons at the annual meeting each year, to be designated as the Auditing Committee, whose duty it shall be to examine the books and accounts of the Secretary and Treasurer of the Company and report upon the same at the next regular meeting. I. The Chief shall render an annual report of the operations of the Company at the annual meeting and furnish a copy of the report to the Township Committee. J. The Chief's salary shall be determined by the Township Committee. K. The Chief shall appoint one member to act as historian, who shall maintain an appropriate history of the Company. L. The Chief shall report to the Township Committee at the regular meeting each month as to the condition of the Company and its apparatus, and of any other Company matters that the Chief deems necessary. **§ 11-9. Amendments.** The Township Committee reserves the right to amend this Chapter as necessary. **§ 11-10. Compensation.** The services rendered by the members of the Company shall be voluntary and without compensation, with the exception of the Chief, Deputy Chief, Secretary and Treasurer. The salaries of these individuals are as set by Township ordinance. **§ 11-11. Inspections.** The Mayor and Township Committee liaison shall, at all times and in the presence of the Chief or his/her designee, be admitted to the firehouse for the purpose of examining the conditions of the fire apparatus and any property of the Township. **§ 11-12. Duties of firefighters.** The duties of all firefighters of the Company shall be as follows: A. It shall be the duty of all members of The Company to obey all commands of their officers. B. It shall be the duty of all members of the Company to answer all fire alarms, and the Secretary shall maintain a record of same. C. Sickness or death in the family of a member, personal sickness, or absence from the Township shall be deemed sufficient excuses for neglect of duty, and no others will be accepted, absence from the Township to mean absence from the coverage area of the Company. D. No member shall appear at the meetings of the Company, or on duty, in a state of intoxication or under the influence of drugs, or shall be guilty of using indecent or profane language, or shall disobey the orders of the Chief, Deputy Chief, or officer in charge of the Company, or be guilty of unbecoming conduct or otherwise bringing disgrace upon the Company or Township, under penalty of expulsion. E. Any firefighter ceasing to be a member of the Company, either by resignation or by expulsion, shall lose all title to any and all property in any way belonging to the Company or the Township of Frelinghuysen. F. Any member leaving the Township for longer than one month shall notify the Chief or the Secretary of same. G. It shall be the imperative duty of all members who may be a witness to any improper or disorderly conduct by an officer or member, in the firehouse or while in service, to report same at once to the Chief or Deputy Chief. H. The Chief, Deputy Chief, or Secretary shall be the official spokespersons for the Company. I. It shall be the duty of all SCBA-certified members to have an annual physical. This physical must conform to the standards set forth by PEOSHA. If this physical is performed by the Township-approved doctor, it can be billed to the Township. If the physical is performed by a doctor of the member's choice, payment shall be the member's responsibility. J. Any member who is on disability from work under any circumstances, even if minor, must notify the Chief and Deputy Chief as soon as possible. A doctor's written clearance letter is mandatory before returning to attend fires. K. Members of the Company are expected to adhere to and comply with the specific personnel policies adopted by the Township Committee. **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. ATTEST: TOWNSHIP OF FRELINGHUYSEN 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 February 16, 2022 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on March 16, 2022 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. 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. Second reading for adoption will be held on March 16, 2022.

**RESOLUTIONS:**

#2022-22 Change order #2 amended, February 9, 2022. Project: construction of new salt shed building at the Frelinghuysen municipal complex, municipality: Frelinghuysen Township, County of Warren. Contractor: Clarke Moynihan landscaping and construction LLC. In accordance with the project supplementary specification, the following are changes in the contract. Location and reason for change (attach additional sheets if required). To reflect credits due to the municipality for substitute overhead doors, the delivery of stone to the site in lieu of the contractor picking up stone at the supply yard, and the contractor's use of township stone allocated for other municipal uses.

Item No.	Description	Quantity	Unit Price	Amount
Extras:				Total extras: \$0.00
Reductions:				Total reductions: \$0.00
Supplementals:				
S-2	Credit for providing 18 foot high overhead doors in lieu of 19 foot high overhead Doors on the plan.	2 units	\$500.00	(\$1,000.00)
S-3	Credit for use of 2-1/2" stone that was stockpiled on site by the township And allocated to other municipal projects.25 tons	\$24.29	(\$607.25)	
Amount of contract based on Change order #1	\$243,600.00	Extra	\$0.00	
		Supplemental(-)	-\$1,607.25	
		Reduction	\$0.00	

Adjusted amount based on change orders 1 2 Total Change:(-) -\$1,607.25

% change in contract (original) (+)11.52%

[(+) increase of (-) decrease]

Signatures: Engineer, Presiding officer, contractor and District Engineer, Local Highway Design. Motion was made by Mr. Stock to accept, seconded by Mr. Boynton. All were in favor.

**#2022-28 PERSON TO PERSON PLENARY RETAIL CONSUMPTION LIQUOR LICENSE TRANSFER FROM SWEET JANES CAFÉ & BAR LLC TO THE LONE PILGRIM PUB, LLC** WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption Liquor License No. 2106-33-003-008 heretofore issued to Sweet Janes Café & Bar LLC, to The Lone Pilgrim Pub, LLC; and WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey statutes, the regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and WHEREAS, the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business. NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Frelinghuysen do hereby approve, effective February 16, 2022, the transfer of the aforesaid Plenary Retail Consumption License to The Lone Pilgrim Pub, LLC, and do hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to The Lone Pilgrim Pub, LLC, 278 Main Street, Johnsonburg (Frelinghuysen Township), New Jersey 07825, and is effective February 16, 2022."

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Frelinghuysen Township Committee at a meeting held on February 16, 2022.

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

**#2022-29 RESOLUTION AUTHORIZING SIGNATURES ON TOWNSHIP CHECKS** WHEREAS, it is necessary and appropriate to designate the Frelinghuysen Township officials who are authorized to sign checks on behalf of the township. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen that the following Frelinghuysen Township officials are authorized to sign checks where multiple signatures are required: Mayor – Keith Ramos; Deputy Mayor – Chris Stracco; Municipal Clerk - Donna Zilberfarb; Chief Finance Officer- Ashley Wilson BE IT FURTHER RESOLVED, that signature cards with the signatures of the persons authorized to sign be forwarded to all Township depositories. This resolution shall take effect as provided by law.

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

**#2022-30 RESOLUTION AUTHORIZING THE MUNICIPAL COURT OF THE TOWNSHIP OF FRELINGHUYSEN TO ENGAGE A PROSECUTOR** WHEREAS, the Township of Frelinghuysen, Warren County, New Jersey, has entered into an interlocal municipal services agreement for the creation of a shared municipal court with the Town of Belvidere; and WHEREAS, this court is known as the Municipal Court of the Township of Frelinghuysen; and WHEREAS, the Municipal Court requires the services of a Prosecutor for the term January 1, 2022 to December 31, 2022; and WHEREAS, pursuant to the Interlocal Services Agreement, the Municipal Court of Frelinghuysen appoints the Prosecutor appointed by the Town of Belvidere as the lead agency. NOW, THEREFORE BE IT RESOLVED by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that the following Court appointment for Prosecutor be and hereby is made for the

Municipal Court of the Township of Frelinghuysen for Calendar Year 2022. 1-2023, and Resolution No. 2021-5 is amended accordingly: Municipal Court Prosecutor – John Caleca, Esq. **CERTIFICATION** I hereby certify the foregoing to be a true copy of a Resolution adopted by the Frelinghuysen Township Committee at a meeting held on February 16, 2022.

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

**#2022-31 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF FEBRUARY 2022**

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 FEBRUARY 2022; 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. Bills list approved with the exception of South State, that will be discussed at the work session on March 9, 2022.

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

**#2022-32 SETTING EXECUTIVE SESSION** WHEREAS, it is necessary to discuss items dealing with contract negotiations, attorney client privilege, and pending litigation. WHEREAS, under the Open Public Meetings Act (number 7 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 February 16, 2022 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. McPeek			X			
Mr. Ramos			X			
Mr. Stock			X			
Mr. Stracco	X		X			

**#2022 -33 A RESOLUTION OF SUPPORT FOR THE APPLICATION OF PROGRESSIVE OPPORTUNITIES, LLC TO OPEN A CANNABIS CULTIVATION AND/OR MANUFACTURING FACILITY AT BLOCK 1301, LOT 9 IN THE TOWNSHIP OF FRELINGHUYSEN** WHEREAS, Progressive Opportunities, LLC (“Progressive Opportunities”) has notified the Mayor and the Township Committee of its intent to submit an application to the New Jersey Cannabis Regulatory Commission (“CRC”) for a Class 1 Cultivation License and Class 2 Manufacturing License to operate an adult-use cannabis cultivation and manufacturing facility at premises located at Block 1301, Lot 9 (commonly referred to as 1100 Route 519) in the Township of Frelinghuysen; and WHEREAS, an adult-use cannabis cultivation and manufacturing facility is a permitted use in the ROM Zone in the Township of Frelinghuysen if it satisfies bulk requirements set forth by the Township; and WHEREAS, the premises identified as Block 1301, Lot 9 on the Official Tax Map of the Township of Frelinghuysen, are within the ROM Zone of the Township of Frelinghuysen and satisfy the bulk, lot size, yard size, lot area, and distance requirements set forth by the Township of Frelinghuysen; and WHEREAS, the Township of Frelinghuysen has not imposed a cap on the number of cannabis cultivators or manufacturers that may operate in the Township and approval of Progressive Opportunities’ license application would not exceed any limits on the number of licenses permitted to operate in the Township; and WHEREAS, N.J.A.C. 17:30-5.1(g)(1) requires a Municipality with a governing body to demonstrate local support for the suitability of a cannabis business’s proposed location to the CRC by adopting a resolution evidencing the suitability of the proposed location by indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business; and WHEREAS, as set forth in Ordinance No. 2021-09, Frelinghuysen Code, requires that subject to the authority of the CRC to approve and issue cannabis licenses authorized by law, any applicant desiring to conduct business as a cannabis establishment within the Township shall be required to separately obtain the approval of the Township of Frelinghuysen pursuant to the Township’s local authority under N.J.S.A. 24:6I-45(c)(2); and **BE IT RESOLVED** that the Township of Frelinghuysen has determined that the premises located at Block 1301, Lot 9 are appropriately located within Frelinghuysen’s ROM Zone and suitable for the operation of an adult-use cannabis cultivation and manufacturing facility, subject to approval by the Township of Frelinghuysen; **BE IT FURTHER RESOLVED** that the Township Committee supports the application of Progressive Opportunities to the State of New Jersey CRC for a Class 1 Cultivation Facility and Class 2 Manufacturing Facility to open and operate at Block 1301, Lot 9 in the Township of Frelinghuysen, and **BE IT FURTHER RESOLVED** that upon receipt of Progressive Opportunities’ application from the CRC, the Township of Frelinghuysen is hereby authorized to review said application for compliance with all state and local licensing requirements, and thereafter recommend further action to the Township Committee as may be necessary on the issuance of a local cannabis retail license to Progressive Opportunities to operate at Block 1301, Lot 9 pursuant to Frelinghuysen Code, conditioned upon the State of New Jersey CRC awarding a cultivation and/or manufacturing license to Progressive Opportunities. Upon satisfaction of all local requirements, the Township Committee may issue a notification of award.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton			X			

Mr. McPeek		x	x			
Mr. Ramos			x			
Mr. Stock			x			
Mr. Stracco	x		x			

**OLD BUSINESS:**

- *There was no old business discussed*

**NEW BUSINESS:**

- Motion was made by Mr. McPeek to appoint Ashley Wilson as CFO effective February 16, 2022, seconded by Mr. Stock. All were in favor. Mr. Stracco abstained.
- Motion was made by Mr. Boynton to appoint Danette Dyer as Deputy CFO effective February 16, 2022, seconded by Mr. McPeek. All were in favor.
- Chief Marino from Hope Fire Department thanked everyone and gave last years call numbers to the committee. 2021 had 215 service calls (total) of which 56 were from Frelinghuysen Township, 22 were Route 80 and 15 were Forest Manor. He let the committee know what was purchased last year and will be purchasing ice rescue gear and replacing some packs, which they will be spreading out over a few years. He asked how the money would be this year and was told it would all be capital and that once the budget was passed someone will reach out to him.
- Motion was made by Mr. Boynton to authorize Paul Sterbenz, Colliers Engineering, to submit paperwork for Camp Wasigan Road, seconded by Mr. McPeek. All were in favor.

**DEPARTMENT REPORTS: \*1-12**

Motion was made by Mr. Stracco for a consent agenda for department reports 1-12, seconded by Mr. Boynton. All were in favor.

- Recreation committee – Nothing to report
- Environmental Commission – No meeting
- Farmland/Open space Committee – nothing to discuss

**OPEN MEETING TO THE PUBLIC:**

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

- Mr. Connor, Lincoln Laurel Road, let the committee know that the NJ Audobonne is working on the stewardship plan and should have a draft review by May.
- Mr. Connor also discussed the driveway at the FFP going into the rec center and that it is being damaged and the drainage is not good. It's the area below the spring house. Mr. McPeek said they will take care of that in the spring. Mr. Ramos will discuss with Jim Burns and ask if anything could be done via the shelter in place.
- Mr. Greco, Greendell Road, asked about the Green Fire Department. Mr. Ramos let him know that the town is still in litigation and can not discuss those matters at this time. Mr. Greco also asked about the checks on the bills list to Green Township and Green Fire Department. Mr. Ramos explained.

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

**EXECUTIVE SESSION:**

Motion was made by Mr. Stracco to enter into executive session, seconded by Mr. Boynton. 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 MEETING:**

Mr. Beilin explained that executive session was conducted for matters of pending litigation and attorney client privilege.

**CORRESPONDENCE**

- State of New Jersey DEP – Suspected hazardous substance discharge notification NJDEP Case number: 22-01-18-1441-05 140 State Park Road
- State of New Jersey DEP – FY2022 Annual fee report
- Hope Township – comprehensive Farmland Preservation Plan Update
- SADC – Stephanie Miller – Muni PIG grant fy2022 appropriations
- Careaga Engineering – Johnson septic repair (Map in clerk's office)
- Princeton Hydro Science Engineering Design – NJDEP Dam No. 21-33
- Blairstown Hose Company – January report

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Boynton, seconded by Mr. McPeek to adjourn the meeting at 6:50 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC