

## MINUTES OF REGULAR MEETING OF MAY 19, 2021

The regular meeting of the Frelinghuysen Township Committee was held virtual via zoom virtual meeting service, Township Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, May 19, 2021 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, CFO Danette Dyer, Auditor Anthony Ardito and Municipal Clerk Donna Zilberfarb all via zoom meeting.

### **PROCLAMATION:**

**PROCLAMATION IN HONOR OF RICHARD “RICK” MURPHY** WHEREAS, Richard “Rick” Murphy has been a longtime resident of Frelinghuysen Township, and resides at 100 Lanning Road in the Township; WHEREAS, in 2002 a 245 acre farm along Kerrs Corner Road in the Township, was proposed as the location of a major residential subdivision; and WHEREAS the proposed subdivision, known as ABD Major Subdivision was presented to the Frelinghuysen Township Planning Board in 2002; and WHEREAS, the subdivision plan presented would have created 49 new houses and 5 new roads in the Township; and WHEREAS, the farm, now known as Murlan Farm, was historically, a dairy farm; and WHEREAS, the area surrounding Kerrs Corner Road was and remains, a very rural and agricultural area in the Township; and WHEREAS, a significant subdivision in this location was not considered desirable as it would have permanently changed the rural agrarian character of Kerrs Corner Road and this section of the Township; and WHEREAS, at the time, Mayor Rydell was concerned about the impact of the proposed subdivision and approached resident Rick Murphy of Lanning Road about his potential to assist by acquiring the farm, to prevent a residential subdivision in this location; and WHEREAS, Rick Murphy agreed to help, and acquired the farm for \$2,100,000 in September of 2003, to prevent it being owned and subdivided by a developer; and WHEREAS, Rick Murphy also invested significantly in the restoration of a magnificent, large and historic dairy barn on the property; and WHEREAS, the farm has been held and worked as a farm, and protected from development for eighteen years by Rick Murphy; and WHEREAS, on March 17<sup>th</sup>, 2021, Murlan Farm was officially entered into the farmland preservation program, thanks to Rick Murphy, and with the assistance of The Land Conservancy of New Jersey, the Warren County Farmland Preservation Program, and the State Agriculture Development Committee; and WHEREAS, 224 acres of Murlan Farm are now permanently protected from development and will always be retained for agriculture; and WHEREAS, Rick Murphy also entered his 204 acre farm on Lanning Road in the Township into the farmland preservation program on January 24<sup>th</sup> of 2018; and WHEREAS, thanks to the conservation efforts of Rick Murphy, approximately 428 acres of farmland in Frelinghuysen Township are now preserved and will forever be retained for agriculture; and WHEREAS, when the Township was looking for assistance, and he was called on by the Mayor to help, Rick Murphy stepped up and at significant personal expense, literally saved the farm; and WHEREAS, the Township of Frelinghuysen is extremely grateful to Rick Murphy for his assistance in protecting so many acres of productive agricultural land, and, NOW, THEREFORE BE IT PROCLAIMED on this 19th day of May, 2021, by the Frelinghuysen Township Committee, on behalf of the residents of the Township of Frelinghuysen, that we hereby convey our deepest and best appreciation to Rick Murphy for his contributions to preserving agricultural land in the Township, and for the betterment of our Township community, and wish the best of luck to him in all of his future endeavors. Motion was made by Mr. Desiderio to accept, seconded by Mr. Boynton. All were in favor.

### **MINUTES:**

1. April 21, 2021 regular meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. Boynton. All were in favor. Mr. Boynton abstained.

2. April 21, 2021 executive session meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. McPeek. All were in favor. Mr. Boynton abstained.
3. May 12, 2021 work meeting minutes were approved on a motion by Mr. McPeek, seconded by Mr. Ramos. All were in favor. Mr. Boynton abstained.

**ORDINANCES:**

**#2021-06 ORDINANCE OF THE FRELINGHUYSEN TOWNSHIP  
MAYOR AND COMMITTEE REVISING SECTION 2-25.1, ET SEQ.  
OF THE FRELINGHUYSEN TOWNSHIP CODE, ENTITLED**

**“INTERMUNICIPAL COURT”** WHEREAS, the Township of Frelinghuysen has withdrawn from the Municipal Court of Knowlton Township and has entered into an Interlocal Services Agreement with the Town of Belvidere for the shared location and operation of the Town of Belvidere’s municipal court facilities; and WHEREAS, the current provisions of the Frelinghuysen Township Code concerning the intermunicipal court must be amended consistent with this Shared Services Agreement. 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**

1. Sections 2-25.1 through 2-25.4 of the Frelinghuysen Township Code are deleted in their entirety and replaced with the following: **§ 2-25.1. Court Established; Name.** A Municipal Court is hereby established under the authority of N.J.S.A. 2B:12-1 *et seq.* and N.J.S.A. 40A:65-1, *et seq.* The name of the Court shall be the “Municipal Court of the Township of Frelinghuysen” and the operations of the Court shall be governed by the said statutes and by a certain “Shared Services Agreement for Shared Municipal Court Between the Township of Frelinghuysen and the Town of Belvidere” (referred to in Sections 2-25.1 through 2-25.8 as the “Municipal Court Shared Services Agreement”), as may be amended from time to time. **§ 2-25.2. Jurisdiction.** The Municipal Court established in this chapter shall have and exercise the limited civil and criminal jurisdiction prescribed by N.J.S.A. 2B:12-1 *et seq.* **§ 2-25.3. Clerk; other assistants.** The parties to the Municipal Court Shared Services Agreement may provide for a clerk and other necessary clerical and other assistants for the Municipal Court of Frelinghuysen Township pursuant to the terms of the Municipal Court Shared Services Agreement. **§ 2-25.4. Judge.** The Municipal Court of Frelinghuysen Township shall have a Judge who shall be known as the “Judge of the Municipal Court of Frelinghuysen Township.” The Judge shall be appointed pursuant to the terms of the Municipal Court Shared Services Agreement. **§ 2-25.5. Compensation of Judge and assistants.** A. The compensation of the Judge of the Municipal Court of Frelinghuysen Township shall be governed by the Municipal Court Shared Services Agreement. B. The compensation of the clerk, clerical and other assistants of the Municipal Court of Frelinghuysen Township shall be governed by the Municipal Court Shared Services Agreement. **§ 2-25.6. Prosecutor.** A. The Municipal Court of Frelinghuysen Township shall have a prosecutor who shall be known as the “Prosecutor of the Municipal Court of Frelinghuysen Township.” He shall be appointed pursuant to the terms of the Municipal Court Shared Services Agreement and shall be an attorney at law pursuant to N.J.S.A. 2B:12-27. B. The Clerk of the Municipal Court of Frelinghuysen Township shall advise the Chief of the Prosecutors and Police Bureau, Division of Criminal Justice, Department of Law and Public Safety of the State of New Jersey on an annual basis of: (1) The name of the individual appointed as Prosecutor of the Municipal Court of Frelinghuysen Township; (2) The name of any other individual appointed to serve as an assistant or deputy to the Prosecutor of the Municipal Court of Frelinghuysen Township; (3) A copy of the resolution making the appointment; and (4) A complete mailing address of the Prosecutor of the Municipal Court of Frelinghuysen Township, including a telephone number and facsimile transmission number. **§ 2-25.7. Public Defender of the Municipal Court of Frelinghuysen Township; appointment, duties and compensation.** A. The Municipal Court of Frelinghuysen Township shall have a Public Defender of the Municipal Court of Frelinghuysen Township. The Public Defender of the Municipal Court of Frelinghuysen Township shall be appointed pursuant to the terms of the Municipal Court Shared Services Agreement. B. The Public Defender of the Municipal Court of Frelinghuysen Township shall be compensated pursuant to the terms of the Municipal Court Shared Services Agreement. C. The Public Defender of the Municipal Court of Frelinghuysen Township appointed hereunder shall perform the duties set forth at N.J.S.A. 2B:24-6, as well as any other duties now or hereafter required by law. **§ 2-25.8. Application for representation; fee.** Any person applying for representation by a Public Defender before the Municipal Court of Frelinghuysen Township or for court-approved

counsel shall pay an application fee as established by the Judge of the Municipal Court of Frelinghuysen Township, provided that such amount shall not exceed the amount necessary to pay the cost of the Public Defender's services. **Section II** 1. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. 2. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect. 3. This ordinance shall take effect immediately upon final passage and publication as required by law. Motion was made by Mr. Ramos to open for first reading for introduction, seconded by Mr. McPeek. Roll call vote: Mr. Boynton-absent; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes. Second reading for adoption will be on May 19, 2021.

Motion was made by Mr. Ramos to open for 2<sup>nd</sup> reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Ramos. All were favor. No public comment. Motion was made by Mr. McPeek to close to the public, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Boynton to approve for adoption, seconded by Mr. Ramos. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes.

**#2021 – 07 Ordinance To Amend Chapter 21 of the Code of the Township of Frelinghuysen to Reflect Amendments Requested by the County of Warren Planning Department Following a Review of Ordinance No. 2020-14, Which Was Adopted by the Township Committee on December 16, 2020**

WHEREAS, the Township of Frelinghuysen adopted an updated Stormwater Control Ordinance on December 16, 2020 in compliance with amendments to the Stormwater Management Rules pursuant to the requirements in N.J.A.C. 7:8; and WHEREAS, Ordinance No. 2020-14 was sent to the County Planning Department for review as required under the rules; and WHEREAS, the County Planning Department issued comments on Ordinance 2020-14 as part of its review and approval of said ordinance; and WHEREAS, the Township of Frelinghuysen proposes the following amendments to Chapter 21 of the Code entitled "Stormwater Control" to address the County Planning Department's review comments;

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN AND STATE OF NEW JERSEY THAT CHAPTER 21 OF THE CODE OF THE TOWNSHIP OF FRELINGHUYSEN, ENTITLED "STORMWATER CONTROL", IS AMENDED AS FOLLOWS: **Section One** - The definition of "County review agency" in Section 21-2 is hereby revised as follows: "County review agency" means an agency designated by the Board of County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency; or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

**Section Two** - The definition of "Major development" in Section 21-2 is hereby amended to read as follows: "Major development" means an individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

**Section Three** - The definition of “New Jersey Stormwater Best Management Practices (BMP) Manual” in Section 21-2 is hereby amended to read as follows: “New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 21-4F of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

**Section Four** - Table 1 in Section 21-4F is hereby amended to denote an entry for the minimum separation from seasonal high water table for cisterns as follows:

<b>Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table</b>
Cistern	0	Yes	No	-- --

**Section Five**- Table 3 in Section 21-4F is hereby amended to denote an entry for the minimum separation from seasonal high water table for sand filters as follows:

<b>Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Sand Filter <sup>(c)</sup>	80	Yes	No	1

**Section Six** - Section Six is hereby amended to add Table 4 in Section 21-4Q as follows: **Table 4 - Water Quality Design Storm Distribution**

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

**Section Seven** - If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**Section Eight** - This ordinance shall take effect upon the publication of notice of final adoption as provided by law. NOTICE Notice is hereby given that the aforesaid ordinance was introduced at a regular meeting of the Township Committee of the Township of Frelinghuysen, New Jersey, held on April 21, 2021 and that at a regular meeting of the same to be held on May 19, 2021 at the Municipal Building, 210 Main Street, Frelinghuysen, New Jersey, at the hour of 7:30 p.m., the said Township Committee will consider the final passage of said ordinance. Motion was made by Mr. McPeek to open to first reading for introduction, seconded by Mr. Ramos. Roll call vote: Mr. Boynton-absent; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes. Second reading for adoption will be on May 19, 2021. Motion was made by Mr. Ramos to open for 2<sup>nd</sup> reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. McPeek to open to the public, seconded by Mr. Boynton. All were in favor. No public comment. Motion was made by Mr. McPeek to close to the public, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. McPeek to approve for adoption, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes.

**RESOLUTIONS:  
#2021-48**

Resolution File Name: 2106\_87r\_05-19-2021\_.pdf

[Email the 159 if not using Outlook](#)

159 File Name: 2106\_159\_05-19-2021\_.xlsm

571

Select your local Government unit by pressing the triangle

**Budget Amendment Certification Form, Appropriations Offset by Revenue**

Counties/Municipalities (NJS A 40A:4-87) or Fire Districts (NJS A 40A:14-78.5)

	<u>Resoluti on Date:</u>	<b>5/19/2021</b>	Resolution #	_____
Muni Code	2106	Organization Name	<b>2106 Frelinghuysen Township - County of Warren</b>	
Fiscal Year	<b>7</b>	_____		

Revenue	Title	72	Amount	\$
				<u>828.24</u>
Description	_____			
Appropriation	Title	72	Amount	\$
				<u>828.24</u>
Description	_____			
Local Match			Amount	_____
				_____

Municipalities and Counties only		<b>Chapter 85 - Title and Text</b>		
Appropriation (From)	Title	_____	Amount	_____
Appropriation (To)	Title	_____	Amount	_____

By electronic transmittal of this form the County Clerk of the Board/Municipal Clerk/Fire District Executive Director certify that this resolution, reference above and included as an attachment with this form, is a true resolution and was properly adopted by the respective governing body

By electronic transmittal of this form the County/Municipality CFO or the Fire District Accountant certifies that this revenue has been realized and/or is in receipt of written notification from the funding source cited in the resolution and included as an attachment with this form and that the revenue/appropriation identified above meets all statutory requirements and that the Annual Operating Budget has been amended to include this item of revenue/appropriation.

Donna Zilberfarb	Danette Dyer
County Clerk of the Board, Municipal Clerk, or Fire District Director Municipal Clerk	County/Municipal CFO or Fire District Accountant Chief Financial Officer
Title of Certifying Officer <a href="mailto:clerk@frelinghuysen-nj.us">clerk@frelinghuysen-nj.us</a>	Title of Certifying Officer <a href="mailto:cfo@frelinghuysen-nj.us">cfo@frelinghuysen-nj.us</a>
Email Address 908-852-4121	Email Address 908-852-4121
Telephone Number	Telephone Number

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A.40A: 4-87

For Director, Division of Local Government Services by:

5

Approved Date:

\_\_\_\_\_  
Duly Appointed Designee

s:\LGS Docs\1budget\2106 Frelinghuysen Township - County of Warren\2021\159\2106\_159\_05-19-2021\_.xlsm  
s:\LGS Docs\1budget\_files\2021\159\2106\_159\_05-19-2021\_.xlsm

**CERTIFICATION** I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen do hereby certify the above to be a true copy adopted by the Mayor and Township Committee on May 19, 2021.

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

**#2021-49 was held to the next meeting.**

**#2021-50 A RESOLUTION AMENDING RESOLUTION NO. 2021-37 CONCERNING THE APPOINTMENTS OF THE EMERGENCY MANAGEMENT COORDINATOR AND DEPUTY EMERGENCY MANAGEMENT COORDINATOR FOR THE TOWNSHIP OF FRELINGHUYSEN**

WHEREAS, the Township of Frelinghuysen, in order to comply with New Jersey Emergency Management Directive #102, directing a minimum three-year appointment for the Emergency Management Coordinator and Deputy Emergency Management Coordinator, adopted Resolution No. 2021-37 appointing Ralf Irizarry to the position of Emergency Management Coordinator for a term running from April 7, 2021 and ending on December 31, 2023, and Waclaw Hein to the position of Deputy Emergency Management Coordinator for a concurrent term; and WHEREAS, pursuant to the advice of the Warren County Office of Emergency Management, it is necessary and appropriate to amend Resolution 2021-37 with respect to the terms of those positions. NOW, THEREFORE BE IT RESOLVED that Resolution No. 2021-37 is amended to state that Ralf Irizarry is appointed to the position of Emergency Management Coordinator for a period of three years from April 7, 2021 and ending April 6, 2024, with the term of the Deputy Emergency Management Coordinator to run concurrently with the term of the Emergency Management Coordinator.

**CERTIFICATION** I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen do hereby certify the above to be a true copy adopted by the Mayor and Township Committee on May 19, 2021.

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

**#2021-51 RESOLUTION OPPOSING CUTS IN STATE SCHOOL AID ALLOCATIONS TO THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, ELEMENTARY SCHOOL AND SENDING DISTRICTS**

WHEREAS, The Fiscal Year 2022 K-12 State School Aid amounts have been released by the New Jersey Department of Education, Office of School Finance; and **WHEREAS**, only 8 of Warren County’s 23 school districts are receiving funding increases, while the remaining 15 districts will see dramatic cuts to their state school aid, with most of them receiving double-digit decreases; and **WHEREAS**, the state school aid decreases for FY 2022 in the Township of Frelinghuysen, County of Warren are as follows: Frelinghuysen Township: -21.55% North Warren Regional: -25.77% **WHEREAS** the Township of Frelinghuysen Township Committee finds these decreases to be detrimental to our Townships school districts and will hinder their ability to provide the high quality of education that our students deserve. **NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Frelinghuysen, County of Warren, opposes the announced Fiscal Year 2022 K-12 State School Aid amounts and urges the New Jersey Department of Education, Office of School Finance to eliminate the aid cuts restore the full amount of Pre-S-2 aid to our school districts. **BE IT FURTHER RESOLVED**, that the Township of Frelinghuysen Municipal Clerk shall forward this Resolution to New Jersey Governor Phil Murphy, New Jersey Department of Education, Office of School Finance, State Senator Steven V. Oroho, State Assemblypersons Parker Space and Harold J. Wirths. **CERTIFICATION** I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen do hereby certify the above to be a true copy adopted by the Mayor and Township Committee on May 19, 2021.

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

**#2021-52** WHEREAS, the Township of Frelinghuysen plans to improve another 3,000 foot segment of Greendell Road beginning at the terminus of the Phase 1 improvements; and WHEREAS, the Township has obtained a grant from the municipal aid portion of the Transportation Trust Fund to help fund the project; and WHEREAS, the Township has appropriated the funds and plans on constructing the improvements in June 2021; and WHEREAS, the Township plans on utilizing South State, Inc. ("South State"), Road Safety Systems, LLC ("Road Safety"), and Denville Line Painting Inc. ("Denville") through its membership in the Morris County Cooperative Pricing Council ("MCCPC") to perform the required milling, paving, guide rail and striping work on Greendell Road; and WHEREAS, South State, Road Safety and Denville are qualified contractors and have been found to be in compliance with the contract documents and technical specifications; and NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE of the Township of Frelinghuysen, that the Township shall utilize South State, Road Safety and Denville through its membership in the MCCPC, to perform the following work:

1. HMA Milling, 2" Depth at \$2.70/SY for a total of \$21,600.00 (South State);
2. Hot Mix Asphalt 9.5M64 Surface Course at \$67.00/Ton for a total of \$68,340.00 (South State);
3. Fuel Price Adjustment at \$1,500.00 (South State);
4. Asphalt Price Adjustment at \$5,000.00 (South State);
5. Traffic Stripes, Long Life, Epoxy Resin at \$0.29/LF for a total of \$1,740.00 (Denville).
6. Guiderail Removal at \$7.00/LF for a total of \$1,596.00 (Road Safety);
7. Beam Guide Rail at \$35.00/LF for a total of \$6,230.00 (Road Safety);
8. Tangent Guide Rail Terminal at \$3,500.00/Unit for a total of \$14,000.00 (Road Safety);
9. Beam Guide Rail Bridge Attachment at \$2,000.00/Unit for a total of \$2,000.00 (Road Safety).

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded to the N.J.D.O.T.'s Bureau of Local Government Services.

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

**#2021-53 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 2020 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 19, 2021.

Date: May 19, 2021 ROLL CALL:

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

**#2021-54 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF MAY 2021** 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 2021; 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			

**#2021-55 SETTING EXECUTIVE SESSION** WHEREAS, it is necessary to discuss items dealing with contract negotiations and possible 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 May 19, 2021 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			
Mr. Ramos		x	x			
Mr. Stracco			x			

**#2021-56A RESOLUTION AUTHORIZING THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY, TO SOLICIT BIDS FOR THE LEASE OF PROPERTY OWNED BY THE TOWNSHIP OF FRELINGHUYSEN, KNOWN AS BLOCK 201, LOT 31.01 FOR SOLAR DEVELOPMENT** WHEREAS, N.J.S.A. 40A 12-14 provides that a municipality may lease any real property, capital improvement or personal property not needed for public use; and WHEREAS, the Township of Frelinghuysen intends to solicit bids for the lease of property located at Block 201, Lot 31.01 for solar development. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that the Township shall offer for lease the said parcel to the highest bidder, through sealed bids, and that the said parcel be leased at no less than the minimum price designated. BE IT FURTHER RESOLVED that interested bidders are to submit a sealed bid only on the forms provided and in accordance with the terms and conditions set forth in the Official Bid Package and must be received by the Township Clerk by 10 a.m. on June 9, 2021, at which time the bids will be opened and read aloud in public; and BE IT FURTHER RESOLVED that the aforesaid lease shall be subject to final approval and confirmation by the Mayor and Committee of the Township of Frelinghuysen and that the Mayor and Committee reserve the right to reject any and all bids at the Committee's sole discretion and such acceptance or rejection shall be made by the Township Mayor and Committee no later than sixty days following the deadline for submission of sealed bids; and BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to advertise for the submission of sealed bids for the lease of said property. CERTIFICATION I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Mayor and Committee of the Township of Frelinghuysen at a meeting held on May 19, 2021. Donna Zilberfarb, RMC. Motion was made by Mr. Mcpeek, seconded by Mr. Boynton. All were in favor.

## **COMMITTEE REPORTS:**

- Mayor Chris Stracco – Nothing to report
- Deputy Mayor Ramos discussed the cannabis survey that was placed on the website. Mr. Ramos read through the questions and answers to the survey questions. All comments from the survey were positive on moving forward within the township. He explained that the comments section was from people that voted “other”. After the results were read Mr. Stracco posed the question of what does the township want to allow for cannabis, if anything. He explained the benefit for the town financially for the taxes that would be incoming. After discussion it was determined that there will be a special meeting held on May 26<sup>th</sup> at 7 pm via zoom to discuss further. An ordinance needs to be adopted by the August timeframe, either prohibiting all or allowing it. Mr. Sterbenz will send the committee some surrounding towns’ ordinances and will be in attendance for the special meeting.
- Committeeman David Boynton is seeking quotes for the townhall and dpw.
- Committeeman Frank Desiderio – Nothing to report
- Committeeman Todd McPeek – Nothing to report
- Attorney Rich Beilin – report throughout the meeting and executive session
- Engineer Paul Sterbenz let the committee know that the storm water management annual report has been filed. Greendell Road is going to be approximately 3,000 from where last paving stopped and the town will need to start to prep the road and Mr. Sterbenz would like the paving project to be started mid June to before July 4<sup>th</sup>. He also discussed that the Lanning Road portion that will be paved will be done concurrent with Greendell Road and that will be a max of \$45,000. He will send engineering costs to Ms. Dyer and Ms. Zilberfarb.

Mr. Sterbenz explained that the NJDOT grant application will be closing soon and asked if there was a township road that they wanted to apply for. After discussion, Mr. Sterbenz will complete the application for Phase III of Greendell Road. Mr. McPeek inquired about Stillwater road and the status of repair. Mr. Sterbenz will get back to him after he speaks with Tilcon.

Mr. Sterbenz discussed with the Committee the salt shed and that all bid docs and plans have been updated. The bid will be advertised on May 14<sup>th</sup> with a bid opening of June 3<sup>rd</sup> at the town hall.

- Municipal Clerk Donna Zilberfarb let the committee know that the Charles Rydell Scholarship has been awarded to Kerry Ann Castles. She will be attending Liberty University for Biomedical Sciences and Global Studies.

## **OLD BUSINESS:**

- The salt shed was discussed in Paul Sterbenz Report
- Mr. Desiderio had nothing new to report on the stand pipe on Ramsey Road

## **NEW BUSINESS:**

- Cheryl Bach resigned from the Land Use Board. Motion was made by Mr. Ramos to accept the resignation with regrets, seconded by Mr. Boynton. All were in favor.
- Robert “Scott” Klinger resigned as the electrical inspector. Motion was made by Mr. McPeek to accept with regrets, seconded by Mr. Boynton. All were in favor.
- NJDOT grant application was discussed during Paul Sterbenz’ report.
- Fourth of July fireworks donation was discussed. Motion was made by Mr. McPeek to donate \$400.00 to the Blairstown Rotary for the fireworks, seconded by Mr. Boynton. All were in favor.

## **DEPARTMENT REPORTS:**

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

DPW – project is almost complete at FFP and should be done this week. Will be starting to work on patching and getting ready for paving.

Land Manager – Nothing to report

Recreation committee – Nothing to report

Environmental Commission – Meeting is May 24<sup>th</sup>.

Farmland/Open space Committee – Nothing to report

**OPEN MEETING TO THE PUBLIC:**

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

- Richard Murphy, Lanning Road, thanked everyone again for the proclamation and memories. He inquired about raising hemp and is exploring his alternates. Mr. Stracco suggested he speak with his attorney and that hemp is state and federally regulated.
- Mike Rose, Chief Green fire department, asked if there were any updates on the agreements with the fire department and Green Township, hadn't heard and was checking in. Mr. Stracco explained that the committee has not come to any formal action and will be discussed during executive session tonight and that Keith or himself will get back in touch with him.
- Richard Murphy asked if the work session meeting was open to the public. He was told it was.

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

**EXECUTIVE SESSION:**

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

No action was taken.

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

**RETURN TO REGULAR SESSION:**

Mr. Stracco explained the purpose of the executive session was to discuss contract negotiations and possible litigation.

Motion was made by Mr. McPeek, to approve resolution 2021-56A for bid documents and advertisement, seconded by Mr. Boynton. All were in favor.

**OPEN MEETING TO THE PUBLIC AGAIN:**

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

- Chief Rose asked if any further update on agreements. Mr. Stracco will get back in touch with him.

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

**CORRESPONDENCE:**

- New Jersey Legislature – Greendell Road discretionary funding application support letter
- State of New Jersey DOT – 2021 approval for Camp Wasigan Road application
- State of New Jersey DOT – 2022 grant application deadline
- State of New Jersey DEP, Green Acres – 2021 applications
- Board of County Commissioners of Warren County – Resolution 222-21 opposing cuts in state aid to WC school districts.
- County of Warren DPW – Drainage Area
- Warren County Department of Public Safety – OEM
- New Jersey Transit Corporation – Fiscal Year 2021 request for Federal financial assistance
- NJBOE Budget – Frelinghuysen Township
- North Warren Regional School District – Final FY 2022 Fiscal year Budget
- NJBOE Budget – North Warren School District
- Dolan and Dolan – Ruth Perretti, Notice of hearing

- Anonymous letter to the Mayor
- Township of Hardwick – Ordinance 2021-04
- Township of Stillwater – Ordinance 2021-06
- Township of Stillwater – Ordinance 2021-06 final adoption
- Township of Byram – Resolution 116-2021
- Blirstown Hose Company – April 2021
- Green Township Fire Department – April 2021

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Ramos, seconded by Mr. Boynton to adjourn the meeting at 9:42 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC