

AMENDED MINUTES OF REGULAR MEETING OF JANUARY 19, 2022

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, January 19, 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, and Municipal Clerk Donna Zilberfarb.

OATH OF OFFICE:

The Oath of Office was given to Committeeman Robert Stock by the Municipal Clerk, Donna Zilberfarb.

MINUTES:

- Minutes of December 15, 2021 regular session meeting were approved on a motion by Mr. Boynton, seconded by Mr. McPeek. All were in favor. Mr. Stock abstained.
- Minutes of December 15, 2021 executive session meeting were approved on a motion by Mr. McPeek, seconded by Mr. Boynton. All were in favor. Mr. Stock abstained.
- Minutes of January 3, 2022 reorganizational meeting were approved on a motion by Mr. McPeek, Seconded by Mr. Boynton. All were in favor. Mr. Stock abstained.
- Minutes of January 3, 2022 executive session meeting were approved on a motion by Mr. Boynton, seconded by Mr. McPeek. All were in favor. Mr. Stock abstained.

RESOLUTIONS:

#2022-17 WHEREAS, certain bills have been presented for payment for year 2021 charges for which there are insufficient funds in the 2021 budget to pay, and WHEREAS, N.J.S.A. 40A:4-59 permits transfers of appropriation reserves within the first three months of the succeeding year to cover said charges, NOW, THEREFORE BE IT RESOLVED that the following 2021 Budget Appropriation Reserve transfers be authorized;

<u>TRANSFER FROM:</u>		<u>TRANSFER TO:</u>	
Buildings/Grounds O/E	\$2,500.00	Legal O/E	\$2,500.00

Totals	<u>\$2,500.00</u>		<u>\$2,500.00</u>
--------	-------------------	--	-------------------

CERTIFICATION I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen, at a meeting held January 19, 2022.

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

#2022-18 WHEREAS, due to various reasons there are unexpended balances remaining in several 2021 budget line items, and WHEREAS, it is in the best interest of the Township to cancel these balances to surplus in the current budget year, to have use of such surplus in the upcoming 2022 budget year, NOW, THEREFORE, BE IT RESOLVED, by the Committee of the Township of Frelinghuysen that the Chief Financial Officer is hereby authorized to cancel the following 2021 budget balances, and that said balances be credited to surplus.

General Admin S/W \$10,000.
 Road Maintenance S/W \$30,000.
 Road Maintenance O/E \$20,000.

I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen, at a meeting held January 19, 2022. Donna Zilberfarb, Municipal Clerk

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

Mr. Stock			X			
Mr. Stracco	X		X			

#2022-19 WHEREAS, there remains a balance in the 2021 Department of Public Works Operating budget for snow removal expenses, and WHEREAS, N.J.S.A. 40A:62.1 permits the transfer of these remaining funds into the Snow Removal/Storm Recovery Reserve Fund for future use, NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to transfer \$15,000 from the 2021 DPW operating expense budget line item to the Snow Removal/Storm Recovery Trust fund. **CERTIFICATION** I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen, at a meeting held January 19, 2022. Donna Zilberfarb, Municipal Clerk

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

#2022 - 20 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and WHEREAS, the Frelinghuysen Township Mayor and Committee have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto. NOW, THEREFORE BE IT RESOLVED, That the Mayor and Committee of the Township of Frelinghuysen, hereby states that they have complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance, and hereby direct the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance. **CERTIFICATION** I, Donna Zilberfarb, Clerk of the Township of Frelinghuysen, do hereby certify the above to be a true copy of a resolution adopted by the Frelinghuysen Township Committee at their meeting of January 19, 2022. Donna Zilberfarb, Clerk

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

#2022-21 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF JANUARY 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 JANUARY 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. Donna M. Zilberfarb, Municipal Clerk

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

#2022-22 Change order #2, January 19, 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 the delivery of dense graded aggregate to the site in lieu of the contractor Picking up the materials per the 9/7/2021 proposal	400.34 tons	\$8.50	(\$3,402.89)
S-4	Credit for the delivery of quarry process stone to the site in lieu of the contractor Picking up the material per the 9/7/2021 proposal	34.88 tons	\$8.50	(\$296.48)
S-5	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	(-) -
			Reduction	\$0.00
	Adjusted amount based on change orders 1 2		Total Change:	(-) -
				\$5,306.62

% change in contract (original) (+)9.81%
 [(+) increase of (-) decrease]

Signatures: Engineer, Presiding officer, contractor and District Engineer, Local Highway Design. Motion was made by Mr. McPeek to accept, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes.

#2022 -23 A RESOLUTION OF SUPPORT FOR THE APPLICATION OF PROGRESSIVE OPPORTUNITIES, LLC TO OPEN A CANNABIS CULTIVATION AND/OR MANUFACTURING FACILITY AT 1090 DARK MOON ROAD 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 1090 Dark Moon Road 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 located at 1090 Dark Moon Road, 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 1090 Dark Moon Road 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 1090 Dark Moon Road 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 1090 Dark Moon Road 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 made by Mr. Stracco to approve, seconded by Mr. Mr. McPeek. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes Adopted: January 19, 2022 KEITH RAMOS, Mayor ATTEST: DONNA ZILBERFARB, Township Clerk

#2022-24 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with contract negotiations and potential 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 January 19, 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			

OLD BUSINESS:

- *There was no old business discussed*

NEW BUSINESS:

- The Annual reports were submitted for the Municipal Clerk, the Land Use Board and the Land Managers.
- Motion was made by Mr. Boynton to approve the Warren County Mosquito Control Commission’s aerial mosquito control applications, seconded by Mr. McPeek. All were in favor. Mr. Ramos will sign the agreement.
- Mayor Ramos discussed appointments for Municipal Alliance. Motion was made by Mr. McPeek to appoint Pastor Marc Seigel to Municipal Alliance as the directly affected by abuse or addiction seat, seconded by Mr. Stock. All were in favor. Mr. Ramos appointed Christine Beegle-Blairstown Member, Kevin Doell-Blairstown Member, Bob Law-Blairstown Member, Dave Paulson-Blairstown Member, and Stephanie Bonaparte-Superintendent member. Motion was made by Mr. McPeek to concur with appointments, seconded by Mr. Boynton. All were in favor.
- Appointment of the Environmental Secretary was made on a motion by Mr. Boynton to appoint Susan Rapolla at \$14.50 per hour effective 1/19/2022, seconded by Mr. McPeek. All were in favor.

DEPARTMENT REPORTS:

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

- DPW – Mr. McPeek let the committee know that
- Land manager – report in book
- Recreation committee – Reorg – President is Justin Stanley and Vice President is Heather Hassleman.
- Environmental Commission – Meets January 24th
- Farmland/Open space Committee – Wasn’t able to meet as there was no quorum.

OPEN MEETING TO THE PUBLIC:

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

There was no public

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

EXECUTIVE SESSION:

Motion was made by Mr. 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.

OPEN MEETING TO PUBLIC – SECOND TIME AFTER EXECUTIVE SESSION

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

There was no public

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

Mr. Kuhn resigned from the Environmental Commission, the Farmland Preservation Committee and the Open Space Committee. Motion was made by Mr. Stracco to accept resignation with regrets, seconded by Mr. Boynton. All were in favor.

CORRESPONDENCE

- NJ SADC – 2023 fiscal year nonprofit grant application
- JCP&L – BPU Docket no. E021101155 and E021101182
- Blairstown Hose Company – December report
- Green township Fire Department – November report

ADJOURNMENT:

There being no further business, motion was made by Mr. McPeek, seconded by Mr. Boynton to adjourn the meeting at 7:04 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC