

## MINUTES OF REGULAR MEETING OF FEBRUARY 19, 2020

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, February 19, 2020 and as called to order at 7:30 p.m. by Mayor, Chris Stracco.

### SUNSHINE LAW STATEMENT:

Under the provisions of the Open Public Meetings Act, adequate notice of this meeting was provided by posting notice on the Township bulletin board and by e mailing notice to the New Jersey Herald and The Express-Times.

After the flag salute Mr. Stracco asked for a moment of silence in remembrance of Judge Dominick Santini who recently passed.

### ROLL CALL:

Those present were: Mayor Chris Stracco, Deputy Mayor Keith Ramos, Committeeman David Boynton, Committeeman Frank Desiderio, Committeeman Todd McPeck, Attorney Edward Wacks, and Municipal Clerk Donna Zilberfarb.

### MINUTES:

1. Motion was made by Mr. Boynton to approve the regular meeting minutes of January 15, 2019, seconded by Mr. Desiderio. All were in favor.
2. Motion was made by Mr. Boynton to approve the executive session meeting minutes of January 15, 2020, seconded by Mr. Ramos. All were in favor.
3. Motion was made by Mr. Boynton to approve the budget meeting minutes of January 30, 2020, seconded by Mr. Ramos. All were in favor.
4. Motion was made by Mr. Boynton to approve the budget meeting minutes of February 6, 2020, seconded by Mr. Ramos. All were in favor.

### ORDINANCES:

#### **#2020-01 CALENDAR YEAR 2020 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 2020 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 **\$8,522.26** 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 2020 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 **\$ 29,827.91**, and that the CY 2020 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 adopted by the Frelinghuysen Township Committee at a meeting held on January 2, 2020 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on February 19, 2020 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. Desiderio to enter into first reading, seconded by Mr. Boynton. **Roll Call Vote:** Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes. Motion was made by Mr. Boynton to open for 2nd 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. Ramos. All were in favor. No public comment. Motion was made by Mr. Boynton to close to the public, seconded by Mr. Ramos. All were in favor. Motion was made by Mr. Ramos 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.

**#2020-02 ORDINANCE AMENDING THE FRELINGHUYSEN TOWNSHIP CODE TO ADD A NEW SECTION 2-14, ESTABLISHING THE POSITION OF TOWNSHIP ADMINISTRATOR**

WHEREAS, throughout New Jersey, the responsibilities and operations of local government have grown in complexity due not only to increasing development in the State but also due to the ever-increasing rules and regulations set forth by various state and federal agencies; and WHEREAS, in order to provide assistance to the Mayor and Township Committee in ensuring the proper administration of the affairs of the Township, as well as providing for the efficient and effective administration and management of the resources of the Township, it is necessary and appropriate to create the position of Township Administrator and to assign to this position those duties, responsibilities and authority that are necessary to accomplish the proper administration of the affairs of the Township. NOW, THEREFORE, BE IT ORDAINED by the Township of Frelinghuysen, County of Warren, State of New Jersey that the Code of the Township is hereby amended by adding thereto a new Section 2-14, to read as follows: **Section I** The Frelinghuysen Township Code is amended by adding thereto a new Section 2-14, to read as follows: **SECTION 2-14 TOWNSHIP ADMINISTRATOR** **2-14.1 Township Administrator, Creation of Position; Term** A. Pursuant to N.J.S.A. 40A:9-136 et seq., there is hereby created the Office of Township Administrator, to perform those duties as set forth in the statutes of the State of New Jersey and this Section 2-14. Compensation for the position of Township Administrator shall be as fixed in the Township Salary Ordinance. B. The Township Administrator shall serve at the pleasure of the Township Committee and may be removed or replaced at any time according to the methods and requirements of N.J.S.A. 40A:9-138. **2-14.2 Appointment; Vacancy** A. The Township Administrator shall be appointed by a majority vote of the Township Committee. The said appointment shall be made within 120 days after this ordinance becomes effective. B. Any vacancy which may occur in the said position, whether the same occurs by death, resignation, or otherwise, shall be filled in the same manner. The 120-day period shall be computed from the day the vacancy occurs. A vacancy shall be deemed to commence upon the cessation of duties of the duly appointed Township Administrator. **2-14.3 Removal** Pursuant to N.J.S.A. 40A:9-138, the Township Administrator may be removed by a 2/3 vote of the Mayor and Township Committee. The resolution of removal shall become effective 3 months after its adoption by the Mayor and Township Committee. However, the Mayor and Township Committee may provide that the resolution shall have immediate effect, in which case, the Administrator shall be paid forthwith any unpaid balance of his or her salary and benefits and his or her salary and benefits for the next 3 calendar months following adoption of the Resolution. **2-14.4 Political Activity** The Township Administrator shall not engage in any political activity, nor make any financial or other contributions to any local political campaign, nor lobby the elected officials of the Township on behalf of a political party or campaign. Nothing contained herein shall be deemed to prohibit the Township Administrator from providing recommendations to the elected officials of the Township on issues of concern to the Township or from appearing before any other governmental body on behalf of the Township when authorized or directed to do so. **2-14.5 General Powers and Responsibilities** The Administrator shall, under the supervision and control of the Mayor and Township Committee: A. Serve as the principal administrative officer representing the Mayor and Township Committee; B. Attend all meetings of the Township Committee; C. Upon consultation with the Chief Financial Officer, keep the Township Committee informed of the financial condition of the Township, make such reports thereon as required, and annually prepare a comprehensive report on the condition of the Township; D. Study the administrative and other operations of the Township and make recommendations for plans and programs to meet the needs of the Township; E. Receive and reply to inquiries concerning Township business and provide information and assistance in respect thereto, and F. Perform any other powers and duties as may from time to time be assigned by the Mayor and Township Committee. **2-14.6 Administrative Duties** The Township Administrator, to the extent not prohibited by law, shall: A. Supervise the business administration of all departments and offices, subject to supervision and direction of the

respective Township Committee chairpersons; B. Maintain close liaison with department heads and advise the Mayor and Township Committee of operations and projects in progress; C. Establish and maintain sound personnel practices and maintain appropriate records of all employees; D. Maintain a continuing review of all department and office operations and, with the assistance of the Chief Financial Officer, their expenditures, and report thereon to the Mayor and Township Committee; E. Coordinate intradepartmental operations and manage the daily operation of the Township Municipal Building by coordinating and supervising the municipal staff on duty, and F. Perform such other duties as may be assigned by the Mayor and Township Committee, in the Township Personnel Manual. **2-14.7 Budgeting.** The Township Administrator shall: A. Receive from each department, office or board its annual requests for appropriations and prepare in conjunction with the Chief Financial Officer the tentative budget, transmitting the appropriation request and tentative budget with recommendations and comments to the Township Committee not later than December 15 of each year; B. Consult with the Mayor and Township Committee and Chief Financial Officer with respect to the tentative budget, recording changes, additions and deletions thereto, and make all reasonable efforts to submit by February 15 the tentative budget in the form required by law, together with an analysis of the various items of expenditure and revenue and such explanatory comments as may be required; and C. In conjunction with the Chief Financial Officer, provide the Township Committee with a year-to-date summary of expenditures versus appropriations at each monthly Township Committee meeting. **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 CHRISTOPHER STRACCO, 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 January 15, 2020 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on February 19, 2020 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Motion was made by Mr. Boynton to open to first reading and introduction, seconded by Mr. Ramos. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes. Motion was made by Mr. Boynton to open for 2nd reading for adoption, seconded by Mr. Stracco. All were in favor. Motion was made by Mr. Ramos to open to the public, seconded by Mr. Boynton. All were in favor. Public comment: Debra Natyzak asked how this came about. Mr. Stracco explained that it is basically to formalize what the current clerk does above her duties. Most municipalities have a business administrator who acts as a bueracrat which is what she already does and would formalize what is already currently in place. Mr. Kohuth asked about set hours, salary and stated that nothing is laid out and doesn't set any ground rules. Mr. Kohuth does not see the need for a business administrator at this time. Mr. Wacks explained that the clerk position is a statutory position and is led that way and that would continue to function as the clerk and also do other extra duties that she's already currently doing. The salary is in the salary ordinance. Explained that legal counsel looked at 5 different municipalities and legitimized what she does on a daily basis. Motion was made by Mr. Ramos to close to the public, seconded by Mr. Boynton. All were in favor. Committee discussion: Mr. Ramos felt some responsibilities were not an administrator but the CFO and would like them removed. Mr. Stracco suggested adding more specific parameters in the Ordinance. Mr. Boynton made a motion to carry to the work session meeting to discuss further and carry to March 18, 2020 for adoption, seconded by Mr. McPeek. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes. Mr. Wacks asked that once review is complete to send to him to make sure any changes are not significant to make readvertising necessary. Ms. Zilberfarb will send any and all changes to Mr. Wacks after the work session meeting.

**#2020-03 ORDINANCE AMENDING SECTION 2-27, ET SEQ. OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING THE RECREATION COMMITTEE** WHEREAS, Section 2-27 of the Frelinghuysen Township Code sets forth, among other things, the membership, duties and responsibilities of the Frelinghuysen Township Recreation Committee; and WHEREAS, it is in the best interests of the Township and its residents to revise these

provisions, to modify and clarify the membership, duties and responsibilities of the Recreation Committee as set forth below. NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen as follows: **Section I** 1. Section 2-27 of the Frelinghuysen Township Code is amended to read as follows: **2-27 RECREATION COMMITTEE**

**2-27.1 ESTABLISHMENT.** There is hereby established in the Township a Recreation Committee which shall have the duties and powers hereinafter more particularly set forth, the members of which shall be appointed by the Township Committee in accordance with the provisions of this section.

**2-27.2 MEMBERSHIP; VOLUNTEER** a. The Recreation Committee shall be comprised of not less than five (5) nor more than seven (7) members, who shall be citizens and residents of the Township of Frelinghuysen. All appointments shall be for a term of three (3) years and all vacancies shall be filled for the unexpired term only. One member of the Township Committee, appointed by the Mayor, shall serve as an ex-officio member of the Recreation Committee, but shall have no vote unless he/she also be formally appointed as a member of the Recreation Committee. The Township Committee may appoint up to two (2) alternate members who shall be designated as "Alternate No. 1," and "Alternate No. 2." Of the alternates first appointed, Alternate No. 1 shall be appointed for a two-year term, and Alternate No. 2 shall be appointed for a one-year term. Alternate members may participate in discussions but shall not vote except in the absence or disqualification of a regular member. In the event that an alternate member is permitted to vote, he/she shall vote in the following order: Alternate No. 1, and then Alternate No. 2. b. In the event that any member or alternate member fails to attend three (3) 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. c. In order to foster community participation in the Township's recreational activities and to encourage citizens to participate in the planning, coordinating and management of said activities, the Frelinghuysen Township Recreation Committee may, at its discretion, annually assign volunteers to help to participate in the planning, coordinating and management of said approved activities, Any volunteers assigned under this subsection shall be permitted to participate in discussions that pertain to said activity, but may not vote and will not be considered members of the Recreation Committee. The term of an assigned volunteer under this subsection shall expire ten (10) days after said activity is completed.

**2-27.3 RELATIONSHIP TO THE TOWNSHIP OF FRELINGHUYSEN.** a. The Township Committee shall cooperate with the Recreation Committee to coordinate recreational activities in the Township in order to plan a balanced recreation program for the citizens of the township and in order to provide maximum use of recreational facilities. b. The Recreation Committee here established shall not be or be deemed to be a Recreation Commission pursuant to N.J.S.A. 40:12-1et seq. and shall not have the power or authority to purchase land or hold title to any real property. c. The Township Committee shall annually appropriate in its budget, funds that may be used by the Recreation Committee to provide for a balanced recreation program. The Recreation Committee may accept additional financial support from fees, gifts, donations or other sources. d. Neither the Recreation Committee, nor any member or members thereof, shall have any power or right, express or implied, to bind or obligate the Township of Frelinghuysen or the Township Committee directly or indirectly.

**2-27.4 DUTIES OF THE RECREATION COMMITTEE.** The primary purpose of the Recreation Committee shall be to provide advice to the Township Committee with respect to the initiation and coordination of recreational programs for the citizens of the Township. In addition, the Recreation Committee shall perform such other duties as the Township Committee may prescribe to it concerning recreation within the Township.

**2-27.5 ORGANIZATION OF THE RECREATION COMMITTEE:** The Recreation Committee may organize as it sees fit, choosing a Chairman from among its members, and such other officers as it may deem advisable; adopt rules and by-laws for the proper administration of its functions; and formulate committees for the administration and handling of its programs.

**2-27.6 ORGANIZATION; RECORDS** a. The Recreation Committee shall organize within thirty (30) days after the appointment of its total membership for the remainder of the current calendar year, and thereafter, annually, during the first nine (9) days of January, by the selection of one of its members as Chairman, one as Vice Chairman and one as Secretary/Treasurer. Such officers shall perform the duties usually associated with such offices. They shall keep minutes of its meetings, as well as complete and detailed records of its activities, and certified copies of the minutes and records of its activities shall be submitted to the Township Committee for filing with the body. b. The Frelinghuysen Mayor, Deputy Mayor and Township appointed Liaison cannot serve as Chairman, Vice Chairman or Secretary/Treasurer. Only upon the occurrence of a temporary vacancy of Chairman, Vice Chairman and or Secretary/Treasurer shall any elected Frelinghuysen Township official be allowed to fill said positions on a temporary basis with the approval of The Frelinghuysen Township Committee.

**2-26.7 ACTIVITIES TO RAISE FUNDS** In order to provide funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places within the Township, the Recreation Committee may arrange and provide for the giving of outdoor exhibitions, concerts, games and contests and may use and employ such playgrounds or recreation places for the purpose of giving thereon outdoor exhibitions, concerts, games and contests. It may charge and collect a reasonable admission fee therefor. All funds raised by the Recreation Committee shall be accounted

for, and placed in a special Township fund or account. These funds shall only be spent in connection with the duties and activities of the Recreation Committee as hereinbefore defined. **2-26.8 BOOSTER CLUB: SPONSORSHIPS COMMITTEE(S); ATHLETIC/RECREATIONAL ORGANIZATIONS** a. Outside entities such as but not limited to booster clubs, sponsorship committees, and athletic/recreational organizations that are looking to support, fund, promote or participate in conjunction with The Frelinghuysen Recreation Committee, its programs and or events are subject to approval. Prior to any such approval being granted, any such group seeking approval shall provide the Recreation Committee with the following for review: (i) the group's bylaws; (ii) proof of liability insurance in a form and amount satisfactory to the Recreation Committee, which insurance shall be maintained in full force and effect; (iii) proof that such group is a 501(c)(3) organization under the Internal Revenue Code, is organized so that all donations are deductible from federal income taxation, and is duly incorporated under the laws of the State of New Jersey, which statuses shall be maintained in full force and effect; b. No member of the Frelinghuysen Township Committee or Recreation Committee shall be a member of any booster club, sponsorship committee, athletic/recreational organization or like organization that is looking to support, fund, promote or participate in any Recreation Committee program or event. c. Any equipment or other items purchased or obtained by any such group for use at Frelinghuysen Township facilities shall be deemed to have been donated by such group to the Township of Frelinghuysen. d. Copies of any documents filed by such group with the federal or state government shall be provided to the Recreation Committee at the time of filing. e. Any programs and/or events in support of The Frelinghuysen Recreation Committee must be approved, in writing, by The Frelinghuysen Recreation Committee. f. All notices, marketing materials and/or advertising in support of, or participating with Frelinghuysen Recreation Committee, and its programs and/or events, must be approved, in writing, by The Frelinghuysen Recreation Committee. **2-26.9 RYDELL FIELD; BEAR CREEK GREENWAY; FFP NORTH; RULES REGULATIONS;** a. The Recreation Committee shall have control over Rydell Field and the recreation fields and facilities associated with the Bear Creek Greenway, and control of any recreation fields or facilities for active recreation use which is designated and approved in the Forestry and Use Plan for the FFP North adopted by the Township, and may adopt such suitable rules, regulations and bylaws for the scheduling and use of same as it may deem necessary, subject to the review and approval of the Township Committee. The Township Committee retains the ability to schedule maintenance fees, and control over all areas not used for active recreation purposes set forth above. b. For these purposes the term "active recreation" means and is intended to include any organized recreational activity. c. For these purposes the term "passive recreation" includes recreation activities that are usually quiet and not rigorously athletic, and have a low impact on the surrounding environment. These activities may include walking, hiking, fishing, bird watching, and quiet picnicking. Parks that provide passive recreation may include trails, public gardens or memorial parks, open areas, and picnic areas. Passive recreation parks tend to be larger than active recreation facilities and may have natural or scenic significance, containing a stream, woodland, or historically significant resource. County or State facilities are primarily designed for passive recreation and may require a further distance to travel. Examples include: astronomy, bird/wildlife observation, kite flying, group meetings, conservation activities, hiking, trail walking, open air theatre, orienteering, photography, picnics, and indoor meetings. d. All control of hunting, fishing or trapping is reserved exclusively or the Township Committee. **2-27.10 PERSONNEL** Subject to the approval of the Township Committee, the Recreation Committee may hire custodians, supervisors and assistants for the purpose of preserving order and observance of its rules, regulations and bylaws at the facilities under its full control. **2-27.11 VIOLATIONS AND PENALTIES:** Any person violating any provisions of this section or violating any of the rules and regulations or bylaws of the Township Committee or Recreation Committee shall be subject to penalties as follows: a. For a first offense: A fine in the amount of two hundred (\$200.00) dollars, and, in the discretion of the Judge of the Municipal Court before whom the cause shall be heard, imprisonment for a period of thirty (30) days; b. For a second offense: A fine in the amount of five hundred (\$500.00) dollars, and, in the discretion of the Judge of the Municipal Court before whom the cause shall be heard, imprisonment for a period of thirty (30) days; c. For at third or additional offense: For a first offense: A fine in the amount of one thousand (\$1,000.00) dollars, and, in the discretion of the Judge of the Municipal Court before whom the cause shall be heard, imprisonment for a period of thirty (30) days. Each day that a violation is permitted to exist shall constitute a separate offense. **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. **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 19, 2020 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on March 18, 2020 at the Municipal Building,

210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance. Mr. Desiderio asked when discussion was made for these changes. Mr. Stracco told him there was no discussion and this is first reading and discussion will be at the adoption. Motion was made by Mr. Boynton to open to first reading/introduction, seconded by Mr. Ramos. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes.

**RESOLUTIONS:**

**#2020-21 RESOLUTION DECLARING FRELINGHUYSEN TOWNSHIP TO BE A SECOND AMENDMENT/LAWFUL GUN OWNER SANCTUARY TOWNSHIP WHEREAS**, the Mayor and Frelinghuysen Township Committee declares Frelinghuysen Township to be a Second Amendment/Lawful Gun Owner Sanctuary Township as defined herein, specifically:

**WHEREAS**, the Second Amendment to the United States Constitution guarantees the right to keep and bear arms, an individual right affirmed by the United States Supreme Court; and **WHEREAS**, the Declaration of Independence refers to all being endowed by their Creator with the unalienable right to Life, self-defense is an “original right” referred to by Alexander Hamilton in Federalist 28, and self-defense is recognized as a national and international right; and **WHEREAS**, Americans lawfully use firearms hundreds of thousands of times each year, for reasons including protecting themselves and loved ones from violent criminals; and **WHEREAS**, there are an estimated 12 million Americans who lawfully carry concealed firearms; and **WHEREAS**, lawfully armed civilians have stopped active shooters and saved law enforcement officers who were under attack; and **WHEREAS**, firearms are lawfully used for hunting and sport on a daily basis across the country; and **WHEREAS**, unbiased research has shown that concealed carry of firearms reduces violent crime, and those benefiting most from firearms in self-defense are women, the elderly and the disabled; and **WHEREAS**, abridging the rights of lawful gun owners does not reduce the criminal use of firearms by violent offenders; and **WHEREAS**, the Federal and State governments have, for many years, had numerous laws, statutes, and regulations relating to firearms ownership, purchase, transportation, transfer, carry and use; and **WHEREAS**, violations of existing laws, statutes and regulations are already criminal offenses, many being felonies; and **WHEREAS**, gun control laws, including a plethora of current proposed legislation, are not evidence-based; and **WHEREAS**, legislation called “gun safety” legislation or “Red Flag Laws”, factually have nothing to do with teaching or promoting the safe and lawful use of firearms. **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, as follows:

The Mayor and Township Committee declare Frelinghuysen Township to be a Second Amendment/Lawful Gun Owner Sanctuary Township as defined herein, specifically: a. Frelinghuysen Township supports the rights of lawful gun owners to lawfully use firearms; to defend themselves, their loved ones and other innocents; to lawfully hunt to provide sustenance for their families; and to lawfully participate in shooting sports up to and including Olympic sports.

b. Frelinghuysen Township opposes further interference with, or abridging of, the rights of lawful gun owners. c. Frelinghuysen Township opposes gun control, “gun safety” legislation, or “red flag laws”, whether Federal, State or local. d. Frelinghuysen Township espouses holding accountable violent criminal offenders, rather than irrational and/or disproven attempts to control lawful tools of self-defense, hunting and sport. **CERTIFICATION** I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do hereby certify that the foregoing is a true and exact copy of a resolution duly authorized by the Frelinghuysen Township Committee on February 19, 2020.

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Boynton			x			
Mr. Desiderio			x			
Mr. McPeek		x	x			
Mr. Ramos	x		x			
Mr. Stracco			x			

**#2020-22 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF FEBRUARY 2020 WHEREAS**, the Finance Committee of the Township of Frelinghuysen have reviewed the bills submitted by the Municipal Clerk to the Frelinghuysen Township Committee for the month of February 2020; and **WHEREAS**, the Finance Committee find the bills to be in order and recommend to the Township Committee that they be paid by the Chief Finance Officer. **NOW, THEREFORE BE IT RESOLVED**, by the Frelinghuysen Township Committee

that all bills submitted for the above named date are reasonable and proper and are to be paid from their appropriate account.

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

#2020-23 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with regard to sale of township property; 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 19, 2020 that the Township Committee of the Township of Frelinghuysen will adjourn to private or executive session to discuss the above mentioned and results or portions of that discussion will be made known in reasonable length of time.

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

**COMMITTEE REPORTS:**

- Mayor Stracco discussed let the committee know about the meeting with Service Electric that he and Mr. Ramos attended. Mr. Stracco asked Mr. Desiderio what service electric had said in the past about the lines. Mr. Desiderio explained that their biggest thing was they wanted to use their own people to do work with their own equipment. Mr. Ramos said that Ms. Robins showed willingness to work with the town. Altice has bought service electric. Saddle ridge should be used as a model and propose them to put in all the homes throughout saddle ridge. It would be at the descretion of the homeowner fi they wanted to connect the lines. Mr. Ramos stated it adds value to the homes but also increases the value to the township.

Mr. Stracco had nothing new to discuss regarding the subdivision is waiting to hear from Mr. Sterbenz.

Knowlton Courts has formally sent letter stating they will be closing at the end of 2020. Mr. Stracco has reached out to Hope Township.

- Deputy Mayor Ramos – Nothing to report
- Committeeman Boynton has a resident on Kerrs Corner Road that has problems with trees that came down during the last storm that were cut off the road and left on her property. She will possibly be in attendance at the March work session meeting.  
  
He also discussed the heat and propane running out at the rec center. He has discussed with Cliff Kimball and they will reprogram the new thermostats and reinstall them correctly. Mr. Desiderio said that he locked the thermostats so no one could change the heat and that the pilot on the hot water heater should turn off. Mr. Boynton explained that the thermostats were broken and they have been replaced with new ones.
- Committeeman Desiderio – Nothing to report
- Committeeman McPeek – Nothing to report
- Attorney Edward Wacks – Reported throughout the meeting, nothing additional to report

- Ms. Zilberfarb stated that she has nothing to discuss regarding the standpipe and asked to hold the barn at FFP.

Ms. Zilberfarb asked to move the work session meeting to March 12th at 7 pm as Danette Dyer would not be able to make the meeting on the 11th and since discussing capital needs she should be here. The committee was fine with changing. Ms. Zilberfarb will advertise the date change.

She also let the committee know that Marjorie Anchundia, bus driver, came and asked to park in the rear parking lot during the day between bus runs. She resides on Main Street. After discussion the committee determined it would be a liability and said no. Ms. Zilberfarb will reach out to Ms. Anchundia and let her know.

Ms. Zilberfarb also congratulated Mr. Boynton for being nominated and accepted into the Hall of Fame at the League of municipalities for 20 plus years of service as a committeeman. On April 3rd in Trenton he will be recognized.

#### **AGREEMENTS:**

- Motion was made by Mr. Desiderio to approve the Proposed Interlocal Agreement for the Pollution Control FA of Warren County, seconded by Mr. Desiderio. All were in favor.

#### **OLD BUSINESS:**

- The salt shed was discussed in the work session and nothing new to report.

#### **NEW BUSINESS:**

- Employee PTO time - Mr. Stracco discussed that the employee was not RICE noticed and explained that the employee was out for a period of time on workers compensation which does not require taking PTO for workers comp. All PTO time is accrued January 1st of each year. Legal counsel stated that rollover was done properly and because of the amount of time being rolled over it needed to be asked for. The amount could or could not have been granted. the township is in the process of updating the employee handbook. Mr. Stracco asked if any other committee member had anything to add and no one did. Mr. Kohuth stated that his intentions are not to have this happen again as he's seen it in the past with employees that retired with a lot of vacation roll over. Thanked the committee for addressing the issue.
- Ms. Zilberfarb explained that she needed to amend the minutes of the reorg meeting of January 2, 2020 as she had the vote for the ACO incorrect and the change needed to be made was Mr. Desiderio's vote was abstained. Motion was made by Mr. Boynton to amend the January 2, 2020 reorganization meeting minutes, seconded by Mr. Ramos. All were in favor.

#### **DEPARTMENT REPORTS:**

Motion was made by Mr. Boynton for consent agenda for items 1-10, seconded by Mr. Desiderio. All were in favor.

**DPW** – Report in the book. Nothing further. Mr. McPeek talked about the tar and chip on Lincoln Laurel and stated it is gone for Sorrano's house to the FFP. Mr. Boynton will get in touch with Morris Asphalt.

**Land Manager** – Marty Connor let the committee know that the NJ Audubon Society agreement has been signed and they have applied to the NRCS.

**Rec Center Coordinator** – Nothing to report

**Legal Report** – Covered throughout the meeting.

**Recreation Committee** – Mr. McPeek said it is going good. Softball is taking registrations and baseball goes directly through NW baseball

**Environmental Commission** – No meeting, next meeting is March 23, 2020

**Farmland Preservation/Open Space Committee** – No meeting, next meeting is March 4, 2020



**Historic Committee** – Debra Natyzak asked what's happening with the Historic committee. She feels they've wasted 3 years on the barn at ffp and wanted to know the status on the committee. They discussed a special meeting in between regular meetings and was told to talk to donna and she would advertise the meeting. Mr. Stracco suggested working with Environmental on historic trees in the township and the lime kiln areas. Asked about possibly updating the ERI.

**OPEN MEETING TO THE PUBLIC:**

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

- Mr. DeCarolis commented that if you're not at 3 meetings in a row that person is automatically off the board and asked why Mr. Lubrecht was still on the board if he's missed meetings. He also asked if Mr. Sterbenz oversees the tar and chip. Ms. Zilberfarb stated that no he does not. He also commented that when he was on committee he thought the rollover was 10 days max and commented that service electric is going to cost \$100,000's.
- Cheryl Bach, resident on Saddle Ridge Road, stated that she works from home 3-4 days a week and has 4 children that utilize the internet for school studies and is happy to support cable within Saddle Ridge.
- Edtya Markowitz, Resident on Lackawanna Drive, asked what the difference was between Booster Club and the Recreation Committee. Mr. Desiderio explained that the booster club has been in effect for over 30 years and has nothing to do with the township. He explained that the majority of money comes from the clothing bin. He also stated that the booster club bought the snack shed. The recreation committee has the sports programs run through it and that the booster club receives the monies from the sports for registration, which covers costs of uniforms, refs, umpires etc. Mr. Ramos commented that his previous 3 years being on recreation that the booster club raised the majority of monies by the sports programs. Ms. Markowitz asked if the booster club would be dissolving? Mr. Desiderio said they are looking into that and are discussing donating back the clothing bin and snack shed and any funds left would be put back to the township. Mr. Ramos asked where the ownership was for the snack shed as he sees no where that the snack shed was leased, borrowed or loaned. Mr. Boynton explained that the picnic tables were donated through Jenny Jump state park. Ms. Markowitz asked if there were receipts for the snack shed and Mr. Desiderio assured her there were.
- Ms. Markowitz also asked why the notice was published after the booster club meeting? Mr. Desiderio had the secretary advertise and wasn't sure why it was a day after. How much money is in the booster club account the week prior to posting the notice of dissovlement? Mr. Desiderio stated this didn't have to be disclosed as it is a private fund amd differed to Mr. Wacks as in the past issues with a resident. Mr. Ramos felt it was a fair question to be raised since monies were from taxpayers. Mr. Desiderio gave an approximate of \$4,000-\$6,000 in the checking account. She asked if any members of the booster club have taken any personal loans? Mr. desiderio stated absolutely not. She asked where the books are located and if she can take a look at them. Mr. Desiderio said he would need to speak to the booster clubs attorney. She also asked who their attorney was and asked if they had an accountant. Mr. Desiderio said he would rather not give the name of their attorney and accountant at this time. She also asked if they've filed tax returns with the IRS. Mr. Desiderio said that is what the attorney and accountant are looking into. Ms. Markowitz asked if he thought it was a problem that the previous mayor was the presiding president of the booster club and the Recreation Committee president? Mr. Desiderio's answer was no and did not feel it was a conflict of interest. Mr. Desiderio asked the Mr. Wacks if it was a problem with him being on both. Mr. Wacks stated that it depends on how the booster club was formed and he can't answer that because he hasn't seen the organizational information, bylaws. Ms. Markowitz also asked if the township has ever reimbursed the booster club and can the booster club provide the proof of purchase? Mr. Desiderio said yes and that there were receipts and used Founders Day, Halloween, and Easter Egg Hunt as an example. Mr. Desiderio told her to OPRA from the township as they have all the invoices that have been paid. She then asked if she could compare the books. Mr. Desiderio would need find out what she'd like to compare. Mr. Desiderio told Ms.

Markowitz that if she had specific things to let him know and he would try to get them for the next March meeting.

- Waclaw Hein, resident on Lackawanna Drive, had questions on Mr. Desiderio's residency and asked Mr. Desiderio if he is currently a resident of Frelinghuysen Township. Mr. Desiderio answered yes. Mr. Hein asked if Mr. Desiderio was aware that it is illegal to be on the committee in a town that you do not reside and Mr. Desiderio said yes he does. He asked where he resided for the June primary and where that was. Mr. Desiderio stated 59 Ackerson Road and that is in Frelinghuysen. Mr. Hein asked where he resided for the general election and Mr. Desiderio stated that it was public record and it was at 46 and forgot the name of the road, explaining that he had a lot in his head with all the questions. Mr. Ramos stated he lived at 5 Bear Creek Road and Mr. Hein stated he lived at 14 Lackawanna Drive. Mr. Hein asked if he could provide a lease first thing in the morning and Mr. Desiderio said he lives at 46 Golden Chain Road and yes he can provide. Mr. Hein asked who his landlord was on August 3, 2016 and Mr. Desiderio stated Mr. Leibowitz. Mr. Hein asked Mr. Desiderio, you do not reside at 98 Union Brick Road in Blairstown? Mr. Desiderio answered no that is correct.
- Loren Greco commented on the employee pto rollover time that the committee should be happy that he didn't come back from workers comp and take the additional 26 days off. Mr. Kohuth stated it is not in the best interest to rollover that many days.
- Dawn McPeek asked about the scholarships for the kids that booster club gave out and what will happen to them. Mr. Desiderio stated that booster club will be providing them this year and when it dissolves then the town can do them if they'd like to.

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 to go into executive session, seconded by Mr. McPeek. All were in favor.

No action was taken.

Motion was made by Mr. McPeek to exit executive session, seconded by Mr. Boynton. All were in favor.

#### **REGULAR SESSION CONTINUED:**

Mr. Wacks explained the executive session discussed various aspects of property sale. No action was taken.

#### **CORRESPONDENCE:**

- NJDOT Commitment to communities Winter 2020
- ANJEC re: S864/A1978 reducing plastic pollution
- JCP&L approval of rate adjustments pursuant to the JCP&L reliability plus infrastructure investment program BPU Docket No. ER19091238
- Township of Fredon – Moving school board voting back to April
- Ordinance 2020-01 Green Township – permit medical marijuana cultivation and manufacturing as a conditionally permitted use in the A1-10 zone.
- Frelinghuysen Township – Summary of Land Use Board Variance requests
- North Warren CERT team – CERT training classes beginning March 24<sup>th</sup>.
- Garden State Labs – report analysis 139 Lincoln Laurel Road
- Blairstown Fire Hose company – January
- Letter from Scott Hendricks, Animal Control Officer
- Letter from George Stafford, NJ Highlands Coalition

#### **ADJOURNMENT:**

There being no further business, motion was made by Mr. Boynton, seconded by Mr. Ramos to adjourn the meeting at 9:36 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC