

MINUTES OF REGULAR MEETING OF APRIL 21, 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, April 21, 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 Frank Desiderio, Committeeman Todd McPeek, Attorney Rich Beilin, CFO Danette Dyer, Auditor Anthony Ardito and Municipal Clerk Donna Zilberfarb all via zoom meeting.

MINUTES:

1. March 17, 2021 regular meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. McPeek. All were in favor.
2. March 17, 2021 executive session meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. McPeek. All were in favor.
3. March 18, 2021 special meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. McPeek. All were in favor. Mr. Desiderio abstained.
4. April 7, 2021 Work session meeting minutes were approved as amended on a motion by Mr. McPeek, seconded by Mr. Ramos. All were in favor.
5. April 7, 2021 executive session meeting minutes were approved on a motion by Mr. McPeek, seconded by Mr. Ramos. All were in favor.

BUDGET:

#2021-30

TOWNSHIP OF FRELINGHUYSEN COUNTY OF WARREN STATE OF NEW JERSEY RESOLUTION-#2021-30 WHEREAS, the Township of Frelinghuysen is holding a meeting on April 21, 2021, for the purpose of adopting the 2021 Municipal Budget and conducting other matters; and, **NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Frelinghuysen, Warren County, New Jersey, that the Township of Frelinghuysen hereby petitions the Director of the Division of Local Government Services that the 2021 Local Municipal Budget was introduced and approved on March 17, 2021 and adopted on April 21, 2021.

2021 FRELINGHUYSEN TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 431,819.00
Total Miscellaneous revenue	319,033.00
Receipts from Delinquent Taxes	130,000.00
Local Property Taxes	<u>856,058.00</u>
Total General Revenues	<u>\$1,736,910.00</u>
Salaries and Wages	\$ 422,602.00
Other Expenses	510,094.00
Capital Improvements	30,000.00
Debt Service	276,703.00
Statutory Expenses	40,000.00
Reserve for Delinquent Taxes	<u>457,511.00</u>
Total 2021 Municipal Budget	<u>\$1,736,910.00</u>
2021 Municipal Tax Rate	\$0.2954

Motion: Mr. Boynton Second: Mr. Ramos

Committee Polled: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen at a regular meeting held at the Municipal Building on March 17, 2021. Witness my hand and the SEAL of the Township of Frelinghuysen.

SEAL:Donna Zilberfarb, Municipal Clerk Second reading will be held on April 21, 2021.

Motion for second reading for adoption was made by Mr. McPeek, seconded by Mr. Ramos. All were in favor. Motion was made to open to the public by Mr. Ramos, seconded by Mr. McPeek. All were in favor. There was no public comment. Motion was made to close to the public by Mr. McPeek, seconded by Mr. Ramos. Motion to adopt the 2021 operating budget: Motion: Mr. Ramos Second: Mr. McPeek Committee Polled (roll call vote): Mr. Boynton-absent; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes.

ORDINANCES:

#2021-05 TOWNSHIP OF FRELINGHUYSEN BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$165,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$157,225 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRELINGHUYSEN, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Frelinghuysen, in the County of Warren, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$165,500, said sum being inclusive of a down payment in the amount of \$8,275 now available for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$165,500 appropriation not provided for by said down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$157,225 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$157,225 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2021 Capital Improvement Program, which includes, but is not limited to: (i) acquisition of turnout gear and air cylinders for use by the Blairstown Fire Department; (ii) acquisition of miscellaneous apparatus equipment for use by the Hope Fire Department; (iii) repairs and improvements to various roadways in the Township, including, but not limited to, paving, cross drains, tarring and chipping; (iv) acquisition and installation of street signs within the Township; (v) acquisition of miscellaneous tools for use by the Department of Public Works; (vi) various repairs and improvements to the town hall deck; (vii) oil tank repairs and refinishing; (viii) repairs and painting of town garage; (ix) various improvements to the Morton Building within the Township, including, but not limited to, the acquisition and installation of concrete flooring; (x) improvements to Ramsey Road within the Township, including, but not limited to, the acquisition and installation of a standpipe system; and (xi) various improvements and upgrades to the Recreational Field, including, but not limited to, extension of the softball field and the acquisition and installation of new soccer goals. Such improvements or purposes shall also include, as applicable, all engineering and design work, surveying, construction management services, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the Township Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$157,225. (c) The estimated cost of said improvements or purposes is \$165,500, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of \$8,275, which is the down payment available for such improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Warren make a contribution or grant in aid to the Township for the improvements or purposes authorized hereby and the same shall be received by the

Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Warren. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Warren shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Township. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer of the Township upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer of the Township is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer of the Township is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Township and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby. (b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 6.45 years. (c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$157,225 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law. (d) An aggregate amount not exceeding \$3,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to

be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$157,225. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2). SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance. SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law. **ADOPTED ON FIRST READING DATED: March 17, 2021 ADOPTED ON SECOND READING DATED: April 21, 2021 APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2021.** Motion was made by Mr. Boynton to open for first reading for introduction, seconded by Mr. Ramos. Roll Call Vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes. Second reading for adoption will be held on April 21, 2021. Motion was made by Mr. Ramos to open for second reading for adoption, seconded by Mr. McPeek. All were in favor. Motion was made by Mr. Ramos to open to the public, seconded by Mr. McPeek. All were in favor. There was no public comment. Motion was made by Mr. Ramos to close to the public, seconded by Mr. McPeek. All were in favor. Motion was made by Mr. McPeek to approve for adoption, seconded by Mr. Ramos. Roll call vote: Mr. Boynton-absent; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes.

#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.

#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:

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table
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:

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

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Sand Filter(c)	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.

RESOLUTIONS:

#2021 - 40 April 7th, 2021 WHEREAS, CHRISTIANA T C/F CE1/FIRSTRUST acquired a lien against **Block 602, Lot 1.01** at the Tax Sale held **December 16th, 2020 (Certificate #2020-003). Investment Title** for the owner of said property has paid an amount of **\$ 33,859.61** to redeem the lien. NOW, THEREFORE BE IT RESOLVED that the Township Treasurer is hereby authorized to issue a check in the amount of **\$ 33,859.61** to CHRISTIANA T C/F CE1/FIRSTRUST. I hereby certify the foregoing to be true and accurate copy of a resolution adopted by the Township Committee at its' meeting held April 21st, 2021.

****A Tax Sale Premium in the amount of \$ 18,300.00 must be refunded**

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

#2021 - 41 April 14th, 2021 WHEREAS, US Bank Cust/Pro Cap8/Pro Capital MGT II acquired a lien against **Block 501, Lot 3.01** at the Tax Sale held **December 11th, 2019 (Certificate #2019-001). Askin & Hooker** for the owner of said property has paid an amount of **\$ 50,119.07** to redeem the lien. NOW, THEREFORE BE IT RESOLVED that the Township Treasurer is hereby authorized to issue a check in the amount of **\$ 50,119.07** to US Bank Cust/Pro Cap8/Pro Capital MGT II. I hereby certify the foregoing to be true and accurate copy of a resolution adopted by the Township Committee at its' meeting held April 21st, 2021.

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

#2021-42 TOWNSHIP OF FRELINGHUYSEN COUNTY OF WARREN STATE OF NEW JERSEY A RESOLUTION WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and, **WHEREAS**, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and, **WHEREAS**, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Frelinghuysen has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Frelinghuysen meets the necessary conditions to participate in the program for the 2021 budget year, so now therefore, **BE IT RESOLVED**, by the Township Committee of the Township of Frelinghuysen that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriation are properly set forth;
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services. Motion: Mr. Ramos Second: Mr. McPeek Committee Polled: Mr. Boynton-absent; Mr. Desiderio-yes; Mr. Mcpeek-yes; Mr. Ramos-yes; Mr. Stracco-yes **CERTIFICATION** It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen at a meeting held on April 21, 2021. Witness my hand and the SEAL of the Township of Frelinghuysen. Donna Zilberfarb, Municipal Clerk **Certification of Approved Budget** It is hereby certified that the Approved Budget complies with the requirements of the law and approval is given pursuant to N.J.S.A.40A:4-78(b) and NJAC 5:30-7. It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:30-7.6. Dated: April 21, 2021 BY Danette Dyer Chief Financial Officer

#2021-43 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH APRIL 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 APRIL 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
Mr. Desiderio			x			
Mr. McPeek		x	x			
Mr. Ramos	x		x			
Mr. Stracco			x			

#2021-44 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with contract negotiations. 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 April 21, 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
Mr. Desiderio			x			
Mr. McPeek		x	x			
Mr. Ramos	x		x			
Mr. Stracco			x			

COMMITTEE REPORTS:

- Mayor Chris Stracco – Nothing to report
- Deputy Mayor Ramos discussed the meeting with Robert Boyle of Planet Networks and trying to bring internet to the different areas within Frelinghuysen. He mentioned a family with a handicapped member that has recently received high speed internet after reaching out. He also mentioned that Altice is currently in the process of looking at everything and will be getting in touch with him.
- Committeeman David Boynton – absent
- Committeeman Frank Desiderio let the Committee know that he had received the survey for the stand pipe and forwarded to Ms. Zilberfarb.
- Committeeman Todd McPeek let the committee know that the dpw is working on the millings for Robins Trail and the FFP parking area on Lincoln Laurel. He also mentioned that all no parking signs have been put up on the roads that were discussed.
- Attorney Rich Beilin – report throughout the meeting
- Municipal Clerk Donna Zilberfarb asked the Committee for summer hours this year. After discussion, the townhall will be open Monday-Thursday from 7 am to 5 pm and will be closed on Fridays. This will be effective June 15th until August 31st. Ms. Zilberfarb thanked the Committee.

OLD BUSINESS:

- The salt shed will be discussed in executive session.
- The stand pipe on Ramsey Road will be discussed in executive session.
- There was no update for remote meeting protocols and will be removed from the agenda.

NEW BUSINESS:

- Paul Sterbenz', Collier Engineering, proposal for the salt shed project will be discussed in executive session.
- Mr. Beilin discussed the cannabis legislation with the committee. If the town decides to prohibit a new ordinance will need to be adopted. Municipalities have 180 from the day it was signed into law to prohibit or establish zoning provisions for any of the following: Cultivation, Manufacturing, wholesaling, distribution, retail and delivery. If the town adopts a new ordinance it will need to be run through the land use board for recommendations/approval. After discussion, it was determined that this will be on the agenda for the work session or regular meeting in May.
- Mr. Beilin spoke about the right of way within the township in regards to trees. After discussion it was determined that if the dangerous tree is in the right of way and the property it sits on is owned by the property owner then it is the property owners responsibility not the towns.

DEPARTMENT REPORTS:

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

DPW – reported during committee reports

Land Manager – submitted report

Recreation committee – Nothing to report

Environmental Commission – No meeting

Farmland/Open space Committee – No meeting Mr. Stracco let the Committee know that 2 farms were preserved, the Murlan Farm and Hidden Woods Farm. Mr. Stracco will have a proclamation for the next meeting for these two preservations.

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:

- No public comment

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

EXECUTIVE SESSION:

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

No action was taken.

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

RETURN TO REGULAR SESSION:

Mr. Stracco explained that the executive session was to discuss ongoing contract negotiations. Action was taken for one item.

Motion was made by Mr. Ramos to authorize the Mayor to sign Paul Sterbenz, Colliers Engineering and Design, proposal for the bid document updates for the salt shed project, seconded by Mr. McPeek. All were in favor.

OPEN MEETING TO THE PUBLIC AGAIN:

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:

- No public comment

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

CORRESPONDENCE:

- Archer & Greiner, PC – Tax complaint TI Properties
- Green Township – Ordinance 2021-09 regarding Cannabis businesses within it geographical boundaries
- Wacks, De Bona, Beilin & Weber – Audit 2020
- Dolan and Dolan – John and Linda Gorski Notice
- Cramer Ecological Services, LLC – Letter of interpretation, Freshwater general permit No. 2 & Flood hazard area general permit No. 6 applications
- Careaga Engineering – Fresh water wetlands general permit no 24
- Blairstown Hose Company – March fire report
- Green Township Fire Department – March fire report

ADJOURNMENT:

There being no further business, motion was made by Mr. Ramos, seconded by Mr. McPeek to adjourn the meeting at 8:45 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC