

## MINUTES OF REGULAR MEETING OF APRIL 22, 2020

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 22, 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.

**STATEMENT FROM THE MAYOR:** While the meeting will be opened to the public as always, we will not allow comments or questions from the public outside that open period. Also, due to concerns over the **COVID-19** virus we are looking to have the most efficient meeting possible and trying to **address only those matters which require immediate attention. Thank you for your cooperation.**

### FLAG SALUTE

### ROLL CALL:

Those present via zoom were: Mayor Chris Stracco, Deputy Mayor Keith Ramos, Committeeman David Boynton, Committeeman Frank Desiderio, Committeeman Todd McPeek, Attorney Edward Wacks, CFO Danette Dyer, and Municipal Clerk Donna Zilberfarb.

### PROCLAMATIONS:

**PROCLAMATION IN HONOR OF HELEN (PRYSLAK) NATYZAK** WHEREAS, Helen Pryslak was born on April 16, 1920, to Ukrainian immigrants who moved to Great Meadows, Independence Township, New Jersey, in the early 1920s when there was a large migration of Ukrainian and Polish immigrants to the Great Meadows and Johnsonburg during that time due, in part, to the movement of European borders as a result of World War I; and WHEREAS, many of the residents of the Great Meadows and Johnsonburg areas were of Ukrainian and of Eastern European descent and welcomed Helen's family to the area; and WHEREAS, Helen worked at her family's vegetable farm in Great Meadows; and WHEREAS, Helen met and married Barney Natyzak, who operated a dairy farm in the Johnsonburg area, and she subsequently moved to Johnsonburg in 1950; and WHEREAS, through the years Helen worked on the Natyzak dairy farm as well as a school bus driver for the Frelinghuysen Township School, and in various factory and manufacturing jobs to support her family; and WHEREAS, Helen is retired, and is a member of the Frelinghuysen Township and Independence Township senior groups; and WHEREAS, Helen is a parishioner at St. Nicholas Ukrainian Catholic Church in Great Meadows, a member of the Ukrainian Catholic Archeparchy of Philadelphia, a church, in communion, *sui juris*, with the Roman Catholic Church; and WHEREAS, on April 16, 2020 Helen celebrates her one-hundredth birthday.

NOW, THEREFORE BE IT PROCLAIMED on this 22<sup>nd</sup> day of April, 2020, by the Frelinghuysen Township Committee, on behalf of the residents of the Township of Frelinghuysen, that we hereby convey our deepest best wishes and happiness on her one-hundred birthday to Helen (Pryslak) Natyzak for her dedication to her family and the betterment of our Township community, and wish the best of luck to her for many more birthdays to come.

Donna Zilberfarb, Clerk

Christopher Stracco, Mayor

Motion was made by Mr. Boynton to approve, seconded by Mr. Desiderio. All were in favor.

### MINUTES:

1. March 12, 2020 Work/Budget Meeting Minutes were approved as amended on a motion by Mr. Desiderio, seconded by Mr. Boynton. All were in favor.
2. March 18, 2020 Regular Meeting Minutes were approved on a a motion by Mr. Ramos, seconded by Mr. Boynton. All were in favor. Mr. McPeek abstained.

### ORDINANCES:

Motion was made by Mr. McPeek to hold Ordinances #2020-02, 2020-03, 2020-04, 2020-05 for second reading for adoption to the May 20, 2020 Township Committee meeting, seconded by Mr. Desiderio. All were in favor.

**#2020-06 ORDINANCE ESTABLISHING ALTERNATE CLAIM PAYMENT PROCEDURES DURING TIMES OF PUBLIC EMERGENCY** WHEREAS, N.J.S.A. 40A:5-17 establishes procedures local units must follow for payment of claims, and requires governing bodies to

approve all claims prior to payment, unless the local unit adopts other procedures that permit payment without governing body approval; and WHEREAS, a municipality may establish such other procedures by ordinance, provided that the requirements of the said statute are met; and WHEREAS, the public state of emergency presented by COVID-19 has shown that it is necessary and appropriate to establish such procedures so that in the event of a state of emergency, the Township of Frelinghuysen can meet its obligations, while assuring proper review of the Township's bills. 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 2-9, to read as follows: **Section I** The Frelinghuysen Township Code is amended by adding thereto a new Section 2-9, to read as follows:

**2-9 Payment Of Claims During State of Emergency** Pursuant to N.J.S.A. 40A:5-17, the following procedure may be followed for the payment of claims during the term of a state of local disaster emergency proclaimed by the Township Emergency Management Coordinator: a. Each claim, payment of which is due before the next scheduled meeting of the Township Committee, shall be reviewed, and if appropriate approved for payment by the members of the Finance Committee, who shall be designated as the certifying and approval officers pursuant to N.J.S.A. 40A:5-17. No claim shall be approved unless it is accompanied by the appropriate voucher signed by the vendor, together with any other necessary supporting documentation. b. The Finance Committee, in approving same, shall certify to the Township Committee that the work that is the subject of the voucher has been performed or the product has been approved by the Township, and that based on information from the Chief Financial Officer, there are sufficient funds for payment as well as legal authorization to pay same. c. As long as the procedure set forth in this Section is compliant, the Township Committee shall ratify the payment of any approved claims at its next 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:

DONNA ZILBERFARB, Clerk

TOWNSHIP OF FRELINGHUYSEN

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 April 22, 2020 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on May 20, 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. Desiderio to open for first reading for introduction, seconded by Mr. McPeck. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeck-yes; Mr. Ramos-yes; Mr. Stracco-yes. The second reading for adoption will take place on May 20, 2020 at the next regular scheduled township committee meeting.

## **#2020-07 AN ORDINANCE AMENDING THE LAND DEVELOPMENT CHAPTER OF THE CODE OF THE TOWNSHIP OF FRELINGHUYSEN TO ADOPT A NEW ZONING MAP**

**WHEREAS**, the Frelinghuysen Township Mayor and Committee adopted Ordinances in 2013 and 2016 to eliminate the Professional Office Zone and replace it with the Neighborhood Commercial Zone, additionally, the Neighborhood Commercial Zone was expanded along Route 94, however, the Zoning Map was never amended to reflect said changes; and **WHEREAS**, the Mayor and Committee wish to revise the Township Zoning Map to reflect the 2013 and 2016 zone changes. **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** Amend the Land Development Ordinance to replace Attachment 11 entitled "Zoning Map" with the attached Zoning Map. **Section II** Amend the Land Development Ordinance, Section 303 entitled "Zoning Map and Critical Areas Map" as follows with new text underlined and text for deletion in ~~strikeout~~: **§ LDO-303 ZONING MAP AND CRITICAL AREAS MAP**. The boundaries of said zoning districts are hereby established as shown on the Zoning Map, Township of Frelinghuysen, dated November 19, 2003 and revised through December 19, 2005 April 2020, and revised by Ordinance No. 2013-09, adopted June 19, 2013, which, with all explanatory matter thereon, is hereby adopted and made a part of the

Ordinance. An official copy of said Map, indicating the latest amendments, shall be kept up-to-date in the office of the Construction Official for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map shall be the official reference as to the current zoning classification of land within the boundaries of the Township of Frelinghuysen. Section III Amend the Land Development Ordinance, Section 305 entitled "Zoning Map Amendments" as follows with new text underlined and text for deletion in ~~strikeout~~: § LDO-305 ZONING MAP AMENDMENTS. The Township of Frelinghuysen Zoning Map, dated April 2020, incorporates all amendments to date. The Zoning Map can be found under Attachment 11. is amended as follows: A. Pursuant to Ordinance No. 2013-09, adopted June 19, 2013: 1. The "PO" Professional Office Zone is hereby eliminated. 2. All lands formerly in the "PO" Professional Office Zone shall now be included in the "NC" Neighborhood Commercial Zone. B. Pursuant to Resolution No. 2016-135 adopted December 21, 2016, the NC Commercial Zone along Route 94 is expanded to encompass both sides of Route 94 from the Fredon Township border to Kerr Road, as shown in the 2016 Master Plan Reexamination, p. 30. Section IV

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 CHRIS 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 April 22, 2020 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on May 20, 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. DONNA ZILBERFARB, Clerk Motion was made by Mr. Boynton to open for first reading for introduction, seconded by Mr. Desiderio. 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 May 20, 2020 at the Township Committee regular meeting.

**BUDGET:**

**Motion was made by Mr. Ramos to hold for second reading for adoption to the May 20, 2020 Township Committee meeting, seconded by Mr. Desiderio. All were in favor.**

**RESOLUTIONS:**

**#2020-32** WHEREAS, the 2020 Temporary Budget of the Township Committee of Frelinghuysen Township, as adopted January 2, 2020, appropriated sufficient funds to cover the Town's financial obligations for the first three months of the calendar year, and WHEREAS, due to a revision in the State budget calendar the 2020 budget will not be adopted by May 20, 2020, NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Frelinghuysen Township, that the temporary budget be extended and that the appropriations be increased by one twelfth of appropriations made for all purposes in the budget for the year 2019, excluding appropriations made for debt service, capital improvement fund and public assistance. CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Committee of Frelinghuysen Township at a meeting held on April 22, 2020.

**ROLL CALL VOTE:**

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

Mr. Stracco			X			
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**#2020-33 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF APRIL 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 April 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.

**ROLL CALL VOTE**

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

**#2020-34 WHEREAS**, it is anticipated that Frelinghuysen Township will not be able to issue tax bills for the third quarter 2020 payment on a timely basis due to the COVID-19 crisis and adjustments to the State Budget calendar, and; **WHEREAS**, the State of New Jersey, Division of Local Government Services has recommended that all municipalities considering sending their residents estimated third quarter tax bills due to these changes, and; **WHEREAS**, Frelinghuysen Township has determined that there could be insufficient cash flow to support operations if the third quarter tax collections are not received in a timely manner; **NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Committee of Frelinghuysen Township, Warren County, that:

1. The Tax Collector be and is hereby directed to take all steps necessary to send out estimated tax bills for the third quarter 2020.
2. The entire estimated tax levy for 2020 is hereby set at \$7,523,833.05 and the estimated tax rate is \$2.599
3. In accordance with the law, the third installment of 2020 taxes shall not be subject to interest until the later of August 10<sup>th</sup> or August 25<sup>th</sup> calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

**CERTIFICATION** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Frelinghuysen Township Committee at a meeting held on April 22, 2020.  
Donna Zilberfarb, RMC

**ROLL CALL VOTE**

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

**#2020-35 TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY RESOLUTION REQUESTING THE STATE AND FEDERAL GOVERNMENTS TO IMMEDIATELY ALLOCATE CRITICALLY NEEDED EMERGENCY AND ECONOMIC FUNDING TO THE COUNTY OF WARREN FOR THE COVID-19 PANDEMIC**

**WHEREAS**, in response to the deadly COVID-19 (“Corona Virus”) pandemic the Federal Government recently enacted several pieces of legislation aimed at reducing the economic impact and protecting public health; and **WHEREAS**, the Corona virus Aid, Relief and Economic Security Act (the “CARES Act”) is the largest emergency aid package in United States History and provides for over two trillion dollars (\$2,000,000,000,000) in emergency and economic aid and allocates billions of dollars of relief to individuals, businesses, the health care system and state, county and local governments; and **WHEREAS**, on April 2, 2020, the United States Senators for the State of New Jersey, Robert Menendez and Corey Booker, announced the

release of the first wave of Federal funding pursuant to the CARES Act under which New Jersey would receive a combined total in excess of eighty-two million dollars (\$82,000,000) in State and local funding and of which fifteen million seven-hundred thousand dollars (\$15,700,000) in discretionary funding was allocated directly to the State Government; and **WHEREAS**, notwithstanding that Northern New Jersey has one of the highest concentrations of confirmed cases in the entire world and is currently considered to be at the epicenter of the national and global emergency caused by the deadly Corona Virus, the County of Warren is only one (1) of four (4) New Jersey Counties to not receive any Federal funding; and **WHEREAS**, while several other counties within the State with significantly less Corona Virus cases received Federal aid; the taxpayers and residents of Warren County and a few other counties have been marginalized, ignored and left to carry the heavy burden and cost of responding to the most significant national emergency that has faced this Country since World War 2 alone and without the benefit of critically needed Federal and State assistance; and **WHEREAS**, unlike in other parts of the State where testing centers have been opened with the help of State or Federal assistance, Warren County, with the assistance of St. Luke’s Hospital and local municipalities, took action to open a testing center on its own initiative and funded solely by the County; **NOW, THEREFORE, BE IT RESOLVED** by the Township of Frelinghuysen Township Committee, County of Warren, State of New Jersey, imploring Federal and State Government to take notice of the significant impact on residents and taxpayer of Warren County caused by the Corona Virus epidemic and to take immediate action to correct and address the inequities caused by the current allocation of State and Federal and provide the necessary funding and resources to the County of Warren and municipalities within the County to protect the health and safety of the public. **BE IT FURTHER RESOLVED** that a certified copy of this resolution be sent to Governor Phil Murphy, Senator Robert Menedez, Senator Corey Booker and the Warren County Board of Chosen Freeholders.

**CERTIFICATION** I, Donna Zilberfarb, Municipal 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 April 22, 2020 Donna M. Zilberfarb, RMC  
**ROLL CALL VOTE**

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

**#2020-36 TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY RESOLUTION IMPLORING THE GOVERNORS OF NEW JERSEY AND PENNSYLVANIA, AS WELL AS THE BOARD OF TRUSTEES OF THE LEHIGH VALLEY HEALTH NETWORK, TO PROMULGATE UPDATED PROTOCOLS REGARDING OBSTETRICAL LABOR, DELIVERY AND VISITATION** **WHEREAS**, to witness the birth of a child is our best opportunity “to experience the meaning of the word miracle” (Paul Carvel); and **WHEREAS**, one of the greatest joys experienced by a spouse is being able to participate in the birth of and have that initial bonding with a new baby; and **WHEREAS**, many Warren County couples have brought it to the attention of the Township of Frelinghuysen Township Committee that Lehigh Valley Health Network has imposed a ban on New Jersey visitors, including for maternity visits; and **WHEREAS**, this ban is particularly discriminatory against Warren County couples, as neither hospital in Warren County offers maternity services, leaving expectant parents no choice but to use medical facilities located outside of the County; and **WHEREAS**, Warren County’s number of COVID-19 infections is far fewer than the amount reported in Pennsylvania’s Lehigh Valley, where Lehigh Valley Health Network maternity facilities are located, so a ban on family members assisting in the birth of a baby is an unnecessary and heavy-handed approach not supported by the facts; and **WHEREAS**, the New York Department of Health has updated specific guidelines for obstetrical and pediatric settings providing for familial support in labor and delivery as well as the immediate postpartum period if the patient so desires; and **WHEREAS**, New Jersey Health Commissioner Judith Persichilli has issued an order to hospitals requiring them to allow one designated support person to be with the expectant mother, deeming such support as essential to patient care throughout labor, delivery, and the immediate postpartum period; and **WHEREAS**, the Township of Frelinghuysen Township Committee shares the sentiment that a child’s birth is a special moment and should be celebrated; and **WHEREAS**, the delivery of a baby without a spouse or any family members present creates additional stress and anxiety, which could impact delivery; and **WHEREAS**, an amended order on visitation, being cognizant of

symptoms of COVID-19 and protocols addressing the health, safety and welfare of all patients and staff, should be implemented to ensure a practical, prudent, and reasonable policy; **NOW, THEREFORE, BE IT RESOLVED** by the Township of Frelinghuysen Township Committee, County of Warren, State of New Jersey, requests that Governor Phil Murphy of the State of New Jersey and Governor Tom Wolfe of the Commonwealth of Pennsylvania, as well as the board of trustees of the Lehigh Valley Health Network, modify the policies for labor and delivery for the birth of a child to permit participation by designated family; and **BE IT FURTHER RESOLVED** that a certified copy of this resolution be sent to Governor Phil Murphy, Governor Tom Wolf, and to the board of trustees of the Lehigh Valley Health Network and the Warren County Board of Chosen Freeholders. **CERTIFICATION** I, Donna Zilberfarb, Municipal 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 April 22, 2020 Donna M. Zilberfarb, RMC

Motion was made by Mr. Boynton to remove St. Luke’s University Hospital Network from the resolution and pass as amended. ROLL CALL VOTE

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

**COMMITTEE REPORTS:**

**Motion was made by Mr. Desiderio to hold all committee reports to the May 20, 2020 regular meeting, seconded by Mr. Boynton. All were in favor.**

**OLD BUSINESS:**

**Motion was made by Mr. Ramos to hold all old business to the May 20, 2020 regular meeting, seconded by Mr. Boynton. All were in favor.** Ms. Zilberfarb will ask Mr. Sterbenz to attend May 20, 2020 meeting.

**NEW BUSINESS:**

- Nick Pachnos was not in attendance. Mr. Stracco discussed the COVID-19 numbers and that there are 32 cases in the township. He stated that the Warren County website has the most updated information. He stated that hospitalizations have gone down in the county and that it is his understanding that the Governor is working on a plan to reopen the state and is working with other Governors as well. Mr. Stracco receives his information from conference calls with the county.
- Mr. Ramos asked to hold the quotes for lawn maintenance and care until the May 20<sup>th</sup> meeting. Ms. Dyer was no longer on the meeting call.

**DEPARTMENT REPORTS:**

**Motion was made by Mr. Desiderio to hold all department reports until the May 20, 2020 regular meeting, seconded by Mr. Boynton. All were in favor.**

**OPEN MEETING TO THE PUBLIC:**

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

Ms. Zilberfarb called upon the public alphabetically.

Mr. Kohuth commented that he will wait for the May 20, 2020 meeting.

No other public had comments.

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

**EXECUTIVE SESSION:**

There was no Executive Session

**CORRESPONDENCE:**

- Letter to Senator Booker and Menendez regarding funding for NJ from the COVID19 Emergency Stimulus Package
- Congressman of the United States – congressman Gottheimer letter to Judith M. Persichilli, RN, BSN, MA, Department of Health
- State of New Jersey – Replacement of culvert Headwall – Route 94, MP 12.51 (all maps and copies of applications in the clerk’s office)
- State of New Jersey – NJDOT State Aid program 2021
- State of New Jersey – Buy America Requirements
- Altice – Service Electric Cable (emailed previous to all committee members)
- Municipal Excess Liability Joint Insurance fund 2018 Annual report
- Carega Engineering, Inc. – Reisberg Septic repair, Fresh Water Wetlands General Permit #24 (map is in the clerk’s office)
- Blairstown Hose Company March Fire Report

**ADJOURNMENT:**

Mr. Stracco thanked everyone for attending this virtual meeting and added to stay safe.

There being no further business, motion was made by Mr. Boynton, seconded by Mr. Ramos to adjourn the meeting at 8:09 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC