

MINUTES OF WORK MEETING OF OCTOBER 14, 2020

The work 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, October 14, 2020 and as called to order at 7:00 p.m. by Mayor, Chris Stracco.

SUNSHINE LAW STATEMENT:

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

FLAG SALUTE

ROLL CALL:

Those present were: Mayor Chris Stracco, Deputy Mayor Keith Ramos, Committeeman David Boynton (7:05), Committeeman Frank Desiderio, Committeeman Todd McPeck, CFO Danette Dyer, via zoom, Paul Sterbenz, Engineer and Municipal Clerk Donna Zilberfarb.

ORDINANCES:

Mr. Stracco discussed 2 inquiries in town about soil being brought into a property. After discussion, Mr. Stracco suggested having legal counsel draw up an ordinance on soil importation as a draft for discussion with 150 cubic yards or more requiring a permit.

RESOLUTIONS:

#2020-75 TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY RESOLUTION AUTHORIZING PAYMENT OF TAX REFUND IN CONNECTION WITH THE SETTLEMENT OF WEIDNER FAMILY PARTNERSHIP LP v. TOWNSHIP OF FRELINGHUYSEN WHEREAS up until in or about June 20, 2019, the Weidner Family Partnership LP (“Weidner”) owned real property in the Township of Frelinghuysen known and designated on the tax map thereof as Block 902, Lot 8, Block 1601, Lots 4, 4.01 and 4.02; and **WHEREAS**, by Complaints filed with the Tax Court of New Jersey Weidner appealed real the property tax assessments on said properties for the 2010, 2013, 2014, and 2015 tax years, and said matters were captioned *Weidner Family Partnership LP v. Frelinghuysen Township* and docketed by the Tax Court Clerk at 015926-2010, 012436-2013, 008103-2014 and 009690-2015 (the “tax litigations”); and **WHEREAS**, the Assessor of the Township of Frelinghuysen in consultation with the Township Attorney recommended that the tax litigations be settled with Weidner, resulting in a reduction in the real property tax assessments at issue; and **WHEREAS**, on November 8, 2017, the Township Committee authorized the Township Attorney to enter into Stipulations of Settlement with Weidner reducing the assessments in contest as set forth thereon; and **WHEREAS**, on May 15, 2018, the Township Attorney filed the Stipulations of Settlement with the Tax Court of New Jersey in connection with the tax litigations; and **WHEREAS**, the parties agreed that the assessed values for the properties at issue be reduced to those set forth in the Stipulations of Settlement; and **WHEREAS**, on May 21, 2018, the Tax Court of New Jersey (Hon. Joshua D. Novin, J.T.C.) entered Judgments reducing the assessments at issue; and **WHEREAS**, the assessed values have been reduced by the Assessor as per the Judgments, and going forward; and **WHEREAS**, pursuant to N.J.S.A. 54:3-27.2 as in effect as of the date the Judgments were entered, tax refunds are required to be paid within sixty (60) days of the date of the Judgments reducing tax assessments at with interest payable at 5% *per annum*; and **WHEREAS**, the Stipulations of Settlement provided that statutory interest at 5% *per annum* would be waived by Weidner and would only accrue from the earlier of sixty (60) days after refunding bond proceeds are appropriated and approved by the municipality or twelve (12) months from the date of the entry of judgment, whichever occurred first; and **WHEREAS**, because the Township did not bond to pay for the refund, the statutory interest began accruing at 5% *per annum* from twelve (12) months from the date of the entry of judgment or as of May 21, 2019; and **WHEREAS**, the total amount of tax refund owed pursuant to the Stipulations of Settlement and the Judgments is \$60,088.08 and the total amount of interest is \$4,231.85, for a total of \$64,319.93, as shown on the Collector’s spreadsheet attached hereto; and **WHEREAS**, the Township Committee of the Township of Frelinghuysen is required by law to tender the aforesaid refund; and **NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Frelinghuysen, Warren County, authorizes the Chief Financial Officer and the Tax Collector to take whatever action they deem necessary to effectuate the payment of the tax refund to Weidner as required by law. **BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this Resolution to the Chief Financial Officer and the Tax Collector.

CERTIFICATION I hereby certify the above to be a true copy of a resolution adopted by the

Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey on October 14, 2020.

Roll Call Vote:

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

Mr. Stracco explained to the committee what happened with this tax refund. It went to the State of New Jersey tax court and was settled in May of 2018. The township is required to pay interest but only from May 2019 to present. After discussion, Mr. Gill, the tax assessor, will be RICE Noticed for the regular session meeting on the 21st.

#2020-76 RESOLUTION OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY SUPPORTING HIGH SPEED INTERNET ACCESSIBILITY WHEREAS,

rural areas of the State of New Jersey are serviced by service providers with respect to high-speed internet service; and **WHEREAS**, having access to high-speed internet service is a necessary and vital part of living in today's society; and **WHEREAS**, the recent pandemic of COVID-19 further illustrates just how vital access to high-speed internet has become to society, especially during times of crisis or emergencies and how not having access to high-speed internet has the potential to cripple a community, particularly a rural one, denying the community the capacity for remote student learning and remote working arrangements with a resident's employer; and **FURTHERMORE**, during a time of crisis not having access to high-speed internet has the potential to shut down all functions of government by denying essential employees and elected officials the ability to work, communicate, distribute information, conduct meetings, and perform the other requirements of a functioning government through remote capabilities; and **WHEREAS**, the Township of Frelinghuysen believes that the service providers of aerial line high-speed internet in the State of New Jersey are more than capable of and financially sound enough to achieve a 100% rate of high-speed internet accessibility but choose not to pursue that goal unless forced to through regulation because the providers feel it is not profitable; and **WHEREAS**, not having access to high-speed internet service is a plight on students, reducing their educational opportunities and ability to learn in a modern world; and **WHEREAS**, not having access to high-speed internet service causes a great burden to businesses, places them at a disadvantage, and reduced chances for economic development in rural areas; and **WHEREAS**, not having access to high-speed internet service can cause rural healthcare facilities to shut down because they cannot access required networks to function, thereby further creating negative impacts on New Jersey residents' health; and **WHEREAS**, the Township of Frelinghuysen is desirous of assisting and cooperating with other public entities, the State Legislature, to pursue a petition before the Board of Public Utilities to enact regulations requiring a 100% rate of high-speed internet accessibility in each individual municipality throughout the State of New Jersey; and **WHEREAS**, unless the Board of Public Utilities requires service providers of aerial line high-speed internet to provide 100% high-speed internet access in all municipalities throughout New Jersey, the State will have unintentionally subverted the public's significant investment in the Highlands Preservation zones, farmland, and open space preservation by not allowing those areas' businesses to be economically competitive and viable over the long term. **NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Board of Public Utilities is requested to order all service providers of high-speed internet to provide high-speed internet service to all municipalities throughout the State with each municipality being afforded a 100% rate of high-speed internet accessibility; and **BE IT FURTHER RESOLVED**, that our State representatives use their authority to require service providers of high-speed internet to achieve a 100% rate of high-speed internet access for each individual municipality throughout the State of New Jersey; and **BE IT FURTHER RESOLVED**, that the Municipal Clerk for the Township of Frelinghuysen be directed to send a copy of this resolution to the Governor of the State of New Jersey, the Senate President of the New Jersey State Senate, the Speaker of the Assembly of the State of New Jersey, the Warren County Board of Chosen Freeholders, and the Board of Public Utilities; and **BE IT FURTHERMORE RESOLVED**, that the Municipal Clerk for the Township of Frelinghuysen be directed to send a copy of this resolution to the Municipal Clerks of all 565 municipalities in the State, encouraging them to pass similar resolutions so that during times of crisis and emergency all New Jersey residents have access to the vital resource of high-speed internet access thus allowing employees to work remotely, healthcare providers to function, governments to continue to function ensuring the health, safety, and welfare of residents, and also so that all children in the State of New Jersey have an equal opportunity to access information critical to furthering their educations. **CERTIFICATION** I, Donna M. Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, do hereby certify that the foregoing resolution was duly adopted by the Township Committee of the Township of

Frelinghuysen at a regular meeting held on the 21st day of October, 2020 a quorum being present and voting in the majority. **IN WITNESS WHEREOF**, I have hereunto set my hand and official seal this 21st day of October, 2020.

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

#2020-77 RESOLUTION APPROVING PAYMENT OF BILLS FOR OCTOBER 14, 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 OCTOBER 14, 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			

#2020-78 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with contract negotiations and disposition of assets. 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 October 14, 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	x			
Mr. Desiderio			x			
Mr. McPeek			x			
Mr. Ramos	x		x			
Mr. Stracco			x			

OLD BUSINESS:

- Employee Handbook – hold to October regular meeting
- Salt shed – Mr. Sterbenz discussed the salt shed and moving forward with the project. He gave the committee a contract for the work to be completed. Mr. Ramos asked about the plan now and that we’ve already spent quite a bit of money and no salt shed and asked if he could reduce the numbers. Mr. Sterbenz will look to see if he can lessen the cost.
- Energy Coop – Hold until October regular meeting

NEW BUSINESS:

- Mr. Sterbenz discussed stormwater management and that he would have an updated ordinance for first reading for the november meeting. He also discussed the paving of Stillwater and Greendell Roads. The cost for Stillwater road was less than anticipated for paving and the tilcon invoice will be \$48,251.31. Greendell road was also discussed and the paving was going to be less as well and will be billed at \$89,544.24. The striping was discussed and the committee told Mr. Sterbenz that there should not be white lines just a center line. Mr. Sterbenz will discuss with Danville line painting. Mr. Sterbenz discussed the 2nd phase of paving for Greendell Road and asked for a spring time frame. Ms. Dyer will get together with Mr. Sterbenz and work on a capital ordinance for the paving for the November meeting for introduction.
- Stacy Galante resigned from the Open Space and Farmland Preservation boards and the position of recreation secretary after the event that will be held on October 24, 2020. Motion was made by Mr. Boynton to accept the resignation with regrets, seconded by Mr. Ramos. All were in favor.
- Motion was made to appoint Donna Zilberfarb as the acting secretary for the open space and farmland boards by Mr. Ramos, seconded by Mr. Boynton. All were in favor.
- Halloween was discussed and Mr. Stracco explained the guidelines set by the State and the county board of health. After discussion it was determined that there would be no activities organized by the township this year. Trick or treating would be set for 4 pm to

8 pm. Motion was made by Mr. Desiderio to adopt the halloween policy, seconded by Mr. Ramos. All were in favor. Mr. Stracco will send updated guidelines to Ms. Zilberfarb to be put on the website. Ms. Zilberfarb will also put out the sign outside the trick or treating times. The guidelines will also be sent to Mr. Pachnos to add to the OEM Facebook page.

- Ms. Zilberfarb let the committee know that the 1997 international truck did not reach the bid that the township had wanted, which was \$5,000.00, but did receive a bid for \$4,000.00 and asked if we could accept that bid. All members were in agreement to sell the international at \$4,000.00. Ms. Zilberfarb will reach out to Municibid and have a resolution ready for the October 21st meeting.
- The land use board appointment was held to the October 21st meeting.

OPEN MEETING TO THE PUBLIC:

Motion was made by Mr. Desiderio, 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:

- Marty Connor was present via zoom but had no comment.

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

EXECUTIVE SESSION:

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

No action was taken.

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

RETURN TO REGULAR SESSION:

Mr. Stracco explained that the executive session was to discuss contract negotiations and disposition of assets.

ADJOURNMENT:

There being no further business, motion was made by Mr. Ramos, seconded by Mr. Desiderio to adjourn the meeting at 8:46 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC