

**MINUTES OF REGULAR MEETING OF NOVEMBER 10, 2021
AS AMENDED 2/2/2022**

The regular meeting of the Frelinghuysen Township Committee was held at the Township Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, November 10, 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 David Boynton, Committeeman Frank Desiderio, Committeeman Todd McPeek, Attorney Rich Beilin, and Municipal Clerk Donna Zilberfarb.

Mr. Stracco recognized Veteran's Day tomorrow and thanked all Veterans for their service and Mr. Boynton for his and a happy birthday to the Marine Corps.

MINUTES:

1. October 20, 2021 regular session meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. McPeek. All were in favor.
2. October 20, 2021 executive session meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. Boynton. All were in favor.
3. October 29, 2021 special session meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. Stracco. All were in favor. Mr. Boynton and Mr. McPeek abstained.

ORDINANCES:

#2021- 14 AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, WARREN COUNTY, NEW JERSEY ESTABLISHING PROCEDURE FOR VERIFICATION OF RESIDENCY OF INCUMBENT AND PROSPECTIVE TOWNSHIP COMMITTEE MEMBERS

WHEREAS, N.J.S.A. 40A:9-1.12 provides that "[n]o person shall be a candidate for, nor hold, any local elective office unless he is a resident of the local unit to which the office pertains;" and **WHEREAS**, in order to assure that any elected official or candidate for elected office is, in fact, a resident of the Township of Frelinghuysen, it is necessary and appropriate to establish procedures to verify residency; and **WHEREAS**, in accordance with the Superior Court of New Jersey's decision in *Fay v. Medford Township Council*, 423 N.J. Super. 81 (Ch. Div. 2011), residency for these purposes is determined by domicile, which is to say, where that person is determined to reside, i.e., the place where the person has a true, fixed permanent home, and principal establishment, and the place where they reside with their nuclear or extended family, and **WHEREAS**, pursuant to N.J.S.A. 40A:16-3 the office of a member of the governing body of a municipality shall be deemed vacant upon a determination of the other members of the governing body that the mayor or a member of the governing body no longer resides within the corporate limits of the municipality from which they were elected. **NOW THEREFORE, BE IT**

ORDAINED, by the Mayor and Committee of the Township of Frelinghuysen, in the County of Warren, State of New Jersey, as follows: **Section I** The Frelinghuysen Township Code is amended by adding thereto a new Section 2-10, to read as follows: **SECTION 2-10**

VERIFICATION OF RESIDENCY FOR CANDIDATES AND INCUMBENTS § 2-10.1

Applicability. This section shall apply to all members of the Frelinghuysen Township Committee, and all candidates or prospective appointees for the membership in the Frelinghuysen Township Committee. § 2-10.2. Residency requirements for new candidates.

A. In addition to being a registered voter in the Township of Frelinghuysen at the time petitions of nomination are filed as required by New Jersey statute, candidates for membership in the Frelinghuysen Township Committee and prospective appointees must complete the Township of Frelinghuysen Candidate Affidavit Form with all required information, as set forth in this Section 2-10, to verify their residency in the Township of Frelinghuysen. All of the information and requirements set forth in the Township of Frelinghuysen Candidate Affidavit Form must be current and valid as of the date of submission to the Clerk to receive certification to appear on the ballot and through election, or to be appointed, as applicable, and in order to assume office, unless a valid and eligible change of address is submitted to the Clerk. B. To ensure all new candidates and prospective appointees live in the Township and to maintain the integrity of Frelinghuysen Township's municipal elections, there is hereby created the Township of Frelinghuysen Candidate Affidavit Form which must be completed by candidates and to which must be attached certain documents as specified below. The sole purpose of the submission is to serve as proof that the candidate lives in the Township. All candidates must submit the Township of Frelinghuysen Candidate Affidavit Form in the form prescribed herein under penalty of perjury, signed by the candidate verifying that the address on the documents is

the candidate's primary residence. C. In addition to all other candidate qualifications requirements under New Jersey law, including but not limited to having the candidate's primary residence in the Township of Frelinghuysen, candidates and prospective appointees must provide the following: (1) Personal income tax returns for the last calendar preceding the year of the municipal election for which the candidate or prospective appointee seeks office, which may be redacted provided that information concerning the candidate's residency or address shall not, under any circumstances, be redacted. (2) Bank statements and utility bills, including but not limited to cable, phone, gas and electric, for the twelve (12) months preceding the submission of the affidavit showing the candidate's or prospective appointee's permanent residence, which may be redacted provided that information concerning the candidate's residency or address shall not, under any circumstances, be redacted. If a candidate or prospective appointee does not have bank statements or utility bills for their permanent address to submit, they shall set forth that information on the Township of Frelinghuysen Candidate Affidavit Form. In the event a utility bill has not been generated, a letter from an authorized representative of the utility provider stating that an account has been opened in the candidate's or prospective appointee's name will suffice. If there is an agreement with a landlord or other legal entity, as verified by a rental contract or lease contract, that the landlord or other legal entity will pay the bill and/or the utility bill, the candidate or prospective appointee must submit that information on the Township of Frelinghuysen Candidate Affidavit Form and attach an affidavit signed by the landlord or the other legal entity's authorized legal representative under penalty of perjury, verifying that the landlord or other legal entity is responsible for paying the utility bill; and (3) Recorded deed or rental or lease agreement for the candidate's or prospective appointee's permanent residence. If the candidate or prospective appointee is not living in the permanent residence under a rental or leasehold agreement, they shall set forth that information on the Township of Frelinghuysen Candidate Affidavit Form and attach an affidavit, in a form approved by the Clerk and the Township Attorney, from the homeowner or authorized legal representative of the owner of the property verifying that the candidate or prospective appointee is living at the property as his or her primary residence. (4) If the lease or rental agreement expiration date is prior to the date that on which the candidate or prospective appointee would take office, an updated lease or rental agreement shall be provided before taking office. (5) Proof of motor vehicle registration and insurance shall be provided if any motor vehicles are registered to the candidate or prospective appointee setting forth their permanent residence. In addition, proof of a valid New Jersey driver's license showing their permanent residence on the license must be consistent with the address shown on the nomination papers. If the residence address on either the driver's license or auto registration is in the process of being changed, the candidate or prospective appointee must provide a document from the New Jersey Department of Motor Vehicles (DMV) verifying the change is in process. If a candidate or prospective appointee does not own an automobile and does not have a New Jersey driver's license, the candidate shall that information on the Township of Frelinghuysen Candidate Affidavit Form and submit another State of New Jersey issued identification showing that the address on the identification document is consistent with the address shown. D. The candidate's or prospective appointee's name and address must be consistent with the information in the candidate's nomination or appointment papers. E. The failure to provide any of the above-required documents on or before the closing date to file nomination papers will disqualify a candidate from being certified to appear on the ballot for membership in the Frelinghuysen Township Committee, and will disqualify a prospective appointee from being appointed. F. Willfully submitting false, forged or altered documents or coercing or unduly influencing persons providing affidavit documents will disqualify candidates and prospective appointees, in addition to any other available legal remedy. § 2-10.3. Verifying residency and certification for Township Committee candidates. No earlier than the initial filing date for documents related to a candidate running for membership in the Frelinghuysen Township Committee, and no later than the closing date to file nomination papers, candidates are required to file all of the documents specified in Section 2-10.2 with the Frelinghuysen Municipal Clerk's office for verification. No later than three calendar days from the last day to file petitions of nomination, the Municipal Clerk will review and verify that all required information is correct and meets the requirements of the Uniform Non-Partisan Election Law and the provisions of this Section 2-10. Prospective appointees for membership in the Frelinghuysen Township Committee shall submit same prior to appointment. The Municipal Clerk will then do one of the following: A. If any deficiencies are discovered in the documents provided or certain documents are missing, the Municipal Clerk's office will provide a letter to the candidate or prospective appointee showing the specific deficiencies or missing documents. The candidate or prospective appointee will have three calendar days from the last day to file petitions of nomination to correct the deficiencies and resubmit the required documents for verification to the Municipal Clerk; or B. If the candidate or prospective appointee either fails to complete verification of all of the requirements of this article within the prescribed time limits, or the resubmitted documents do not meet the requirements of the article, the Municipal Clerk's office will provide a letter to them advising of the failure to meet the requirements of this article and will not certify the candidate to appear on the ballot, or in the case of a prospective appointee, will notice them that they cannot be appointed; or C. If the resubmitted documents meet all the residency requirements of this article, the Municipal Clerk's office will certify that the residency requirements have been met and provide a letter to the candidate prospective appointee advising of same. § 2-10.4. Verifying residency for Local Elected Officials. All members of the Frelinghuysen Township

Committee are required to reside in the Township of Frelinghuysen during their entire term in office. To ensure such residency, upon a majority vote of the Township Committee, any member of the Township Committee may be required to submit the following documents to the Municipal Clerk during any given year in office: A. In the event that a member of the Township Committee moves to a new residence within, or outside of the Township after the filing of the previous affidavit, the member shall confirm the new district address within 30 days of moving, by providing the documents set forth at Section 2-10.2 to the Municipal Clerk. B. Members who have not relocated since the information required by this article was last provided, may comply with this article by supplying a Township of Frelinghuysen Candidate Affidavit Form indicating that they have not relocated, and all previously supplied information remains true and correct.

§ 2-10.5. Investigation and enforcement. A. Willfully submitting false, forged, altered documents or coercing or unduly influencing persons providing affidavit documents shall disqualify a candidate and constitute a violation of law. Any candidate, prospective appointee or member of the Frelinghuysen Township Committee who fails to meet the requirements of this Section 2-10 shall not be permitted to take or remain in office. B. Any claim that a provision of this Section 2-10 has been violated by a candidate, prospective appointee or member of the Frelinghuysen Township Committee shall be submitted to the Township Attorney. The Township Attorney will review same, and may refer a complaint to the Warren County Prosecutor as appropriate. The Township may hire outside attorneys and/or investigators to investigate residency complaints and if sufficient evidence is found, may submit such information to be used in a determination of whether a candidate or prospective appointee shall be disqualified or a member of the Township Committee shall be removed by virtue of that seat being declared vacant pursuant to N.J.S.A. 40A:16-3.

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 work session meeting of the Frelinghuysen Township Committee held on October 13, 2021 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on November 10, 2021 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 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 November 10, 2021. Motion was made by Mr. Boynton to open for 2nd reading for adoption, seconded by Mr. Ramos. All were in favor. Motion was made to open to the public, seconded by Mr. Mcpeek. All were in favor. No public comment. Motion was made by Mr. Ramos to close to the public, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. McPeek to approve for adoption, seconded by Mr. Ramos. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes.

2021-15 AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$86,511 FOR FUNDING THE INSTALLATION OF BROADBAND IN THE TOWNSHIP OF FRELINGHUYSEN, AND THE UPGRADE OF COMPUTER HARDWARE/CYBERSECURITY IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, NEW JERSEY. BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Frelinghuysen, County of Warren, New Jersey, as follows: **Section 1.** The sum of \$86,511.00 is hereby appropriated for the following purposes:

- 1) \$80,000 for Installation of Broadband as outlined in the American Rescue Plan Act
- 2) \$6,511 for Upgrade of Computer Hardware/Cybersecurity as outlined in the American Rescue Plan Act

Section 2. The funding sources for said ordinance are as follows:

- 1) Current Fund Unappropriated Reserves, American Rescue Plan Funds

Section 3. In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

- a) The purposes described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Frelinghuysen may lawfully make as a general improvement.
- b) The period of usefulness of the purpose described in section 1 hereof is, at a minimum, five (5) years as required under the Local Public Bond Law.

Section 3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provisions so adjudged and the remainder of the ordinance shall be deemed valid and effective. **Section 4.** This ordinance shall become effective immediately upon final passage, approval, and publication as provided by law. Notice is hereby given that the aforesaid ordinance was introduced at a regular meeting of the Township Committee of Frelinghuysen Township, New Jersey, held on October 20, 2021, and that at a regular meeting of the same to be held on November 10, 2021 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey, at the hour of 7:30 o'clock in the evening, the said

Committee will consider the final passage of said ordinance. Motion was made by Mr. Ramos to open for first reading for introduction, seconded by Mr. McPeek. 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 November 10, 2021. Motion was made by Mr. Ramos to open for 2nd 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. No public comment. Motion was made by Mr. McPeek to close to the public, seconded by Mr. Boynton. 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.

#2021-16 ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING OPTION TO LEASE AGREEMENT FOR ELECTRICITY SOLAR FACILITY AT PROPERTY KNOWN BLOCK 201, LOT 31.01

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14 authorizes the lease by a municipality of any real property, capital improvements or personal property or interests therein not needed for public use to the highest bidder by open public sale at auction, or by submission of sealed bids after the required newspaper advertisements; and **WHEREAS**, the Township of Frelinghuysen is the owner of certain real property located at Block 201, Lot 31.01 on the Frelinghuysen Township Tax Map, a/k/a 720 State Highway 94 (the "Property"); and **WHEREAS**, the Property is not needed for public use; and **WHEREAS**, the Township Committee has determined that it is in the best interest of the Township to lease the property for a photovoltaic solar electricity generating facility and related facilities; and **WHEREAS**, pursuant to Resolution No. 2021-56A adopted on May 19, 2021, the Township Committee issued a Request for Proposal for Leasing Municipal Land for Solar Development; and **WHEREAS**, sealed responses were received on June 9, 2021; and **WHEREAS**, two responses were received, the highest and best response was submitted by SunPower Corporation, and the Township and SunPower Corporation thereafter negotiated the terms of an Option to Lease Agreement; and **WHEREAS**, it is in the best interests of Frelinghuysen Township and its residents to enter into an Option to Lease Agreement with SunPower Corporation/SunPower DevCo, LLC. **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that: 1. The Mayor, Township Clerk and Township Attorney are hereby authorized to execute an Option to Lease Agreement concerning the Property with SunPower Corporation/SunPower DevCo, LLC in the form attached hereto at Schedule A, and to execute any other documents necessary to effectuate that Agreement. 2. 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 November 10, 2021 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on December 15, 2021 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. McPeek to open for first reading for introduction, seconded by Mr. Boynton. Roll Call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes.

RESOLUTIONS:

#2021-83 RESOLUTION AUTHORIZING FRELINGHUYSEN TOWNSHIP'S ANNUAL APPLICATION RENEWAL TO THE STATE AGRICULTURE DEVELOPMENT COMMITTEE'S MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM

WHEREAS, the Committee of the Township of Frelinghuysen has developed a comprehensive Farmland Preservation Plan for the Township, which identifies land meeting the criteria for farmland preservation in accordance with the requirements of the State and County's farmland preservation programs; and **WHEREAS**, the pressures from development continue to pose the threat of imminent change of land use from productive agriculture to nonagricultural uses; and **WHEREAS**, the State Agricultural Development Committee (SADC) has funding available to assist the Township in acquiring farmland preservation easements, in partnership with the County of Warren via the Municipal Planning Incentive Grant program (Muni-PIG); and **WHEREAS**, farmland preservation encourages the survivability of agricultural production, the rural character of the Township and the Township's agrarian history; and **WHEREAS**, the Township Committee has determined that it is in the best interests of the Township of Frelinghuysen to maintain a robust farmland preservation program, to continue to access funds from the SADC's Muni-PIG program, and any other programs that offer funding for farmland preservation, and to acquire as many farmland preservation easements from eligible farms, in partnership with the SADC and the County of Warren, as possible; and **WHEREAS**, Frelinghuysen Township's Farmland Preservation Committee recommends that the Township continue to participate in the SADC's Muni-PIG program; and **NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that it hereby authorizes ongoing participation in the SADC's Municipal Planning Incentive Grant program, as follows:

- 1) The Township approves of the Muni-PIG renewal letter and authorizes the Farmland Preservation Committee and its consultant to submit the renewal

application to SADC in advance of the deadline and to continue to work with farmland owners in the Township to develop applications to the program.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Frelinghuysen that it hereby authorizes the Municipal Clerk, the Farmland Preservation Committee and The Land Conservancy of New Jersey to sign documents and take all action necessary and appropriate to effectuate the intent and purpose of this resolution.

CERTIFICATION I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Frelinghuysen Township Committee at a meeting held on November 10th, 2021.

SEAL Donna Zilberfarb, Municipal Clerk

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

#2021-84 TRANSFER RESOLUTION WHEREAS, certain bills have been/will be presented for payment for which there are insufficient funds in the 2021 budget to pay, and WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands, NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make the following transfers:

TRANSFER FROM:		TRANSFER TO:	
Legal Special Tax Counsel	\$10,000	Legal O/E	\$12,500
Legal Special Appraiser	\$2,500	OEM O/E	\$20.00
Celebration of Public Events	\$20		

CERTIFICATION I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen, at a meeting held November 10, 2021. SEAL Donna Zilberfarb, Municipal Clerk

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

#2021-85 WHEREAS, the American Rescue Plan Act of 2021 was enacted to provide funding for COVID-19 pandemic response and recovery, and WHEREAS, Frelinghuysen Township will receive \$227,444.77, which can only be used for specific purposes as outlined in the ACT, and WHEREAS, the ACT provides replacement of lost public sector revenue due to the pandemic, and WHEREAS, the revenue calculation as provided by this ACT has identified a 2020 revenue loss of \$20,114.08,

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to allocate \$20,114.08 of Frelinghuysen's total allotment for 2020 revenue loss replacement.

CERTIFICATION I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Frelinghuysen, at a meeting held November 10, 2021. SEAL Donna Zilberfarb, Municipal Clerk

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

#2021-86 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with contract negotiations and potential litigation. WHEREAS, under the Open Public Meetings Act (number 7 of the permitted exceptions to the requirements that a public body hold its meetings in public) it is permissible that such matters be discussed in executive or private session. NOW, THEREFORE BE IT RESOLVED, on November 10, 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. Donna M. Zilberfarb, RMC

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

OLD BUSINESS:

- Mr. McPeek let the committee know that paving will be started tomorrow and siding should be at the end of the week.

- Mr. Beilin has not gotten any response on the stand pipe and will now reach out to the county engineer.
- Rina Chughatta shared copies of the plans for the lending library to the committee and discussed the plans she discussed with Blue Ridge Lumber on materials. The lending library will be placed 35" from the sidewalk, in the middle of the tree and townhall. After discussion on placement, she is aware not to block the crawl space on the side of the building. Ms. Chughatta will meet with the construction official to discuss plans.
- Mr. Ramos met with Paul Sterbenz, colliers engineering, and Mr. DeSouza, county engineer, regarding the speed limits as discussed and cross walk. He is waiting to hear back from the county.

NEW BUSINESS:

- Best practices have been submitted and the town scored 20 ½ and will lose no funding.
- Ms. Zilberfarb asked to hire Susan Rapolla as backup and part time help in the office. Motion was made by Mr. Ramos to hire Susan Rapolla at \$14.50 per hour effective November 18, 2021, seconded by Mr. McPeek. All were in favor.
- Mr. Stracco asked to appoint Brian James to the recreation committee. Motion was made by Mr. Ramos to appoint Brian James to the recreation committee for a 3 year term as a full member, seconded by Mr. McPeek. All were in favor.
- The laborer position in dpw was discussed. Motion was made by Mr. Ramos to hire Jamie Depuy at \$18.00 per hour effective November 29, 2021, seconded by Mr. McPeek. All were in favor.
- Special counsel appointment will be discussed in executive session.
- The Mayor explained creating a Frelinghuysen Township fire department task force to explore the financial, structural and personal logistics for implementation of a fire department and/or substation of another fire departments. The persons to be appointed will be Deputy Mayor Ramos, Dpw Director/Committeeman McPeek, OEM Coordinator James Burns, Deputy OEM Waclaw Hein and an advisory position to be named at a later date. The first determination would be whether there is a structure and location suitable for a fire department or sub station. Step 2 will be for financing and funding. This task force will report to the township committee on an as needed basis only. The task force will have authority to speak with legal counsel and the cfo for information needed. Motion was made by Mr. Ramos to appoint Mr. Ramos, Mr. McPeek, Mr. Burns, and Mr. Hein to the Frelinghuysen Township fire department task force, seconded by Mr. Boynton. All were in favor.

DEPARTMENT REPORTS:

Motion was made by Mr. Boynton for a consent agenda for department reports 1-9, seconded by Mr. McPeek. All were in favor.

- Emergency Management – Jim Burns let the committee know that the town will receive \$15,077.76 back from FEMA for Storm Orlena and submitted \$585.00 for Tropical storm IDA, which would get the town back \$439.79.
- DPW – nothing to report
- Land manager – nothing to report
- Recreation committee – Nothing to report
- Environmental Commission – No meeting – scheduled for 11/22.
- Farmland/Open space Committee – Mr. Ramos let the committee know that he discussed the FFP amount owed and there are 3 years remaining with a balance remaining of \$88,309.80.

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:

- Cynthia Mardin, 93 Kerrs Corner Road, brought up her concerns to the committee regarding the intersection near her home. She explained that there was another accident and the truck ended up on her lawn. Cars go through the stop signs. She would like something to be done like putting a blinking light on a sign for upcoming intersection or something similar on Silver Lake Road. Ms. Mardin has been in touch with the county as well and is waiting to hear back from them. Mr. Burns, OEM explained the federal guidelines with regards to sight and braking distances and how are determined. Suggestions were to have the dpw paint on Kerrs Corner Road "stop approaching" or possibly a solar blinking stop sign be put up. Silver Lake Road is a county road and the county would need to take care of anything for that. Mr. Ramos suggested getting a plan in place and then approaching the county.
- Colin Kellaher, 1 Saddle Ridge Road, explained who he was - a volunteer fire fighter for 20 years asked what is the fire coverage for January 1, 2022 and asked why this committee has unraveled what has worked for 4 decades? Mr. Stracco discussed and read in full a letter that was received from the Township of Green on September 9th. Mr. Stracco explained that the township committee unanimously agreed to not sign the agreement on September 22, 2021.

- Ken Lang, 79 South Street, asked how long the negotiations were going on prior to that letter. Mr. Stracco stated for quite some time and thought there were agreements with Green Fire Department at least 2 times but did not happen. He stated that we've paid approximately \$495,000 for 2 fire trucks that can't service our town. Mr. Ramos also replied that the negotiations have been ongoing for 2 years and explained to Mr. Lang the process. Mr. Ramos did ask if anyone could show that legally that we are not going to have coverage. He stated that for 10 years there's never been an agreement and now Green township fire is not going to cover us. Mr. Ramos explained the financial aspect and that the town can't afford this going forward. Mr. Kellaheer asked if he heard correctly, that if Hope is debt free then the residents should pay? Mr. Ramos explained that he did not state that and explained the debt the town has and that we can not afford more and will pay the equal share. Mr. Kellaheer asked if the town received a spreadsheet from Green Township from 2013-2020 and Mr. Ramos had and discussed those costs.
- Lisa Pachnos, 115 South Street, asked again if there was going to be coverage as of January 1, 2022. Mr. Ramos explained there will be coverage and asked if there was a representative from Green Township that could tell him no there would not be coverage. Mr. Stracco also added that we would be covered under the county mutual aid agreement.
- Mr. Lang asked about equal share and how many houses each fire department covers for each section of Frelinghuysen. Mr. Ramos and Mr. Stracco explained the coverages and amounts paid. \$24,000 in O&E and \$16,000 in capital has been allocated to Green Fire department for 2021.
- Nick Pachnos, 115 South Street, explained to everyone that he was the emergency management coordinator until March 2021. On March 16th, heard from a member in Blairstown fire department that the town approached them for coverage and didn't say anything to him, understanding he is the President of the Green fire department. Mr. Pachnos stated that he sent a letter to the committee with response times and the differences between Green fire and Blairstown fire and asked that the town reconsider and he explained that the township voted to go to Blairstown that night. Mr. Pachnos discussed a substation and explained that there is no way this town will save money putting in a substation and mentioned being able to get volunteers.
- Loren Greco, Greendell Road, asked if the town signed the agreement with Hope Township. Mr. Stracco explained it was a unilateral agreement and did not require signatures and yes Hope agreed to our terms.
- Deb Natyzak, Old Stage Road, asked for an explanation on how all three fire departments are different. Mr. Stracco explained that Hope and Blairstown are paid to the fire departments and not the towns. He explained the agreements with green township for the fire trucks and that those payments will continue through 2022 despite the fact that the Mayor of Green Township has authorized the fire department to not cover our town. He explained the money that was paid out for green township fire was some paid to the fire department and some to the township.
- Cynthia Mardin, Kerrs Corner Road, asked if the town was waiting to see if Green fire department will respond to calls in our town. Mr. Ramos explained that no one has told him legally they will not cover. Mr. Pachnos stated that Green township owns the fire trucks and can stop the coverage. Mr. Pachnos won't let a house burn down. He explained the other services that won't be completed ie. Pump outs, calls for wires etc. Mr. Pachnos stated that the Mayor of Green Township was willing to sit and negotiate, whether you come to an agreement or not, may be a good idea to sit down one more time. After discussion, the Mayor and deputy are both willing to sit down with the Mayor of Green township.
- Jim Simonetti asked the Mayor to send a letter to the mayor of green township to extension of their deadline and asked that they get a legal opinion if Green Township can stop fire coverage. Mr. Stracco will reach out to the Mayor of Green Township asking for extension of deadline and meeting with the committees approval.

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

EXECUTIVE SESSION:

Motion was made by Mr. Desiderio to enter into executive session, seconded by Mr. Ramos. All were in favor.

No action was taken

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

RETURN TO PUBLIC MEETING:

Mr. Stracco explained that the reason for the executive session was for professional services agreements, pending litigation and contract negotiations.

Motion was made by Mr. McPeek to accept the special counsel proposal, seconded by Mr. Ramos. All were in favor.

CORRESPONDENCE:

- State of NJ DEP – plastic bag ban effective May 4, 2022.
- State of NJ DEP – application for permit for septic
- State of NJ DOT – NJDOT FY 2022 local freight impact fund applications
- State of NJ DOT – Municipal Aid Program Greendell Road Phase III
- Township of Frelinghuysen – Proclamation ending local disaster/emergency
- Township of Blairstown – Farmland Plan reexamination report
- Township of Hardwick – Ordinance No. 2021-09 amending land use code
- Herold Law – renewal of insurance policies and covid 19
- Blairstown Hose Company – October Report
- Green township Fire Department – September report

ADJOURNMENT:

There being no further business, motion was made by Mr. Ramos, seconded by Mr. Boynton to adjourn the meeting at 9:41 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC