

MINUTES OF REGULAR MEETING OF DECEMBER 15, 2021

The regular meeting of the Frelinghuysen Township Committee was held at the Township Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, December 15, 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 Todd McPeek, Attorney Rich Beilin, and Municipal Clerk Donna Zilberfarb.

MINUTES:

1. December 8, 2021 work session meeting minutes were approved on a motion by Mr. Boynton, seconded by Mr. McPeek. All were in favor.
2. December 8, 2021 executive session meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. Boynton. All were in favor.

ORDINANCES:

#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. Motion was made by Mr. McPeek to open for 2nd reading for adoption, seconded by Mr. Boynton. All were in favor. Motion was made by Mr. Boynton to open to the public, seconded by Mr. Ramos. All were in favor. Public comment: Mr. Connor asked if this was on Township property and he was told yes. No other public comment. Motion was made to close to the public by Mr. Boynton, seconded by Mr. Ramos. All were in favor. Motion was made by Mr. McPeek to approve for adoption, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes.

RESOLUTIONS:

#2021-93 TRANSFER RESOLUTION **WHEREAS**, certain bills have been 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:

<u>TRANSFER FROM:</u>		<u>TRANSFER TO:</u>	
Buildings/Grounds O/E	\$540.00	Zoning Officer S/W	\$400.00
		Computer Data Processing	\$140.00

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 December 15, 2021.

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

#2021-94 RESOLUTION ADOPTING THE WARREN COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN WHEREAS, the Township of Frelinghuysen, NJ, has experienced natural hazards that result in public safety hazards and damages to private and public property and; **WHEREAS**, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks and; **WHEREAS**, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan and; Whereas, a Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Department of Public Safety and Mitigation Planning Committee and; Whereas, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time will help minimize and reduce safety threats and damage to private and public property and; **WHEREAS**, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, Inc. (Michael Baker), the contracted vendor assisting with the planning process. Links were links also posted on the Department of Public Safety website so as to introduce the planning concept and to solicit questions and comments and to present the Plan and request comments, as required by law and; **NOW, THEREFORE BE IT RESOLVED** by the Township of Frelinghuysen:

1. The Warren County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on September 14, 2021 by the Warren County Department of Public Safety to the New Jersey Office of Emergency Management and submitted on October 13, 2021 to the Federal Emergency Management Agency and subsequently approved by both agencies on November 5, 2021, be and is hereby adopted as an official plan of the County of Warren; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Township of Frelinghuysen departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township of Frelinghuysen, and this resolution shall not be interpreted so as to mandate any such appropriation.
4. The Township of Frelinghuysen Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agree upon by all stakeholders.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified true copy of this resolution to the Warren County Department of Public Safety, Frank Wheatley, Michael Petruzzellis, William Hunt, Diane Tabert, Caroline Martin (via email) and Brittany Ashman (via email). **PASSED** by the Township of Frelinghuysen Township Committee of the Township of Frelinghuysen, on this 15th day of December, 2021. **CERTIFICATION** I hereby certify the foregoing to be a true copy of a Resolution adopted by the Frelinghuysen Township Committee at a meeting held on December 15, 2021.

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

#2021-95 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF DECEMBER 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 DECEMBER 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. McPeek		x	x			
Mr. Ramos	x		x			
Mr. Stracco			x			

All approved – held collier engineering invoice for \$1,635.00 until Mr. Ramos discusses with Mr. Sterbenz. Ok to send after hearing from Mr. Ramos.

#2021-96 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 December 15, 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	x			
Mr. McPeek	x		x			
Mr. Ramos			x			
Mr. Stracco			x			

COMMITTEE REPORTS:

- Ms. Zilberfarb reminded everyone of the reorganizational meeting scheduled for January 3rd at 7 pm at the townhall. She also let the committee know that MEL inspections for safety and EJIF were completed, copies are in everyone’s packets and most items have been fixed or working on. Ms. Zilberfarb also reminded the committee that the Warren County Board of Commissioners annual reorg meeting will be held on Saturday, January 1, 2022 at 12:00 pm in court room #1 at the county court house in Belvidere.

OLD BUSINESS:

All old business was held.

NEW BUSINESS:

- Motion was made by Mr. McPeek to hire Kyle French as a non CDL part time winter help at \$20.00 per hour effective December 15, 2021, seconded by Mr. Boynton. All were in favor.
- Resignation of Stacy Galante as the Environmental Secretary. Motion was made by Mr. Boynton, seconded by Mr. Ramos to accept resignation with regrets. All were in favor.
- Vacancy for township committee seat – a letter was presented to the Township Committee from the Warren County Republican Committee, Districts I and II with 3 possible candidates for filling the vacancy term.

DEPARTMENT REPORTS:

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

- DPW – Mr. McPeek let the committee know that final inspections were planned for tomorrow on the salt shed and that they are waiting for the doors.
- Land manager – nothing to report
- Recreation committee – Nothing to report
- Environmental Commission – Nothing to report
- Farmland/Open space Committee – Nothing to report

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:

- Cheryl Towey, Bear Creek Road, explained to the committee that she’s had trouble for several years with the dpw dumping excess debris on her lawn from the drain pipe and wanted to know why that was acceptable. Mr. McPeek stated that it was the towns right of way. Ms. Towey would like to see documentation of what the ROW is and wanted to know if that was true why weren’t the trees that came down taken care of by the dpw from the hurricane. Mr. Ramos stated that because this wasn’t on the agenda, he felt it better to be discussed at the next meeting on Jan. 19 with legal counsel present. Ms. Towey asked why it can’t be dumped further down the road and Mr. McPeek explained that is where the drain pipe is. Mr. Ramos again recommended being put on agenda to discuss further. He also explained that nothing will be done in that area until after the next meeting. Ms. Zilberfarb will add Ms. Towey to the agenda for January 19th meeting.
- Frank Desiderio asked if Danette got the pricing on the salt shed he had asked for previously. He will check at the next work session.

- Dan Kohuth asked who Colliers Engineering & Design was. Mr. Stracco explained it was Maser Consulting.
- Mr. Kohuth also asked about the absentee on the agenda. Mr. Stracco explained that Mr. Desiderio resigned at the work session. Mr. Stracco explained the process of filling the vacancy.
- Ms. Towey inquired about the two cones and the section of road that is wearing away and asked when that would be fixed. Mr. McPeek stated those cones are on the drains.

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

No action was taken

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

RETURN TO PUBLIC MEETING:

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

CORRESPONDENCE:

- State of New Jersey DEP – Green Acres Projects
- State of New Jersey BPU – Energy Savings Improvement Program
- Board of County Commissioners of the County of Warren – Annual reorganizational meeting invitation.
- Morris County Municipal Joint Insurance Fund – 2022 Adopted budgets
- Township of Fredon – Ordinance 2021-11
- JCP&L – BPU docket number: EO20080545
- JCP&L – BPU docket number: ER21060872
- Blairstown Hose Company – November Report
- Green Township fire department – October report

ADJOURNMENT:

There being no further business, motion was made by Mr. Boynton, seconded by Mr. McPeek to adjourn the meeting at 8:44 p.m. All were in favor.

Respectfully Submitted,

Donna Zilberfarb, RMC