

MINUTES OF REGULAR MEETING OF JULY 15, 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, July 15, 2020 and as called to order at 7:32 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.

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, Attorney Rich Beilin, CFO Danette Dyer, and Municipal Clerk Donna Zilberfarb.

MINUTES:

1. June 17, 2020 Regular Meeting Minutes were approved on a motion by Mr. Boynton, seconded by Mr. Ramos. All were in favor.
2. June 17, 2020 Executive Session Meeting Minutes were approved on a motion by Mr. Ramos, seconded by Mr. McPeek. All were in favor.
3. July 8, 2020 Work session meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. McPeek. All were in favor.
4. July 8, 2020 Executive session work meeting minutes were approved on a motion by Mr. Ramos, seconded by Mr. McPeek. All were in favor.

ORDINANCES:

#2020-09 ORDINANCE CREATING A NEW CHAPTER 24 OF THE FRELINGHUYSEN TOWNSHIP CODE, IMPOSING A TAX AT A UNIFORM PERCENTAGE RATE ON CHARGES OF RENT FOR THE OCCUPANCY OF A ROOM OR ROOMS IN A HOTEL

WHEREAS, pursuant to P.L. 2003, c. 114 (N.J.S.A. 40:48F-1), the governing body of a municipality is authorized, through the adoption of an ordinance, to imposing a tax at a uniform percentage rate not to exceed three (3%) percent on charges of rent for every occupancy on or after July 1, 2004 of a room or rooms in a hotel or motel; and WHEREAS, the Township of Frelinghuysen desires to amend the Frelinghuysen Township Code to add a new Chapter 24, "Hotel and Motel Room Occupancy Tax," imposing a tax of three (3%) percent on charges of rent for every occupancy of a room or rooms in a hotel or motel. NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen as follows:

Section I 1. The Frelinghuysen Township Code is amended by adding thereto a new Chapter 24, to read as follows: **Chapter 24 Hotel and Motel Room Occupancy Tax**

SECTION 24-1 CHAPTER TITLE. This Chapter shall be known and may be known as the "Hotel and Motel Room Occupancy Tax of the Township of Frelinghuysen." **SECTION 24-2**

PURPOSE. It is the purpose of this article to implement the provisions of P.L. 2003, c. 114,^[1] which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed 3% on charges of rent for every occupancy on or after July 1, 2004, of a room or rooms in a hotel subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 40 (N.J.S.A. 54:32B-3). **SECTION 24-3 DEFINITIONS. Hotel or Motel:**

A building or portion thereof which is regularly used and kept open as such for the purpose of furnishing sleeping accommodations and related services for pay to tourists, transients, or travelers. It includes, but is not limited to, the following: A. An apartment hotel or motel, bed-and-breakfast, motel, inn, tourist home, tourist house or court, tourist cabin and club; B. A boardinghouse or rooming house containing eight or more units; and C. Any other building or group of buildings in which sleeping accommodations are normally available to the public on a transient basis. **Professionally managed unit:** A room, group of rooms, or other living or sleeping space for the lodging of occupants in New Jersey, that is offered for rent as a rental unit that does not share any living or sleeping space with any other rental unit, and that

is directly or indirectly owned or controlled by a person offering two or more units for rent during the calendar year. **Residence:** A house, condominium, or other residential dwelling unit in a building or structure that is designed, constructed, leased, rented, let or hired out, or otherwise made available for use as a residence. **Transient Accomodation:** A room, group of rooms, or other living or sleeping space for the lodging of occupants, including but not limited to residences or buildings used as residences. However, it does not include: A. A hotel or hotel room; B. A room, group of rooms, or other living or sleeping space used as a place of assembly. C. A dormitory or other similar residential facility of an elementary or secondary school or a college or university. D. A hospital, nursing home, or other similar residential facility of a provider of services for the care, support and treatment of individuals that is licensed by the state. E. A campsite, cabin, lean-to, or other similar residential facility of a campground or an adult or youth camp. F. A furnished or unfurnished private residential property, including but not limited to condominiums, bungalows, single-family homes, and similar living units, where no maid service, room service, linen-changing service, or other common hotel services are made available by the lessor, and the rental transaction is executed by a real estate broker licensed by the New Jersey Real Estate Commission pursuant to N.J.S.A. 45:15-1 et seq., and where the keys to the property, whether a physical key, access to a keyless locking mechanism, or other means of physical entrance to the property, are provided to the lessee at the offsite location of the licensed real estate broker. G. Leases of real property with a term of at least 90 consecutive days. **Transient space marketplace:** An online marketplace through which a person may offer transient accommodations or hotel rooms to individuals. It allows transient accommodations or hotel rooms to be advertised or listed through an online marketplace in exchange for consideration or provides a means for a customer to arrange for the occupancy of the transient accommodation or hotel room in exchange for consideration. A transient space marketplace does not include an online marketplace operated by or on behalf of a hotel or hotel corporation that facilitates customer occupancy solely for the hotel or hotel corporation's owned or managed hotels and franchisees. **Unit:** Any portion of a building which is, or may be, rented or leased separately to any individual or family. **SECTION 24-4 TAX ESTABLISHED.** A. There is hereby established a hotel and motel room occupancy tax in the Township of Frelinghuysen, which shall be fixed at a uniform percentage rate of 3 percent on charges of rent, on or after the adoption of this Ordinance and publication as provided by law, of a room or rooms or unit or units in a hotel, motel, transient accommodation offered through a transient space marketplace, and professionally managed unit subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 40, N.J.S.A. 54:32B-3 (sales tax). B. The hotel and motel room occupancy tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room. **SECTION 24-5 EXEMPTION.** The hotel and motel room occupancy tax authorized herein shall not be imposed on the rent for an occupancy if the purchaser, user or consumer is an entity exempt from the tax imposed on an occupancy under the "Sales and Use Tax Act" pursuant to Subsection (a) of Section 9 of P.L. 1966, c. 30 (N.J.S.A. 54:32B-9). **SECTION 24-6. SPECIAL STATUTORY PROVISIONS; PENALTY.** In accordance with the requirements of N.J.S.A. 40:48F-2: A. All taxes imposed by this article shall be paid by the purchaser. B. A vendor shall not assume or absorb any tax imposed by this article. C. A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer. D. Each assumption or absorption by a vendor of the tax shall be deemed a separate offense, and each representation or advertisement by a vendor for each day that the representation or advertisement continues shall be deemed a separate offense. E. The penalty for violation of the foregoing provisions shall be a **\$1,250 fine** for each offense. **SECTION 24-7 COLLECTION OF TAX.** The tax imposed by this article shall be collected on behalf of the Township of Frelinghuysen by the person collecting the rent from the customer. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from a customer as if the tax were a part of the rent and payable at the same time; provided that the Chief Financial Officer of the Township shall be joined as a party in any action or proceeding brought to collect the tax. **SECTION 24-8 ENFORCEMENT.** The Chief Financial Officer or his/her designee shall enforce the provisions of this article requiring that the tax be collected and paid to the Township. This may be accomplished in any manner permitted by law including civil litigation. **SECTION 24-9. VIOLATIONS AND PENALTIES.** In addition to the special provisions and penalty provided in this article, any person who violates, or who fails or refuses to comply with this article, shall be liable for penalty, upon conviction thereof, as provided in this Code of the Township of Frelinghuysen under Section 1-5 of such Code of Ordinances. **SECTION 24-10. EFFECTIVE DATE.** This article shall take effect immediately upon final passage and publication as

provided by law. The tax provisions of this article shall take effect on the first day of the first full month occurring 90 days after the date of transmittal by the Township Clerk of a certified true copy of this article by certified mail, return receipt requested, to the New Jersey State Treasurer; to the New Jersey State Division of Taxation at the following address: 50 Barrack Street, P.O. Box 628, Trenton, New Jersey 08695; and to each hotel and motel located within the Township of Frelinghuysen. Notice of adoption shall be published as provided by law.

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.

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 June 17, 2020 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on July 15, 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. Ramos 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. Second reading for adoption will be held on July 15, 2020. Motion was made by Mr. Ramos to open for 2nd reading for adoption, seconded by Mr. McPeek. Roll call: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes. 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. Ramos to close to the public, seconded by Mr. McPeek. All were in favor. Motion was made by Mr. McPeek to approve for adoption, seconded by Mr. Ramos. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. stracco-yes.

#2020-10 ORDINANCE TO AMEND SECTION 9-3 OF THE FRELINGHUYSEN TOWNSHIP CODE, ENTITLED "BAMBOO"

WHEREAS, bamboo is an invasive species which has become a nuisance to the residents of Frelinghuysen Township; and WHEREAS, the Mayor and Committee of the Township of Frelinghuysen previously adopted Section 9-3 of the Frelinghuysen Township Code, in order to address complaints regarding the unwanted spread of bamboo in areas where it encroaches on the public right-of-way; and WHEREAS, the Township has received additional complaints about bamboo in areas other than where it encroaches on the public right-of-way, and as believe it is necessary and appropriate to amend Section 9-3 of the Township Code. NOW, THEREFORE, BE IT ORDAINED by the Township of Frelinghuysen, County of Warren, State of New Jersey as follows: **Section I** Section 9-3 of the Frelinghuysen Township Code is hereby amended as follows (additions are underlined, deletions are stricken through): **9-3 BAMBOO**

A. No persons, residents, citizens, property owners and/or tenants of the Township shall plant or cultivate bamboo after the effective date of this Section.

B. No persons, residents, citizens, property owners and/or tenants of the Township shall ~~plant, cultivate, or cause to grow,~~ any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Township of Frelinghuysen in such a manner as to cause the bamboo to spread beyond the boundaries of their property. ~~any portion of the plant or roots to encroach on the public right-of-way.~~

C. Complaint and notice, order for removal and compliance. Whenever a complaint is received by the Township regarding the planting or cultivation, or encroachment of any bamboo plant or root beyond the boundaries of a property, ~~into the public right-of-way,~~ or whenever the Township, on its own observations and inspections witnesses same, the Township shall cause notice to be served and the following actions to occur:

(1) The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first-class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office. First-class mail shall be deemed delivered within five calendar days of its being mailed by the Township.

(2) The notice shall specify the nature of the violation(s).

(3) The notice shall state that the violation(s) must be corrected within 30 calendar days from the date of the received or returned mailing.

(4) The notice shall state specifically what must be done by the responsible party to correct the violation(s).

D. Investigations; reports. The Director of Public Works, Road Supervisor, Construction Official or the Health Officer of the Township shall be considered the proper officers to investigate all lands within the limits of the Township to determine violations of this section, and to issue notices pertaining to same.

E. Violations and penalties; remediation and collection of remediation costs.

(1) Any person who shall violate any of the provisions of this section shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5.

(2) In addition to and not in lieu of any penalties that may be assessed, If the violation is not remedied within the time set forth in the notice sent pursuant to Section 9-3C2B hereof, the Township is hereby authorized to remove or have removed any bamboo encroaching beyond the boundaries of a property, on the public right-of-way, and to take all reasonable steps to eradicate the regrowth of the bamboo beyond the boundaries of the property, into the public right-of-way, and to restore the land to the condition in which it existed prior to such removal and eradication, all at the cost and expense of the property owner from whose property the bamboo emanated. Upon such removal, the following procedure shall apply regarding the payment and collection of the amounts expended by the Township of Frelinghuysen.

(3) The officer or employee of the Township in charge of the removal of bamboo shall certify the cost thereof to the Mayor and Committee. The Mayor and Committee shall examine such certificate and, if found to be correct, shall cause such cost to be charged against such lands after affording the owner of the property a reasonable opportunity to appear before the Mayor and Committee or its designated agent.

(4) The amounts charged shall immediately become due and payable to the Township. If the owner of the property fails to pay such amounts, the same shall become a lien on the property of such owner and shall bear interest in the same manner as is charged on unpaid taxes. Such unpaid amounts shall be deemed, for the purpose of collection thereof, a tax upon such real estate to be added to and become a part of the taxes next to be levied and assessed against that real estate. Such tax shall be enforced and collected with interest by the same officer and in the same manner as all other municipal taxes.

FE. In the event that the Township of Frelinghuysen shall cause bamboo to be removed, the owner of the property from which the bamboo emanated shall indemnify and hold harmless the Township of Frelinghuysen and its officers and employees from and against all liability, including loss, damage, costs, attorneys' fees, causes of action, claims and/or judgments arising from said bamboo removal and restoration of the property. For the sole purpose of this section and for no other purpose, the owner or developer shall be deemed to have appointed the Township of Frelinghuysen as the owner's or developer's agent should the Township cause bamboo to be removed from such owner's or developer's property. **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 regular meeting of the Frelinghuysen Township Committee held on July 15, 2020 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on August 19, 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. McPeck to open for first reading for introduction, seconded by Mr. Ramos. All were in favor.

RESOLUTIONS:

#2020-52 Township of Frelinghuysen Resolution No. 2020-52 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Camp Wasigan Road Improvement project. NOW, THEREFORE, BE IT RESOLVED that Council of Frelinghuysen formally approves the grant application for the above stated project. BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Camp Wasigan Road-00541 to the New Jersey Department of Transportation on behalf of Frelinghuysen. BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Frelinghuysen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement. Certified as a true copy of the Resolution adopted by the Council on this 15th day of July, 2020 My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above. Motion was made by Mr. Mcpeek, seconded by Mr. Ramos. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes

#2020-53 RESOLUTION APPROVING THE ISSUANCE OF RAFFLE LICENSES FOR ANTLER RIDGE WILDLIFE SANCTUARY WHEREAS, the Antler Ridge Wildlife Sanctuary has applied for a raffle license to conduct an on premises tricky tray consisting of application #2020-01; and WHEREAS, the Findings and Determination by the Municipal Clerk has determined that the organization is qualified to conduct such raffle. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that the Antler Ridge Wildlife Sanctuary raffle application #2020-01 is hereby approved.

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

#2020-54 APPROVING PAYMENT OF BILLS FOR THE MONTH OF JULY 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 JULY 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			

#2020-55 RESOLUTION URGING GOVERNOR PHIL MURPHY TO REIMBURSE COUNTY GOVERNMENTS WITH POPULATIONS OF 500,000 RESIDENTS OR LESS WITH FEDERAL MONIES FROM THE CORONA VIRUS RELIEF FUND (CRF) UNDER THE CORONA VIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FOR THE EXTRA ORDINARY EXPENSES INCURRED IN COMBATING THE COVID-19 PUBLIC HEALTH CRISIS WHEREAS, county governments have led the way on the front lines and played a vital role in providing essential services and protecting the public health, safety, and welfare of residents across the Garden State during this once in a generation pandemic; and, WHEREAS, county governments have incurred substantial costs in responding to the COVID-19 public health crisis by operating test centers, purchasing and distributing personal protective equipment, hiring public nurses, implementing mitigation measures, disinfecting county facilities, sheltering homeless and at-risk individuals, managing correctional facilities, administering social services programs, conducting elections, and more; and, WHEREAS, under the CARES Act, the State of New Jersey received \$2.5 billion in federal CRF monies to alleviate the staggering financial burden imposed by COVID-19 public health crisis and of which the United States Department of Treasury authorized to provide much-needed relief for local governing bodies that did not receive direct aid because their populations fell below 500,000 residents; and, WHEREAS, The Treasurer of the State of New Jersey allocated \$250.0 million in CRF monies to the Local Government Relief Fund in the Department of Community Affairs (DCA) to reimburse local governing bodies for COVID-19 related expenses

but has yet to release any funding while county governments continue to spend millions in limited property taxpayer dollars battling the COVID-19 public health crisis. **NOW, THEREFORE, BE IT RESOLVED** that the Township of Frelinghuysen Township Committee, County of Warren urge Governor Phil Murphy to reimburse counties with populations of 500,000 residents or less with federal monies from the Coronavirus Relief Fund (CRF) under the Coronavirus Aid, Relief, and Economic Security (CARES) Act for the extraordinary expenses incurred in combating the COVID-19 public health crisis. **BE IT FURTHER RESOLVED** that certified copies of this Resolution are forwarded to the Governor of the State of New Jersey Phil Murphy; the President of the New Jersey State Senate Steve Sweeney; the Speaker of the General Assembly Craig Coughlin; the Congressional and the Legislative delegations Warren County; the clerks of the board of chosen freeholders in Atlantic, Burlington, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Morris, Salem, Somerset, Sussex and Warren Counties; the Municipal Clerks in each of the municipalities located within Warren County; the New Jersey State League of Municipalities; and the New Jersey Association of Counties. **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 July 15, 2020

ROLL CALL VOTE TAKEN:

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

#2020-56 CONSENTING TO THE USE OF UTILITY POLES WITHIN THE PUBLIC RIGHTS-OF-WAY WITHIN FRELINGHUYSEN TOWNSHIP BY PLANET NETWORKS, INC. TO DEPLOY FIBER OPTIC CABLING WHEREAS, Planet Networks, Inc. ("Planet Networks"), seeks to place its telecommunication facilities aerially on existing and new utility poles within the public rights of ways within the Township of Frelinghuysen for the purpose of installing, operating, repairing and maintaining a telecommunications system; and **WHEREAS**, Planet Networks was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and **WHEREAS**, N.J.S.A. 48:3-19 requires Planet Networks to obtain the consent of the Township of Frelinghuysen for the joint use of utility poles; and **WHEREAS**, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose fees, taxes, levies or assessments in the nature of a local franchise, right-of-way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and **WHEREAS**, it is in the best interest of the Township of Frelinghuysen and its residents and businesses to grant consent to Planet Networks; **NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey that consent is hereby granted to Planet Networks to use existing and new utility poles owned by other parties that have the lawful right to erect and/or maintain said poles within the public rights-of-way in Frelinghuysen Township, subject to the following:

1. Planet Networks shall comply with all applicable federal, state and local laws and directives, including but not limited to those regarding safety requirements related to the use of the public rights-of-way; and shall further comply with the requirements of the Order entered on May 28, 2019 by the New Jersey board of Public Utilities, Doc. No TE19020198, and any subsequent modifications thereof.
2. Planet Networks will not access or use applicable utility poles without first securing writing permission to use same from the owner(s) or authorized representative(s) of said utility poles.
3. Planet Networks shall comply with all applicable federal, state and local laws requiring permits prior to beginning installation on utility poles and shall obtain applicable permits as may be required by the applicable governing authority.
4. No consent is given hereby for Planet Networks to install or construct new poles or underground conduits with the public rights-of-way in Frelinghuysen Township. Before installing or constructing new poles or underground conduits within said public rights-of-way, Planet Networks must apply for and obtain written permission by separate resolution or ordinance, as applicable, from the Township of Frelinghuysen.
5. The Township of Frelinghuysen's consent per this Resolution is given on condition that Planet Networks shall indemnify, defend and hold harmless Frelinghuysen Township, its officers, employees, agents and servants, from and against any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Planet Networks or its agents in connection with the use and occupancy of utility

poles and related operations and activities within the public rights-of-way, except to the limited extent resulting from the acts or omissions of Frelinghuysen Township.

6. Throughout the duration and as a condition of the consent granted hereby, Planet Networks shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Planet Networks shall include Frelinghuysen Township as an additional insured. Planet Networks shall provide Frelinghuysen Township with proof of same before starting any installation within the Township and thereafter upon request of the Township.
7. Planet Networks shall be responsible for the repair of any damage to paving, existing utility lines or any surface or subsurface installations arising from its installation and maintenance of its facilities and related activities.
8. Notwithstanding any provision contained herein, neither the Township of Frelinghuysen nor Planet Networks shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this Resolution.
9. The Mayor is hereby authorized to execute, and the Township Clerk to attest, to such other documents as the Township deems necessary to effectuate the terms of this Resolution.
10. The permission hereby granted shall continue for the same period of time as the grant to parties whose utility poles Planet Networks will be using but is revocable by the Township of Frelinghuysen for good and reasonable cause as determined by the Township of Frelinghuysen in its sole discretion, such as, for example, a determination over time that the insurance coverage provided by Planet Networks is no longer sufficient or that Planet Networks has violated terms of this Resolution. Before the Township may revoke its consent, it shall provide Planet Networks with reasonable written notice and an opportunity to mutually resolve the concern or issue to avoid a revocation; and the parties will work in good faith to resolve such concern or issue.
11. The consent granted hereby is not assignable by Planet Networks unless consent to such assignment is granted in writing signed by authorized representatives of the Township of Frelinghuysen, which consent shall not be unreasonably withheld. Regardless, the successors and assigns of Planet Networks shall be bound to the terms hereof.
12. The Township of Frelinghuysen's consent per this Resolution is given on condition that Planet Networks shall deliver to the Township a signed acknowledgement of its agreement to the terms hereof.

CERTIFICATION I hereby certify the foregoing to be a true and correct copy of the Resolution adopted by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, at its regular meeting hold on July 15, 2020.

ROLL CALL VOTE TAKEN:

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

#2020-57 RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED AT 67A

LANNING ROAD WHEREAS, the New Jersey State Fire Prevention Code provides that a municipal governing body must authorize the display of fireworks within its boundaries as a pre-condition to such display in accordance with the said Fire Prevention Code; and **WHEREAS**, Garden State Fireworks, Inc., of Millington, New Jersey, has been hired by Daniel and Whitney Carson to conduct a fireworks display on July 16, 2020 at 67A Lanning Road, and has applied for the necessary permit from the New Jersey Division of Fire Safety. **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, that the Mayor and Township Committee hereby authorize a fireworks display by Garden State Fireworks on July 16, 2020 at 67A Lanning Road, contingent on the issuance of the necessary permit by the New Jersey Division of Fire Safety. **CERTIFICATION** I, Donna Zilberfarb, Municipal Clerk of the Township of Frelinghuysen, County of Warren, State of New Jersey do hereby certify that the foregoing is a true and exact copy of a resolution duly authorized by the Frelinghuysen Township Committee on July 15, 2020.

Roll Call Vote Taken:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Boynton			Yes			

Mr. Desiderio			Yes			
Mr. McPeek		X	Yes			
Mr. Ramos	X		Yes			
Mr. Stracco			Yes			

#2020-58 WHEREAS, an emergency has arisen due to a number of unforeseen matters being brought to the attention of the Frelinghuysen Township committee that have significantly impacted the operating budgets of Engineering and Land Use, and due to the need to act on these matters in a timely manner, no adequate provision was made in the 2020 budget for the aforesaid purposes, and NJS 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and WHEREAS, the total amount of the emergency appropriations created, including the appropriations to be created by this resolution is \$5,000 and three percent of the total operating appropriations in the budget for 2020 is \$29,271 and, WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three percent of the total operating appropriations (including utility operation appropriations) in the budget for 2020, NOW, THEREFORE BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for operating expenses for the following operating budgets, respectively:
 Engineering Other expense \$4,000
 Land Use Board other expense \$1,000
2. That said emergency appropriation shall be provided for in full in the 2021 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.2c(1).
3. That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

CERTIFICATION: I hereby certify that the above is a true and correct copy of a resolution adopted by the governing body of the Township of Frelinghuysen at a meeting held on July 15, 2020 ROLL CALL VOTE TAKEN:

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

#2020-59 SETTING EXECUTIVE SESSION WHEREAS, it is necessary to discuss items dealing with contract negotiations. WHEREAS, under the Open Public Meetings Act (number 7 of the permitted exceptions to the requirements that a public body hold its meetings in public) it is permissible that such matters be discussed in executive or private session. NOW, THEREFORE BE IT RESOLVED, on July 8, 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			
Mr. Desiderio			X			
Mr. McPeek		X	X			
Mr. Ramos	X		X			
Mr. Stracco			X			

COMMITTEE REPORTS:

- Mr. Stracco will report in August on the Municipal Courts. Mr. Stracco discussed adopting the County Covid19 Procedures. After discussion, Mr. Stracco suggested that the town adopt policy that if employee travelling to a advisory state upon return they quarantine for 14 days. Motion was made by Mr. Desiderio to have any employees travelling to any state advisory states to quarantine for 14 days, seconded by Mr. Ramos. Roll call vote: Mr. Boynton-yes; Mr. Desiderio-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stracco-yes. Mr. Pachnos agreed this to be a good idea.
- Mr. Ramos discussed conversations had with Altice and feel that we are all moving in the right direction and feels that Frelinghuysen is on Altice’s radar.
- Mr. Boynton had nothing to report.
- Mr. Desiderio had nothing to report.

- Mr. McPeek had nothing to report.
- Mr. Wacks was discussed throughout the meeting and in executive session.
- Mr. Pachnos, OEM, stated that is has been fairly quiet within the County and no substantial changes at the county level.
- Ms. Zilberfarb discussed the barn at the FFP and let the committee know that it is on the schedule for the dpw and will be removed as soon as roads and mowing are up to date. She also discussed her coverage for vacation time and that someone would be covering the town hall from 9-2 the days she would be gone. She also let the committee know that Lori Neinstadt, the Municipal Alliance Coordinator, has resigned and she felt that Stacy would be a good fit. She will be discussing the duties with Ms. Neinstadt and get back to the committee.

OLD BUSINESS:

- Salt shed - Mr. Ramos let the committee know that the new plans have been submitted to SHIPO via Mr. Sterbenz.
- Employee handbook – Hold to August/September
- Fire Pit Rules and Regulations will be discussed at the Recreation meeting and then recommendations will be brought to the Township Committee.
- Energy Coop – Hold until October 2020

NEW BUSINESS:

- Beth Styler Barry, Director River Basin for the Natures Conservancy, discussed with the committee the Paulina Dam Removal and gave the estimated timeline for removal starting in 2022. She will send more information in early to mid August on the removal. Mr. Boynton asked how they would be removing it with machines or dynamite and she explained that it would be with machines. She thanked everyone for their time.
- Robert Boyle, Planet Networks, discussed with the committee fiber optics and high speed internet and asked the township for right of way authorization. Many questions on speed for uploads and downloads were asked and answered. Mr. Ramos asked about underground utilities or were they just looking at the power line poles. Mr. Boyle explained that right now they are in the process of getting approval to be able to work within the right of ways from many towns. Mr. Ramos asked for information to be sent to him and Ms. Zilberfarb will send him Mr. Boyles contact information. Mr. Boyle explained that majority is Route 94 and then branching out into the townships deeper. Mr. Wacks explained that the resolution for the right of way we utilized was from Hampton Township in Sussex County.
- Motion was made by Mr. Desiderio to accept the contract for Space Farms deer removal for 2020-2021, seconded by Mr. Ramos. All were in favor.

DEPARTMENT REPORTS:

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

Mr. Ramos asked how the town compares from last year for taxes. Ms. Zilberfarb will ask the tax collector and get back to Mr. Ramos.

DPW – Report in book

Land Manager – Received report and will distribute to the committee

Recreation committee – Mr. Ramos let the committee know that there are no sports going on at this time The dugouts are moving along and the soccer registrations have been sent out but no money is being collected until they know there will be a season.

Environmental Commission - no meeting.

Farmland/Open space Committee – no meeting

Historic Committee – no meeting.

OPEN MEETING TO THE PUBLIC:

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

No public comment

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

EXECUTIVE SESSION:

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

No action was taken.

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

RETURN TO REGULAR SESSION:

Mr. Wacks explained that the executive session was to discuss contract negotiations.

CORRESPONDENCE:

- State of New Jersey DEP – wetlands application Block 801 Lot 7.08 – new septic tank and field (maps are in the Clerk’s office)
- NJ Transit Corporation – Fiscal Year 2020 request for federal financial assistance
- USDA – Notification of base acres, plc yields, elections, HIP and CRP reductions
- NJLM – 23rd Annual elected officials hall of fame
- Township of Frelinghuysen – Letter to Green Township regarding fire truck
- Township of Frelinghuysen – Letter to State of New Jersey regarding fireworks permit application.
- JCP&L – BPU Docket number: ER20050351
- Russo and Associates – Workers’ Compensation insurance
- Richard Murphy – Block 301 Lot 6 Land use board notice of hearing
- Garden State Labs – Rec Center quarterly report
- Blairstown Fire Monthly

ADJOURNMENT:

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

Respectfully Submitted,

Donna Zilberfarb, RMC