

**MINUTES
GREEN TOWNSHIP COMMITTEE
EMERGENCY MEETING DECEMBER 11, 2021**

CALL TO ORDER

Mayor Phillips called the December 11, 2021, Emergency Meeting of the Green Township Committee to order at 11:30 a.m.

PLEDGE OF ALLEGIANCE

ADEQUATE NOTICE: Mr. Zschack read the statement of adequate notice.

ROLL CALL: Present: Mr. Bader Qarmout, Mrs. Virginia "Ginnie" Raffay, and Mayor Margaret "Peg" Phillips
Absent: Mr. James Chirip, Mr. Daniel Conkling

Also present: Mr. Mark Zschack, Township Clerk/Administrator and Mr. Jonathan Frodella, Township Attorney

Mayor Phillips noted that Mr. Chirip will be absent from the regular meeting but will be present via telephone for Executive Session.

Mr. Qarmout motioned to excuse the absent members.

Seconded: Mrs. Raffay Discussion: None All were in favor.

OPEN PUBLIC SESSION: Mayor Phillips noted that there were no members of the public present.

NEW BUSINESS:

- a. Resolution 2021-185 - Authorize an Emergency Meeting of the Green Township Committee to enter into Executive Session to Discuss Litigation – Frelinghuysen Fire Protection Services

Motion: Ms. Raffay

Seconded: Mr. Qarmout

Discussion: None

All were in favor.

EXECUTIVE SESSION: Resolution ES2021-16 - Litigation - Frelinghuysen Fire Protection Services

Mr. Qarmout motioned to enter Executive Session at 11:35 a.m.

Seconded: Ms. Raffay

Discussion: None

All were in favor.

Mayor Phillips announced that no action is expected to be taken after Executive Session.

The Committee returned to Open Public Session at 12:58 p.m.

Mr. Qarmout motioned to close Executive Session and return to Open Public Session.

Seconded: Ms. Raffay

Discussion: None

All were in favor.

ADJOURNMENT:


Mrs. Raffay motioned to adjourn at 12:59 p.m.

Seconded: Mr. Qarmout

Discussion: None

All were in favor.

*ALL RESOLUTIONS AND ORDINANCES ARE ATTACHED TO AND MADE PART OF THESE MINUTES



Mark Zschack, RMC
Township Clerk

Date Approved: December 20, 2021

RESOLUTION 2021-185
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

EMERGENCY MEETING

WHEREAS, this emergency meeting has been called for the following purpose: to enter into Executive Session to discuss: Litigation - *Frelinghuysen v Green Township and Green Township Volunteer Fire Department*; and

WHEREAS, the normal requirements of the law regarding 48 hours notice have not been met due to lack of time and subject matter, however notices of this Emergency Meeting were emailed to the New Jersey Herald on December 10, 2021; and

WHEREAS, there is a court hearing schedule for December 22, 2021 for a preliminary injunction in the pending litigation *Frelinghuysen v Green Township and Green Township Volunteer Fire Department*, where Plaintiff will seek, *inter alia*, an order compelling Green Township and the Green Township Fire Department to continue to provide various fire-related services and equipment pending the court's ultimate disposition of the matter at a later date;

WHEREAS, the parties to the above-referenced litigation wish to extend the return date for the preliminary injunction so they have sufficient time to negotiate and agree to settlement terms, thereby removing this matter from the jurisdiction of the court and avoiding the legal fees that the parties would otherwise incur by fully briefing and arguing this matter on December 22, 2021;

WHEREAS, this emergency meeting is necessary because Plaintiff will not agree to maintain the status quo of its relationship with the Defendant parties during the above-referenced negotiation period, and, instead, Plaintiff insists on providing a lower monthly payment of \$2,000, which was communicated to Green Township through counsel for Plaintiff on December 10, 2021;

WHEREAS, if the Township were to delay this meeting, there would likely be substantial harm to the public interest since the parties would incur unnecessary legal fees and not have sufficient time to present this complex matter to the court.

WHEREAS, the need for such adequate notice could not reasonably have been foreseen at a time when adequate notice could have been provided

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Green, in the County of Sussex, and State of New Jersey, that there should be a vote on this Emergency Meeting of 3/4ths of the members of the Governing Body.

DATED: December 11, 2021

RESOLUTION 2021-185
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a meeting held on December 11, 2021.



Mark Zschack, RMC, Township Clerk

Record of Vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling						√
Mr. Qarmout		√	√			
Mrs. Raffay	√		√			
Mrs. Phillips			√			

RESOLUTION ES 2021-16
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 (N.J.S.A. 10:13-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, N.J.S.A. 10:4-13 requires the adoption of a resolution prior to the Township Committee going into Closed Session stating the general nature of the subject matter to be discussed and generally the time and circumstances under which the discussion conducted in Closed Session can be disclosed to the public;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Green, County of Sussex, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon and hereinafter specified subject matter(s)
2. The general nature of the subject matter(s) to be discussed is as follows:

☐ Personnel ☐ Contract Negotiation ☐ Real Property
☐ Public Safety ☒ Litigation/Potential Litigation ☐ Attorney-Client
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

Dated: December 11, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a Resolution adopted by the Township Committee at a meeting held on December 11, 2021.



Mark Zschack, RMC, Township Clerk

Record of Vote:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling						√
Mr. Qarmout	√		√			
Mrs. Raffay		√	√			
Mrs. Phillips			√			