

MINUTES OF REGULAR MEETING OF JANUARY 18, 2023 AS AMENDED

The regular meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, January 18, 2023 and was called to order at 6:00 p.m. by Municipal Clerk, Donna Zilberfarb.

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 and by e mailing notice to the New Jersey Herald and The Express-Times.

ROLL CALL:

Those present were: Mayor Keith Ramos, Deputy Mayor Chris Stracco, Committeeman Boynton, Committeeman McPeek, Committeeman Robert Stock, Attorney Rich Beilin and Municipal Clerk Donna Zilberfarb.

MINUTES:

- Minutes of December 21, 2022 regular session meeting were approved on a motion by Mr. Boynton, seconded by Mr. Stock. All were in favor.
- Minutes of January 3, 2023 annual reorg meeting were approved on a motion by Mr. McPeek, seconded by Mr. Boynton. All were in favor.

RESOLUTIONS:

2023-17 AUTHORIZING THE PURCHASE OF 1992 INTERNATIONAL FIRE TRUCK FROM FREDON TOWNSHIP WHEREAS, the Township of Fredon is the owner of a certain piece of fire apparatus no longer needed for public use (the "Fire Truck"), specifically:

- Vehicle Name: Fredon Volunteer Fire Company Engine 27-61
- Vehicle Type: 1992 International Fire Truck
- VIN: 1HTSDPCR2PH503642
- Manufacturer: KME Fire Apparatus
- Current mileage: 24,185
- Pump Serial Number: QSG125-21; and

WHEREAS, Frelinghuysen Township and its agents and/or representatives have had an opportunity to independently inspect the Fire Truck and are fully satisfied that the Fire Truck is satisfactory in its current condition and for Frelinghuysen Township's intended purposes. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey as follows:

1. The Township of Frelinghuysen is hereby authorized to purchase the Fire Truck from Fredon Township for the sum of \$20,000.
2. The Mayor and Township Clerk are hereby authorized to execute an Agreement for Sale of Fire Apparatus with Fredon Township, in a form acceptable to the Township Attorney.
3. This Resolution shall take effect immediately according to law.

CERTIFICATION I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on January 18, 2023. Donna Zilberfarb, RMC

ROLL CALL VOTE

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Boynton		X	X			
Mr. McPeek	X		X			
Mr. Ramos			X			
Mr. Stock			X			
Mr. Stracco			X			

#2023-18 RESOLUTION AWARDED PROFESSIONAL SERVICES AGREEMENT WITH EXIT REALTY CONNECTIONS FOR REAL ESTATE BROKERAGE, AUCTIONEER AND MARKETING SERVICES FOR THE SALE OF REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF FRELINGHUYSEN AS BLOCK 201, LOT 31.01, BEING MORE COMMONLY KNOWN AS 720 ROUTE 94

WHEREAS, there exists a need for the Township of Frelinghuysen to procure the services of a licensed real estate broker to assist the Township in marketing and selling property owned by the Township and more specifically identified as Block 201, Lot 31.01, and more commonly known as 720 Route 94 (the "Property"); and WHEREAS, EXIT Realty Connections has submitted a proposal to provide the requested services to the Township, and the Township is interested in hiring EXIT Realty Connections for same; and WHEREAS, the parties seek to list the Property for sale through EXIT Realty Connections and to attempt to effectuate the sale of the Property at an auction to be conducted by EXIT Realty Connections; and WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., allows the Township Committee to award a professional services agreement exceeding the bid threshold without competitive bidding; and

WHEREAS, the Local Public Contracts Law requires that a Resolution authorizing the award of a professional services agreement be publicly advertised; and WHEREAS, The Township shall not be responsible for payment of any brokerage commissions to EXIT Realty Connections, but rather, EXIT Realty Connections shall be compensated by a buyer's premium of ten (10) percent to be added to the sales price of the Property, which premium shall be paid solely by the purchaser. NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Frelinghuysen as follows: 1. A professional

services agreement is hereby awarded to EXIT Realty Connections for the provision of licensed real estate brokerage and auctioneer services to assist the Township in marketing and selling property owned by the Township at Block 201, Lot 31.01, and more commonly known as 720 Route 94. 2. The Mayor and Clerk are hereby authorized and directed to execute an Agreement with EXIT Realty Connections to provide these professional services to the Township. The form of the Agreement shall be subject to the approval of the Township Attorney. 3. The term of the Agreement shall be six months from the date of the execution of the Agreement by both parties or until the Property is sold, whichever occurs first. 4. In accordance with prevailing custom and practice, EXIT Realty Connections will charge a Buyer's Premium of ten (10) percent to be added to the sales price that is accepted by the Township. The Buyer's Premium shall be due and payable at closing. Payment of the Buyer's Premium shall be contingent upon the Township Committee's acceptance of a bid for the sale of the Property and the closing of title thereon. In no event shall the Township be required to pay the Buyer's Premium. 5. A copy of this Resolution and the Agreement shall be placed on file in the Office of the Township Clerk and shall be available for public inspection. 6. A notice of this action shall be published in the official newspaper as required by law.

CERTIFICATION I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on January 18, 2023. Donna Zilberfarb, RMC

ROLL CALL VOTE

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Boynton		X	X			
Mr. McPeck			X			
Mr. Ramos			X			
Mr. Stock			X			
Mr. Stracco	X		X			

#2023-19 AUTHORIZING THE PUBLIC SALE BY WAY OF AUCTION OF REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF FRELINGHUYSEN AS BLOCK 201, LOT 31.01, BEING MORE COMMONLY KNOWN AS 720 ROUTE 94, TO BE UNDERTAKEN PURSUANT TO N.J.S.A. 40A: 12-13(a) WHEREAS, N.J.S.A. 40A:12-13 (a) authorizes the sale by municipalities of any real property, capital improvements, or personal property, or interest therein, not needed for public use by sale in the manner provided by law; and WHEREAS, the Township of Frelinghuysen ("Township") is the owner of certain real property, which is located within the Township and is known as Block 201, Lot 31.01, and more commonly known as 720 Route 94 (the "Property"); and WHEREAS, the Mayor and Committee have determined that the Property is not needed for public use and that that a sale of the Property will generate revenue that will serve the public interest. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey as follows: 1.

The Mayor and Committee hereby Township hereby declare that the Property is no longer needed for public use and may be offered for public sale in accordance with N.J.S.A. 40A: 12-13(a), and hereby authorizes the public sale of the Property. 2. The Property shall not, under any circumstances, be sold at public sale for less than its fair market value, \$2,000,000, which shall be the minimum purchase price. 3. The public auction of the Property shall be conducted on Wednesday, February 15, 2022 at 2:00 p.m. at the Municipal Building, Township of Frelinghuysen, 210 Main Street, Johnsonburg, New Jersey. The Township has hired EXIT Realty Connections to market the Property, and to conduct the public auction. The successful bidder shall pay EXIT Realty Connections a Buyer's Premium in the amount of 10% of the bid price. This Buyer's Premium shall be in addition to the purchase price, so that the Contract Price in the purchase agreement between the Township and the successful bidder shall be 110% of the high bid. 4.

All interested parties shall appear at the auction in person. The successful bidder must submit a deposit of 10 percent of the amount of the Contract Price to the Township at the conclusion of the auction. The deposit money shall be in the form of money order, or certified or bank check, made payable to the Edward Wacks & Associates, LLC Attorney Trust Account. The successful bidder shall have until 5:00 p.m. on the auction date to deliver the deposit to the office of the Township Clerk. Said 10 percent deposit shall be made with the successful bidder's or bidders' understanding that the deposit is not refundable. In the event that the successful bidder or bidders fail to close title to the Property in accordance with the terms and conditions hereof; or if they fail to close title to the Property within 30 days of the date of the acceptance of the bid, time being of the essence; and/or if they fail to close title to the Property in accordance with applicable law, then any and all money deposited with the Township shall be forfeited. 5. All interested parties and their brokers, if any, shall be required to register prior to the auction on forms provided by EXIT Realty Connections. To obtain the necessary forms, contact Debra Sayer of EXIT Realty Connections, Tel. No.: (201)213-3512, email: sayerdebbie@ymail.com. 6. The Township reserves the right to cancel the auction at any time prior to the auction, for any reason. 7. All bids are subject to the acceptance or rejection of the Township Committee. The Township Committee reserves the right to reject all bids. Acceptance or rejection of bids shall take place no later than the second regular meeting next following the auction. If no action is taken by the Township Committee by that meeting, all bids will be deemed to have been rejected. 8. The auction shall further be conducted, and title to the Property shall be transferred and the Property shall be sold in accordance with the following restrictions and terms of sale. Responsibility for any failure to comply with these restrictions and terms of sale shall be fully assumed by the successful bidder: (a) That the description of the Property is intended as a general guide only and may not be accurate. NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE TOWNSHIP OF FRELINGHUYSEN AS TO THE CONDITION OF THE PROPERTY, SAID PREMISES ARE BEING SOLD IN THEIR PRESENT CONDITION, "AS IS." (b) All bidders, prior to making their bids, will be presumed to have checked the exact location, including the correct street address and lot size of the Property on the Township's official tax map. Any descriptions of the Property provided by the Township or the auctioneer is intended as a general guide only, and no representations as the accuracy of such descriptions are made by the Township. (c) This sale is subject to

such facts as an accurate survey may disclose, any existing tenancies, rights or any persons in possession, easements, conditions, and encumbrances of title. Should the title to the property prove to be unmarketable for any reason, the liability of the Township shall be limited to the repayment to the purchaser of the amount of deposit and any portion of the purchase price paid and shall not extend to any further costs, expense, damages, or claims. Notice of any alleged defect in title or claim of unmarketability must be served on the Township Clerk, by the purchaser, in writing no later than twenty (20) days after the sale is approved by the Township Committee. Failure upon the part of the purchaser to give written notice within the said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition. (d) That the sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Frelinghuysen. The use of the Property shall be in accordance with the appropriate zoning, subdivision, health and building regulations, and this sale cannot be used as grounds to support any variance from said regulations. (e) The burden is on all successful bidders to obtain any and all variances and/or approvals from the Frelinghuysen Township Land Development Ordinance, and closing shall not be contingent upon the issuance of any land use approval. (f) No employee, agent or officer of the Township of Frelinghuysen has any authority to waive, modify or amend any of the conditions of sale. (g) That the Township shall convey the property by a Quitclaim Deed unless an adequate title binder, sufficient in the sole discretion of the Township Attorney, which is prepared at the expense of the purchaser, by a title company licensed to do business in the State of New Jersey, is forwarded to the Township prior to the conveyance, in which case a Bargain and Sale Deed with Covenants against Grantor's Acts will be the form of conveyance. (h) The successful bidder shall pay at the time of closing: (i) The balance of the purchase price; (ii) All costs associated with the sale of the Property, including but not limited to, the cost of preparation of all legal documentation, survey(s), any title work, cost of advertisement of the sale and the cost of recording the deeds, which deeds shall be recorded on behalf of the purchaser by the Township Attorney, and (iii) Prorated real estate taxes or other charges, if any, for the balance of the current year as of the date of the closing. (i) The closing of the sale shall take place no later than 30 days after the acceptance of the bid, time being of the essence. 9. The Mayor and Township Clerk, together with all appropriate officers, employees, professionals and staff of the Township are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution. 10. This Resolution shall take effect immediately according to law. CERTIFICATION I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on January 18, 2023. Donna Zilberfarb, RMC

ROLL CALL VOTE:

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Boynton			X			
Mr. McPeek		X	X			
Mr. Ramos			X			
Mr. Stock			X			
Mr. Stracco	X		X			

#2023-20 RESOLUTION APPROVING PAYMENT OF BILLS FOR THE MONTH OF JANUARY 2023
 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 JANUARY 2023; 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. Donna M. Zilberfarb, Municipal Clerk

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

ORDINANCES:

#2023-02 AN ORDINANCE OF THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY,
 AMENDING THE TOWNSHIP CODE TO REPEAL AND REPLACE SECTION 92.2, "BUILDINGS THAT ARE VACANT, ABANDONED OR PENDING FORECLOSURE"

WHEREAS, pursuant to N.J.S.A. 40:48-1 *et seq.* the New Jersey Legislature delegated to municipalities the responsibility to promulgate regulations designed to promote the public health, safety, and welfare of its citizens; and **WHEREAS**, in foreclosure proceedings, there is an increased risk that properties may become vacant and abandoned; and **WHEREAS**, vacant and abandoned properties, in foreclosure or otherwise, create a greater risk of blight and can create a wide range of problems for the communities in which they are located, which can include criminal activity, public health problems, depressing neighboring property values and reducing revenues for municipalities, and otherwise diminishing the quality of life for residents and business operators; and **WHEREAS**, the State of New Jersey has enacted statutes intended to assist municipalities in addressing such risks, including requiring that municipalities receive notice of the initiation of a foreclosure action in court in connection with residential properties and authorizing a public officer in a municipality to take certain action against properties that have been abandoned, and has recently amended same, requiring the amendment of the Township Code; and **WHEREAS**, a property registration program provides a valuable tool

to confronting the risk of blight created by abandoned properties; and **WHEREAS**, the Township Committee has determined that it is necessary and appropriate, and in the best interest of the health, safety, and welfare of the Township of Frelinghuysen and its residents, to amend the Township Code regarding vacant and abandoned properties. **NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Frelinghuysen, County of Warren, State of New Jersey, as follows:

Section 1 Section 92.2 of the Frelinghuysen Township Code is hereby repealed in its entirety, and replaced with the following: SECTION 92.2 BUILDINGS THAT ARE VACANT, ABANDONED OR PENDING FORECLOSURE **§92-2.1 Definitions** The following terms, wherever used herein or referred to in this Code, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context: CREDITOR A mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the Creditor for purposes of this section. For purposes of this section, a Creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer. RESPONSIBLE PARTY The title holder of a vacant and abandoned property or a Creditor responsible for the maintenance of a property. STREET ADDRESS An address at which a natural person who is the Responsible Party or an authorized agent actually resides or actively uses for business purposes, and shall include a street name or rural delivery route. VACANT AND ABANDONED PROPERTY Any residential or commercial building which is not legally occupied by an owner, a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, and two or more of the conditions in exist: (1) Overgrown or neglected vegetation; (2) The accumulation of newspapers, circulars, flyers, or mail on the property; (3) Disconnected gas, electric, or water utility services to the property; (4) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property; (5) The accumulation of junk, litter, trash, or debris on the property; (6) The absence of window treatments such as blinds, curtains, or shutters; (7) The absence of furnishings and personal items; (8) Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned; (9) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired; (10) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked; (11) A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property; (12) An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied; (13) The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing; (14) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or (15) Any other reasonable indicia of abandonment. §92-2.2 Property Registration Program

- (a) Purpose. The purpose of this section is to create a Township Property Registration Program for the purposes of identifying and monitoring vacant and abandoned residential and commercial properties within the Township.
- (b) Responsibilities. The Township Property Registration Program shall be responsible for regulating the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial on an annual basis.
- (c) Official. The Zoning Officer of the Township shall be responsible for administration of The Township Property Registration Program.

§92-2.3 Certificate of Registration for Vacant and Abandoned Property

- (a) The Responsible Party for a vacant and abandoned property shall file a certificate of registration with the Clerk of the Township within 90 days after the property becomes vacant and abandoned or within 30 days after the Responsible Party assumes ownership of or responsibility for an already vacant and abandoned property, whichever is later.
- (b) The certificate of registration shall be filed on forms prescribed by the Township and shall contain:
 - (1) the name, street address, and telephone number of a natural person who resides or maintains an office within the State and who is either the Responsible Party or an authorized agent designated by the Responsible Party to receive notices and complaints of property maintenance and code violations on behalf of the Responsible Party.
 - (2) the name, street address, and telephone number of the person responsible for maintaining the property, if different; and
 - (3) evidence of any liability insurance
- (c) A Responsible Party for a vacant and abandoned property shall file an amended certificate of registration within 30 days after any change in the information required to be included thereon.
- (d) A certificate of registration shall remain valid for one year and shall be renewed on an annual basis if the property remains vacant and abandoned.
- (e) The initial registration fee for each vacant and abandoned property shall be \$500, which fee shall be paid to the Clerk.
- (f) The fee for the first annual renewal of the certificate of registration shall be \$1500, which fee shall be paid to the Clerk.
- (g) The fee for the second annual renewal of the certificate of registration shall be \$3000, which fee shall be paid to the Clerk.

- (h) The fee for each subsequent annual renewal of the certificate of registration shall be \$5000, which fee shall be paid to the Clerk.
- (i) Registration fees imposed pursuant to this Section shall not be charged to an Owner or Forecloser which is an agency or instrumentality of the United States of America.

§92-2.4 Duties of Responsible Party

- (a) Forty-five (45) days after the Township notifies the Responsible Party that the property is vacant and abandoned and until the property is reoccupied, the Responsible Party for a vacant and abandoned property, shall:
 - (1) Enclose and secure the property against unauthorized entry;
 - (2) Post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the Responsible Party, any authorized agent designated by the Responsible Party for the purpose of receiving service of process, and the person responsible for maintaining the property if different, and
 - (3) Acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property.
- (b) This section shall not be construed to diminish any property maintenance responsibilities of property owners who are not subject to the provisions of this section.

§92-2.5 Residential or Commercial Foreclosures

- (a) The Creditor filing a summons and complaint in an action to foreclose shall, in addition to the notice provided to the municipality pursuant to N.J.S.A. 46:108-51 register the residential or commercial property with the Township's Property Registration Program as a property in foreclosure.
- (b) Registration as a Property in Foreclosure. The Creditor must provide the municipality with:
 - 1. The information pursuant to §92-2.3(b);
 - 2. The date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing; and
 - 3. Identify whether the property is vacant and abandoned in accordance with the definition in §92-2.1; and
 - 4. If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a Creditor required to register pursuant to the property registration program following the filing of the summons and complaint, the Creditor shall update the Property Registration Program within 10 days of the change in that information; and
 - 5. If there is any change in the property's status, update the property registration with Township's Property Registration Program to reflect the change; and
 - 6. If the Creditor is located out-of-State, the information of an in-State representative or agent to act for the foreclosing Creditor.
- (c) The Creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the Property Registration Program.
- (d) A foreclosed property is considered vacant and abandoned if it meets the definition of §92-1.
- (e) In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
- (f) Fees. The Creditor will pay an annual registration fee of:
 - 1. \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the Creditor.
 - 2. An additional \$2,000 per property annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
 - 3. The registration fee shall be due on January 31 of each year.
- (g) Any fines imposed pursuant to this section shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
- (h) Penalties for Out-of-State Creditors. An out-of-State Creditor who fails to appoint an in-State representative or agent after the 10th day of the period set forth in N.J.S.A. 46:108-51 shall be subject to a fine of \$2,500 for each day of the violation.
- (i) 20% of any money collected pursuant to this section shall be utilized by the municipality for code enforcement purposes.

§92-2.6 Provisions Only Applicable to Commercial Properties

- (a) For the purposes of this section only, "Creditor" means a State chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," N.J.S.A. 17:11C-51 through N.J.S.A. 17:11C-89, and any entity acting on behalf of the Creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a Creditor shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or

- their agent or assignee, such as the servicer.
- (b) A Creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property shall, within 10 days of serving the summons and complaint, notify the Zoning Officer or Clerk of the Township that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.
 - (c) The notice shall contain the full name, address, and telephone number for the representative of the Creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the Creditor or a representative of the Creditor to be responsible for any care, maintenance, security, or upkeep of the property.
 - (d) The notice may contain information about more than one property, and shall be provided by mail and electronic mail communication.
 - (e) The Zoning Officer and/or Clerk of the Township shall forward a copy of the notice to any other local official responsible for administration of any property maintenance or public nuisance code.
 - (f) The notice shall also include the street address, lot, and block number of the property.
 - (g) If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a Creditor required to be provided in a notice pursuant to this paragraph following the filing of the summons and complaint, the Creditor shall provide a notice to the Zoning Officer or Clerk of the Township containing the updated name, address, or telephone number within 10 days of the change in that information.
 - (h) If the owner of a commercial property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a commercial property becomes vacant at any point subsequent to the Creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the Creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the Zoning Officer and/or Clerk of the Township shall notify the Creditor or the representative or agent.
 - (i) The Township shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the Creditor's receipt of the notice for the Creditor to remedy the violation.
 - (j) If the Creditor fails to remedy the violation within that time period, the Township may impose penalties allowed for the violation of municipal ordinances.
 - (k) If the Township expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the Creditor was given notice pursuant to the provisions of subsection (h) of this section but failed to abate the nuisance or correct the violation as directed, the Township shall have the same recourse against the Creditor as it would have against the title owner of the property, including but not limited to the recourse provided under N.J.S.A. 55:19-100.

§92-2.7 Penalties and Fees

- (a) A Responsible Party that violates any provision of this section or any ordinance adopted pursuant hereto, shall be liable to a penalty of not less than \$500 and not more than \$1,000; which penalty may continue to be imposed and collected.
- (b) Each day that a violation continues shall constitute an additional, separate, and distinct offense.

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. DONNA ZILBERFARB, Clerk KEITH RAMOS, 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 January 18, 2023 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on February 15, 2023 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. Stracco to Open for first reading for introduction, seconded by Mr. McPeek. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on February 15, 2023.

#2023-03 AMENDING CHAPTER 5 OF THE FRELINGHUYSEN TOWNSHIP CODE, CONCERNING THE POSITION OF ANIMAL CONTROL OFFICER AND ESTABLISHING THE POSITION OF MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER WHEREAS, it is necessary and appropriate at this time to amend Chapter 5 of the Frelinghuysen Township Code, in order to specify the title of Animal Control Officer and the establishment of the position of Municipal Humane Law Enforcement Officer. NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen as follows:

Section I Chapter 5 of the Frelinghuysen Township Code is hereby amended by adding Thereto a new Section 5-9, to read as follows: **§ 5-9.1 Animal Control Officer.** The position of Animal Control Officer (ACO) is hereby established. The ACO shall be appointed by the Township Committee. The ACO shall be responsible for animal control within the jurisdiction of the Township and shall enforce and abide by the

applicable provisions of Title 4, Chapter 19 of the New Jersey Revised Statutes any amendments thereof, any regulations promulgated thereunder, and the applicable provisions of this Code. **§ 5-9.2. Municipal Humane Law Enforcement Officer.** The position of Municipal Humane Law Enforcement Officer (HLEO) is hereby established. The HLEO shall be appointed by the Township Committee and shall be the same person as the Animal Control Officer (ACO). No additional compensation shall be paid to the HLEO, other than that which is paid for their service as ACO. The HLEO shall be responsible for animal welfare within the jurisdiction of the Township and shall enforce and abide by the applicable provisions of Title 4, Chapter 22 of the New Jersey Revised Statutes any amendments thereof, any regulations promulgated thereunder, and the applicable provisions of this Code. The HLEO shall be authorized to investigate and sign complaints, arrest violators, and otherwise act as an officer for detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the state and ordinances of the Township.

Section II Any and all references in the Frelinghuysen Township Code to “Dog Control Officer” be and the same shall be changed to “Animal Control Officer.” **Section III**

1. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

2. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

3. This ordinance shall take effect immediately upon adoption and publication according to law. DONNA ZILBERFARB, Clerk KEITH RAMOS, 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 January 18, 2023 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on February 15, 2023 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. Stracco to open for first reading for introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on February 15, 2023.

#2023-04 AMENDING ORDINANCE NO. 2021-09 (SECTIONS 25-7 AND LDO 105.1 OF THE FRELINGHUYSEN TOWNSHIP CODE) CONCERNING THE NUMBER OF CANNABIS CULTIVATION AND/OR MANUFACTURING LICENSES THAT MAY BE ISSUED IN THE TOWNSHIP OF FRELINGHUYSEN, AND TRANSFER AND USER TAXES

WHEREAS, in Ordinance No. 2021-09, pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), the Frelinghuysen Township Committee prohibited cannabis businesses within the Township of Frelinghuysen, with the exception that cannabis cultivation and manufacturing facilities were allowed as a conditional use in the ROM Research, Office and Manufacturing District provided that the conditions set forth therein were met, and provided for the assessment and collection of taxes as authorized by the Act; and WHEREAS, the Frelinghuysen Township Committee has determined it to be in the best interest of Frelinghuysen Township and its residents to limit the number of cannabis cultivation and manufacturing facilities allowed within the Township, while maintaining the prohibition of the other cannabis businesses enumerated in Ordinance No. 2021-09; and WHEREAS, the Frelinghuysen Township Committee has further determined it to be in the best interest of Frelinghuysen Township and its residents to amend Ordinance No. 2021-09 to clarify the language of the said Ordinance with respect to the assessment and collection of transfer and user fees . NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Frelinghuysen as follows: **Section I** Section LDO 105.1 of the Frelinghuysen Township Land Development Ordinance Code is amended to read as follows:

§ LDO-105.1 Cannabis Businesses Prohibited; Exception; Limitation on Total of Number of Licenses in Township.

A. Cannabis cultivation, manufacturing, production, wholesaling, distribution, testing, retail and delivery facilities are prohibited in all zone districts, except that cannabis cultivation and manufacturing facilities may be allowed in the ROM Research, Office and Manufacturing District as a conditional use under N.J.S.A. 40:55D-67 (See § 601P for standards). B. Maximum number of licenses. No more than three total (3) licenses for cannabis cultivation and/or manufacturing shall be issued in the Township, regardless of location. No licensee shall hold more than one (1) license for cannabis cultivation and/or manufacturing. Any license issued by the Township is conditional and contingent upon the licensee’s receipt of a State license of the same class or type of regulated cannabis activity. C. This Section 105.1 shall not be amended except upon the approval of an ordinance by referendum of the voters of the Township according to law.

Section II Section 25-7.1 of the Frelinghuysen Township Code, “Cannabis Transfer Tax Imposed,” is hereby deleted in its entirety and replaced with the following:

§ 25-7.1 Transfer Tax; User Tax.

A. Transfer Tax. i. There shall be a transfer tax imposed on the receipts from the sale of cannabis and cannabis items from the following licensed persons or entities in located in this municipality: (a) From a cannabis cultivator to another cannabis cultivator; and (b) From a cannabis cultivator to a cannabis manufacturer; and (c) From any one cannabis establishment to another cannabis establishment; and (d) By and between any combination thereof. ii. The transfer tax rate shall be assessed at two (2) percent of receipts from each sale by a cannabis cultivator and/or a cannabis manufacturer. iii. The transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis. iv. The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis

item. **B. User Tax.** i. There shall be a user tax imposed on any concurrent license holder operating more than one cannabis establishment. ii. The user tax rate shall be [the same rate as the transfer tax above.

iii. The use tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed on the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in this municipality or any other municipality. iv. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis. v. Any transaction for which the user tax is imposed, is exempt from the tax imposed under the "Sales and Use Tax Act", except for those which generate receipts from the retail sales by cannabis retailers. vi. The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.

Section III Sections 25-7.2 through 25-7.8 are amended to read as follows [additions are underlined]: **§ 25-7.2. Tax Liability.** Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax... **§ 25-7.3. Collection of Taxes and Lien.** All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the chief financial officer in the manner prescribed herein. The chief financial officer shall collect and administer any transfer tax or user tax imposed by ordinance pursuant to this chapter. The Township may enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this section in the same manner as provided for municipal real property taxes. In the event that the transfer tax or user tax... **§ 25-7.5. Administration of Transfer and User Taxes.** The Township Committee shall have the authority to adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of the transfer tax and user tax provisions of this ordinance. The chief financial officer is charged with the administration and enforcement of the provisions of the transfer tax and user tax... **§ 25-7.5. Recordkeeping.** Taxpayers liable for the transfer tax or user tax... **§ 25-7.6. Returns.** All cannabis establishments operating in the Township are required to file a transfer tax return and, if applicable, a user tax with the chief financial officer to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this chapter. Returns shall be filed and payments of tax imposed for the preceding calendar quarter shall be made on or before the last day of April, July, October, and January, respectively. A taxpayer who has overpaid the transfer tax or user tax,... **§ 25-7.7. Confidentiality.** The returns filed by taxpayers, and the records and files of the chief financial officer respecting the administration of the transfer tax and user tax ... **§ 25-7.8. Audit and Assessment.** The chief financial officer may initiate an audit by means of an audit notice. If, as a result of an examination conducted by the chief financial officer, a return has not been filed by an taxpayer or a return is found to be incorrect and transfer taxes or user taxes... **Section IV** 1. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected. 2. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency. 3. This ordinance shall take effect immediately upon adoption and publication according to law. DONNA ZILBERFARB, Clerk KEITH RAMOS, 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 January 18, 2023 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on February 15, 2023 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. Stracco to open for first reading for introduction, seconded by Mr. Boynton. Roll call vote: Mr. Boynton-yes; Mr. McPeek-yes; Mr. Ramos-yes; Mr. Stock-yes; Mr. Stracco-yes. Second reading for adoption will be held on February 15, 2023.

COMMITTEE REPORTS:

- Mayor Ramos – nothing to report
- Deputy Mayor Stracco – nothing to report
- Committeeman Boynton – discussed the trees by Main street that Mr. Bean had discussed at the last meeting. Mr. Boynton explained that they are locus trees and that they should not be a problem and that he also spoke with land owner where the trees are.
- Committeeman McPeek – nothing to report
- Committeeman Stock – nothing to report
- Committeeman Stracco – nothing to report
- Municipal Clerk Zilberfarb – nothing to report

OLD BUSINESS:

NEW BUSINESS:

- Motion was made by Mr. McPeek to appoint Christine Pilkington as a full member on the recreation committee, seconded by Mr. Boynton. All were in favor.
- Employee handbook was held.

DEPARTMENT REPORTS: *1-15

Motion was made by Mr. Stracco for a consent agenda for department reports 1-15, seconded by Mr. Boynton. All were in favor.

OPEN MEETING TO THE PUBLIC:

Motion was made by Mr. Boynton, seconded by Mr. Stock limiting it to 20 minutes to open meeting to the public. All were in favor. Spoke were:

- Loren Greco asked how much the town has spent on litigation between Green Township fire Department and Frelinghuysen Township. Mr. Ramos explained that this has been discussed prior and can be found in the minutes and referred him to the website. Mr. Greco also asked what the check for \$2,500.00 for Green Township was for. Mr. Ramos explained the interlocal shared services for construction final payment.
- Dan Kohuth asked about the ash trees within Frelinghuysen Township and if there was any way to coordinate efforts to clear all at once. Mr. Ramos explained that it would be costly to send out mailing to residents. He also stated that this is the most proactive JCP&L has been on taking down trees and that he is also starting to see residents taking down the dead trees as well. Mr. Kohuth asked if the residents were charged when they fall and need to be removed. The committee was not sure if charged but didn't believe so.

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

CORRESPONDENCE

- State of New Jersey DEP – FY2023 Annual Fee report
- Hope Township – Ordinance 2022-08 adoption of the floodplain management regulations notice
- NJLM – Louis Bay 2nd Future Municipal Leaders Scholarship Competition for HS Juniors and seniors
- Frelinghuysen Township PTO – thank you card
- Letter from Cynthia Mardin
- Blairstown hose company – December report

ADJOURNMENT:

There being no further business, motion was made by Mr. Boynton, seconded by Mr. McPeek to adjourn the meeting at 6:18 p.m. All were in favor.

Respectfully submitted,

Donna Zilberfarb, RMC