

**MINUTES  
GREEN TOWNSHIP COMMITTEE  
REGULAR MEETING MARCH 20, 2023**

**CALL TO ORDER**

Mayor Phillips called the March 20, 2023, regular meeting of the Green Township Committee to order at 7:04 p.m.

**PLEDGE OF ALLEGIANCE**

**ADEQUATE NOTICE:** The Deputy Clerk read the statement of adequate notice.

**ROLL CALL:** Present: James DeYoung, Bader Qarmout, Virginia “Ginnie” Raffay, Michael Rose, and Mayor Margaret “Peg” Phillips

Also present: Mark Zschack, Township Clerk/Administrator; Ursula Leo, Esq., Township Attorney; Linda Di Lorenzo, CMFO; Jason Miller, Superintendent of Public Works; and Patty DeClesis, Deputy Clerk

**OPEN PUBLIC SESSION #1:** Mayor Phillips opened the meeting to the public for any questions or comments concerning items on the agenda for which no public discussion is provided. There being no public comments offered, Mayor Phillips closed Open Public Session #1.

**EXECUTIVE SESSION:** Resolution ES2023-05 - DPW Hire

Mayor Phillips announced that the two candidates signed the Rice Notice for discussion to take place in public, therefore there is no need for an Executive Session. The discussion will take place under New Business Resolution 2023-76.

**CONSENT AGENDA:**

**1. RESOLUTIONS:** *(Approval of the Following)*

- a. *Resolution 2023-72 - Approve Raffle Licenses (3) - Green Township PTA*

**2. CORRESPONDENCE:** *(Acceptance for Filing of the Following)*

- a. *Borough of Andover Ordinance Introduced February 13, 2023, To Amend Section 14, Entitled “Vacant and Abandoned Properties” and Section 15 “Registration of Vacant and Abandoned Property”*
- b. *Borough of Hamburg Resolution Adopted March 6, 2023, Supporting Designating “Franklinite” as the Official Mineral of the State of New Jersey*
- c. *Borough of Sussex Resolution Adopted February 21, 2023, Supporting RevolutionNJ*
- d. *Board of County Commissioners Resolution Adopted March 8, 2023, Approving the Usage of a Portion of County Route 615, a Portion of County Route 612 & County Route 668 for the Somerset Wheelman Bicycle Ride*

**3. REPORTS:** *(Acceptance for Filing of the Following)*

- a. *Construction Permit Fee Log Report - February 2023*
- b. *Environmental Advisory Committee Minutes - February 7, 2023*
- c. *Green Township Municipal Court Breakdown - February 2023*
- d. *Green Township Volunteer Fire Department Call Report - February 2023*

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GREEN TOWNSHIP COMMITTEE  
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DeYoung motioned to move Consent Agenda

Seconded: Raffay

Discussion: None

Upon roll call vote:

Ayes: DeYoung, Qarmout, Raffay, Rose, Phillips

Nays: None

Abstentions: None

Absent: None

**DISCUSSIONS:**

**Employee Handbook, Overtime Policy** - The Township Attorney explained that since the Christmas holiday came on the weekend last year the overtime policy was reviewed. The current policy states that an employee works on a holiday and already working overtime, there was no additional compensation. The revised policy will clarify that any non-exempt employee works on a Sunday will still receive the two hours for each hour worked. If any non-exempt employee works on a recognized holiday and paid holiday, then the employee will receive additional compensation in the form of three hours for each hour worked in addition to any other compensation received. A discussion ensued regarding non-exempt employees taking overtime or comp time.

The Township Attorney will amend the policy and discussion will continue at the next meeting.

**OLD BUSINESS:**

- a. **Public Hearing Ordinance 2023-04** - Capital Ordinance for Improvements to Creek Road Phases I and II by the Township of Green in the County of Sussex, New Jersey Appropriating the Total of \$620,000.00 of Which \$98,000.00 is from the General Capital-Capital Improvement Fund, \$80,505.00 General Capital-Reserve for Improvements to Roads, \$67,515.00 General Capital Fund Balance, \$203,200.00 from NJDOT 2021 Municipal Aid Program, and \$170,780.00 from NJDOT 2022 Municipal Aid Program

Mayor Phillips opened the meeting for public comments. There being no public comments offered, Rose motioned to close Public Hearing and adopt the Ordinance.

Seconded: DeYoung

Discussion: Mayor Phillips explained that she had voted no on introduction of said ordinance as she was not comfortable discussing decreasing the open space trust fund as part of budget discussions.

Upon roll call vote:

Ayes: DeYoung, Qarmout, Raffay, Rose, Mayor Phillips

Nays: None

Abstentions: None

Absent: None

**NEW BUSINESS:**

- a. **Resolution 2023-70** - Authorize Shared Services Agreement with SCUMA Recycling Coordinator

Motion: Qarmout

Seconded: Raffay

Discussion: The Township Clerk explained that as discussed at the last meeting the Recycling Coordinator resigned. This is a Shared Services Agreement for \$300.00 with the County.

Upon roll call vote:

Ayes: DeYoung, Qarmout, Raffay, Rose, Mayor Phillips

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Nays: None  
Abstentions: None  
Absent: None

**b. Resolution 2023-71 - 2023 Budget Introduction (Public Hearing scheduled for April 17, 2023)**

Motion: Raffay

Seconded: Rose

Discussion: DeYoung asked when will we see the school budget. Mayor Phillips responded that they may have introduced last week.

Upon roll call vote:

Ayes: DeYoung, Qarmout, Raffay, Rose, Mayor Phillips

Nays: None

Abstentions: None

Absent: None

**c. Resolution 2023-73 - Authorize the Issuance of an RFP for Hunts Road Engineering Services**

Motion: Raffay

Seconded: DeYoung

Discussion: The Township Clerk stated that American Rescue funds will be used to do this project.

Upon roll call vote:

Ayes: DeYoung, Qarmout, Raffay, Rose, Mayor Phillips

Nays: None

Abstentions: None

Absent: None

**d. Resolution 2023-74 - Bills List (03/03/2023 to 03/16/2023)**

Motion: Qarmout

Seconded: Raffay

Discussion: None

Upon roll call vote:

Ayes: DeYoung, Qarmout, Raffay, Rose, Mayor Phillips

Nays: None

Abstentions: None

Absent: None

**e. Resolution 2023-75 - Developers Escrow Trust (03/03/2023 to 03/16/2023)**

Motion: Raffay

Seconded: DeYoung

Discussion: None

Upon roll call vote:

Ayes: DeYoung, Qarmout, Raffay, Rose, Mayor Phillips

Nays: None

Abstentions: None

Absent: None

**f. Resolution 2023-76 - Appoint DPW Laborer**

Motion: Raffay

Seconded: DeYoung

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Discussion: The Township Clerk explained that four candidates were contacted for interviews, two candidates declined the interviews, two candidates were interviewed by the Personnel Subcommittee, the Superintendent of Public Works and the Township Clerk/Administrator. The resolution contains the recommended candidate.

Upon roll call vote:

Ayes: DeYoung, Qarmout, Raffay, Rose, Mayor Phillips

Nays: None

Abstentions: None

Absent: None

- g. Resolution 2023-77** - Authorize Agreement with J. Caldwell and Associates for Zone Change Revisions

Motion: DeYoung

Seconded: Rose

Discussion: The Township Clerk explained this will revise the zone in the Lake Tranquility area to better reflect the existing conditions.

Upon roll call vote:

Ayes: DeYoung, Qarmout, Rose, Mayor Phillips

Nays: Raffay

Abstentions: None

Absent: None

- h. Resolution 2023-78** - Authorize Positive Pay Setup Form with Provident Bank

Motion: Rose

Seconded: Raffay

Discussion: The CFO explained the Positive Pay Program which is fraud protection for vendor payments. Qarmout questioned the contract with Provident and the interest rates offered.

Upon roll call vote:

Ayes: DeYoung, Raffay, Rose, Mayor Phillips

Nays: None

Abstentions: Qarmout

Absent: None

- i. Introduction Ordinance 2023-05** - Amending the Code of the Township of Green in Order to Repeal and Replace Existing Chapter 14 "Vacant and Abandoned Properties"

Raffay motioned to introduce the Ordinance and move to Public Hearing on April 3, 2023

Seconded: Qarmout

Discussion: None

Upon roll call vote:

Ayes: DeYoung, Qarmout, Raffay, Rose, Mayor Phillips

Nays: None

Abstentions: None

Absent: None

- j. Minutes ready for approval** - March 6, 2023, regular meeting and executive session

Motion: Qarmout

Seconded: Raffay

Discussion: None

Upon roll call vote:



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Ayes: DeYoung, Qarmout, Raffay, Mayor Phillips  
Nays: None  
Abstentions: Rose  
Absent: None

**MATTERS FROM THE TOWNSHIP CLERK:** The Township Clerk offered the following report:

***Planet Networks** - The install with all aerial streets is yet to be completed, but they are making excellent progress. They would like to start planning the install for underground neighborhoods. This will be handled by way of a road opening permit similar to the natural gas expansion in the Lake Tranquility section.*

***Cape Seal** - The two roadways treated last year with the Cape Seal process are developing some issues. The Township Engineer has been made aware and is contacting the vendor for comment. The Superintendent of Public Works and I are available if anyone wants a site visit.*

***Financial Disclosure Statements** - The new Local Finance Notice (LFN 2023-08) will be released in the upcoming weeks for distribution to all Local Government Officials (LGO's). The statutory deadline for filing is April 30, 2023. Once this year's information is available the Deputy Clerk will inform all who need to file.*

***Pollinator Garden** - The Environmental Committee has asked if the Green DPW could prepare the site for the garden as soon as possible. Even if a grant is not received the plan is to construct part or all utilizing their yearly budget.*

The Committee has no issue with DPW performing site work for the garden.

***OEM Rave** - Sussex County Rave account is now active, and they are allowing Green Township to migrate all Rave information to utilize their system. This will save the Township approximately \$3,000.00 yearly.*

***Louis Bay Annual Scholarship** - No applications were received by the March 10<sup>th</sup> deadline.*

***Petitions for Municipal Office** - The June 6<sup>th</sup> primary deadline to submit petitions for the Democratic County Committee and the Township Committee for is 4:00 p.m., Monday, March 27, 2023.*

***Stormwater Infrastructure Mapping** - Green Township is eligible for a \$75,000.00 grant to supplement expenses in becoming a Tier A stormwater designation. On March 10<sup>th</sup> the application was submitted for the first installment of \$25,000.00. We are hoping to receive these funds quickly. To receive the remaining \$50,000.00, the following three items need to be completed. The completion of the permit and operation & maintenance manual and stormwater infrastructure mapping. There are two methods to achieve the mapping, outside vendor or an in-house project. I propose to schedule a few Saturdays to collect and record the data using the new software. This will allow the DPW to continue with regular weekday scheduling but allows for the rapid collection of needed data. I would supervise all collection and the salaries would be covered within the grant. The Township Clerk will look into costs associated with the collection and recording of the data.*

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**MATTERS FROM THE GOVERNING BODY:** DeYoung commented that he recently had a State Trooper knock on his door as there was some teenage mischief going on in the area. The Trooper asked if he had any damage to his property.

Mayor Phillips informed the Committee that she will be going to Trenton on March 29, 2023, to participate in the Mayor's Legislative Day. They will be posthumously inducting Daniel Conkling into the Elected Officials Hall of Fame.

**MATTERS FROM THE TOWNSHIP ATTORNEY:** The Township Attorney had no matters for discussion.

**MATTERS FROM THE SUPERINTENDENT OF PUBLIC WORKS:** The Superintendent of Public Works offered the following report:

- *Working on baseball and softball fields to get ready for spring season*
- *Trail maintenance and mowing brush on the County Connect Trail*
- *2 Basin repairs*
- *Swept Roads, curb lines*
- *Cleaning out flows and pipe inlets with Vac-All*
- *Patched Potholes various roads as needed*
- *Start various jobs to get pavilion ready to open 4/1*
- *Repaired Ramp in front of Townhall*
- *Replaced Light bulbs Townhall and Tranquility Post Office*
- *Replaced USA and POW Flags at Townhall*

The Township Clerk asked if there is any consideration to fixing the dugouts at Wesley Field. The Superintendent of Public Works will be removing the dugouts and replacing with benches, like the ones at EverGreen Park. Water is coming in behind the brick, nails coming through the roof shingles which is a safety hazard.

Mayor Phillips noted the new guardrail on Pequest Road and Phillips Road was hit and one of the posts is bent.

Mayor Phillips asked if there has been any response from Allamuchy regarding the shared services agreement for basin cleanout services. They will be contacted for an update.

**OPEN PUBLIC SESSION #2:** Mayor Phillips opened the meeting to the public for any questions or comments concerning items on the agenda for which no public discussion is provided. There being no public comments offered, Mayor Phillips closed Open Public Session #2.

**EXECUTIVE SESSION:** Resolution ES2023-06

- Contract Negotiations - Tranquility Post Office
- Attorney-Client Advice - Open Space Ordinance
- Attorney-Client Advice - Propane Billing Discrepancy
- Attorney-Client Advice - State v. Forte - Complaint No. 001881

Mayor Phillips announced it is anticipated that each of these subject matters will be made public at the conclusion of each individual specified subject matter and that no action is anticipated to be taken at the conclusion of Executive Session.

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Qarmout motioned to enter Executive Session at 7:59 p.m.

Seconded: Raffay

Discussion: None

All were in favor.

The Committee returned to Open Public Session at 9:06 p.m.

Raffay motioned to adjourn Executive Session and return to Open Public Session

Seconded: DeYoung

Discussion: None

All were in favor.

Mayor Phillips announced the next meeting is scheduled for Monday, April 3, 2023, at 7:00 p.m.

**ADJOURNMENT:**


Rose motioned to adjourn at 9:07 p.m.

Seconded: DeYoung

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: April 3, 2023

**RESOLUTION 2023-72**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**SUSSEX COUNTY, NEW JERSEY**

**RAFFLE LICENSES APPROVAL**

**BE IT RESOLVED** BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF GREEN IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY that three (3) Raffle Licenses be issued to the Green Township PTA for:

Bingo License  
On Premise 50/50 Draw  
On Premise Merchandise Draw

to be held at Green Hills School on the following date:

May 6, 2023

at the Green Hills School  
69 Mackerley Road

DATED: March 20, 2023

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 March 20, 2023.

  
\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DeYoung	√		√			
Qarmout			√			
Raffay		√	√			
Rose			√			
Mayor Phillips			√			

**ORDINANCE NO. 2023-04**

**TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**CAPITAL ORDINANCE FOR IMPROVEMENTS TO CREEK ROAD, PHASES I & II IN BY THE TOWNSHIP OF GREEN IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE TOTAL OF \$620,000.00, OF WHICH \$98,000.00 IS FROM THE GENERAL CAPITAL-CAPITAL IMPROVEMENT FUND, \$80,505.00 GENERAL CAPITAL-RESERVE FOR IMPROVEMENTS TO ROADS, \$67,515.00 GENERAL CAPITAL FUND BALANCE, \$203,200.00 FROM NJDOT 2021 MUNICIPAL AID PROGRAM, AND \$170,780.00 FROM NJDOT 2022 MUNICIPAL AID PROGRAM**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF GREEN, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

**Section 1.** The improvements to Creek Road, Phases I and II are hereby authorized as general improvements to be made or acquired by the Township of Green, New Jersey. For the said improvements or purposes stated in said Section 2, there is hereby appropriated the total sum of \$620,000.00; with \$98,000.00 from monies available in the General Capital – Capital Improvement Fund, \$80,505.00 General Capital – Reserve for Improvements to Roads, \$67,515.00 General Capital Fund Balance of the Township, \$203,200.00 in funding being provided by the New Jersey Department of Transportation’s (NJDOT), Fiscal Year 2021 Municipal Aid Program and \$170,780.00 in funding being provided by the New Jersey Department of Transportation’s (NJDOT), Fiscal Year 2022 Municipal Aid Program

**Section 2.** The improvements hereby authorized and the purpose for which said appropriation is made are for the improvement of Creek Road, Phases I and II in the Township of Green.

**Section 3.** The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

ORDINANCE NO. 2023-04  
TOWNSHIP OF GREEN, COUNTY OF SUSSEX

**Section 4.** The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 2 of the capital ordinance are capital expenses and are each a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed by this capital ordinance, is fifteen (15) years.

**Section 5.** This ordinance shall take effect after publication after final adoption, as provided by law.

NOTICE

The above-entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on March 6, 2023, and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on March 20, 2023.

ATTEST:

TOWNSHIP OF GREEN,  
IN THE COUNTY OF SUSSEX

  
\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

  
\_\_\_\_\_  
Margaret Phillips, Mayor

**Record of Vote - Introduction:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
DeYoung		√	√			
Qarmout	√		√			
Raffay			√			
Rose						√
Mayor Phillips			√			

**Record of Vote - Adoption:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
DeYoung		√	√			
Qarmout			√			
Raffay			√			
Rose	√		√			
Mayor Phillips			√			

INTRODUCED: March 6, 2023  
ADOPTED: March 20, 2023

ADVERTISED: March 10, 2023  
ADVERTISED: March 24, 2023

**RESOLUTION 2023-70  
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN  
COUNTY OF SUSSEX, STATE OF NJ**

**AUTHORIZING A SHARED SERVICES AGREEMENT  
WITH SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR CERTIFIED  
RECYCLING PROFESSIONAL (CRP) SERVICES**

**WHEREAS**, the Township of Green has a need to retain Certified Recycling Professional (CRP) services of the Sussex County Municipal Utilities Authority for certification of the 2022 Annual Recycling Tonnage Report; and

**WHEREAS**, the Township of Green has determined that it would be mutually beneficial to enter into this shared services agreement.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Green, County of Sussex, State of New Jersey does hereby authorize the Mayor and/or Municipal Clerk to execute a shared services agreement with Sussex County Municipal Utilities Authority to retain CRP services for certification of the Annual Recycling Tonnage Report at a cost not to exceed \$300.00.

**BE IT FURTHER RESOLVED**, a copy of this Resolution shall be forwarded to the DCA Division of Local Government Services, as required by N.J.S.A. 40A:65-4.

DATED: March 20, 2023

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 March 20, 2023.

  
\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DeYoung			√			
Qarmout	√		√			
Raffay		√	√			
Rose			√			
Mayor Phillips			√			

**RESOLUTION 2023-71  
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN  
SUSSEX COUNTY, NEW JERSEY**

**INTRODUCE 2023 BUDGET**

**BE IT RESOLVED** that the Local Municipal budget of the Township of Green, County of Sussex, New Jersey for the fiscal year 2023 be approved by the Township Committee of the Township of Green, and the Clerk is hereby instructed to advertise in the New Jersey Herald, and that a final public hearing before passage will be held on April 17, 2023, at 7:00 p.m. at the Municipal Building and that said budget shall authorize total general appropriations of \$3,976,879.23 and the anticipated revenues of \$1,071,021.25 leaving an amount to be raised by taxes for municipal purposes of \$2,905,857.98.

DATED: March 20, 2023

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 March 20, 2023.



\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

cc: Linda Di Lorenzo, CMFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DeYoung			√			
Qarmout			√			
Raffay	√		√			
Rose		√	√			
Mayor Phillips			√			



**RESOLUTION 2023-73  
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN  
COUNTY OF SUSSEX, STATE OF NJ**

**RESOLUTION AUTHORIZING THE ISSUANCE OF  
REQUEST FOR PROPOSALS (RFP)  
HUNTS ROAD ENGINEERING SERVICES**

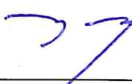
**WHEREAS**, Section 9901 of the American Rescue Plan Act of 2021 (P.L. 117-2) (hereafter "ARP"), enacted by the Congress of the United State of America, establishes the Coronavirus Local Fiscal Recovery Fund for the purpose of providing financial support to local units of government such as counties, cities and towns; and

**WHEREAS**, the Township of Green, in the County of Sussex, State of New Jersey has received a distribution of funds in the amount of \$363,304.54 from the Coronavirus Local Fiscal Recovery Fund and authorizes the use of these funds for said project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Green, County of Sussex, State of New Jersey authorizes the Township Clerk to issue an RFP for the Professional Engineering Services to address Hunts Road embankment failure. The Township of Green is soliciting proposals for this position through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

DATED: March 20, 2023

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 March 20, 2023.

  
\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DeYoung		√	√			
Qarmout			√			
Raffay	√		√			
Rose			√			
Mayor Phillips			√			

**RESOLUTION 2023-74  
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN  
COUNTY OF SUSSEX, STATE OF NJ**

**BILLS LIST (03/03/2023 to 03/16/2023)**

**BE IT RESOLVED** BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF GREEN IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY that the List of Bills dated from 03/03/2023 to 03/16/2023 attached to and made a part of this Resolution is hereby accepted and approved for payment.

DATED: March 20, 2023

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 regular meeting held on March 20, 2023.

  
\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DeYoung			√			
Qarmout	√		√			
Raffay		√	√			
Rose			√			
Mayor Phillips			√			

### List of Bills - CLEARING ACCOUNT (FUND 01 02 04 12 19)

Meeting Date: 03/20/2023 For bills from 03/02/2023 to 03/16/2023

Check#	Vendor	Description	Payment	Check Total
11855	33 - AT&T	PO 15912 Long Distance 2023	83.94	83.94
11856	1908 - Brady & Correale, LLP	PO 15908 Land Use Board Legal Services	314.25	314.25
11857	1171 - Building Safety Conference of NJ	PO 15941 Mantz-Registration for Building Safety C	249.00	249.00
11858	448 - County of Sussex Dpt of Engineering	PO 15811 Street Signs 2023	359.40	359.40
11859	1577 - Franklin Precast Tanks	PO 15804 Drainage Supplies 2023	1,120.00	1,120.00
11860	1380 - Garden State Labs Inc.	PO 15890 Water Test MB 2023	100.00	100.00
11861	120 - Harold E. Pellow & Associates, Inc.	PO 15451 Engineering Services	312.00	
		PO 15513 Pequest Rd - Phase I	257.50	569.50
11862	188 - Home Depot Credit Services	PO 15828 Supplies 2023	337.50	337.50
11863	108 - Honeywell International Inc.	PO 15784 2023 Contract Acct#530721	1,819.41	1,819.41
11864	1153 - Lowe's	PO 15849 Supplies/Hardware 2023	53.12	53.12
11865	12 - NJ State League of Municipalities	PO 15927 3/09/2023 Webinar for Linda DiLorenzo	75.00	75.00
11866	98 - NJ-Dept of Health and Senior Svs	PO 15926 Dog License fees	255.60	255.60
11867	1892 - PenTeleData	PO 15858 Internet Service for MB 2023	170.90	170.90
11868	2047 - Quadient Leasing USA, Inc.	PO 15930 Ink Cartridge	140.60	140.60
11869	418 - R & L Data Centers	PO 15861 Payroll Service 2023	304.80	304.80
11870	1896 - SeptiCare	PO 15510 Porta John for Wesley Field	185.00	185.00
11871	123 - Staples Advantage	PO 15947 March Supply Order 2023	659.86	659.86
11872	1152 - Statewide Insurance Fund	PO 15906 Workers Comp/All Lines Insurance 2023	35,275.89	35,275.89
11873	114 - Sussex County MUA	PO 15843 Municipal/Household 2023	4,353.60	4,353.60
11874	1839 - Treasurer, State of NJ	PO 15945 Life Hazard inspections	1,188.00	1,188.00
11875	1659 - Tree King Inc.	PO 15208 Tree Service	17,570.00	17,570.00
11876	2078 - UniFirst Corporation	PO 15878 Uniform Rental 2023	395.98	395.98
11877	1923 - Valley Medical Group	PO 15951 Drug Screening DPW	123.00	123.00
11878	29 - Verizon Wireless	PO 15782 Modem-OEM 2023	38.01	
		PO 15918 DPW Cell Service 2023	247.20	285.21
TOTAL				65,989.56

Total to be paid from Fund 01 CURRENT FUND	64,356.46
Total to be paid from Fund 04 GENERAL CAPITAL	1,377.50
Total to be paid from Fund 12 ANIMAL FUND	255.60
	=====
	65,989.56

#### Checks Previously Disbursed

9999	Treasurer, State of NJ/2003	PO# 15904 NJDEP Loan-Lk Tranquility Dam	19,279.23	3/08/2023
9999	Treasurer, State of NJ/2003	PO# 15903 NJDEP Loan-Lk Tranquility Dam	13,742.35	3/08/2023
9999	Payroll Account	3/15/2023	39,807.58	3/13/2023
9999	State of NJ-Division of Pensions	PO# 15801 Active - Health/Dental Insurance	15,219.34	3/15/2023
9999	State of NJ Div of Pensions/Benefit	PO# 15800 Retired - Health Insurance	9,462.36	3/15/2023
9999	Chase NYC ABA021000021	PO# 15949 Bond Interest	2,921.25	3/15/2023
11766	Airgas USA, LLC	PO# 15789 Cylinder Lease-DPW 2023	872.18	2/06/2023
11766	Airgas USA, LLC	Lost in mail	-872.18	3/13/2023 *VOID*
11854	Airgas USA, LLC	PO# 15789 Cylinder Lease-DPW 2023	872.18	3/13/2023
			-----	
			102,176.47	
			-872.18	*VOIDED
			-----	
			101,304.29	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 CURRENT FUND	101,304.29	64,356.46	165,660.75
Fund 04 GENERAL CAPITAL		1,377.50	1,377.50
Fund 12 ANIMAL FUND		255.60	255.60

### List of Bills - CLEARING ACCOUNT (FUND 01 02 04 12 19)

Meeting Date: 03/20/2023 For bills from 03/02/2023 to 03/16/2023

Check#	Vendor	Description	Payment	Check Total
<hr/>				
	BILLS LIST TOTALS	101,304.29	65,989.56	<u>167,293.85</u>

**RESOLUTION 2023-75  
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN  
COUNTY OF SUSSEX, STATE OF NJ**

**DEVELOPERS ESCROW TRUST (03/03/2023 to 03/16/2023)**

**BE IT RESOLVED** BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF GREEN IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY that the List of Bills for the Developers Escrow Trust dated from 03/03/2023 to 03/16/2023 attached to and made a part of this Resolution is hereby accepted and approved for payment.

DATED: March 20, 2023

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 regular meeting held on March 20, 2023.

  
\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DeYoung		√	√			
Qarmout			√			
Raffay	√		√			
Rose			√			
Mayor Phillips			√			

**List of Bills - (1410101002) CASH - Developers Escrow-Provident Bank  
DEVELOPERS ESCROW TRUST**

Meeting Date: 03/20/2023 For bills from 03/03/2023 to 03/16/2023

ck#	Vendor	Description	Payment	Check Total
7524	1908 - Brady & Correale, LLP	PO 15909 LU2105 Turner	307.65	
		PO 15910 LU2211 Roio	139.05	
		PO 15952 LU1808 Airside, Inc.	262.50	709.20
7525	1937 - Harold E. Pellow & Associates, Inc.	PO 15722 LU2211 Roio	168.00	
		PO 15953 SE2302 Wijedasa	133.35	
		PO 15954 R02007 Elizabethtown Gas	56.00	
		PO 15955 R02218 Elizabethtown Gas	112.00	
		PO 15956 R02301 Elizabethtown Gas	112.00	
		PO 15957 LU1808 Airside, Inc.	138.00	
		PO 15960 LU2105 Turner	1,224.00	1,943.35
7526	1877 - J. Caldwell & Associates	PO 15931 LU2105 Turner	260.00	260.00
	TOTAL			----- 2,912.55
Total to be paid from Fund 14 DEVELOPERS ESCROW TRUST		2,912.55		
		=====		
		2,912.55		

**RESOLUTION 2023-76  
TOWNSHIP COMMITTEE – TOWNSHIP OF GREEN  
COUNTY OF SUSSEX, STATE OF NJ**

**A RESOLUTION APPOINTING JOSEPH CHAVARRIA AS LABORER**

**WHEREAS**, the Green Township Department of Public Works is in need of a laborer position; and

**WHEREAS**, the Township Administrator and Personal Sub-Committee interviewed Joseph Chavarria; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Green in the County of Sussex and State of New Jersey is pleased to confirm the appointment of Joseph Chavarria effective April 3, 2023, at an hourly rate of \$20.00 per hour.

**BE IT FURTHER RESOLVED** that Joseph Chavarria is required to obtain CDL training and license, the cost of which is being advanced by the Township and will be subject to the Township’s reimbursement policy

**BE IT FURTHER RESOLVED** that his employment is subject to the usual terms and conditions as set forth in the Township of Green Personnel Policy Manual, as well as New Jersey Civil Service Law.

DATED: March 20, 2023

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 March 20, 2023.

  
\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

cc: Linda DiLorenzo, CFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DeYoung		√	√			
Qarmout			√			
Raffay	√		√			
Rose			√			
Mayor Phillips			√			

**RESOLUTION 2023-77**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**AUTHORIZING AN AGREEMENT FOR THE REVISION OF THE R-1.5 ZONE**

**BE IT RESOLVED**, that the Township Committee of the Township of Green, County of Sussex, State of New Jersey authorizes an agreement with the J Caldwell & Associates, LLC to revise the R-1.5 Zone, to better reflect existing conditions in the zone, at a cost not to exceed \$4,550.00.

DATED: March 20, 2023

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 March 20, 2023.

  
\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

cc: Linda DiLorenzo, CFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DeYoung	√		√			
Qarmout			√			
Raffay				√		
Rose		√	√			
Mayor Phillips			√			



**RESOLUTION 2023-78  
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN  
COUNTY OF SUSSEX, STATE OF NJ**

**RESOLUTION AUTHORIZING THE POSITIVE  
PAY SETUP FORM FROM PROVIDENT BANK**

**WHEREAS**, the Township of Green currently uses Provident Bank for the Township's online banking; and

**WHEREAS**, Provident Bank now offers a payment application service ("Positive Pay") to assist with the managing of the risk of unauthorized check and Automated Clearing House ("ACH") transactions in the Township's banking accounts; and

**WHEREAS**, the Township Committee feels it is in the best interest of the Township to move forward with Positive Pay for any unauthorized transactions.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Green, County of Sussex, State of New Jersey, authorizes the Township Clerk and/or the Mayor to execute the Positive Pay Setup Form from Provident Bank in order to protect the Township's accounts from any unauthorized transactions; and

**BE IT FURTHER RESOLVED**, that a copy of the Positive Pay Setup Form is attached and made part of this Resolution.

DATED: March 20, 2023

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 March 20, 2023.

  
\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

cc: Linda Di Lorenzo, CFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
DeYoung			√			
Qarmout					√	
Raffay		√	√			
Rose	√		√			
Mayor Phillips			√			

ORDINANCE NO. 2023-05

TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NEW JERSEY

AN ORDINANCE AMENDING THE CODE OF THE  
TOWNSHIP OF GREEN IN ORDER TO REPEAL AND REPLACE EXISTING CHAPTER  
14 "VACANT AND ABANDONED PROPERTIES"

**WHEREAS**, the Green Township Committee previously adopted Ordinance 2016-04 which established Chapter 14, "Vacant and Abandoned Properties". The Township Committee desires to amend Chapter 14 in order to make it consistent P.L. 2021, Chapter 444, which includes uniform requirements for municipal vacant and abandoned property registration programs.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Green, Sussex County, New Jersey, that existing Chapter 14, of the Code of the Township of Green entitled "Vacant and Abandoned Properties" is repealed and replaced as follows:

**SECTION 1:**

**ARTICLE I – REGISTRATION OF VACANT PROPERTIES**

**SECTION 14-1 - DEFINITIONS**

As used in this section, the following terms shall have the meanings indicated:

- a. **ABANDONED PROPERTY** - As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:
  1. Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six (6) months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:
    - (a) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six (6) month period;
    - (b) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the Public Officer pursuant to this section;
    - (c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with N.J.S.A. 54:4-1 et seq., as of the date of a determination by the Public Officer pursuant to this section;  
or
    - (d) The property has been determined to be a nuisance by the Public Officer in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).

2. A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq., so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the Public Officer and the property meets the criteria of either Subsection (1)(a) or Subsection (1)(d) of this Section 14-1.
  - b. **ACTIVELY MARKETED VACANT PROPERTIES** - Owners of properties meeting the definition of "Vacant Property" that are being bonafidely actively marketed for sale shall file a Registration Statement with the Township in accordance with the terms and conditions of this Chapter, but shall be exempt from the payment of a registration fee. The owner of any such property in order to be exempt from the payment of a registration fee shall provide adequate proof to the Township of the bonafide active marketing of the property for sale by providing such evidence of such bonafide active marketing activities as shall be reasonably required by the Township, including but not limited to, copies of listing agreements and/or pending contracts of sale or other advertising or marketing efforts being made by the property owner directly to promote the sale of the property. Although exempt from the payment of any registration fee, in all other respects, the property owner of any vacant property that is being bonafidely actively marketed for sale shall be required to maintain the property while it is being bonafidely actively marketed in accordance with this Chapter and all other ordinances of the Township of Green.
  - c. **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 Chapter. For purposes of this Chapter, 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.
  - d. **EVIDENCE OF VACANCY OR ABANDONMENT** -
    1. In addition to the definitions of vacant and abandoned property in this Chapter, a property shall be considered vacant and/or abandoned if it is not legally occupied by the owner or tenant(s), and which is in such condition that it cannot be legally reoccupied because of the presence or finding of at least two (2) of the following:
      - (a) overgrown or neglected vegetation;
      - (b) the accumulation of newspapers, circulars, flyers, or mail on the property;
      - (c) disconnected gas, electric or water utility services to the property;
      - (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;

- (e) the accumulation of junk, litter, trash, or debris on the property;
  - (f) the absence of window treatments such as blinds, curtains or shutters;
  - (g) the absence of furnishings and personal items;
  - (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant or abandoned;
  - (i) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken and unrepaired;
  - (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
  - (k) 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;
  - (l) 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;
  - (m) 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;
  - (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
  - (o) any other reasonable indicia of abandonment.
2. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.
- e. **OWNER** - Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51, or any other entity determined by the Township of Green to act with respect to the property. The term "Owner" shall not include any duly licensed real estate agent engaged solely in the sale of the property on behalf of the Owner.
- f. **PROPERTIES UNDER REPAIR OR RENOVATION** - Owners of properties meeting the definition of "vacant property" that are in the process of being repaired or renovated shall file a Registration Statement with the Township in accordance with the terms and conditions of this chapter, but shall be exempt from the payment of a registration fee. The owner of any such property in order to be exempt from the payment of a registration fee shall have obtained all necessary permits and approvals from the Township to repair or renovate the property and shall demonstrate proof to the Township of diligent continuous efforts by the owner to promptly complete the repair or renovation of any such property.
- g. **PUBLIC OFFICER** - as designated in Section 14-14.

- h. **SEASONAL RESIDENCES** - Seasonal residences shall be those residences in the Township of Green which may only be lawfully occupied on a limited single basis and not on a year round basis. For seasonal properties, the properties shall not be considered abandoned or vacant for purposes of this ordinance unless said residence is abandoned or vacant during the period of time when it may be lawfully seasonably occupied.
- i. **SEASONALLY OCCUPIED PROPERTIES** - Seasonally occupied properties shall be those properties in the Township which are occupied on a limited, part-time or seasonal basis and not on a year-round basis by the owner. Owners of seasonably occupied residences shall be required to file a registration statement with the Township, but shall be exempt from payment of any registration fee and the posting of a placard on the property as otherwise required by Section 14-5 of this Chapter.
- j. **VACANT PROPERTY** - Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three (3) months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least (3) three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Township for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

#### **SECTION 14-2 - GENERAL REQUIREMENTS.**

- a. The owner of any vacant or abandoned property as defined herein shall, within 30 days after the building becomes vacant or abandoned property or within 30 days after assuming ownership of the vacant or abandoned property, whichever is later, file a registration statement for each such vacant or abandoned property with the Township of Green on forms provided by the Township of Green for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant or abandoned property and shall pay a registration or renewal fee in the amount prescribed in Subsection 14-4 of this Chapter for each vacant property registered. The initial and renewal fees shall be prorated and or credited accordingly upon legal occupancy.
- b. Any owner of any building that meets the definition of "vacant property" or "abandoned property" prior to (adoption date) shall file a registration statement for that property on or before (adoption date plus 60 days). The registration statement shall include the information required under Section 14-3 of this Chapter, as well as any additional information that the Public Officer may reasonably require.

The owner shall notify the Township of Green within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Township of Green for such purpose.

- c. The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Green against the owner or owners of the building.

**SECTION 14-3 - REGISTRATION STATEMENT REQUIREMENTS; PROPERTY INSPECTION**

- a. After filing a registration statement or a renewal of a registration statement, the owner of any vacant or abandoned property shall provide access to the Township of Green Public Officer if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Continued Certificate of Occupancy inspection as provided in the applicable provisions of the Code of the Township of Green.
- b. The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.
- c. An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.

By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Township of Green of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

**SECTION 14-4 - FEE SCHEDULE: OWNERS**

The initial registration fee for each building shall be \$500. The fee for the first renewal is \$1,500. The fee for the second renewal is \$3,000. Subsequent renewals beyond the second renewal, shall be \$5,000. Initial fee shall be prorated according to the month of



registration and renewal fees shall be credited when a property becomes legally occupied during a renewal period.

**Vacant and Abandoned Property Registration Fee Schedule**

<b>Registration</b>	<b>Fee</b>
Initial registration (per property)	\$500
First renewal of registration (per property)	\$1,500
Second renewal of registration (per property)	\$3,000
Subsequent renewals beyond second renewal	\$5,000

**SECTION 14-5 - REQUIREMENTS FOR OWNERS OF VACANT AND ABANDONED PROPERTY.**

- a. The owner of any building that has become vacant or abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, immediately:
  - 1. Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Subsection 14-3 of this section), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and
  - 2. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Township of Green and maintain the sign required in Subsection 14-5(a)(1) above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
  - 3. Make provision for the maintenance of the lawn and yard, including regular grass cutting and leaf and brush removal and shall also comply with all applicable provisions of the Code of the Township of Green; and;
  - 4. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Township of Green for the delivery of circulars and advertisements to the property; and
  - 5. Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system, and
  - 6. Make provision for the cessation of electric or gas utility services to the

property; other than buildings with a fire sprinkler system, and

7. Make provision for the regular maintenance of the exterior of the property.

#### **SECTION 14-6 - ADMINISTRATION**

The Township of Green Mayor and Committee may issue rules and regulations for the administration of the provisions of this section.

#### **SECTION 14-7 - VIOLATIONS AND PENALTIES**

- a. Any person, persons, firm, corporation or other entity violating any of the provisions of this Chapter shall, upon conviction thereof, be liable to the penalties set forth in Chapter I, Section 1-5 General Penalty. Each and every day that the violation continues shall constitute a separate offense.
- b. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Subsection 14-5 of this section, or such other matters as may be established by the rules and regulations of the Township of Green shall be deemed to be a violation of this section.

#### **SECTION 14-8 - COMPLIANCE WITH OTHER PROVISIONS**

Nothing in this section is intended to nor shall be read to conflict or prevent the Township of Green from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Township of Green and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this section.

#### **SECTION 14-9 - REQUEST FOR EXEMPTION**

Any owner having received notice from the Township that their property has been determined to be either vacant or abandoned may make a request in writing to the Township for an exemption from any of the provisions of this chapter by demonstrating to the Township such special circumstances peculiar to the property that warrants either a temporary or permanent exemption from any of the provisions of this Chapter. In the event of a denial of any such exemption request, the owner shall have the right to file an appeal in accordance with the provisions of Section 14-10 hereof.

#### **SECTION 14-10 - APPEALS**

Any owner having received notice from the Township that their property has been determined to be either vacant or abandoned shall have the right to appeal any such determination by any Township official directly to the Governing Body of the Township of Green. Any such appeal shall be taken within forty-five (45) days of the date of the receipt of notice from the Township of such vacant or abandoned property determination. The



appeal shall be in writing and served on the Township Clerk with a copy to the Township's Public Officer. Upon the filing of the appeal, all proceedings against the property shall be stayed pending the appeal process. The Governing Body shall schedule a hearing on the appeal as soon as practical at a regularly scheduled or special meeting of the Township Committee, at which time the property owner shall have the right to present relevant evidence to the Township Committee that the property is neither vacant or abandoned. Any such property owner shall have the right to be represented at any such hearing and shall have the right to call witnesses and present other relevant proof. The Mayor shall preside all such hearings, which shall to the extent applicable, be in accordance with the provisions of N.J.S.A. 40:55D-10.

## **ARTICLE II - FORECLOSURES**

### **SECTION 14-11 – 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. 46:10B-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 Sections 14-2 and 14-3 and comply with Section 14-5;
  2. The date the summons and complaint in an action to foreclose on a mortgage that was filed against the subject property, the court in which it was filed and the docket number of the filing;
  3. Identify whether the property is vacant and abandoned in accordance with the definitions in Section 14-1.
  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 ten (10) days of the change in that information;
  5. If there is any change in the property's status, update the property registration with the Township's Property Registration Program to reflect the change;
  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/or abandoned if it meets the definitions of Section 14-1.

- 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 thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. In addition, Sections 14-7 and 14-10 shall apply.
- f. Fees. The Creditor will pay an annual registration fee of:
  - 1. \$500.00 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 \$2,000.00 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
- g. Any fines imposed pursuant to this section shall commence thirty-one (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 eleven (11) days following receipt of the notice.
- h. Penalties of out-of-state Creditors. An out-of-state Creditor who fails to appoint an in-state representative or agent after the 10<sup>th</sup> day of the period set forth in N.J.S.A. 46:10B-51 shall be subject to a fine of \$2,500.00 for each day of the violation.
- i. 20% of any money collected pursuant to his section shall be utilized by the municipality for code enforcement.

**SECTION 14-12 – 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 ten (10) days of serving the summons and complaint, notifying the Township Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.

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- 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 Township Clerk shall forward a copy of the notice to the Public Officer or shall otherwise provide it 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 Township Clerk containing the updated name, address or telephone number within ten (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 Township Clerk shall notify the Creditor or the representative or agent.
- i. The Township shall include a description of the conditions that give rise to the violation with the notice of violation and shall provide a period of not less than thirty (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.

**ARTICLE III - MUNICIPAL POWERS TO REHABILITATE  
ABANDONED PROPERTIES**

**SECTION 14-13 - MUNICIPAL POWERS TO REHABILITATE ABANDONED PROPERTY**

The Township of Green hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set forth, inter alia, in the "Abandoned Properties Rehabilitation Act" (N.J.S.A. 55:19-78 et seq.) and in applicable portions of the "New Jersey Urban Development Corporation Act" (N.J.S.A. 55- 19-1 through -77). These state statutory powers are collectively referred to herein as the "enabling statutes."

**SECTION 14-14 - PUBLIC OFFICER**

The Public Officer, as defined in N.J.S.A. 55:19-80, who is responsible for executing the provisions of this chapter for the rehabilitation of abandoned property, and enforce the requirements of Chapter 14 is the Township Clerk and such other positions or individuals as may be designated by resolution of the Township Committee.

**SECTION 14-15 - ABANDONED PROPERTY**

The Public Officer shall designate a property as an "abandoned property" if said property meets the criteria set forth in N.J.S.A. 55:19-81 (abandoned property criteria) and/or N.J.S.A. 55:19-82 (nuisance property criteria). The Public Officer's designation is limited by the provisions of N.J.S.A. 55:19-83.

**SECTION 14-16 - ABANDONED PROPERTY LIST**

The Public Officer shall establish an Abandoned Property List pursuant to N.J.S.A. 55:19-55. An interested party (as that term is defined in N.J.S.A. 55:19-105a) may request that the Public Officer include a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-105.

**SECTION 14-17 - RIGHTS OF OWNER OF ABANDONED PROPERTIES**

- a. The owner of a property on the Abandoned Property List has such rights designated to said owner by the enabling statutes. Such powers include but are not limited to:
1. Challenging the inclusion of a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-55e;
  2. Seeking removal from said list, pursuant to N.J.S.A. 55:19-57 and 55:19-103;
  3. Petitioning for reinstatement of control and possession, pursuant to N.J.S.A. 55:19-92 et seq.

## **SECTION 14-18 - MUNICIPAL POWERS**

- a. Township of Green has such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to:
1. Sale of tax lien, pursuant to N.J.S.A. 55:19-56;
  2. Special tax sales, pursuant to N.J.S.A. 55:19-101;
  3. Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;
  4. Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100;
  5. Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;
  6. Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;
  7. Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;
  8. Sale of property, pursuant to N.J.S.A. 55:19-96;
  9. Purchase of property, pursuant to N.J.S.A. 55:19-96;
  10. Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;
  11. Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56, 55:19-102.

## **SECTION 14-19 - RIGHTS OF UTILITIES**

Electric and natural gas utilities are granted such rights to abandoned properties as are set forth in N.J.S.A. 55:19-106.

## **SECTION 14-20 - INTERPRETATION**

All references in this chapter to state statutes include reference to all amendments thereto. References to particular sections of the enabling statutes are for ease of reference, but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in the enabling statutes or elsewhere in the New Jersey statutes.

## **SECTION 2:**

All ordinances or parts of ordinances of the Township of Green inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3:**

If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4:**

This law shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

TOWNSHIP OF GREEN,  
IN THE COUNTY OF SUSSEX

\_\_\_\_\_  
Mark Zschack, RMC, Township Clerk

\_\_\_\_\_  
Margaret Phillips, Mayor

**Record of Vote - Introduction:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
DeYoung			√			
Qarmout		√	√			
Raffay	√		√			
Rose			√			
Mayor Phillips			√			

**Record of Vote - Adoption:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
DeYoung						
Qarmout						
Raffay						
Rose						
Mayor Phillips						

INTRODUCED: March 20, 2023

ADVERTISED: March 24, 2023

ADOPTED:

ADVERTISED: