

**MINUTES
GREEN TOWNSHIP COMMITTEE
REGULAR MEETING APRIL 19, 2021**

CALL TO ORDER

Mayor Phillips called the April 19, 2021, meeting of the Green Township Committee to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

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

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

Also present: Mr. Mark Zschack, Township Clerk/Administrator; Mrs. Ursula Leo, Township Attorney; and Mrs. 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. Mayor Phillips noted no public members were present at this time and closed Open Public Session #1.

CONSENT AGENDA:

1. RESOLUTIONS: (Approval of the Following)

None

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

- a. Correspondence Received from Patti Hess Commending Karen Ferrone, Tax Collector
- b. Township of Vernon Resolution Adopted on April 12, 2021, Disapproving of the County of Sussex Imposing Additional Staff Overtime Election Fees

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

- a. Tax Collector's Report - February and March 2021
- b. Building Permit Fee Log Report - March 2021
- c. Open Space Advisory Committee Minutes - March 3, 2021
- d. Green Township Municipal Court Breakdown - March 2021
- e. Treasurer's Report - March 31, 2021
- f. Green Township Fire Department Incident Report - March 2021

4. APPLICATIONS: (Approval of the Following)

None

Motion: Mr. Qarmout

Seconded: Mr. Conkling

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	X			
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

DISCUSSIONS: Jake Brake Ordinance - Mayor Phillips stated that discussions took place last fall and it was noted to revisit discussion in the spring. It is the opinion of the Committee that the factory installed jake brake is a valuable and critical safety feature and have no interest in moving forward with an ordinance.

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OLD BUSINESS:

- a. Public Hearing Ordinance 2021-09 - Deleting Sections 30-50.3(h) and 30-82.18 of the Township Code and Prohibiting the Operation of any Class of Cannabis Businesses Within its Geographical Boundaries

Mayor Phillips noted a slight change to the ordinance as per the recommendation from the Land Use Board.

Mayor Phillips opened the meeting for public comments.

There being no public comments presented, Mr. Qarmout motioned to close Public Hearing and adopt the ordinance.

Seconded: Mrs. Raffay

Discussion: Mr. Conkling noted that the Township would not know if a delivery was happening.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	X			
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

Mayor Phillips discussed the timing of the next phase of reviewing the ordinance and incorporating modifications previously discussed. The Township Attorney will provide sample ordinances for the next meeting.

NEW BUSINESS:

- a. Resolution 2021-81 - Authorize Redemption of Tax Sale Certificate #945, Block 22, Lot 7.01

Motion: Mrs. Raffay

Seconded: Mr. Chirip

Discussion: Mr. Qarmout asked for clarification of the resolution. The Township Attorney stated that refund is to the lien holder.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	X			
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

- b. Resolution 2021-82 - 2021 Budget Adoption

Motion: Mr. Conkling

Seconded: Mrs. Raffay

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip			X	
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

- c. Resolution 2021-83 - Certification of Compliance Equal Employment Opportunity Commission

Motion: Mr. Chirip

Seconded: Mr. Conkling

Discussion: The Committee members signed the Group Affidavit Form.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	X			
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

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d. Resolution 2021-84 - Authorize Additional Extension of the FFCRA for Township Employees

Motion: Mr. Conkling
Seconded: Mrs. Raffay
Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	X			
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

e. Resolution 2021-85 - Bills List (04/01/2021 to 04/14/2021)

Motion: Mr. Qarmout
Seconded: Mrs. Raffay
Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	X			
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

f. Resolution 2021-86 - Disapprove of Additional Staff Overtime Election Fees

Motion: Mrs. Raffay
Seconded: Mr. Qarmout
Discussion: Mr. Zschack stated the County is charging overtime fees for the 2020 election process. Many Sussex County municipalities have adopted a similar resolution. Mayor Phillips added that the County can potentially apply for grants to get refunded for these expenses as it relates to COVID.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	X			
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

g. Resolution 2021-87 - Refund for Overpayment of Dog License - Paul McGuire

Motion: Mr. Chirip
Seconded: Mrs. Raffay
Discussion: Mr. Zschack stated the resolution is to correct the refund amount in a resolution previously adopted.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	X			
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

h. Introduction 2021-10 - Granting Municipal Consent for the Operation of a Cable Television System Within the Township of Green, New Jersey to CSC TKR, LLC

Mr. Conkling motioned to introduce the ordinance and move to Public Hearing on May 3, 2021
Seconded: Mrs. Raffay

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Discussion: Mr. Chirip asked if another company wanted to run cable in town would this ordinance prohibit them from granting them a license. The Township Attorney responded the ordinance is non-conclusive and required to access the pole for the expansion.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	X			
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

- i. **Introduction** Ordinance 2021-11 - Capital Ordinance for Improvements to Whitehall Road Appropriating the Total of \$342,000.00 of Which \$182,000.00 is From the General Capital Reserves – Road Improvements and \$160,000.00 is From the NJDOT Municipal Aid Program

Mr. Conkling motioned to introduce the ordinance and move to Public Hearing on May 3, 2021

Seconded: Mr. Qarmout

Discussion: Mr. Zschack referenced the map provided showing the portion of Whitehall Road that will be raised. The Committee discussed the potential improvements to lower Whitehall Road.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	X			
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

- j. Minutes ready for approval - April 5, 2021, Regular and Executive Sessions

Motion: Mrs. Raffay

Seconded: Mr. Qarmout

Discussion: None

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip			X	
Mr. Conkling	X			
Mr. Qarmout	X			
Mrs. Raffay	X			
Mrs. Phillips	X			

MATTERS FROM THE TOWNSHIP CLERK: Mr. Zschack noted the following matters:

2021 Grants - On April 7, Mr. Jason Miller and Mr. Mark Zschack met with Mr. Pete Sklannik to discuss current and future grant opportunities. The Paulins Kill and Pequest Watershed Grant that was applied for last year was denied. Two reasons for the denial are the stormwater control assets were not directly tied into the Paulins Kill River and Green Township does not employ a “full time” project manager to execute the work. We are now researching the 2021 Local Recreation Improvement Grant that helps cover costs associated with fields, walking or bicycle trails, rail trails, multi-sport courts, and recreational facilities. The DPW, Open Space and Recreation Committees have been requested to submit ideas.

First Quarter Job Site Observations - We have received 9 first quarter reports from Skylands Risk Management concerning facilities and job site observations. All reports indicate that proper safety techniques were utilized by DPW during all observations and all facilities inspected are safe with proper signage. Kudos to Mr. Perigo and Mr. Miller for maintaining a high standard of work safety and property maintenance.

Financial Disclosure Statement (FDS) - The deadline for the online submission of the annual Financial Disclosure Statements is now extended to May 31, 2021. Once received, the procedure will be forwarded to all that are eligible.

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Fire Department Antenna - The Fire Department antenna located on the cell tower at the DPW garage has suffered some storm damage and is bent and leaning on the tower. We have contacted the Risk Manager to determine if there is insurance coverage and are awaiting an answer.

Restrooms Sanitation Schedule - DPW for the past two weekends have sanitized the restrooms in EverGreen Park. This function has taken anywhere between two and three hours to complete. All of last year's overtime for this function was covered by the CARES Act. New CDC guidelines state "there is no significant risk of catching the coronavirus from a surface or object." The CDC clarified its position in that they said people generally contract COVID-19 through direct contact with a sick person or from airborne transmission. Mr. Zschack asked the Committee if they would like to continue this practice. A discussion was held and the Committee agreed to continue have the bathrooms cleaned and sanitized and revisit the discussion again in June.

Park Rules - There is a draft Ordinance, to be presented at the next meeting, allowing the Township to produce a list of park rules controlling. This will prevent the amending of an ordinance every time a rule needs to be added or removed. This list is in review by the DPW and Recreation Committee. Please review the list of park rules and offer comments.

Clean-up Day – Patty DeClesis, Clean Communities Coordinator, is currently working on a plan for Clean Communities Day potentially in September. A proposal is forthcoming and will be discussed at a future meeting. Mayor Phillips asked if the DPW can clean up upper Whitehall Road in the meantime.

Summer Hours - The municipal building employees will be moving to a summer schedule from June through August. Using a rotating schedule, the office hours will be 8:00 a.m. to 4:00 p.m. with the building open five days a week.

Purchase of Equipment - The following two items were planned to be purchased last year but were held off due to the uncertainty of COVID related expenses. The incumbered monies are either spent on these two items this year or returned to the Fund Balance in the 2022 budget. (\$15,000 each)

Line Striper: The intent of this purchase is to perform all line striping in-house to save money. This will not be used to strip centerline of roads but would be used to touch-up shoulder lines, stop lines and restripe all parking spaces. (municipal building, EverGreen Park, post offices)

Portable Sign: The original idea was to purchase a combination road sign and speed radar device. The total cost is for this type of system is prohibitive. The recommendation is to purchase one of the two portable signs which was reviewed by the Committee. Mr. Zschack also discussed speed limit signs. There is a possibility of receiving monies back from the CARES Act for a portable sign.

MATTERS FROM THE GOVERNING BODY: Mayor Phillips noted the letter in Correspondence complimenting the Tax Collector, Karen Ferrone. Kudos to Karen and the fine job she does for our residents.

Mayor Phillips provided an update regarding cable. Altice has assured they are doing the expansion on Hedden Road into Warren County. It has been communicated to Altice to keep moving forward and to follow-up with JCP&L.

Mayor Phillips stated there have been some glitches with Optimum and Service Electric recent billing. For current customers the bill pricing is carrying over as a legacy customer for a period of time. New customer rates are significantly higher.

Mayor Phillips noted the home on Pequest Road where the family has begun cleaning out. There is a fair amount of garbage bags out for collection. Blue Diamond had been taking the allotted amount. Mayor Phillips suggested contacting Blue Diamond to remove the current bags and then notify the property owner that going forward they cannot put out these large amounts of garbage bags.

Mr. Qarmout also commented on the letter commending the Tax Collector. It is great to see a letter with a positive note.

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Mr. Chirip thanked the Committee for taking care of business while he was waiting to be vaccinated; it is good to be back.

Mr. Conkling commented there is a large amount of Russian olive growing on the septic at the DPW that needs to be removed.

Mrs. Raffay also commented that it was very nice to receive a positive letter about the Tax Collector.

MATTERS FROM THE TOWNSHIP ATTORNEY: Mrs. Leo noted no matters to report.

MATTERS FROM THE MUNICIPAL DEPARTMENT HEAD: Mr. Zschack reviewed the DPW status reports of April 5 and 12, 2021. Mr. Conkling asked for the report to reflect the full fleet (trucks and equipment) with the type referenced (i.e., street sweeper).

Mr. Zschack stated there is a concern on the amount of dog waste at Papa Park. The garbage can at the park is overflowing with waste bags. According to our ordinance, dogs are not permitted in the park. There is signage to take waste out. A discussion ensued regarding permitting dogs in Papa Park. The Committee agreed to focus on the dog waste being removed by the dog walkers.

OPEN PUBLIC SESSION #2: Mayor Phillips opened the meeting for public comments. Mr. Jim DeYoung, 9 Hedden Road, thanked the Committee for the town's efforts and action.

There being no further public comments offered, Mayor Phillips closed Open Public Session #2.

EXECUTIVE SESSION: None

Mayor Phillips noted the next Township Committee Meeting is scheduled for Monday, May 3, 2021, at 7:00 p.m.

ADJOURNMENT:


Mr. Conkling motioned to adjourn at 8:11 p.m.

Seconded: Mr. Qarmout

Discussion: None

All were in favor.

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



Mark Zschack, RMC
Township Clerk

Date Approved: May 3, 2021

ORDINANCE NO. 2021-09
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

**AN ORDINANCE BY THE TOWNSHIP OF GREEN DELETING SECTIONS 30-50.3(h)
AND 30-82.18 OF THE TOWNSHIP CODE AND PROHIBITING THE
OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN
ITS GEOGRAPHICAL BOUNDARIES**

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

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WHEREAS, the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, the Act also stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, the failure of a municipality to act shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Green has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Green Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township's residents and members of the public who visit, travel, or conduct business in Township of Green, to amend the Township's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Green Township; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

Section 1. Pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors and/or cannabis delivery services are hereby prohibited from operating anywhere in the Township, except for the delivery of cannabis items and related supplies by a delivery service.

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TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

Section 2. Section 30-59 of the Township Code of the Township of Green is hereby amended by adding the following:

“All classes of cannabis establishments or cannabis distributors and/or cannabis delivery are prohibited in all zoning districts. This prohibition does not prohibit the delivery of cannabis items and related supplies directly to a customer within Green Township by a Class 6 licensed business located outside Green Township.”

Section 3. Section 30-50.3, “Conditional Uses”, delete subsection (h) “Medical Marijuana Growing, Production and Manufacturing in the AI-10 Zone Only” in its entirety.

Section 4. Section 30-82.18, Medical Marijuana Growing, Production and Manufacturing in the AI-10 Zone Only” is deleted in its entirety.

Section 5. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 6. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 7. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Township Clerk is further directed to refer this Ordinance to the Township Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 8. This Ordinance shall take effect after publication and passage according to law.

NOTICE

The above entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on April 5, 2021 and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on April 19, 2021.

ORDINANCE 2021-09
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

ATTEST:

TOWNSHIP OF GREEN,
IN THE COUNTY OF SUSSEX



Mark Zschack, RMC, Township Clerk



Margaret "Peg" Phillips, Mayor

Record of Vote - Introduction:

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

Record of Vote - Adoption:

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

INTRODUCED: April 5, 2021
ADOPTED: April 19, 2021

ADVERTISED: April 7, 2021
ADVERTISED: April 22, 2021

**RESOLUTION 2021-81
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ**

**RESOLUTION AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #945
FOR BLOCK 022, LOT 07.01**

WHEREAS, the Township's Tax Collector, Karen Ferrone, advises that she has received \$2,679.75 for the redemption of Tax Sale Certificate #945 and all subsequent taxes, interest and fees on Block 022, Lot 07.01 and requests that \$2,679.75 along with \$9,500.00 premium on deposit be refunded to the lien holder US Bank as Custodian for Actlien Holding Inc.

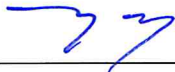
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Green that the Tax Collector has received \$2,679.75, for the redemption of Tax Sale Certificate #945 and all subsequent taxes, interest and fees on Block 022, Lot 07.01 and requests that \$2,679.75 along with \$9,500.00 premium be refunded to the lien holder US Bank as Custodian for Actlien Holding Inc, 50 south 16th Street, Suite 2050, Philadelphia, PA 19102.



Karen Ferrone, Tax Collector

DATED: April 19, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a meeting held on April 19, 2021.



Mark Zschack, RMC, Township Clerk

cc: Karen Ferrone, Tax Collector
Linda Padula, CFO

Record of Vote:

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

SECTION 2 - UPON ADOPTION FOR YEAR 2021

RESOLUTION 2021-82

Be it Resolved by the _____ of the _____ TOWNSHIP
of _____, County of _____ SUSSEX
that the budget hereinbefore set forth is hereby
adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$	<u>2,692,833.66</u>	(Item 2 below) for municipal purposes, and
(b) \$	<u>-</u>	(Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
(c) \$	<u>-</u>	(Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(d) \$ 64,371.68 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

(e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy

(f) \$	-	(Item 5 Below) Minimum Library Tax
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RECORDED VOTE

(Insert last name)

Ayes

Nays

Phillips
Raffay
Conkling
Qarmout

Abstained

Chirip

Absent

1. General Revenues

SUMMARY OF REVENUES

Surplus Anticipated		08-100	\$	575,000.00
Miscellaneous Revenues Anticipated		13-099	\$	381,350.45
Receipts from Delinquent Taxes		15-499	\$	100,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (Item 6(a), Sheet 11)		07-190	\$	2,692,833.66
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:				
Item 6, Sheet 42				
	07-195	\$		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$		
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY			\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:				
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)				
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX		07-191		
Total Revenues		07-192	\$	-
		13-299	\$	3,749,184.11

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:

Within "CAPS"

(a & b) Operations Including Contingent

(e) Deferred Charges and Statutory Expenditures - Municipal

(g) Cash Deficit

Excluded from "CAPS"

(a) Operations - Total Operations Excluded from "CAPS"

(c) Capital Improvements

(d) Municipal Debt Service

(e) Deferred Charges - Municipal

(f) Judgments

(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)

(g) Cash Deficit

(k) For Local District School Purposes

(m) Reserve for Uncollected Taxes

6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)

Total Appropriations

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 19th day of April, 2021. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2021 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 19th day of April, 2021, Mark Zschack, Clerk

Signature

Sheet 42

RESOLUTION 2021-83
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Green, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

DATED: April 19, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a meeting held on April 19, 2021.



Mark Zschack, RMC, Township Clerk

Record of Vote:

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

**RESOLUTION 2021-84
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ**

**AUTHORIZE ADDITIONAL EXTENSION OF THE FAMILY FIRST
CORONAVIRUS RESPONSE ACT FOR GREEN TOWNSHIP EMPLOYEES**

WHEREAS, the Township Committee recently adopted Resolution 2021-62, wherein the municipality voluntarily agreed to expand the Family First Coronavirus Response Act (“FFCRA”) through March 31, 2021, for all Township employees; and

WHEREAS, it has been decided that the Township Committee would like to further extend the FFCRA through September 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Green, County of Sussex, State of New Jersey, that it hereby authorizes the extension of the FFCRA for Green Township employees through September 30, 2021.

Dated: April 19, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a meeting held on April 19, 2021.



Mark Zschack, RMC, Township Clerk

Record of Vote:

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

RESOLUTION 2021-85
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

BILLS LIST (04/01/2021 to 04/14/2021)

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 04/01/2021 to 04/14/2021 attached to and made a part of this Resolution is hereby accepted and approved for payment.

DATED: April 19, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a regular meeting held on April 19, 2021.



Mark Zschack, RMC, Township Clerk

cc: Linda Padula, CFO

Record of Vote:

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

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

Meeting Date: 04/19/2021 For bills from 04/01/2021 to 04/14/2021

Check#	Vendor	Description	Payment	Check Total
10326	924 - Cronin, Ryan	PO 15024 Reimbursement for Background Check	23.25	23.25
10327	528 - Griffith-Allied Trucking LLC	PO 14835 Gasoline Delivery	450.41	
		PO 14904 Diesel Fuel Delivery	1,771.73	2,222.14
10328	120 - Harold E. Pellow & Associates, Inc.	PO 14761 Forest Rd Drainage Improvements	33.25	
		PO 14968 Municipal Engineering Services	1,412.50	
		PO 15004 2021 Tax Maps	575.00	
		PO 15006 Legal Service - Land Use Board	65.00	2,085.75
10329	188 - Home Depot Credit Services	PO 14858 Supplies	307.27	307.27
10330	1153 - Lowe's	PO 14864 Hardware	125.15	125.15
10331	1870 - Mark Zschack	PO 15021 Mileage-Road Check	147.84	147.84
10332	1630 - Monmouth County Assessor's Assoc	PO 15011 Webinar for Penny Holenstein	75.00	75.00
10333	109 - Montague Tool & Supply Co, Inc.	PO 14867 Janitorial Supplies & Small Tools	533.34	533.34
10334	1960 - Navitend	PO 14816 2021 Agreement Office 365	37.50	37.50
10335	104 - Netcong Hardware, INC	PO 14813 Small Tools & Supplies	96.86	96.86
10336	2044 - New Jersey Herald	PO 15014 Renewal NJ Herald 2021	215.80	215.80
10337	90 - New Jersey Herald, Inc.	PO 14485 Legal Ads	17.40	
		PO 14956 Legal Ads 2021	250.80	268.20
10338	98 - NJ-Dept of Health and Senior Svs	PO 14951 Dog License fees	50.40	50.40
10339	905 - Optimum	PO 14837 Cable-boxes MB 2021	4.95	
		PO 14838 Cable boxes-DPW 2021	8.95	13.90
10340	418 - R & L Data Centers	PO 14906 Payroll Service 2021	420.37	420.37
10341	1982 - R. Poust Trade Services, LLC	PO 15013 De-Winterize Bathrooms at the Park	742.50	742.50
10342	2088 - Russo, Michael	PO 15023 Reimbursement for Background Check	23.25	23.25
10343	1043 - Rutgers University	PO 14996 Clean Communities Training - Patty DeCle	225.00	225.00
10344	1896 - SeptiCare	PO 15012 Porta John for Wesley Field 2021	150.00	150.00
10345	1141 - Souls, Douglas E	PO 15022 Reimbursement for Background Check	23.25	23.25
10346	866 - Space Farms, Inc	PO 14886 Deer Carcass Removal	31.00	31.00
10347	123 - Staples Advantage	PO 15016 Copies - Construction	19.66	19.66
10348	624 - Suburban Propane	PO 14852 Propane Delivery DPW 2021	6.10	6.10
10349	114 - Sussex County MUA	PO 14903 Municipal/Household Waste	5,458.56	5,458.56
10350	2009 - The Canning Group, LLC	PO 14925 QPA 1/01/2021-12/31/2021	458.33	458.33
10351	1703 - Town of Newton	PO 14919 Municipal Court - Shared Services	11,500.00	11,500.00
10352	2078 - UniFirst Corporation	PO 14815 Uniform Rental	283.80	283.80
10353	2087 - US Bank as Custodian for Actlien Holding	PO 15020 Tax Lien Redemption	9,500.00	
		PO 15020 Tax Lien Redemption	2,679.75	12,179.75
10354	278 - US POSTAL SERVICE	PO 15015 Stamp Printed Envelopes - Tax Collector	1,969.75	1,969.75
10355	1236 - W.W.Grainger Inc.	PO 14907 Supplies	50.62	50.62
TOTAL				39,744.34
Total to be paid from Fund 01 CURRENT FUND		29,968.94		
Total to be paid from Fund 02 FEDERAL & STATE GRANTS		225.00		
Total to be paid from Fund 12 ANIMAL FUND		50.40		
Total to be paid from Fund 19 TRUST FUND		9,500.00		

		39,744.34		

Checks Previously Disbursed

9999	Payroll Account	4/15/2021	36,709.55	4/13/2021
10325	Verizon Wireless	Multiple:	286.29	4/07/2021
10324	Treasurer-State of New Jersey	PO# 15003 Stormwater Fee-NJEMS Bill ID 22166	534.00	4/07/2021
10323	Treasurer, State of New Jersey	PO# 14863 Marriage Lic/Civil Union License	75.00	4/07/2021
9999	Green Township	PO# 15002 2021 Municipal Open Space Tax	16,092.92	4/05/2021
9999	State of NJ-Division of Pensions	PO# 14896 Active - Health/Dental Insurance	12,386.00	4/12/2021
9999	State of NJ Div of Pensions/Benefit	PO# 14895 Retired - Health Insurance	5,531.48	4/12/2021
10322	Green Twp Board of Education	PO# 14809 School Tax	820,639.42	4/01/2021

			892,254.66	

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

Meeting Date: 04/19/2021 For bills from 04/01/2021 to 04/14/2021

Check#	Vendor	Description	Payment	Check Total
<hr/>				
	Totals by fund	Previous Checks/Voids	Current Payments	Total
<hr/>				
	Fund 01 CURRENT FUND	892,254.66	29,968.94	922,223.60
	Fund 02 FEDERAL & STATE GRANTS		225.00	225.00
	Fund 12 ANIMAL FUND		50.40	50.40
	Fund 19 TRUST FUND		9,500.00	9,500.00
<hr/>				
	BILLS LIST TOTALS	892,254.66	39,744.34	931,999.00
<hr/>				

**RESOLUTION 2021-86
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ**

**RESOLUTION OF THE TOWNSHIP OF GREEN DISAPPROVING OF THE COUNTY OF
SUSSEX IMPOSING ADDITIONAL STAFF OVERTIME ELECTION FEES**

WHEREAS, the Township of Green (" Township") has received a notice from the County of Sussex ("County") concerning election costs; and

WHEREAS, the County has indicated that some all-mail election related services/products initiated last year due to the COVID-19 pandemic need to continue given the continued presence of the virus and continued Public Health Emergency; and

WHEREAS, the County has taken the position that the municipalities in the County of Sussex should provide reimbursements for some of the costs associated with the upcoming primary elections; and

WHEREAS, one of the costs for which the County will be seeking reimbursement for its staff overtime in connection with fulfilling mail-in ballot requests; and

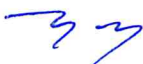
WHEREAS, the Township disapproves of the proposed reimbursement and feels that this is a "usual" cost that should be borne by the County in connection with its election duties. The Township further asserts that the County should be using the funds it will receive in connection with the 2021 American Rescue Plan Act to pay its personnel.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Green disapproves of the County of Sussex seeking reimbursement for its staff overtime in connection with fulfilling mail-in ballot requests and hereby requests that the County of Sussex utilize its own funds for such expenditures.

BE IT FURTHER RESOLVED, that the Township Clerk is directed to send a copy of this Resolution to the Sussex County Freeholders, County Administrator, and the Governing Bodies of all other municipalities in the County of Sussex.

DATED: April 19, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a regular meeting held on April 19, 2021.



Mark Zschack, RMC, Township Clerk

Record of Vote:

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

RESOLUTION 2021-87
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN
COUNTY OF SUSSEX, STATE OF NJ

RESCIND RESOLUTION 2021-72 AND AUTHORIZE
REFUND FOR OVERPAYMENT OF DOG LICENSE

WHEREAS, on April 5, 2021, Resolution 2021-72 was adopted by the Green Township Committee authorizing a refund of \$17.00 to Paul McGuire for overpayment of dog license, and:

WHEREAS, the actual amount paid by Paul McGuire for a dog license is (\$15.00) and late fee (\$5.00) for a total amount of \$20.00.

BE IT RESOLVED by the Township Committee of the Township of Green does hereby rescind Resolution 2021-72.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Green, County of Sussex, State of New Jersey, hereby authorizes a refund for over payment for a dog license in the amount of \$20.00 to Paul McGuire, 126 Wolfs Corner Road, Newton, NJ 07860.

DATED: April 19, 2021

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a meeting held on April 19, 2021.



Mark Zschack, RMC, Township Clerk

cc: Linda Padula, CFO

Record of Vote:

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

ORDINANCE NO. 2021-10
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

**AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION
OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF GREEN,
NEW JERSEY TO CSC TKR, LLC**

WHEREAS, the governing body of Township of Green (hereinafter referred to as the “Township”) determined that CSC TKR, LLC (hereinafter referred to as “the Company”) has the technical competence and general fitness to operate a cable television system in the Municipality (as defined in Section 1 of this Ordinance), and by prior ordinance granted its municipal consent for the Company’s predecessor in interest, Service Electric Cable T. V. of New Jersey, Inc. (“SECTV”) to obtain a non-exclusive franchise (the “Franchise”) for the placement of facilities and the establishment of a cable television system in the Municipality; and

WHEREAS, by application for renewal consent filed with the Township and the Office of Cable Television on or about January 17, 2020, SECTV, and the Company as its successor in interest, has sought a renewal of the Franchise; and

WHEREAS, on or about July 14, 2020; with the prior approval of the Board of Public Utilities of the State of New Jersey (hereinafter the “Board”) the Company completed its purchase of the assets of SECTV, including the cable television franchise for, and the cable television system within the territorial limits governed by, the Township, and

WHEREAS, the Township having held public hearings has made due inquiry to review the Company’s performance under the Franchise, and to identify the Township’s future cable-related needs and interests and has concluded that the Company has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Township’s future cable-related needs and interests;

WHEREAS, the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided the Company’s proposal for renewal embodies the commitments set forth below, the Township’s municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Township is a basic assumption of the parties;

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

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

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TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

- (a) “Act” or “Cable Television Act” shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) “Application” shall mean the Company’s application for Renewal of Municipal Consent, which application is on file in the Township Clerk’s office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) “Board” shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) “Township” shall mean the governing body of the Township Green in the County of Sussex, and the State of New Jersey.
- (e) “Company” shall mean CSC TKR, LLC, the grantee of rights under this Ordinance.
- (f) “FCC” shall mean the Federal Communications Commission.
- (g) “Federal Act” shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) “Federal Regulations” shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) “Municipality” shall mean the area contained within the present municipal boundaries of the Township of Green in the County of Sussex, and the State of New Jersey.
- (j) “Standard installation” shall mean the installation of drop cable to a customer’s premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (k) “State” shall mean the State of New Jersey.
- (l) “State Regulations” shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Township having received all comments regarding the qualifications of the Company to receive this consent, the Township hereby finds the Company

ORDINANCE 2021-10
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Township hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the Municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If the Company seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Township and the Company shall be bound by the terms of this municipal consent until such time as the Company converts the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the Company shall apply to the entirety of the Municipality and any property hereafter annexed.

SECTION 7. SERVICE AREA

The Company shall be required to proffer video programming service along any public right-of-way to any person's residence within the "primary service area," as it exists on the effective date of any written approval order by the Board of this consent, at the Company's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

Upon request, the Company shall extend service along any public right of way outside its primary service area to those residences or small businesses within the franchise territory which are located in areas that have a residential home density of twenty (20) homes per mile or greater (as measured from the then existing primary service area), or areas with less than twenty (20)

homes per mile where residents and/or small businesses agree to share the cost of such extension in accordance with the line extension formula as provided by the Company in its application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, the Company shall pay to the Township, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Municipality. The Company may use electronic funds transfer to make any payments to the Township required under this Ordinance. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Township and the Company shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by the Company that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 10. FREE SERVICE

Subject to applicable federal regulations, the Company shall, upon written request, provide free of charge, standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Municipality as follows:

- Two (2) cable connections for Green Municipal Building.
- One (1) cable connection for the Green Recreation Department.
- One (1) cable connection for the Old Green Department of Public Works.
- Two (2) cable connections for the New Green Department of Public Works.
- Three (3) cable connections for the Green Hills School.
- One (1) cable connection for the Allamuchy/Green First Aid Squad.
- One (1) cable connection for the Green Township Volunteer Fire Department.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

The Company shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Municipality:

- (a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

ORDINANCE 2021-10
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

(b) If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

The Company shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

The Company shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

The Company agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND

The Company shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the Township in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

SECTION 18. EMERGENCY USES

The Company shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Municipality creates a significant competitive disadvantage to the Company, the Company shall have the right to request from the Township lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support the Company's request for such relief from the Board.

In any subsequent municipal consent, Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, the Company at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless the Company, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. The Company shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Municipality as described in the Application for municipal consent. All the Company support for PEG access shall be for the exclusive benefit of the Company's subscribers.

B. The Township agrees that the Company shall retain the right to use the PEG Channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the PEG Channel for purposes of providing PEG access programming. In the event that the Company uses the PEG Channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the PEG Channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on the PEG Channel.

C. The Company shall have discretion to determine the format and method of transmission of the PEG Channel provided for in this Section 21.

SECTION 22. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other written amendments thereto submitted by the Company in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

SECTION 24. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall

ORDINANCE 2021-10
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 25. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice	USA
1 Court Square West, 49 th Floor	
Long Island City, NY 11101	
Attention: Senior Vice President for Government Affairs	
With a copy to:	

CSC	TKR,	LLC
c/o	Altice	USA
1 Court Square West		
Long Island City, NY 11101		
Attention: Legal Department		

Notices to the Township shall be mailed to:

Township of Green
P.O. Box 65
Tranquility, NJ 07879
Attention: Township Manager

Notwithstanding anything herein to the contrary, regulatory notices from the Company to the Township which are required pursuant to federal and state law and regulations may be served electronically upon the Township, instead of by first class mail as described above, to an email address provided by the Township.

SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon The Company converting the municipal consent (and any certificate of approval) into a system-wide franchise.

ORDINANCE 2021-10
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

NOTICE

The above-entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on April 19, 2021 and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on _____, 2021.

ATTEST:

TOWNSHIP OF GREEN,
IN THE COUNTY OF SUSSEX

Mark Zschack, RMC, Township Clerk

Margaret "Peg" Phillips, Mayor

Record of Vote - Introduction:

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

Record of Vote - Adoption:

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

INTRODUCED: April 19, 2021
ADOPTED:

ADVERTISED: April 22, 2021
ADVERTISED:

ORDINANCE NO. 2021-11
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NEW JERSEY

**CAPITAL ORDINANCE FOR IMPROVEMENTS TO
WHITEHALL ROAD IN AND BY THE TOWNSHIP OF
GREEN IN THE COUNTY OF SUSSEX, NEW JERSEY,
APPROPRIATING THE TOTAL OF \$342,000.00, OF
WHICH \$182,000.00 IS FROM THE GENERAL CAPITAL
RESERVES – ROAD IMPROVEMENTS, AND \$160,000.00 IS
FROM NJDOT 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 Whitehall Road 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 \$342,000.00; with \$182,000.00 from monies available in the General Capital Reserves – Road Improvements of the Township and \$160,000.00 in funding being provided by the New Jersey Department of Transportation's (NJDOT), Fiscal Year 2020 Municipal Aid Program.

Section 2. The improvements hereby authorized and the purpose for which said appropriation is made are for the improvement of Whitehall Road in the Township of Green.

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.

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

ORDINANCE NO. 2021-11
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NEW JERSEY

NOTICE

The above-entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on April 19, 2021, and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on _____, 2021.

ATTEST:

TOWNSHIP OF GREEN,
IN THE COUNTY OF SUSSEX

Mark Zschack, RMC, Township Clerk

Margaret "Peg" Phillips, Mayor

Record of Vote - Introduction:

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

Record of Vote - Adoption:

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

INTRODUCED: April 19, 2021
ADOPTED:

ADVERTISED: April 22, 2021
ADVERTISED: