

**GREEN TOWNSHIP COMMITTEE  
MINUTES OF THE REGULAR MEETING  
JUNE 17, 2019**

**CALL TO ORDER**

Mayor Conkling called the June 17, 2019, 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: Mrs. Margaret "Peg" Phillips, Mr. Bader Qarmout, Mrs. Virginia "Ginnie" Raffay and Mayor Daniel Conkling

Absent: Mr. Chirip

Mrs. Phillips motioned to excuse the absent member.

Seconded: Mr. Qarmout

Discussion: None

All were in favor.

Also present: Mrs. Ursula Leo, Township Attorney; Mr. Cory Stoner, Township Engineer; Mr. Mark Zschack, Township Clerk; and Mrs. Patty DeClesis, Deputy Clerk

**OPEN PUBLIC SESSION #1** Mayor Conkling opened the meeting to the public for any questions or comments concerning items on the agenda for which no public discussion is provided.

Mrs. Josephine Fracasso, 111 Hibler Road asked if she will be able to comment about the Ordinance for the new sweeper during the Public Hearing. Mayor Conkling responded that she will have an opportunity to comment during the Public Hearing.

Mayor Conkling closed open public session #1.

**CONSENT AGENDA:**

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

- a. Resolution 2019-103 - Approve ABC License - Lake Tranquility Community Club
- b. Resolution 2019-104 - Approve ABC License - Pub 517, Inc.
- c. Resolution 2019-105 - Approve ABC License - Tranquility Liquors Co. Inc.
- d. Resolution 2019-106 - Authorize Tax Refund - Fazenbaker
- e. Resolution 2019-110 - Authorize Tax Refund - Community Options, Inc.

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

- a. New Jersey League of Municipalities Legislative Bulletin - April 2019
- b. Letter Dated May 30, 2019, from Mark Zschack Regarding Vacant Property, Block 81, Lot 7
- c. Ordinance Introduced on May 29, 2019, by Town of Newton Amending Section 320.2 and 320.3 of the Code of the Town of Newton
- d. Resolution from Borough of Hamburg Adopted on June 3, 2019, Proclaiming to Local Residents and Businesses that the Borough will not Collect New Stormwater Management or Rain Taxes
- e. Letter Dated June 1, 2019, from The Green Township Seniors Club thanking the Committee for their donation to the Seniors Club
- f. Letter Dated June 12, 2019, from Peter Sklannik to Assistant Commissioner at the NJDOT Regarding Solar Panel Project at Trinca Airport
- g. Letter Dated June 12, 2019, from Peter Sklannik to Eastern Region Regional Administrator at the Federal Aviation Administration Regarding Solar Panel Project at Trinca Airport

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

- a. Trinca Airport Safety Self-Inspection Checklist - May 22 and 27, June 2, 2019
- b. Sussex County Water Quality Management Policy Advisory Committee Minutes - April 4, 2019
- c. Environmental Advisory Committee Minutes - May 7, 2019

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- d. Tax Collector's Report - May 2019
- e. Permit Fee Log Report - May 2019
- f. Sussex County Agriculture Development Board Minutes - March 18, 2019
- g. Shared Municipal Courts of Town of Newton and Township of Green - May 2019

**4. APPLICATIONS:** (Approval of the Following)  
None

Mrs. Phillips motioned to move the Consent Agenda

Seconded: Mrs. Raffay

Discussion: None

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

**DISCUSSIONS:**

- a. 2019 Road Resurfacing Plan - Township Engineer, Cory Stoner reviewed the specifics and costs of the paving projects including Hibler Road, Birch Lane, Spruce Drive, Terhune Road, and Scenic Drive, as well as the DPW garage parking lot. Mr. Stoner stated that Elizabethtown Gas is planning to install gas along lower Whitehall Road. The original plan was to dig up one side of the roadway. They are now proposing to be off the edge of the roadway limiting the amount of disturbance. A meeting will be held later in the week with Elizabethtown Gas and more information will be forthcoming. Mr. Stoner will submit lower Whitehall Road for the NJDOT grant application. The Committee concurs with the plan.
- b. Soil Importation Ordinance - Mr. Zschack distributed a draft ordinance for the Committee's review. The Township Engineer explained the concern of contaminated fill coming into the municipality. After discussion and comments, the Committee agreed to review a revised draft ordinance for consideration at the next meeting.

**OLD BUSINESS:**

- a. Public Hearing Ordinance 2019-08 - To Revise Sections 11-3 and 8-73 of the Code of the Township of Green Regarding the Processing and Fees for Peddlers, Solicitors and Canvassers Permits

Mayor Conkling opened the meeting for public comments.

Mrs. Josephine Fracasso, 111 Hibler Road, commented that a solicitor came to her residence even though she is on the "Do Not Knock" list.

There being no further public comments, Mrs. Phillips motioned to adopt the Ordinance.

Seconded: Mrs. Raffay

Discussion: None

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

- b. Public Hearing Ordinance 2019-09 - Bond Ordinance to Authorize the Acquisition of a New Street Sweeper In, By and for the Township of Green, in the County of Sussex, State of New Jersey, To Appropriate the Sum of \$300,000.00 to Pay the Cost Thereof, to Appropriate General Capital Fund Balance of the Township, To Make a Down Payment, To Authorize the Issuance of Bonds to Finance Such Appropriation and to Provide for the



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Issuance of Bond Anticipation and to Provide for the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds

Mayor Conkling opened the meeting for public comments.

Mrs. Josephine Fracasso, 111 Hibler Road asked if the Township is taking a full bond for \$300,000. Mr. Zschack explained the Township is going for a Bond Anticipation Note and plans to pay before any bonding. The Ordinance is prepared in case it is needed.

Mr. Qarmout motioned to close Public Hearing and adopt the Ordinance.

Seconded: Mrs. Phillips

Discussion: None

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

- c. Public Hearing Ordinance 2019-10 - To Amend the Revised General Ordinances of the Township of Green, Sections 30-50.3 and 30-82.18, To Permit Medical Cannabis Growing, Production and Manufacturing as a Conditionally Permitted Use in the AI-10 Zone

The Township Attorney stated that the Ordinance will be carried to the July 15, 2019, meeting as correspondence was received from the Land Use Board Attorney indicating they will refer to the Ordinance Committee.

Mrs. Phillips motioned to carry the Ordinance 2019-10 to the July 15, 2019, Committee meeting.

Seconded: Mrs. Raffay

Discussion: None

All were in favor.

- d. Public Hearing Ordinance 2019-11 - Revising Section 30-13 of the Code of the Township of Green Regarding Performance and Maintenance Guarantees and Inspection Fees in Accordance with the Municipal Land Use Law

Mayor Conkling opened the meeting for public comments.

There being no public comments, Mrs. Phillips motioned to close Public Hearing and adopt the Ordinance.

Seconded: Mr. Qarmout

Discussion: None

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

**NEW BUSINESS:**

- a. Minutes ready for approval - May 20, 2019, regular and executive sessions

Mrs. Phillips motioned to carry the minutes to the July 15, 2019, meeting in order to resolve a question.

Seconded: Mrs. Raffay

Discussion: None

All were in favor.

- b. Resolution 2019-102 - Bills List (05/17/2019 to 06/11/2019)

Motion: Mr. Qarmout

Seconded: Mrs. Raffay

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Discussion: None

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

**c. Resolution 2019-109 - Authorize a Multi-Party Lease Agreement for Wireless Communications Tower**

Motion: Mr. Qarmout

Seconded: Mrs. Phillips

Discussion: Mr. Zschack noted that this will increase the Township's revenue.

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

**d. Resolution 2019-111 - Authorize Township Engineer to Prepare Study of Drainage of Forest Road**

Motion: Mrs. Phillips

Seconded: Mrs. Raffay

Discussion: None

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

**e. Resolution 2019-112 - Developers Escrow Trust (05/02/2019 to 06/11/2019)**

Motion: Mrs. Phillips

Seconded: Mr. Qarmout

Discussion: None

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

**f. Resolution 2019-113 - Authorize Appraisal Services for Portion of Block 15, Lot 1**

Motion: Mrs. Phillips

Seconded: Mrs. Raffay

Discussion: Mr. Zschack stated this is in relation to the County Connector Trail.

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



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Mr. Conkling	X			
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**g. Resolution 2019-114 - Authorize Title Insurance Services for Portion of Block 15, Lot 1**

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

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

**h. Resolution 2019-115 - Authorize the Use of the Morris County Cooperative Pricing Council for the Milling, Paving and Line Striping of Hibler Road**

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

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

**i. Resolution 2019-116 - Authorize the Use of the Morris County Cooperative Pricing Council for the Milling and Paving of Birch Lane, Scenic Drive, Spruce Drive, and Terhune Road**

Motion: Mrs. Phillips  
Seconded: Mrs. Raffay  
Discussion: None

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

**j. Resolution 2019-117 - Authorize the Use of the Morris County Cooperative Pricing Council for the Milling and Paving of Municipally-Owned DPW Driveway and Yard Located at 173 Kennedy Road**

Motion: Mrs. Raffay  
Seconded: Mrs. Phillips  
Discussion: None

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

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**k. Resolution 2019-118 - Approval of Elizabethtown Gas Company Detour on Whitehall Road**

Motion: Mrs. Phillips  
Seconded: Mrs. Raffay  
Discussion: None

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

**l. Resolution 2019-119 - Authorize RFP for Lake Tranquility Bridge**

Motion: Mrs. Phillips  
Seconded: Mrs. Raffay  
Discussion: None

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

**m. Introduction Ordinance 2019-12 - Amending Ordinance 2019-06 Appropriating \$72,000.00 from the General Capital Reserves for Improvements to Hibler Road to Increase the General Capital Reserve Appropriation from \$72,000.00 to \$92,000.00**

Mrs. Phillips motioned to introduce the Ordinance and move to Public Hearing on July 15, 2019

Seconded: Mr. Qarmout

Discussion: Mr. Qarmout asked the reason for the additional \$20,000.00. Mr. Zschack answered the additional cost is for the milling and traffic control.

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

**n. Resolution 2019-120 - Authorize Settlement Agreement and General Release - Lake Tranquility Bridge**

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

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

**MATTERS FROM THE GOVERNING BODY:** Mr. Qarmout wished all the fathers a Happy Father's Day and stated that he is looking forward to all the upcoming projects. Mr. Qarmout acknowledged and thanked the Committee for the approval to submit a grant application for Whitehall Road. It will be a nice benefit for the town.



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Mrs. Raffay commented on the many houses in Green Township that appear to be vacant and not properly maintained. Mrs. Raffay inquired as to what the process is. Mr. Zschack explained that properties are to register as vacant, pay the required fee and maintain the property (lawn cutting, security, etc.). Mrs. DeClesis added that when complaints are received the property is inspected by the Zoning Officer and a report is sent to the property management company.

Mrs. Raffay commented that she has seen a few dogs in EverGreen Park. Mr. Zschack stated that a discussion on dog park will be part of the Administrator's Report.

Mayor Conkling noted that Miss Isobel Costello was crowned Miss Green on June 1, 2019. Mayor Conkling stated that he likes the Miss Green Contest taking place with a Summer Kickoff Barbeque. Mayor Conkling noted concerns of over the rail mowing that has not been done and the fair number of potholes that remain in the Township.

Mrs. Raffay commented that she was not aware of the Summer Kickoff Barbeque and feels there should be more advertising.

**MATTERS FROM THE TOWNSHIP CLERK:** Mr. Zschack made the following comments:

- **Dog Park** - Mr. Zschack distributed an email from the Township's Risk Manager and a form for Allamuchy Dog Park for the Committee's review and discussion. A discussion was held concerning where dogs would be allowed and the responsibility of picking up dog waste. The Committee agreed to consider an Ordinance to allow leased dogs on the County Connector trail as well as the EverGreen Trail, not in the park (pavilion, soccer/softball fields, walking path).
- **Green Historical Society** - The Green Historical Society sponsored the Love of History Contest with the Green Hills School. The Historical Society judged the entrees and a reception was held on Monday June 10th to present the awards. The event was well attended and kudos goes out to the Historical Society for their leadership and dedication to the students.

**MATTERS FROM THE TOWNSHIP ATTORNEY:** Mrs. Leo noted no matters for discussion.

**MATTERS FROM THE MUNICIPAL DEPARTMENT HEAD:** Not in attendance

**OPEN PUBLIC SESSION #2:** Mrs. Josephine Fracasso, 111 Hibler Road - Mrs. Fracasso commented that there are many potholes on Henry Road between the bridge and Hamilton Road. Mrs. Fracasso thanked Mr. Zschack for getting the grass cut on Hibler Road.

Mayor Conkling announced the next meeting is scheduled for Monday, July 15, 2019, at 7:00 p.m.

**ADJOURNMENT:**

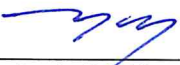
Mr. Qarmout motioned to adjourn at 8:45 p.m.

Seconded: Mrs. Raffay

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: July 15, 2019

**RESOLUTION 2019-103**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**APPROVAL OF LIQUOR LICENSE**

**WHEREAS**, The Lake Tranquility Community Club, Inc. has applied for the renewal of License No. 1908-31-003-001 to the State of New Jersey Division of Alcoholic Beverage Control; and

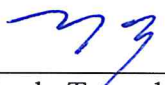
**WHEREAS**, the Governing Body of the Township of Green is not aware of any circumstances or provisions or law or local ordinance which would prohibit this issuance of the license renewal.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Green, County of Sussex, State of New Jersey that the following Club License be hereby approved for renewal for the license period July 1, 2019 through June 30, 2020.

**LAKE TRANQUILITY COMMUNITY CLUB, INC.**  
**3 Sunset Drive, Green Township, NJ 07821**  
**License No. 1908-31-003-001**

DATED: June 17, 2019

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 June 17, 2019.

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

cc: Division of ABC  
Lake Tranquility Community Club, Inc.

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips	√		√			
Mr. Qarmout			√			
Mrs. Raffay		√	√			
Mr. Conkling			√			



**RESOLUTION 2019-104**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**APPROVAL OF LIQUOR LICENSE**

**WHEREAS**, Pub 517, Inc., License Name has applied for the renewal of License No. 1908-33-002-012 to the State of New Jersey Division of Alcoholic Beverage Control; and

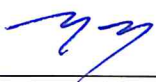
**WHEREAS**, the Governing Body of the Township of Green is not aware of any circumstances or provisions or law or local ordinance which would prohibit this issuance of the license renewal.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Green, County of Sussex, State of New Jersey that the following Plenary Retail/Consumption License be hereby approved for renewal for the license period July 1, 2019 through June 30, 2020.

**PUB 517, INC.**  
**50 Stuyvesant Road, Green Township, NJ 07879**  
**License No. 1908-33-002-012**

DATED: June 17, 2019

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 June 17, 2019.

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

cc: Division of ABC  
Pub 517, Inc.

**Record of Vote:**

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

**RESOLUTION 2019-105**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**APPROVAL OF LIQUOR LICENSE**

**WHEREAS**, Tranquility Liquors Co., Inc. License Name has applied for the renewal of License No. 1908-44-001-012 to the State of New Jersey Division of Alcoholic Beverage Control; and

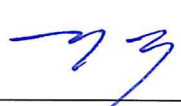
**WHEREAS**, the Governing Body of the Township of Green is not aware of any circumstances or provisions or law or local ordinance which would prohibit this issuance of the license renewal.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Green, County of Sussex, State of New Jersey that the following Plenary Retail Distribution License be hereby approved for renewal for the license period July 1, 2019 through June 30, 2020.

**TRANQUILITY LIQUORS CO., INC.**  
**57 Decker Pond Road, Green Township, NJ 07821**  
**License No. 1908-44-001-012**

DATED: June 17, 2019

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 June 17, 2019.

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

cc: Division of ABC  
Tranquility Liquors Co., Inc.

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips	√		√			
Mr. Qarmout			√			
Mrs. Raffay		√	√			
Mr. Conkling			√			



**RESOLUTION 2019-106**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**REFUND PROPERTY TAX OVERPAYMENT**

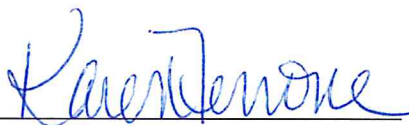
**WHEREAS**, the 2<sup>nd</sup> - 4<sup>th</sup> quarter 2019, and 1<sup>st</sup> quarter 2020 property taxes improperly paid in advance; and

**WHEREAS**, the tax collector is requesting a refund be made to property owner.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Green, in the County of Sussex, and State of New Jersey, is hereby authorized to refund said property taxes:

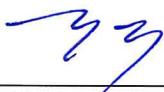
<u>BLOCK</u>	<u>LOT</u>	<u>NAME AND ACCOUNT #</u>	<u>AMOUNT</u>
03	05 Qfarm	Fazenbaker, Dorsey F Jr, & Diane K Wintermute Rd	\$152.82

Fazenbaker, Dorsey F Jr, & Diane K                      \$152.82  
70 Freedom Greendell Rd  
Newton, NJ 07860

  
Karen Ferrone, Tax Collector

DATED: June 17, 2019

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 June 17, 2019.

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

cc: Karen Ferrone, CTC  
Linda Padula, CMFO

**Record of Vote:**

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

**RESOLUTION 2019-110**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**REFUND PROPERTY TAX DUE TO APPEAL**


**WHEREAS**, the Tax Collector advises of overpayment of taxes for calendar year 2016 due to a New Jersey State tax appeal Judgement for 2016; and

**WHEREAS**, the tax collector is requesting a refund be made to property owner.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Green, in the County of Sussex, and State of New Jersey, is hereby authorized to refund said property taxes:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME AND ACCOUNT #</u>	<u>AMOUNT</u>
07	15.09	Community Options, Inc 44 Wintermute Rd	\$ 5,810.58

McKirdy, Riskin, Olson & DellaPelle, P.C.  
and Community Options Enterprises, Inc.  
136 South Street  
PO Box 2379  
Morristown, NJ 07960

  
Karen Ferrone, Tax Collector

DATED: June 17, 2019

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 June 17, 2019.

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

cc: Karen Ferrone, CTC  
Linda Padula, CMFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips	√		√			
Mr. Qarmout			√			
Mrs. Raffay		√	√			
Mr. Conkling			√			



**ORDINANCE NO. 2019-08**  
**TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ**

**AN ORDINANCE TO REVISE SECTIONS 11-3 AND 8-73 OF THE CODE  
OF THE TOWNSHIP OF GREEN REGARDING THE PROCESSING  
AND FEES FOR PEDDLERS, SOLICITORS AND CANVASSERS PERMITS**

**WHEREAS**, the Township of Green's Peddlers, Solicitors and Canvassers Ordinance, and permit fees, specifically Sections 11-3 and 8-73 of the Township Code, have been challenged regarding the time for processing permit applications and the fees; and

**WHEREAS**, the Township Committee has reviewed the Township Code and has determined that revisions are appropriate to the existing Peddlers, Solicitors and Canvassers Ordinance and permit fees.

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

**SECTION 1.** Section 11-3 shall be deleted in its entirety and replaced as follows:

11-3 Granting of Permit

Following the filing of a complete application, the Township Clerk shall make or cause to be made such investigation as he deems necessary to verify the information set forth therein; the Clerk shall thereupon signify his approval or rejection on the application, and if approved shall issue the permit to such applicant. A permit application shall be processed and approved or rejected within seven (7) business days of submission of a complete application. In addition to the license each solicitor, peddler, or canvasser shall receive a badge. To each such badge shall be affixed one (1) photograph and the signature of the solicitor, peddler, or canvasser.

A permit shall not be issued until receipt of fees as required by Chapter VIII. Each permit issued shall be valid for the period of one (1) year from the date of issuance.

**SECTION 2.** Chapter 8 "Fees", Section 8-73 "Peddlers, Solicitors and Canvassers" shall be deleted in its entirety and replaced as follows:

8-73 Peddlers, Solicitors and Canvassers

Permit	\$50.00 per year
Per badge	\$2.00 per badge/per year

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TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

**SECTION 3. SEVERABILITY**

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 4. REPEALER**

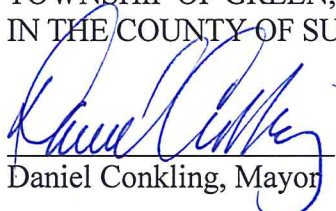
All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

ATTEST:

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

TOWNSHIP OF GREEN,  
IN THE COUNTY OF SUSSEX  
  
\_\_\_\_\_  
Daniel Conkling, Mayor

**Record of Vote - Introduction:**

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

**Record of Vote - Adoption:**

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

INTRODUCED: May 20, 2019

ADVERTISED INTRODUCTION: May 24, 2019

PUBLIC HEARING: June 17, 2019

ADOPTED: June 17, 2019

ADVERTISED ADOPTION: June 19, 2019

ORDINANCE NO. 2019-09  
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW STREET SWEEPER IN, BY AND FOR THE TOWNSHIP OF GREEN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$300,000 TO PAY THE COST THEREOF, TO APPROPRIATE GENERAL CAPITAL FUND BALANCE OF THE TOWNSHIP, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Township of Green, in the County of Sussex, State of New Jersey (the "Township") is hereby authorized to acquire new additional or replacement equipment and machinery consisting of a street sweeper for the use of the Department of Public Works in, by and for the Township. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$300,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment and General Capital Fund Balance of the Township appropriated, by this ordinance. Said improvement shall be made



as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that

(1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$300,000, and (4) \$100,000 of said sum is to be provided by the General Capital Fund Balance of the Township hereinafter appropriated to finance said purpose, and (5) \$15,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (6) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$185,000, and (7) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$10,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

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TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

Section 4. The sum of \$100,000 is hereby appropriated from General Capital Fund Balance of the Township to the payment of the cost of said purpose.

Section 5. It is hereby determined and stated that moneys exceeding \$15,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$15,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 6. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$185,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 7. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$185,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this

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TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 8. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is



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TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 9. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 10. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$185,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. Any funds received from private parties, the County of Sussex, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

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Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.


Section 13. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

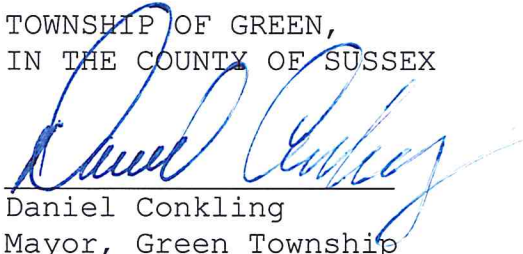
ORDINANCE NO. 2019-09  
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

Section 15. This ordinance shall take effect twenty days after the first publication thereof after final passage.

ATTEST:

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

TOWNSHIP OF GREEN,  
IN THE COUNTY OF SUSSEX

  
\_\_\_\_\_  
Daniel Conkling  
Mayor, Green Township

**Record of Vote - Introduction:**

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

**Record of Vote - Adoption:**

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

INTRODUCED: May 20, 2019      ADVERTISED INTRODUCTION: May 24, 2019  
PUBLIC HEARING: June 17, 2019      ADOPTED: June 17, 2019  
ADVERTISED ADOPTION: June 21, 2019



**ORDINANCE NO. 2019-11  
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ**

**AN ORDINANCE REVISING SECTION 30-13 OF THE CODE OF  
THE TOWNSHIP OF GREEN REGARDING PERFORMANCE AND  
MAINTENANCE GUARANTEES AND INSPECTION FEES IN  
ACCORDANCE WITH THE MUNICIPAL LAND USE LAW**

**WHEREAS**, the New Jersey Municipal Land Use Law, N.J.S.A. 40D:55D-1 et seq. authorizes municipalities to require the posting of performance and maintenance guarantees as a condition of development approvals, which has recently been amended; and

**WHEREAS**, the Township Land Use Board has recommended, and the Township Committee has agreed, that the Township's development regulations should be revised to be consistent with the recent amendments to the Municipal Land Use Law.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Green, Sussex County, New Jersey, the following Sections shall be revised as follows:

**SECTION 1.**

Section 30-13 shall be deleted in its entirety and replaced as follows:

**30.13            Performance and Maintenance Guarantees**

**30.13.1        Installation of improvements or provision of guarantees required before final approval; scope of performance guarantees.**

Before recording of final subdivision plats or deeds and/or as a condition of final site plan approval and/or as a condition to the issuance of a zoning permit, the applicant shall have installed all required improvements; provided, however, that the Township may require and shall accept performance and maintenance guarantees for the purpose of assuring the installation and maintenance of certain on tract improvements. Such performance and maintenance guarantees shall be in accordance with the provisions of this Section. In the event that final approval is by stages or sections of development as provided by this Chapter, the provisions of this Section shall be applied by stage or section of development. The nature and scope of required performance guarantees shall be as follows:

- A.    Public Improvements:    Performance guarantees shall be provided for those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960,c.141 (N.J.S.A. 46:23-9.17; repealed by section 2 of P.L.2011,c.217) or N.J.S.A. 46:26B-1 through N.J.S.A. 46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

- B. Perimeter Buffers: Performance guarantees shall be provided, within an approved phase or section of a development, privately-owned perimeter buffer landscaping, as required by this chapter or imposed as a condition of approval.
- C. Safety and Stabilization: A "safety and stabilization guarantee," in favor of the Township shall be provided, when required by the approving agency, for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition.
- D. Temporary Certificates of Occupancy: In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee." Such guarantee shall cover the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee.
- E. Successor Developer: In the event that a successor developer to the original developer becomes responsible for completion of the required improvements, the successor developer shall furnish a replacement performance guarantee.

### **30.13.2 Amount and Form of Performance Guarantees**

- A. Amount: The amount of any performance guarantees required by this Chapter shall be as follows:
1. Public Improvements: The performance guarantee shall be in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer, according to the method of calculation set forth in Section 15 of P.L.1991,c.256 (N.J.S.A. 40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (N.J.S.A. 46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.A. 46:26B-1 through N.J.S.A. 46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.
  2. Perimeter Buffers: At the developer's option, any required performance guarantee for privately-owned perimeter buffer landscaping may be posted either as a



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separate guarantee or as a line item of the performance guarantee required by this Chapter. The amount of the perimeter buffer landscaping guarantee shall be calculated in the same manner as for the performance guarantee in Subsection 1. above.

3. Safety and Stabilization: At the developer's option, any required "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee required by this article. The amount of such guarantee shall be as follows:
    - a) The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.
    - b) The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:
      - 1) \$5,000 for the first \$100,000 of bonded improvement costs, plus
      - 2) Two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus
      - 3) One percent of bonded improvement costs in excess of \$1,000,000.
  4. Temporary Certificates of Occupancy: The amount of any "temporary certificate of occupancy guarantee" shall be determined by the Township Engineer.
- B. Appeal of Disputed Performance Guarantee Amounts: The developer may appeal the Township Engineer's estimate of the cost of improvements for purposes of furnishing a performance guarantee. Such appeal shall be made in accordance with the procedures set forth in Section 33-6.
- C. Form of Guarantee: At least 10% of the performance guarantee shall be in the form of cash or a certified check made payable to the Township of Green. The balance of the performance guarantee shall be in the form of any security issued by an institution authorized to issue such securities in the State of New Jersey and which may be accepted by the Township and approved by the Township Attorney, including but not limited to surety bonds, cash and letters of credit; provided that the Township shall only accept an irrevocable letter of credit if it:
1. constitutes an unconditional payment obligation of the issuer running solely to the Township for an express initial period of time in the amount determined pursuant to this Chapter;
  2. is issued by a banking or savings institution authorized to do and doing business in the State of New Jersey;



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3. is for a period of at least one year; and
4. permits the Township to draw upon the letter of credit if the obligor fails to furnish another letter of credit which complies with the provisions of this Section thirty (30) days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

D. Guarantee from Successor Developer: The Township Committee or an approving authority may accept a performance guarantee in favor of the Township from a successor developer as a replacement for a performance guarantee that was previously furnished, pursuant to section 41 of P.L.1975, c.291 (N.J.S.A. 40:55D-53), for the purpose of assuring the installation of improvements.

An approving authority shall notify the governing body whenever it accepts a replacement performance guarantee. Notice shall contain a copy of the written confirmation of the new obligor's intent to furnish a replacement performance guarantee and the Township Engineer's written verification of the sufficiency of the amount of that replacement performance guarantee.

Except as otherwise provided by an ordinance requiring a successor developer to furnish a replacement performance guarantee, the Township Committee or approving authority shall not accept a replacement performance guarantee without securing:

1. Written confirmation from the new obligor that the intent of the new obligor is to furnish a replacement performance guarantee, relieving the predecessor obligor and surety, if any, of any obligation to install improvements, and
2. Written verification from the Township Engineer that the preplacement performance guarantee is of an amount sufficient to cover the cost of the installation of improvements, but not to exceed 120% of the cost of the installation, which verification shall be determined consistent with Section 41 of P.L.1975, c.291 (N.J.S.A. 40:55D-53).

**30-13.3      Duration of Performance Guarantee**

- A. Term of Guarantee: The performance guarantee shall state the time period within which all improvements are to be installed by the developer, which shall be as set forth in the developer's agreement with the Township.
- B. Extension of Time Allowed for Completion of Improvements. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Township Committee by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation at the time of the resolution. The cost of installation shall be determined by the Township Engineer as provided herein for the initial cost determination.

**30-13.4      Failure to Complete Improvements within Time Specified.**

If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable costs of the improvements not completed or corrected. The Township may, either prior to or after receipt of the proceeds thereof, complete such improvements or use said funds to restore the property to a safe condition so that the subject property in its unfinished development state does not adversely affect the public safety or adversely impact the environment. The following shall apply:

- A. Any completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law.
- B. If a "safety and stabilization guarantee" was required pursuant to Section 30-13.1C, the Township may utilize such guarantee only in the circumstance that:
  - 1. Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least sixty (60) consecutive days following such commencement for reasons other than force majeure, and
  - 2. Work has not recommenced within thirty (30) days following the provision of written notice by the Township to the developer of the Township's intent to claim payment under the guarantee.
- C. The Township shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least sixty (60) days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.



**30-13.5 Release of Performance Guarantees.**

Release of performance guarantees shall be in accordance with the following procedures:

- A. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements and the connection of the same to the public system, the obligor may request of the Township Committee that the Township Engineer prepare a list of all uncompleted or unsatisfactory completed improvements. The request to the Township Committee shall be made in writing by certified mail addressed to the Township Clerk, with a copy of the request to be sent to the Township Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgement of the obligor.
- B. Upon receiving the obligor's request, the Township Engineer shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the Township Committee and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.
- C. The detailed list prepared by the Township Engineer shall be in accordance with the itemized cost estimate prepared by the Township Engineer, which estimate shall have been appended to the performance guarantee as required herein. The list prepared by the Township Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of and remedy for the unsatisfactory state of each completed improvement determined to be unsatisfactory.
- D. The report prepared by the Township Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement. The recommended reduction shall be in accordance with the itemized cost estimate prepared by the Township Engineer, which cost estimate shall have been appended to the performance guarantee as required herein.
- E. The Township Committee, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Township Engineer or reject any or all of these improvements. The cause for any rejection shall be stated in the Committee's resolution. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification as required herein shall be followed.
- F. For accepted improvements, the Township Committee shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted. Any authorized reduction shall be in accordance with the itemized cost estimate prepared by the Township Engineer, which cost estimate shall have been appended to the performance guarantee as required herein. The resolution



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shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer.

- G. Any partial reduction granted in the performance guarantee as provided herein shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.
- H. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee required pursuant to 30-13.1, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released.
- I. At no time may the Township hold more than one guarantee or bond of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the Township Engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.
- J. The Township shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required by 30-13.1.C.
- K. The Township shall release a "safety and stabilization guarantee" upon the Township Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.
- L. Within 30 days after receiving notice from the approving authority of its acceptance of a replacement performance guarantee, the Township Committee, by resolution, shall release the predecessor obligor from liability pursuant to its performance guarantee.
- M. For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to Section 30-13.1, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Township may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Township below 30 percent.

**30-13.6 Release from Liability Upon Acceptance of Improvements; Acceptance of Dedicated Improvements.**

Upon adoption of the resolution by the Township Committee approving certain completed improvements, the obligor shall be release from all liability pursuant to its performance guarantee, with respect to those approved improvements. The following shall apply:

To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the Township Committee shall be deemed, upon the release of any performance guarantee required pursuant to Section 30-13.1.A, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Township Engineer.

**30-13.7 Failure of Township Engineer or Committee to Act.**

If the Township Engineer or Township Committee fails to act on the request for release of a performance guarantee within the time require herein, the obligor may apply to the court in the manner provided below, provided that nothing herein shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Township Committee or the Township Engineer.

- A. If the Township Engineer fails to send or provide the list and report as requested by the obligor as required herein within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time. The cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
- B. If the Township Committee fails to approve or reject the improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer, which cost estimate shall have been appended to the performance guarantee as required herein. The cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

**30-13.8 Maintenance guarantees.**

Public Improvements and Perimeter Buffers: If required by the developer's agreement with the Township, the developer shall post with the Township, prior to the release of a performance guarantee required pursuant to 30-13.1, a maintenance guarantee for such improvements.



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Private Storm Water Management Improvements: If required by the developer's agreement with the Township, the developer shall post with the Township, upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer, a maintenance guarantee for the following private site improvements: storm water management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the storm water management system.

Except as specifically provided otherwise below, maintenance guarantees shall be administered in the same manner as performance guarantees as provided by this Chapter.

- A. Amount of Maintenance Guarantee: The maintenance guarantee shall be in favor of the Township of Green in an amount equal to 15% of the cost of such improvements. In the event of improvements for which a performance guarantee was issued, the amount of the maintenance guarantee shall equal 15% of the cost of those improvements for which the guarantee(s) is(are) being released. The cost of said improvements shall be determined by the Township Engineer in the same manner as provided herein for performance guarantees.
- B. Appeal of Disputed Maintenance Guarantee Amounts: The developer may appeal the Township Engineer's estimate of the cost of improvements for purposes of furnishing a maintenance guarantee. Such appeal shall be made in accordance with the procedures set forth in Section 33-6.
- C. Form of Guarantee: The maintenance guarantee shall be in the form of any security issued by an institution authorized to issue such securities in the State of New Jersey and which may be accepted by the Township and approved by the Township Attorney, including but not limited to surety bonds, cash and letters of credit, provided that acceptance of irrevocable letters of credit shall be subject to the same conditions as provided herein for performance guarantees.
- D. Term of Maintenance Guarantee: The maintenance guarantee shall be required to run for a period of two years, which shall be stated in the guarantee, and shall automatically expire at the end of the established term.



**30-13.9 Exception for improvements related to other jurisdictions.**

In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

**30-13.10 Developer's Agreement.**

Prior to any constructions and coincident with the furnishing of the performance guarantee by the developer, the developer shall enter into a developer's agreement with the Township Committee incorporating all of the terms and conditions of approval as required by the Board. In addition, the developer's agreement may impose and describe the terms of other matters that may or may not be specified in the approval, including but not limited to the following:

- A. Procurement of necessary drainage, utility, access, construction and other easements.
- B. Revisions to the drainage plan as may be reasonably required by the Township Engineer before or during construction.
- C. Construction-related provisions, such as permitted days and hours of construction, traffic controls, staging and storage of equipment and materials, site security, noise and dust controls, installation and use of temporary structures, etc.
- D. Tree preservation, removal and replacement requirements.
- E. Condominium requirements and documentation.
- F. Compliance with State, County and other jurisdictional requirements.
- G. Submission of as-built drawings.
- H. Title 39 requirements.
- I. Insurance, liability and indemnification requirements.

**30-13.11 Inspection of Improvements and Construction.**

All improvements required by the Board, except electric, telephone, cable television, street lighting, gas, water and streets not under the jurisdiction of the Township of Green shall be installed under the supervision and inspection of the Township Engineer. Such other improvements shall be installed under the supervision and inspection of the authority having jurisdiction over such improvements. No construction work covering the required improvements shall be commenced without the developer first notifying the Township Engineer and/or Construction Official, as applicable, that said construction work is about to take place. Such notice shall be given, in writing, to the Township Engineer at least one week before the

ORDINANCE NO. 2019-11  
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

commencement of such work. No required improvements shall be covered with soil or other improvements until inspected and approved by the Township Engineer.

**SECTION 2 - SEVERABILITY**

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 3 - REPEALER**

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**SECTION 4 - EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

**SECTION 5 - NOTICE**

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. Upon the adoption of this Ordinance, after public hearing, the Municipal 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.

ATTEST:

TOWNSHIP OF GREEN,  
IN THE COUNTY OF SUSSEX

  
Mark Zschack, Township Clerk

  
Daniel Conkling, Mayor

**Record of Vote – Introduction:**

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

**Record of Vote – Adoption:**

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

INTRODUCED: May 20, 2019

ADVERTISED: May 24, 2019

PUBLIC HEARING: June 17, 2019

ADOPTED: June 17, 2019

ADVERTISED ADOPTION: June 19, 2019


**RESOLUTION 2019-102**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**BILLS LIST (05/17/2019 to 06/11/2019)**

**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 05/17/2019 to 06/11/2019 attached to and made a part of this Resolution is hereby accepted and approved for payment.

DATED: June 17, 2019

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 June 17, 2019.

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

cc: Linda Padula, CFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips			√			
Mr. Qarmout	√		√			
Mrs. Raffay		√	√			
Mr. Conkling			√			



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

Meeting Date: 06/17/2019 For bills from 05/17/2019 to 06/11/2019

Check#	Vendor	Description	Payment	Check Total
8844	1993 - ACF Landscape Design, Inc.	PO 14072 2019 Mowing and Trimming	6,309.00	6,309.00
8845	528 - Allied Oil LLC	PO 13861 Diesel Fuel Delivery	1,305.90	
		PO 13926 Gas Delivery	538.40	1,844.30
8846	1940 - Amazon	PO 14142 Privacy Screen	48.99	
		PO 14145 Lights for Rail Mower	100.13	149.12
8847	83 - American Wear, Inc.	PO 13965 Uniform Cleaning 2019	238.00	238.00
8848	373 - Anchor Rubber Stamp	PO 14180 Valve Notary Kit for Tax Collector	66.45	66.45
8849	33 - AT&T	PO 13936 Long Distance	68.67	68.67
8850	498 - Blue Ridge Lumber Co., Inc.	PO 13876 Hardware Supplies	42.00	42.00
8851	1908 - Brady & Correale, LLP	PO 13947 Legal Services - Land Use Board	825.00	825.00
8852	1965 - Braen Stone of Sparta	PO 13885 Crushed Stone	1,062.74	1,062.74
8853	236 - Cahills Farm	PO 13928 Opening & Closing of Park Gates	600.00	600.00
8854	1689 - CEUnion	PO 14035 Seminars - Perigo	95.00	95.00
8855	917 - Chef's, LLC	PO 14151 Food for Summer BBQ/Ms. Green	895.00	
		PO 14179 Lunch for Poll Workers	72.40	967.40
8856	1228 - Chelbus Cleaning Co., Inc.	PO 13817 Cleaning Service	395.00	395.00
8857	1671 - Cit-e-Net, LLC	PO 14186 Annual Tax Data Web Inquiry 2019	500.00	500.00
8858	1599 - Dover Brake & Clutch Co., Inc.	PO 13873 Truck Parts	112.83	112.83
8859	1646 - Fazenbaker, Dorsey F Jr, & Diane K	PO 14173 Refund Tax Overpayment	152.82	152.82
8860	158 - Ferraioli, Wielkotz, Cercullo Cuva	PO 13908 FAST system reports	925.00	925.00
8861	40 - Gann Law Books	PO 14141 Subscription	146.00	146.00
8862	1099 - Garden State Highway Products Inc.	PO 13882 Signs	400.00	400.00
8863	1380 - Garden State Labs Inc.	PO 13860 Water Test MB	50.00	50.00
8864	1846 - Gebhardt and Kiefer, P.C.	PO 14007 Green Twp (Holenstein) ads Wolosky,	2,178.68	2,178.68
8865	533 - Hamburg Plumbing Supply Co. Inc.	PO 13881 Plumbing Supplies	644.08	644.08
8866	120 - Harold E. Pellow & Associates, Inc.	PO 14001 Engineering Services - Imp to Macke	179.50	
		PO 14003 Engineering Services - Municipal	2,431.10	
		PO 14003 Engineering Services - Municipal	260.00	
		PO 14169 Improvements to Hibler Rd	585.00	
		PO 14174 Engineering - Land Use Board	260.00	3,715.60
8867	188 - Home Depot Credit Services	PO 13879 Supplies	439.76	439.76
8868	108 - Honeywell Inc.	PO 13814 2019 Contract	1,514.35	1,514.35
8869	2001 - Isobel Costello	PO 14146 Winner of Ms. Green	500.00	500.00
8870	1603 - J. Caldwell & Associates	PO 14182 Land Use Board - Planning Services	307.50	307.50
8871	190 - JCP&L	PO 14190 May Electric Bill 2019	737.60	737.60
8872	2002 - Jennifer Ahmad	PO 14147 Runner Up Ms. Green	250.00	250.00
8873	58 - Kay Printing	PO 14017 Construction Printing	22.34	22.34
8874	1632 - Laddey, Clark & Ryan LLP	PO 14158 Legal Services for April 2019	3,719.00	
		PO 14158 Legal Services for April 2019	51.00	3,770.00
8875	1153 - Lowe's	PO 13896 hardware	104.65	104.65
8876	1870 - Mark Zschack	PO 14074 Cell phone reimbursement	300.00	300.00
8877	2003 - McKirdy, Rikskin, Olson, DellaPelle	PO 14185 Refund NJ State Tax Appeal	5,810.58	5,810.58
8878	20 - MGL Printing Solutions, LLC	PO 14028 Tax Bills 2019	455.50	455.50
8879	109 - Montague Tool & Supply Co, Inc.	PO 13877 Janitorial Supplies & Small Tools	17.17	
		PO 14140 Concrete Mixer	2,976.45	2,993.62
8880	1960 - Navitend	PO 13811 2019 Agreement Office 365 Monthly S	250.00	250.00
8881	1906 - ND Engineering, LLC	PO 14165 PB336 Stone Meadows	341.84	341.84
8882	104 - Netcong Hardware, INC	PO 13867 Small Tools & Supplies	44.99	44.99
8883	90 - New Jersey Herald, Inc.	PO 14156 Legal Ads	276.82	
		PO 14166 Legal Ads	12.90	289.72
8884	668 - Treasurer-State of New Jersey	PO 14168 Stormwater Fee-NJEMS Bill ID 195666	500.00	500.00
8885	98 - NJ-Dept of Health and Senior Svs	PO 13955 Dog License fees	12.60	12.60
8886	165 - Oriental Trading Co.	PO 14154 Various items for BBQ 2019	62.94	62.94
8887	952 - Partac Peat Corporation	PO 14091 Infield Mix	566.25	566.25
8888	1892 - PenTeleData	PO 13946 Internet Service for MB	99.95	99.95
8889	710 - Perigo Jr., Watson	PO 14073 Cell Phone reimbursement	300.00	300.00
8890	2000 - Peter Sklannik	PO 14170 Reimbursement for OSHA Course	750.00	750.00
8891	418 - R & L Data Centers	PO 13962 Payroll Services	289.38	289.38
8892	177 - Ronetco Supermarkets Inc.	PO 14162 Cake & Flowers for Ms. Green 2019	104.68	104.68
8893	1996 - Rutgers University	PO 14131 Mosquito Course - Gianuzzi	195.00	195.00
8894	2004 - Samantha Masih	PO 14187 Lou Caruso Award 2019	100.00	100.00
8895	1918 - SCEDP, Inc.	PO 14164 SCEDP Investor - Res. 2019-100	200.00	200.00
8896	905 - Service Electric Cable of NJ, Inc.	PO 13835 Cable Boxes-MB	9.90	
		PO 13834 Cable boxes-DPW	8.95	18.85

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

Meeting Date: 06/17/2019 For bills from 05/17/2019 to 06/11/2019

Check#	Vendor	Description	Payment	Check Total
8897	1210 - SK Paper Shred Inc.	PO 13909 Paper Shredding Bill 2019	100.00	100.00
8898	977 - Smith Motor Company, Inc.	PO 13870 Truck Parts/Repairs	837.72	837.72
8899	123 - Staples Advantage	PO 14163 ID Tags & Lanyards for Peddlers Lic	66.58	
		PO 14172 Sign for parks	295.06	361.64
8900	1152 - Statewide Insurance Fund	PO 13969 Workers Comp/All Lines Insurance	30,340.50	30,340.50
8901	69 - Storr Tractor Co.	PO 14139 mower parts	439.42	439.42
8902	908 - Service Tire Truck Centers, Inc.	PO 13875 Truck Tires	421.00	421.00
8903	114 - Sussex County MUA	PO 13910 Municipal/Household Waste	9,970.56	9,970.56
8904	179 - Sussex County Rental Center	PO 14044 Rental for Summer BBQ/Miss Green	865.50	865.50
8905	1659 - Tree King Inc.	PO 13887 Tree Service	10,370.00	10,370.00
8906	716 - Tri-State Rental, Inc.	PO 13808 Parks Mower	13,850.00	13,850.00
8907	381 - US Postal Service (Neopost POC)	PO 14159 Postage- Meter 45830642	2,000.00	2,000.00
8908	34 - Verizon	PO 14171 May Phone Bill	951.96	951.96
8909	29 - Verizon Wireless	PO 13958 Modem-OEM 2019	38.01	38.01
8910	1158 - W.B. Mason Co. Inc.	PO 14137 May Supplies Order	271.89	271.89
8911	1774 - Waste Management of New Jersey	PO 14099 Dumpsters for 4/27/2019	1,532.00	1,532.00
TOTAL				115,169.99

Total to be paid from Fund 01 CURRENT FUND	111,159.70
Total to be paid from Fund 02 FEDERAL & STATE GRANTS	1,632.00
Total to be paid from Fund 04 GENERAL CAPITAL	864.63
Total to be paid from Fund 12 ANIMAL FUND	12.60
Total to be paid from Fund 16 AFFORDABLE HOUSING TRUST FUND	51.00
Total to be paid from Fund 19 TRUST FUND	1,190.06
Total to be paid from Fund 22 OPEN SPACE TAX	260.00
	<u>115,169.99</u>

**Checks Previously Disbursed**

9999	State of NJ Div of Pensions/Benefit	PO# 13858	Retiree Medical Insurance	5,019.55	6/10/2019
9999	State of NJ-Division of Pensions	PO# 13859	Active Employee Medical/Dental Ins	11,503.69	6/10/2019
8843	Green Twp Board of Education	PO# 13823	School Tax	747,667.66	6/03/2019
9999	Payroll Account		5/30/2019	10.15	5/28/2019
9999	Payroll Account		5/30/2019	34,217.08	5/28/2019
8842	Lakeland Bus Lines Inc.	PO# 14143	Deposit for Bus Trip	150.00	5/24/2019
8841	Kip Pierson	PO# 14153	Entertainment for Ms. Green	325.00	5/24/2019
8840	JCP&L	PO# 13927	Street Lighting	41.93	5/24/2019
8839	Hunterdon Hills Playhouse	PO# 14160	Deposit for Hunterdon Hills Playho	275.00	5/24/2019
				799,210.06	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 CURRENT FUND	798,785.06	111,159.70	909,944.76
Fund 02 FEDERAL & STATE GRANTS		1,632.00	1,632.00
Fund 04 GENERAL CAPITAL		864.63	864.63
Fund 12 ANIMAL FUND		12.60	12.60
Fund 16 AFFORDABLE HOUSING TRUST FUND		51.00	51.00
Fund 19 TRUST FUND	425.00	1,190.06	1,615.06
Fund 22 OPEN SPACE TAX		260.00	260.00

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

Meeting Date: 06/17/2019 For bills from 05/17/2019 to 06/11/2019

Check#	Vendor	Description	Payment	Check Total
	BILLS LIST TOTALS	799,210.06	115,169.99	<u>914,380.05</u>



**RESOLUTION 2019-109**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**RESOLUTION AUTHORIZING A MULTI-PARTY LEASE ACKNOWLEDGEMENT  
AGREEMENT REGARDING A WIRELESS COMMUNICATIONS TOWER LEASE**

**WHEREAS**, Green Township is the fee owner of a certain parcel of land located at 173 Kennedy Road, Township of Green, County of Sussex, State of New Jersey (Block 13 Lot 2); and

**WHEREAS**, Green Township and Celco Partnership d/b/a Verizon Wireless a Delaware limited partnership, ("**Lessee**") entered into a certain Land Lease Agreement dated March 17, 2008, ("**Prime Lease**"), whereby Green Township leases to **Lessee** a portion of the Property described above, for the purpose of constructing and operating a wireless communications tower and facility; and

**WHEREAS**, **Lessee** and **ATC Sequoia LLC** a, Delaware limited liability company, ("**Sublessee**") entered into a certain Management Agreement and a Master Prepaid Lease, both with an effective date of March 27, 2015, pursuant to which **Sublessee** manages, subleases, operates, and maintains, as applicable, the Leased Premises; and

**WHEREAS** New Cingular Wireless PCS, LLC, a Delaware limited liability company ("**Licensee**") desires to license from **Sublessee** both ground space and tower space at the Leased Premises to install, maintain and operate telecommunications equipment; and

**WHEREAS**, Section 19 of the **Prime Lease** requires any licensee co-locating within the Leased Premises to execute a Multi-Party Lease Agreement.

**WHEREAS**, Pursuant to Section 19 of the Prime Lease, Lessee acknowledges that any rental or fee paid by any licensee(s) shall be divided between Lessor and Lessee and/or Sublessee in the following manner: fifty percent (50%) to Lessor and fifty percent (50%) to Lessee and/or Sublessee. Specifically, Green Township's Share consists of One Thousand Four Hundred Forty-Five and 00/100 (\$1,445.00) per month, which shall be paid directly by **Licensee** to Green Township on the first day of each month, with the first payment to be made within thirty (30) days of Licensee's installation on the Lease Premises.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Green in the County of Sussex and State of New Jersey, does hereby authorize the Mayor and/or Clerk to enter into a Multi-Party Lease Acknowledgement Agreement.

DATED: June 17, 2019

RESOLUTION 2019-109  
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN  
COUNTY OF SUSSEX, STATE OF NJ

I, Mark Zschack, Township Clerk of the Township of Green, County of Sussex, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a Resolution adopted by the Township Committee at a meeting held on June 17, 2019.



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

**Record of Vote:**

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

**RESOLUTION 2019-111**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**RESOLUTION AUTHORIZING DRAINAGE STUDY**


**WHEREAS**, a seepage pit was installed within Forest Road to help collect stormwater from the roadway during smaller storms and allow the stormwater to infiltrate into the ground. In larger storms Forest Road still becomes flooded and stormwater travels down the 81 Forest Road driveway and negatively impacts the dwelling on that property; and

**WHEREAS**, the Township Engineer was authorized to submit a proposal to perform a drainage study to determine a solution to said drainage condition.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Green does hereby authorize Harold H. Pellow & Associates, Inc. to prepare a drainage study, as described in a proposal dated June 5, 2019, at a cost not to exceed \$6,000.00.

Dated: June 17, 2019

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 June 17, 2019.

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

cc: Linda Padula, CMFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips	√		√			
Mr. Qarmout			√			
Mrs. Raffay		√	√			
Mr. Conkling			√			



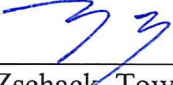
**RESOLUTION 2019-112**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**DEVELOPERS ESCROW TRUST (05/02/2019 to 06/11/2019)**

**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 05/02/2019 to 06/11/2019 attached to and made a part of this Resolution is hereby accepted and approved for payment.

DATED: June 17, 2019

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 June 17, 2019.

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

cc: Linda Padula, CFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips	√		√			
Mr. Qarmout		√	√			
Mrs. Raffay			√			
Mr. Conkling			√			

# **List of Bills - (1410101002) CASH - Developers Escrow-SB One Bank** **DEVELOPERS ESCROW TRUST**

Meeting Date: 06/17/2019 For bills from 05/02/2019 to 06/11/2019

ack#	Vendor	Description	Payment	Check Total
7412	1908 - Brady & Correale, LLP	PO 13983 LU1901 Pittenger	75.00	
		PO 14102 LU1902 Forest Flats LLC	600.00	
		PO 14103 LU1903 Tommaso	1,050.00	1,725.00
7413	1937 - Harold E. Pellow & Associates, Inc.	PO 13831 SE1807 Airside, Inc.	41.28	
		PO 13938 SE1810 JCP&L	53.14	
		PO 13939 SE1811 JCP&L	20.64	
		PO 13941 SE1812 JCP&L	53.14	
		PO 13996 RO1806 Van Vugt	65.00	
		PO 14024 SE1805 Shamy	41.28	
		PO 14051 LU1607 Airside Inc.	309.57	
		PO 14052 LU1902 Forest Flats LLC	2,065.26	2,649.31
7414	1937 - Harold E. Pellow & Associates, Inc.	PO 14176 SE1711 Wrobleski	195.00	
		PO 14177 SE1904 Forest Flats, Inc.	206.38	
		PO 14178 LU1903 Tommaso	463.80	
		PO 14188 SE3019 Crossed Keys	536.58	1,401.76
7415	1877 - J. Caldwell & Associates	PO 14023 LU1902 Forest Flats LLC	664.00	
		PO 14181 LU1903 <i>Tommaso</i>	522.75	1,186.75
7416	1906 - ND Engineering, LLC	PO 13832 PB9336 Stone Meadows	51.91	51.91
TOTAL				7,014.73
Total to be paid from Fund 14 DEVELOPERS ESCROW TRUST			7,014.73	
			<u>7,014.73</u>	

## **Previously Disbursed**

7411	Harold E. Pellow & Associates, Inc.	Multiple:	542.76	5/14/2019
7399	Harold E. Pellow & Associates, Inc.	Multiple:	542.76	3/04/2019
7399	Harold E. Pellow & Associates, Inc.	Lost check	-542.76	5/14/2019 *VOID*
				-----
				1,085.52
				-542.76 *VOIDED
				-----
				542.76

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 14 DEVELOPERS ESCROW TRUST	542.76	7,014.73	7,557.49
BILLS LIST TOTALS	542.76	7,014.73	7,557.49

**RESOLUTION 2019-113**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**RESOLUTION AUTHORIZING APPRAISAL SERVICES**

**WHEREAS**, the Open Space Committee has been charged with the development of the County Connector Rail to Trail walking path that traverses Green Township and has retained the services of The Land Conservancy of New Jersey; and

**WHEREAS**, to extend the trail southerly into Warren County private property would need to be acquired to complete the connection; and

**WHEREAS**, The Land Conservancy of New Jersey has obtained quotes for appraisal services with the most advantages received from Norman J. Goldberg, Inc., 33 Clinton Road, West Caldwell, NJ 07006.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Green does hereby authorize Norman J. Goldberg, Inc. for appraisal services in regard to a portion of Block 15 Lot 1 at a cost not to exceed \$1,950.00.

Dated: June 17, 2019

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 June 17, 2019.

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

cc: Linda Padula, CMFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips	√		√			
Mr. Qarmout			√			
Mrs. Raffay		√	√			
Mr. Conkling			√			



**RESOLUTION 2019-114**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**RESOLUTION AUTHORIZING TITLE SERVICES**

**WHEREAS**, the Open Space Committee has been charged with the development of the County Connector Rail to Trail walking path that traverses Green Township and has retained the services of The Land Conservancy of New Jersey; and

**WHEREAS**, to extend the trail southerly into Warren County private property would need to be acquired to complete the connection; and

**WHEREAS**, The Land Conservancy of New Jersey has obtained a quote for title insurance services from Title Lines, 15 Mendham Road, Gladstone, NJ 07934 (Agent for Old Republic National Title Insurance Company.)

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Green does hereby authorize Title Lines for title services in regard to a portion of Block 15 Lot 1 at a cost not to exceed \$624.00.

Dated: June 17, 2019

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 June 17, 2019.

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

cc: Linda Padula, CMFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips			√			
Mr. Qarmout	√		√			
Mrs. Raffay		√	√			
Mr. Conkling			√			

**RESOLUTION 2019-115**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**AUTHORIZING THE USE OF THE MORRIS COUNTY COOPERATIVE  
PRICING COUNCIL FOR MILLING, PAVING AND LINE STRIPING OF HIBLER ROAD**

**WHEREAS**, the Township of Green has a need for contracting services for milling and paving Hibler Road, between Shotwell Road (CR-608) to Wintermute Road (CR-519); and

**WHEREAS**, the Morris County Cooperative Pricing Council ("MCCPC") advertised and received bids for roadway milling and paving; and

**WHEREAS**, the bids received allowed vendors to extend their pricing to municipalities who are a member of the MCCPC, a State regulated County Contract Purchasing System; and

**WHEREAS**, the Green Township Engineer recommends the Township Committee award contracts for milling, paving and line striping (subject to final approvals from the New Jersey Department of Transportation) through the use of the MCCPC to the following contractors:

1. Tilcon New York Inc. for milling and paving in an amount not to exceed **\$279,730.75**
2. Denville Line Painting, Inc. for traffic striping in an amount not to exceed **\$10,101.00**

**WHEREAS**, the Chief Financial Officer, Linda Padula, has certified that funds are available.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Green that the vendors, Tilcon New York, Inc. and Denville Line Painting, Inc., be utilized for the milling, paving and striping of Hibler Road, between Shotwell Road (CR-608) to Wintermute Road (CR-519) through the respective MCCPC contracts at the amounts not to exceed listed herewith, subject to the final approval from the New Jersey Department of Transportation.

DATED: June 18, 2018

**Certification of Funds**

The Chief Financial Officer certifies that the appropriations specified have been provided for within the General Capital Budget  
Account:04-215-55-999-020 Ordinance 2019-06 Amount: \$290,000.00

CFO Signature: 

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 June 17, 2019.

  
Mark Zschack, Township Clerk

cc: Linda Padula, CMFO

**Record of Vote:**

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

**RESOLUTION 2019-116  
TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN  
COUNTY OF SUSSEX, STATE OF NJ**

**AUTHORIZING THE USE OF THE MORRIS COUNTY COOPERATIVE  
PRICING COUNCIL FOR MILLING AND PAVING OF  
BIRCH LANE, SCENIC DRIVE, SPRUCE DRIVE AND TERHUNE ROAD**

**WHEREAS**, the Township of Green has a need for contracting services for milling and paving of Birch Lane, Scenic Drive, Spruce Drive and Terhune Road; and

**WHEREAS**, the Morris County Cooperative Pricing Council ("MCCPC") advertised and received bids for roadway milling and paving; and

**WHEREAS**, the bids received allowed vendors to extend their pricing to municipalities who are a member of the MCCPC, a State regulated County Contract Purchasing System; and

**WHEREAS**, the Green Township Engineer recommends the Township Committee award a contract for milling and paving through the use of the MCCPC to Tilcon New York, Inc. (Contract #6) in an amount of \$133,375.00; and

**WHEREAS**, the Chief Financial Officer, Linda Padula, has certified that funds are available.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Green that the vendor, Tilcon New York, Inc., be utilized for the milling and paving of Birch Lane, Scenic Drive, Spruce Drive and Terhune Road through the respective MCCPC contracts at the amounts not to exceed listed herewith.

DATED: June 17, 2019

**Certification of Funds**

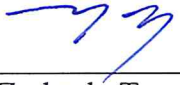
The Chief Financial Officer certifies that the appropriations specified within the following accounts:

Account: 01-201-44-903-020      Amount: \$78,000.00  
Account: 01-201-26-290-164      Amount: \$57,000.00

CFO Signature: \_\_\_\_\_



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 June 17, 2019.



Mark Zschack, Township Clerk

cc: Linda Padula, CMFO

**Record of Vote:**

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



**RESOLUTION 2019-117**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**AUTHORIZING THE USE OF THE MORRIS COUNTY COOPERATIVE  
PRICING COUNCIL FOR PAVING OF DPW ENTRANCE DRIVE AND YARD**

**WHEREAS**, the Township of Green has a need for contracting services for paving, at the Municipally-Owned DPW driveway and yard located at 173 Kennedy Road; and

**WHEREAS**, the Morris County Cooperative Pricing Council ("MCCPC") advertised and received bids for roadway paving; and

**WHEREAS**, the bids received allowed vendors to extend their pricing to municipalities who are a member of the MCCPC, a State regulated County Contract Purchasing System; and

**WHEREAS**, the Green Township Engineer recommends the Township Committee award a contract for milling and paving through the use of the MCCPC to Tilcon New York, Inc. (Contract #6) in an amount of \$40,581.25; and

**WHEREAS**, the Chief Financial Officer, Linda Padula, has certified that funds are available.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Green that the vendor, Tilcon New York, Inc. be utilized for the paving of the Municipally-Owned DPW driveway and yard located at 173 Kennedy Road through the respective MCCPC contracts at the amounts not to exceed listed herewith.

DATED: June 17, 2019

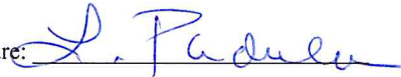
**Certification of Funds**

The Chief Financial Officer certifies that the appropriations specified have been provided for within the 2018 Account.


Account: 01-203-26-290-164

Amount: \$67,000.00

CFO Signature:



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 June 17, 2019.

  
Mark Zschack, Township Clerk

cc: Linda Padula, CMFO

**Record of Vote:**

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

**RESOLUTION 2019-118**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**APPROVAL OF ELIZABETHTOWN GAS COMPANY DETOUR**

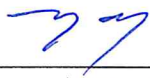
**WHEREAS**, Elizabethtown Gas Company has proposed the extension of a gas main along County Route 606 in Andover Borough; and

**WHEREAS**, Elizabethtown Gas Company has requested the use of Whitehall Road as a detour route during the installation of said gas main.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Green does hereby authorize the Clerk to execute a document accepting the planned detour on Whitehall Road as depicted on the submitted detour plan.

Dated: June 17, 2019

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 June 17, 2019.

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

cc: Linda Padula, CMFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips	√		√			
Mr. Qarmout			√			
Mrs. Raffay		√	√			
Mr. Conkling			√			

**RESOLUTION 2019-119**  
**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN**  
**COUNTY OF SUSSEX, STATE OF NJ**

**RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR BIDS**  
**LAKE TRANQUILITY BRIDGE**

**BE IT RESOLVED**, that the Township Committee of the Township of Green, County of Sussex, State of New Jersey authorizes the Clerk to issue a Bid for the cleaning and painting of all structural steel, i.e. floorbeams, trusses and connections on the Lake Tranquility Bridge.

DATED: June 17, 2019

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 June 17, 2019.

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

cc: Linda Padula, CFO

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips	√		√			
Mr. Qarmout			√			
Mrs. Raffay		√	√			
Mr. Conkling			√			



**ORDINANCE NO. 2019-12**  
**TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**ORDINANCE AMENDING ORDINANCE 2019-06**  
**APPROPRIATING \$25,000.00 FROM THE GENERAL**  
**CAPITAL FUND BALANCE FOR IMPROVEMENTS TO**  
**HIBLER ROAD TO INCREASE THE GENERAL CAPITAL**  
**FUND BALANCE RESERVE APPROPRIATION FROM**  
**\$25,000.00 TO \$45,000.00**

**WHEREAS**, Ordinance No. 2019-06 of the Township of Green appropriated a total of \$305,000.00, with \$25,000.00 from the General Capital Fund Balance, \$208,000.00 from the New Jersey Department of Transportation's (NJDOT) Fiscal Year 2019 Municipal Aid Program, and \$72,000.00 from the General Capital Reserves, for road improvements to Hibler Road; and

**WHEREAS**, The Township Committee has determined that Ordinance No. 2019-06 should be amended to appropriate an additional \$20,000.00 from the General Capital Fund Balance, thereby increasing the total appropriate amount from the General Capital Fund Balance to \$45,000.00 for road improvements to Hibler Road; and

**WHEREAS**, the Chief Financial Officer has attested to the availability of funds in the General Capital Fund Balance in an amount not to exceed \$45,000.00 for this purpose; and

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

1. Ordinance 2019-06 is hereby amended to appropriate an additional \$20,000.00, for a total of \$45,000.00 from the General Capital Fund Balance for road improvements to Hibler Road.
2. This Ordinance shall take effect after publication after final adoption, as provided by law.

ORDINANCE NO. 2019-12  
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ATTEST:

TOWNSHIP OF GREEN,  
IN THE COUNTY OF SUSSEX

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

\_\_\_\_\_  
Daniel Conkling, Mayor

**Record of Vote - Introduction:**

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

**Record of Vote - Adoption:**

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

INTRODUCED: June 17, 2019

ADVERTISED INTRODUCTION: June 19, 2019

PUBLIC HEARING: July 15, 2019

ADOPTED:

ADVERTISED ADOPTION:

**RESOLUTION 2019-120**

**TOWNSHIP COMMITTEE - TOWNSHIP OF GREEN  
COUNTY OF SUSSEX, STATE OF NJ**

**RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT  
AND GENERAL RELEASE**

**WHEREAS**, the Township of Green and Suburban Consulting Engineers, Inc. (Suburban) have fully and amicably resolved all matters in connection with any and all professional services provided by Suburban, including all services provided regarding the Lake Tranquility Bridge Project, Bridge G-15, Township of Green, as set forth in full in a Settlement Agreement and General Release between the parties;

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Green, County of Sussex, State of New Jersey, that the Settlement Agreement and General Release executed in counterparts in June, 2019, is hereby approved and the Mayor or his designee are hereby authorized to sign these documents.

**DATED:** June 17, 2019

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 June 17, 2019.

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

**Record of Vote:**

	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Chirip						√
Mrs. Phillips	√		√			
Mr. Qarmout		√	√			
Mrs. Raffay			√			
Mr. Conkling			√			