

**MINUTES OF SPECIAL MEETING OF JULY 25, 2023**  
**Amended**

The special meeting of the Frelinghuysen Township Committee was held in the Municipal Building, 210 Main Street, Johnsonburg, New Jersey on Wednesday, July 25, 2023 and was called to order at 8:00 a.m. by Mayor Ramos.

**SUNSHINE LAW STATEMENT:**

Under the provisions of the Open Public Meetings Act, adequate notice of this meeting was provided by posting notice on the Township bulletin board and by emailing notice to the New Jersey Herald and The Express-Times.

**ROLL CALL:**

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

**RESOLUTIONS:**

**# 2023-61 NOTICE OF PUBLIC SALE NOT NEEDED FOR PUBLIC USE BLOCK 201, LOT 31.01, MORE COMMONLY KNOWN AS 720 ROUTE 94 FRELINGHUYSEN TOWNSHIP, NEW JERSEY AUTHORIZING THE PUBLIC SALE BY WAY OF AUCTION OF REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF FRELINGHUYSEN AS BLOCK 201, LOT 31.01, BEING MORE COMMONLY KNOWN AS 720 ROUTE 94, TO BE UNDERTAKEN PURSUANT TO N.J.S.A. 40A: 12-13(a)** WHEREAS, N.J.S.A. 40A:12-13 (a) authorizes the sale by municipalities of any real property, capital improvements, or personal property, or interest therein, not needed for public use by sale in the manner provided by law; and WHEREAS, the Township of Frelinghuysen ("Township") is the owner of certain real property, which is located within the Township and is known as Block 201, Lot 31.01, and more commonly known as 720 Route 94 (the "Property"); and WHEREAS, the Mayor and Committee have determined that the Property is not needed for public use and that that a sale of the Property will generate revenue that will serve the public interest. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Frelinghuysen, Warren County, New Jersey as follows:

1. The Mayor and Committee hereby Township hereby declare that the Property is no longer needed for public use and may be offered for public sale in accordance with N.J.S.A. 40A: 12-13(a), and hereby authorizes the public sale of the Property.

2. The Property shall not, under any circumstances, be sold at public sale for less than its fair market value, \$1,400,000.00, which shall be the minimum purchase price.

3. The public auction of the Property shall be conducted on Wednesday, August 16, 2023 at 10:00 a.m. at the Municipal Building, Township of Frelinghuysen, 210 Main Street, Johnsonburg, New Jersey.

4. All interested parties shall appear at the auction in person. The successful bidder must submit a deposit of 10 percent of the amount of the bid to the Township at the conclusion of the auction. The deposit money shall be in the form of money order, or certified or bank check, made payable to the Wacks Law Group, LLC Attorney Trust Account. The successful bidder shall have until 5:00 p.m. on the auction date to deliver the deposit to the office of the Township Clerk. Said 10 percent deposit shall be made with the successful bidder's or bidders' understanding that the deposit is not refundable. In the event that the successful bidder or bidders fail to close title to the Property in accordance with the terms and conditions hereof; or if they fail to close title to the Property within 30 days of the date of the acceptance of the bid, time being of the essence; and/or if they fail to close title to the Property in accordance with applicable law, then any and all money deposited with the Township shall be forfeited.

5. The Township reserves the right to cancel the auction at any time prior to the auction, for any reason.

6. All bids are subject to the acceptance or rejection of the Township Committee. The Township Committee reserves the right to reject all bids. Acceptance or rejection of bids shall take place no later than the second regular meeting next following the auction. If no action is taken by the Township Committee by that meeting, all bids will be deemed to have been rejected.

7. The auction shall further be conducted, and title to the Property shall be transferred and the Property shall be sold in accordance with the following restrictions and terms of sale. Responsibility for any failure to comply with these restrictions and terms of sale shall be fully assumed by the successful bidder:

(a) That the description of the Property is intended as a general guide only and may not be accurate. NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE TOWNSHIP OF FRELINGHUYSEN AS TO THE CONDITION OF THE PROPERTY, SAID PREMISES ARE BEING SOLD IN THEIR PRESENT CONDITION, "AS IS."

(b) All bidders, prior to making their bids, will be presumed to have checked the exact location, including the correct street address and lot size of the Property on the Township's official tax map. Any descriptions of the Property provided by the Township or the auctioneer is intended as a general guide only, and no representations as the accuracy of such descriptions are made by the Township.

(c) This sale is subject to such facts as an accurate survey may disclose, any existing tenancies, rights or any persons in possession, easements, conditions, and encumbrances of title. Should the title to the property prove to be unmarketable for any reason, the liability of the Township shall be limited to the repayment to the purchaser of the amount of deposit and any portion of the purchase

price paid and shall not extend to any further costs, expense, damages, or claims. Notice of any alleged defect in title or claim of unmarketability must be served on the Township Clerk, by the purchaser, in writing no later than twenty (20) days after the sale is approved by the Township Committee. Failure upon the part of the purchaser to give written notice within the said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition.

(d) That the sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Frelinghuysen. The use of the Property shall be in accordance with the appropriate zoning, subdivision, health and building regulations, and this sale cannot be used as grounds to support any variance from said regulations.

(e) The burden is on all successful bidders to obtain any and all variances and/or approvals from the Frelinghuysen Township Land Development Ordinance, and closing shall not be contingent upon the issuance of any land use approval.

(f) No employee, agent or officer of the Township of Frelinghuysen has any authority to waive, modify or amend any of the conditions of sale.

(g) That the Township shall convey the property by a Quitclaim Deed unless an adequate title binder, sufficient in the sole discretion of the Township Attorney, which is prepared at the expense of the purchaser, by a title company licensed to do business in the State of New Jersey, is forwarded to the Township prior to the conveyance, in which case a Bargain and Sale Deed with Covenants against Grantor's Acts will be the form of conveyance.

(h) The successful bidder shall pay at the time of closing: (i) The balance of the purchase price; (ii) All costs associated with the sale of the Property, including but not limited to, the cost of preparation of all legal documentation, survey(s), any title work, cost of advertisement of the sale and the cost of recording the deeds, which deeds shall be recorded on behalf of the purchaser by the Township Attorney, and (iii) Prorated real estate taxes or other charges, if any, for the balance of the current year as of the date of the closing.

(i) The closing of the sale shall take place no later than 30 days after the acceptance of the bid, time being of the essence.

9. The Mayor and Township Clerk, together with all appropriate officers, employees, professionals and staff of the Township are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.

10. This Resolution shall take effect immediately according to law.

**CERTIFICATION** I, Donna Zilberfarb, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Township Committee of the Township of Frelinghuysen at a meeting held on Tuesday, July 25, 2023 Donna Zilberfarb, RMC

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

**NEW BUSINESS:**

- Motion was made by Mr. Boynton to appoint Robert Stock as Treasurer for the FTVFC with a stipend of \$250.00 per year, seconded by Mr. Stracco. All were in favor. Mr. Stock abstained.

**OPEN MEETING TO THE PUBLIC:** Motion was made by Mr. Stracco, seconded by Mr. Boynton limiting it to 20 minutes to open meeting to the public. All were in favor. Spoke were:

- There was no public present

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

**ADJOURNMENT:**

There being no further business, motion was made by Mr. Stock, seconded by Mr. Boynton to adjourn the meeting at 8:02 a.m. All were in favor.

Respectfully submitted,

Donna Zilberfarb, RMC