

TOWNSHIP OF FREDON  
ORDINANCE 2014-01

An Ordinance Establishing an Energy Aggregation Program Pursuant to the GOVERNMENT ENERGY AGGREGATION ACT OF 2003, N.J.S.A 48:-93.1 to 98 Whereas, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and Whereas, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and Whereas, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric bills; and Whereas, the citizens of the Township of Fredon have a substantial economic and social interest at stake; and Whereas, the Governing Body of the Township of Fredon hereby finds that it is in the best interests of residential and non-residential electric ratepayers to enter into an aggregation agreement in order to seek substantial savings on electric rates; Now, Therefore BE IT RESOLVED by the Governing Body of the Township of Fredon as follows:

1. The Township of Fredon publicly declares it is a participating member of the Passaic County Energy Cooperative Pricing System per Resolution dated June 28, 2012.
2. That the Township of Fredon desires to participate in the Passaic County Cooperative's Government Energy Aggregation Program and aggregate energy supply service on behalf of its residential and non-residential users of energy pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
3. That Passaic County as the Lead Agency will seek bids on behalf of the Cooperative from licensed and appropriate Third Party Suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire, while non-residential ratepayers would also have the right to participate.
4. The Business Administrator and/or Mayor is authorized to execute and the Fredon Township Clerk to attest to any documents necessary to carry out the purpose of the Ordinance.
5. The fully executed agreement shall be kept on file and available for public inspection with the Fredon Township Clerk's Office.
6. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
7. This Ordinance shall become effective immediately upon passage and publication as provided by law.

**CERTIFICATION**

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on January 23, 2014.

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Joanne Charner RMC  
Municipal Clerk

TOWNSHIP OF FREDON  
ORDINANCE #2014-02

AN ORDINANCE AMENDING CHAPTER 9 – BOARDS, COMMISSIONS, AND  
COMMITTEES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF  
FREDON, PARTICULARLY SECTION 9-4 BOARD OF RECREATION COMMISSIONERS

**BE IT ORDAINED** by the Township Committee of the Township of Fredon, County of Sussex, and State of New Jersey, that Section 9-4 of the Municipal Code, regarding the municipal Board of Recreation Commissioners, be amended as follows:

B. Said Board of Recreation Commissioners shall also consist of up to two alternate members, to be appointed in the manner prescribed by N.J.S.A. 40:12-1.1. Alternate members shall be designated at the time of appointment as “Alternate No. 1” and “Alternate No. 2.” The length of the terms of alternate members shall be the same as the length of the terms of the regular members of the Board of Recreation Commissioners. If two alternates are initially appointed, their terms shall be staggered by the appointment of one of the alternates for an initial term that is a year less than a regular term. A vacancy occurring otherwise than by expiration of term shall be filled by the governing body for the unexpired term only. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of the Board. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

C. Any member who does not attend three consecutive meetings without good cause may be discharged from the Board by resolution of the Township Committee and in such event a successor shall be appointed to serve for his unexpired term. Any member proposed to be so discharged shall be entitled to a hearing before the governing body if he requests it.

**CERTIFICATION**

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on February 12, 2014.

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Joanne Charner RMC  
Municipal Clerk

**TOWNSHIP OF FREDON**  
**ORDINANCE 2014- 03**  
**CALENDAR YEAR 2014**  
**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS**  
**AND TO ESTABLISH A CAP BANK**  
**(N.J.S.A. 40A 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Fredon in the County of Sussex, finds it advisable and necessary to increase its CY2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety, and welfare of its citizens; and,

**WHEREAS**, the Township Committee of the Township of Fredon hereby determines that a 3.5% increase in the budget for said year, amounting to \$53,621.61 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Township Committee of the Township of Fredon hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Fredon, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Fredon shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$62,558.55, and the CY 2014 municipal budget for the Township of Fredon be approved and adopted in accordance with this ordinance; and,


**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**CERTIFICATION**

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on March 13, 2014.

  
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Joanne Charner RMC  
Municipal Clerk

This Ordinance was agreed to the 13<sup>th</sup> day of March, 2014 by a vote of:

4 Affirmative 0 Abstain 0 Negative 1 Absent

TOWNSHIP OF FREDON  
ORDINANCE 2014 – 04

CAPITAL ORDINANCE APPROPRIATING \$5,000.00 FROM THE TOWNSHIP OF FREDON CAPITAL IMPROVEMENT FUND FOR THE RESERVE FOR COMPUTER EQUIPMENT

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

Section 1. \$5,000.00 is hereby appropriated from the Reserve for Computer Equipment.

Section 2. This ordinance shall take effect immediately after final adoption.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on June 12, 2014.

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Joanne Charner RMC  
Municipal Clerk

TOWNSHIP OF FREDON  
ORDINANCE 2014 – 05

CAPITAL ORDINANCE APPROPRIATING \$12,025.00 FROM THE  
TOWNSHIP OF FREDON CAPITAL IMPROVEMENT FUND FOR RESERVE  
FOR FIRE APPARATUS

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

Section 1. \$12,025.00 is hereby appropriated from the Capital Improvement  
Fund for the reserve for fire apparatus.

Section 2. This ordinance shall take effect immediately after final adoption.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was  
adopted by the Fredon Township Committee at a Regular Meeting of that body held on June 12,  
2014.

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Joanne Charner RMC  
Municipal Clerk

TOWNSHIP OF FREDON  
ORDINANCE 2014 – 06

CAPITAL ORDINANCE APPROPRIATING \$167,877.00 FROM THE  
TOWNSHIP OF FREDON CAPITAL IMPROVEMENT FUND FOR THE  
PURCHASE OF A DUMP TRUCK FOR PUBLIC WORKS

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

Section 1. \$167,877.00 is hereby appropriated from the Capital Improvement  
Fund for the purchase of a dump truck for the Department of Public Works.

Section 2. This ordinance shall take effect immediately after final adoption.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was  
adopted by the Fredon Township Committee at a Regular Meeting of that body held on June 12,  
2014.

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Joanne Charner RMC  
Municipal Clerk

TOWNSHIP OF FREDON  
ORDINANCE 2014-07  
AN ORDINANCE TO PROVIDE AND DETERMINE RATES OF COMPENSATION RANGE  
FOR OFFICIALS, OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF FREDON,  
COUNTY OF SUSSEX, STATE OF NEW JERSEY

THE FOLLOWING SHALL BE PAID MONTHLY		
ANNUAL SALARY RANGE		
Mayor	\$2,000.	\$3,850.
Deputy Mayor	1,500.	3,630.
Township Committee	1,000.	3,300.
Tax Collector, Tax Search Officer	15,000.	30,000.
Tax Assessor	10,000.	20,000.
Board of Health Secretary	2,000.	5,000.
Environmental Commission Secretary	500.	2,000.
Animal Licensing	2,000.	5,000.
Recreation Secretary	1,200.	2,000.
Animal Control Officer	2,500.	5,000.

THE FOLLOWING SHALL BE PAID BI-WEEKLY		
HOURLY SALARY RANGE		
DPW Foreman	20.00	35.00
Equipment Operator #1	15.00	25.00
Truck Driver/Laborer #1	12.50	25.00
Truck Driver/Laborer #2	12.50	25.00
<b>Truck Driver/Laborer #3</b>	<b>12.50</b>	<b>25.00</b>
Truck Driver On Call	12.00	25.00
Treasurer	20.00	50.00
Chief Financial Officer (Paid Monthly)	35.00	65.00
Deputy Tax Assessor (Paid Monthly)	15.00	25.00
Buildings & Grounds /Seasonal	10.00	15.00
Civic Center Attendant	10.00	15.00

THE FOLLOWING SHALL BE PAID BI-WEEKLY		
ANNUAL SALARY RANGE		
Clerk, Registrar, Assess. Search Officer	\$25,000	\$60,000.
Deputy Clerk	15,000	45,000.
Planning Board Secretary	5,000	17,000.
Board of Adjustment Secretary	3,000	10,000.
Deputy Tax Collector	4,000	10,000.
Systems Coordinator	3,000	8,000.

**CERTIFICATION**

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on June 26, 2014.

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Joanne Charner RMC  
Municipal Clerk



TOWNSHIP OF FREDON  
COUNTY OF SUSSEX  
ORDINANCE #2014-08

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 17,  
"COURT, JOINT MUNICIPAL"

**WHEREAS**, the Joint Municipal Court in which the Township of Fredon has been participating is disbanding, and the Township Committee has determined it to be in the best interest of the Township to participate in a reformed Joint Municipal Court; and

**WHEREAS**, the Township of Fredon has agreed to participate in a Joint Municipal Court hosted by the Township of Andover and including the Townships of Byram and Hampton, and the Borough of Andover pursuant to the terms of an "Agreement for Inter-Municipality Court for the Municipalities of Andover Township, Hampton Township, Fredon Township, Byram Township, and Andover Borough."

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

**SECTION I.** Chapter 17, "Court, Joint Municipal," is to be repealed in its entirety, to be replaced with the following provisions:

**§2-8.1. Creation of Court; name; jurisdiction.**

A. Creation of Court. There has been created a Joint Municipal Court consisting of the following members: the Township of Andover, the Township of Hampton, the Township of Fredon, the Township of Byram, and the Borough of Andover, all located in Sussex County. The Court was created by an "Agreement for Inter-Municipality Court for the Municipalities of Andover Township, Hampton Township, Fredon Township, Byram Township, and Andover Borough" (hereinafter "shared services agreement") and is subject to the terms thereof.

B. Name of Court. The name of the Joint Municipal Court shall be the "Andover Joint Municipal Court (Andover, Hampton, Fredon and Byram Townships and Andover Borough)" (hereinafter "Joint Municipal Court" or "Municipal Court") and shall have a seal bearing the name of the Court.

C. Effective date. The effective date for the creation of the Joint Municipal Court shall be January 1, 2015.

D. Jurisdiction. The jurisdiction of the Joint Municipal Court shall be coextensive with the territories of the Township of Andover, Township of Fredon, Township of Hampton, Township of Byram, and Borough of Andover in the County of Sussex. The Court shall be under the jurisdiction of the Assignment Judge and Municipal Court Administrator for Vicinage 10 – Morris/Sussex.

E. Location of Court. The Joint Municipal Court shall sit in the Township of Andover or at such other place or places as hereafter may be designated by ordinance or Resolution adopted by all participating municipalities.

**§2-8.2. Municipal Judge: powers, duties and qualifications.**

A. There shall be a Municipal Judge appointed as provided by law in the case of a joint municipal court. The Municipal Judge shall serve for a term of three years from the date of appointment and until the successor shall be appointed and qualified.

B. The Municipal Judge shall have and possess the qualifications and shall have, possess and exercise all the functions, duties, powers and jurisdiction conferred by law or ordinance. He/she shall be an attorney at law of the State of New Jersey. Whenever the Municipal Judge is unable to sit as such, he/she may designate any other Judge of any Municipal Court to sit for him/her temporarily and hold the Municipal Court. Any such designation shall be in writing and filed with the Court, and any person so designated, while sitting temporarily, shall possess all the powers of the Municipal Judge.

C. The Municipal Judge shall faithfully carry out all of the duties and responsibilities of a Municipal Judge and shall abide by all rules and regulations established for Municipal Court Judges by the Administrative Office of the Courts.

D. The Municipal Court Judge shall have full management authority of Court operations excluding the hiring and termination of all Court personnel.

**§2-8.3. Prosecutor; Administrator; Public Defender; other personnel.**

A. Municipal Prosecutor. There shall be a Municipal Prosecutor of the Municipal Court who shall prosecute cases in the Municipal Court. Qualifications for the position of Prosecutor are that the appointee shall be a duly licensed attorney at law of New Jersey, in good standing, and remain so throughout the term of service. The Municipal Prosecutor shall be appointed annually by Andover Township at the same time and in the same manner as other annual appointments are customarily made and shall continue to serve until a successor is duly appointed and qualified. The Municipal Prosecutor shall serve at the will of Andover Township, which service may be terminated upon thirty days' written notice. The compensation of the Municipal Prosecutor shall be determined by the Township of Andover.

B. Alternate Municipal Court Prosecutor. There shall also be appointed by Andover Township an Alternate Municipal Court Prosecutor, whose duties shall be the same as the Municipal Prosecutor's, but who shall act as Municipal Prosecutor only in the event the Municipal Prosecutor is absent or unavailable, or in the event the Municipal Prosecutor is unable to represent the State as a result of a conflict of interest. All provisions and references to the Municipal Prosecutor in this chapter shall apply to the

Alternate Municipal Prosecutor in all respects. In the event that the Municipal Prosecutor is absent, unavailable or unable to represent the State due to a conflict of interest, the Municipal Prosecutor shall promptly notify the Municipal Court Administrator of such circumstances, and the matter shall then be reassigned to the Alternate Municipal Prosecutor, through the office of the Municipal Court Administrator.

C. Municipal Court Administrator. There shall be an Administrator of the Municipal Court who shall perform the functions and duties prescribed for the Administrator by law, by the rules applicable to Municipal Courts and by the Municipal Judge. The compensation of the Administrator shall be determined by the Township of Andover. The Administrator's duties shall include, but not be limited to:

(1) Carrying out the rules, regulations, policies and procedures relating to the operation of the Court.

(2) Interviewing and speaking to persons wishing to file criminal or quasi-criminal complaints or wishing information in this regard; receiving complaints and dispensing information relating to Court matters.

(3) Maintaining the financial records of the Court, including receiving and accounting for fines and costs.

(4) Attending Court; recording pleas, judgments and dispositions; arranging trial calendars; signing Court documents; preparing and issuing warrants and commitments and other Court related documents.

(5) Maintaining and classifying records and files of the Court.

(6) Maintaining, forwarding, receiving and reporting such records, reports and files as required by the appropriate agencies.

(7) Carrying out such additional duties as may be required in order to fulfill the duties of Court Administrator.

D. Deputy Municipal Court Administrator. There shall be a Deputy Administrator of the Joint Municipal Court who shall perform the functions and duties prescribed by law, by the rules applicable to municipal court and by the municipal court judge. The Deputy Administrator shall be appointed in accordance with the applicable court rules. The Deputy Administrator shall be compensated as determined by the Township of Andover.

E. Public Defender. There shall be a Municipal Public Defender who shall represent eligible indigent defendants assigned by the Municipal Court Judge. The Municipal Public Defender shall be appointed for a one-year term by the Township of Andover. The compensation of the Public Defender shall be determined by the Township of Andover. The Municipal Public Defender shall be an attorney at law of the State of New Jersey in good standing. The Municipal Public Defender may be removed by the

Andover Township governing body for good cause shown and after a public hearing upon due notice and an opportunity to be heard. Failure to re-appoint a Municipal Public Defender shall not constitute a removal from office. The Municipal Public Defender may hold the same title in one or more Municipal Courts. The Municipal Public Defender may represent private clients in this and any other municipality, subject to the rules of court governing the conduct of lawyers, judges, and court personnel.

(1) Any person applying to the Joint Municipal Court for representation by a Municipal Public Defender must be charged with a crime as specified in N.J.S. 2B:12-18 or be charged with an offense where there is a likelihood, in the opinion of the Municipal Court Judge, that the defendant would be subject to imprisonment or other consequences of magnitude if convicted. The applicant shall pay in an application fee in accordance with the provisions of N.J.S.A. 2B:12-28. The Municipal Court may waive said application fee in whole or part if the Court determines, in its discretion, that the application fee represents an unreasonable burden on the person seeking representation. Municipal responsibilities and reimbursements for Andover Township for such services as host Joint Court municipality will be as set forth in Andover Township's enabling ordinance.

F. Conflict Public Defender. There shall also be appointed by Andover Township a Conflict Public Defender, whose duties shall be the same as the Municipal Public Defender, but who shall act as Municipal Public Defender only in the event the Municipal Public Defender is absent or unavailable, or in the event the Municipal Public Defender is unable to represent a defendant as a result of a conflict of interest. All provisions and references to the Municipal Public Defender in this chapter shall apply to the Conflict Public Defender in all respects. In the event that the Municipal Public Defender is absent, unavailable or unable to represent a defendant due to a conflict of interest, the Municipal Public Defender shall promptly notify the Municipal Court Administrator of such circumstances, and the matter shall then be reassigned to the Conflict Public Defender, through the office of the Municipal Court Administrator.

G. Necessary Clerical and Other Assistants. There may be appointed such other necessary clerical and other assistance for the Municipal Court as is necessary for the efficient operation of the Municipal Court. The Township of Andover shall appoint such clerical and other assistants. Compensation thereof shall be in accordance with the salary ordinance adopted annually by the Township of Andover.

H. Auditor. The Auditor for the Township of Andover shall act as the Auditor for the Joint Municipal Court. The auditor shall perform a yearly audit of the Municipal Court, which audit shall be prepared generally in accordance with the requirements of the Local Fiscal Affairs Law, N.J.S. 4A:5-1 et seq. A copy of the complete audit shall be supplied to each participating municipality by September 1<sup>st</sup> of each year.

**§2-8.4 Contributions and Compensation.** The Township of Hampton, the Township of Fredon, the Township of Byram, and the Borough of Andover shall pay the Township of Andover a fee in accordance with the shared services agreement between the parties

referenced in Paragraph 2-8.1. The Township of Andover shall remit fines and levies collected for municipal code infractions occurring within the member municipalities to the applicable municipality on at least a monthly basis or as set forth in the shared services agreement amongst the municipalities

**SECTION 2.** If any section, paragraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect after final adoption as required by law and the execution of the shared services agreement by each of the Township of Andover, Township of Fredon, Township of Hampton, Borough of Andover and Township of Byram.

#### **CERTIFICATION**

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on November 24, 2014.

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Joanne Charner RMC  
Municipal Clerk