

TOWNSHIP OF FREDON RESOLUTION 2021-65

**RESOLUTION AUTHORIZING RELEASE OF FUNDS FROM ESCROW
IN ACCORDANCE WITH OCTOBER 6, 2021 ADMINISTRATIVE
CONSENT ORDER WITH THE STATE OF NEW JERSEY,
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, the Township of Fredon ("Township") is party to an Administrative Consent Order ("ACO"), approved by the Township Committee on July 22, 2021, which resolved the matter entitled, NJDEP v. Gale & Kitson Fredon Golf, et al., bearing OAL Docket No. ECELU 05064-2009N; and

WHEREAS, the ACO became final on October 6, 2021, following a 30-day public comment period, and memorialization of a modification letter dated October 6, 2021, pertaining to the purchase of mitigation bank credit; and

WHEREAS, pursuant to the ACO, on October 11, 2021, Kitson & Partners requested that \$9,500.00 be released from the escrow fund established in 2006 to pay for the completion of various restoration improvements to certain properties described in the ACO ("Escrow Fund"); and

WHEREAS, the amount requested was paid by Kitson Evergren, LLC to Sierra Landscape Management, LLC, 901 Five Points Lane, Newton, NJ 07860 as a deposit for work performed or to be performed pursuant to the ACO under the Sierra Landscape Management Restoration Work Contract; and

WHEREAS, on October 13, 2021, the State of New Jersey, Department of Environmental Protection ("NJDEP") approved the release of \$9,500.00 from the Escrow Fund as requested by Kitson & Partners, LLC; and

WHEREAS, paragraph 28 of the ACO states that "[u]pon written approval by counsel for the Department (by letter or e-mail within five (5) business days of receipt of the invoice), the Township and Land Use Board shall authorize the release of, and the Escrow Agent shall pay, such amount from the Escrow Fund to the applicable vendor as identified in the invoice submitted by Respondent within twenty (20) calendar days of the date of receipt of the invoice by the Township attorney;" and

WHEREAS, pursuant to and in accordance with the ACO, the Township desires to authorize the release of funds as described above.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Fredon, in the County of Sussex, and State of New Jersey hereby authorizes the release of \$9,500.00 from the Escrow Fund to reimburse Kitson & Evergreen, LLC for the deposit it paid to Sierra Landscape Management, LLC for the restoration work required under the ACO,

and further directs the Escrow Agent, Kelly & Ward, LLC to immediately pay same in accordance herewith.

Moved By: *CARL LAZZARO*

Seconded By: *GUY MASI*

VOTING

Township Committee Member	In Favor	Against	Abstain	Absent
Glenn Deitz	✓			
Carl Lazzaro	✓			
Guy Masi	✓			
John Richardson	✓			
John P. Flora	✓			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Fredon Township Committee, in the County of Sussex, at a meeting thereof held October 28, 2021.



Suzanne Boland, RMC
Municipal Clerk