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BROOKFIELD CONDOMINIUM ASSOCIATION, INC.

(the "Association")

COPY

**Amendment to the Master Deed
(Regarding Sidewalk Snow Removal)**

Recorded
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WARREN COUNTY CLERK
BELVIDERE, NJ

PREAMBLE

1. The Master Deed for Brookfield Condominium Association, Inc., a Condominium, dated April 20, 1999, as it may have thereafter been amended (collectively the "Master Deed") and the By-Laws of Brookfield Condominium Association, Inc. as thereafter amended (collectively, the "By-Laws") were recorded in the office of the Warren County Clerk on April 20, 1999, in Deed Book 1618, Page 244, et seq., and any and all amendments thereto.

2. The Board of Trustees (the "Board") of the Association has recommended an amendment to the Master Deed to eliminate the Association's responsibility for snow removal from sidewalks adjacent to roadways.

3. Pursuant to Article XV, Section 15.02 of the Master Deed, this Amendment to the Master Deed has been approved by the affirmative vote of at least sixty-seven (67%) percent of all Unit Owners at a meeting of the Association duly held in accordance with the provisions of the By-Laws.

NOW, THEREFORE, BE IT RESOLVED, this 12 day of November, 2003, as follows:

A. Article XIII, Section 7.03 of the Master Deed, be and is hereby amended as indicated:

7.03 Snow Clearing and Lawn Maintenance within Units. Except for maintenance, repair and/or replacement necessitated by a Unit Owner's negligent act(s), misuse or neglect, or the negligent act(s), omissions(s) or neglect of the Unit Owner's family members, household pets, guests, occupants or visitors, regardless of whether authorized by the Unit Owner, the Association shall be responsible for:

- snow clearing from the ~~sidewalks adjacent to roadways,~~ and service walks and driveways within the Units, provided that such improvements have been installed by the Developer as part of the original construction; and
- lawn maintenance of the lands within the Unit, exclusive of the Planting Strip.

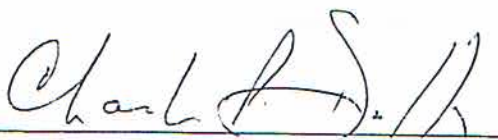
All of the costs and expenses incurred by the Association in discharging the foregoing responsibilities shall be Common Expenses to be borne by all Unit Owners in accordance with their proportionate liability for Common Expenses as established by this Master Deed.

Each Unit Owner is responsible to promptly report to the Board of Directors, in writing, any defect or need for maintenance, repairs and/or replacements, the responsibility for which is that of the Association.

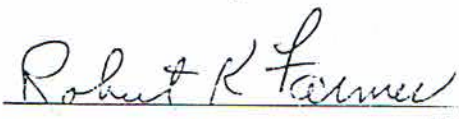
B. Except as expressly set forth in this Amendment (and as previously properly amended), the Master Deed of Brookfield Condominium Association, Inc. will not be otherwise deemed modified.

C. This Amendment to the Master Deed will be effective immediately upon its recordation in the Warren County Clerk's Office. The Attorney for the Association is authorized to record this Amendment with the Warren County Clerk's Office immediately following the adoption of same.

ATTEST:


 Charles P. Duffy, Secretary

**BROOKFIELD CONDOMINIUM
ASSOCIATION, INC.**


 Robert K. Farmer, President

STATE OF NEW JERSEY

COUNTY OF WARREN

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}
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SS.:

I CERTIFY that on Sept 15, 2004, Charles P. Duffy personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Secretary of Brookfield Condominium Association, Inc., the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is Robert K. Farmer, the President of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Trustees;
- (d) this person knows the proper seal of the corporation which was affixed to this document;
- (e) this person signed this proof to attest to the truth of these facts;
- (f) notice of this amendment was properly sent to the unit owners of the Association in accordance with the provisions of the By-Laws of the Association; and
- (g) this amendment was approved by at least sixty-seven (67%) percent or more of the total votes of the Unit Owners entitled to be cast in person or by proxy at a meeting of the Association duly held on the 12th day of November, 2003 at 10:00 A.M. at Belvidere, New Jersey, held for the purposes set forth in this document and in the notice sent to the Unit Owners.

Signed and sworn to before me on the 15th
day of September, 2004.

Charles P. Duffy

Charles P. Duffy
Charles P. Duffy, Secretary

RECORD & RETURN:
Caroline Record, Esq.
Hersh, Ramsey & Berman, P.C.
P.O. Box 2249
Morristown, New Jersey 07962-2249

W. F. HOEVER
A NOTARY PUBLIC OF
THE STATE OF NEW JERSEY
MY COMMISSION EXPIRES
APRIL 10, 2007

ORDINANCE 2002-26

CHAPTER _____ SIDEWALKS

§ -1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SIDEWALK – Any manufactured or man-made walkway open to the public for the purpose of foot traffic in the Township of White.

§ -2. Installation of new sidewalks.

- A. The Township Committee will determine when to install new sidewalks along existing roads on a case-by-case basis, taking into consideration traffic density, the nature of the street or roadway involved, including whether it is an arterial street or a dead end or cul-de-sac, pedestrian usage, proximity of existing sidewalks on neighboring streets, topography of the street and shoulder area, the width of the right-of-way, comments of property owners in the area or of the public in general. The cost of installing new sidewalks on existing roads shall be borne by the Township.
- B. The Planning Board will base its decision on whether to require sidewalks in connection with any application for development before it on the same criteria and consideration set forth in subsection A and the requirements of the “Residential Site Improvement Standards,” N.J.A.C. 5:21. The cost of constructing such sidewalks shall be borne by the developer.

§ -3. Replacement of existing sidewalks.

- A. All repairs to or replacement of sidewalks shall be the responsibility of the owner or owners of land abutting the sidewalk. The Township Committee shall cause written notice to be sent to each property owner prior to conveyance of responsibility from the Township to the property owner in the same manner as set forth below in subsection III.G.
- B. It shall be the duty of the owner or owners of land abutting the sidewalks within the Township to maintain such in reasonable repair at the owner’s cost and expense and in accordance with the standards and specifications contained in this article. Any individual property owner who wishes to change the material composition of the sidewalks abutting his/her property shall do so at his/her own cost and expense, and only upon advanced written approval from the Township .

- C. Permit required. No person shall construct or reconstruct any sidewalk, or any portion thereof, without first obtaining a permit from the Township. The Township shall issue detailed specifications for the design and construction of the sidewalk, and the site must be inspected by the Township prior to placement of any concrete or other walkway surfaces.
- D. Report of required construction, repair, alteration, relaying or maintenance. Notwithstanding an owner's responsibility to maintain the sidewalks abutting the improvement, the Township Engineer may certify to the Township Committee that a specific sidewalk is in need of construction, repair, alteration, relaying or maintenance due to a significant safety hazard. The Township Committee may require the property owner to replace or repair such sidewalk at the owner's cost and expense.
- E. The provisions of subsection II.A. shall not limit the power of the Township Committee to determine that a street or road shall be reconstructed or improved and that the construction, replacement or repair of curbs and sidewalks abutting such street or road shall be included as part of the total improvement project. The cost of construction, replacement or repair of curbs and sidewalks, when part of a capital improvement project involving multiple properties, may be borne by the Township.
- F. Wherever an area exists between the sidewalk and curb or between the sidewalk and property line, or both, the property owner shall be responsible for the maintenance of said area and for keeping same free of holes, weeds, rubbish and other obstructions.
- G. Notice to owner of required improvements.
- (1) The Township Committee, upon receipt of the certification set forth in subsection III.D., shall determine the necessity of said improvement and, if it deems that said improvement is necessary shall, by resolution, cause a notice in writing to be served upon said abutting owners or occupants of said lands, requiring the necessary specified work to said sidewalk to be done by said owner or occupant within a period of not less than sixty (60) days from the date of service of such notice. The Township Committee may, at its discretion and by motion or resolution, extend the period of time permitted for the work to be done upon application by the owner, in writing, within the sixty (60)-day notice period, either setting forth his/her need for said extension or requesting a hearing before the Township Committee and stating the basis for such request.
 - (2) The written notice to the owner, as ordered by the Township Committee, shall be sent by certified mail, return receipt requested, and by regular mail, by the Municipal Clerk. Whenever any said abutting lands are unoccupied and/or the owner cannot be found within the municipality, the same may be mailed to his/her post office address, if the same can be ascertained, in the same manner stated above. In the event that such owner is a nonresident of the municipality or his/her post office address cannot be ascertained,

then the notice may be inserted for four (4) weeks, once each week, in the newspaper designated to publish notices of the Township of White.

- (3) Proof of service. The Municipal Clerk shall be responsible for providing proof of service of written notice to the owner, or the published notice, to the Township Committee.

H. Failure to comply; fines; work to be done by Township; costs to become lien.

- (1) Notwithstanding the provisions of subsection VI.B., the failure of the owner to comply with the written or published notice within the time specified or any extension pursuant to subsection III.G.(1) shall result in the issuance of a summons in municipal court and disposition pursuant to subsection VI.B.
- (2) Nothing contained herein shall be construed to relinquish a landowner's primary responsibility for the maintenance and repair of any sidewalk abutting the landowner's property.

I. Standards for performing the work.

- (1) All sidewalks shall be laid in accordance with the plans and specifications of White Township, on file with the Township Engineer. All improvements herein provided for shall, as nearly as practicable, conform to the grade and lines approved by the Township Engineer, and all work performed shall be done in a good and workmanlike manner to the standards prescribed herein and to the reasonable satisfaction of the Director of Public Works or Township Engineer. A copy of the standards may be obtained from the office of the Municipal Clerk.
- (2) Where the construction or repair work herein provided for is performed by the Township, it shall be done under the supervision of the Director of Public Works or Township Engineer, and all materials used for said improvements where the work is done by the Township shall be inspected and approved by such supervisors.

§ -4. Permitted materials.

New sidewalks and areas of reconstruction or replacement of existing sidewalks shall be constructed of concrete, concrete pavers, asphalt or other construction material approved by the Township Committee. The Township Committee shall have final approval of the construction materials called for in the bid specifications of any sidewalk project. Individual property owners who wish to change the material composition of sidewalks abutting their property shall do so at their own cost and expense and only upon advanced written approval from the Township Committee.

§ -5. Width

The width of all sidewalks in residential areas shall be four (4) feet, unless the Township Committee, after reviewing professional and public input, decides that another width is appropriate. Sidewalks in commercial areas shall extend from curb to adjoining building, unless the Township Committee, after reviewing professional and public input, decides that another width is appropriate.

§ -6. Maintenance; snow and ice removal.

The owner or tenant of any lands abutting upon the public streets and highways of the municipality shall remove all snow and ice from the abutting sidewalks and gutters of such highways to permit pedestrian access at intersections within 24 hours after the same shall fall or be formed thereon, and all grass, weeds and impediments therefrom within three (3) days after notice to remove the same in accordance with subsection III.G.(2).

A. Responsibility for intentional or negligent damage.

The responsibility of the Township to reconstruct, replace, and repair sidewalks shall not extend to sidewalks damaged by any person, firm or corporation. The person, firm or corporation damaging any sidewalks shall be responsible for the repair of or shall pay for the repairs to any such damaged sidewalk. Any such repairs shall be made under the direction of the Director of Public Works.

B. Violations and penalties.

Failure to comply with any provisions of this chapter shall be punishable by a fine of not more than \$500.00, or up to ninety (90) days imprisonment, or both.

White Committee adopts ordinance placing weight limits on four roads

By Jay C. Richards

To reduce damage to several roads caused by oversized truck traffic, the Township Committee adopted an ordinance placing weight limits on four roads on December 5.

The Committee placed an eight-ton weight limit on the following roads: Pequest Road, Orchard Street, Manunkachunk Road, and North Foul Rift Road. Township clerk Kathleen Rheinalda noted the ordinance was adopted in conjunction with the Town of Belvidere for Manunkachunk Road.

The Committee adopted a sidewalk ordinance on second reading.

There never had been a sidewalk ordinance since there were no sidewalks in the township. However, sidewalks exist in Brookfield. The ordinance removes any township responsibility for sidewalk maintenance and places the responsibility on the property owners.

Dog license fees might be increasing. The committee passed an ordinance on first reading increasing the dog license fees from \$4.00 to \$6.00 for neutered dogs and from \$7. to \$9.00 for non-neutered dogs. Second reading of the ordinance and the public hearing will take place at the year-end meeting on December 27 at 10:00 a.m.

The White Township Recycling Center will permanently close down on Tuesday, December 31. If residents have a garbage hauler, such as Sanico, which collects recyclable materials curbside, residents should consider using that service. Residents will also be able to bring recyclable materials to the Warren County recycling center at the county road department garage on Route 519, in White Township. It was noted the Township was losing money operating the recycling center. Township public works department personnel delivered the materials collected at the township center.

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... White Committee

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ter to the county center.

Mayor James Hausamann said, "We will save \$6,000 a year in salaries by closing the recycling center."

The Committee will notify county officials it is opposing the renewal by the NJ Department of Environmental Protection of the compost facility permit of Nature's Choice. The Committee is appealing the permit renewal on the grounds that the permit was renewed by DEP before the investigation of complaints had been completed by another branch of the DEP.

Mayor Hausamann and Committeeman James Ashe voted to oppose the application for expansion of the Meadow Life sludge blending operation on East Quarry Road on the farm of James Popinko. Committeeman Walter Menegus said he could not vote to oppose the expansion because Popinko was a friend.

The Committee approved the transfer of the Island Park Family Res-

taurant liquor license from the Pasquini family to Frank Bino and John Kelco. The new owners will operate business as Frankie's & Johnny's Island Park Family Restaurant.

The Committee nominated Richard Kowal to be the next township representative on the Warren County Solid Waste Advisory Council [SWAC]. Kowal, a Menegus supporter, replaces SWAC member William Rockafellow, a Democrat.

The Committee received a request from the Belvidere Ambulance Corps, Inc., a volunteer emergency squad, for a \$155,000 donation to cover part of the cost of a new ambulance. With the increase in population in White Township, the squad's calls have increased approximately 19 percent. The Committee might consider paying the requested amount of money over five years, to reduce the burden on taxpayers, on the condition that the Belvidere Common Council makes a similar commitment.