

## Sandyston Township

### Minutes

August 12, 2014

This meeting was opened and called to order at 7:00 pm by Mayor MacDonald who stated this meeting was being held in compliance with the Open Public Meetings Act, having been duly advertised.

#### Roll Call

The clerk was asked to call the roll. Present were: Committeeman George B. Harper, Jr., Deputy Mayor William Leppert and Mayor Fred MacDonald, Glenn Kienz, of Weiner Lesniak

Also in attendance: Betsy Pinzone, Roy McClain, Ryan Earley, Steve Williamson, Wilbur Rath, Marie Rath, Maria Browne, Harold E. Pellow, William Miller, Greg Watry

The Mayor invited all to join in the Pledge of Allegiance.

**Minutes:** The Committee reviewed the regular meeting minutes of **July 8, 2014** and the executive session minutes of **May 13, 2014**. Committeeman Harper made a motion to approve the both the May 13, 2014 and July 8, 2014 minutes, seconded by Deputy Mayor Leppert and unanimously carried.

**Tax Collector Report:** The Tax Collector's report for the month of **July 2014** was presented with total receipts Month-To-Date of \$337,183.74 and a Year-To-Date total of \$3,118,782.48. Mayor MacDonald made a motion to approve the Tax Collector's Report, seconded by Deputy Mayor Leppert and unanimously carried.

**Treasurer's Report:** The Treasurer's Report for the month of **July 2014** was presented with a beginning balance of \$911,721.66, total receipts of \$350,703.89, and total disbursements of \$444,403.42 leaving an ending balance of \$818,022.13. Mayor MacDonald read the following balances: General Capital Account \$217,873.82, Animal Control Escrow \$43,402.12, Public Assist Escrow \$3,527.03, Unemployment Escrow \$23,437.13, COAH Trust \$30,692.54, Security Asst. Fund \$18,573.26 and the Small Cities Master \$4,765.09. Mayor MacDonald made a motion to approve the Treasurer's Report, seconded by Deputy Mayor Leppert and unanimously carried.

**Payment of Vouchers:** The bills list for the month **July 2014** was submitted for approval. Committeeman Leppert made a motion to approve the bills list for the month of **July 2014** in the amount of \$807,517.35, seconded by Mayor MacDonald and unanimously carried. Committeeman Harper made the motion to approve the bills list with the exception of holding the bills submitted by Harold E. Pellow & Associates (\$5,785.50) and P.A. Contractors (\$42,826) until the County of Sussex approves the modification from the drop curb for the CR560 Streetscape Phase II project, seconded by Mayor MacDonald.

**Departmental Reports:** The Committee reviewed the departmental reports. The Committee discussed the fuel tank replacement for truck #4 (1998 F-800 Dump Truck). Committeeman Harper also discussed a drainage issue which we have at the DPW garage from water which is running off the building and causing issues to the neighboring property owner. Committeeman Harper suggested installing a leach tank off of the front leader of the garage which will alleviate much of the water run-off.

Committeeman Harper also commented the Construction Department income seems to be restoring to a level shown in previous years. Committeeman Harper stated the new Building Inspector is doing a good job and seems to be getting acclimated to his new position.

## Old Business:

**Performance Bond/Block 1105 Lot 14:** Mayor MacDonald stated there has been no change in this matter. The Clerk stated the August Planning Board meeting was cancelled and the matter will be discussed at the September meeting.

**Centurylink:** Mayor MacDonald stated no new information to date. The Clerk asked if we could explore the possibility of switching from telephone to cable for the municipal complex. The Clerk noted that during the last two severe storms the cable company was powering their lines where the phone company was not and we could also see if there is a savings switching from phone to cable. The Committee agreed to look toward a proposal to see what is possible.

**In Rem Foreclosure:** The Clerk informed the Committee the first seven (7) foreclosures are filed with the Court and we are awaiting Final Judgment (Chadwick redeemed with installments and Catalano was pulled as notification was made to the father and needed to be made to the son, who both have the same name). The remaining two (2) In Rem Foreclosures being handled by Glenn Gavan, Esq., have been filed advertised in the New Jersey Herald and those listed have 45 days, or until August 24, 2014, to respond. Weiner Lesniak will be handling the In Rem Foreclosure with regard to Catalano.

## **Streetscape Route 560 – Phase II & Phase III**

- Mayor MacDonald stated Phase II is nearing completion. Mayor MacDonald stated he has received many compliments on the sidewalk and looks nice with the addition of the lights.
- Harold E. Pellow stated we are awaiting County approval for Phase III. Committeeman Harper stated he has been working with the property owners in Phase III and the revised maps were submitted to them for their review.

## New Business:

**911 Dispatching Agreement:** Mayor MacDonald noted Sandyston Township will save approximately \$9,000 with this agreement with the County for 911 Dispatching. Glenn Kienz, Township Attorney, stated there are still some minor issues which he is working on with the County. One suggestion/recommendation would be to make the agreement a five year agreement vs. a two year agreement. Committeeman Harper made a motion to approve the agreement subject to the negotiation of the five years and any other minor corrections that the attorney deems necessary, seconded by Deputy Mayor Leppert and unanimously carried.

**Outdoor Entertainment Application – Gyp’s Tavern:** The Committee reviewed an application by Gyp’s Tavern for an outdoor entertainment event to be held on Sunday, August 31, 2014. The owner, William Miller, also sent an email to the Committee requesting minor changes to the Outdoor Entertainment Ordinance and the process. Deputy Mayor Leppert made a motion to approve the application for Gyp’s Tavern, seconded by Committeeman Harper and unanimously carried. Deputy Mayor Leppert explained Mr. Miller is asking if he can do one application with multiple dates. The Clerk explained the way our ordinance is currently; each date is a separate application. The Committee discussed applications listing multiple dates and wished to have any changes be presented to them the month preceding the event. The Clerk stated she would come up with ideas for the September meeting.

**Fire Prevention Fees:** Committeeman Harper stated he has received complaints regarding the Non-Life Hazard inspection fee increases and upon further investigation found the fees are set by the State of New Jersey. Elizabeth Pinzone explained fees are split into different categories with different fees and the Township can change the number of years the inspection will be valid ( for example, every one, three or five years). Committeeman Harper asked Mrs. Pinzone what surrounding towns are offering and Mrs. Pinzone

answered they have three or five year inspections. Committeeman Harper made a motion to go to three year inspections for the Non-Life Hazard inspections, seconded by Deputy Mayor Leppert and unanimously carried.

**Use of Facility Request:** The Committee reviewed a request by Sussex County Department of Environ. & Public Health Services to utilize the meeting hall for a Flu Clinic to be held on Tuesday, October 7, 2014 from 1:30 – 6:30 pm. Mayor MacDonald made a motion to approve this use, seconded by Committeeman Harper and unanimously carried.

**Use of Facility Request:** The Committee reviewed a request by Road Association of Hiram's Grove to utilize the meeting hall for their annual meeting for Sunday, August 31, 2014 from 9 am to 11 am. Mayor MacDonald made a motion to approve this use, seconded by Committeeman Harper and unanimously carried.

**Quote: Removal of Shrubs -** The Committee reviewed an email from Farmside regarding the overcrowding and trimming of some shrubs in front of the municipal building. Deputy Mayor Leppert suggested leaving the roots of the shrubs that needed to be removed because it is the least expensive option (\$200) and the roots are entwined and removing them will damage the other shrubs. Mayor MacDonald made a motion to accept the \$200 option, seconded by Deputy Mayor Leppert and unanimously carried.

**Quote: Cleaning Services Proposal –** The Committee received a proposal from The Allen Companies for the stripping and buffing of the laminate floors in the municipal building and cleaning of carpets in the amount of \$1,168.95. The Clerk advised the Committee a request for quote was also sent to Chelbus Cleaning for a quote but we received no response. The Clerk stated we have not stripped or buffed the floors since 2012 and the carpets have not been cleaned since 2009. The Clerk stated in 2009, the same work was performed by Chelbus Cleaning for \$1,095. Mayor MacDonald made a motion to approve the quote submitted by The Allen Companies, seconded by Deputy Mayor Leppert and unanimously carried.

**Quote: Railing CR 560 Streetscape Improvements – Phase II:** The Committee reviewed a quote in the amount of \$700 by Fredon Welding & Iron Works for a railing which is required to be installed at 116 Route 560 per the International Residential Code. Mayor MacDonald made a motion to approve the quote submitted, seconded by Committeeman Harper and unanimously carried.

**Letter of Resignation: A. Voss – Recreation Secretary –** The Committee reviewed the letter of resignation submitted by Ann Voss, Recreation Secretary. Deputy Mayor Leppert made a motion to accept the resignation, with regret, of Ann Voss, seconded by Mayor MacDonald and unanimously carried.

### **Resolutions:**

#### **SANDYSTON TOWNSHIP RESOLUTION**

#### **R-53-2014**

#### **A RESOLUTION FOR THE ANNUAL RENEWAL OF LIQUOR LICENSES**

**WHEREAS,** the Alcohol Beverage Control Law provides for an issuing authority in each municipality for the purposes of issuing, renewing, and transferring retail liquor licenses and encouraging that law, ABC rules and regulations and local ordinances pertaining to the control of alcoholic beverages; and

**WHEREAS,** the Alcohol Beverage Control Law entrusts the governing body of the municipality to assume the role of the issuing authority; and

**WHEREAS**, application must be made annually for renewal of all retail licenses; and

**WHEREAS**, all fees have been paid by Licensees; and

**WHEREAS**, Clearance Certificate(s) for Renewal are in the possession of the Municipal Clerk for the retail alcoholic beverage license holders listed below.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that the following applications be approved for renewal:

<b>NAME</b>	<b>LICENSE #</b>	<b>TRADING AS</b>
NIM FOODS LLC	1917-33-001-007	Fratelli's Restaurant

The Committee reviewed **R-53-2014**. The Clerk explained that Sussex Bank paid to renew the liquor license and Sussex Bank is currently in the process of foreclosing on the Fratelli property. Deputy Mayor Leppert made a motion to approve **R-53-2014**, seconded by Mayor MacDonald and unanimously carried.

#### **SANDYSTON TOWNSHIP**

#### **R-54-2014**

#### **A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF SANDYSTON AND THE COUNTY OF SUSSEX TO PROVIDE 911 SERVICES TO THE TOWNSHIP OF SANDYSTON FOR THE CALENDAR YEARS 2015 THROUGH 2019**

**WHEREAS**, the parties hereto are required to comply with State legislation mandating implementation of a Statewide 9-1-1 Emergency Telephone Network; and

**WHEREAS**, State legislation mandates that all Municipalities must participate in the system by establishing a **PUBLIC SAFETY ANSWERING POINT (PSAP)** and a **PUBLIC SAFETY DISPATCH POINT (PSDP)** either on its own or in conjunction with other Municipalities or on a regional or County- wide basis; and

**WHEREAS**, N.J.S.A. 40A:65-1 et seq., empowers Counties and Municipalities to enter into Shared Service Agreements; and

**WHEREAS**, the parties hereto have determined that the most efficient means to accomplish the establishment of a 9-1-1 system from a management and cost standpoint, is as one unit and that such procedure will work a fair and equitable allocation between the Municipalities and the County; and

**WHEREAS**, it is the intention of Township of Sandyston to have the County to act as the employer of all personnel who will meet the training requirements of the statute to operate the 9-1-1 system; and

**WHEREAS**, the Township of Sandyston desires to enter into this Shared Service Agreement pursuant to the authority of N.J.S.A. 40A:65-1 et seq., to carry out the mandated legislation as set forth in N.J.S.A. 52:17C-1 et seq., as amended; and

**WHEREAS**, the Township of Sandyston has adopted this Resolution pursuant to N.J.S.A. 40A:65-1 et seq., authorizing the entry into this Agreement.

**WHEREAS**, an agreement executed between the County of Sussex and the Township of Sandyston shall be for calendar years **2015, 2016, 2017, 2018, 2019** and outlines the obligations of each of the parties and stipulating quarterly payments to be made to the County of Sussex for providing dispatching services as follows:

<u>Calendar Year</u>	<u>Amount Due</u>
2015	\$9,678.00
2016	\$9,871.56
2017	\$10,068.99
2018	\$10,270.37
2019	\$10,475.78

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Sandyston hereby approves the agreement with the County of Sussex to provide 911 services to the Township of Sandyston and authorizes the Mayor and Municipal Clerk to execute said agreement on behalf of the Township Committee of the Township of Sandyston.

The Committee reviewed **R-55-2014**. Mayor MacDonald made a motion to amend the R-55,2014 to state the agreement will be for five years, expiring December 31, 2019 seconded by Committeeman Leppert and unanimously carried.

**SANDYSTON TOWNSHIP**

**R-55-2014**

**A RESOLUTION AUTHORIZING REFUND OF LIFE HAZARD REGISTRATION FUNDS TO HAMPTON TOWNSHIP**

**WHEREAS**, during a review of Division of Fire Safety’s registration rebate information, Jessica M. Caruso, CFO, determined revenue for fire safety for Hampton and Sandyston Township was not accurate; and

**WHEREAS**, the State of New Jersey, Department of Community Affairs, Division of Fire Safety implemented a new registration system called “RIMS” (Registration & Inspection Management System); and

**WHEREAS**, while setting up the “RIMS” system and coding each municipality with information, the State of New Jersey, Department of Community Affairs, Division of Fire Safety, misinterpreted the Shared Service Agreement for the Fire Prevention Services between Sandyston Township (Provider) and Hampton Township (Recipient); and

**WHEREAS**, Life Hazard Businesses pay the State of New Jersey, Department of Community Affairs, Division of Fire Safety directly for the money that they owe for Life Hazard Registration; and

**WHEREAS**, as a result of this misinterpretation, the State of New Jersey, Department of Community Affairs, Division of Fire Safety has been incorrectly directly depositing Hampton Township registration fees into Sandyston Township’s account; and

**WHEREAS**, Jessica M. Caruso, CFO, has determined \$6,802.90 for 2013 and \$9,565.40 for 2014 has been incorrectly directly deposited into Sandyston Township’s account.

**WHEREAS**, Jessica M. Caruso, CFO, requests permission of the Township Committee of the Township of Sandyston, to refund Hampton Township \$16,368.30 for Life Hazard Registration fees that have been incorrectly deposited into Sandyston Township’s account

**NOW, THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Sandyston hereby authorizes Jessica M. Caruso, CFO to refund Hampton Township \$16,368.30 for Life Hazard Registration fees that have been incorrectly deposited into Sandyston Township’s account.

**BE IT FURTHER RESOLVED**, the Township Committee of the Township of Sandyston hereby requests and authorizes Jessica M. Caruso, CFO, to contact the Division of Fire Safety to rectify this error by requesting the money for Hampton Township and Sandyston Township be correctly disbursed into their respective municipalities accounts.

The Committee reviewed **R-55-2014**. Mayor MacDonald made a motion to approve **R-55-2014**, seconded by Deputy Mayor Leppert and unanimously carried.

**SANDYSTON TOWNSHIP**

**R-56-2014**

**RESOLUTION TO REFUND OVERPAYMENT MADE ON  
BLOCK 1103 – LOT 24.03 & QFARM FOR 2014 TAXES**

**WHEREAS**, Jessica Caruso, Tax Collector, advises that Block 1103 – Lot 24.03 & QF have overpayments; and

**WHEREAS**, Sharon Duddy is the owner of the property located at 2A Myrtle Drive (Block 1103 Lot 24.03 & QF); and

**WHEREAS**, Sharon Duddy refinanced the properties late in 2013; and

**WHEREAS**, Lakeland Bank began escrowing for taxes, and paid the taxes on behalf of Sharon Duddy; and

**WHEREAS**, Sharon Duddy continued to pay the taxes, also; and

**WHEREAS**, Sharon Duddy has requested a refund of the overpaid 2014 taxes; and

**WHEREAS**, Jessica Caruso, Tax Collector, requests a refund be issued to Sharon Duddy in the amount of \$8,742.12.

**THEREFORE BE IT RESOLVED BY THE** Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey that approval be granted to refund overpayment in the amount of \$8,742.12 for Block 1103 – Lot 24.03 & QFARM to Sharon Duddy.

The Committee reviewed **R-56-2014**. Mayor MacDonald made a motion to approve **R-56-2014**, seconded by Deputy Mayor Leppert and unanimously carried.

**SANDYSTON TOWNSHIP**

**R-57-2014**

**OPPOSING EXPANSION OF FEDERAL CONTROL UNDER CLEAN WATER ACT**

**WHEREAS**, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps.) have released a 371 page draft regulation for Definition of Waters of the U.S. under the Clean Water Act; and

**WHEREAS**, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act; and

**WHEREAS**, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act; and

**WHEREAS**, the proposed rule change, if adopted, will cause significant harm to local farmers, stall the development of businesses, take control of land use for sustainable food production out of our local providers' hands, and negatively impact County-owned and maintained infrastructure such as roadside ditches and flood control channels; and

**WHEREAS**, the cost to our farms, municipalities and taxpayers will pose yet another undue economic burden; and

**WHEREAS**, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection, miles away, to a body of water currently defined as "navigable",

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Committee of the Township of Sandyston hereby strongly opposes the EPA and Corps expansion of the Clean Water Act, as proposed; and

**BE IT FURTHER RESOLVED** that three (3) copies of this Resolution be forwarded to "Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue NW, Washington, D.C. 20460, Attention: Docket ID NO EPA-HQ-OW-2011-0880; and

**BE IT FURTHER RESOLVED** that copies of this Resolution be forwarded to the Honorable Chris Christie - Governor of the State of New Jersey; the Honorable Robert Menendez - U.S Senator; the Honorable Corey Booker - U.S. Senator; the Honorable E. Scott Garrett U.S. Representative, 5th Congressional District; the Honorable Steven Oroho, State Senator, 24th Legislative District; the Honorable Alison McHose Assembly Representative, 24th Legislative District; the Honorable Parker Space - Assembly Representative, 24th Legislative District; the New Jersey League of Municipalities and the 24 municipalities of Sussex County.

The Committee reviewed **R-57-2014**. Mayor MacDonald made a motion to approve **R-57-2014**, seconded by Deputy Mayor Leppert and unanimously carried.

**Ordinances:**

**SANDYSTON TOWNSHIP**

**ORDINANCE 2014-05**

**ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF SANDYSTON IN ORDER TO REPEAL ARTICLE I OF CHAPTER 45 IN ITS ENTIRETY**

**WHEREAS**, municipalities are empowered to make, amend, repeal and enforce ordinances pursuant to N.J.S.A. 40:48-1, et. seq.; and

**WHEREAS**, it is the desire of the Township of Sandyston to amend the Township Code in order to repeal Chapter 45, Article I entitled "Verification of adequacy of sewage disposal facilities" as it is inconsistent with current Sussex County Health Department and New Jersey Department of Environmental Protection rules and regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that Chapter 45, Article I of the Township Code entitled "Verification of adequacy of sewage disposal facilities" shall and is hereby deleted in its entirety.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective after second reading and publication as required by law.

The Committee reviewed **Ordinance 2014-05**. Mayor MacDonald made a motion to approve the introduction of **Ordinance 2014-05**, seconded by Deputy Mayor Leppert and unanimously carried. Deputy Mayor Leppert stated there would be a public hearing on this ordinance on Tuesday, September 9, 2014 at 9:00 am.

**SANDYSTON TOWNSHIP**

**ORDINANCE 2014-06**



**ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTERS 69 AND 71 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF SANDYSTON.**

**WHEREAS**, municipalities are empowered to make, amend, repeal and enforce ordinances pursuant to N.J.S.A. 40:48-1, et. seq.; and

**WHEREAS**, the Township of Sandyston wishes to amend certain sections of Chapters 69 and 71 of the Township Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that Chapter 69, §69-1 shall be amended in order to delete the schedule of fees for Chapter 71 "Uniform Fire Code" and replace same with the following: "Fees are to be in accordance with N.J.A.C. 5:70-2.9."

**BE IT FURTHER ORDAINED** that Chapter 69, §69-1 shall be amended in order to change the fee for a Zoning Permit under Chapter 150 "Zoning" from \$10 to \$20.

**BE IT FURTHER ORDAINED** that Chapter 71, §71-8 shall be amended in order to change N.J.A.C. 50:70-2.9 to N.J.A.C. 5:70-2.9.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective after second reading and publication as required by law.

The Committee reviewed **Ordinance 2014-06**. Deputy Mayor Leppert made a motion to approve the introduction of **Ordinance 2014-06**, seconded by Mayor MacDonald and unanimously carried. Deputy Mayor Leppert stated there would be a public hearing on this ordinance on Tuesday, September 9, 2014 at 9:00 am.

**SANDYSTON TOWNSHIP**

**ORDINANCE 2014-07**

**ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 158 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF SANDYSTON**

**WHEREAS**, municipalities are empowered to make, amend, repeal and enforce ordinances pursuant to N.J.S.A. 40:48-1, et. seq.; and

**WHEREAS**, the Township of Sandyston wishes to amend certain sections of Chapter 158 of the Township Code in order to make it consistent with the New Jersey Uniform Construction Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that the requirements set forth in Chapter 158, §158-2 entitled "Minimum floor area requirements" shall and are hereby deleted in their entirety and are hereby replaced with the following: "Minimum floor area requirements shall be in accordance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23."

**BE IT FURTHER ORDAINED** that Chapter 158, §158-11 entitled "Rules and Regulations" shall and is hereby deleted in its entirety.



**BE IT FURTHER ORDAINED** that this Ordinance shall become effective after second reading and publication as required by law.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective after second reading and publication as required by law.

The Committee reviewed **Ordinance 2014-07**. Deputy Mayor Leppert made a motion to approve the introduction of **Ordinance 2014-07**, seconded by Mayor MacDonald and unanimously carried. Deputy Mayor Leppert stated there would be a public hearing on this ordinance on Tuesday, September 9, 2014 at 9:00 am.

**Proclamation:** Committeeman Harper read the following Proclamation into the record:

## ***Proclamation Township of Sandyston***

***WHEREAS,** The Township of Sandyston, having made this Proclamation on behalf of Fibrodysplasia Ossificans Progressiva known as F.O.P. to hopefully one day display a Proclamation/Resolution book in Washington, D.C. on behalf and in support of the children/young adults in the state of New Jersey afflicted with F.O.P. and equally show concern for all other children afflicted with F.O.P.; and*

***WHEREAS,** Gary W. Whyte, of Mountainside, New Jersey, having just completed his 13<sup>th</sup> Annual Comedy Show Fund Raiser for F.O.P. in which monies raised go directly towards the purchase of research equipment. And Michele Charlesworth of Channel 7 Eyewitness News who attended the March fund raiser and spoke about it on her Sunday morning broadcast the next day; and*

***WHEREAS,** Fibrodysplasia Ossificans Progressive is a rare genetic condition in which the body makes additional bone where bone should not form, such as within muscle, tendons, ligaments and other connective tissues. Symptoms of FOP include excruciating pain and distortion of the existing skeletal frame; and*

***WHEREAS,** A gene has been identified after 15 years of hard research by the University of Pennsylvania, the only known research facility currently investigating a cure for this; and*

***WHEREAS,** Discoveries made in the F.O.P. lab by scientists and researchers may aid in the treatment or cure for other genetic diseases such as osteoporosis, arthritis, and spinal cord injuries; and*

***WHEREAS,** The symptoms of FOP usually begin in the first or second decade of life, with the majority of patients diagnosed by age 10, depriving children of normal development. One in every seven Americans suffers from musculoskeletal impairment causing physical disability and severe long-term pain. FOP affects approximately 2,500 people worldwide; and*

***WHEREAS,** The Township of Sandyston commends Gary W. Whyte and his wife and three sons for their dedication in making others aware of this affliction and for their work and support for the benefit of F.O.P. research;*

***THEREFORE,** the Township Committee of the Township of Sandyston does hereby Proclaim to acknowledge and help enlighten the people of the United States with the book being sent to Washington, D.C. emphasizing the needed awareness of F.O.P.*

Deputy Mayor Leppert made a motion to approve the Proclamation and forward to Mr. Gary W. Whyte to help with his efforts, seconded by Mayor MacDonald and unanimously carried.

**Correspondence:** The Committee reviewed the correspondence. Committeeman Harper asked for an explanation on the letter received from Certified Valuations. The Clerk explained this is with regard to the bids submitted for the revaluation. Each company submitted a bid based on the specifications outlined in the bid and then an alternate bid to do the revaluation according to State standards. Appraisal Systems was awarded the bid. After the bids were opened and reviewed, Certified Valuations reviewed their bid and found they made an error and sent the letter to correct the error of the alternate bid they submitted. The Clerk confirmed this does not change anything with the awarding of the bid to Appraisal Systems.

The Clerk noted the letter received from the United States Department of Interior, National Park Service inviting us to attend a special park briefing on September 4, 2014 from 9:00 am to 11:00 am. Committeeman Harper asked if we have received the National Park's Vision Statement as he had spoken with John Donahue last week and was going to mail the final version of the document to the Township. Committeeman Harper stated he would like to attend the meeting.

**Open Meeting To Floor:** Mayor MacDonald made a motion to open the floor to the public, seconded by Deputy Mayor Leppert and unanimously carried.

Wilbur Rath, 87 Ridge Road (also joined by his wife, Marie Rath) came forward to discuss a problem they are having with a neighbor with regard to off-road motorized vehicles. Mr. Rath stated for the past four years they have had a dispute with their neighbors concerning dirt bikes and the noise which has caused his wife health issues. Mrs. Rath provided the Committee with a model noise ordinance and a report of their problem over the last four years for off-road vehicles and requested the township adopt the ordinance.

Mayor MacDonald stated it is his understanding the Mr. and Mrs. Rath have filed with the Superior Court of Newton for a Community Dispute Resolution and have a court date coming up. Mayor MacDonald also stated he has been advised that the neighbor has purchased quieter bikes. Mrs. Rath stated the noise is still horrible and they cannot even sit out on their deck or have company over due to the noise. Mayor MacDonald stated he is not in favor of passing an ordinance that is going to be difficult to enforce, as there is one person in the County that is authorized to enforce a noise ordinance. Mr. Rath asked why the Township cannot enforce the ordinance. Mayor MacDonald stated the Township is not going to hire someone, send them to school for training and purchase the specialized equipment. Mr. Rath suggested dividing this amongst other townships in Sussex County. Mayor MacDonald stated the County has a person who is responsible for Sussex County. Committeeman Harper asked if this type of ordinance was adopted elsewhere in Sussex County. Committeeman Harper explained the Township currently follows the State noise ordinance and there is a County official who enforces this ordinance. Committeeman Harper asked for Glenn Kienz, Township Attorney, to review the ordinance and see how this is working in other municipalities and what the problems are associated with this type of ordinance. Mr. and Mrs. Rath thanked the Committee for their time.

William Miller, 25 Route 206 South (Gyp's Tavern, LLC) came forward to discuss the Outdoor Entertainment Ordinance and the procedures involved with the ordinance. Mr. Miller asked if the ordinance can be changed to allow for the request for multiple dates to allow a business owner to save money on the cost to notify the surrounding residents. Mayor MacDonald stated they discussed this matter previously in the meeting and the Committee is looking to change the ordinance to allow for requesting of multiple dates on an application, where the applicant would outline the dates and what would be happening at each event.

Deputy Mayor Leppert made a motion to close the public session, seconded by Mayor MacDonald and unanimously carried.

Mayor MacDonald made a motion to enter Executive Session at 8:00 pm, seconded by Committeeman Harper and unanimously carried. Mayor MacDonald thanked the public for attending the meeting.

## **Township of Sandyston Resolution Authorizing Executive Session**

**WHEREAS**, Section 8 of the Open Public Meetings Act, P.L. 1975 Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; and

**NOW, THEREFORE, BET IT RESOLVED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey as follows:

- a. Pursuant to the Open Public Meetings Act N.J.S.A. 10:4012(b) the public shall be excluded from discussion of an action upon the hereinafter specified subject matter(s):

Matters relating to litigation, negotiation, and the attorney/client privilege

**AND BE IT FURTHER RESOLVED**, it is anticipated that the deliberation conducted in closed session may be disclosed to the public upon the determination of the Sandyston Township Committee that the public interest will no longer be served by such confidentiality and if not then legally privileged. This Resolution shall take effect immediately.

Mayor MacDonald made a motion to exit executive session at 8:46 pm and return to the public session, seconded by Committeeman Harper and unanimously carried.

Mayor MacDonald made a motion to authorize Glenn Kienz, Township Attorney to prepare a hold harmless agreement with regard to the sidewalk construction in Phase II of the CR560 Streetscape Improvements – Phase II project, seconded by Deputy Mayor Leppert and unanimously carried.

Mayor MacDonald made a motion to authorize Glenn Kienz, Township Attorney to work with Harold E. Pellow of Harold E. Pellow & Associates for preparation for Court in the matter of Township of Sandyston v. Hull, seconded by Committeeman Harper and unanimously carried.

Mayor MacDonald made a motion to hold the check for P.A. Contractors until the punch list prepared by Harold E. Pellow had been completed, along with the testing of the septic line for 116 Route 560, seconded by Committeeman Harper and unanimously carried.

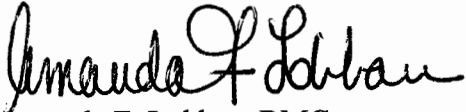
The Committee discussed the Phase III project with Harold Pellow with regard to property lines and easements.

### **Coming up:**

Township Meeting:	Tuesday, September 9, 2014 at 9:00 am
Planning Board:	Monday, September 8, 2014 at 7:00 pm
Seniors Meeting:	Tuesday, September 2, 2014 at 12:00 pm
DVUMC Chicken BBQ:	Saturday, August 16, 2014
STVFD Tractor Parade:	Saturday, August 23, 2014

**Adjournment:** Mayor MacDonald made a motion to close the meeting at 8:50 pm, seconded by Deputy Mayor Leppert and unanimously carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Amanda F. Lobban".

Amanda F. Lobban, RMC  
Municipal Clerk