

SANDYSTON TOWNSHIP

Minutes

August 15, 2017

This meeting was opened and called to order at 7:00 pm by Mayor Fred 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 Kamala M. Hull; Mayor Fred MacDonald

Michael J. Hanifan, Esq., Township Attorney, was present at this meeting.

Also in attendance: Keith Utter; Erma Gormley; Betsy Pinzone; Roy McClain; Patte Frato; Stanley J. Dutkus, Glenn Hull; Hixon & Sharon Spangenberg; Jane Farrell; Lou Frato, Darren Tanzola; Tom & Nan Horsfield; Marie Rath; Richard Samartin; John Cowie, NJ Forest Fire, Project Manager, Community Wildfire Protection Program; Christopher Franek, Assistant Division Firewarden, Division A; Eric Weber, Section Warden, Division AC; Charles Konecke, Emergency Management Coordinator, Frankford Township; Matthew Hull

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

Minutes: The Committee reviewed the regular meeting minutes of **July 11, 2017**. Committeeman Harper made a motion to approve the regular meeting minutes for July 11, 2017, seconded by Deputy Mayor Hull and unanimously carried.

Tax Collector Report: The Tax Collector Report was presented for the month of **July 11, 2017** with total receipts Month-To-Date of \$227,447.19 and a Year-To-Date total of \$3,071,133.21. Deputy Mayor Hull made a motion to accept the Tax Collector's Report as submitted, seconded by Committeeman Harper and unanimously approved.

Treasurer's Report: The Treasurer's Report for the month of **July 2017** was presented with a beginning balance of \$1,366,724.90 total receipts of \$348,519.35 and total disbursements of \$396,658.73 leaving an ending balance of \$1,318,585.52. Mayor MacDonald read the following balances: General Capital Account \$53,612.30, Animal Control Escrow \$11,466.44, Public Assist Escrow \$3,543.03, Unemployment Escrow \$25,556.34, COAH Trust \$41,071.37, Security Asst. Fund \$18,627.09 and the Small Cities Master \$4,786.68. Mayor MacDonald made a motion to approve the Treasurer's Report, seconded by Deputy Mayor Hull and unanimously approved.

Payment of Vouchers: The bills list was submitted for approval in the amount of \$803,116.16. Committeeman Harper made a motion to approve the bills, seconded by Deputy Mayor Hull and unanimously approved.

Departmental Reports: The Committee reviewed the departmental reports. Committeeman Harper noted there is one road pending oil & stone which is Old Dingmans Road.

Old Business:

Green Acres: Deeds of Devita Road: Michael J. Hanifan, Esq., explained that we have come to an impasse with the state. Mr. Hanifan stated that the Conservancy has declined to harbor these properties and we were referred to the Land Trust, but Mr. Hanifan felt they were more of a facilitator as opposed to a taker of the property. Mr. Hanifan stated he was looking for resolution from the Committee in support of modification of the law exempting State and/or non-profits who do work on land preservation to be exempt from being obligated to pay dues and or pay toward maintenance where there are road associations, lake associations or home associations.

Tri-State Steel Fabricators, Inc.: Mr. Hanifan stated the New Jersey Economic Development Authority advised the DEP has approved costs from the HDSRF (Preliminary Assessment portion of the grant) in the amount of \$6,467.50, which does not include the Authority application fee of \$500. Mr. Hanifan stated he is currently preparing paperwork to send to the owner of of Tri-State Steel to begin the assessment.

In Rem Foreclosure of Properties: Mr. Hanifan stated the Release has been received from Kittatinny Lake Club, Inc., regarding the property on Mountain Trail owned by Professional Enterprise of NJ, LLC, and we are in the process of obtaining a deed for the property to transfer title to then be sold to Green Acres.

Shared Services Update Frankford/Branchville: Mr. Hanifan stated there are two shared services being discussed: one with Branchville for the Construction Official, and one with Frankford for the Construction Official, Fire Sub-Code, Plumbing Sub-Code and Fire Sub-Code. The Clerk stated Branchville is currently reviewing the salary provided by Sandyston and Frankford will meet in September to discuss the salary provided by Sandyston.

New Business:

Sandyston Township Community Wildfire Protection Plan: Stanley Dutkus, Emergency Management Coordinator, came forward and introduced John Cowie, New Jersey Forest Fire Project Manager for the Wildfire Protection Plan; Christopher Franek, New Jersey Forest Fire Assistant Division Firewarden, Division A; Eric Weber, New Jersey Forest Fire Section Warden, Division AC. Mr. Dutkus stated this program allows outreach for the community to participate in an awareness of wildfires. Mr. Dutkus stated through this program the fire department could qualify for equipment aiding in firefighting. As an example, Mr. Dutkus noted the purchase of the fire truck/mini pumper where grant money in the amount of \$5,000 (where the fire department spent more than \$10,000) was approved toward this purchase due to this truck being ideal for the rural community. Mr. Cowie, Mr. Franek and Mr. Weber spoke of the benefits of this Wildfire Protection Plan. Mr. Cowie stated that Sandyston Township is the first municipality in Sussex County to adopt the Wildfire Protection Plan. Mr. Franek explained that the intent of the plan is to encourage the municipality and the residents to recognize their responsibility to protect themselves and their property from wildfires, prioritize options available and implement methods to mitigate exposure of the threat of wildfires.

Gypsy Moth Survey: The Committee reviewed the request for the Gypsy Moth Survey performed by the Department of Agriculture (no cost for the survey). Committeeman Harper made a motion to request the Gypsy Moth Survey, seconded by Mayor MacDonald and unanimously carried.

Proposal for Little Free Libraries at LPO/Municipal Bldg: Mayor MacDonald invited Mrs. Jane Farrell to come forward for her proposal for the "Little Free Libraries". Mrs. Farrell explained a "Little Free Library" is a small box of books to be freely shared by members of the community. Mrs. Farrell stated that she and Mrs. Anna Harper would be in charge of the libraries and they would be constructed by Mr. Farrell. Mrs. Farrell requested the Little Free Libraries to be placed at the Layton Post Office

building by the bulletin board and near the entrance of the municipal building. Committeeman Harper requested that Mr. Farrell coordinate with Roy McClain, Road Supervisor, on the installation of the boxes. Committeeman Harper made a motion to approve the Little Free Library to be placed by the bulletin board at the Layton Post Office and near the main entrance to the municipal building, seconded by Mayor MacDonald and unanimously carried.

Use of Building: Sandyston Recreation “Kids Yoga”: Sandyston Recreation submitted a Building Use Form for “Kids Yoga” taught by Julie Lain-Trilling to use the meeting hall on Thursdays from September 14, 2017 – December 7, 2017 from 4:30 pm to 5:30 pm. Mayor MacDonald made a motion to approve the use of the room for this purpose, seconded by Deputy Mayor Hull and unanimously carried.

Application for Firefighter: Jacob Brown: The Sandyston Township Volunteer Fire Department submitted an Application for Firefighter of Jacob Brown. Mr. Brown was approved by the fire department at their August 1, 2017 meeting. Committeeman Harper made a motion to approve this application, seconded by Mayor MacDonald and unanimously carried.

Resolutions:

**SANDYSTON TOWNSHIP
R-48-2017**

RESOLUTION APPROVING AND AUTHORIZATION FOR MAYOR TO SIGN SANDYSTON TOWNSHIP COMMUNITY WILDFIRE PROTECTION PLAN (CWPP)

WHEREAS, the NJ Forest Fire Service and Sandyston Township (CWPP team) completed a comprehensive review of the Township’s wildfire fighting capabilities, fire risk, fuel hazard classifications and past fire occurrences; and

WHEREAS, evaluating these factors and others that contribute to wildfire risk in a spatial format resulted in a cooperative plan targeting specific issues requiring action; and

WHEREAS, Sandyston Township is committed to implementing the listed priority projects within the review period of this plan and will reassess and renew this process to continue to reduce the severity and threat from wildfires.

THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Sandyston hereby approves and adopts the Community Wildfire Protection Plan effective August 15, 2017 and authorizes the Mayor to sign said plan. The Community Wildfire Protection Plan will be reviewed and updated as needed every five years.

BE IT FURTHER RESOLVED, a copy of the Community Wildfire Protection Plan will remain on file with the Municipal Clerk for Sandyston Township.

The Committee reviewed **R-48-2017**. Committeeman Harper made a motion to approve **R-48-2017**, seconded by Mayor MacDonald and unanimously carried.

Ordinances: There were no Ordinances presented.

Correspondence: The Committee reviewed the correspondence. Committeeman Harper noted correspondence received from the insurance company regarding the litigation regarding Mid-American Salt LLC v. Sandyston Township, et als. Mr. Hanifan suggested discussing the matter in executive session.

Open Meeting To Floor:

Mayor MacDonald made a motion to open the meeting to the public, seconded by Deputy Mayor Hull and unanimously carried.

Sharon Spangenberg, 8 Heaters Lane, asked about the Little Free Library conversation and stated she couldn't hear the discussion. Committeeman Harper provided Mrs. Spangenberg with a copy of the proposal.

Richard Samartin, 120 Route 560, came forward to discuss two letters he received regarding the blocking of the shared driveway between his residence and the Layton Post Office, as well as parking vehicles behind the Layton Post Office. Mr. Samartin repeatedly disagreed that he has been blocking the shared driveway and explained the circumstances surrounding the one time he did block the driveway. Committeeman Harper stated the driveway has been blocked more than once and requested that Mr. Samartin discontinue blocking the driveway and parking his personal vehicles behind the Layton Post Office, which is property owned by Sandyston Township. Mr. Hanifan explained to Mr. Samartin that where he parks his vehicles is the location of the septic for the Layton Post Office and to replace the septic would be very costly to the township. Mr. Samartin stated that he has been parking behind the Layton Post Office for approximately four years, was not aware where the septic was located and he has not been asked to move his vehicles before he received the letter. Mr. Hanifan stated that Mr. Samartin was on notice that should the Township have to replace or repair the septic, the Township could seek reimbursement from Mr. Samartin should the damage be from parking his vehicles on the septic. Mr. Hanifan explained that Mr. Samartin has been blocking the shared driveway and hampering the road departments ability to access the stone pile. Mr. Samartin disagreed that he was in the way of the road department and stated he had a conversation with the road department employees who told him where he parked wasn't a problem. The Clerk stated that what the Road Department Foreman told Mr. Samartin was that he had to move the stone up by the garage because the trucks who help with oil and stone could not maneuver around his vehicles, which was reiterated by Mr. McClain. Mr. McClain also stated that Mr. Samartin did not block the road department during the day from getting in and out of the driveway; however, he did have to move some of the stone up by the garage for easier access. Mr. Hanifan stated that the Township appreciates the many ways that Mr. Samartin volunteers his services to the township and hoped this would continue, but respectfully asked Mr. Samartin to cease blocking the shared driveway and parking his vehicles behind the Layton Post Office. After a lengthy discussion regarding the matter, Mr. Samartin agreed to cease blocking the driveway and parking behind the municipal building.

Mr. Samartin discussed the lack of a handicapped parking spot at the Layton Post Office and how people utilize the shared driveway during the day. Mr. Samartin stated he had pictures of over 70 vehicles that park in the shared driveway to drop off or pick up mail and then proceed to exit out that driveway near the DPW Garage. Mayor MacDonald stated there is handicapped parking space in the parking lot. Mr. Samartin felt access was not easily accessible. Mayor MacDonald stated the sidewalk is handicapped accessible which leads to the post office.

Mr. Samartin also stated he is dealing with the zoning officer who sent him a violation for the running a commercial junkyard, which he stated is not the case. Mr. Samartin stated the zoning officer and the code enforcement official told him to come to the meeting and talk to the Committee in an effort to overturn the violation. Mr. Hanifan explained that the Zoning Officer is a quasi-law enforcement official who acts semi-autonomously, so as to avoid conflict of interest, to enforce the ordinances of the township and if a violation is found, the zoning official and code enforcement official will enforce the ordinance which could involve a summons and a court appearance. Mr. Hanifan explained that the Township Committee cannot hear this matter as it would be handled by the Municipal Court in Frankford Township. Mr. Samartin stated several times he felt he received misinformation regarding the matter. Mr. Hanifan explained the responsibility of the Zoning Official/Code Enforcement Official with regard to the

enforcement of ordinances. Committeeman Harper provided Mr. Hanifan with a copy of the July 11, 2017 violation letter addressed to Mr. Samartin while Mr. Samartin gave a brief summary regarding the matter. Mr. Hanifan explained several times that the Township Committee does not have the authority to site Mr. Samartin nor the authority to override the decision of the Zoning Officer.

Mr. Samartin asked how to get a copy of the audio from the previous month's meeting. The Clerk explained the process and Committeeman Harper provided Mr. Samartin with the minutes for the July 11, 2017 meeting.

Mr. Samartin stated the situation is unfortunate, he isn't a troublemaker and he isn't doing anything any different than a lot of people in this town who are far more guilty. Mr. Hanifan suggested Mr. Samartin share that information with the Zoning Official.

Glenn Hull, 28 Bevans Road, came forward and suggested some sort of protection, like a fence, for the area behind the Layton Post Office where the septic is located. Mr. Hull questioned the location of the septic and if any records were on file for the septic. Mr. Hull also questioned if a permit was required for the recent repair made to the septic. Committeeman Harper stated the repair was from the building, specifically the soil line to the tank, and the Clerk stated the Plumbing Sub-Code advised a permit was not necessary.

Mr. Hull questioned if there was an easement that allowed either party to use the shared driveway and discussed the subdivision of the two properties with relation to the tax maps and suggested the township research when the tax maps were created because there could be an error in the tax maps. Mr. Hull questioned the ownership of the driveway between the two properties and expressed his concern making sure the township doesn't get into litigation and an expense which would cost the taxpayers money over something they don't own.

Tom Horsfield, 6 Route 645, came forward and asked how many junkyards are in the township and how many properties are there in the township that have turned into junkyards in the last 50 years that have been sited. Committeeman Harper stated there are no junkyards in Sandyston Township, as the one which was on VanSickle Road closed several years ago.

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

The Clerk stated Mr. Pellow inquired if the Township Committee wished to apply for the grant for Hotalen Road – Section III through the State of New Jersey, Department of Transportation, Municipal Aid grant. Committeeman Harper made a motion to authorize Harold E. Pellow & Associates, Inc., to apply for the Hotalen Road – Section III grant, seconded by Mayor MacDonald and unanimously carried.

The Clerk noted good communication between Centurylink regarding the vegetation on the phone lines, and stated a recent email conveyed they would be hiring a tree crew to work on some areas in Sandyston and also a representative would be contacting Sandyston Township to discuss any other concerns.

The Clerk also noted Statewide Insurance Fund approved the grant Sandyston Township submitted toward the purchase of the CCTV system for the municipal building in the amount of \$757.48

Upcoming events:

Regular Township Meeting:	Tuesday, September 12, 2017 at 9:00 am
Planning Board Regular:	Monday, September 11, 2017 at 7:00 pm
Seniors Meeting/Lunch	Tuesday, September 6, 2017 at 12:00 pm

Recreation Meeting:	Tuesday, September 27, 2017 at 6:30 pm
Walpack Wilderness Challenge:	Cancelled 2017/Will Return in 2018
Sussex County Fireman's Parade:	Saturday, October 7, 2017 @ Newton
Sandyston Recreation Trunk or Treat	Friday, October 27, 2018
Gobble Hobble 5K:	Thursday, November 23, 2017

Mayor MacDonald made a motion to go into Executive Session at 8:14 pm, seconded by Committeeman Harper and unanimously carried.

**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:

Mid-American Salt, LLC v. Sandyston Township, et als

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 8:35 pm, seconded Deputy Mayor Hull and unanimously carried.

Adjournment: Committeeman Harper made a motion to adjourn the meeting at 8:35 pm, seconded by Mayor MacDonald and unanimously carried.

Respectfully submitted,


Amanda F. Lobban, RMC
Municipal Clerk