

# Sandyston Township

## Minutes

February 10, 2015

This meeting was opened and called to order at 7:00 pm by Mayor George B. Harper, Jr. 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 Fred V. MacDonald, Deputy Mayor William Leppert, Mayor George B. Harper, Jr.

Also in attendance: Todd & Allison Palling; Jake deJager; Keith Utter; Wilbur & Marie Rath; Jeff Rath; Maureen Mills; Richard Lowack; Roy McClain; Stanley Dutkus; Glenn & Gayle Hull; Claudia & Phil Manno; Ryan Earley; Bob & Lisa Southway, Ken & Jessica Southway; Greg Watry; Hixon & Sharon Spangenberg; Sandy Hull; Brett Harper; Scott House; Patte Frato; Kelly Sullivan; James Fournier

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

**Budget Workshop:** Mayor Harper introduced Mr. Bud Jones, Auditor of Nisivoccia, LLP. Mr. Jones stated Fund Balance is roughly the same as last year. Mr. Jones stated the tax collection rate for 2014 is 96.82% and noted the In Rem Foreclosures which took place during the year. Mr. Jones stated the Capital Improvement Fund showed an increase from last year. Mr. Jones also noted the significant reserve in the Current Fund related to the Revaluation and explained that 2015 will be the first year that we must pay the 1/5 share of the \$200,000 budgeted for the Revaluation Special Emergency which will be reflected in the budget. Mr. Jones stated in 2015 there will be no debt service as 2014 was the last year of the debt service payment. Mr. Jones and the Committee discussed the road department budget and the revaluation.

**Minutes:** The Committee reviewed the regular meeting minutes of **January 13, 2015**, as well as the Executive session minutes of November 18, 2014 and December 16, 2014. Committeeman MacDonald made a motion to approve the submitted minutes, seconded by Deputy Mayor Leppert and unanimously carried.

**Tax Collector Report:** The Tax Collector's report for the month of **January 2015** was presented with total receipts Month-To-Date of \$90,281.08 and a Year-To-Date total of \$90,281.08. Mayor Harper made a motion to approve the Tax Collector's Report, seconded by Committeeman MacDonald and unanimously carried.

**Treasurer's Report:** The Treasurer's Report for the month of **January 2015** was presented with a beginning balance of \$1,014,962.19, total receipts of \$102,182.18, and total disbursements of \$411,206.37 leaving an ending balance of \$705,938.00. Mayor Harper read the following balances: General Capital Account \$179,054.09, Animal Control Escrow \$4,950.61, Public Assist Escrow \$3,529.70, Unemployment Escrow \$23,732.69, COAH Trust \$33,208.40, Security Asst. Fund \$18,557.20 and the Small Cities Master \$4,768.69. Mayor Harper made a motion to approve the Treasurer's Report, seconded by Deputy Mayor Leppert and unanimously carried.

**Payment of Vouchers:** The bills list was submitted for approval in the amount of **\$795,133.08**. Deputy Mayor Leppert made a motion to approve the bills list, seconded by Committeeman MacDonald and unanimously carried.

**Departmental Reports:** The Committee reviewed the departmental reports. Mayor Harper noted the Township is low on salt, as are many municipalities and the County. Mayor Harper suggested calling the Co-Op and advising them of our status. The Committee discussed the current wages of the part-time road department employees and a proposal to increase the salary of these employees to \$17.00 as well as instituting a new policy for paying part-time road department employees a minimum set of hours when called in for storm related work. After a brief discussion, Deputy Mayor Leppert made a motion to raise two current road department employees (with CDL's) to \$17 per hour as well as setting the minimum at three hours, seconded by Committeeman MacDonald and unanimously carried.

Mayor Harper stated the Construction Official has been in his current position for over six months Mayor Harper will be performing a performance review in the next few weeks should the Committee wish to have any input on the matter.

**Old Business:**

**Performance Bond/Block 1105 Lot 14:** Mayor Harper stated there has been no update regarding the Performance Bond.

**Status: In Rem Foreclosure:** The Clerk stated we are awaiting final judgment from the Court.

**Revaluation Status:** Mayor Harper stated Robert Pastor, Tax Assessor, has informed the Committee all inspections are complete. The Clerk noted the "little green cards" will be mailed in the next two weeks and stated they are delayed due to the revaluation process. Committeeman MacDonald stated public hearings were held and approximately 25 people came to meet with Appraisal Systems to review the information.

**CR 560 Streetscape:**

- **Phase III -** Mayor Harper stated the State of New Jersey Department of Transportation granted an extension on Phase III and the Township must award the contract by June 2015.

Mayor Harper asked if we have completed the Eminent Domain of the "gore". The Clerk stated an advertisement to "Absent Defendants" was placed in the newspaper and our attorney will be filing the paperwork with the Court within the upcoming weeks.

**New Business:**

**Sussex County Hazard Mitigation Plan Update:** Mayor Harper asked Stanley J. Dutkus, Deputy Emergency Management, to step forward. Mr. Dutkus came forward and explained the Hazard Mitigation Plan which was compiled and submitted to the County several years ago. Mr. Dutkus stated we learned a lot with Superstorm Sandy and by updating our Hazard Mitigation Plan it will put us in a position to apply for and qualify for upcoming grants. Mr. Dutkus stated he would like to prepare another five year plan for the Township with the new information we have, and include Sandyston-Walpack Consolidated School. Mr. Dutkus stated there will be a meeting with the County and invited one of the Committeemen to attend. Committeeman MacDonald stated he would be able to attend. Mr. Dutkus also commented that the Fire Wise Community, which he is working on with the District Fire Warden, is ongoing and he will bring any updates to the Committee for their review/approval when needed. Mayor Harper made a motion to approve Sandyston's involvement with the Sussex County Hazard Mitigation Plan, seconded by Committeeman MacDonald and unanimously carried.

**Quote: Lawn Care/Plant Health Program – Municipal Complex, Lawn Care Program – Ball Field, Aeration & Overseeding- Ball Field:** The Committee reviewed the quotes from Farmside Landscape & Design in the amount of \$2,685 for the municipal complex for the lawn care and plant health program,

\$1,215 for the ball field lawn care program and \$755 for Aeration & Overseeding of the ball field. Deputy Mayor Leppert commented on the program and stated the IPM program is beneficial for the plant and lawn health. Deputy Mayor Leppert made motion to approve the quotes, seconded by Mayor Harper and unanimously carried. Deputy Mayor Leppert and Mayor Harper explained how the aeration and overseeding is important, especially with the tremendous utilization of the grounds by recreation.

**Use of Building: Sussex County Board of Elections, Thursday, March 23, 2015 “Poll Worker Training”:** The Committee reviewed the request by the Sussex County Board of Elections to use the meeting hall for “Poll Worker Training” on Thursday, April 23, 2015 from 9:30 am to 3:30 pm. Mayor Harper made a motion to approve the use, pending receipt of the Certificate of Insurance, seconded by Deputy Mayor Leppert and unanimously carried.

**Use of Building: Sandyston Township Volunteer Fire Department, Saturday, March 14, 2015 “Installation and Appreciation Dinner”:** The Committee reviewed the request by the Sandyston Township Volunteer Fire Department to use the meeting hall for “Installation and Appreciation Dinner” on Saturday, March 14, 2015 from 3pm to 12 am. Mayor Harper made a motion to approve the use, seconded by Deputy Mayor Leppert and unanimously carried.

**Use of Building: Sandyston Seniors Monthly Meetings:** The Committee reviewed the request by the Sandyston Seniors to use the meeting hall for their monthly meetings to take place the first Tuesday of each month, except election dates. Mayor Harper made a motion to approve the use, seconded by Committeeman MacDonald and unanimously carried.

**Use of Building: Girls on the Run:** The Committee reviewed the request by the Girls on the Run to use the meeting hall Saturdays from March 7 – May 16, 2015 from 8:30 am to 10:30 am. Committeeman MacDonald made a motion to approve the use, pending receipt of updated Certificate of Insurance, seconded by Mayor Harper and unanimously carried.

**Application STVFD Active Fire Fighter: J. Gregory:** The Committee reviewed an application for Active Fire Fighter, James Gregory. The Clerk stated Mr. Gregory was previously a member who resigned for personal reasons and is now rejoining the department. Mayor Harper made a motion to approve this application, seconded by Deputy Mayor Leppert and unanimously carried.

### **Resolutions:**

#### **SANDYSTON TOWNSHIP**

#### **R-20-2015**

#### **RESOLUTION OF SUPPORT THE CONSTRUCTION OF A TURNING LANE ON ROUTE 206 SOUTH NEAR WOODS ROAD BY NEW JERSEY DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, on September 27, 2013, Sandyston Township received a request from the Kittatinny Lake Community Association requesting a turning lane in the southbound lane of Route 206 near Woods Road in Sandyston Township; and

**WHEREAS**, on November 14, 2013, the Township Committee of the Township of Sandyston sent the New Jersey Department of Transportation *Resolution R-78-2013 requesting they review a potentially dangerous traffic situation at Route 206 South and Woods Road in the Kittatinny Lake section of Sandyston Township*; and

**WHEREAS**, on October 23, 2014, the New Jersey Department of Transportation responded to Sandyston Township with a letter stating they have reviewed the information and felt it would not be prudent to construct an exclusive right

turn. On November 6, 2014, Sandyston Township wrote the New Jersey Department of Transportation and requested this matter to be looked into further, requesting a turning lane where vehicles could safely exit Route 206 South onto Woods Road due to the excessive speeds which vehicles travel on Route 206 and the amount of traffic that travels this road daily; and

**WHEREAS**, on November 19, 2014, Sandyston Township was advised upon further review New Jersey Department of Transportation would be willing construct a turning lane on Route 206 South so vehicles may safely turn onto Woods Road.

**THEREFORE, BE IT RESOLVED** the Township Committee of the Township of Sandyston, County of Sussex, in the State of New Jersey, supports the construction of a turning lane on Route 206 South so vehicles may safely exit Route 206 South onto Woods Road.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

The Committee reviewed **R-20-2015**. Mayor Harper made a motion to approve **R-20-2015**, seconded by Deputy Mayor Leppert and unanimously carried.

### **Sandyston Township Resolution**

#### **R-21-2015**

**WHEREAS**, the Township of Sandyston has adopted a "Minimum and Maximum Salary and Wage Ordinance"; and

**WHEREAS**, the Township of Sandyston wishes to establish salaries and wages for the calendar year **2015** within the minimum and maximum ranges established by Township Ordinance 2015-01.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that the following employees and officials shall receive the compensation herein set forth, effective **January 1, 2015**, until amended or repealed. Salaries are hereby established and fixed as the salary to be paid to the officers, and positions of employees, herein set forth. All of the salaries to which the respective incumbents of said offices might otherwise be entitled, except, however, which may be payable by law, or which otherwise may be properly authorized to be paid by this resolution, or another resolution of the Township Committee, to wit:

Mayor	per annum, payable quarterly	\$ 3,500.00
Committeemen	per annum, payable quarterly	\$ 2,600.00
Municipal Clerk	per annum, payable monthly	\$42,751.85
Township Attorney	per annum, payable monthly and \$160 per hour for tax appeals & lawsuits	\$15,000.00
Deputy Clerk	per annum, payable monthly	\$ 5,000.00
Registrar	per annum, payable monthly	\$ 890.36
Tax Collector	per annum, payable monthly	\$19,970.88
Tax Assessor	per annum, payable monthly	\$14,000.00
Deputy Tax Assessor	per annum, payable quarterly	\$ 500.00

Treasurer	per annum, payable monthly	\$ 4,500.00
CFO	per annum, payable monthly	\$ 7,988.34
Construction Official/ Building Subcode	per annum, payable monthly Shared Service (Montague) Shared Service (Hampton)	\$ 18,500.00 \$ 14,000.00 \$ 35,000.00
Sec., Bd. of Health	per annum, payable monthly	\$ 1,150.00
Emer. Mgt. Coord.	per annum, payable quarterly	\$ 1,874.18
Animal Control Off. (plus \$1.00 per dog license issued payable to Municipal Clerk)	Shared Service (Wantage)	\$ Shared Service
Dog Pick-Up		\$ 25.00
Dog Boarding Fee (per day)		\$ 25.00
Sec., Const. Off.	per hour, payable monthly	\$ 10.67
Fire Sub-Code Official	per hour, payable monthly (maximum-\$3,000.00 per year)	\$ 28.82
Plumbing Sub-Code Off.	per annum, payable monthly Shared Service (Branchville) Shared Service (Montague) Shared Service (Hampton)	\$ 4,100.00 \$ 1,582.00 \$ 5,000.00 \$ 8,442.00
Electrical Sub-Code Off.	per annum, payable monthly Shared Service (Branchville) Shared Service (Montague) Shared Service (Hampton)	\$ 6,093.48 \$ 1,847.00 \$ 7,000.00 \$ 10,676.00
Housing Officer	per insp., payable monthly	\$ 35.00
Code Enforc. Off.	per hour, payable monthly (plus mileage)	\$ 31.72
Fire Prevention/Life Hazard	per inspection Shared Service Agreement (Hampton)	\$ 50.00 \$ 10,000.00
Road Foreman,	per hour, payable bi-weekly	\$ 25.50
Roadman Sr.	per hour, payable bi-weekly	\$ 21.75
Roadman Jr.	per hour, payable bi-weekly	\$ 16.48
Laborers,	per hour, payable monthly	minimum wage
Temp. Truck Drivers	per hour, payable monthly	\$11.00 - \$15.00
Temp. Truck Driver w/CDL	per hour, payable monthly	\$11.00 - \$18.00
Land Use Administrator/ Planning Bd. Secretary/	per annum, payable monthly Shared Service (Andover Borough)	\$ 13,000.00

Zoning Officer

Official Tax Search Off. 100% search fees

Official Improv. Search Off. 100% search fees

Vouchers for mileage shall be prepared and submitted monthly. All those eligible for car allowance shall be allowed: \$0.51 (cents) per mile.

All employees, other than hourly employees, whose appearance is necessary in a court case shall be paid \$20.00 (dollars) per appearance. The hourly employees shall be paid their hourly rate.

Date of Adoption: February 10, 2015

The Committee reviewed **R-21-2015**. Deputy Mayor Leppert made a motion to approve **R-21-2015**, seconded by Committeeman MacDonald and unanimously carried.

### **SANDYSTON TOWNSHIP**

#### **R-22-2015**

#### **A RESOLUTION TO REDEEM TAX SALE CERTIFICATE 2014-004**

**WHEREAS**, Jessica M. Caruso, Tax Collector, has received \$11,375.70 for the redemption of Tax Sale Certificate 2014-004 on Block 1102 Lot 9 and is requesting that \$11,375.70 plus a premium in the amount of \$23,800.00 which was paid at Tax Sale that the Township is holding, for a total of \$35,175.70 be refunded to the lien holder, Rustic Ridge Holdings, LLC 60 Deer Trail Lake Road, Stockholm, New Jersey 07460.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey to authorize the Tax Collector to refund \$11,375.70 plus a premium in the amount of \$23,800.00 which was paid at Tax Sale that the Township is holding, for a total of \$35,175.70 for the redemption of Tax Sale Certificate 2014-004 to the lienholder, Rustic Ridge Holdings, LLC 60 Deer Trail Lake Road, Stockholm, New Jersey 07460.

The Committee reviewed **R-22-2015**. Mayor Harper made a motion to approve **R-22-2015**, seconded by Deputy Mayor Leppert and unanimously carried.

### **SANDYSTON TOWNSHIP**

#### **R-23-2015**

#### **RESOLUTION APPOINTING A DEPUTY REGISTRAR**

**WHEREAS**, N.J.S.A. 26:8-17 states the local registrar, immediately upon accepting the appointment, shall appoint a Deputy Registrar to assist in the normal, day-to-day operation of the office to act in the absence of the registrar; and

**WHEREAS**, Sandyston Township is in need of a Deputy Registrar; and

**THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Sandyston hereby appoints Theresa Doyle as Deputy Registrar.

The Committee reviewed **R-23-2015**. Mayor Harper made a motion to approve **R-23-2015**, seconded by Committeeman MacDonald and unanimously carried.

#### **Ordinances:**

**SANDYSTON TOWNSHIP ORDINANCE**

**2015-01**

**AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF SANDYSTON AND TO PROVIDE THE METHOD FOR THE PAYMENT OF ANNUAL SALARY INCREMENTS IN THE DISCRETION OF THE TOWNSHIP COMMITTEE**

**BE IT ORDAINED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, as follows:

**Section 1.** The ordinance shall be known as “The Minimum and Maximum Salary and Wage Ordinance”.

**Section 2.** All ordinances inconsistent with this ordinance, shall be, and are hereby repealed.

<u>Position</u>	<u>Minimum Annual Salary</u>	<u>Maximum Annual Salary</u>
Mayor	\$ 3,000.00	\$ 4,600.00
Committeemen	\$ 2,600.00	\$ 4,000.00
Municipal Clerk	\$27,000.00	\$46,000.00
Deputy Clerk	\$ 500.00	\$ 5,000.00
Registrar	\$ 500.00	\$ 1,000.00
Tax Collector	\$15,000.00	\$25,000.00
Assessor	\$11,000.00	\$24,000.00
Deputy Tax Assessor	\$ 50.00	\$ 4,500.00
Chief Financial Officer	\$ 5,000.00	\$15,000.00
Treasurer	\$ 5,000.00	\$15,000.00
Sec. To Bd. Health	\$ 700.00	\$ 1,500.00
Emergency Management Coord.	\$ 800.00	\$ 2,600.00
Animal Control Officer	\$ 1,500.00	\$ 4,000.00
(\$1.00 per dog license issued payable to Municipal Clerk)		
Dog Pick-Up		\$ 25.00
Dog Boarding Fee (per day)		\$ 25.00
Const./Bldg. Sub-Code	\$15,000.00	\$25,000.00
(plus mileage)		
Sec. To Cons. Official (per hour)	\$ 9.00	\$ 18.00
Fire Sub-Code Official (per hour)	\$ 20.00	\$ 50.00
(plus mileage)		
Plumb. Sub-Code Official	\$ 3,500.00	\$ 6,500.00
(plus mileage)		
Electrical Sub-Code Official	\$ 3,500.00	\$ 6,500.00
Housing Officer Per Inspection	\$ 35.00	\$ 35.00
(plus mileage)		
Code Enforcement Official	\$ 20.00	\$ 35.00
(plus mileage)		
Fire Prev./Life hazard Per Inspection	\$ 40.00	\$ 60.00

Shared Service Agreement	\$ 7,000.00	\$12,000.00
Road Foreman, hourly	\$ 16.00	\$ 33.00
Roadman, Senior Employee (hourly)	\$ 12.00	\$ 24.00
Roadman, Junior Employee (hourly)	\$ 10.00	\$ 22.00
Laborers, per hour, monthly	minimum wage	
Temporary Truck Driver per hour	\$ 11.00	\$ 15.00
Temporary Driver with CDL	\$ 11.00	\$ 18.00
Township Attorney	\$15,000.00	\$25,000.00
Planning Board Secretary	\$10,500.00	\$20,000.00
Land Use Administrator	\$12,000.00	\$20,000.00
Tax Search Officer	100% of all search fees	
Official Improvement Search	100% of all search fees	

Vouchers for mileage shall be prepared and submitted monthly. All those eligible for car allowance, shall be allowed \$.51 per mile.

All employees whose appearance is necessary in a court case shall be paid \$20.00 per appearance.

This ordinance shall take effect after publication and passage according to law.

The Committee reviewed **Ordinance 2015-01**. Mayor Harper made a motion to open Ordinance **2015-01** to the public, seconded by Committeeman MacDonald and unanimously carried.

Glenn Hull, Bevans Road, came forward and stated the attorney is now a township employee with a basic salary. Mr. Hull stated he was curious how the public will know what the \$15,000 will be used for and if there will be a monthly statement of fact of duties performed as previously one could OPRA the billing statement from the attorney and it would show what was done. Mayor Harper answered there is a job description that outlines his duties which is like any other employee, and the only time the work will be itemized is when his services are used for tax appeals and lawsuits because that is an hourly rate. Mayor Harper stated the \$15,000 is a flat salary and the attorney is to handle all legal matters, other than tax appeals and litigation, for that fee. Mr. Hull asked how that employee will be held responsible. Mayor Harper stated such as any other employee is held responsible. Mr. Hull felt this was an omission of fact. Mayor Harper asked Mr. Hull if what the planning board secretary, clerk or any other employee is doing every day is an omission of fact. Mr. Hull answered basically. Mayor Harper stated that was Mr. Hull's opinion and thanked him for his time.

Mayor Harper made a motion to close the Ordinance to the public, seconded by Deputy Mayor Leppert and unanimously carried. Mayor Harper made a motion to approve Ordinance **2015-01**, seconded by Committeeman MacDonald and unanimously carried. **Roll Call Vote followed: Ayes: MacDonald, Leppert, Harper: Nays 0; Absent: 0; Abstain 0**

## SANDYSTON TOWNSHIP

### ORDINANCE 2015-02

#### ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 48 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 Chapter 48 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 Chapter 48 entitled "Buildings, Unsafe" shall and is hereby deleted in its entirety and is hereby replaced with a new Chapter 48 entitled "Buildings, Unsafe" which shall read as follows: "The requirements and procedures to be followed with respect to unsafe buildings and structures shall be in accordance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23-2.32."

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

The Committee reviewed Ordinance 2015-02. Mayor Harper made a motion to open Ordinance 2015-02 to the public, seconded by Committeeman MacDonald and unanimously carried. There being no comment from the floor regarding this Ordinance, Deputy Mayor Leppert made a motion to close the Ordinance to the public, seconded by Committeeman MacDonald and unanimously carried. Mayor Harper made a motion to approve Ordinance 2015-02, seconded by Committeeman MacDonald and unanimously carried. Roll Call Vote followed: Ayes: MacDonald, Leppert, Harper: Nays 0; Absent: 0; Abstain 0

## SANDYSTON TOWNSHIP

### ORDINANCE 2015-03

#### AN ORDINANCE TO CREATE A NEW CHAPTER OF THE CODE OF THE TOWNSHIP OF SANDYSTON, NEW JERSEY ENTITLED "VEHICLES, MOTOR DRIVEN"

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 intention of the Township Committee to create a new chapter of the Municipal Code of the Township of Sandyston in order to add a chapter for vehicles, motor driven as more specifically set forth in the within Ordinance.

#### Section 1.

.1 Definitions. As used in this chapter, the following words shall have the following meanings:

"Motor driven vehicles" shall mean, but not be limited to, mini-bikes, trail bicycles, dirt bikes, motor scooters, go-carts, swamp buggies, all-terrain vehicles, including the three and four wheel variety, snowmobiles, as well as any other motor driven vehicle designed primarily for off-road use, regardless of whether it is registered under Title 39, the New Jersey Motor Vehicle Statute, but shall not include vehicles used for farming purposes. The definition of snowmobile and all-terrain vehicle shall also include those terms as defined under N.J.S.A. 39:3C-1.c&e.

.2 Use Regulation. It shall be unlawful to operate any motor driven vehicle of type described in subsection .1 within the Township under the following circumstances:

- a. On private property of another without the express permission to do so by the owner or occupant of the property.
- b. On public grounds within the Township without the express permission or approval of the public authority having charge or control thereof and then only in accordance with such rules and regulations as such public authority may impose.

- c. In such manner as to create loud unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- d. In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of any person or the property of any person.
- e. Each unlicensed motor-driven or motorized vehicle shall at all times be equipped with a muffler in good working order and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.

.3 Violation by a Minor. Any person under the age of 18 years who shall violate any of the provisions of this section shall be deemed to be a juvenile delinquent and shall be proceeded against as such.

.4 State Statutes. Any motor driven vehicles as defined under subsection .1, operated within the Township shall comply with all relevant provisions of N.J.S.A. 39:3C-1, et seq., including, but not limited to, the registration provisions contained in N.J.S.A. 39:3-3 and the "Unlawful Act" regulations contained in N.J.S.A. 39:3C-19.

.5 Impoundment. Any police officer enforcing this section may impound any motor driven vehicle operated on public or private property in violation of this section or any violation of applicable State law.

In cases involving persons under the age of 18 years old, the vehicle may be returned to the operator's parent or legal guardian upon payment of all costs and fees associated with the impoundment which may include but not be limited to storage fees. In the case of an unregistered vehicle, the vehicle shall be released from impoundment upon proof that the vehicle has been registered and insured under the New Jersey Statutes and upon payment of all fees and costs incurred in the impoundment including, but not limited to, storage fees.

.6 Penalties. For violation of this Section, the maximum penalty, upon conviction, shall be a fine not exceeding one thousand two hundred fifty (\$1,250.00) dollars, or imprisonment for a period not exceeding 90 days, or both. In addition to or in lieu of a fine or imprisonment, the Court may impose a penalty of community service for a period not exceeding 90 days. (N.J.S.A. 40:49-5)

**Section 2. Severability.**

Should any Section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

**Section 3. Repealer.**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4. Effective Date.**

This Ordinance shall take effect immediately upon passage and publication as required by law.

The Committee reviewed **Ordinance 2015-03**. Mayor Harper made a motion to open Ordinance **2015-03** to the public, seconded by Deputy Mayor Leppert and unanimously carried.

Marie Rath, 87 Ridge Road, came forward and read the following letter into the record *"This ordinance, in part, is to help with the constant and unnecessary noise of riding off-road vehicles and, in our case, neighbors that live 120 feet from our home, riding six to eight hours on weekends and holidays and about four hours a day during the week using their property as a race track for themselves and their invited friends and cause so much noise that we could not use our front porch or deck and felt like prisoners in our own home; and also, disturbing the peace and quiet of some of our neighbors and, as for myself, making me ill. We moved here and built our retirement home by ourselves 24 years ago because of the peace and quiet we were seeking and found it here in Sandyston as most of us did. Please, I ask*

*you to pass the ordinance so we can feel secure in our home and township that we love and whatever happened to us does not happen to anyone else here in the township. Thank you."*

Glenn Hull, Bevans Road, came forward questioned the muffler clause. Mr. Hull suggested rewording the ordinance to state "original equipment" and bypassing the other restrictions. Mayor Harper stated this ordinance is compiled of several ordinances from surrounding towns and watered down to fit our needs and explained you will have to meet several criteria to be able to enforce this ordinance and explained each point of the ordinance. Mayor Harper discussed problems the Township has had in the past with off-road vehicles disturbing the peace and the difficulty utilizing and enforcing the State Noise Ordinance. Mr. Hull asked several questions regarding noise and the level of intrusion and Mayor Harper stated ultimately it is for the Court to determine. Mayor Harper stated this is an attempt to gain some ability to bring a situation where it might be negotiated. Mr. Hull asked about the age limit and if it applies to private property. Mayor Harper answered the only age limit mentioned is for a violation of a minor and stated the Township is not restricting anybody's right to operate. Mr. Hull discussed OEM specifications and mufflers in good working order.

Robert Southway, Route 645, asked who determines that you are operating in an unsafe manner. Mayor Harper answered it would be through data collection and interpretation of the Court. Mr. Southway discussed what would be involved in defending yourself against the ordinance as well as coming onto private property to impound a vehicle. Mayor Harper stated this ordinance is a way to bring the matter to negotiation. Mr. Southway stated he did not feel this ordinance would accomplish anything and felt the government should not get involved and the parties involved should have hired an attorney. Mr. Southway stated he didn't want the ordinance to be a way for people or his neighbors to come after him. Mayor Harper said this ordinance is all about being a good and considerate neighbor. Mayor Harper said it isn't about not riding; it is about considerate riding and consideration of your neighbor. Mr. Southway thanked the Committee for their time.

Keith Utter, Route 206, came forward and asked who would be enforcing the ordinance. Mayor Harper stated the ordinance would be enforced by the Code Enforcement Officer and the complainant would have to prove it to the degree that the Code Enforcement Official feels it is egregious. Mr. Utter stated there would be no noise experts and there would be no engineers measuring sound with this ordinance. Mayor Harper stated this ordinance gives residents the opportunity to make a complaint and get a discussion to the point where it might negotiated or proceed to Court.

Deputy Mayor Leppert made a motion to close the Ordinance to the public, seconded by Committeeman MacDonald and unanimously carried. Deputy Mayor Leppert made a motion to approve Ordinance **2015-03**, seconded by Mayor Harper and unanimously carried. **Roll Call Vote followed:** Ayes: MacDonald, Leppert, Harper: Nays 0; Absent: 0; Abstain 0

## TOWNSHIP OF SANDYSTON

### ORDINANCE 2015-04

#### AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 36 "AMUSEMENTS", ARTICLE I ENTITLED "OUTDOOR ENTERTAINMENTS" OF THE CODE OF TOWNSHIP OF SANDYSTON

[Adopted 9-3-1970; amended in its entirety 5-13-2008 by Ord. No. 2008-08]

**BE IT ORDAINED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that Chapter 36 "Amusements" of the Code of the Township of Sandyston, New Jersey, Article I entitled "Outdoor Entertainments" is hereby amended, revised and supplemented with the following:

#### **§36-4. Permit-Application-Requirements**

##### **A. Filing of Application:**

Any person conducting or sponsoring an outdoor entertainment activity shall make application for a permit by filing a completed application with the Township Clerk seven (7) days prior to the Township Committee meeting the month prior to the outdoor entertainment event date. Said application may request up to four dates per application.

The application shall require the following information:

L. The applicant shall notify property owners within five hundred (500) feet of the boundaries of the property to be covered by the permit of the outdoor entertainment event(s) by certified mail. It shall be sufficient to send said notices to the addresses shown on the tax list provided by the Tax Assessor. An affidavit or copies of the certified slips must be filed with the Township Clerk showing compliance with this subsection.

- (1) Changes to the date for an Outdoor Entertainment Event, previously approved by the Township Committee, shall:
  - a. Notify the Township Clerk of the change in writing seven (7) days prior to the Township Committee meeting the month prior to the outdoor entertainment event date.
  - b. Request a new list of the property owners within five hundred (500) feet of the boundaries of the property to be covered by the permit from the Tax Assessor, for an additional \$25.00 fee.
  - c. Notify the property owners of the change of date to the previously scheduled outdoor entertainment event(s) by certified mail.
  - d. An affidavit or copies of the certified slips must be filed with the Township Clerk showing compliance with this subsection.
- (2) Any other changes for an Outdoor Entertainment Event, previously approved by the Township Committee, shall:
  - a. Notify the Township Clerk of the change in writing seven (7) days prior to the Township Committee meeting the month prior to the outdoor entertainment event date.

#### **§36-7. Permit Fee**

The fee for the Outdoor Entertainment Application shall be \$125 (one hundred twenty-five dollars) per application.

The Committee reviewed **Ordinance 2015-04**. Mayor Harper made a motion to open Ordinance **2015-04** to the public, seconded by Committeeman MacDonald and unanimously carried. There being no comment from the floor, Committeeman MacDonald made a motion to close the Ordinance to the public, seconded Deputy Mayor Leppert and unanimously carried. Mayor Harper made a motion to approve Ordinance **2015-04**, seconded by Committeeman MacDonald and unanimously carried. **Roll Call Vote followed: Ayes: MacDonald, Leppert, Harper: Nays 0; Absent: 0 ; Abstain 0**

**Correspondence:** The Committee reviewed the correspondence. Mayor Harper noted the Non-Community Water System Inspection which was performed on January 21, 2015. Mayor Harper stated the inspection was performed by the County as required by the NJDEP Bureau of Safe Drinking Water Implementation where a physical inspection was performed of our system, reports, diagrams and paperwork regarding the well. Mayor Harper stated the Township passed the inspection, but it was noted we needed a screen vent on well head. Mayor Harper stated a quote was received from George Sharry to alter the sink in the kitchen to install a sprayer and add the screen vent on the well head in the amount of \$785. Deputy Mayor Leppert made a motion to approve the quote, seconded by Mayor Harper and unanimously carried.

Mayor Harper stated he received a phone call from John Donahue, National Park Superintendent, who was not happy about Sandyston Township's recent correspondence.

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

Sandy Hull, Maple Lane, came forward and asked about the letter that was forwarded to Mr. Donahue and if that was the letter and resolution opposing Vision 2030. Mayor Harper stated Mr. Donahue indicated that he would

have appreciated more of a chance to discuss this matter and was disappointed that the Township went ahead and passed a resolution ahead of time. Mayor Harper stated, in his opinion, Mr. Donahue was here for quite some time in 2012 and discussed this matter at great length, where the Township expressed their opinion several times about hunting and fishing and the economic drivers for Sandyston Township. Mayor Harper stated Mr. Donahue reiterated that it was not his intention to restrict hunting and fishing. Mrs. Hull thanked the Committee for passing the resolution and stated she thinks it is critical that the Township shows their support of the people in the Township in opposing Vision 2030. Committeeman MacDonald also noted the information received from Dick Gross who also sent information opposing Vision 2030.

Todd Palling, Davey Lane, came forward to request assistance with gritting their hill on Davey Lane. Mr. Palling stated they plow and maintain the road themselves but with the ice, the road becomes very dangerous. Mayor Harper stated this has been a tough winter and this is a difficult situation. Mayor Harper stated in life hazard situations, ambulance/fire or life threatening situations, the Township will come and help and make sure the ambulance can get in the road. Mayor Harper stated the Township has worked with Devita Road, providing some salt/grit in a barrel. Mr. Palling asked if the truck could come and spread the salt on the hill. Mayor Harper stated there are several private roads in Sandyston Township, as well as Kittatinny Lake and Hiram's Grove who have formed associations. Mayor Harper stated the type of assistance Mr. Palling is looking for would require a homeowners association. Mayor Harper stated if we start spreading salt/grit on Davey Lane, then the Township would be required to do the same for the other private roads in Sandyston Township. Mr. Palling asked if they could go and get the salt/grit themselves from the Township Garage. Mayor Harper stated in the past the Township was allowing residents to a limited amount of salt/grit and it became a problem when residents and non-residents were taking the material after hours. Mayor Harper explained the Township had to put a stop to this practice as it wasn't fair to the taxpayers. Mayor Harper stated the Committee would be happy to work with Mr. Palling in putting together a plan. Mr. Palling thanked the Committee for their time.

James Fournier, 30 Meyers Road, came forward to discuss the snowplowing procedure for Meyers Road. Mayor Harper stated that he received a phone call from Mr. Fournier regarding the condition of Meyers Road after a recent snowstorm and shortly after that phone call Mayor Harper inspected Meyers Road. Mayor Harper stated that he had a discussion with the Road Department Foreman and both determined we could have done a better job plowing that section of Meyers Road. Mayor Harper stated there is a salt shortage and explained that the road department employee might have been a bit too conservative in his efforts to conserve materials. Mayor Harper thanked Mr. Fournier for his phone call and attending the meeting.

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

**Coming up:**

Township Meeting:

Tuesday, March 10, 2015 at 9:00 am

Planning Board:

Monday, March 2, 2015 at 7:00 pm

Seniors Meeting:

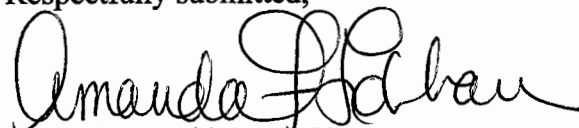
Tuesday, March 3, 2015 at 12:00 pm

Recreation:

Thursday, February 24, 2015 at 6:30 pm

**Adjournment:** Deputy Mayor Leppert made a motion to adjourn the meeting at 8:20 pm, seconded by Committeeman MacDonald and unanimously carried.

Respectfully submitted,



Amanda F. Lobban, RMC  
Municipal Clerk