

# SANDYSTON TOWNSHIP

## Minutes

February 9, 2016

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: Committeewoman Kamala M. Hull, Deputy Mayor Fred MacDonald and Mayor George B. Harper, Jr.

Also in attendance: Stan Dutkus; Mary Burkhardt; Tom & Nan Horsfield; Glenn & Gayle Hull; William & Mary Erickson; Fred Roberts; Brett Harper; Jon Snyder; Joe Salokas; Arthur Sibbles; Sandra Townsend; Hixon & Sharon Spangenberg; Ryan Earley

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

**Minutes:** The Committee reviewed the regular meeting minutes of **January 12, 2015**. Deputy Mayor MacDonald made a motion to approve the minutes for January 12, 2015, seconded by Committeewoman Hull and unanimously carried

**Tax Collector Report:** The Tax Collector Report was presented for the month of **January 2015** with total receipts Month-To-Date of \$305,050.62 and a Year-To-Date total of \$305,050.62. Mayor Harper made a motion to accept the Tax Collector's Report as submitted, seconded by Deputy Mayor MacDonald and unanimously approved.

**Treasurer's Report:** The Treasurer's Report for the month of **January 2016** was presented with a beginning balance of \$1,056,291.94, total receipts of \$320,388.73 and total disbursements of \$241,499.47 leaving an ending balance of \$1,135,181.20. Mayor Harper read the following balances: General Capital Account \$154,252.23, Animal Control Escrow \$8,965.23, Public Assist Escrow \$3,534.99, Unemployment Escrow \$24,503.86, COAH Trust \$33,258.10, Security Asst. Fund \$18,584.98 and the Small Cities Master \$4,775.84. Mayor Harper made a motion to approve the Treasurer's Report, seconded by Committeewoman Hull and unanimously approved.

**Payment of Vouchers:** The bills list was submitted for approval in the amount of \$730,388.59. Deputy Mayor MacDonald made a motion to approve the bills list, seconded by Committeewoman Hull and unanimously approved.

**Departmental Reports:** The Committee reviewed the departmental reports. Mayor Harper noted the resignation of Michael S. Garofalo, Esq., on January 28, 2016.

The Committee discussed the option of an Extended Warranty on the John Deere Backhoe. Mayor Harper noted it was \$1,500 and stated that Mr. McClain and Mayor Harper discussed the Extended Warranty and felt it was not necessary. After a brief discussion, the Committee decided not to pursue the Extended Warranty.

Mayor Harper noted the new Ford 550 with Stainless Steel Body and 9 foot snow plow and wing is anticipated to be delivered late March. Mayor Harper also noted the repair to the 1968 Ford Tractor.

## **Old Business:**

Update to Dog Ordinance & Zoning Ordinance: Mayor Harper discussed a draft ordinance that was presented to the Committee for review. Mayor Harper called Mr. Joseph Salokas forward to discuss the draft dog ordinance.

Joseph Salokas, Bevans Road, came forward and stated from reviewing dog ordinances the unique thing that the draft ordinance has is a section for menacing dogs which is proactive. Mr. Salokas stated with the menacing dog section, the Animal Control Officer can actually do something before a tragedy occurs. Mr. Salokas stated this draft also has a less restrictive barking section which will aid in the collection of data. Mr. Salokas stated the issue on the number of dogs is to be determined by the Township.

Mr. Salokas stated the number of dogs must be reviewed so the changes to the zoning ordinance regarding kennel's is in line with the dog ordinance. Mr. Saolkas discussed the definition of the "kennel" that was proposed by the Land Use Attorney.

The Clerk stated the Animal Control Officer reviewed the ordinance and felt the wording for pet shops needed some adjustment and the definition of domestic animal needed to be reviewed, but felt the draft ordinance with the inclusion of the menacing dog section was sufficient. Mayor Harper made a motion to forward the draft dog ordinance & kennel definition for the change to the zoning ordinance to the Township Attorney for review to prepare a draft for the March meeting, seconded by Deputy Mayor MacDonald and unanimously carried. The Committee thanked Mr. Salokas for his time.

## **New Business:**

**Sussex County Hazard Mitigation Update:** Mayor Harper invited Mr. Stanley Dutkus to come forward and discuss the Sussex County Hazard Mitigation Update. Mr. Dutkus stated he has tried to identify the potential hazards that can be mitigated within the township. Mr. Dutkus stated this document is being updated by the County of Sussex and is reviewed and updated every five years and the purpose is to be able to apply for grants when available to mitigate these potential hazards. Mr. Dutkus stated that there are questions which need to be answered by department personnel within the township before this document can be forwarded to the County as a draft document. Mr. Dutkus stated the draft document needs to be signed off by various representatives of the Township (Mayor, Engineer, CFO, Building Code Official, Floodplain Administrator, Emergency Manager, Land Use Planner, Public Works Director, Police Department and Fire Department). Mr. Dutkus reviewed the areas of mitigation that are in the plan:

- Sandyston Township Sunrise Communication Tower Generator
- Generator Wiring at Municipal Complex
- Emergency Generator for DPW Garage and Fire Station #2
- Implement Fire Wise Program throughout the Township.
- Conduct all-hazards public education and outreach program for hazard mitigation and preparedness.
- Install early warning devices in Township.
- Protect school building from severe weather related incidents.
- Purchase a mini-pumper four-wheel drive unit with extended crew cab to support wildland and structural fires.
- Work with PUC and FCC for regulations requiring phone providers to maintain phone service during loss of power.

- Protect roadway crossing the Delaware River from damages and debris during hazard events.
- Initiate a program to verify that all dams in the community meet the state safety requirements.

**Personnel Policy Review:** Mayor Harper asked the Committee for comments on the current personnel policy. Mayor Harper noted the personnel policy has been reviewed by our professionals. Mayor Harper referred to the section covering “harassment” and suggested wording to state “harassment of anybody will not be tolerated” and asked this to be reviewed by our Township Attorney.

**Loss Control Service Visit Report:** The Committee reviewed the Loss Control Service Visit Report provided by Statewide Insurance following a meeting of December 14, 2015. Mayor Harper noted the recommendation for random drug testing for employees holding CDL licenses. Mayor Harper noted the Clerk is looking to determine drug testing companies, procedures and a possible shared service for this requirement. The Clerk noted the recommendation for a gate to be installed in the railing in the fire department. Mayor Harper asked for the recommendation to be discussed with the fire department.

**Use of Facility Request:**

- **Boy Scouts of America (Pack 96):** The Committee reviewed a request for Use of the meeting hall on specific Wednesday’s during the months of March through June from 6:30 pm to 7:45 pm. Deputy Mayor MacDonald made a motion to approve the use, seconded by Mayor Harper and unanimously carried.
- **Sandyston Township Recreation – “Easter Festival”:** The Committee reviewed a request for Use of the meeting hall on Saturday, March 19, 2016 for an Easter Festival. Deputy Mayor MacDonald made a motion to approve the use, seconded by Mayor Harper and unanimously carried.
- **Sandyston Township Recreation – “Daddy Daughter Dance”:** The Committee reviewed a request for Use of the meeting hall on Friday, June 3, 2016 for a daddy daughter dance. Mayor Harper made a motion to approve the use, seconded by Deputy Mayor MacDonald and unanimously carried.
- **Sandyston Township Recreation – “Sandyston Day”:** The Committee reviewed a request for Use of the meeting hall on Sunday, June 12, 2016 for Sandyston Day. Mayor Harper made a motion to approve the use, seconded by Deputy Mayor MacDonald and unanimously carried.
- **Sandyston Township Historical Society:** The Committee reviewed a request for Use of the meeting hall for a meeting of the Board of Trustees on Thursday, February 18, 2016 at 7:00 pm. Mayor Harper made a motion to approve the use, seconded by Committeewoman Hull and unanimously carried.

**Resolutions:**

**SANDYSTON TOWNSHIP**

**R-20-2016**

**A RESOLUTION FOR THE TOWNSHIP OF SANDYSTON TO ACCEPT AND EXECUTE AGREEMENT FOR PURCHASE OF UNIMPROVED REAL PROPERTY (BLOCK 502 LOT 39) WITH THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM**

**WHEREAS,** the Township Committee of the Township of Sandyston has reviewed the Agreement for Purchase of Unimproved Real Property offered by the State of New Jersey, Department of Environmental Protection Green Acres Program for the purchase of Block 502 Lot 39 in the Township of Sandyston, County of Sussex and State of New Jersey; and

**WHEREAS,** the State of New Jersey, Department of Environmental Protection has offered \$40,000 (Forty Thousand Dollars and no/100) for said property; and

**THEREFORE, BE IT RESOLVED** the Sandyston Township Committee of the Township of Sandyston hereby agrees to accept the offer to purchase Block 502 Lot 39 by the State of New Jersey, Department of Environmental Protection Green Acres Program in the amount of \$40,000 (Forty Thousand Dollars and no/100).

**BE IT FURTHER RESOLVED** that the Township Committee of the Township of Sandyston hereby authorizes the Mayor and Municipal Clerk to execute said Agreement For Purchase of Unimproved Property on behalf of the Township Committee of the Township of Sandyston.

The Committee reviewed **R-20-2016**. Deputy Mayor MacDonald made a motion to approve **R-20-2016**, seconded by Mayor Harper and unanimously carried.

**SANDYSTON TOWNSHIP  
R-21-2016  
A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE MUNICIPAL  
ALLIANCE GRANT**

**WHEREAS**, the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of an application for the Municipal Alliance grant for calendar year 2017 in the amount of:

<b>\$9,564.00</b>	Drug Enforcement Demand Reduction (DEDR) funds
<b>\$2,391.00</b>	Cash Match
<b>\$7,173.00</b>	In-Kind
2. The Township Committee is acting as the lead agency for a consortium that is comprised of the municipalities of Sandyston, Walpack and Montague.
3. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

The Committee reviewed **R-21-2016**. Mayor Harper made a motion to approve **R-21-2016**, seconded by Deputy Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP  
R-22-2016  
RESOLUTION APPOINTING TREASURER TO SANDYSTON RECREATION**

**WHEREAS**, with the appointment of Kamala Hull to the Sandyston Township Committee, a Treasurer is needed for Sandyston Recreation; and

**WHEREAS**, Beth Greene has expressed interest in becoming the Treasurer for Sandyston Recreation; and

**WHEREAS**, Beth Green has agreed to accept the position of Treasurer for Sandyston Recreation.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey that Beth Greene be appointed Treasurer for Sandyston Recreation effective January 4, 2016.

**BE IT FURTHER RESOLVED**, Beth Greene shall have permission to add her signature to the Sandyston Recreation bank accounts.

The Committee reviewed **R-22-2016**. Mayor Harper made a motion to approve **R-22-2016**, seconded by Deputy Mayor MacDonald and unanimously carried.

**Ordinances:** None

**Correspondence:** The Committee reviewed correspondence. Mayor Harper noted the many OPRA Requests received by the Township. Mayor Harper noted the Notice of Violation on 18 Bevans LLC and the letter from Mr. Solomou's attorney. Mayor Harper noted the violations on the properties located at 2 Jenkins Road. Mayor Harper noted the denial letter received from D & H Alternative Risk Solutions regarding Horsfield v. Sandyston Township. Mayor Harper noted the thank you letter received from Blue Ridge Rescue Squad for the donation for the repair to their ambulance.

**Open Meeting To Floor:**

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

Sharon Spangenberg, Heaters Lane, came forward and asked who the other two nominees for the Township Committee. Mayor Harper answered Kelly (McSpirit) Hanlon and Keith Utter.

Mary Burkhardt, Sunrise Trail, came forward and asked about the recent events regarding former Township Attorney, Michel Garofalo. Mayor Harper responded that that this was a personnel matter and was able to discuss the specifics relating to this issue. Mayor Harper explained the Township was in the process of taking the steps to notice this employee and set a hearing date when Mr. Garofalo resigned. Mayor Harper explained that this matter was an ethics complaint by Mr. Garofalo's previous employer. Mrs. Burkhardt asked about the personnel policy and background checks of employees. Mayor Harper explained background checks and if you have a criminal record you cannot have an attorney's license.

Glenn Hull, Bevans Road, questioned the employment of Mr. Garofalo and the events surrounding the ethics complaint. Mayor Harper reiterated that due to this being a personnel matter he is unable to discuss specifics of the situation, but did stated the Township was following the personnel policy and receiving legal advice from the Special Conflict Counsel, Glenn C. Kienz, Esq. Mayor Harper stated he talked to the Ethics Board and the gentleman that signed the Complaint and who held the hearing and was fully abreast of the protocol. Mr. Hull asked why the Ethics Complaint was not listed in the Correspondence for the Township. Mayor Harper explained that the Ethics Complaint was sent to him personally at his home and he dealt with the matter accordingly.

Hixon Spangenberg, Heaters Lane, came forward and questioned the employment of Mr. Garofalo. Mr. Spangenberg commented on Mayor Harper's judgement regarding the employment of Mr. Garofalo, Liberty Farms and the trees on Maple Lane.

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

Mayor Harper made a motion to enter executive session at 7:49 pm, seconded by Committeewoman Hull and unanimously carried. Mayor Harper read the following Resolution into the record:

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

- a. Pursuant to the provisions of the Open Public Meetings Act N.J.S.A. 10:4-12(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  
Matters relating to employment relationship  
Matters relating to professional contracts

**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 Harper made a motion to exit executive session at 7:57 pm, seconded by Deputy Mayor MacDonald and unanimously carried.

The following attorneys submitted proposals for consideration by the Township Committee:

- Robert B. McBriar, Esq. of Schenck, Price, Smith & King
- Glenn C. Kienz, Esq. of Weiner Lesniak LLP
- Glenn T. Gavan, Esq. of Criscuoli & Gavan, LLC
- Michael J. Hanifan, Esq., of The Law Office of Michael J. Hanifan, P.A.
- William E. Hinkes, Esq. of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Wojcik, Gacquin, Vandenberg & Hontz, LLC

The proposal states Mr. Hanifan will be paid a flat fee of \$15,000 for the year, to include all administrative function work, including, but not limited to, interactions with the municipal clerk and other township employees on regular matters; attendance at meetings, when requested; bid review; ordinance drafting, review and implementation; minor employment issues; and OPRA interpretation. In addition, Mr. Hanifan will be paid \$150 per hour on any litigation matter, to include, but not exclusive of in rem foreclosure, tax appeals, and other miscellaneous litigation not covered by the JIF (Joint Insurance Fund), as well as OPRA litigation.

Deputy Mayor MacDonald made a motion to accept the proposal by Michael J. Hanifan, Esq., for Township Attorney, seconded by Mayor Harper and unanimously carried. A roll call vote followed: Hull, MacDonald, Harper (Yes); 0 (No); 0 (Abstain); 0 (Absent)

**Resolutions:**

**SANDYSTON TOWNSHIP  
R-23-2016  
RESOLUTION APPOINTING TOWNSHIP ATTORNEY**

**WHEREAS**, N.J.S.A. 40A:11-5 permits governing bodies to contract for certain professional services without competitive bidding; and

**WHEREAS**, the Township of Sandyston has need of said professional services.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that the following appointment be made effective February 9, 2016 through December 31, 2016:

Township Attorney:     The Law Office of Michael J. Hanifan, P.A.  
                                  Michael J. Hanifan, Esq.

The Committee reviewed **R-23-2016**. Mayor Harper made a motion to approve **R-23-2016** and the proposal submitted by Mr. Hanifan, seconded by Deputy Mayor MacDonald and unanimously carried.

**Sandyston Township Resolution  
R-24-2016**

**A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT**

**WHEREAS**, the Township of Sandyston has a need for the following professional service:

**Township Attorney:**   The Law Office of Michael J. Hanifan, P.A.  
                                  Michael J. Hanifan, Esq.

**WHEREAS**, the anticipated term of this contract is one year effective February 10, 2016 through December 31, 2016 and may be extended as approved by the Sandyston Township Committee; and

**WHEREAS**, the award of the contract shall be subject to the requirement for submission of the Business Entity Disclosure Certification as soon as possible to demonstrate substantial compliance with the law; and

**WHEREAS**, the Business Entity Disclosure Certification certifies that the company listed above has not made any reportable contributions to a political candidate or candidate committee in the Township of Sandyston in the previous one year and that the contract will prohibit the companies from making any reportable contributions through the term of the contract; and

**WHEREAS**, a Certificate of Availability of Funds has been provided in accordance with N.J.A.C. 5:30-5.4.

**NOW, THEREFORE, BE IT RESOLVED** that the Sandyston Township Committee of the Township of Sandyston authorizes the Mayor to enter into a contract with The Law Office of Michael J. Hanifan, P.A., Michael J. Hanifan, Esq.

**BE IT FURTHER RESOLVED**, that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution.

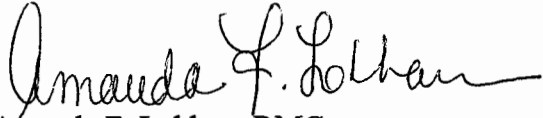
The Committee reviewed **R-24-2016**. Mayor Harper made a motion to approve **R-24-2016**, seconded by Deputy Mayor MacDonald and unanimously carried.

Mayor Harper read through the list of upcoming events:

Regular Township Meeting:	Tuesday, March 8, 2016 at 7:00 pm
Planning Board Regular:	Monday, March 7, 2016 at 7:00 pm
Seniors Meeting:	Tuesday, March 8, 2016 at 12:00 pm
Sandyston Recreation Easter Festival	Saturday, March 19, 2016
Recreation Meeting:	Tuesday, February 23, 2016 at 6:30 pm
President's Day	Monday, February 15, 2016 <b><u>Closed</u></b>

**Adjournment:** Deputy Mayor MacDonald made a motion to adjourn the meeting at 8:04 pm seconded by Committeewoman Hull and unanimously carried.

Respectfully submitted,



Amanda F. Lobban, RMC  
Municipal Clerk