# Sandyston Township

## Minutes

### January 8, 2013

This meeting was opened and called to order at 9:00 am 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 William Leppert, Deputy Mayor George B. Harper, Jr., and Mayor Fred V. MacDonald

Also in attendance: John deJager, Marc Cunico, Ed Ibsen, Raj Sinha, Keith Utter, Joseph Pinzone, Steve Williamson, Elizabeth Pinzone, Alan Delea

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

**Minutes:** The Committee reviewed the regular meeting minutes of December 11, 2012 and the Reorganization meeting minutes of January 2, 2013. Committeeman Leppert made a motion to approve the minutes, seconded by Mayor MacDonald and unanimously carried.

**Tax Collector Report:** The Tax Collector's report for the month of **December 2012** was presented with total receipts Month-To-Date of $156,754.65 and Year-to-Date of $5,649,439.43. Deputy Mayor Harper made a motion to approve the Tax Collector's Report, seconded by Mayor MacDonald and unanimously carried.

**Treasurer's Report:** The Treasurer's Report for the month of **December 2012** was presented with a beginning balance of $945,769.89, total receipts of $174,636.50, and total disbursements of $222,088.26 leaving an ending balance of $898,318.13. Mayor MacDonald stated the General Capital Account is $301,046.00, Animal Control Escrow $36,104.83, Public Assist Escrow $3,524.25, Unemployment Escrow $22,055.26, COAH Trust $23,462.25 and the Small Cities Master $4,761.33 (Housing Rehab). Deputy Mayor Harper made a motion to approve the Treasurer's Report, seconded by Mayor MacDonald and unanimously approved. The Committee also reviewed the FEMA spreadsheet outlining the FEMA reimbursements which have been received to date. The Clerk contacted FEMA and was able to get clarification on payments received. The total amount submitted for Hurricane Irene was $152,417.93. FEMA paid 75% of that amount to Sandyston Township totaling $114,313.47. The State of New Jersey never authorized reimbursement the remaining 25% totaling $38,104.46.

**Payment of Vouchers:** The bills list for the month **December 2012** was submitted for approval. Committeeman Leppert made a motion to approve the bills list, seconded by Deputy Mayor Harper and unanimously carried.

**Departmental Reports**: The Committee reviewed the Departmental Reports. Deputy Mayor Harper made a motion to hire two temporary road department employees (Jeffrey E. Angle and Thomas Cuneo) $12.50 per hour for 2013, seconded by Mayor MacDonald and unanimously carried. Deputy Mayor Harper also made a motion to pay Elizabeth Pinzone a retroactive figure for 2012 in the amount of $1,200, seconded by Mayor MacDonald and unanimously carried.

**Proclamation:**

# PROCLAMATION

**WHEREAS,** the strength and future of a community is reflected in the volunteers of committees and boards who generously donate their time in planning, guidance and commitment to shaping such community; and

**WHEREAS, Edward Ibsen** started on the Zoning Board of Adjustment in March of 1961 and continued volunteering his time for this Board until September 1996, serving as Chairman in 1971, 1972 and 1973; and

**WHEREAS,** in September 1996 the Zoning Board of Adjustment was disbanded and joined with the Planning Board creating a combined Land Use Board where **Edward Ibsen** continued to serve until December 31, 2012; and

**WHEREAS,** for more than five decades **Edward Ibsen** has reviewed countless applications from residents for minor and major sub-divisions, variances; applications from businesses for variances, site plans and conceptual plans; and review and revision of Sandyston Township's Master Plan. The look, shape and feel of Sandyston Township has been positively impacted over those five decades by Ed's consistent judgment and fair approach to each application.

**WHEREAS,** the Sandyston Township Committee and the Sandyston Township Land Use Board are sincerely appreciative of **Edward Ibsen's** hard work, diligence, guidance and impartial review of each application presented during his time on each board.

**THEREFORE,** the Township Committee of the Township of Sandyston does hereby thank **Edward Ibsen** for his dedication and commitment to the Sandyston Township Zoning Board of Adjustment, Planning Board and Land Use Board and the residents of Sandyston Township.

**BE IT FURTHER RESOLVED,** we, the Township Committee of the Township of Sandyston, have here unto set our hand and caused the seal of the Township of Sandyston to be affixed on this 8th day of January in the year 2013.

Mayor MacDonald presented a plaque and the Proclamation to Mr. Ibsen commemorating his service to the township. The Committee, along with members of the Land Use Board, congratulated and thanked Mr. Ibsen for his many years of service.

# PROCLAMATION

**WHEREAS,** the strength and future of a community is reflected in the employees who through their dedication to their jobs and volunteerism make their community a safe and enjoyable place to live; and

**WHEREAS, Alan Delea** is a life-long resident of Sandyston and has been employed by Sandyston Township for over 25 years; and

**WHEREAS,** during this time **Alan Delea** has been on-call 24/7 showing constant care and commitment to the safety and welfare of the residents of Sandyston Township. This has been demonstrated through the carefully scheduled maintenance of streets, roads, vehicles and equipment, continued care of buildings

and grounds, and constant communications with local schools, churches, municipalities, vendors and contractors; and

**WHEREAS, Alan Delea** has worked countless hours above and beyond the scheduled work day dealing with all that Mother Nature can provide doing his best to prepare, guide and restore the Township – always keeping the safety and welfare of the residents of Sandyston Township foremost in his decisions; and

**WHEREAS, Alan Delea** has ushered the steady growth of the road department through the years with careful planning, timely scheduling, budgeting and routine maintenance of all that encompasses the vast responsibilities of the road department; and

**WHEREAS, Alan Delea** has demonstrated hard work, guidance, and dedication as an employee of the Sandyston Township and has shown great leadership in his supervision of the Sandyston Township Road Department for 25 years; and

**WHEREAS, Alan Delea** has also served his community donating his time as a volunteer of the Sandyston Township Volunteer Fire Department where he is a respected and life member of the department; and

**THEREFORE**, the Township Committee of the Township of Sandyston does offer sincere gratitude to **Alan Delea** for over 25 years of dedication, loyalty and leadership in his employment and supervision of the Sandyston Township Road Department and continued membership and volunteerism with the Sandyston Township Volunteer Fire Department and extends best wishes on a well-deserved retirement.

**BE IT FURTHER RESOLVED**, the Township Committee of the Township of Sandyston has here unto set our hand and caused the seal of the Township of Sandyston to be affixed on this 8th day of January, 2013.

This Proclamation will be presented at the retirement party for Alan Delea on Saturday, January 19, 2013.

**Old Business:**

**Performance Bond:** There has been no performance bond posted on Block 1105 Lot 14 (Sandyston Mall); however, they are working to complete the items requested by the Land Use Board.

**Viewshed Protection Ordinance:** This Ordinance has been returned to the Land Use Board for discussion and will remain on the agenda.

**Renewable Energy Ordinance:** This Ordinance has been returned to the Land Use Board for discussion and will remain on the agenda.

**Quotes: Paint Municipal Building:** The Committee discussed the painting of the trim and other areas on the exterior of the municipal building. After a discussion, the Committee asked the Clerk to advertise for new quotes for the painting of the trim and other areas of the municipal building.

**New Business:**

**Sussex County Future Sewer Service Area Map**
**Proposed Amendment to the Sussex County Water Quality Management Plan:**
The Committee discussed the information from the County of Sussex regarding the Proposed Amendment to the Sussex County Water Quality Management Plan. Deputy Mayor Harper noted there is a resolution supporting this amendment to be read later in the meeting.

**Shared Service – Montague Township:**
The Committee discussed the Shared Service Agreement with Montague Township. The Shared Service Agreement was approved at the December meeting. Since that approval, Montague Township has decided to keep the agreement the same with the exclusion of the Fire Sub-Code as they have opted to keep their Fire Sub-Code. The agreement has been amended to omit the services of the Sandyston Township Fire Sub-Code and note that Montague has retained the services of their own Fire Sub-Code. Committeeman Leppert made a motion to accept that change to the agreement, seconded by Deputy Mayor Harper and unanimously carried. The following are the figures which Montague will be reimbursing Sandyston Township for this Shared Service:

| | 2013 |
|---|---|
| **Construction Official/Building Subcode** | **$14,000.00** |
| **Plumbing Subcode** | **$ 5,000.00** |
| **Electrical Subcode** | **$ 7,000.00** |
| **TOTAL** | **$26,000.00** |
| **Shared Service Fee (Payroll/Pension/ Administrative Costs** | **$ 3,900.00** |
| **Montague** | **$29,900.00** |

**Invoice Cloud:**
The Committee reviewed the paperwork submitted by Invoice Cloud for the payment of taxes with credit card/electronic check. Mayor MacDonald noted this system will not be up and running until approximately July 2013, as time is needed to implement and test the system before it is able to be used by the public. Mayor MacDonald made a motion to approve the three year agreement and paperwork submitted by Invoice Cloud, seconded by Deputy Mayor Harper and unanimously carried.

**Kountry Kennels Agreement:** The Committee reviewed the dog/cat kennel agreement with Kountry Kennels in the amount of **$1,900.00**. Deputy Mayor Harper made a motion to approve the agreement, seconded by Committeeman Leppert and unanimously carried.

**Green Acres Agreement:** The Committee reviewed the Green Acres Agreement for Block 1801 Lot 20. Green Acres did not wish to purchase Block 1703 Lot 2 and this will be placed back up for auction on March 18, 2013. Deputy Mayor Harper made a motion to accept the Green Acres Purchase Agreement for Block 1801 Lot 20 in the amount of **$2,000**, seconded by Committeeman Leppert and unanimously carried.

**Freedom Business Maintenance Agreement:** The Committee reviewed the Freedom Business Machines Maintenance Agreement for the copier. The figures are the same as 2012. Deputy Mayor Harper made a motion to accept the Freedom Business Maintenance Agreement, seconded by Mayor MacDonald and unanimously carried.

**Use of Building Request: Sandyston Recreation "Scrapbooking Meetings":** The Committee reviewed the request by Sandyston Recreation to use the meeting hall for "Scrapbooking Meetings" on the third Thursday of each month. Deputy Mayor Harper made a motion to approve the use of the meeting hall for this purpose, seconded by Mayor MacDonald and unanimously carried.

**Use of Building Request: Sandyston Recreation for monthly meetings:** The Committee reviewed the request by Sandyston Recreation to use the meeting hall for their monthly meetings on the third Tuesday of each month at 6:30 pm. Deputy Mayor Harper made a motion to approve the use of the meeting hall for this purpose, seconded by Mayor MacDonald and unanimously carried.

**Use of Building Request: Sandyston Seniors for monthly meetings:** The Committee reviewed the request by Sandyston Seniors to use the meeting hall for their monthly meetings on the first Tuesday of each month, unless that meeting is an Election Day (then meeting will be on a Monday), and to use the meeting hall for "Social Gatherings" on the third Tuesday of each month. Mayor MacDonald made a motion to approve the use of the meeting hall for this purpose, seconded by Committeeman Leppert and unanimously carried.

**Use of Building Request: Sandyston Township Volunteer Fire Department for monthly meetings:** The Committee reviewed the request by the Sandyston Township Volunteer Fire Department to use the meeting hall for their monthly meetings on the first Tuesday of each month at 7:30 pm (unless there is an Election, then the fire department will meet on their side of the building for their meeting). Deputy Mayor Harper made a motion to approve the use of the meeting hall for this purpose, seconded by Committeeman Leppert and unanimously carried.

**Application for Raffle License: St. Thomas Church:** The application for raffle license was not received by St. Thomas Church.

**Resolutions:**

**SANDYSTON TOWNSHIP**

**R-13-2013**

**A RESOLUTION TO HIRE TEMPORARY ROAD DEPARTMENT EMPLOYEE**

**WHEREAS**, Sandyston Township is in need of a Temporary Road Department Employee; and

**WHEREAS**, the Temporary Road Department employee will be paid $12.50 per hour; and

**THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Sandyston will hire Jeffrey E. Angle as a Temporary Road Department employee at $12.50 per hour.

The Committee reviewed **R-13-2013.** Committeeman Leppert made a motion to approve **R-13-2013**, seconded by Deputy Mayor Harper and unanimously carried.

**Sandyston Township**

**R-14-2013**

**RESOLUTION – AGREEMENT: BETWEEN KOUNTRY KENNELS AND THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

Be it and it is hereby resolved by the Sandyston Township Committee that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township Committee of the Township of Sandyston the following agreement between the Kountry Kennels and the Township of Sandyston.

The Committee reviewed **R-14-2013.** Deputy Mayor Harper made a motion to approve **R-14-2013,** seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP RESOLUTION**

**R-15-2013**

**A RESOLUTION FOR THE TOWNSHIP OF SANDYSTON TO ACCEPT AND EXECUTE AGREEMENT WITH INVOICE CLOUD, INC.**

**WHEREAS,** the Township Committee of the Township of Sandyston wishes to make the option of paying for property taxes with credit card available to the taxpayers of the Township of Sandyston; and

**WHEREAS,** the Township Committee of the Township of Sandyston wishes to utilize the services of Invoice Cloud, Inc., to facilitate this option to the taxpayers of the Township of Sandyston; and

**WHEREAS**, the Township of Sandyston will accept Visa, MasterCard, Discover and American Express (*debit and/or credit cards*), and Electronic Check; and

**WHEREAS**, for all tax payments when credit cards are used, the taxpayer will pay Invoice Cloud, Inc., a service fee of 2.95% of the payment amount for each payment transaction, and an Electronic Check service fee of $.95; and

**WHEREAS**, the fee for this service is user-based (*fees paid by the taxpayer*), however, Sandyston Township shall pay Invoice Cloud, Inc., a $50 monthly fee and Invoice Cloud, Inc. reserves the right to charge the Township of Sandyston $15 per Returned Transaction Fee associated with electronic check payments, and

**WHEREAS**, this agreement shall be for the duration of three years, thus, January 1, 2013 to December 31, 2016.

**NOW, THEREFORE, BE IT RESOLVED** the Township Committee of the Township of Sandyston hereby accepts of the terms and conditions of the Invoice Cloud, Inc. Agreement and the Mayor is hereby authorized to sign and execute the Invoice Cloud, Inc. Agreement on behalf of the Township of Sandyston.

The Committee reviewed **R-15-2013.** Deputy Mayor Harper made a motion to approve **R-15-2013,** seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP**

**R-16-2013**

**THE NEW JERSEY UTILITIES EMERGENCY PREPAREDNESS INITIATIVE**

**RESOLUTION REQUESTING THAT THE NEW JERSEY BOARD OF PUBLIC UTILITIES AND THE NEW JERSEY STATE LEGISLATURE CONDUCT A FULL INVESTIGATION OF INFORMATION MANAGEMENT, COMMUNICATIONS, EMERGENCY PREPAREDNESS AND RESPONSE CAPABILITIES OF NEW JERSEY PUBLIC UTILITIES**

**WHEREAS,** on October 29, 2012, due to Hurricane Sandy, the Northeast experienced a historic and crippling loss of power to over 4.5 million people including those within the Township of Sandyston in the County of Sussex, causing billions in damage and devastation throughout New Jersey; and

**WHEREAS,** neither those without power nor elected officials were able to consistently obtain reliable information regarding the status or timeframes for restoration, and

**WHEREAS,** this governing body believes that both outdated information management systems and utility infrastructure contributed to repair delays, and

**WHEREAS,** the Board of Public Utilities (BPU) should set and enforce stronger standards for accuracy and timeliness of the information about outages and projected restoration timelines, and

**WHEREAS,** the BPU should re-evaluate and improve the process by which utilities collect, manage, and assign repairs during extreme weather events, including for out-of-state workers; and

**WHEREAS,** the BPU should require utilities to issue detailed reports and schedules of intended repairs to officials in municipalities experiencing service interruptions every twelve hours; and

**WHEREAS,** any state utility company should be required to have its emergency preparedness and response plan approved by the State of New Jersey; now

**THEREFORE, BE IT RESOLVED** that the Township of Sandyston in the County of Sussex, on behalf of residents, businesses, and all community stakeholders, recommend that the BPU and New Jersey State Legislature conduct an investigation into how public utilities manage information, communicate, prepare, and respond to extreme power outages, and compel all public utility companies, through legislative action, to adopt the recommendations resulting from this investigation; and

**BE IT FURTHER RESOLVED** that this resolution be our State Senator Steven V. Oroho, our Assemblyman Gary R. Chiusano and our Assemblywoman Alison Littell McHose as well as the Office of the Governor, the White House Office of Intergovernmental Affairs, the New Jersey Board of Public Utilities, and the New Jersey State League of Municipalities.

The Committee reviewed **R-16-2013.** Deputy Mayor Harper made a motion to approve **R-16-2013**, seconded by Committeeman Leppert and unanimously carried.

**SANDYSTON TOWNSHIP**

**R-17-2013**

**RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: SUSSEX COUNTY WATER QUALITY MANAGEMENT PLAN**

WHEREAS, the Township of Sandyston desires to provide for the orderly development of wastewater facilities within the Township of Sandyston; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on 7 January 2013 for the Sussex County Water Quality Management Plan – Sussex County Future Sewer Service Area Map has been prepared by the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED on this 8th day of January 2013, by the Township Committee of the Township of Sandyston that:

1. The Township Committee of the Township of Sandyston hereby consents to the amendment entitled "Sussex County Water Quality Management Plan", and publicly noticed on January 7, 2013, prepared by the County of Sussex, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

The Committee reviewed **R-17-2013.** Deputy Mayor Harper made a motion to approve **R-17-2013**, seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP**

**R-18-2013**

**A RESOLUTION FOR THE TOWNSHIP OF SANDYSTON TO ACCEPT AND EXECUTE AGREEMENT FOR PURCHASE OF UNIMPROVED REAL PROPERTY (BLOCK 1801 LOT 20) WITH THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**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 for the purchase of Block 1801 Lot 20 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 $2,000 (Two 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 1801 Lot 20 by the State of New Jersey, Department of Environmental Protection in the amount of $2,000 (Two Thousand Dollars and no/100).

**BE IT FURTHER RESOLVED** that the Township Committee of the Township of Sandyston hereby authorizies 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-18-2013.** Deputy Mayor Harper made a motion to approve **R-18-2013**, seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP**

**R-19-2013**

**RESOLUTION SUPPORTING ASSEMBLY BILL A-2753 REQUIRING DIRECT PAYMENT OF ENERGY TAXES TO MUNICIPAL GOVERNMENT**

**WHEREAS,** taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

**WHEREAS,** just as municipalities collect property taxes for the benefit of school districts, counties and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS,** for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

**WHEREAS,** the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS,** municipalities lost $331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

**WHEREAS,** as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact they are spending less, providing that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

**WHEREAS,** A-2753, sponsored by Assemblyman Daniel Benson and Wayne DeAngelo, and S-1923, sponsored by Senator Linda Greenstein, would restore the $331 million in municipal property tax relief funding, ensure that each municipality will be restored to the 2007 (SFY 2008) Energy Tax Receipts/CMPTRA level and adjust that amount to account for inflation; and

**WHEREAS**, the bills would require certain energy tax receipts to be paid directly to municipalities, and, thereby, would assure local property taxpayers compensation for hosting transmission facilities and lines that allow gas and electric energy corporations to serve customers and conduct business in our Garden State; and

**WHEREAS**, the time has come to restore to local budgets the millions in property tax relief that have been annually diverted to meet State needs; now therefore be it

**RESOLVED**, that the Township Committee of the Township of Sandyston salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation; and be it further

**RESOLVED**, that we enthusiastically support and urge our State Legislators to pass A-2753/S-1923; and be it finally

**RESOLVED**, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, New Jersey State President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Republican Leader Jon Bramnick, our State Senator Steven V. Oroho, our Assemblyman Gary R. Chiusano and our Assemblywoman Alison Littell McHose, and to the New Jersey League of Municipalities.

The Committee reviewed **R-19-2013.** Deputy Mayor Harper made a motion to approve **R-19-2013**, seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP**

**R-20-2013**

**A RESOLUTION TO HIRE TEMPORARY ROAD DEPARTMENT EMPLOYEE**

**WHEREAS**, Sandyston Township is in need of a Temporary Road Department Employee; and

**WHEREAS**, the Temporary Road Department employee will be paid $12.50 per hour; and

**THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Sandyston will hire Thomas Cuneo as a Temporary Road Department employee at $12.50 per hour.

The Committee reviewed **R-20-2013.** Deputy Mayor Harper made a motion to approve **R-20-2013**, seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP**

**R-21-2013**

**A RESOLUTION TO APPOINT ALTERNATE NUMBER TWO LAND USE BOARD MEMBER**

**WHEREAS,** Edward Ibsen did not seek reappointment to the Land Use Board for 2013; thus, creating a vacancy in the Class Four Land Use Board position; and

**WHEREAS, Rajesh Sinha** elevated to **Class Four Land Use Board Member** with a four year term to expire **December 31, 2016**; and

**WHEREAS, Wesley Powers** was elevated to **Alternate Number One Land Use Board Member** with a term to expire **December 21, 2013**; and

**WHEREAS,** there now exists a vacancy for the position of **Alternate Number Two Land Use Board Member.**

**THEREFORE, BE IT RESOLVED,** the Mayor of the Township of Sandyston does hereby appoint **Scott Smith** to fill the unexpired position of Alternate Number Two Land Use Board Member, effective January 1, 2013, with a term to expire **December 31, 2014.**

The Committee reviewed **R-21-2013.** Committeeman Leppert made a motion to approve **R-21-2013,** seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP**

**R-22-2013**

**RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE**

**WHEREAS,** Certificate of Sale #2010-11 was issued to Sandyston Township, 133 Route 645, Sandyston, New Jersey, for delinquent taxes on Block 1705 Lot 1, assessed to George J. Georginis, at the tax sale held on April 29, 2010; and,

**WHEREAS,** John Georginis, brother of George Georginis, has redeemed Certificate #2010-11 by paying the full amount of the delinquency.

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and Municipal Clerk of the Township of Sandyston are hereby authorized to endorse Certificate of Sale #2010-11 for cancellation.

The Committee reviewed **R-23-2013.** Committeeman Leppert made a motion to approve **R-23-2013,** seconded by Deputy Mayor Harper and unanimously carried.

**SANDYSTON TOWNSHIP RESOLUTION**

**R-23-2013**

## A RESOLUTION TO REDEEM TAX SALE CERTIFICATE 2012-12

**WHEREAS**, Jessica M. Caruso, Tax Collector, has received $$4,752.81 from Bill Walz for the redemption of Tax Sale Certificate 2012-12 on Block 1301 Lot 15 and is requesting that $4,752.81 plus a premium in the amount of $1,600.00 which was paid at the tax sale and the Township is holding for a total of $6,352.81 be refunded to the lien holder, Singh Real Estate 555 Lincoln Drive W, Suite #100 Marlton, New Jersey, 08053.

**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 $4,752.81for the redemption of Tax Sale Certificate 2012-12 plus a premium in the amount of $1,600.00 which was paid at the tax sale for a total of $6,352.81 on Block 1301 Lot 15 to the lien holder Singh Real Estate 555 Lincoln Drive W, Suite #100 Marlton, New Jersey, 08053.

The Committee reviewed **R-22-2013.** Deputy Mayor Harper made a motion to approve **R-22-2013,** seconded by Committeeman Leppert and unanimously carried.

**Ordinances:**

## SANDYSTON TOWNSHIP

## ORDINANCE 2013-01

## AN ORDINANCE PROVIDING FOR THE SALE OF REAL PROPERTY NOT NEEDED FOR PUBLIC USE BY THE TOWNSHIP OF SANDYSTON

**WHEREAS**, the Township Committee of the Township of Sandyston has determined that certain real property of the Township is not needed for public use; and

**WHEREAS**, by virtue of the provisions of N.J.S.A. 40A:12-13et seq., the municipality is authorized and empowered to sell such real property by open public sale at auction;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Sandyston, County of Sussex and State of New Jersey that the real property listed below shall be offered for sale by open public auction on **Monday, the 18th day of March, 2013 at 7:30 p.m.** at the Sandyston Township Municipal Building, 133 Route 645, Sandyston New Jersey:

| | | | |
|---|---|---|---|
| **Block 1101** | **Lot** | **14** | **Route 206 South** |
| **Block 1101** | **Lot** | **16.01** | **Route 206** |
| **Block 1703** | **Lot** | **2** | **Mountain Trail** |
| **Block 1801** | **Lot** | **15** | **Mountain Trail** |

The Township Committee will sell the above listed property subject to the following terms and conditions:

A. The Township Committee of the Township of Sandyston does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding, to accept or reject any or all bids for said property or to waive any informality in relation thereto.

B. A deposit by certified check, bank draft or cash of not less than 10 percent (10%) of the successful bid shall accompany said bid.

C. The Township of Sandyston does not warrant or certify title to the property, and in no event shall the Township of Sandyston be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason; and the purchaser-successful bidder waives any and all rights in damages or by way of liens against the Township, the sole remedy being the right to receive a refund prior to closing of title of the deposit paid in the event title is found unmarketable. It shall be the obligation of the purchaser-successful bidder to examine title to said premises prior to closing. In the event of closing and a later finding of defect of title, the Township of Sandyston shall not be required to refund money or correct any defect in title or be held liable for damages. Acceptance of any offer made shall constitute a binding agreement of sale, and the purchaser shall be deemed to comply with the terms and conditions of the sale herein contained.

D. A Bargain and Sale Deed without covenants will be delivered at the office of the Township Attorney, Michael S. Garofalo, Esq., 60 Blue Heron Road, Suite 300, Sparta, New Jersey, 07871-2600, on or before 45 days after the date of sale, at which time and place the balance of the purchase price shall be paid in cash or certified check. The Mayor and Township Clerk are hereby authorized to execute said Deeds.

E. The deed of conveyance will be subject to all matters of record which may affect title herein and all matters which an accurate survey may reveal.

F. The property will be subject to taxes due from the recorded deed date.

G. Notwithstanding anything to the contrary, any successful bid for real property which is less than the minimum size required for development under the municipal zoning ordinance and which is without any capital improvements thereon, shall be subject to the right to prior refusal to purchase such land of the owner or owners of any real property contiguous to such substandard lot. Contiguous owners to said properties shall be advised that their right to prior refusal must be exercised at the auction during the period of time after bidding is closed on the property in which the right is to be exercised and before the next property is offered for sale. If 2 or more contiguous property owners express and interest in the property during the aforesaid period, bidding shall commence between the contiguous property owners. Contiguous property owners must therefore be present at the auction in order to exercise any rights referred to in the paragraph.

H. No joint bidding will be permitted among contiguous property owners.

I. With regard to Block 1801 Lot 15, there are two driveway easements which have been granted by the Township of Sandyston and recorded at the Sussex County Clerk's Office.

The Committee reviewed **Ordinance 2013-01**. Deputy Mayor Harper asked about the location of the two Route 206 pieces. The Clerk answered one is the storm drain located near Mahon Moving and Trucking and the other is a vacant lot closer to Nick's Pub. The Clerk explained the Township tried to sell those two pieces to the State of New Jersey and was unsuccessful. Deputy Mayor Harper suggested the Township may want to look into donating those pieces to the State of New Jersey after the auction should they not sell at the auction. Deputy Mayor Harper made a motion to approve introduction of **Ordinance 2013-01**, seconded by Committeeman Leppert and unanimously carried. Roll Call Vote followed: Ayes: Leppert, Harper, MacDonald; Nays: 0; Abstain: 0; Absent: 0. Mayor MacDonald stated this ordinance will have a public hearing on Tuesday, February 5, 2013 at 9:00 am, where any interested persons will have the opportunity to be heard.

**SANDYSTON TOWNSHIP**
**2013-02**

**ORDINANCE APPROPRIATING THE SUM OF $4,350.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF SANDYSTON FOR THE PURCHASE OF THREE (3) SETS OF TURNOUT GEAR**

**WHEREAS**, there is currently the sum of $4,350.00 in the Capital Improvement Fund; and

**WHEREAS**, it is deemed appropriate to make use of the $4,350.00 for the purchase of turnout gear; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by Township Committee of the Township of Sandyston, County of Sussex and State of New Jersey, that

**SECTION 1:** There is hereby appropriated from the Capital Improvement Fund of the Township of Sandyston the sum of $4,350.00 for the purchase of turnout gear.

**SECTION 2**: All ordinances or parts of ordinances, which are inconsistent with the terms of this Ordinance, be and the same are hereby repealed to the extent of their inconsistency.

**SECTION 3:** This ordinance shall take effect immediately upon proper passage and publication in accordance with the law.

The Committee reviewed **Ordinance 2013-02**. Committeeman Leppert made a motion to approve introduction of **Ordinance 2013-02**, seconded by Deputy Mayor Harper and unanimously carried. Roll Call Vote followed: Ayes: Leppert, Harper, MacDonald; Nays: 0; Abstain: 0; Absent: 0. Mayor MacDonald stated this ordinance will have a public hearing on Tuesday, February 5, 2013 at 9:00 am, where any interested persons will have the opportunity to be heard.

**Correspondence:** The Committee reviewed the correspondence. Deputy Mayor Harper noted the article regarding Sussex Rural Electric and stated he attended a meeting held on January 3, 2013 with JCP & L through the New Jersey League of Municipalities at the Hyatt Morristown. Deputy Mayor Harper stated there were several mayors in attendance blasting JCP & L the President of JCP & L, Don Lynch. Deputy Mayor Harper stated that he did not get an opportunity to voice his concerns to JCP & L; however, he did print out all the emails and correspondence regarding Hurricane Sandy and discussed these issues with the Chairman of the Board of Public Utilities and one of the public commissioners. Deputy Mayor Harper stated there was a lengthy discussion on the standard of restoration or what is acceptable. Deputy Mayor Harper stated he tried to stress two issues (1) they can only fine JCP & L $100 a day for any infraction which is not significant and (2) the only thing you need to do in Sussex County is compare them to Sussex Rural Electric. In one storm, you can say that Sussex Rural didn't have as much damage as JCP & L, another storm you can say there was possible mitigating circumstances, but three straight storms in a row Sussex Rural Electric restored 100% of their customers in 60% of the time or less it took JCP & L to restore their customers. In Hurricane Sandy, Sussex Rural Electric had 100% of their customers out of power and JCP & L had approximately 1.3 million out of 2 million customers; but the point being there is no excuse other than the fact that JCP & L is too big and doesn't know how to deploy their manpower quick enough when they get it. Deputy Mayor Harper stated he recently viewed the Sussex Rural Electric newsletter during the last week and it turns out Sussex Rural Electric was unable to secure anybody in their co-ops in their normal areas from North Carolina to Ohio to Maine because JCP & L had already hired everybody prior their request. With that said, Sussex Rural Electric finished 8 days prior to JCP &

L. Deputy Mayor Harper just asked that JCP & L be held to that standard. Deputy Mayor Harper stated it was a good meeting.

**Open Meeting to Floor:**

Mayor MacDonald made a motion to open the floor to the public, seconded by Deputy Mayor Harper and unanimously carried. There being no comments from the public, Mayor MacDonald made a motion to close the public portion of the meeting, seconded by Deputy Mayor Harper and unanimously carried.

Deputy Mayor Harper noted the News Release regarding Peters Valley Craft Center and the National Park Service Award they received from the Delaware Water Gap National Recreation Area

Mayor MacDonald noted the letter which was sent to Centurylink regarding Hurricane Sandy and asked if we have received a response. The Clerk stated no response at this time.

The Committee reviewed the specifications from the fire department for a proposed pole barn. The fire department submitted three quotes for review. After a brief discussion, the Committee asked to note the quotes for the fire department to take a look at the poles, sliding doors vs. overhead doors, insulated doors vs. uninsulated doors.

**Coming Up:**

| | |
|---|---|
| Next Township Meeting: | Tuesday, February 5, 2013 at 9:00 am |
| Recreation Meeting: | Tuesday, January 15, 2013 at 6:30 pm |
| Planning Board: | Monday, February 4, 2013 at 7:00 pm |
| Seniors Meeting: | Monday, February 5, 2013 at 12:00 pm |

**Adjournment:** Mayor MacDonald made a motion to adjourn the meeting at 9:45 am, seconded by Deputy Mayor Harper and unanimously carried.

Respectfully submitted,

Amanda F. Lobban, RMC
Municipal Clerk