

# SANDYSTON TOWNSHIP

## Minutes

June 14, 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: Erma Gormley; Ron Allhands; Stanley Dutkus; Joseph Salokas

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

**Minutes:** The Committee reviewed the regular meeting minutes of **May 10, 2016**. Deputy Mayor MacDonald made a motion to approve the regular meeting minutes for May 10, 2016, seconded by Committeewoman Hull and unanimously carried.

**Tax Collector Report:** The Tax Collector Report was presented for the month of **May 2016** with total receipts Month-To-Date of \$962,012.72 and a Year-To-Date total of \$2,680,222.37. Mayor Harper made a motion to accept the Tax Collector's Report as submitted, seconded by Committeewoman Hull and unanimously approved.

**Treasurer's Report:** The Treasurer's Report for the month of **May 2016** was presented with a beginning balance of \$1,083,135.57, total receipts of \$969,290.77 and total disbursements of \$749,315.77 leaving an ending balance of \$1,303,110.57. Mayor Harper read the following balances: General Capital Account \$150,115.27, Animal Control Escrow \$8,124.40, Public Assist Escrow \$3,536.78, Unemployment Escrow \$24,778.48, COAH Trust \$35,000.51, Security Asst. Fund \$18,594.37 and the Small Cities Master \$4,778.26. Mayor Harper made a motion to approve the Treasurer's Report, seconded by Deputy Mayor MacDonald and unanimously approved.

**Payment of Vouchers:** The bills list was submitted for approval in the amount of \$252,036.45. Deputy Mayor MacDonald made a motion to approve the bills list, seconded by Mayor Harper and unanimously approved.

**Departmental Reports:** The Committee reviewed the Departmental Reports. Mayor Harper noted the Road Foreman is up-to-date on the roads program and they are currently patching roads and mowing along the roadways. The Clerk noted the Road Foreman has spoken with Sanchez and the truck is nearing completion for delivery in a few weeks. Mayor Harper complimented the Road Foreman on his work with the road department.

### Old Business:

**AED Grant: Sandyston Township/Sandyston Fire:** The Clerk reviewed the possibility of a grant provided by the Newton Medical Center Foundation for the purchase of an AED at a discounted rate of \$740.00. A brief discussion took place on the best place to display the AED so as to be accessible to those in the building as well as the need for one or two units. Mayor Harper made a motion to approve the purchase of one AED unit to be placed in the hallway of the municipal building so as to be accessible

to those in the municipal building and fire department, seconded by Committeewoman Hull and unanimously carried. The Clerk advised the unit does not come with a storage cabinet but the company that makes the AED makes a storage cabinet for the unit which is approximately \$250.

**New Business:**

**MCCPC Agreement:** The Committee reviewed the Morris County Cooperative Pricing Council's Agreement. This agreement is for five years in the amount of \$1,250 per year, and those that pay early every year receive a \$150 discount. Mayor Harper made a motion to approve the agreement, seconded by Committeewoman Hull and unanimously carried.

**Blue Light Permit Renewals:** The Committee reviewed the Blue Light Permit Renewals for fire department members Amanda Lobban, Louis Frato and Patricia Frato. Deputy Mayor MacDonald made a motion to approve the Blue Light Permit Renewals, seconded by Mayor Harper and unanimously carried.

**Certification for Rescue Squad Certification:** The Committee reviewed the Certification for Rescue Squad Certification required by the Sussex County Board of Chosen Freeholders providing financial assistance to Blue Ridge Rescue Squad in the amount of \$2,800 from the County of Sussex for 2016. Mayor Harper made a motion to approve this Certification, seconded by Deputy Mayor MacDonald and unanimously carried.

**Use of Facility:** Sandyston Recreation "Sandyston Magpies Soccer Camp" August 8<sup>th</sup> through August 12, 2016, 5:00 pm – 8:00 pm: The Committee reviewed an application submitted by Sandyston Recreation for a Soccer Camp to be held at the Sandyston Township Municipal Building grounds from August 8 – August 12, 2-16 from 5:00 pm to 8:00 pm. Mayor Harper approved the use of the grounds for this purpose pending submittal of the proper Certificate of Insurance, seconded by Deputy Mayor MacDonald and unanimously carried.

**Social Affairs Permit: Peters Valley School of Craft, August 16, 2016:** The Committee reviewed a Social Affairs Permit Application submitted by Peters Valley School of Craft for a fundraiser to be held at Valleybrook Lawn on Route 615 on Tuesday, August 16, 2016 from 6 pm to 10 pm. Deputy Mayor MacDonald made a motion to approve the application for a Social Affairs Permit, seconded by Mayor Harper and unanimously carried.

**Repair of P-36 Bridge on Jager Road:** The Committee reviewed information provided by Sussex County Department of Engineering and Planning for the rehab of the P-36 bridge on CR646 – Jager Road and Detour Plan. The Clerk informed the Committee they are predicting the work to start after the 4<sup>th</sup> of July and it is projected to take six weeks to complete. The Clerk stated that Jager Road would be closed to through traffic and detoured to Ridge Road.

**Registration of Municipal Alliance Coordinator: K. Deckert:** The Committee was informed that Kerry Deckert will be resigning as the Municipal Alliance Coordinator. Committeewoman Hull stated that Ms. Deckert has been working on a replacement.

**Resolutions:**

**SANDYSTON TOWNSHIP**

**R-37-2016**

**RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021**

**WHEREAS**, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the **TOWNSHIP OF SANDYSTON** desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to **renew** its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

**BE IT RESOLVED**, by the **TOWNSHIP COMMITTEE** of the **TOWNSHIP OF SANDYSTON**, County of Sussex and State of New Jersey as follows:

1. The **TOWNSHIP COMMITTEE** of the **TOWNSHIP OF SANDYSTON** hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five-year period from October 1, 2016 through September 30, 2021.
2. The Municipal Clerk of the **TOWNSHIP OF SANDYSTON** is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate **TOWNSHIP OF SANDYSTON** officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

The Committee reviewed **R-37-2016**. Mayor Harper made a motion to approve **R-37-2016**, seconded by Deputy Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP**  
**R-38-2016**  
**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION**  
**NJS 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**WHEREAS**, the Township Committee of the Township of Sandyston in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$11,653.50, which is now available from a State of New Jersey Clean Communities grant.

**THEREFORE, BE IT RESOLVED**, that the sum of **\$11,653.50** shall be inserted as an item of revenue under the caption State of New Jersey Clean Communities grant allocated to Sandyston Township and as an item of appropriation for the equal amount under the same title:

**Revenue Title:** State of New Jersey Clean Communities Grant                      Amount: **\$11,653.50**

**Appropriation Title:** State of New Jersey Clean Communities Grant                      Amount: **\$11,653.50**

The Committee reviewed **R-38-2016**. Mayor Harper made a motion to approve **R-38-2016**, seconded by Committeewoman Hull and unanimously carried.

**SANDYSTON TOWNSHIP RESOLUTION**

**R-39-2016**

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

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

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

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

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

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

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

<b>NAME</b>	<b>LICENSE #</b>	<b>TRADING AS</b>
CJM Liquors, Inc.	1917-33-002-004	Flatbrook Tap House
Gyps Tavern LLC	1917-33-007-003	Gyp's Tavern
A & G Tavern LLC	1917-33-005-006	A & G Tavern LLC
Sandyston Spirit LLC	1917-33-003-006	Stokes Steakhouse & Pub
PPD Holding Company LLC	1917-33-006-003	

The Committee reviewed **R-39-2016**. The Clerk informed the Committee that PPD Holding is Sussex Bank that owns "Nick's Pub" and they have an approved Verified Petition. The Clerk also informed the Committee there are two licenses that still need to renew and a special meeting will need to be scheduled for the end of June. Mayor Harper made a motion to approve **R-39-2016**, seconded by Deputy Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP RESOLUTION**

**R-40-2016**

**RESOLUTION ESTABLISHING A 25-DAY GRACE PERIOD FROM TAX BILL MAILING DATE**

**WHEREAS**, N.J.S.A. 54:4-64 requires that municipal tax bills be mailed forty-seven (47) days before the third installment of taxes falls on August 1<sup>st</sup>, namely on June 14<sup>th</sup>; and

**WHEREAS**, the date of mailing of Sandyston Township tax bills to Sandyston Township taxpayers cannot be determined at this time; and

**WHEREAS**, in accordance with the intent of N.J.S.A. 54:4-64 invoking any payment of interest for delinquency under the provisions of N.J.S.A. 54:4-64; and

**WHEREAS**, R.S. 54:4-67 deems twenty-five (25) days after proper mailing of said tax bills and certification of such mailing, to be adequate notice of the amount of taxes due.

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

Sandyston Township taxes or assessments due August 1, 2016 will not be considered delinquent and interest for delinquency in the payment of such taxes and assessments shall not be charged for the failure to pay any such taxes or assessments if received by the Township on or before the twenty fifth (25<sup>th</sup>) day after the proper mailing of the tax bills and provided further, however, that if any such installment is not paid on or before said twenty fifth (25<sup>th</sup>) day, interest at the usual rate will be charged from August 1, 2016.

The Committee reviewed **R-40-2016**. Mayor Harper made a motion to approve **R-40-2016**, seconded by Committeewoman Hull and unanimously carried.

## **SANDYSTON TOWNSHIP**

### **R-41-2016**

#### **RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**WHEREAS**, Sandyston Township received a Hazard Mitigation Grant, through FEMA, in the amount of \$21,000.00 for the purchase and installation of two emergency generators for the DPW Garage and Station #2 Firehouse Building and propane tanks; and

**WHEREAS**, the Township Committee of the Township of Sandyston in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue under the caption **FEMA(HMGP) DR-NJ-4086-0403** in the budget of the year 2016 in the sum of \$21,000.00, which is now available from a Hazard Mitigation Grant through FEMA; and

**WHEREAS**, the Township Committee of the Township of Sandyston in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to also approve an item of appropriation in the amount of \$21,000.00 under the caption **FEMA(HMGP) DR-NJ-4086-0403** in the budget of the year 2016 in the sum of \$21,000.00; and

**WHEREAS**, there is an additional \$100.00 expenditure for this project that will be paid out of the Building and Grounds appropriation in the 2016 Sandyston Township Municipal Budget.

**THEREFORE, BE IT RESOLVED**, that the sum of **\$21,000.00** shall be added to the item of revenue under the caption **FEMA(HMGP) DR-NJ-4086-0403** and added to the item of appropriation for the

equal amount under the same title in the 2016 Sandyston Township Municipal Budget for the purchase and installation of two emergency generators for the DPW Garage and Station #2 Firehouse Building and propane tanks. There is an additional \$100.00 expenditure for this project that will be paid out of the Building and Grounds appropriation in the 2016 Sandyston Township Municipal Budget.

**Revenue Title:** FEMA(HMGP) DR-NJ-4086-0403                      **Amount: \$21,000.00**

**Appropriation Title:** FEMA(HMGP) DR-NJ-4086-0403                      **Amount: \$21,000.00**

The Committee reviewed **R-41-2016**. Mayor Harper made a motion to approve **R-41-2016**, seconded by Committeewoman Hull and unanimously carried.

**Ordinances:**

**TOWNSHIP OF SANDYSTON**

**2016-04**

**ORDINANCE AUTHORIZING THE CONVEYANCE OF UNIMPROVED REAL PROPERTY TO THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**WHEREAS**, the Local Lands and Buildings Law N.J.S.A. 40A:12-1, et seq., authorizes the sale of real property no longer needed for public purposes; and

**WHEREAS**, the Township Committee of the Township of Sandyston desires to sell certain real property within the Township, designated as Block 702, Lot 2.11, Block 702 Lot 2.12, Block 703 Lot 1.04, Block 502 Lot 39 to the State of New Jersey, Department of Environmental Protection; and

**WHEREAS**, the sale price for the above properties by the State of New Jersey to the Township shall be as follows:

- For the sale of Block 702 Lots 2.11 and 2.12 and Block 703 Lot 1.04 the sale price paid by the NJDEP to the Township shall be \$70,000.00 (seventy thousand dollars).
- For the sale of Block 502 Lot 39 the sale price paid by the NJDEP to the Township shall be \$40,000.00 (forty thousand dollars)

Total \$110,000.00 (One Hundred Ten Thousand dollars)

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Sandyston that the Township is hereby authorized to sell Block 702, Lot 2.11, Block 702 Lot 2.12, Block 703 Lot 1.04, Block 502 Lot 39 to the State of New Jersey, Department of Environmental Protection for \$110,000.00 (One Hundred Ten Thousand dollars) in accordance with the terms and conditions contained in the contract between the parties.

**BE IT FURTHER ORDAINED**, that the Mayor and the Municipal Clerk are authorized to sign any documents in order to complete the conveyance and such forms as approved by the Township Attorney.

**Severability.**

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance; which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

**Repealer.**

All existing ordinances and/or parts thereof which are inconsistent with the terms of this Ordinance, are to the extent of such inconsistency, repealed.

**Effect.**

This Ordinance shall take effect in the time and manner as prescribed by law.

The Committee reviewed **Ordinance 2016-04**. Mayor Harper made a motion to open the meeting to the public for the public hearing of **Ordinance 2016-04**, seconded by Deputy Mayor MacDonald and unanimously carried. There being no comment from the public, Deputy Mayor MacDonald made a motion to close the meeting to the public, seconded by Mayor Harper and unanimously carried. Mayor Harper made a motion to approve **Ordinance 2016-04**, seconded by Deputy Mayor MacDonald and unanimously carried. A **Roll Call Vote followed: Ayes:** Hull, MacDonald, Harper (3); Nays 0; Absent: 0; Abstain 0.

**Sandyston Township  
Ordinance 2016-05**

**AN ORDINANCE TO AMEND CHAPTER 69 OF THE CODE OF THE TOWNSHIP OF SANDYSTON, NEW JERSEY, ENTITLED "FEES"**

**BE IT ORDAINED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that the following listed in Chapter 69 of the Code of the Township of Sandyston, New Jersey, shall be deleted:

**69-1 Schedule of fees.**

**Miscellaneous**

- Certificate of Continued Occupancy (CCO)..... \$50
- Certificate of Continued Occupancy (CCO) Reinspect Fee..... \$40

**69-2. Repealer.**

All sections of the Municipal Code of the Township of Sandyston, County of Sussex, State of New Jersey, which are inconsistent with the provisions of this chapter are hereby repealed.

The Committee reviewed **Ordinance 2016-05**. Mayor Harper explained this ordinance is two delete the two miscellaneous fees from the Code of Sandyston Township. Mayor Harper made a motion to open the meeting to the public for the public hearing of **Ordinance 2016-05**, seconded by Deputy Mayor MacDonald and unanimously carried. There being no comment from the public, Deputy Mayor MacDonald made a motion to close the meeting to the public, seconded by Mayor Harper and unanimously carried. Mayor Harper made a motion to approve **Ordinance 2016-05**, seconded by Deputy Mayor MacDonald and unanimously carried. A **Roll Call Vote followed: Ayes:** Hull, MacDonald, Harper (3); Nays 0; Absent: 0; Abstain 0.

**SANDYSTON TOWNSHIP  
2016-06**

**ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 60 OF THE CODE OF SANDYSTON TOWNSHIP ENTITLED "DOGS AND OTHER ANIMALS" AND AMEND CHAPTER 69 ENTITLED "FEES"**

**WHEREAS**, the Township of Sandyston adopted Chapter 60 entitled "Dogs and Other Animals" 60-1 through 60-32 which set forth regulations concerning Dogs and Other Animals in Sandyston Township; and

**WHEREAS**, Chapter 60 of the Code of Sandyston Township has been determined by the Township Committee of the Township of Sandyston to be in need of revision and modifications; and

**WHEREAS**, as a result of the above, the Township Committee of the Township of Sandyston has deemed it in the best interest of the public health, safety and welfare to repeal and replace Chapter 60 entitled "Dogs and Other Animals" and amend Chapter 69 entitled "Fees".

As used in this chapter, the following terms have the meanings indicated:

**§ 60-1. DEFINITIONS**

**CERTIFIED ANIMAL CONTROL OFFICER**

A Certified Animal Control Officer as defined in § 60-12 of this chapter and *N.J.S.A. 4:19-15.1 et seq.*

**DEPARTMENT**

The Department of Health.

**DOG**

Any dog, bitch, or spayed bitch, or dog hybrid.

**DOG OF LICENSING AGE**

Any dog which has attained the age of six (6) months or which possesses a set of permanent teeth.

**DOMESTIC ANIMAL**

Any cat, dog, or livestock other than poultry.

**GENDER**

Any reference to gender is applied to any person.

**KENNEL**

Any establishment wherein or whereon the business or activity of boarding or selling dogs or breeding dogs is carried on, except a pet shop, and shall include any establishment wherein there is carried on the business or practice of boarding, grooming, selling, or breeding dogs, or where dogs are kept or maintained for any commercial purpose whatever, except pet shops as herein described, or where four or more dogs of licensing age are kept or maintained for any reason in any one place or establishment, and any such facility as defined in the zoning ordinance.

**MENACING DOG**

Any dog or dog hybrids declared menacing by the Certified Animal Control Officer pursuant to § 60-22.2 of this chapter.

**OWNER**

When applied to the proprietorship of a dog, means and includes every person having a right of property in such dog and every person who has such dog in his keeping.

**PET SHOP**

Any place of business which is not part of a kennel, wherein animals including but not limited to dogs are kept, boarded or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

**POTENTIALLY DANGEROUS DOG**

Any dog or dog hybrids declared potentially dangerous by the Municipal Court pursuant to *N.J.S.A. 4:19-23.*

**POUND**

Any establishment for the confinement of dogs or other animals seized under the provisions of this chapter or otherwise.

**SHELTER**

Any establishment where dogs or other animals are received, housed, and distributed.

**VICIOUS DOG**

Any dog or dog hybrids declared vicious by the Municipal Court pursuant to *N.J.S.A. 4:19-22.*

**§ 60-2. License required.**

- A. Any person residing in the Township who shall own, keep, or harbor therein a dog which has attained the age of six (6) months or which possesses a set of permanent teeth shall annually, in the month of January, apply for and procure from the Township Clerk a



license and official metal registration tag for each such dog and shall place upon such dog a collar or harness with the registration tag securely fastened thereto; provided, that in the event such a dog shall be newly acquired, or in the event that after acquisition a dog shall attain the age of six (6) months or develop a set of permanent teeth, the initial application for license and registration tag shall be made within ten (10) days after such acquisition, age attainment, or development of teeth, as the case may be.

- B. Any person who shall bring or cause to be brought into the Township any dog licensed in another state for the calendar year, and bearing a registration tag, the same to be kept within the Township for a period of more than ninety (90) days shall immediately apply for a license and registration tag for each such dog, unless such dog be licensed under a kennel, pet shop, shelter, or pound license issued according to law.
- C. Any person who shall bring or cause to be brought into the Township from another state any unlicensed dog and shall keep the same or permit the same to be kept within the Township for a period of more than ten (10) days shall immediately apply for a license and registration tag for each such dog, unless such dog be licensed under a kennel, pet shop, shelter, or pound license issued according to law. Failure to obtain a license as provided herein shall result in a delinquent fee being imposed as set forth in § 60-6. The owner shall be required to present sufficient proof to establish that the dog was acquired after February 1 and that application has been submitted within the "ten-day" (10) requirement.
- D. No person, persons, or entity shall own, maintain, keep or harbor or permit to be maintained, kept, or harbored in or about property within the Township of Sandyston a total of not more than four (4) dogs of licensing age without obtaining a kennel license; provided, however, if at the time of the enactment of this chapter more than four (4) dogs are presently owned, maintained, kept, or harbored on any premises within the Township in violation of this section, the number of dogs may exceed the limit of four (4); further provided, however, if in the event a dog dies or is otherwise disposed of it may not be replaced if the number of dogs remaining exceeds the limit of four (4). It is the intention of the Township to bring the number of dogs permitted to be owned, maintained, kept, or harbored on property within the Township to the lawful limit of four (4).

**§ 60-2.1. Licensing penalties.**

Any person who shall fail to have his dog licensed and to have his dog wear its metal registration tag shall be subject to the following penalties:

- A. For the first offense for having an unlicensed dog: Fifty Dollars (\$50.00); and
- B. For the second offense for having an unlicensed dog: Seventy-five Dollars (\$75.00); and
- C. Failure to wear and display official metal registration tag on dog: Fifty Dollars (\$50.00).

**§ 60-3. Fees; forms.**

- A. The persons applying for a dog license and registration tag shall pay a fee of Eight Dollars and eighty cents (\$8.80) for the license and the sum of One Dollar (\$1.00), total Ten Dollars (\$10.00) for a one-year registration tag for each dog other than a potentially dangerous dog; and for each annual renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag; and the licenses, registration tags, and renewals thereof shall expire on December 31 of each year. The annual fee for a potentially dangerous dog and each renewal shall be One Thousand Dollars (\$1,000.00), if application shall not be made within the time limited by § 60-2 or by law.
- B. In addition to the license fee referred to in Subsection A above, an additional fee of Three Dollars (\$3.00) shall be paid by a person applying for the license with respect to any dog of reproductive age which has not had its reproductive capacity permanently altered

through sterilization. Any person claiming to be exempt from such fee shall provide a copy of a veterinarian's certification of neutering.

- C. In addition to the license fee referred to in Subsections **A** and **B** above, a surcharge for a pilot clinic of Twenty Cents (\$0.20) shall be paid by any person applying for a license.
- D. Fees collected pursuant to Subsections **B** and **C** above shall be forwarded to the State Treasurer in accordance with law.
- E. Only one (1) license and registration tag shall be required in any licensing year for any dog owner in New Jersey and such license and tag shall be accepted by all municipalities.

**§ 60-4. Application.**

- A. The application shall provide the name, the breed, sex, age, color and markings of the dog for which license and registration are sought, whether it is of a long- or short-haired variety and whether it has been surgically debarked or silenced; and the name, street and post office address, and telephone number of the owner and the person who shall keep or harbor such dog.
- B. There shall be provided with the application evidence that the dog to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Health, Education and Welfare or has been certified exempt as provided by regulations of the State Department of Health. No license or metal registration tag shall be issued without proof of inoculation as required hereunder.
- C. The information on the application and the registration number issued for the dog shall be preserved for a period of three (3) years by the Township Clerk. Registration numbers shall be issued in the order of the application.
- D. The Township Clerk shall forward to the State Department of Health each month, on forms furnished by the Department, an accurate account of registration numbers issued or otherwise disposed of.

**§ 60-5. Exemption from fees.**

Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs, dogs used to assist handicapped persons commonly known as "service dogs" or dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed and registered as other dogs as herein provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor. Search and rescue dogs, as well as "certified companion" dogs are exempt from fees, as well.

**§ 60-6. Delinquent fees.**

- A. Any dog owner or person harboring a dog who is found, by the Animal Control Officer, dog canvasser or any other municipal official, to have an unlicensed dog after February 10 of any year shall be required to pay an additional delinquent fee as provided for herein, plus the required license and registration tag fees as provided in this chapter, in addition to any fine imposed for failure to obtain a dog license before February 10.
- B. The Township Clerk shall levy a per-calendar-month additional late fee of Five Dollars (\$5.00) for any license issued after February 10 of the calendar year for which the license is required.

**§ 60-7. Vaccination of dogs required; exceptions.**

- A. No person of the Township of Sandyston shall own, possess, harbor, or have in custody in the Township any dog, over six (6) months of age, unless such dog has been vaccinated against rabies by a duly licensed veterinarian of the state. Such vaccination shall be repeated annually or be a vaccination that remains effective for three years and is to consist of one injection of not less than five (5) cc's of antirabies vaccine of standard and accepted formula and manufactured under a license of the United States Bureau of Animal Industry of the Department of Agriculture.
- B. Any dog may be exempted from the requirement of such vaccination, for a specified period of time, upon the representation of a certificate from a duly licensed veterinarian stating that by reason of age, infirmity or other physical condition, the vaccination of such dog, for such specified period of time, is contraindicated. Nothing in this section shall be deemed to require the vaccination of any dogs located in and confined to duly recognized and licensed kennels, dog pounds, pet shops, etc., where dogs are offered for sale, as provided by the laws of the state.

**§ 60-8. Certificate of vaccination to be presented to Township Clerk.**

Any person owning, harboring or having custody of a dog in the Township shall obtain from the veterinarian who vaccinates such dog against rabies a certificate and shall, within ten (10) days of such vaccination, or within ten (10) days after bringing the dog into the Township if the dog was vaccinated before being brought in the Township, present such certificate to the Township Clerk's office, for verification. The vaccination certificate must extend through at least ten (10) months of the twelve (12) month licensing period.

**§ 60-9. Certificate of vaccination prerequisite to issuance of dog license.**

No license required for the owning and keeping of dogs, by virtue of any law of the state or any provision of this chapter or other ordinance of the Township, shall be issued to any person unless a certificate issued by a duly licensed veterinarian of the state is presented to the Township Clerk, showing that such dog has been vaccinated against rabies in the manner provided in this chapter.

**§ 60-10. Free vaccinations may be provided by Health Officer; adoption of rules and regulations by Health Officer.**

The Township Clerk is hereby authorized and empowered to provide free vaccination of dogs at a suitable clinic and place designated by him to be conducted by a licensed veterinarian of the state. The Township Clerk is hereby further authorized and empowered to make and adopt such rules and regulations, not inconsistent or in conflict with the terms and provisions of this chapter, as he may deem proper and necessary for the enforcement of this chapter.

**§ 60-11. General penalty.**

Any person who shall violate any of the provisions of this chapter, for which there is no specific penalty provided for hereinabove or hereinbelow, shall, upon conviction, be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed ten (10) days, or by both such fine and imprisonment. Each violation of any provisions of this chapter and each day of the same either under this section or a section of this chapter for which there is a specific penalty shall be deemed and taken to be a separate and distinct offense.

**§ 60-12. Certified Animal Control Officer.**

- A. The Certified Animal Control Officer shall be appointed by the Township of Sandyston or pursuant to a shared services agreement, if applicable, but his or her term of office shall in no event extend beyond the 31st day of December next following his or her appointment. He or she shall serve after the expiration of his or her term until his or her successor shall be appointed and has qualified. Any vacancy in the position shall be filled by the Township in like manner. He or she shall receive such compensation for the performance of his or

her duties as shall lawfully be determined by the Township Committee during budget deliberations annually.

- B. The Certified Animal Control Officer shall have the power and authority within the Township and Sandyston Township to:
- (1) Enforce all laws or ordinances enacted for the protection of animals, including, but not limited to, animal control, animal welfare and animal cruelty laws of the state and ordinances of the Township;
  - (2) Investigate and sign complaints concerning any violation of an animal control, animal welfare or animal cruelty law of the state or ordinance of the Township;
  - (3) Act as an officer for the detection, apprehension and arrest of offenders against the animal control, animal welfare and animal cruelty laws of the state and ordinances of the Township;
  - (4) Perform such duties relating to his or her position as are or from time to time shall be prescribed by ordinances, by law and by direction of the Township Committee.

**§ 60-13. Registration tag.**

- A. No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.
- B. No licensed dog shall be allowed off the premises of the person harboring or keeping the dog, without the metal registration tag attached to its harness or collar.

**§ 60-14. Kennels, pet shops, shelters and pounds.**

- A. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall apply to the Township Clerk for a license entitling him to keep or operate such establishment.
- B. The application shall describe the premises where the establishment is located or is proposed to be located and the purpose or purposes for which it is to be maintained and shall be accompanied by the written approval of the local Board of Health and the Planning and/or the Zoning Board, and/or Land Use Board, whichever is applicable, showing compliance with the local and state rules and regulations governing location of and sanitation at such establishments.
- C. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained. Such license shall expire on the last day of January of each year and shall be subject to revocation by the Township on recommendation of the State Department of Health or the local Board of Health for failure to comply with the rules and regulations of the State Department of Health or the local Board of Health governing the same, after the owner has been afforded a hearing by either the State Department of Health or the local Board of Health in accordance with the statutes providing for such hearings.
- D. Any such person holding such license shall not be required to secure individual licenses for dogs owned by him and kept at such establishments. Such license shall not be transferable to another owner or different premises.
- E. One (1) female dog for breeding purposes may be kept by not more than one (1) person for each family household without obtaining a kennel license for not more than one (1) litter per year, and further provided that the pups from such breeding shall be sold or disposed of after seven (7) months of age, unless kept as licensed dogs, and that the

female dog kept for breeding purposes must be registered as a breed bitch each year when the license for the dog is obtained.

- F. The annual license fee for a kennel shall be Fifty Dollars (\$50.00).
- G. No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises except on leash or in a crate or other safe control.

**§ 60-15. Disposition of fees.**

A license fee and other moneys collected or received under this chapter after payment to the state of its statutory fees shall be forwarded to the Chief Financial Officer of the Township after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Township, and such funds shall be used, expended or transferred only in accordance with statutes of the State of New Jersey governing and regulating the use, expenditure or transfer of such funds.

**§ 60-16. List of kennels, pet shops, shelters and pounds to be sent to state.**

The Township Clerk shall forward to the State Department of Health a list of all kennels, pet shops, shelters and pounds licensed, within Thirty (30) days after the licenses therefor are issued, which list shall include the name and address of the licensee and the kind of license issued.

**§ 60-17. Injury to persons or other animals.**

No person who owns, keeps or harbors any dog shall suffer or permit such dog to bite any person or animal. Any person violating this section shall be subject to a fine for the first offense of up to Five Hundred Dollars (\$500.00) and for the second and subsequent offenses from Five Hundred Dollars (\$500.00) up to One Thousand Dollars (\$1,000.00).

**§ 60-18. Dogs creating nuisance or injury to property.**

No person who owns, keeps or harbors any dog shall allow such dog to bark, howl or cry habitually in such manner as to constitute a nuisance. Nor shall any person who owns, keeps or harbors any dog allow it to chase any vehicle upon a public street or to injure or damage any lawn or shrubbery or flowers or grounds or any property of any person other than its master's, to behave in any way so as to threaten, menace or endanger property or violate the owner's responsibility under **§ 60.19.2** of this chapter requiring the owner or person in charge of the dog to clean up the dog's feces. Any person who shall violate this section shall be subject to, for a first offense, a fine of Two Hundred Dollars (\$200.00) and for the second and subsequent offenses, a fine of up to One Thousand Dollars (\$1,000.00).

**§ 60-19. Restraint of dogs.**

No person who owns, keeps or harbors any dog shall suffer or permit such dog to be out-of-doors unless accompanied by and under the control of a responsible person and the dog is on a leash not longer than eight feet in length or unless confined within its owner's property, except when a dog is within an official Township dog park then the dog park rules and regulations shall apply.

**§ 60-19.1 Leashing penalties.**

Any person who shall violate any provisions of **§ 60-19** concerning having a dog on a leash shall be punished by the following fines:

- A. For the first offense: from Fifty Dollars (\$50.00) to Four Hundred Dollars (\$400.00); and
- B. For the second and subsequent offenses: from Four Hundred Dollars (\$400.00) to One Thousand Dollars (\$1,000.00).

**§ 60-19.2 Nuisances, duty of owner or person in charge of dog.**

No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said property, except under the following conditions:

- A. The person who owns, harbors, keeps or is in charge of such dog shall immediately remove all feces deposited by such dog by any sanitary method.
- B. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog in a sanitary manner.

**§ 60-20. Restraint on private property, public school property and in public parks.**

No person who owns, keeps or harbors any dog shall suffer or permit such dog to be in or upon:

- A. Any private property without the consent of the owner of such property.
- B. Any public school property.
- C. Any public park or recreation area unless accompanied by and under the control of a responsible person in accordance with regulations promulgated by the public authority having jurisdiction thereof.

**§ 60-20.1. Penalties for violations of § 60-20.**

Any person who shall violate any of the provisions of § 60-20 shall be subject to the following penalties:

- A. For a first offense: from Fifty Dollars (\$50.00) to One Hundred Dollars (\$100.00); and
- B. For a second and subsequent offenses: from One Hundred Dollars (\$100.00) to Four Hundred Dollars (\$400.00).

**§ 60-21. Females in season.**

No person who owns, keeps or harbors any female dog shall suffer or permit such dog, while in season, to be out-of-doors unleashed; nor shall any such person suffer or permit such dog while in season to be within the Township except in a duly licensed kennel or animal hospital after being given written notice by the Certified Animal Control Officer ordering the removal of such dog or its confinement in such kennel or animal hospital. Such notice may be given whenever the Certified Animal Control Officer shall determine that such dog constitutes a nuisance.

**§ 60-21.1. Penalties for violations of § 60-21.**

Any person who shall violate § 60-21 hereinabove shall be subject to the following fines:

- A. For failure to properly restrain a female dog in season on a leash as provided for in § 60-21:
  - (1) For the first offense: Seventy-five Dollars (\$75.00); and
  - (2) For the second or subsequent offense: from One Hundred Dollars (\$100.00) to Five Hundred Dollars (\$500.00).

**§ 60-22. Restraint after biting person.**

No person who owns, keeps or harbors any dog which shall have bitten any person shall, after being given written notice by the Chief of Police or by the Certified Animal Control Officer ordering the confinement of such dog, suffer or permit such dog to be out-of-doors unless confined on a leash and

accompanied by a responsible person or unless confined within a secure enclosure on its master's property. Any such dog believed to be vicious or potentially dangerous shall be subject to the provisions of §§ 60-23 through 60-27.10 of this chapter.

**§ 60-22.1. Menacing dogs.**

The keeping, control and disposition of a menacing dog within the limits of the Township shall be in accordance with the provisions of §§ 60-22.2 through 60-22.5, here in below.

**§ 60-22.2. Findings to declare dog menacing.**

Notwithstanding any provision in *N.J.S.A. 4:19-17 et seq.* to the contrary, the Certified Animal Control Officer on behalf of the Township is authorized to declare a dog menacing whenever the Certified Animal Control Officer has reasonable cause to believe that the dog poses a threat of bodily injury or death to a human being. In making the determination that a dog is or is not menacing, the following evidence shall be considered:

- A. Whether the dog approached any person in a dangerous or terrorizing manner, or in an apparent attitude of attack, without provocation.
- B. Whether the dog has a known propensity, tendency, or disposition to attack when unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- C. Whether the dog exhibits any characteristics of aggressive or unpredictable temperamental behavior in the presence of human beings or dogs or other animals.
- D. The manner in which the dog had been maintained by its owner or custodian.
- E. Whether the dog snaps, bites, or manifests a disposition to snap or bite.
- F. The size of the dog and the nature and extent of possible injuries inflicted.
- G. The presence or absence of any provocation.

**§ 60-22.3. Restraint of menacing dog; liability insurance.**

Any person who owns, keeps, or harbors a menacing dog shall be required to comply with one or more of the following conditions, as determined by the Certified Animal Control Officer:

- A. Immediately erect and maintain an enclosure and/or other means of restraint for the menacing dog, on the property where the menacing dog will be kept and maintained, that is designed to prevent the menacing dog from escaping by climbing, jumping, or digging, prevent the entry of the general public, and preclude any release or escape of a menacing dog by an unknowing person, and that is approved by the Animal Control Officer. Said officer may also require that the menacing dog be muzzled while outside within the enclosure.
- B. Control the menacing dog when outside of the enclosure. No person shall take the menacing dog out of the enclosure unless it is securely muzzled and restrained with a tether approved by the Certified Animal Control Officer having a minimum tensile strength sufficiently in excess of that required to restrict the menacing dog's movements to a radius of no more than three feet from the person and under the direct supervision of a responsible person of at least 18 years of age.
- C. Maintain liability insurance in a minimum amount of One Hundred Thousand Dollars (\$100,000.00) to cover any damage or injury caused by the menacing dog. The liability

insurance, which may be separate from any other homeowner policy, shall contain a provision requiring that the Township be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination, or expiration of the liability insurance policy.

**§ 60-22.4. Penalties regarding menacing dogs.**

- A. Any person who shall violate any provision of §§ 60-22.1 through 60-22.3 may be held subject to any or all of the following:
- (1) A fine of up to One Thousand Dollars (\$1,000).
  - (2) Compliance with substantial community service.
  - (3) Compliance with an educational program on the proper treatment of animals.
  - (4) The costs necessary to house, feed, restrain, and place the dog in a caring environment.
- B. Each violation of any provision of §§ 60-22.1 through 60-22.3 and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

**§ 60-22.5. Use of menacing dog to threaten or coerce.**

Any person who uses a menacing dog to threaten or coerce action from another individual shall be subject to prosecution.

**§ 60-23. Vicious and potentially dangerous dogs.**

The keeping, control, and disposition of vicious and potentially dangerous dogs within the limits of the Township shall be in accordance with the provisions of §§ 60-24 through 60-27.10 hereinbelow, *N.J.S.A. 4:19-17 et seq.*, and any amendments thereto.

**§ 60-24. Seizure and impoundment of dog by Certified Animal Control Officer; grounds.**

Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go upon any premises to seize for impounding any dog or dogs which he may lawfully seize and impound when such officer is in immediate pursuit of such dog or dogs, except upon the premises of the owner of the dog if said owner is present and forbids the same.

- A. In addition to the ability of the Certified Animal Control Officer to impound a dog pursuant to § 60-24 of this chapter, the Certified Animal Control Officer shall seize and impound a dog when the officer has reasonable cause to believe that the dog:
- (1) Attacked a person and caused death or serious bodily injury as defined in *N.J.S.A. 2C:11-1(b)* to that person;
  - (2) Caused bodily injury as defined in *N.J.S.A. 2C:11-1(a)* to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals;
  - (3) Engaged in dog-fighting activities as described in *N.J.S.A. 4:22-24* and *N.J.S.A. 4:22-26*; or
  - (4) Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.
- B. The dog shall be impounded until the final disposition as to whether the dog is vicious or potentially dangerous. Subject to the approval of the Municipal Health Officer, the dog may be impounded in a facility or other structure agreeable to the owner.

**§ 60-25. Seizure and impoundment.**

Notice of seizure and impoundment; determination of identity of owners; notice of hearing; return of statement by owner; destruction of dog; agreement between municipality and dog owner; settlement and disposition; liability of municipality; and legal expenses are as follows.



- A. The Certified Animal Control Officer shall notify the Municipal Court and the Municipal Health Officer immediately that he has seized and impounded a dog pursuant to § 60-24 and *N.J.S.A. 4:19-19*, or that he has reasonable cause to believe that a dog has killed another domestic animal and that a hearing is required. The Certified Animal Control Officer shall, through a reasonable effort, attempt to determine the identity of the owner of any dog seized and impounded pursuant to § 60-24 and *N.J.S.A. 4:19-19*. If its owner cannot be identified within seven (7) days, that dog may be humanely destroyed.
- B. The Certified Animal Control Officer shall, within three (3) working days of the determination of the identity of the owner of a dog seized and impounded pursuant to § 60-24 and *N.J.S.A. 4:19-19*, notify the owner by certified mail, return receipt requested, concerning the seizure and impoundment, and that, if the owner wishes, a hearing will be held to determine whether the impounded dog is vicious or potentially dangerous. This notice shall also require that the owner return within seven (7) days, by certified mail or hand delivery, a signed statement indicating whether he wishes the hearing to be conducted or, if not, to relinquish ownership of the dog, in which case the dog may be humanely destroyed. If the owner cannot be notified by certified mail, return receipt requested, or refuses to sign for the certified letter, or does not reply to the certified letter with a signed statement within seven days of receipt, the dog may be humanely destroyed.
- C. In the alternative and notwithstanding any provision in *N.J.S.A. 4:19-17 et seq.* to the contrary, the Township, through the Certified Animal Control Officer and the owner of the dog, may settle and dispose of the matter at any time in such manner and according to such terms and conditions as may be mutually agreed upon. Notwithstanding any provision of *N.J.S.A. 4:19-17 et seq.* to the contrary, neither the Township nor any of its employees shall have any liability by virtue of having entered into any settlement agreement pursuant to this subsection, or for any action or inaction related to the entry into such agreement, for any injuries or damages caused thereafter by the dog. The Township may, as a condition of the settlement agreement, also require that the owner of the dog hold the Township harmless for any legal expenses or fees the Township may incur in defending against any cause of action brought against the Township, notwithstanding the prohibition against such causes of action set forth in this subsection.

**§ 60-26. Finding to declare dog vicious; grounds.**

- A. The Municipal Court shall declare the dog vicious if it finds by clear and convincing evidence that the dog:
  - (1) Killed a person or caused serious bodily injury as defined in *N.J.S.A. 2C:11-1(b)* to a person; or
  - (2) Has engaged in dog-fighting activities as described in *N.J.S.A. 4:22- 24* and *N.J.S.A. 4: 22-26*.
- B. A dog shall not be declared vicious for inflicting death or serious bodily injury as defined in *N.J.S.A. 2C:11-1(b)* upon a person if the dog was provoked. The Township shall bear the burden of proof to demonstrate that the dog was not provoked.
- C. If the Municipal Court declares a dog to be vicious, and no appeal is made of this ruling pursuant to § 60-27.2 and *N.J.S.A. 4:19-25*, the dog shall be destroyed in a humane and expeditious manner, except that no dog may be destroyed during the pendency of an appeal.

**§ 60-27. Finding to declare dog potentially dangerous.**

- A. The Municipal Court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:
- (1) Caused bodily injury as defined in *N.J.S.A. 2C:11-1(a)* to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person; or
  - (2) Severely injured or killed another domestic animal, and
    - (a) Poses a threat of serious bodily injury or death to a person; or
    - (b) Poses a threat of death to another domestic animal; or
  - (3) Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.
- B. A dog shall not be declared potentially dangerous for:
- (1) Causing bodily injury as defined in *N.J.S.A. 2C:11-1(a)* to a person if the dog was provoked; or
  - (2) Severely injuring or killing a domestic animal if the domestic animal was the aggressor. For the purposes of Subsection **B(1)** of this section, the Township shall bear the burden of proof to demonstrate that the dog was not provoked.

**§ 60-27.1. Order and schedule for compliance for potentially dangerous dog; conditions.**

If the Municipal Court declares the dog to be potentially dangerous, it shall issue an order and a schedule for compliance which, in part:

- A. Shall require the owner to comply with the following conditions:
- (1) To apply, at his own expense, to the municipal clerk for a special municipal potentially dangerous dog license, municipal registration number and red identification tag issued pursuant to § **60-27.7**. The owner shall, at his own expense, have the registration number tattooed upon the dog in a prominent location. A potentially dangerous dog shall be impounded until the owner obtains a municipal potentially dangerous dog license, municipal registration number and red identification tag.
  - (2) To display, in a conspicuous manner, a sign on his premises warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from Fifty (50) feet of the enclosure required pursuant to Subsection **A(3)** of this section.
  - (3) To immediately erect and maintain an enclosure for the potentially dangerous dog on the property where the potentially dangerous dog will be kept and maintained, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six (6) feet in height separated by at least three (3) feet from the confined area. The owner of a potentially dangerous dog shall securely lock the enclosure to prevent the entry of the general public and to preclude any release or escape of a potentially dangerous dog by an unknowing child or other person. All potentially dangerous dogs shall be confined in the enclosure or, if taken out of the enclosure, securely muzzled and restrained with a tether approved by the Certified Animal Control Officer having a minimum tensile strength sufficiently in excess of that required to restrict the potentially dangerous dog's movements to a radius of no more than three (3) feet from the owner and under the direct supervision of the owner.
- B. May require the owner to maintain liability insurance in an amount determined by the Municipal Court, but no less than One Hundred Thousand Dollars (\$100,000.00), to cover any damage or injury caused by the potentially dangerous dog. The liability insurance, which may be separate from any other homeowner policy, shall contain a provision requiring the township in which the owner resides to be named as an additional insured

for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

**§ 60-27.2. Procedure for appeal.**

The owner of the dog or the Certified Animal Control Officer may appeal any final decision, order or judgment, including any conditions attached thereto, of a Municipal Court pursuant to §§ 60-26 and/or 60-27 and *N.J.S.A. 4:19-17 et seq.* by filing an appeal with the Superior Court, Law Division, in accordance with the Rules Governing the Courts of the State of New Jersey pertaining to appeals from courts of limited jurisdiction. The Superior Court shall hear the appeal by conducting a hearing *de novo* in the manner established by those rules for appeals from courts of limited jurisdiction.

**§ 60-27.3. Liability of owner for costs of impoundment and destruction.**

- A. If a dog is declared vicious or potentially dangerous and all appeals pertaining thereto have been exhausted, the owner of the dog shall be liable to the Township for the costs and expenses of impounding and destroying the dog pursuant to §§ 60-24 and 60-27.5. The owner shall incur the expense of impounding the dog in a facility other than the municipal depository, regardless of whether the dog is ultimately found to be vicious or potentially dangerous.
- B. If the dog has bitten or exposed a person within ten (10) days previous to the time of euthanasia, its head shall be transported to the New Jersey State Department of Health laboratory for rabies testing.

**§ 60-27.4. Right to convene hearing for subsequent actions of dog.**

If the Municipal Court finds that the dog is not vicious or potentially dangerous, the Municipal Court shall retain the right to convene a hearing to determine whether the dog is vicious or potentially dangerous for any subsequent actions of the dog.

**§ 60-27.5. Duties of owner of potentially dangerous dog.**

The owner of a potentially dangerous dog shall:

- A. Comply with the provisions of *N.J.S.A. 4:19-17 et seq.* in accordance with a schedule established by the Municipal Court, but in no case more than Sixty (60) days subsequent to the date of determination;
- B. Notify the licensing authority, State Police and the Certified Animal Control Officer if a potentially dangerous dog is at large or has attacked a human being or killed a domestic animal;
- C. Notify the licensing authority, State Police and the Certified Animal Control Officer within Twenty-four (24) hours of the death, sale or donation of a potentially dangerous dog;
- D. Prior to selling or donating the dog, inform the prospective owner that the dog has been declared potentially dangerous;
- E. Upon the sale or donation of the dog to a person residing in a different Township, notify the Department and the licensing authority, police department or force and Certified Animal Control Officer of that municipality of the transfer of ownership and the name, address and telephone number of the new owner;
- F. In lieu of any license fee required pursuant to § 60-2 and *N.J.S.A. 4:19-15.3*, pay a potentially dangerous dog license fee to the Township as provided by § 60-2 and *N.J.S.A. 4:19-31*.

**§ 60-27.6. Violations by owner; penalties; enforcement; seizure and impoundment of dog; destruction by order of court.**

The owner of a potentially dangerous dog who is found by clear and convincing evidence to have violated this chapter or to have failed to comply with a court's order shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00) per day of the violation and each day's continuance of the violation shall constitute a separate and distinct violation. The Municipal Court shall have jurisdiction to enforce this section. The Certified Animal Control Officer is authorized to seize and impound any potentially dangerous dog whose owner fails to comply with the provisions of this chapter or *N.J.S.A. 4:19-17 et seq.*, or a court's order. The Municipal Court may order that the dog so seized and impounded be destroyed in an expeditious and humane manner.

**§ 60-27.7. Potentially dangerous dog registration number, red identification tag and license; issuance; telephone number to report violations; publicity.**

The Township shall:

- A. Issue a potentially dangerous dog registration number and red identification tag along with a municipal potentially dangerous dog license upon a demonstration of sufficient evidence by the owner to the Certified Animal Control Officer that he has complied with the Municipal Court's orders. The last three digits of each potentially dangerous dog registration number issued by the Township will be the three-number ordinance assigned to the Township in the regulations promulgated pursuant to *N.J.S.A. 4:19-33*. The Certified Animal Control Officer shall verify compliance to the Township Clerk in writing.
- B. Publicize a telephone number for reporting violations of this chapter. This telephone number shall be forwarded to the Department and any changes in this number shall be reported immediately to the Department.

**§ 60-27.8. Threat of bodily injury or death to another domestic animal; settlement agreement; liability; legal expenses.**

- A. Notwithstanding any provision in *N.J.S.A. 4:19-17 et seq.* to the contrary, whenever the Certified Animal Control Officer has reasonable cause to believe that the dog poses a threat of bodily injury or death to another domestic animal, whether or not such dog is declared vicious or potentially dangerous pursuant to §§ 60-26 and 60-27.7 hereinabove, the Certified Animal Control Officer on behalf of the Township is authorized to negotiate and enter into an agreement with the owner of the dog requiring the owner's compliance with one or more of the following conditions or any other conditions as may be mutually agreed upon:
  - (1) To apply, at the owner's expense, to the Township Clerk for a special municipal potentially dangerous dog license, municipal registration number and red identification tag issued pursuant to § 60.27.7. The owner shall, at his own expense, have the registration number tattooed upon the dog in a prominent location. The dog may be impounded until the owner obtains a municipal potentially dangerous dog license, municipal registration number and red identification tag;
  - (2) To display, in a conspicuous manner, a sign on the premises warning that a potentially dangerous dog is on the premises. The sign should be visible and legible from Fifty (50) feet of the enclosure required pursuant to Subsection A(3) of this section;
  - (3) To immediately erect and maintain an enclosure for the dog on the property where the dog will be kept and maintained, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six (6) feet in height separated by at least three feet from the confined area. The owner of the dog shall securely lock the

enclosure to prevent the entry of the general public and to preclude any release or escape of the dog by an unknowing child or other person. The dog shall be confined in the enclosure or, if taken out of the enclosure, securely muzzled and restrained with a tether approved by the Certified Animal Control Officer having a minimum tensile strength sufficiently in excess of that required to restrict the dog's movements to a radius of no more than three feet from the owner and under the direct supervision of the owner.

- B. Notwithstanding any provision of *N.J.S.A. 4:19-17 et seq.* to the contrary, neither the Township nor any of its employees shall have any liability by virtue of having entered into any settlement agreement pursuant to this subsection, for any action or inaction related to the entry into such agreement, for any injuries or damages caused thereafter by the dog. The Township may, as a condition of the settlement agreement, also require that the owner of the dog hold the Township harmless for any legal expenses or fees the Township may incur in defending against any cause of action brought against the Township notwithstanding the prohibition against such causes of action set forth in this subsection.

**§ 60-27.9. Inspection to determine continuing compliance.**

The Certified Animal Control Officer shall inspect the enclosure and the owner's property periodically to determine continuing compliance with §§ 60-25, 60-27.1, and 60-27.8 of this chapter.

**§ 60-27.10. Inapplicability to dogs used for law enforcement activities.**

The provisions of §§ 60-24 through 60-27.9 shall not apply to dogs used for law enforcement activities.

**§ 60-27.11. Severability.**

The provisions of this chapter hereinabove are severable. If any such provision is held by a court of competent jurisdiction to be in violation of federal or state constitutional or statutory law, said provision is hereby repealed and the decision of the court shall not affect or impair any of the remaining provisions contained herein.

**§ 60-28. Impounding and redemption.**

- A. The Certified Animal Control Officer or any person authorized by him in that behalf is empowered and authorized to take into custody any dog observed by him which is:
- (1) Without a current registration tag on its collar or harness as required by law.
  - (2) In such circumstances as would constitute a violation of any provision of this chapter by the person or persons who own, keep or harbor such dog.
- B. Any dog so taken into custody shall be forthwith delivered to a licensed veterinarian having facilities for its detention or to a licensed kennel. Any dog believed to be vicious or potentially dangerous shall be subject to the procedures set forth in §§ 60-24 through 60-27.9 of this chapter.
- C. If any dog so taken into custody wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or if the owner or the person keeping or harboring such dog is known, the Chief of Police or Certified Animal Control Officer, or any person authorized by either of them in their behalf, shall forthwith notify the person whose address is given on the collar or harness or, if known, the owner or the person keeping or harboring such dog, that the dog has been taken into custody and will be liable to be offered for adoption or destroyed if not claimed within one week after the giving of such notice. Such notice is to be given in writing.

- D. Such person shall be entitled to redeem such dog within one (1) week after the giving of such notice, and if notice is not required to be given hereunder, any person claiming such dog shall be entitled to redeem the dog within one (1) week after its being taken into custody, upon establishing his title thereto to the satisfaction of the Certified Animal Control Officer, and if the dog was unlicensed or untagged at the time of its seizure, upon producing a license and registration tag for the dog, and upon paying to the Township Clerk a redemption fee of Twenty Dollars (\$20.00) and all expenses incurred by reason of the dog's detention, including boarding costs not exceeding Ten (\$10.00) per day or the then-current charges charged to the Township by the Township Official Pound, whichever is greater. In addition, such person redeeming the dog shall pay to the Township Clerk a fee, which shall include all expenses incurred while the dog was being boarded while impounded.
- E. If any dog so taken into custody shall not be redeemed as aforesaid, it shall thereupon be disposed of or destroyed in a humane manner, as the licensed veterinarian or kennel shall see fit, or offered for adoption seven days after seizure. At the time of adoption, the right of ownership in the dog shall transfer to the new owner.

**§ 60-29. Right of entry on premises to seize dog.**

Any officer or agent authorized or empowered to seize a dog hereunder is hereby authorized and empowered to go upon any premises to take into custody any dog which he may lawfully seize when he is in immediate pursuit of such dog, except upon the premises of the owner of the dog if the owner is present and forbids the same.

**§ 60-30. Interference with performance of official duties.**

No person shall hinder, molest or interfere with anyone in the performance of any of his powers or duties under this chapter. The minimum penalty for the violation of this section shall be One Hundred Dollars (\$100.00) up to One Thousand Dollars (\$1,000.00).

**§ 60-31. Notices.**

Any notice required or permitted to be given under this chapter may be made and given upon information and belief. Any such written notice shall be handed to the person to whom directed or it shall be left at or mailed to the usual or last known place of abode of such person or, when applicable, the address given on a dog's collar or harness, except that if such notice is given pursuant to §§ 60-25 through 60-27.9 such notice shall be delivered in accordance with the provisions set forth in § 60-25.

**§ 60-32. Penalties for violations of certain sections.**

Any person who shall violate any provision of §§ 60-7 through 60-10 is subject to penalties as set forth in § 60-11. Any person who shall violate any provision of §§ 60-22.1 through 60-22.3 is subject to penalties as set forth in § 60-22-4. Any person who shall violate any provision of §§ 60-9.2 through 60-15 shall be liable to a fine of not more than One Thousand Dollars (\$1,000.00) per day, and each day's continuance of the violation shall constitute a separate and distinct violation. Any person who shall violate any other provision of this chapter shall be liable to a fine of not more than Fifty Dollars (\$50.00) for each offense, and each day in which such violation continues shall be deemed to constitute a separate offense.

**Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

**Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

The Committee reviewed **Ordinance 2016-06**. Mayor Harper made a motion to open the meeting to the public for the public hearing of **Ordinance 2016-06**, seconded by Deputy Mayor MacDonald and unanimously carried. There being no comment from the public, Deputy Mayor MacDonald made a motion to close the meeting to the public, seconded by Committeewoman Hull and unanimously carried. Mayor Harper made a motion to approve **Ordinance 2016-06**, seconded by Deputy Mayor MacDonald and unanimously carried. A **Roll Call Vote followed**: Ayes: Hull, MacDonald, Harper (3); Nays 0; Absent: 0; Abstain 0.

**SANDYSTON TOWNSHIP  
2016-07**

**ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 71 OF THE CODE OF SANDYSTON TOWNSHIP ENTITLED "FIRE PREVENTION" AND AMENDING CHAPTER 69 ENTITLED "FEES"**

**WHEREAS**, the Township of Sandyston adopted Chapter 71 entitled "Fire Prevention" 71-1 through 71-9 which set forth regulations concerning Fire Prevention in Sandyston Township; and

**WHEREAS**, Chapter 71 of the Code of Sandyston Township has been determined by the Township Committee of the Township of Sandyston to be in need of revision and modifications; and

**WHEREAS**, as a result of the above, the Township Committee of the Township of Sandyston has deemed it in the best interest of the public health, safety and welfare to repeal and replace Chapter 71 entitled "Fire Prevention" and amend Chapter 69 entitled "Fees".

**71-1. Local enforcement of state code.**

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq) shall be locally enforced in the Township of Sandyston.

**71-2. Local enforcing agency designated.**

The local enforcing agency shall be the Fire Prevention Bureau, which is hereby created within the Township of Sandyston.

**71-3. Duties of enforcing agency.**

- A. The local enforcing agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of Sandyston Township, other than owner-occupied one- and two-family dwellings used exclusively for dwelling purposes, and buildings, structures and premises owned or operated by the federal government, interstate agencies or the state.
- B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

**71-4. Life-hazard uses.**

The local enforcing agency established by 71-2 of this chapter shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire code on behalf of the Commissioner of Community Affairs and collect the fees established by the Uniform Fire Code.

**71-5. Organization of enforcing agency.**

The local enforcing agency established by 71-2 of this chapter shall be a part of the Township of Sandyston and shall be under the direct supervision and control of the Fire Official who shall report to the Township Committee of the Township of Sandyston.

**71-6. Fire Official.**

- A. **Appointment of Fire Official.** The local enforcing agency shall be under the supervision of a Fire Official, who shall be certified by the state and appointed by the Sandyston Township Committee.

- B. **Term of Office.** The Fire Official shall serve for a term of two years. Any vacancy shall be filled for the unexpired term.
- C. **Inspectors and employees.** Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Sandyston Township Committee upon the recommendation of the Fire Official
- D. **Removal from office.** The Fire Official, Inspectors and other employees of the enforcement agency shall be subject to removal by the Sandyston Township Committee for inefficiency or misconduct. Prior to removal from office, all persons shall be afforded an opportunity to be heard by the appointing authority or designated hearing officer designated by the same.
- E. **Certification.** The Fire Official and all life-hazard-use inspectors shall be certified by the Commissioner of the Department of Community Affairs pursuant to N.J.S.A. 52:27d-203
- F. **Appointment of Legal Counsel.** The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.

**71-7. Board of Appeals.**

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act any person aggrieved by any order of the local enforcing agency shall have the right to appeal to the Construction Board of Appeals of Sussex County.

**71-8. Permit fees. [Amended 3-5-2002 by Ord. No. 2-02; 9-9-2014 by Ord. No. 2014-06]**

- A. The permit fees shall be as established by the Department of Community Affairs as amended from time to time and more particularly set forth in N.J.A.C. 5:70-2.9.

**71-9. Non-life-hazard uses.**

In addition to the registrations required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected a minimum of once every three years and a fee will be required upon inspection. Changes in the ownership or use of a property during the three-year period will require a new inspection. [Amended 10-14-2014 by Ord. No. 2014-08]

USE	INSPECTION FEE
<b>1. Assembly</b>	
A-1 Eating establishment with fewer than 50 authorized occupants	\$25
A-2 Take-out food service (no seating)	\$25
A-3 Places of Worship	\$25
A-4 Recreation centers, multipurpose rooms, etc., with fewer than 50 authorized occupants	\$50
A-5 Senior citizen centers with fewer than 50 authorized Occupants	\$50
<b>2. Business/Professional</b>	
B-1 Professional use one-and two-story less than, 5,000 square feet per floor	\$25
B-2 One-and two-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$50
B-3 One- and two-story, more than 10,000 square feet	\$75
B-4 Three- to five-story, less than 5,000 square feet per floor	\$100
B-5 Three- to five-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$150
B-6 Three- to five-story, over 10,000 square feet per floor	\$200



**3. Retail (mercantile)**

M-1	One- and two-story, less than 5,000 square feet per floor	\$125
M-2	One- and two-story, more than 5,000 square feet and less than 12,000 square feet	\$150
M-3	Three- to five-story, less than 5,000 square feet per floor	\$200
M-4	Three- to five-story, more than 5,000 square feet and less than 10,000 square feet	\$225

Hardware stores and home improvement centers of more than 3,000 square feet, and retail stores over 12,000 square feet are life-hazard uses.

**4. Manufacturing (factory).**

F-1	One- and two-story, less than 5,000 square feet per floor	\$75
F-2	One- and two-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$100
F-3	One- and two-story, more than 10,000 square feet	\$150
F-4	Three- to five-story, less than 5,000 square feet per floor	\$175
F-5	Three- to five-story, more than 5,000 square feet and less than 10,000 square feet	\$200
F-6	Three- to five-story, over 10,000 square feet	\$250

**5. Storage S-1 (moderate hazard S-1, low hazard S-2).**

S-1	One- and two-story, less than 5,000 square feet per floor	\$50
S-2	One- and two-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$100
S-3	One- and two-story, more than 10,000 square feet	\$150
S-4	Three- to five-story, less than 5,000 square feet per floor	\$175
S-5	Three- to five-story, more than 5,000 square feet and less than 10,000 square feet	\$200
S-6	Three- to five-story, over 10,000 square feet	\$250
S	exception life-hazard uses	

**6. Residential (Regardless whether or not LEA listed with multi-family BHI)**

(Fee is for each building)

R-1	1 to 6 units	\$25
R-2	7 to 12 units	\$50
R-3	13 to 20 units	\$75
R-4	21 to 50 units	\$100
R-5	For each additional unit over 50 units	\$2

**R common areas (each building)**

R-1	One- and two-story, less than 5,000 square feet per floor	\$50
R-2	One- and two-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$75
R-3	One- and two-story, more than 10,000 square feet	\$100
R-4	Three- to five-story, less than 5,000 square feet per floor	\$125
R-5	Three- to five-story, more than 5,000 square feet and less than 10,000 square feet	\$150
R-6	Three- to five-story, over 10,000 square feet	\$200

**Common areas (LEA not listed with BHI) (each building)**

R-1	One- and two-story, less than 5,000 square feet per floor	\$50
R-2	One- and two-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$75
R-3	One- and two-story, more than 10,000 square feet	\$100
R-4	Three- to five-story, less than 5,000 square feet per floor	\$125
R-5	Three- to five-story, more than 5,000 square feet and less	\$150

than 10,000 square feet

R-6 Three- to five-story, over 10,000 square feet

\$200

- B. R(A) one- and two-family rental where owner does not occupy shall be inspected and charged a fee every five years and upon sale or change of tenant.
- C. Uses not classified above that are subject to the Uniform Fire Code will be classified as business/professional uses.
- D. Uses required to register with the State as life-hazard uses shall not be required to register under this section.
- E. In the discretion of the Fire Official, vacant buildings will be charged and inspected according to the previous use of the building.

#### **71.10 Certificate of Smoke Detector and Carbon Monoxide Alarm.**

Certificate of Smoke Detector and Carbon Monoxide Alarm (hereinafter CSDCMAC) shall be required as per N.J.A.C. 5:70-2.3, and the fee shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

1. The application fee for a CSDCMAC received more than 10 business days prior to the change of occupant: **\$50.00**
2. The application fee for a CSDCMAC received four to 10 business days prior to the change of occupant: **\$80.00**
3. The application fee for a CSDCMAC received fewer than four business days prior to the change of occupant: **\$125.00**
4. There is a re-inspection fee of **\$40.00**.

#### **71-11. Enforcement; violations and penalties.**

Enforcement, violations and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

**Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

**Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

The Committee reviewed **Ordinance 2016-07**. Mayor Harper made a motion to open the meeting to the public for the public hearing of **Ordinance 2016-07**, seconded by Deputy Mayor MacDonald and unanimously carried. There being no comment from the public, Mayor Harper made a motion to close the meeting to the public, seconded by Deputy Mayor MacDonald and unanimously carried. Mayor Harper made a motion to approve **Ordinance 2016-07**, seconded by Deputy Mayor MacDonald and unanimously carried. A **Roll Call Vote followed**: Ayes: Hull, MacDonald, Harper (3); Nays 0; Absent: 0; Abstain 0.

**Correspondence:** The Committee reviewed the correspondence.

Mayor Harper noted a streetlight was hit in a motor vehicle accident on May 2, 2016. The Clerk stated this accident was turned into our insurance company and a quote was provided by M & B Electric for the replacement.

Mayor Harper noted our offer to donate Block 1101 Lot 16.01 to the State of New Jersey, Green Acres Program, was denied. The Mayor suggested the Clerk talk to the Assessor regarding the assessment on this property.

Mayor Harper noted the upcoming meeting regarding the Sussex County Open Space and Recreation Plan on June 23, 2016. Mayor Harper suggested forwarding the information to the Planning Board to see who might wish to attend from that board.

Mayor Harper noted the County would be updating the striping on County Route 640 and 646.

Mayor Harper noted the Legislative and Policy Report forwarded to us by the Mayor of Hopatcong Borough.

The Clerk had a discussion with Michael Hanifan, Esq., the Township Attorney regarding the *In Rem* foreclosures. Mr. Hanifan has heard from Professional Enterprise, one of the five properties in the *In Rem* foreclosure, who expressed an interest to deed this property back to the town. The Clerk stated this property is on the mountainside of Mountain Trail and instead of paying the expenses involved in the *In Rem*, the property owner could deed the property back to the township and we could sell this property to Green Acres. Committeewoman Hull asked if other people have done this and Mayor Harper answered he has never experienced this and would only be feasible because the Township could sell this property to Green Acres versus the costs involved in the *In Rem* foreclosure.

**Open Meeting To Floor:**

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

Stan Dutkus, OEM, came forward and discussed the recent meeting he attended with Deputy Mayor MacDonald regarding the Emergency Action Plans for Downsville, Neversink, and Cannonsville Dams through the New York City Environmental Protection on Friday, June 10, 2016. Mr. Dutkus stated the meeting was very informative realizing their communication with the towns further down-stream needed improvement. Mr. Dutkus stated this meeting was an effort to begin better communication. Mr. Dutkus also noted the Sussex County Multi-Jurisdictional Hazard Mitigation Plan was up for public review on the County website for comments. Mr. Dutkus stated the review period is now over and townships are reviewing recommendations which were made by the public. Sandyston Township did not have any recommendations submitted by the public.

Joseph Salokas, Bevans Road, asked if County Route 640 would be repaved. Mayor Harper stated the striping only will be updated on County Route 640.

Mayor Harper offered congratulations to Erma Gormley who was presented with the Senior Citizen of the Year Award for 2016.

Mayor Harper offered congratulations to Madison Bussow who was selected Miss Sandyston 2016, and complimented all the contestants who ran for Miss Sandyston.

Mayor Harper stated Sandyston Day was well attended and was a fun day with lots of activities planned like a baseball game, crafts, food, animals and DJ and thanked Recreation for the hard work they put into the event.

Mayor Harper asked the Clerk to contact the organization responsible for the maintenance of 111 Route 645 and ask them to mow/maintain the property.

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

Mayor Harper took a moment to comment on the recent election. Mayor Harper stated he does not usually comment on elections during public meetings, but there was election propaganda that was circulated by a candidate for Township Committee and, while much of the propaganda was not factual,

there were two items in particular he wished to address. Mayor Harper stated the first is the raise which the Municipal Clerk, Amanda Lobban, received in 2013. Mayor Harper stated that Mrs. Lobban did receive a 10% raise in December 2013, and this was done by the Township Committee to bring her in parity with other clerks in the surrounding area of towns that are similar in size, and she is still one of the lowest paid Clerk's in the County. Mayor Harper stated that Mrs. Lobban is an asset to Sandyston Township and was underpaid for the amount of time which is put into the job and the responsibilities she has and has acquired since taking the position in 2009.

Mayor Harper stated the second comment he wished to make was regarding the notion that taxes increased by 5.5%. Mayor Harper stated that Sandyston Township's operating budget increased by \$9,000; however, Sandyston Township was also faced with raising \$200,000 over two years to pay for the cost of the revaluation. Mayor Harper noted Sandyston Township was ordered by the State of New Jersey to perform the revaluation. Mayor Harper explained the COLA (Cost of Living Adjustment) Ordinance allows a municipality to increase appropriations up to 3.5% over the prior year's maximum amount and to put the amount of the final appropriations not utilized into an appropriation "CAP Bank". The municipality has two years in which to utilize the CAP bank, otherwise it lapses. For the last two years, Sandyston Township has utilized the CAP Bank to offset the amount needed to pay for the revaluation. The ordinance does not appropriate any funds; it does not raise taxes, or authorize spending of any funds. The ordinance allows the Township Committee to appropriate funds at a later date, if necessary. Mayor Harper explained the "COLA" Ordinance was introduced in March and adopted after the public hearing in April 2016. Mayor Harper stated the candidate who circulated the election propoganda was at both the March and April meeting where this matter was introduced and adopted and did not question the ordinance. Mayor Harper stated the candidate did question the ordinance at the May meeting, and Mayor Harper explained it was not a tax increase and explained what the ordinance was and why it was needed. Mayor Harper stated this candidate still continued to take the Township Committee to task and provide false information to the public.

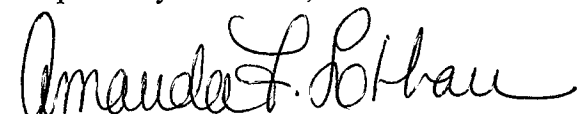
Mayor Harper stated he would not get into the rest of the letter which was circulated to the public as it is one-sided election propoganda, but wished to explain those two matters. Mayor Harper encouraged the public come to the meetings and to contact the Township Committee anytime to discuss any questions or concerns they may have regarding any matter involving the township.

Mayor Harper read through the list of upcoming events:

Regular Township Meeting:	Tuesday, July 12, 2016 at 9:00 am
Planning Board Regular:	Monday, July 11, 2016 at 7:00 pm
Seniors Meeting:	Tuesday, July 5, 2016 at 12:00 pm
Recreation Meeting:	Tuesday, September 27, 2016 at 6:30 pm
STVFD Chicken BBQ:	Sunday, June 26, 2016 at 1:30 pm
DVUMC Chicken BBQ:	Saturday, August 20, 2016
STVFD Tractor Parade:	Saturday, August 27, 2016 at 3:30 pm

**Adjournment:** Mayor Harper made a motion to adjourn the meeting at 7:33 pm seconded by Deputy Mayor MacDonald and unanimously carried.

Respectfully submitted,



Amanda F. Lobban, RMC  
Municipal Clerk