

SANDYSTON TOWNSHIP

Minutes

May 10, 2016

This meeting was opened and called to order at 9:00 am 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: Craig Hutcheson, Superintendent KRHS; Kathy Kane, Business Administrator, KRHS; Robert Greene; M. Glenn Sumpman, Superintendent Sandyston-Walpack Consolidated School; Betsy Pinzone; Keith Utter; Roy McClain; Tom & Nan Horsfield; Glenn Hull, Joe & Vicki Salokas; Hixon Spangenberg; Erna Gormley; Ryan Earley; Steve Williamson, Jackie Espinoza, representative, JCP & L

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

Minutes: The Committee reviewed the regular meeting minutes of **April 12, 2016**. Deputy Mayor MacDonald made a motion to approve the regular meeting minutes for April 12, 2016, seconded by Committeewoman Hull and unanimously carried.

Tax Collector Report: The Tax Collector Report was presented for the month of **April 2016** with total receipts Month-To-Date of \$349,994.33 and a Year-To-Date total of \$1,718,209.65. Mayor Harper made a motion to accept the Tax Collector's Report as submitted, seconded by Deputy Mayor MacDonald and unanimously approved.

Treasurer's Report: The Treasurer's Report for the month of **April 2016** was presented with a beginning balance of \$1,415,636.62, total receipts of \$453,962.77 and total disbursements of \$786,463.82 leaving an ending balance of \$675,410.30. Mayor Harper read the following balances: General Capital Account \$150,207.71, Animal Control Escrow \$8,142.04, Public Assist Escrow \$3,536.31, Unemployment Escrow \$24,512.99, COAH Trust \$34,995.90, Security Asst. Fund \$18,591.93 and the Small Cities Master \$4,777.63. Mayor Harper made a motion to approve the Treasurer's Report, seconded by Committeewoman Hull and unanimously approved.

Payment of Vouchers: The bills list was submitted for approval in the amount of \$749,479.07. Deputy Mayor MacDonald made a motion to approve the bills list, seconded by Committeewoman Hull and unanimously approved.

Departmental Reports: The Committee reviewed the Departmental Reports. Mr. Roy McClain, Road Department Foreman, stated he is preparing for the 2016 road program and awaiting the delivery of the new truck which is being prepared.

Old Business:

AED Grant: Sandyston Township/Sandyston Fire: The Clerk advised the Committee that she was working with Committeewoman Hull on the AED Grant and the best place to install the AED device.

New Business:

M. Glenn Sumpman, Sandyston-Walpack Budget Discussion: M. Glenn Sumpman, Interim Superintendent, came forward and began his discussion thanking the Sandyston Township Road Department and Clerk for their help during the year. Mr. Sumpman handed out papers to those present regarding his discussion on the 2016-2017 Sandyston-Walpack School Budget, a copy is also attached to these minutes. Mr. Sumpman stated there are approximately 150 students enrolled at Sandyston-Walpack School. Mr. Sumpman discussed upcoming expenditures, revenue, new equipment and instructional materials and training. Mr. Sumpman also discussed Capital Reserve Projects and his retirement.

Mr. Sumpman discussed the following Capital Reserve Projects supported from the Capital Reserve:

- Front Door Security Trap
- Roof Replacement
- Air handling system
- Science Lab
- Playground Upgrade
- Gym floor repair
- Replace fence around oil tanks
- Programmable thermostat
- Electrical upgrade
- Air conditioners

A copy of the 2016-2017 budget for Sandyston-Walpack School can be found on the website by visiting the following:

<http://www.sandystonwalpack.org/uploads/1/0/5/1/10513107/ufbud17.pdf>

Mr. Sumpman invited those present to ask questions about the 2016-2017 budget.

Hixon Spangenberg, Heaters Lane, questioned the demographics of the school and declining school population, the future of raising children in Sandyston Township. Mr. Sumpman explained enrollment has been static at the 150 each year and felt that many people move to Sandyston Township because of the school system and the community.

Glenn Hull, Bevans Road, questioned the front door security trap. Mr. Sumpman explained it is another stop in entering the building for verification on who is entering the building.

Keith Utter, Route 206, came forward and suggested adding the school bus, which is owned by the school, to their emergency management plan so as to seek the availability of grants for maintenance.

Deputy Mayor MacDonald commended Mr. Sumpman and his staff on the work that they are doing at Sandyston-Walpack School and stated that the appearance of the school has seen a drastic improvement since his return to the district. Deputy Mayor MacDonald stated he enjoyed the play that was recently held at the school by the students which he felt was fantastic and was the talk of the town. The Committee wished Mr. Sumpman well on his well-deserved retirement.

Mayor Harper asked Mr. Sumpman about the recent change to the dog ordinance in Sandyston Township and one of the exclusions was dogs on school property and wished to hear Mr. Sumpman's thoughts on the matter. Mr. Sumpman agreed that dogs should not be on school property.

Craig Hutcheson, KRHS Budget Presentation: The Committee welcomed Mr. Hutcheson for the KRHS Budget Presentation, who in turn introduced Kathy Kane, Business Administrator for Kittatinny

and Robert Greene who is the Board Member on the Kittatinny Regional High School Board of Education who represents Sandyston Township. Mr. Hutcheson presented a slideshow on the 2016-2017 Budget for Kittatinny Regional High School. This slideshow presentation can be viewed online by visiting the following:

<http://krhs.net/files/pdf/budget/Budget%20Presentation.pdf>

Mayor Harper offered the public an opportunity to ask questions of Mr. Hutcheson.

Glenn Hull, Bevans Road, asked about the solar project for Kittatinny Regional High School. Mr. Hutcheson confirmed that the back canopies are online and the roof mounted units should be coming in the next few months and discussed the reduction in costs. Mr. Hull asked if there was any concern with roof mounted solar. Mr. Hutcheson explained the units are mounted with weights and are somewhat portable. Mr. Hull expressed concern with fire as he has read a lot on the matter and felt many fire departments have been instructed to let the building burn due to the solar power being generated in the unit. Ms. Kane, Business Administrator added the school has met with the fire department on the procedures for handling a fire and stated it was never discussed that you would just let the fire go. Mr. Hutcheson stated he would look into that and encouraged anyone with questions or comments on the 2016-2017 budget to call him.

The Committee thanked Mr. Hutcheson for his time and presentation.

Discussion on Proposed Dog Ordinance Revisions: Mayor Harper noted the Dog Ordinance has been prepared and is on the agenda for first reading. Mayor Harper asked for Mr. Salokas's thoughts on the ordinance. Mr. Salokas agreed the ordinance was ready for introduction. Mayor Harper thanked Mr. Salokas for his input on the matter. Mayor Harper asked for any other comments on the Dog Ordinance to which there was no comment from the public.

Use of Facility/Meeting Hall Request:

- **Sandyston Recreation – Sunday, May 22, 2016 11 am – 1 pm “Clean Communities”:** The Committee reviewed a request for use of the facility by the Sandyston Recreation for a Clean Communities event to be held on Sunday, May 22, 2016 from 11 am to 1 pm. Mayor Harper made a motion to approve this request, seconded by Deputy Mayor MacDonald and unanimously carried.
- **Sandyston Recreation – Wednesday, June 15 & Thursday, June 16, 2016 “6th Grade Dance”:** The Committee reviewed a request for use of the meeting by the Sandyston Recreation for a 6th grade dance to be held on Thursday, June 16, 2016. Mayor Harper made a motion to approve this request, seconded by Deputy Mayor MacDonald and unanimously carried.

Quote: Emergency Software Products (Fire Prevention): The Committee reviewed a quote from Emergency Software Products in the amount of \$2,095.00. The Clerk stated this is software for the fire prevention official. Deputy Mayor MacDonald made a motion to approve this purchase, seconded by Mayor Harper and unanimously carried.

Application for Raffle License: On-Premise Cash Raffle

- STVFD, Saturday, June 11, 2016 – “Sandyston Day”
- STVFD, Sunday, June 26, 2016 – “Chicken BBQ”
- STVFD, Saturday, August 27, 2016 – “Tractor Parade”

The Committee reviewed the On-Premise Cash Raffles for the Sandyston Township Volunteer Fire Department. Mayor Harper made a motion to approve all three raffle applications, seconded by Deputy Mayor MacDonald and unanimously carried.

Social Affairs Permits: STVFD – 6/11/2016, 6/26/2016 & 8/27/2016:

The Committee reviewed the social affair permits for the Sandyston Township Volunteer Fire Department. Mayor Harper made a motion to approve all three social affair permits, seconded by Deputy Mayor MacDonald and unanimously carried.

Resolutions:

SANDYSTON TOWNSHIP RESOLUTION

R-34-2016

A RESOLUTION DESIGNATING THE MONTH OF MAY AS OLDER AMERICANS MONTH AND PROCLAIMING SANDYSTON TOWNSHIP SENIOR CITIZEN OF THE YEAR 2016

WHEREAS, the month of May is traditionally observed throughout the nation as Older American's Month; and

WHEREAS, the month of May represents a cooperation of all levels of government, all collective groups and all private citizens in efforts to assure the inclusion of Senior Citizens in the community-at-large; and

WHEREAS, the older adults in Sandyston Township are among our most “treasured resources”, united by historical experiences, strengthened by diversity, and interpreting events through varied perspectives and backgrounds to bring wisdom and insight to our community; and

WHEREAS, the older adults in Sandyston Township deserve recognition for the contributions they have made and will continue to make to the culture, economy, and character of our community and our nation; and

WHEREAS, Sandyston Township honors the Senior Citizen of the Year at the annual Sandyston Day held this year on Saturday, June 11, 2016; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that the month of May be proclaimed as Older American's Month in the Township of Sandyston, and do call upon all citizens to join in these efforts, thus guaranteeing a true and meaningful concern for, by, and with, all Older Americans; and

BE IT FURTHER RESOLVED the Township Committee of the Township of Sandyston, County of Sussex and State of New Jersey will announce the name of the Senior Citizen of the Year 2014 at the annual Sandyston Day to be held on Saturday, June 11 2016.

The Committee reviewed **R-34-2016**. Mayor Harper made a motion to approve **R-31-2016**, seconded by Committeewoman Hull and unanimously carried.

SANDYSTON TOWNSHIP RESOLUTION

R-35-2016

A RESOLUTION TO REDEEM TAX SALE CERTIFICATE 2014-005

WHEREAS, Jessica M. Caruso, Tax Collector, has received \$18,031.38 from Chun Min Kwok for the redemption of Tax Sale Certificate 2014-005 on Block 1602 Lot 42 and is requesting that \$18,031.38 plus a premium in the amount of \$16,100.00 which was paid at the tax sale and the Township is holding for a total of \$34,131.38 be refunded to the lien holder, US Bank Cust for Actlien Holding Inc., 50 S. 16th St., Suite 2050, Philadelphia, PA 19102.

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 \$18,031.38 for the redemption of Tax Sale Certificate 2014-005 plus a premium in the amount of \$16,100.00 which was paid at the tax sale for a total of \$34,131.38 on Block 1602 Lot 42 to the lien holder, US Bank Cust for Actlien Holding Inc., 50 S. 16th St., Suite 2050, Philadelphia, PA 19102.

The Committee reviewed **R-35-2016**. Mayor Harper made a motion to approve **R-35-2016**, seconded by Deputy Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP

R-36-2016

RESOLUTION TO PREPARE CLOSING DOCUMENTS FOR THE HAZARD MITIGATION GRANT PROGRAM (CFDA #97.039) FEMA HMGP-DR-4086-NJ-0403-R

WHEREAS, Sandyston Township applied for a Hazardous Mitigation Grant through the State of New Jersey, Office of Emergency Management to purchase and install two (2) permanent propane fueled generators and propane tanks to supply emergency backup power during and after severe weather for the Department of Public Works building located at 1 Maple Lane, Layton and Fire Station #2 located at 117 Route 560, Sandyston; and

WHEREAS, Sandyston Township was awarded the Hazard Mitigation Grant to purchase and install two (2) permanent propane fueled generators and propane tanks as noted above by the State of New Jersey, Office of Emergency Management in the amount of \$21,000; and

WHEREAS, the project was awarded through the bidding process to M & B Electric in the amount of \$21,100.00;

WHEREAS, total Federal share for the grant is **\$21,000**, with the balance of the amount due to be paid for by Sandyston Township as the local share; and

WHEREAS, the necessary permits have been obtained, the installation of the generators at both locations has been completed, necessary inspections have been performed by Sandyston Township inspectors, and the contractor has been paid the amount due of \$21,100.

NOW, THEREFORE, BE IT RESOLVED the Township Committee of the Township of Sandyston hereby authorizes the Mayor and Municipal Clerk to execute on behalf of the Township Committee the necessary closing documents between the State of New Jersey, Office of Emergency Management, located at PO Box 7068, West Trenton, New Jersey and the Township of Sandyston, located at 133 Route 645, Sandyston, NJ for the FEMA HMGP-DR-4086-NJ-0403-R Hazardous Mitigation Grant for the purchase and install two (2) permanent propane fueled generators and propane tanks to supply emergency backup power during and after severe weather for the Department of Public Works building located at 1 Maple Lane, Layton, NJ (Latitude 41.217308/Longitude - 74.825246) and Fire Station #2 located at 117 Route 560, Layton, NJ (Latitude 41.215929/Longitude -74.825929).

BE IT FURTHER RESOLVED, this resolution shall be attached to the closing documents and shall remain on file with the Municipal Clerk.

The Committee reviewed **R-36-2016**. Mayor Harper made a motion to approve **R-36-2016**, seconded by Deputy Mayor MacDonald and unanimously carried.

Ordinances:

SANDYSTON TOWNSHIP

2016-03

ORDINANCE APPROPRIATING THE SUM OF \$5,850.00 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 \$5,850.00 in the Capital Improvement Fund; and

WHEREAS, it is deemed appropriate to make use of the \$5,850.00 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 \$5,850.00 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 2016-03**. Mayor Harper made a motion to open the meeting to the public for the public hearing of **Ordinance 2016-03**, 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 2016-03**, seconded by Deputy Mayor MacDonald and unanimously carried. **A Roll Call Vote followed:** Ayes: Hull, MacDonald, Harper (3); Nays 0; Absent: 0; Abstain 0.

**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:

- o 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).
- o 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 introduce Ordinance 2016-04, seconded by Deputy Mayor MacDonald and unanimously carried. Mayor Harper noted this is the first reading of this ordinance and a public hearing for this ordinance would be held on Tuesday, June 14, 2016 at 7:00 pm. 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 made a motion to introduce Ordinance 2016-05, seconded by Committeewoman Hull and unanimously carried. Mayor Harper noted this is the first reading of this ordinance and a public hearing for this ordinance would be held on Tuesday, June 14, 2016 at 7:00 pm. 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 introduce Ordinance 2016-06, seconded by Deputy Mayor MacDonald and unanimously carried. Mayor Harper noted this is the first reading of this ordinance and a public hearing for this ordinance would be held on Tuesday, June 14, 2016 at 7:00 pm. 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

1. Assembly

A-1 Eating establishment with fewer than 50 authorized

\$25

	occupants	
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

2. Business/Professional

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 than 10,000 square feet	\$150
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 introduce Ordinance 2016-07, seconded by Deputy Mayor MacDonald and unanimously carried. Mayor Harper noted this is the first reading of this ordinance and a public hearing for this ordinance would be held on Tuesday, June 14, 2016 at 7:00 pm. 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 the upcoming meeting of the *Planning for a Changing Climate at Delaware Water Gap National Recreation Area*, on Monday, May 16 from 10 am to 12 noon. The event will be held at Bushkill Meeting Center on Route 209 in Bushkill, PA. The Clerk noted an invitation from State Lands Management inviting Sandyston Township Committee to a meeting being held on Tuesday, June 14, 2016 at 11:00 am at High Point State Park, where they are soliciting input regarding goals and objectives of management from external stakeholders.

Open Meeting To Floor:

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

Jackie Espinoza, JCP & L representative, informed the Committee she has been appointed to the Sussex County Economic Development Committee. The Committee thanked Ms. Espinoza for her help on issues in Sandyston Township.

Mayor Harper invited Ryan Earley to come up to discuss the purchase and installation of a Black Walnut tree which will close out Phase III of the sidewalk project. Mr. Earley came forward and stated one of the impacts from the sidewalk project was the removal of a large Black Walnut Tree and the town agreed to replace the tree with a similar tree upon completion of the sidewalk project. Mr. Earley stated the area for the tree has been steaked out and thanked the Committee for their work on the matter. Mayor Harper stated the tree will be picked up and installed within the next few weeks. Mayor Harper stated it was agreed not to put a plaque commemorating the tree.

Mayor Harper invited Christian Blevins and Aiden Blevins, Boys Scouts attending the meeting, to come forward and introduce themselves. Christian Blevins, Sandyston, came forward and informed the Committee they are working on their Merit Badge "Citizenship in the Community", and part of the requirement is they must attend a township meeting and then participate in a discussion about the meeting. Aiden Blevins, Sandyston and brother of Christian, also stated he is working on the same Merit Badge. Christian and Aiden attended the meeting with their mother, Donna Blevins, Sandyston, who stated the boys are home schooled and this was a field trip for them. Mayor Harper stated they picked a good meeting to come to with the school budget presentations. Mayor Harper thanked Christian and Aiden for attending the meeting and wished them success in obtaining their Merit Badge.

Tom Horsfield, Route 645, asked about the upcoming meeting regarding the upcoming meeting with the Park Service. Mayor Harper noted the upcoming meeting of the *Planning for a Changing Climate at Delaware Water Gap National Recreation Area*, on Monday, May 16 from 10 am to 12 noon to be held at Bushkill Meeting Center on Route 209 in Bushkill, PA.

Glenn Hull, Bevans Road, came forward and asked for clarification on the last ordinance passed for the 3.5% tax increase and if it was on top of the 2% budget increase in the budget. Mayor Harper stated it is not an increase, although we are using the CAP this year. Mayor Harper stated in two years raised the money to pay for the revaluation and the appeals. Mayor Harper stated the Ordinance allows the township to increase an additional 3.5% above the 2%, if necessary, but we are not going that high; however, we are above the 2% both last year and this year. Mayor Harper stated the operating budget is not up, the increases are attributed to the revaluation and appeal process and to put money in the Capital Improvement budget.

Mr. Hull discussed roof mounted solar and stated it is being looked at by emergency management and it might behoove the town to pass a letter on to Kittatinny to look into the matter because the new perimeters for fighting fires where there are solar panels on the roof, you can't put them out because you

can't turn the electricity off and they have taken the attitude to let the building burn in some cases and could cause more damage to the building.

Mr. Hull asked if he could verbally OPRA Request the emails associated with Centurylink and the trees on Maple Lane. Mayor Harper and the Clerk noted OPRA Requests or requests for information should be in writing. A brief discussion took place regarding the trees on Maple Lane with Mayor Harper explaining Centurylink has visited and determined they will take down the trees but has offered no timeframe. Mayor Harper noted that JCP & L has worked to cut back vegetation along their power lines over the past few years; however, Centurylink's phone lines have not had the same attention paid to them. Mr. Hull asked if the premise of asking for the trees to be removed is because of the telephone cable. Mayor Harper stated the town is helping a homeowner, who has a couple of dead trees that could affect their house and barn should they fall, work with Centurylink to remove a couple of dead trees before they fall down.

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

Mayor Harper read through the list of upcoming events:

Regular Township Meeting:	Tuesday, June 14, 2016 at 7:00 pm
Planning Board Regular:	Monday, June 6, 2016 at 7:00 pm
Primary Election Day:	Tuesday, June 7, 2016 6 am – 8 pm
Seniors Meeting:	Tuesday, June 8, 2016 at 12:00 pm
Recreation Meeting:	Tuesday, May 24, 2016 at 6:30 pm
Sandyston Day:	Saturday, June 11, 2016 1 pm – 6 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: Deputy Mayor MacDonald made a motion to adjourn the meeting at 10:27 am seconded by Mayor Harper and unanimously carried.

Respectfully submitted,



Amanda F. Lobban, RMC
Municipal Clerk

Sandyston-Walpack School District

Budget 2016-2017

Sandyston Township Committee

May 10, 2016

The Sandyston-Walpack School District has 150 students pre-K through grade 6. The school population is relatively stable with the incoming kindergarten enrollment being equivalent to the outgoing sixth grade class. The school district has had a rapid turnover in administration over the last seven years. I have served as interim superintendent /principal since July 1, 2014. The Board has appointed a permanent administrator starting on July 1, 2016.

The recently adopted budget maintains all school general education programs, eliminates one special education class and reduces several part time staff positions. The Kittatinny Region including all the elementary schools has revised its English/Language Arts Curriculum for 2016-2017 and the budget devotes significant resources toward English/Language Arts materials and staff training. The budget also includes a substantial amount of funds earmarked for capital projects. One of the goals of the Board has been to reduce its reliance on Federal Impact Aid and this budget meets that goal.

The budget meets all the needs for staffing, materials, operations and maintenance of the district, its programs and facility. Like most districts in New Jersey, Sandyston-Walpack relies heavily on local property taxes for its support. The Sandyston-Walpack Board of Education has been both wise and careful in terms of budgeting and spending while building reasonable reserves to meet any emergencies, plan for the future and to be prepared for any delays or suspensions in payments of Federal Impact Aid should that happen (see the second page of the advertised budget).

Expenditures

The total proposed 2016-2017 budget is \$3,390,174. It is \$66,843 more than the 2015-2016 budget. This represents a 2.01% increase. The current expense budget is \$2,983,567. It is \$28,034 more than the 2015-2016 budget. This represents an increase of 0.9%.

The total 2016-2017 budget includes:

Current Expense Budget	\$2,983,567
Total Capital Outlay Budget	324,788
Funds Transferred to Charter Schools	25,914
Total Special Revenue Funds	<u>55,905</u>
	\$3,390,174

Revenues:

The proposed 2016-2017 budget is supported by revenues from the local tax levy, State Aid, budgeted fund balance, withdrawal from capital reserve, interest on capital reserve, miscellaneous funds and federal grants and entitlements.

The total revenue portion of the budget includes:

Local tax levy	\$2,047,702
Miscellaneous funds	3,000
Interest on Capital Reserve	1,000
State Aid	573,099
Capital Reserve	321,185
Federal Grants and Entitlements	55,905
Budgeted from fund balance	<u>388,283</u>
	\$3,390,174

In recent years the Board has been relying more and more on appropriating from free balance and using all of the Impact Aid it received a single year. This budget reduces the amount appropriated from Impact Aid to \$298,000 or \$70,000 less than it receives (certainly a step in the right direction). Hopefully this reduced reliance on Impact Aid may be continued. The Board has created an Impact Aid Reserve Fund which hopefully will be used in the future more and more for one time expenditures. This will help reduce the negative effect if Impact Aid is reduced or eliminated.

Budget Details:

General Fund

This budget maintains the same number of class sections as the previous three budgets with one class per grade level except the fourth grade which has two sections. This budget eliminates the extra half time kindergarten teacher from 2015-2016, but the first grade is supported by a half time classroom teacher for language arts and math using existing staff. The budget provides for a special education resource room in the primary grades utilizing the teacher formerly assigned to a self-contained special education class which is no longer needed. This budget reduces a full time aide position to half time and eliminates the associated health benefits package. It also eliminates two part time aide positions which are no longer needed as well as a part time Spanish position.

The budget includes funds to provide for new English Language Arts materials, materials for the Next Generation Science curriculum for grade six and the continuation of the Achieve 3000 online informational text program. The budget also supports all needed classroom and instructional supplies for regular education classes, special education classes and special subject areas (art, music, phys. ed., technology, etc.). Currently every child in grades two through six has their own Chromebook and there is a sufficient number of laptops available for every kindergarten and first grade student. Since we have upgraded all of our student computers and placed new SMART Boards in every instructional area in 2015-2016, the technology budget is a maintenance budget for 2016-2017.

The Board has placed a focus on staff training in the last two budgets. Our district, which had always scored well on state mandated tests, fell short of reaching the State of New Jersey proposed targets on the last administration of the New Jersey ASK test in 2014. Extensive staff development efforts have contributed to improvement and the district met the state targets for the first administration of the PARCC test. This budget includes funds for a high level of staff training to be continued.

The district maintains three regular bus routes. We have reduced the bus routes as much as possible. One bus route is operated by the district. The cost of operating that route is less than the cost of contracting the service and it provides the district the opportunity to use our own bus for most class trips at a substantial savings. Maintaining the district owned bus does present some difficulties in a small district like ours.

The building is maintained by one full time head custodian and two part time custodians who work four hours each day. Funds have been added in the last two years to better maintain the lawns and fields which had been allowed to deteriorate in the recent past. The same is true for painting and general maintenance inside and out of the building. I believe that even a quick drive by the school or a few steps inside will suggest a dramatic improvement. This budget allows for that improvement to continue. Steps have been taken to reduce the consumption of oil and that combined with lower fuel prices has led to a reduction in operational costs.

Major changes including increases and decreases have occurred in several accounts:

Increase:

Health benefits	\$96,317
Rising costs due to increases in premiums and additional coverage	

Decrease:

Tuition (out of district)	\$16,750
Less students in out of district pre-school placement	
Health services	\$24,667
Nurse retiring	
Operations and maintenance	\$37,136
Oil costs reduced, better purchasing of supplies, more repairs completed in house and less maintenance projects needed	

Capital Reserve Projects

There are a number of planned projects supported by funds transferred from Capital Reserve. These projects include:

Front door security trap	\$32,700
Roof replacement (1957 addition)	94,500
Air handling system (1957 addition)	125,000
Science Lab	27,000
Playground upgrade	20,000
Gym floor repair	3,000
Replace fence around oil tanks	8,500
Programmable thermostat (1940/1950 section)	4,685
Electrical upgrade (1940/1950 boiler room)	2,800
Air conditioners	<u>3,000</u>
	\$321,185

Tax Levy and Rates:

Total Levy 2016-2017	\$2,047,702
2015-2016	- 2,007,551

40,151

% of increase

1.99%

Sandyston Township

2016-2017 Levy	\$2,021,696
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2016-2017 % of Levy	98.73%
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2016-2017 \$ amount of Levy increase`	\$39,641.08
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2016-2017 Rate	0.8145
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2015-2016 Rate	0.7774
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Walpack

2016-2017 Levy	26,006
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2016-2017 % of Levy	1.27%
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2016-2017 \$ amount of Levy increase	\$509.92
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2016-2017 Rate	1.0115
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2015-2016 Rate	0.9439
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**BUDGET HEARING - 7:00 P.M.
REGULAR MEETING - IMMEDIATELY FOLLOWING
WORKSHOP MEETING - CANCELLED**

The Sandyston-Walpack Board of Education will hold a budget hearing on May 4, 2016 at 100 Route 560 in Layton at 7:00 p.m. in the library of the school. The purpose of the meeting is to conduct a Public Hearing on the proposed 2016-2017 school budget.

The school district has proposed programs and services in addition to Core Curriculum Standards adopted by the State Board of Education. Information on the budget and the programs and services it proposes is available from your local school district.

The regular monthly meeting will follow immediately upon completion of the Budget Hearing.

The May 4, 2016 workshop has been canceled.

Carole Kyllish
Board Secretary

**SCHOOL DISTRICT BUDGET STATEMENT
FOR THE SCHOOL YEAR 2016-2017
ADVERTISED ENROLLMENTS**

	Oct. 15, 2014 ACTUAL	Oct. 15, 2015 ACTUAL	Oct. 15, 2016 ESTIMATED
Pupils On Roll - Regular Full-Time	126	123	135
Pupils On Roll - Special Full-Time	19	23	19
Subtotal - Pupils On Roll	145	146	154
Pupils Sent to Other Dists - Spec Ed Prog	6	4	2

**2016-2017
SUSSEX - SANDYSTON-WALPACK TWP
ADVERTISED REVENUES**

Budget Category	Account	2014-15 Actual	2015-16 Revised	2016-17 Anticipated
Operating Budget:				
Revenues from Local Sources:				
Local Tax Levy	10-1210	1,968,188	2,007,551	2,047,702
Unrestricted Miscellaneous Revenues	10-1XXXX	3,182	3,000	3,000
Interest Earned On Capital Reserve Funds	10-1XXXX	1,591	1,000	1,000
Other Restricted Miscellaneous Revenues	10-1XXXX	8,004	0	0
Subtotal - Revenues From Local Sources		1,980,965	2,011,551	2,051,702
Revenues from State Sources:				
Categorical Transportation Aid	10-3121	9,540	9,540	11,363
Categorical Special Education Aid	10-3132	85,823	85,823	87,136
Equalization Aid	10-3176	468,282	468,282	465,729
Categorical Security Aid	10-3177	2,273	2,273	2,651
Parcc Readiness Aid	10-3181		0	1,490
Per Pupil Growth Aid	10-3182		0	1,490
Professional Learning Community Aid	10-3183		0	1,500
Host District Support Aid	10-3184		0	1,740
Other State Aids	10-3XXXX	3,850	2,980	0
Subtotal - Revenues From State Sources		569,768	568,898	573,099
Revenues from Federal Sources:				
Impact Aid	10-4100	369,748	0	0
Subtotal - Revenues From Federal Sources		369,748	0	0
Budgeted Fund Balance - Operating Budget	10-303	0	457,010	388,283
Withdrawal From Cap Res-For Local Share	10-307	0	146,227	321,185
Withdrawal From Maint. Reserve	10-310	0	33,882	0
Adjustment For Prior Year Encumbrances		0	33,283	0
Actual Revenues (Over)/Under Expenditures		72,737	0	0
Total Operating Budget		2,993,218	3,250,851	3,334,269
Grants and Entitlements:				
Revenues from Federal Sources:				
Title I	20-4411-4416	5,589	11,179	0
Title II	20-4451-4455	4,500	9,115	3,905
I.D.E.A. Part B (Handicapped)	20-4420-4429	35,978	36,648	34,000
Other	20-4XXXX	18,000	15,538	18,000
Total Revenues From Federal Sources		64,067	72,480	55,905
Total Grants And Entitlements		64,067	72,480	55,905
Total Revenues/Sources		3,057,285	3,323,331	3,390,174
Total Revenues/Sources Net of Transfers		3,057,285	3,323,331	3,390,174

**2016-2017
SUSSEX - SANDYSTON-WALPACK TWP
ADVERTISED APPROPRIATIONS**

Budget Category	Account	2014-15 Expenditures	2015-16 Revised Appropriations	2016-17 Appropriations
General Current Expense:				
Instruction:				
Regular Programs - Instruction	11-1XX-100-XXX	947,080	970,305	984,310
Special Education - Instruction	11-2XX-100-XXX	251,713	263,214	258,792
Basic Skills/Remedial - Instruction	11-230-100-XXX	99,552	111,760	109,963
School-Spon. Co/Extra Curr. Actvts. - Inst	11-401-100-XXX	4,159	3,812	4,200
Before/After School Programs	11-421-XXX-XXX	490	0	0
Summer School	11-422-XXX-XXX	7,217	9,658	7,280
Support Services:				
Undistributed Expenditures - Instruction (Tuition)	11-000-100-XXX	75,597	34,250	17,500
Undist. Expend.-Attendance And Social Work	11-000-211-XXX	2,371	3,010	3,450
Undist. Expenditures - Health Services	11-000-213-XXX	83,537	81,527	56,860
Undist. Expend.-Speech, OT, PT And Related Svcs	11-000-216-XXX	121,867	130,537	131,179
Undist. Expend.-Oth Supp Serv Std-Extra Serv	11-000-217-XXX	34,829	27,957	38,329
Undist. Expenditures - Guidance	11-000-218-XXX	0	3,565	4,065
Undist. Expenditures - Child Study Teams	11-000-219-XXX	115,060	111,380	103,049
Undist. Expend.-Improv. Of Inst. Serv.	11-000-221-XXX	1,846	3,000	3,000
Undist. Expend.-Edu. Media Serv./Library	11-000-222-XXX	29,244	32,322	31,515
Undist. Expend.-Instr. Staff Training Serv.	11-000-223-XXX	2,374	5,500	5,500
Undist. Expend.-Support Serv.-Gen. Admin.	11-000-230-XXX	129,486	129,072	126,910
Undist. Expend.-Support Serv.-School Admin.	11-000-240-XXX	6,631	60,607	60,500
Undist. Expend. - Central Services	11-000-251-XXX	73,405	75,236	77,381

2016-2017
SUSSEX - SANDYSTON-WALPACK TWP
ADVERTISED RECAPITULATION OF BALANCES

Budget Category	Audited Balance 6/30/2014	Audited Balance 6/30/2015	Estimated Balance 6/30/2016	Estimated Balance 6/30/2017
Unrestricted:				
-General Operating Budget	1,250,686	1,066,708	897,770	600,348
-Repayment of Debt	0	0	0	0
Restricted for Specific Purposes-				
General Operating Budget:				
-Capital Reserve	739,815	731,406	661,179	340,994
-Adult Education Programs	0	0	0	0
-Maintenance Reserve	213,172	211,297	177,415	177,415
-Legal Reserve	0	90,861	90,861	0
-Tuition Reserve	0	0	0	0
-Current Expense Emergency Reserve	0	0	0	0
-Impact Aid Reserve for General Expenses (Sections 8002 and 8003)	0	0	0	0
-Impact Aid Reserve for Capital Expenses (Sections 8007 and 8008)	0	0	0	0
Repayment of Debt:				
-Restricted for Repayment of Debt	0	0	0	0

SUSSEX - SANDYSTON-WALPACK TWP
2016-2017
ADVERTISED PER PUPIL COST CALCULATIONS

	2013-14 Actual	2014-2015 Actual	2015-2016 Original Budget	2015-2016 Revised Budget	2016-2017 Proposed Budget
	(1)	(2)	(3)	(4)	(5)
Per-Pupil Cost Calculations:					
Total Budgetary Comparative Per Pupil Cost	\$16,532	\$18,800	\$18,399	\$18,891	\$18,545
Total Classroom Instruction	\$10,455	\$11,675	\$11,813	\$11,796	\$11,966
Classroom-Salaries and Benefits	\$9,964	\$10,468	\$10,919	\$10,862	\$11,008
Classroom-General Supplies and Textbooks	\$439	\$622	\$482	\$520	\$649
Classroom-Purchased Services	\$53	\$586	\$412	\$413	\$309
Total Support Services	\$2,285	\$3,125	\$2,900	\$3,070	\$2,812
Support Services-Salaries and Benefits	\$1,104	\$1,343	\$1,239	\$1,316	\$1,175
Total Administrative Costs	\$2,080	\$2,081	\$1,965	\$2,049	\$2,094
Administration Salaries and Benefits	\$1,805	\$1,774	\$1,718	\$1,778	\$1,807
Total Operations and Maintenance of Plant	\$1,591	\$1,825	\$1,626	\$1,881	\$1,576
Operations and Maintenance-Salaries and Benefits	\$529	\$583	\$572	\$580	\$624
Board Contribution to Food Services	\$67	\$53	\$54	\$55	\$54
Total Extracurricular Costs	\$24	\$29	\$26	\$26	\$28
Total Equipment Costs	\$233	\$51	\$364	\$546	\$0
Legal Costs	\$47	\$79	\$34	\$33	\$33
Employee Benefits as a percentage of salaries*	28.30%	29.14%	26.77%	27.03%	32.84%

* Does not include pension and social security paid by the State on-behalf of the district.
** Federal and State funds in the blended resource school-based budgets.

The information presented in columns 1 through 3 as well as the related descriptions of the per pupil cost calculations are contained in the Taxpayers' Guide to Education Spending (formerly Comparative Spending Guide) and can be found on the Department of Education website: <http://www.state.nj.us/education/guide/>. This publication is also available in the board office and public libraries. The same calculations were performed using the 2015-16 revised appropriations and the 2016-17 budgeted appropriations presented in this advertised budget. Total Budgetary Comparative Per Pupil Cost is defined as current expense exclusive of tuition, expenditures, transportation, residential costs, and judgments against the school district. For all years it also includes the restricted entitlement aids. With the exception of Total Equipment Cost, each of the other per pupil cost calculations presented is a component of the total comparative per pupil cost, although all components are not shown.

SUSSEX - SANDYSTON-WALPACK TWP
2016-2017
CAPITAL PROJECTS

Description/Activity	Project Number	Dollar Amount	Eligible for Grant	Request to Exceed Referendum	Funding Source for Request
Install man trap at front entrance	2016-1	32,700	N	N	
roof replacement - lower end and kitchen	2016-2	94,500	N	N	
air handling system - replace and repair	2016-3	125,000	N	N	
Install science lab	2016-4	27,000	N	N	
playground upgrade	2016-5	20,000	N	N	
gym floor repair	2016-6	3,000	N	N	
fence in oil tanks	2016-7	8,500	N	N	
programmable thermostat	2016-8	4,685	N	N	
electric upgrade- upper boiler room	2016-9	2,800	N	N	
air conditioning	2016-10	3,000	N	N	

The complete budget will be on file and open to public examination at the Sandyston-Walpack School, 100 Route 560, Layton, N.J. between the hours of 9:00 A.M. and 3:00 P.M. Monday through Friday excluding holidays

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000071330/SANDYSTON-WALPACK TWP BOE