

SANDYSTON TOWNSHIP

Minutes

November 14, 2017

This meeting was opened and called to order at 9:00 am by Mayor Fred MacDonald who stated this meeting was being held in compliance with the Open Public Meetings Act, having been duly advertised.

Roll Call

The clerk was asked to call the roll. Present were: Committeeman George B. Harper, Jr.; Deputy Mayor Kamala M. Hull; Mayor Fred MacDonald

Michael J. Hanifan, Esq. was also present

Also in attendance: Roy McClain; Betsy Pinzone; Hixon & Sharon Spangenberg; Tom & Nan Horsfield

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

Minutes: The Committee reviewed the regular meeting minutes of **October 10, 2017**. Committeeman Harper made a motion to approve the regular meeting minutes for October 10, 2017, seconded by Deputy Mayor Hull and unanimously carried.

Tax Collector Report: The Tax Collector Report was presented for the month of **October 2017** with total receipts Month-To-Date of \$345,850.21 and a Year-To-Date total of \$4,689,275.03. Mayor MacDonald made a motion to accept the Tax Collector's Report as submitted, seconded by Committeeman Harper and unanimously approved.

Treasurer's Report: The Treasurer's Report for the month of **October 2017** was presented with a beginning balance of \$1,568,973.09 total receipts of \$467,325.33 and total disbursements of \$387,183.38 leaving an ending balance of \$1,649,115.04. Mayor MacDonald read the following balances: General Capital Account \$53,613.55, Animal Control Escrow \$11,563.80, Public Assist Escrow \$3,544.37, Unemployment Escrow \$25,787.49, COAH Trust \$41,086.89, Security Asst. Fund \$18,634.13 and the Small Cities Master \$4,788.49. Mayor MacDonald made a motion to approve the Treasurer's Report, seconded by Deputy Mayor Hull and unanimously approved.

Payment of Vouchers: The bills list was submitted for approval in the amount of \$778,281.16. Committeeman Harper made a motion to approve the bills, seconded by Mayor MacDonald and unanimously approved.

Departmental Reports: The Committee reviewed the departmental reports. Committeeman Harper commended the Road Department for their work with the road program and the repair work done on DeGroat Road.

Old Business:

Green Acres: Deeds of Devita Road: The Clerk provided an update regarding the sale of three properties to Green Acres which are on Devita Road. Per a recent email from Louis Crescitelli, Chief of Staff for Assemblyman Parker Space, he stated they are awaiting word from the DEP regarding this matter and their input on wording of the draft bill. The Clerk explained we are working with Mr. Crescitelli and the DEP in drafting a bill which will be narrowly tailored to read in circumstances where

the municipality has acquired property through foreclosure (the not paying of property taxes, etc.) and the municipality is selling a property for Open Space, the entity buying the property from the municipality (DEP, County, etc) is not subject to maintenance clause where an association has not yet been formed.

Tri-State Steel Fabricators, Inc.: The Clerk explained the Preliminary Assessment through the Hazardous Discharge Site Remediation Fund Grant is finished and ADR Environmental has prepared the proposal for the Site Investigation. The Clerk explained included in the next grant will be work to the site to remove trees and brush to facilitate the testing of 14 areas of concern as outlined the in Preliminary Assessment, removing chemicals which still remain in the building.

In Rem Foreclosure of Properties: Michael Hanifan, Esq., Township Attorney, stated the In Rem Complaint has been filed and is progressing.

Shared Services Update Branchville: The Clerk stated the Shared Service Agreement for the Construction Official for Branchville is currently being reviewed by Branchville. The Clerk stated we should see the agreement for the December meeting.

New Business:

Vacant/Abandoned Properties Ordinance: The Committee reviewed the draft ordinance for Vacant/Abandoned Properties. Committeeman Harper suggested the wording for the fines state “up to \$1,500”. Mayor MacDonald suggested wording in the Ordinance allowing for accessibility of the premises by Township Officials. Michael Hanifan, Township Attorney, discussed an ordinance prepared by Belmar referred to as the “Animal House Ordinance” and how it could be incorporated into our ordinance. Mr. Hanifan asked the Committee to review the draft and offer any comments for the December meeting.

Request County Car Parking: Mrs. Veronica Copp, employed by Sussex County Department of Health and Human Services, Division of Health as a town inspector, recently purchased a house in Sandyston Township and requested to park her County car at the municipal building. The Clerk stated currently we have one county car parked at the municipal building. The Committee asked the Clerk to explain the routine, rules and expectations to Ms. Copp. Committeeman Harper made a motion to approve this request, seconded by Mayor MacDonald and unanimously carried.

Shared Service Agreement – Animal Control Officer: The Committee reviewed the Shared Service Agreement for the Animal Control Officer with Wantage Township. The Clerk explained the agreement is in the amount of \$2,378 and represents 2% increase over 2016. The Clerk stated she has been pleased with the work of the Animal Control Officer. Committeeman Harper made a motion to approve the Shared Service Agreement with Wantage Township, seconded by Mayor MacDonald and unanimously carried.

Application for Site Investigation: Tri-State Steel Fabricators, Inc.: The Committee reviewed the proposal for the Site Investigation HDSRF Grant for Tri-State Steel Fabricators, Inc. Committeeman Harper made a motion to approve the application and submit the application to the Department of Environmental Protection, seconded by Mayor MacDonald and unanimously carried.

Application for Firefighter: J. Thompson: The Committee reviewed the application for firefighter for the Sandyston Township Volunteer Fire Department submitted by Jessica Thompson. The Clerk stated Ms. Thompson was approved at the November fire department meeting. Committeeman Harper made a motion to approve the application, seconded by Mayor MacDonald and unanimously carried.

Resolutions:

**SANDYSTON TOWNSHIP
R-57-2017**

**RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE
REMEDATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC
DEVELOPMENT AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

WHEREAS, the Township of Sandyston has applied for and has been awarded a grant in the amount of up to \$6,468 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for Preliminary Assessment of the Tri-State Steel Fabricator's property.

NOW, THEREFORE, BE IT RESOLVED by Township Committee of the Township of Sandyston that the above referenced grant is hereby accepted and authorizes the Mayor to execute grant documents as an authorized representative thereunder, as the representative for the Township of Sandyston.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

The Committee reviewed **R-57-2017**. Committeeman Harper made a motion to approve **R-57-2017**, seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP
R-58-2017**

**RESOLUTION AWARDING PROPOSAL SUBMITTED BY ADR ENVIRONMENTAL FOR THE
PRELIMINARY ASSESSMENT TO BE PERFORMED AT TRI-STATE STEEL FABRICATORS IN
THROUGH THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND MUNICIPAL GRANT
PROGRAM APPROVED THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

WHEREAS, the Township of Sandyston has applied for and on July 18, 2017 was awarded a grant in the amount of up to \$6,468 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for Preliminary Assessment of the Tri-State Steel Fabricators property; and

WHEREAS, the Preliminary Assessment Grant shall reimburse Sandyston Township 100% of the costs as outlined in the approved application through the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority; and

WHEREAS, ADR ENVIRONMENTAL prepared a proposal through the application in the amount of \$5,867.50 for the scope of services for Preliminary Assessment of the *TRI-STATE STEEL FABRICATORS, INC* and such proposal was accepted by the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority; and

WHEREAS, MICHAEL J. HANIFAN, ESQ., Township Attorney, has prepared a proposal through the application in the amount of \$600 for attorney review of documents relating to the Preliminary Assessment of the *TRI-STATE STEEL FABRICATORS, INC* and such proposal was accepted by the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority.

NOW, THEREFORE IT BE RESOLVED, the Township Committee of the Township of Sandyston hereby approves the proposal submitted by ADR ENVIRONMENTAL in the amount of \$5,867.50 and the proposal submitted by MICHAEL J. HANIFAN, ESQ., in the amount of \$600.00. The Township Committee hereby authorizes the Mayor and Municipal Clerk to execute the agreement with ADR ENVIRONMENTAL with regard

to the Preliminary Assessment for *TRI-STATE STEEL FABRICATORS, INC.* Please be advised, **MICHAEL J. HANIFAN, ESQ.**, is appointed through a professional services contract.

The Committee reviewed **R-58-2017**. Mayor MacDonald made a motion to approve **R-58-2017**, seconded by Committeeman Harper and unanimously carried.

SANDYSTON TOWNSHIP RESOLUTION
R-59-2017
A RESOLUTION FOR THE RENEWAL OF LIQUOR LICENSES

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

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

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

WHEREAS, all fees have been paid by Licensee; and

WHEREAS, Clearance Certificate(s) for Renewal are in the possession of the Municipal Clerk for the retail alcoholic beverage license holder listed below for the **7/2016 – 6/2017 term**.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that the following applications be approved for renewal for 2017-2018 licensing term:

NAME	LICENSE #	TRADING AS
3 Cheers, LLC	1917-33-001-008	

The Committee reviewed **R-59-2017**. The Clerk pointed out this is tax clearance for the 2016-2017 licensing term, and tax clearance has not been received for the 2017-2018 term to date and the license is currently inactive. Committeeman Harper made a motion to approve **R-59-2017**, seconded by Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP
R-60-2017
RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS
40A:4-87

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

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

WHEREAS, Sandyston Township received a Stafford Act (FEMA) CWPP Phase II grant reimbursement in the amount of \$5,000.00 for the assessment, review & implementation of a Community Wildfire Protection Plan, and

WHEREAS, the Township Committee of the Township of Sandyston in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue under the caption **CWPP Phase II Grant** in the budget of the year 2017 in the sum of \$5,000.00, which is now available from the State Hazard Mitigation Plan under the Stafford Act; and

WHEREAS, the Township Committee of the Township of Sandyston in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to also approve an item of appropriation in the amount of \$5,000.00 under the caption **CWPP Phase II Grant** in the budget of the year 2017 in the sum of \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$5,000.00 shall be added to the item of revenue under the caption **CWPP Phase II Grant** and added to the item of appropriation for the equal amount under the same title in the 2017 Sandyston Township Municipal Budget for the assessment, review & implementation of a Community Wildfire Protection Plan.

Revenue Title: CWPP Phase II Grant **Amount: \$5,000.00**

Appropriation Title: CWPP Phase II Grant **Amount: \$5,000.00**

The Committee reviewed **R-60-2017**. The Clerk explained this \$5,000 grant has been received and this Chapter 159 Resolution must be approved by the Director of the Division of Local Government Services so the Township can add this line item to the Township Budget and forward the funds to the fire department. Committeeman Harper made a motion to approve **R-60-2017**, seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP
R-61-2017
RESOLUTION TO HIRE CODE ENFORCEMENT OFFICIAL
EFFECTIVE NOVEMBER 14, 2017**

WHEREAS, William Paterson has tenured his resignation with Sandyston Township 10/31/2017; and

WHEREAS, the Township of Sandyston is in need of a Code Enforcement Official; and

WHEREAS, said Code Enforcement Official shall be paid a minimum of one hour per week at \$30.00; and

WHEREAS, said Code Enforcement Official shall be paid \$30.00 per hour for each hour required to work on an as needed basis per week; and

WHEREAS, the Code Enforcement Official shall be enrolled in the proper pension system, if applicable; and

WHEREAS, the Code Enforcement Official is a part-time position and, therefore, is not entitled to health insurance benefits.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey that Michael Johnson be hired as a Code Enforcement Official, paid a minimum of one hour per week at \$30.00 and \$30.00 per hour for each additional hour required to work on an as needed basis per week.

BE IT FURTHER RESOLVED, Michael Johnson shall be enrolled in the proper pension system, if applicable. Be advised, the Code Enforcement Official is a part-time position and, therefore, is not entitled to health insurance benefits.

The Committee reviewed **R-61-2017**. Committeeman Harper made a motion to approve **R-61-2017**, seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP
R-62-2017**

RESOLUTION – AGREEMENT: SHARED SERVICES – BEWEEN TOWNSHIP OF WANTAGE AND THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY FOR THE SERVICES OF ANIMAL CONTROL OFFICER

Be it and it is hereby resolved by the Sandyston Township Committee that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township Committee of the Township of Sandyston the following shared service agreement with the Township of Wantage as permitted by N.J.S.A. 40:8A-6, et seq.: for the services of Animal Control Officer from January 1, 2018 to December 31, 2018.

The Committee reviewed **R-62-2017**. Committeeman Harper made a motion to approve **R-62-2017**, seconded by Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP

R-63-2017

STATEWIDE INSURANCE FUND

RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, Township of Sandyston (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Sandyston (Local Unit) that Amanda F. Lobban, RMC (entity's elected official or employee) is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2018**; and

BE IT FURTHER RESOLVED that Fred MacDonald (second elected official or employee) is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2018**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Township of Sandyston

The Committee reviewed **R-63-2017**. Committeeman Harper made a motion to approve **R-63-2017**, seconded by Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP

R-64-2017

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, THE TOWNSHIP OF SANDYSTON (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of SUSSEX and State of New Jersey, as follows:

1. TOWNSHIP COMMITTEE OF SANDYSTON TOWNSHIP (Local Unit) hereby appoints THE MORVILLE AGENCY, A DIVISION OF GALLAGHER BOLLINGER its Risk Management Consultant. ARTHUR J. GALLAGHER & CO.
2. The MAYOR OF SANDYSTON TOWNSHIP (authorized representative of the public entity) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2018 in the form attached hereto.

Name of Entity: SANDYSTON TOWNSHIP,

2018 FUND YEAR
STATEWIDE INSURANCE FUND

RISK MANAGEMENT CONSULTANT'S AGREEMENT

THIS AGREEMENT entered into this 14TH day of NOVEMBER 2017, among the Statewide Insurance Fund ("FUND"), a joint insurance fund of the State of New Jersey, TOWNSHIP OF SANDYSTON ("MEMBER") and The Morville Agency a Division of Gallagher Bollinger, Arthur J. ("RISK MANAGEMENT CONSULTANT") through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4. Gallagher & Co.

WHEREAS, the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and

WHEREAS, the CONSULTANT has advised the FUND that he/she is familiar with the terms, conditions and operations of the FUND; and

WHEREAS, the MEMBER desires these professional services from the CONSULTANT;
and

WHEREAS, the MEMBER has complied with relevant law in regard to the appointment of a Risk Management Consultant; and

WHEREAS, the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein.

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - (a) assist in evaluating the MEMBER'S exposures and advise on matters relating to the Member's operation and coverage.
 - (b) explain to the MEMBER, or its representatives, the various coverages available from the FUND.
 - (c) explain to the MEMBER, or its representatives, the terms of the member's commitment and obligations to the FUND.
 - (d) explain to the MEMBER, or its representatives the operation of the FUND.
 - (e) prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND.
 - (f) review the MEMBER'S assessment and assist in the preparation of the MEMBER'S insurance budget.
 - (g) review losses and engineering reports and provide assistance to the MEMBER'S safety committee, if required.
 - (h) assist in the claims settlement process, if required, by MEMBER or FUND.
 - (i) attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by the MEMBER or the FUND.
 - (j) comply with the obligations imposed upon Risk Managers in the FUND's Bylaws.
 - (k) act in good faith and fair dealing to the FUND.
 - (l) perform other duties for the FUND as may be required from time to time by the FUND.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:
 - (a) The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER's assessment: 6% of workers' compensation (excluding any fees, PLIGA, and loss ratio apportionment); 7.5% of non WC assessment (excluding any fees, PLIGA, and loss ratio apportionment);
 - (b) The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.
 - (c) For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee set forth in 2(a).
 - (d) If the MEMBER shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the MEMBER a fee at a rate to be negotiated by the parties.
3. The term of this Agreement shall be from **January 1, 2018 to January 1, 2019**. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.
4. The CONSULTANT shall comply with all laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.
5. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement.

The Committee reviewed **R-64-2017**. Committeeman Harper made a motion to approve **R-64-2017**, seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP
R-65-2017
A RESOLUTION TO REDEEM TAX SALE CERTIFICATE 2015-002**

WHEREAS, Jessica M. Caruso, Tax Collector, has received \$11,423.32 for the redemption of Tax Sale Certificate 2015-002 on Block 904 Lot 3 and is requesting that \$11,423.32 plus a premium in the amount of \$6,600.00 which was paid at the tax sale and the Township is holding for a total of \$18,023.32 be refunded to the lien holder, US Bank Cust for PC 4 Firstrust Bank 50 South 16th Street – 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 \$11,423.32 for the redemption of Tax Sale Certificate 2015-002 plus a premium in the amount of \$6,600.00 which was paid at the tax sale for a total of \$18,023.32 on Block 904 Lot 3 to the lien holder, US Bank Cust for PC 4 Firstrust Bank 50 South 16th Street – Suite 2050 Philadelphia, PA 19102.

The Committee reviewed **R-65-2017**. Mayor MacDonald made a motion to approve **R-65-2017**, seconded by Deputy Mayor Hull and unanimously carried.

**SANDYSTON TOWNSHIP RESOLUTION
R-66-2017
A RESOLUTION TO REDEEM TAX SALE CERTIFICATE 2015-004**

WHEREAS, Jessica M. Caruso, Tax Collector, has received \$12,853.91 from Sharon & Tom Yarosz for the redemption of Tax Sale Certificate 2015-004 on Block 905 Lot 1 and is requesting that \$12,853.91 be refunded to the lien holder, Rustic Ridge Holdings, LLC 60 Deer Trail Lake Rd. Stockholm, NJ 07460.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey to authorize the Tax Collector to refund \$12,853.91 for the redemption of Tax Sale Certificate 2015-004 on Block 905 Lot 1 to the lien holder Rustic Ridge Holdings, LLC 60 Deer Trail Lake Rd. Stockholm, NJ 07460.

The Committee reviewed **R-66-2017**. Mayor MacDonald made a motion to approve **R-66-2017**, seconded by Deputy Mayor Hull and unanimously carried.

Ordinances:

**SANDYSTON TOWNSHIP
ORDINANCE #2017-04
AN ORDINANCE TO AMEND CHAPTER 45 ENTITLED
“Building Construction”
AND AMEND CHAPTER 69 ENTITLED “Fees”
OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF SANDYSTON,
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that Chapter 45 of the Revised General Ordinances of the Township of Sandyston being entitled “Construction Code, Uniform” shall be and is hereby amended to read as follows:

Section 1. Section 45-6 “Reserved” is hereby titled “Fees” and amended to read as follows:

45-6 FEES

General:

1. The fee for plan review, computed as a percentage of the construction permit, shall be paid at the time of permit issue. The amount of this fee shall then be deducted from the permit fee due for a construction permit. Plan review fees shall not be refundable.

2. The fee to be charged for a construction permit will be the sum of the basic construction fee and all sub-code fees and any special fees. This fee shall be paid before the permit is issued.
3. The fee for a Certificate of Occupancy shall be paid before a Certificate is issued.
4. All fees shall be rounded off to the nearest dollar.

45-6.1 Building Sub-Code Fee:

Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount \$0.038 per cubic foot of volume for buildings and structures of all use groups; except that the fee shall be \$0.021 per cubic foot of volume for use groups A-1, A-2, A-3, A-4, E, F-1, F-2, S-1 and S-2 and the fee shall be \$0.0011 per cubic foot for structures on farms, including commercial farm buildings under N.J.A.C.5:23-3.2(d), used exclusively for the storage of food or grain, or the sheltering of livestock, with minimum of \$60.00 and a maximum on farms not to exceed \$1,602.00.

- (a) For the purposes of calculating the volume to determine the fee for large, open-volume, single story spaces in buildings, such as barns, silos, greenhouses, warehouses, distribution centers and other agricultural and storage-use occupancies, the height shall be limited to 20 feet notwithstanding the fact that the actual height of the space may be greater than 20 feet.
- (b) Fees for renovations, alternations and repairs or site construction associated with pre-engineered systems of commercial farm buildings, pre-manufactured construction, and the external utility connection for pre-manufactured construction shall be based upon the estimated cost of the work. The fee shall be in the amount of \$30.00 per \$1,000.00 up to \$50,000.00. From \$50,001 to and including \$100,000.00 the additional fee shall be in the amount of \$23.00 per \$1,000.00 of estimated cost above \$50,000.00. Above \$100,000.00 the additional fee shall be in the amount of \$19.00 per \$1,000.00 of estimated cost above \$100,000.00. For the purpose of determining estimated cost the applicant shall submit to the Construction Official such cost data as may be available produced by the architect or engineer of record, or by a recognized estimating firm or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The construction official shall make the final decision regarding estimated cost. The minimum fee shall be \$60.00.
- (c) Fees for additions shall be computed on the same basis as for new construction for the added portion.
- (d) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with items (b) and (c) above. The minimum fee shall be \$60.00.
- (e) The fee for an above ground swimming pool shall be \$140.00 for a pool with a surface area greater than 550 square feet. The fee for an in-ground pool shall be \$210.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$106.00.
- (f) The fee for tents, in excess of 900 Sq. Ft. or more than 30 Ft. in any dimension, shall be \$129.00
- (g) The fee for roofing and siding work is use group R-3 and R-5 shall be \$65.00.
- (h) The fee for demolition or removal permit shall be \$82.00 for a structure less than 5,000 Sq. Ft. in area and less than 30 Ft. in height and structures used for farm uses. All other structures will be \$151.00.
- (i) Fees for signs shall be \$3.75 per Sq. Ft. computed for one side only.
- (j) The fee for fences more than six feet high shall be \$50.00.

- (k) The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$210.00.
- (l) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$106.00.
- (m) The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of construction.

45-6.2 Plumbing Sub-Code Fee:

Plumbing Sub Code Fees. The following fees shall be based on the number of plumbing fixtures, devices, plumbing stack and utility connections to be installed. Utility service connections include sewer and water service connections. The fee shall be a unit rate per fixture, stack and utility connection as follows: Minimum Fee Permit shall be \$60.00.

Water Closet	\$15.00	Hot Water Boiler	\$91.00
Bidet/Urinal	\$15.00	Sewer Pump	\$91.00
Bath Tub	\$15.00	Interceptor/Separator	\$91.00
Lavatory	\$15.00	Commercial Backflow Preventer	\$91.00
Shower	\$15.00	Residential Backflow Preventer	\$15.00
Floor Drain	\$15.00	Grease Trap	\$91.00
Residential A/C	\$15.00	Fuel Oil Piping	\$91.00
Dishwasher	\$15.00	Sewer Connection	\$91.00
Drinking Fountain	\$15.00	Water Service Conn.	\$91.00
Washing Machine	\$15.00	Steam Boiler	\$91.00
Hose Bibb	\$15.00	Gas piping	\$91.00
Stacks	\$15.00		
Water Heater	\$15.00		

45-6.3 Electrical Sub-Code Fee:

Electrical Sub Code Fees. The electrical sub code fee shall be based upon the number of electrical fixtures and devices to be installed. The fee shall be a unit rate per fixture and device as described below. Minimum permit fee shall be \$60.00.

Fixtures/Devices

1 to 50 Receptacles, fixtures, Switches	\$50.00
Increments of 25	\$9.00

For the purpose of calculating this fee, the term receptacles shall include:

Lighting Outlets	Smoke Detectors	Heat Detectors
Fluorescent Fixtures	Pool Bonding	Burglar Alarm Devices
Intercom Devices	Thermostats	Telephone Outlets
CRT Outlets	Light Standards	Exit Lights
Motors of Equipment rated less than 1 HP		

Motors

Greater than 1 HP or less than or equal to 10 HP	\$ 15.00
Greater than 10 HP of less than or equal to 50 HP	\$ 65.00
Greater than 50 HP or less than or equal to 100 HP	\$116.00
Greater than 100 HP	\$576.00

Electrical Devices including Transformers and Generators

Greater than 1 KW or less than or equal to 10 KW	\$15.00
Greater than 10 KW or less than or equal to 45 KW	\$65.00
Greater than 45 KW or less than or equal to 112.5 KW	\$116.00
Greater than 112.5 KW	\$576.00

For the purpose of computing this fee, typical electric devices are listed below.

Electric Dryer	5.0 KW	\$15.00
Electric Range	8.0 KW	\$15.00
Electric Oven	5.7 KW	\$15.00
Surface Units	7.1 KW	\$15.00
Hot Water Heaters	4.5 KW	\$15.00
Central Air Conditioner	10.8 KW	\$65.00
Dishwasher	1.2 KW	\$15.00

Service Equipment including Service Entrance, Service Panels and Sub-Panels

Greater than 0 Amp less than or equal to 200 Amp	\$65.00
Greater than 200 Amp or equal to 1,000 Amp	\$129.00
Greater than 1,000 Amp	\$640.00

Photovoltaic

1. 0 to 50 KW shall be	\$65.00
2. 51 to 100KW shall be	\$129.00
3. Above 100KW shall be	\$640.00

45-6.4 Fire Protection Sub-Code Fee:

Fire Protection Sub Code Fees. These shall be fees for Fire Protection and other hazardous equipment: sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas and oil-fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums: The minimum fee for the Fire Sub-Code shall be \$60.00.

- The fee for 20 or fewer heads or detectors shall be \$91.00.
- 21 to and including 100 heads or detectors the fee shall be \$168.00.
- 101 to and including 200 heads or detectors, the fee shall be \$321.00.
- 201 to and including 400 heads or detectors, the fee shall be \$831.00.
- 401 to and including 1,000 heads or detectors, the fee shall be \$1,150.00.
- Over 1,000 heads or detectors the fee shall be \$1,469.00.
- The fee for each standpipe shall be \$321.00.
- The fee for each independent pre-engineered system shall be \$129.00.
- The fee for each gas or oil-fired appliance which is not connected to the plumbing system shall be \$65.00.
- The fee for each kitchen exhaust system shall be \$65.00.
- The fee for each incinerator shall be \$511.00.
- The fee for each crematorium shall be \$511.00.
- The fee for each solid fuel heating devise shall be \$60.00.
- The fee for metal chimney or liner shall be \$60.00
- The fee for a storage tank (underground or above ground) up to 1,000 gallons shall be \$60.00.
- The fee for a storage tank (underground or above ground) for 1,001 to 4,000 gallons shall be \$80.00.
- The fee for a storage tank (underground or above ground) over 4,000 gallons shall be \$120.00.

45-6.5 Elevator Sub-Code Fee:

The Elevator Sub Code fees shall be established by the New Jersey Department of Community Affairs in accordance with N.J.A.C. 5:23-4.20.

45-6.6 Certificates and Other Fees:

- (a) The fee for a Certificate of Occupancy shall be \$90.00.
- (b) Certificate Fee for Buildings of Use Group U shall be \$35.00.
- (c) Multiple Certificate of Occupancy fee shall be \$90.00 per Unit.
- (d) The fee for a Continued Certificate of Occupancy fee shall be \$90.00 per Unit.
- (e) The fee for a Certificate of Occupancy pursuant to change of use shall be \$250.00.
- (f) The Certificate fee for asbestos hazard abatement shall be \$25.00.
- (g) The fee for Asbestos hazard abatement shall be \$70.00.
- (h) The fee for lead Hazard Abatement shall be \$196.00.
- (i) The fee for a Certificate of Clearance shall be \$28.00.
- (j) The fee for change of contractor shall be \$20.00 per Sub code.
- (k) Periodic Inspections: Fees for the periodic reinspection of equipment and facilities granted a certificate of approval for a specified duration in accordance with N.J.A.C. 5:23-2.23 shall be as follows:
 - 1. For elevators, escalators and moving walks requiring reinspections every six months, the fee shall be as per N.J.A.C. 5:23-4.20 8.
 - 2. The fees for cross connections and backflow preventers that are subject to testing, requiring reinspection annually the fee shall be \$50.00 for each device.
- (l) The fee for a mechanical inspection in a structure of use group R-3 or R-5 by a mechanical inspector shall be \$60.00 for the first device and \$15.00 for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections, including the bonding conductor (jumper) associated with the mechanical equipment inspected.

45-6.7 Annual Permits:

The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility, and who are primarily engaged in work that is governed by a sub-code. Managers, engineers and clerical shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building/fire protection, electrical and plumbing.

45-6.8 Variation Application

The fee for an application for variation in accordance with N.J.A.C. 5:23-2.10 shall be \$423.00 for Class I structures and \$85.00 for Class II and Class III structures. The fees for resubmission of an application for a variation shall be \$163.00 for Class I structures and \$46.00 for Class II and Class III structures.

All provisions of Chapter 45 not amended hereby shall remain in full force and effect. This Ordinance shall take effect after publication and passage according to law.

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 2017-04**. Committeeman Harper made a motion to approve the Introduction of Ordinance 2017-04, seconded by Deputy Mayor Hull and unanimously carried. **A Roll Call Vote followed:** Ayes: Harper, Hull, MacDonald (3); Nays (0); Absent (0); Abstain (0). Committeeman Harper stated the Public Hearing on this Ordinance would take place on Tuesday, December 12, 2017 at 7:00 pm.

Correspondence: The Committee reviewed the correspondence. The Clerk noted the email received from Centurylink regarding the trimming of vegetation on phone lines within the Township. The Clerk explained the email from Tom Bailey of Centurylink stated they tried to come out and work on areas of concern on Route 206, but were stopped by the State of New Jersey Inspector who advised them they did not have the necessary permits for the activity; however, they are working on obtaining the necessary permits and he will keep us posted on the status. Committeeman Harper stated he will be taking the emails to the New Jersey League of Municipalities to discuss the situation with the Board of Public Utilities. Committeeman Harper also stated he will also have a discussion with the Department of Environmental Protection regarding the draft bill needed for the sale of the properties on Devita Road to Green Acres.

The Clerk also discussed the email received from William Zipse of the New Jersey Forest Service State Lands Management with regard to the Stokes State Forest Stewardship Plan. The Clerk explained we received this information because we are considered a External Stakeholder and they wished for us to review the documents provided. The Clerk suggested contacting Mr. Zipse and discussing the condition of Flatbrook Road, currently maintained by Stokes State Forest, and ask for them to incorporate the maintenance into their plan.

The Clerk noted the request received from Blue Ridge Rescue Squad received several months ago for an additional donation, which the Committee at the time suggested waiting until the end of the year. The Committee discussed this request and a motion was made by Mayor MacDonald to donate an additional \$1,000 to Blue Ridge Rescue Squad, seconded by Committeeman Harper and unanimously carried.

The Clerk requested the Committee to determine the date for the Reorganization Meeting for January and decided Tuesday, January 2, 2018 at 9:00 am. A resolution will be prepared for the next meeting.

Open Meeting To Floor:

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

There being no comment from the floor, Mayor MacDonald made a motion to close the meeting to the public, seconded by Deputy Mayor Hull and unanimously carried.

Executive Session:

Mayor MacDonald made a motion to go into Executive Session at 9:38 am, seconded by Deputy Mayor Hull and unanimously carried.

**Township of Sandyston
Resolution Authorizing Executive Session**

WHEREAS, Section 8 of the Open Public Meetings Act, P.L. 1975 Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

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

- a. Pursuant to the Open Public Meetings Act N.J.S.A. 10:4012(b) the public shall be excluded from discussion of an action upon the hereinafter specified subject matter(s):

Matters relating to litigation, negotiation, and the attorney/client privilege:

Mid-American Salt, LLC v. Sandyston Township, et als

AND BE IT FURTHER RESOLVED, it is anticipated that the deliberation conducted in closed session may be disclosed to the public upon the determination of the Sandyston Township Committee that the public interest will no longer be served by such confidentiality and if not then legally privileged. This Resolution shall take effect immediately.

Mayor MacDonald made a motion to exit Executive Session at 9:45 am, seconded Deputy Mayor Hull and unanimously carried.

Committeeman Harper made a motion to authorize Michael Hanifan, Esq., Township Attorney, to attempt to settle the Mid-American Salt, LLC v. Sandyston Township, et als lawsuit, seconded by Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP

R-67-2017

RESOLUTION AUTHORIZING SANDYSTON TOWNSHIP TO WITHDRAW FROM THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL AGREEMENT

WHEREAS, On June 14th, 2016, Sandyston Township entered into an agreement with the Morris County Cooperative Pricing Council for the purchase of work, materials and supplies; and

WHEREAS, said agreement is in effect from October 1, 2016 to September 30, 2021; and

WHEREAS, the purpose of entering the agreement was to provide a substantial savings on various goods and services through the cooperative public bidding process; and

WHEREAS, due to recent case law and litigation surrounding public bidding for the cooperative purchase of salt, this agreement has cost Sandyston Township considerable costs on legal fees with regard to the litigation which outweighs any savings Sandyston Township would realize through this agreement.

NOW, THEREFORE BE IT RESOLVED, the Township Committee of the Township of Sandyston hereby withdraws from their membership in the Morris County Cooperative Pricing Council effective immediately. The Township Committee hereby authorizes the Mayor and Municipal Clerk to execute the necessary documents to facilitate such withdraw from this agreement.

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Morris County Cooperative Pricing Council, 502 Millbrook Avenue, Randolph, NJ 07869-3799.

The Committee reviewed **R-67-2017**. Committeeman Harper made a motion to approve **R-67-2017**, seconded by Deputy Mayor Hull and unanimously carried.

Committeeman Harper made a motion to authorize the Clerk to contact Lynda Knott of Stillwater Township to explore the possibility of a shared service agreement for the services of a Qualified Purchasing Agent, seconded by Deputy Mayor Hull and unanimously carried.

Committeeman Harper made a motion for the Clerk to pursue taking classes for the Qualified Purchasing Agent certification, seconded by Mayor MacDonald and unanimously carried

Upon a request from Mr. Horsfield, Mayor MacDonald opened the meeting to the public, seconded by Deputy Mayor Hull and unanimously carried.

Mr. Thomas Horsfield, 6 Route 645, came forward and asked for an explanation of the litigation with Mid-American Salt. Michael Hanifan, Township Attorney, explained that due to litigation the Committee is unable to make a comment, but briefly explained a lawsuit was filed by Mid-American Salt LLC who filed a federal lawsuit against several municipalities regarding purchasing of salt through the Morris County Cooperative Pricing Council.

There being no further comment from the public, Mayor MacDonald made a motion to close the meeting to the public, seconded by Committeeman Harper and unanimously carried.

Please be advised, there is no audio recording of this meeting due to a malfunction of the recorder.

Upcoming events:

Regular Township Meeting:	Tuesday, December 12, 2017 at 7:00 pm
Planning Board Regular:	Monday, December 4, 2017 at 7:00 pm
Seniors Meeting/Lunch	Tuesday, December 5, 2017 @ Carriage House
Recreation Meeting:	Tuesday, November 28, 2017 at 6:30 pm
Walpack Wilderness Challenge:	Cancelled 2017/Will Return in 2018
Gobble Hobble 5K:	Thursday, November 23, 2017
Santa Parade STVFD:	Saturday, December 2, 2017
Sandyston Recreation Breakfast w/Santa	Sunday, December 10, 2017

Adjournment: Committeeman Harper made a motion to adjourn the meeting at 9:55 am, seconded by Mayor MacDonald and unanimously carried.

Respectfully submitted,



Amanda F. Lobban, RMC
Municipal Clerk