

Sandyston Township

Minutes

November 18, 2014

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

Roll Call

The clerk was asked to call the roll. Present were: Committeeman George B. Harper, Jr., Deputy Mayor William Leppert and Mayor Fred MacDonald

Also in attendance: Erik Marra, David Sharp, Richard Boscarino, Roy McClain, Lou Frato, Greg Watry, Patte H. Frato, Betsy Pinzone, Steve Williamson, Val Cerny

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

Minutes: The Committee reviewed the regular meeting minutes of **October 14, 2014**. Committeeman Harper made a motion to approve the **October 14, 2014** minutes, seconded by Deputy Mayor Leppert and unanimously carried.

Tax Collector Report: The Tax Collector's report for the month of **October 2014** was presented with total receipts Month-To-Date of \$244,827.54 and a Year-To-Date total of \$4,462,854.92. Mayor MacDonald made a motion to approve the Tax Collector's Report, seconded by Committeeman Harper and unanimously carried.

Treasurer's Report: The Treasurer's Report for the month of **October 2014** was presented with a beginning balance of \$929,538.74, total receipts of \$376,419.04, and total disbursements of \$872,291.28 leaving an ending balance of \$433,666.50. Mayor MacDonald read the following balances: General Capital Account \$145,181.95, Animal Control Escrow \$43,412.98, Public Assist Escrow \$3,528.37, Unemployment Escrow \$23,644.06, COAH Trust \$32,279.30, Security Asst. Fund \$18,550.26 and the Small Cities Master \$4,766.90. Mayor MacDonald made a motion to approve the Treasurer's Report, seconded by Deputy Mayor Leppert and unanimously carried.

Payment of Vouchers: The bills list for the month **October 2014** was submitted for approval. The Committee noted the legal bills and the bill submitted for ongoing revaluation of Sandyston Township. Deputy Mayor Leppert made a motion to approve the bills list for the month of **October 2014** in the amount of \$477,456.88 seconded by Committeeman Harper and unanimously carried.

Departmental Reports: The Committee reviewed the departmental reports. Deputy Mayor Leppert made a motion to approve the road department utilizing the Morris County Co-Op for purchasing Rock Salt (Contract #3) and Snow Grits (Contract #4), seconded by Committeeman Harper and unanimously carried. Committeeman Harper asked Mr. McClain about the rock salt shortage. Mr. McClain noted surrounding municipalities have been experiencing problems and that he is working on getting a salt delivery.

Old Business:

Performance Bond/Block 1105 Lot 14: Committeeman Harper stated that our attorney sent Mr. Shi's attorney a letter regarding the Performance Bond.

Status: In Rem Foreclosure: The Clerk stated the current In Rem Foreclosure has gone back to advertisement as the previous advertisement did not list the married name of the owner (Winar). The Clerk stated the Title Company recommended readvertisement showing the married name. The Clerk stated that advertisement will be done and posted until December 5, 2014, after which time our attorney will prepare the In Rem to be filed with the Court for final judgment.

Outdoor Entertainment Ordinance: This matter will be discussed at a later date.

CR 560 Streetscape Improvements – Phase II & Phase III

- **Phase II** - Mayor MacDonald stated we have received a request from Harold E. Pellow to accept this project as final. Deputy Mayor Leppert noted there is a Resolution on the agenda for consideration.
- **Phase III** - The Clerk stated the plans for Phase III have been sent to the State for approval and Harold E. Pellow has asked for an extension.

New Business:

Struble Road – Speeding Concerns: Committeeman Harper stated several residents on Struble Road have requested speed bumps. Committeeman Harper stated we have received information from our engineer and insurance agent on speed bumps and speed humps. Committeeman Harper suggested researching speed humps and speed humps and invite the residents of Struble Road to come to an upcoming meeting to express their concerns regarding the speeding on Struble Road. Committeeman Harper made a motion to ask our engineer what is possible for Sandyston Township, seconded by Deputy Mayor Leppert and unanimously carried.

Risk Management Consultant’s Agreement 2015 Fund Year Statewide Insurance Fund:

Committeeman Harper made a motion to approve the Risk Management Consultant’s Agreement, seconded by Mayor MacDonald and unanimously carried.

Truck Washing Shared Service with Hampton Township: The Committee reviewed this Shared Service (renewal) and discussed with Mr. McClain. Deputy Mayor Leppert made a motion to approve the Truck Washing Shared Service Agreement with Hampton, seconded by Mayor MacDonald and unanimously carried.

Animal Control Officer Shared Service with Wantage Township: The Committee discussed the Shared Service (renewal) for Animal Control Officer with Wantage Township. Committeeman Harper noted the funds in the Animal Control Trust Account. Committeeman Harper made a motion to approve the Animal Control Shared Service and review the funds in the trust account, seconded by Mayor MacDonald and unanimously carried.

Use of Building Request: The Committee reviewed a request by Top O’ Jersey Beef Club to use the meeting hall to assemble wreaths on Saturday, November 22, 2014 from 6:00 pm – 9:00 pm. Committeeman Harper made a motion to approve this use, seconded by Deputy Mayor Leppert and unanimously carried.

Use of Building Request: The Committee reviewed a request by Sandyston Recreation to use the meeting hall on Sunday, December 14, 2014 for Santa Breakfast from 7:00 am to 12:30 pm. Mayor MacDonald made a motion to approve this use, seconded by Deputy Mayor Leppert and unanimously carried.

Use of Building Request: The Committee reviewed a request by Sandyston Township Historical Society to use the meeting hall on Sunday, December 28, 2014 from 1:00 pm to 4:00 pm for a program. Mayor MacDonald made a motion to approve this use, seconded by Committeeman Harper and unanimously carried.

Resolutions:

SANDYSTON TOWNSHIP

R-64-2014

**RESOLUTION APPOINTING FUND COMMISSIONER
WITH STATEWIDE INSURANCE FUND**

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 that **Amanda F. Lobban** is hereby appointed as the Fund Commissioner for the Local Unit for the year 2015; and

BE IT FURTHER RESOLVED that **William Leppert** is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2015; 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.

The Committee reviewed R-64-2014. Mayor MacDonald made a motion to approve R-64-2014, seconded by Committeeman Harper and unanimously carried.

SANDYSTON TOWNSHIP

R-65-2014

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, 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 Township Committee of the Township of Sandyston, in the County of Sussex and State of New Jersey, as follows:

1. **Township Committee of the Township of Sandyston** hereby appoints **The Morville Agency, a division of Gallagher Bollinger, Arthur J. Gallagher & Co.** its local Risk Management Consultant.
2. The **Mayor of the Township of Sandyston** (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2014 in the form attached hereto.

The Committee reviewed **R-65-2014**. Mayor MacDonald made a motion to approve **R-65-2014**, seconded by Committeeman Harper and unanimously carried.

SANDYSTON TOWNSHIP

R-66-2014

A RESOLUTION FOR THE MAYOR TO SIGN RISK MANAGEMENT CONSULTANT'S AGREEMENT

WHEREAS, the Township Committee of the Township of Sandyston has read the **RISK MANAGEMENT CONSULTANT'S AGREEMENT**; and

WHEREAS, said agreement entered into this 18th day of November, 2014, among the Statewide Insurance Fund ("FUND"), a joint insurance fund of the State of New Jersey, the Township of Sandyston ("MEMBER") and The Morville Agency, a division of Gallagher Bollinger, Arthur J Gallagher & Co. ("CONSULTANT") through a fair and open process, pursuant to N.J.S.A.19:44A-20.4; and

WHEREAS, the term of this Agreement shall be from **January 1, 2015 to January 1, 2016**. 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.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Sandyston approves the Risk Management Consultant's Agreement hereby authorizes the Mayor to execute on behalf of the Township Committee of the Township of Sandyston said Risk Management Consultant's Agreement.

The Committee reviewed **R-66-2014**. Mayor MacDonald made a motion to approve **R-66-2014**, seconded by Committeeman Harper and unanimously carried.

SANDYSTON TOWNSHIP

R-67-2014

**RESOLUTION – AGREEMENT: SHARED SERVICES – TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY
TO UTILIZE THE VEHICLE WASHING EQUIPMENT OF THE HAMPTON TOWNSHIP PUBLIC WORKS DEPARTMENT**

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 services agreement with the Township of Hampton as permitted by N.J.S.A. 4-8:A-1, et seq.: for the utilization of the Vehicle Washing Equipment of the Hampton Township Public Works Department from November 1, 2014 to November 1, 2015.

The Committee reviewed **R-67-2014**. Mayor MacDonald made a motion to approve **R-67-2014**, seconded by Deputy Mayor Leppert and unanimously carried.

SANDYSTON TOWNSHIP

R-68-2014

RESOLUTION – AGREEMENT: SHARED SERVICES – BETWEEN 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 services 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, 2015 to December 31, 2015.

The Committee reviewed **R-68-2014**. Mayor MacDonald made a motion to approve **R-68-2014**, seconded by Deputy Mayor Leppert and unanimously carried.

SANDYSTON TOWNSHIP

R-69-2014

A RESOLUTION PROVIDING FOR THE PURCHASE OF ROAD SALT AND ROAD GRITS FOR THE TOWNSHIP OF SANDYSTON

WHEREAS, the County of Sussex advertised and received bids for rock salt and snow grits; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities within the County of Sussex through a State regulated County Contract Purchasing System; and

WHEREAS, the following vendor was awarded a contract for **rock salt** through the County Contract Purchasing System and the vendor has extended their pricing to municipalities, thereby affording the Township of Sandyston the opportunity of direct purchase without competitive bidding:

**Morton Salt, Inc.
123 North Wacker Drive
Chicago, IL 60606**

WHEREAS, the manufacturer has been awarded the County Contract at the price of **\$65.47** per tonnage of rock salt, with such price good through **May 31, 2015**; and

WHEREAS, the following vendor was awarded a contract for **snow grits** through the County Contract Purchasing System and the vendor has extended their pricing to municipalities, thereby affording the Township of Sandyston the opportunity of direct purchase without competitive bidding:

**North Church Gravel, Inc.
216 North Church Road
Franklin, NJ 07416**

WHEREAS, the manufacturer has been awarded the County Contract at the price of **\$9.20** per tonnage of road salt, with such price good through **May 31, 2015**; and

WHEREAS, the following vendor was awarded a contract for **snow grits** through the County Contract Purchasing System and the vendor has extended their pricing to municipalities, thereby affording the Township of Sandyston the opportunity of direct purchase without competitive bidding:

**Beaver Run Farms
300 Beaver Run Road
Lafayette, NJ 07848**

WHEREAS, the manufacturer has been awarded the County Contract at the price of **\$11.00** per tonnage of road salt, with such price good through **May 31, 2015**; and

WHEREAS, the following vendor was awarded a contract for **road grits** through the County Contract Purchasing System and the vendor has extended their pricing to municipalities, thereby affording the Township of Sandyston the opportunity of direct purchase without competitive bidding:

**Eastern Concrete Materials
Aggregates Division
3620 Route 23
Hamburg, NJ 07419**

WHEREAS, the manufacturer has been awarded the County Contract at the price of **\$11.92** per tonnage of road salt, with such price good through **May 31, 2015**; and

WHEREAS, the following vendor was awarded a contract for **snow grits** through the County Contract Purchasing System and the vendor has extended their pricing to municipalities, thereby affording the Township of Sandyston the opportunity of direct purchase without competitive bidding:

**Braen Royalty LLC
217 Limecrest Road
Lafayette, NJ 07848**

WHEREAS, the manufacturer has been awarded the County Contract at the price of **\$12.00** per tonnage of road salt, with such price good through **May 31, 2015**; and

WHEREAS, the following vendor was awarded a contract for **snow grits** through the County Contract Purchasing System and the vendor has extended their pricing to municipalities, thereby affording the Township of Sandyston the opportunity of direct purchase without competitive bidding:

**Braen Aggregates, LLC
280 Cork Hill Road
Franklin, NJ 07416**

WHEREAS, the manufacturer has been awarded the County Contract at the price of **\$12.00** per tonnage of road salt, with such price good through **May 31, 2015**; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of Township of Sandyston does hereby approve the purchase of rock salt from International Salt Company at the Sussex County price of **\$65.47** per ton through **May 31, 2015**; and

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Sandyston does hereby approve the purchase of road grits from North Church Gravel, Inc., at the Sussex County price of **\$9.20** per ton through **May 31, 2015**; and

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Sandyston does hereby approve the purchase of snow grits from Beaver Run Farms, at the Sussex County price of **\$11.00** per ton through **May 31, 2015**; and

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Sandyston does hereby approve the purchase of road grits from Eastern Concrete Materials, at the Sussex County price of **\$11.92** per ton through **May 31, 2015**.

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Sandyston does hereby approve the purchase of road grits from Braen Royalty LLC (Lafayette), at the Sussex County price of **\$12.00** per ton through **May 31, 2015**.

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Sandyston does hereby approve the purchase of road grits from Braen Royalty LLC (Franklin), at the Sussex County price of **\$12.00** per ton through **May 31, 2015**.

The Committee reviewed **R-69-2014**. Deputy Mayor Leppert made a motion to approve **R-69-2014**, seconded by Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP

R-70-2014

RESOLUTION TO APPROVE COMPENSATION FOR AN APPRAISAL OF A PORTION OF PROPERTY ADJACENT TO BLOCK 1203 LOT 25

WHEREAS, on October 14, 2014, the Township of Sandyston retained Gregory N. Devita Appraisal Services to prepare a written appraisal of a portion of property adjacent to Block 1203 Lot 25 for the purpose of establishing a value of the "gore area", which will be used for the installation of a pedestrian sidewalk and which the Township of Sandyston wishes to acquire by eminent domain pursuant to the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.; and

WHEREAS, the acquisition of this "gore area" shall facilitate the Township of Sandyston's efforts to install the pedestrian sidewalk on property adjacent Block 1203 Lot 25 and continuing the sidewalk project for the safety and welfare of the residents of Sandyston Township ; and

NOW, THEREFORE, BE IT RESOLVED the Township Committee of the Township of Sandyston approves payment to be made payable to Gregory N. Devita Appraisal Services in the amount of \$700 for appraisal services rendered to the Township as hereinabove set forth.

The Committee reviewed **R-70-2014**. Deputy Mayor Leppert made a motion to approve **R-70-2014**, seconded by Mayor MacDonald and unanimously carried

TOWNSHIP OF SANDYSTON

R-71-2014

RESOLUTION TO ACCEPT COUNTY ROUTE 560 STREETScape IMPROVEMENT PHASE II PROJECT AS COMPLETE

WHEREAS, on in March 2012, Sandyston Township was advised by the State of New Jersey, Department of Transportation of the award of a DOT Municipal Aid Grant in the amount of \$185,663; and

WHEREAS, the contract for this project was awarded to P.A. Contractors, 105 Davis Avenue, Kearny, New Jersey; and

WHEREAS, an inspection was performed by the State of New Jersey, Department of Transportation on October 9, 2014 and was accepted as final.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey hereby accepts the County Route 560 Streetscape Improvement Phase II Project as complete.

The Committee reviewed **R-71-2014**. Mayor MacDonald made a motion to approve **R-71-2014**, seconded by Deputy Mayor Leppert and unanimously carried.

SANDYSTON TOWNSHIP

R-72-2014

BUDGET TRANSFERS

WHEREAS, it appears certain amounts for specific purposes in the 2014 Municipal Budget have been expended in excess of the respective sums appropriated therefore; and
WHEREAS, there appears to be insufficient funds in certain accounts to meet the demands thereon for the balance of the year; and
WHEREAS, there appears to be sufficient funds in other accounts to meet the demands thereon for the balance of the year.
NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-58 a portion of the surplus in the accounts hereafter mentioned are hereby transferred to the accounts deemed insufficient to meet current demands:

FROM: ENGINEERING	O/E	01-201-20-165-020	\$20,000.00
TO: LEGAL SERVICES	O/E	01-201-20-155-020	\$20,000.00
FROM: PLANNING BOARD	O/E	01-201-21-180-020	\$ 1,200.00
TO: PLANNING BOARD	S/W	01-201-21-180-010	\$ 1,200.00
FROM: MONTAGUE SHD. SVC.	S/W	01-201-22-195-011	\$ 3,800.00
FROM: CONSTRUCTION	O/E	01-201-22-195-020	\$ 9,000.00
FROM: HAMPTON SHD. SVC.	O/E	01-201-22-197-011	\$ 9,700.00
FROM: STREETS & ROADS	S/W	01-201-26-290-010	\$ 5,000.00
TO: CONSTRUCTION	S/W	01-201-31-447-020	\$27,500.00
FROM: BLDGS & GRDS	O/E	01-201-26-310-020	\$ 130.00
TO: BD. OF HEALTH	O/E	01-201-27-330-020	\$ 130.00
FROM: ELECTRICITY	O/E	01-201-31-430-020	\$ 1,800.00
TO: FUEL OIL	O/E	01-201-31-447-020	\$ 1,800.00

The Committee reviewed **R-72-2014**. Deputy Mayor Leppert made a motion to approve **R-72-2014**, seconded by Mayor MacDonald and unanimously carried

Ordinances:

SANDYSTON TOWNSHIP

ORDINANCE 2014-09

ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF SANDYSTON IN ORDER TO REPEAL CHAPTER 98 IN ITS ENTIRETY

WHEREAS, municipalities are empowered to make, amend, repeal and enforce ordinances pursuant to N.J.S.A. 40:48-1, et. seq.; and

WHEREAS, it is the desire of the Township of Sandyston to amend the Township Code in order to repeal Chapter 98 entitled "Licenses and Permits".

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that Chapter 98 of the Township Code entitled "Licenses and Permits" shall and is hereby deleted in its entirety.

BE IT FURTHER ORDAINED that this Ordinance shall become effective after second reading and publication as required by law.

The Committee reviewed **Ordinance 2014-09**. Mayor MacDonald made a motion to open Ordinance **2014-09** to the public, seconded by Deputy Mayor Leppert and unanimously carried. There being no comment from the public, Mayor MacDonald made a motion to close the Ordinance to the public, seconded by Deputy Mayor Leppert and unanimously carried. Deputy Mayor Leppert made a motion to approve Ordinance **2014-09**, seconded by Mayor MacDonald and unanimously carried. **Roll Call Vote followed:** Ayes: Harper, Leppert, MacDonald: Nays 0; Absent 0; Abstain 0

SANDYSTON TOWNSHIP

ORDINANCE 2014-10

AN ORDINANCE TO CREATE A NEW CHAPTER OF THE CODE OF THE TOWNSHIP OF SANDYSTON, NEW JERSEY ENTITLED "VEHICLES, MOTOR DRIVEN"

WHEREAS, municipalities are empowered to make, amend, repeal and enforce Ordinances pursuant to N.J.S.A. 40:48-1 et seq.; and

WHEREAS, it is the intention of the Township Committee to create a new chapter of the Municipal Code of the Township of Sandyston in order to add a chapter for vehicles, motor driven as more specifically set forth in the within Ordinance.

Section 1.

.1 Definitions. As used in this chapter, the following words shall have the following meanings:

"Motor driven vehicles" shall mean, but not be limited to, mini-bikes, trail bicycles, dirt bikes, motor scooters, go-carts, swamp buggies, all-terrain vehicles, including the three and four wheel variety, snowmobiles, as well as any other motor driven vehicle designed primarily for off-road use, regardless of whether it is registered under Title 39, the New Jersey Motor Vehicle Statute, but shall not include vehicles used for farming purposes. The definition of snowmobile and all-terrain vehicle shall also include those terms as defined under N.J.S.A. 39:3C-1.c&e.

.2 Use Regulation. It shall be unlawful to operate any motor driven vehicle of type described in subsection .1 within the Township under the following circumstances:

a. On private property of another without the express permission to do so by the owner or occupant of the property.

b. On any private street or right-of-way.

c. On public grounds within the Township without the express permission or approval of the public authority having charge or control thereof and then only in accordance with such rules and regulations as such public authority may impose.

d. In such manner as to create loud unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

e. In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of any person or the property of any person.

f. Each unlicensed motor-driven or motorized vehicle shall at all times be equipped with a muffler in good working order and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.

.3 Violation by a Minor. Any person under the age of 18 years who shall violate any of the provisions of this section shall be deemed to be a juvenile delinquent and shall be proceeded against as such.

.4 State Statutes. Any motor driven vehicles as defined under subsection .1, operated within the Township shall comply with all relevant provisions of N.J.S.A. 39:3C-1, et seq., including, but not limited to, the registration provisions contained in N.J.S.A. 39:3-3 and the "Unlawful Act" regulations contained in N.J.S.A. 39:3C-19.

.5 Impoundment. Any police officer enforcing this section may impound any motor driven vehicle operated on public or private property in violation of this section or any violation of applicable State law.

In cases involving persons under the age of 18 years old, the vehicle may be returned to the operator's parent or legal guardian upon payment of all costs and fees associated with the impoundment which may include but not be limited to storage fees. In the case of an unregistered vehicle, the vehicle shall be released from impoundment upon proof that the vehicle has been registered and insured under the New Jersey Statutes and upon payment of all fees and costs incurred in the impoundment including, but not limited to, storage fees.

.6 Penalties. For violation of this Section, the maximum penalty, upon conviction, shall be a fine not exceeding one thousand two hundred fifty (\$1,250.00) dollars, or imprisonment for a period not exceeding 90 days, or both. In addition to or in lieu of a fine or imprisonment, the Court may impose a penalty of community service for a period not exceeding 90 days. (N.J.S.A. 40:49-5)

Section 2. Severability.

Should any Section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 3. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date.

This Ordinance shall take effect immediately upon passage and publication as required by law.

The Committee reviewed **Ordinance 2014-09**. Mayor MacDonald made a motion to open Ordinance **2014-10** to the public, seconded by Committeeman Harper and unanimously carried. Committeeman Harper stated there have been both written and verbal comments from quite a few residents on this Ordinance since the last meeting and it has been brought to the Township's attention that the following "Use Regulation 2.b On any private street or right-of-way" could possibly hinder some of our lake communities the ability to maintain their roads. Committeeman Harper invited public comment on the matter.

Erik Marra, Sunrise Trail, came forward and expressed his concerns about this ordinance from his prospective of a private community there are many volunteers that help with the maintenance of roads. Mr. Marra explained a lot of work is done with ATV's, tractors, dump trailers, etc, and it is very important they be able to continue in this manner. Mr. Marra presented a petition with several signatures regarding this matter. Committeeman Harper requested a copy of the petition for the record. Deputy Mayor Leppert stated the committee members have heard from several residents regarding that portion of the ordinance.

There being no further comment on **Ordinance 2014-10**, Committeeman Harper made a motion to close this portion of the meeting to the public, seconded by Mayor MacDonald and unanimously carried.

Committeeman Harper made a motion to reject **Ordinance 2014-10** and revise and bring back through the process with "Use Regulation 2.b On any private street or right-of-way" eliminated for the December 16,

2014 meeting, seconded by Deputy Mayor Leppert and unanimously carried. **Roll Call Vote followed:**
Ayes: Harper, Leppert, MacDonald: Nays 0; Absent 0; Abstain 0

**TOWNSHIP OF SANDYSTON
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2014-11

**AN ORDINANCE AUTHORIZING THE COMMENCEMENT OF EMINENT
DOMAIN PROCEEDINGS TO ACQUIRE CERTAIN EASEMENT INTERESTS
IN PROPERTIES ADJACENT TO LOT 25 IN BLOCK 1203 WITH UNKNOWN
OWNERS IN CONNECTION WITH A STREETScape PROJECT ALONG
COUNTY ROUTE 560**

WHEREAS, the Township of Sandyston has undertaken a streetscape program to improve conditions along County Route 560 to enhance pedestrian safety; and

WHEREAS, the Township has acquired easements and property interests for the purposes of the streetscape easement; and

WHEREAS, a portion of property adjacent to Lot 25 in Block 1203, as more particularly shown on the map as prepared by Harold E. Pellow & Associates, Inc. entitled "Quit Claim Conveyance Over the Lands of John R. and Patricia A. Ross To Be conveyed To The Township of Sandyston", a copy of which has been attached hereto, has been determined to be a "gore" with no known owner; and

WHEREAS, in order to acquire an interest in the property in order to continue the streetscape program, the Township Committee has determined that it is necessary to commence an eminent domain proceeding pursuant to the Eminent Domain Act N.J.S.A. 20:3-1, et seq. to acquire an interest in the property to continue the streetscape program; and

WHEREAS, a majority of the requisite easements and acquisitions have been obtained through the aforesaid process of bona fide negotiations; and

WHEREAS, the Township has determined that, it is unable to acquire the requisite easement interests in the property adjacent to Lot 25 in Block 1203; and

WHEREAS, the Township Committee wishes to authorize the commencement of eminent domain proceedings, pursuant to the Eminent Domain Act N.J.S.A. 20:3-1, et seq., with respect to those properties through which the Township has been unable to acquire the requisite easement interests through the negotiations process.

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

The Committee reviewed **Ordinance 2014-11**. Deputy Mayor Leppert made a motion to approve the introduction of **Ordinance 2014-11**, seconded by Mayor MacDonald and unanimously carried. Mayor MacDonald explained there is a strip of property called a "gore" area where a title search has shown unknown ownership at this time. Committeeman Harper explained this is on the corner of Route 560 and Route 645 and this is a strip of land which the title search has determined shows no ownership. Deputy Mayor Leppert stated there will be a public hearing on this Ordinance on Tuesday, December 16, 2014 at 7:00 pm. . **Roll Call Vote followed:** Ayes: Harper, Leppert, MacDonald; Nays 0; Absent 0; Abstain 0

Correspondence: The Committee reviewed the correspondence. The Clerk noted a letter from Statewide Insurance regarding a loss control visit with recommendations which need to be addressed in Station #2 and the DPW garage. The Clerk noted, specifically, the recommendation to repair the concrete floor at Station #2. Mr. McClain noted the floor needs to be repaired. The Committee discussed the condition of the floor with Mr. McClain with Mayor MacDonald offering to meet Mr. McClain to view the floor and provide a status.

The Clerk noted the letter from the Town of Newton regarding Tax Exempt Properties. The Clerk noted receipt of the confirmation from Green Acres regarding the properties on Devita Road. The Clerk noted the Notice of Motion to reinstate a foreclosure action and we are notified due to a Small Cities Loan attached to this property.

Mayor MacDonald stated the Mayor and Clerk recently attended a meeting with our Legislators and other municipalities. Mayor MacDonald stated the new Commissioner for the Department of Transportation was in attendance. Mayor MacDonald stated he discussed the turn off Route 206 South near Woods Road and asked for that condition to be reviewed and suggested relining Route 206 South adding a turning lane onto Woods Road. Mayor MacDonald stated he also gave the Legislators a copy of the Vision 2030 and discussed the Township's concerns.

The Clerk noted an email from John Eskilson noting the 911 Dispatching services are on track for 2015.

The Clerk noted a thank you letter from Kathy Green for the use of the meeting hall for the Delaware Valley United Methodist Church Holiday Craft Sale. Mayor MacDonald noted their sales have increased over last year and they were very grateful for the use of the building. Mayor MacDonald commented that during the church's craft sale there were two soccer games going on and the parking lot was full and stated the complex is good for the kids and the people of Sandyston Township.

Committeeman Harper noted an email received from Mike Lavin who frequently travels Route 209 throughout the year to some of the area campgrounds. Mr. Lavin owns a travel trailer and the only vehicle he has to move this trailer is his commercial pick up. Mr. Lavin stated that when he purchased the trailer he spoke to a woman in the Parks department and he was told it was ok to use his commercial vehicle on Route 209 as long as he was using it for recreation and not business. According to a recent article in the NJ Herald, it appears that all commercial vehicles will be prohibited using 209 as early as September 2015.

Committeeman Harper stated the commercial ban for commercial vehicles has been in effect since 1995 and stated there was an agreement on the Federal level in 1995 with five counties, three in Pennsylvania and two in New York State for existing businesses to use their commercial vehicles on Route 209 and there was no agreement for any New Jersey resident to be able to use their commercial vehicle on Route 209.

Committeeman Harper stated that in the meeting he attended back in September they discussed this matter because it is a big concern and discussions are ongoing. Committeeman Harper stated during the meeting it was discussed that it is not their intention to punish people for using their commercial vehicles for recreation use (hunting, fishing, recreating) unless you are being stopped for another matter. Committeeman Harper noted there has never been an exception for any New Jersey resident since they took over the road in 1995.

Open Meeting To Floor: Deputy Mayor Leppert made a motion to open the floor to the public, seconded by Mayor MacDonald and unanimously carried.

Lou Frato, President – Sandyston Township Volunteer Fire Department, came in to offer a status on the pole building. Mr. Frato stated the doors are almost done and the building should be done in about two weeks. Mr. Frato thanked the Committee for all they do for the fire department. Mayor MacDonald thanked Mr. Frato, Mr. deJager and the volunteers for their time building the pole building. Committeeman Harper also offered appreciation to the many local business owners who helped and donated their time in the construction of the pole building.

The Clerk stated inside the pole building will be a 9 x 12 room which will be used by Recreation. The Clerk asked if the Township could purchase the wood necessary for the volunteers to build this room for Recreation. Mayor MacDonald made a motion for the Township to purchase the wood for the volunteers to build the room for recreation, seconded by Deputy Mayor Leppert and unanimously carried.

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

Mayor MacDonald advised the public about upcoming events of Gobble Hobble, Santa Breakfast, Santa Parade and the St. Thomas the Apostle Craft Sale.

The Clerk asked the Committee if we could look into getting a sprayer for the sink to aid in cleaning dishes after fund-raising events. Committeeman Harper made a motion to approve looking into the sprayer, seconded by Mayor MacDonald and unanimously carried.

The Clerk stated two printers, which are over 10 years old, need to be replaced. The Clerk presented a quote from Municipal Software (\$150 and \$325) for the replacement/install of these computers. Committeeman Harper noted these purchases would be out of the O/E budget. Mayor MacDonald made a motion to approve the purchase of the new printers, seconded by Committeeman Harper and unanimously carried.

Committeeman Harper made a motion to enter Executive Session at 9:48 am for matters relating to litigation, negotiation and the attorney/client privilege, employment relationship and matters relating to professional contracts, seconded by Mayor MacDonald 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, BET 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
Matters relating to employment relationship

Matters relating to professional contracts

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

Committeeman Harper made a motion to exit executive session at 10:13 am and return to the public session, seconded by Deputy Mayor Leppert and unanimously carried.

Mayor MacDonald made a motion to approve the legal bill of William Hinkes for review of the deeds up to \$500 for Ryan Earley and Kim Cosgrove, seconded by Committeeman Harper and unanimously.

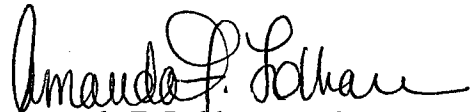
Committeeman Harper made a motion to distribute the job description and request resumes from those who have expressed an interest in the Deputy Clerk, Treasurer, Secretary to Construction Official and Land Use Administrator, Planning Board Secretary and Zoning Official positions, seconded by Deputy Mayor Leppert and unanimously carried.

Coming up:

Township Meeting:	Tuesday, December 16, 2014 at 9:00 am
Planning Board:	Monday, December 1, 2014 at 7:00 pm
Seniors Meeting:	Tuesday, December 2, 2014 at 12:00 pm
Recreation:	Tuesday, November 25, 2014 at 6:30 pm
Gobble Hobble:	Thursday, November 27, 2014 starts at 9 am

Adjournment: Committeeman Harper made a motion to adjourn the meeting at 10:15 am, seconded by Deputy Mayor Leppert and unanimously carried.

Respectfully submitted,


Amanda F. Lobban, RMC
Municipal Clerk